

The appeal of Mr. Adil Rehman no. 985 of District Police Kohat at PS MRS received today
Le on 02.08.2023 is incomplete on the following score which is returned to the counsel for the
want for completion and resubmission within 15 days.

- 1 ✓ Annexures of the appeal are unattested.
- 2 ✓ Address of appellant is incomplete.
- 3 ✓ Law under which appeal is filed is not mentioned.
- 4 ✓ The paper used in printing of grounds of appeal is low standard.
- 5 ✓ Condonation of delay application be supported with by an affidavit duly attested by the Oath Commissioner.

No. 2085 /S.T.

DL 3/8 /2023.


3/8/23

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Syed Mudassir Pirzada Adv.
High Court Kohat.

*Re Submitted after removal
of office objection & the
address of appellant is correct
15/8/23*

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Adi-1 V/S IGP

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: <u>Syed Mudasis Pirzada</u>		
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?		✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?		✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On	✓	
26	Whether copies of comments/reply/rejoinder submitted? On	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Syed Mudasis Pirzada
 Signature: [Signature] Advocate
 Dated: _____

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal 1661 2023

Adil Rehman No: 985 of District Police Kohat at PS MRS(Appellant)

VERSUS

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT. (Respondent)

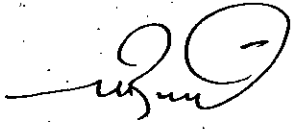
INDEX

Sr No	Description of Documents	Annexure	Page
1	Memo of Appeal		1-4
2	Affidavit		5
3	Address of the Parties		6
4	Copy of impugned Order, charge sheet etc	A	7
5	Copy of Judgment of Honourable KPK Service Tribunal & Reinstatement Order	B	08-13
6	Copy of Departmental representation along with rejection order	C	14-15
7	Copy of Review Petition to Respondent No-1 & Application	D	16-18
	Wakalatnama		19.


Appellant

Through

Date 03/07/23


Syed Mudasir Pirzada
Advocate HC
0345-9645854

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

166/
Adil Rehman No: 985 of District Police Kohat at PS MRS(Appellant)

Khyber Pakhtunkhwa
Service Tribunal

VERSUS

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT.

(Respondent)

Case No. 6799

2/08/23

Tribunal Act

APPEAL UNDER SECTION 4 SERVICE AGAINST APPEAL AGAINST
THE IMPUGNED ORDER DATED 03-03-2023 IN WHICH THE
REPRESENTATION FOR GRANT OF SERVICE BACK-BENEFITS FOR
THE END OF JUSTICE

Respectfully Sheweth,

With great veneration the instant appeal is preferred by the appellant on the following grounds:-

Facts:

1:-That the appellant while serving in the police department being Constable and due to some complications and charges which were of frivolous in nature and the appellant was also booked into a criminal case and the service of appellant was dismissed. (copy of dismissal order Annexed as annexure B) A

1. That the appellant after earning long legal battle acquitted from all the charges against the appellant except services.
2. That the appellant feeling aggrieved from the dismissal order after acquittal from the criminal charges, preferred departmental representation which were too rejected, Hence Approached to Honorable Service Tribunal Kpk, in which the honorable tribunal **accepted service appeal** and held that the appeal accepted as prayed for. (copy of judgment is Annexed as annexure B) B
3. That the department also implemented the judgment with the hectic efforts of the honorable tribunal by virtue of preferring execution petition.
4. That in compliance to the judgment dated 12-09-022 the district police officer issued re-instatement order in a hasty manner by not blessing the appellant with all consequential back-benefits which is against to the true spirit of the judgment of the honorable tribunal that is also against to the service rules.

Filed
Registrar

5. That is a settle principle of law as well as in the light of police rules which suggest that when a public servant acquitted from all the charges leveled against him, the department is bound to bless the appellant with all back-benefits because in the light of the judgment of the superior courts which held that when a public servant unnecessarily dragged in to litigation for no useful purpose then the department is held responsible for all damages and benefits.

Re-submitted to -day
and filed

Registrar
15/8/23

That the appellant tender always a good service before the entire satisfaction of the superiors and never ever indulged in any subversive activity which are against to the norms of service rules" the allegation so recorded in impugned order are baseless having no legal footing and directly issued with the impugned order of major punishment and without keeping the good service record of the appellant.

That the appellant prefer representation for all back benefit of service being innocent as apprent from the judgement of honrble tribunal but this factum has not been consider and rejected the representation with remarks that CPLA.is pending which is not the plusibale pretext as the matter pertines to back benefits and feeling aggrieved appellant again tender review pettion under police rules which is still not yet decided and the respondent given false consolation that the pettion shall be accpeted but in vain hence appellant feeling aggrvied prefer instant service appeal for awarding back benefits on the follwing grounds inter alia. (Annexure C)

GROUNDS

- A That the appellant was dealt departmentally strictly and service of the appellant was dismissed upon the enquiry finding report of the enquiry officer so appointed and no proper departmental enquiry ever been conducted.
- B. That appellant was behind the bar and all the proceeding were conducted in the absence of the appellant which is apparent from the impugned order .
- C. That there is a admitted fact mentioned in impugned order that the appellant submit the reply to the show cause notice and ex-part proceeding were conducted against the appellant one think does not appeal to a prudent mind that if a accused official submit reply to show cause notice then how the proceedings were considered ex-partly
- D. That no proper departmental enquiry have ever been conducted against the appellant and not provided opportunity of personal hearing nor provided opportunity of defense nor had tender opportunity of cross examination and without any lawful justification blessed with the impugned order.
- E. That as per the constitution fair trial and fair enquiry is the right of any employee and as per police rules when an employee earn acquittal from any criminal case so the department is bound to reinstate him in service.
- F. That in the light of the judgments of superior courts that when a criminal case has registered against an employee then no departmental proceedings were conducted and the proceedings of departmental enquiry be stopped/suspended till the decision of the court.
- G. That as mentioned above in leading Para that the appellant were faced enmity and after proving innocence before the complainant and the status of the petition does not include technicalities or hit the doctrine of latches and on the same footing the guide line of the superior courts in which it has been

held that decision of the cases always been encourage on merit basis without indulging in technicalities including limitation as in other same junctures it were also held that no limitation time run against any order when the circumstances were beyond the control of human being. (Annexure D)

H. That the appellant was neither provided an opportunity to cross examine the witnesses nor to produce defense evidence and the enquiry proceedings accordingly defective. Furthermore the requirements of rules regarding enquiry have not been observed while awarding the impugned punishment.

I That the appellant dragged unnecessarily into litigation which is clearly mentioned in 2008 SCMR 725.

j:- That while awarding the impugned major punishment the enquiry report has not been given to the appellant which is very much necessary as per 1991 PLC CS 706 & PLC 1991 584.

K That while rejecting the departmental representation the statement of complainant before the court regarding the allegation which were mentioned in the impugned order and the complainant himself admits that the appellant had properly handed over all the Government property along with case property while leaving the charge on dated 19.11.2014 vide DD No: 12.15;40hrs.

L That all the Departmental proceeding conducting against the appellant were not thoroughly probe and resultantly the material facts and crux and material available on record were not given due deliberation and the services of the appellant were dismissed which is against to the principle of natural justice.

M. That the appellant after acquittal from the court in a subject case the family of the appellant falsely charge in a criminal case under section 302 in case FIR No: 276 PS Thall (Hangu) and due to which there were extreme apprehension of Death the appellant remained absconder and after the satisfying the complainant party and then appellant appear before the worthy respondent No: 1 stating the fact that due to above circumstances the appellant was unable to prefer the departmental appeal but in vain and the request was not considered and only on the basis of limitation the appellant representation was rejected as the circumstances were beyond of the control of the appellant.

M- That the appellant is absolutely innocent and he has been punished for no fault on his part as well as all proceedings were conducted when appellant were behind the bar.

N- That the punishment being not in accordance with last and the principles of justice deserves to be set aside.

O- That if deemed proper, the appellant may kindly be heard in person.

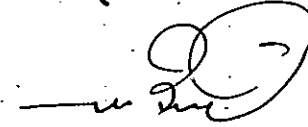
Pray:

In the view of above circumstances it is humbly prayed that the impugned order of respondent no 2 may kindly be set aside and the appellant be blessed with all back benefits for end of justice or blessed with any other suitable remedy in the larger interest of appellant future.

Appellant



Through



Date 03/07/23

Syed Mudasir Pirzada
Advocate HC
0345-9645854

Certificate:-

Certified that no such like appeal has earlier been filed in this Hon able Service tribunal as per instruction of my client.

List of Books

- 1:- Constitution of Pakistan 1973
- 2:- Police Rules
- 3:- Case Law according to need.

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No _____ 2023

Adil Rehman No: 985 of District Police Kohat at PS MRS(Appellant)

VERSUS

1. INSPECTOR GENERAL OF POLICE KPK PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER.KOHAT. (Respondent)

ADDRESS OF THE PARTIES

APPELLANT :-

Adil Rehman No: 985 of District Police Kohat at PS MRS(Appellant)

RESPONDENTS

1. INSPECTOR GENERAL OF POLICE KPK PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT.


Appellant

Through

Date 03/07/23


Syed Mudasir Pirzada
Advocate PHC
0345-9645854

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal _____ 2023

Adil Rehman No: 985 of District Police Kohat at PS MRS(Appellant)

VERSUS

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT. (Respondent)

APPLICATION FOR CONDONATION OF DELAY DUE

- 1:-That the appellant representation was pending before respondent No-2.
- 2:-That the representation was pending and the appellant due to criminal case of Family elders remains absconder and after Jirga of elder of locality the appellant proved himself innocent then able to approach the honourable fourms for the redressal of grievance.(Copy of FIR already annexed)
- 3:- That all the prevailing circumstances were beyond the control of the appellant.
- 4:- That no lawyer were available to draft the appeal before the honourable tribunal .
- 6:- That these circumstance were beyond the control of human being and were natural hence appellant were deprived form Justice .
- 8:- That it is there fore humbly prayed that the delay if any may please be condone for the end of justice.


Appellant

Through

Syed Mudasir Pirzada (Advocate)

0345-9645854.

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal 1661 2023

ADIL REHMAN NO: 985 OF DISTRICT POLICE KOHAT MUHARRAR AT PS MRS
.....Appellant

VERSUS

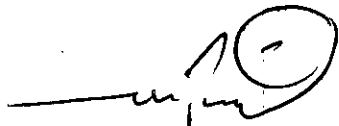
1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT.....Respondent

INDEX

Sr No	Description of Documents	Annex	Page
1.	Memo of Appeal		1-4
2.	Affidavit		5
3.	Address of the Parties		6
4.	Copy of impugned Order , charge sheet etc	A	7
5.	Copy of Judgment of Honourable KPK Service Tribunal & Reinstatement Order	B	08-13
6.	Copy of Departmental representation along with rejection order	C	14-15
7.	Copy of Review Petition to Respondent No-1 and application	D	16-19
8.	Wakalatnama		20


Appellant

Through



Syed Mudasir Pirzada
Advocate High Court
Cell No.0345-9645854

Dated ___/08/2023

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal 1661 2023

ADIL REHMAN NO: 985 OF DISTRICT POLICE KOHAT MUHARRAR AT PS MRS
.....Appellant

VERSUS

Khyber Pakhtukhwa
Service Tribunal

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT.....Respondent

Diary No. 6799

Dated 2/8/2023

SERVICE APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 03-03-2023 IN WHICH THE REPRESENTATION FOR GRANT OF SERVICE BACK-BENEFITS FOR THE END OF JUSTICE

Respectfully Sheweth,

With great veneration the instant appeal is preferred by the appellant on the following grounds:-

FACTS:

1. That the appellant while serving in the police department being Constable and due to some complications and charges which were of frivolous in nature and the appellant was also booked into a criminal case and the service of appellant was dismissed. **(copy of dismissal order Annexed as annexure A).**
2. That the appellant after earning long legal battle acquitted from all the charges against the appellant except services.
3. That the appellant feeling aggrieved from the dismissal order after acquittal from the criminal charges, preferred departmental representation which were too rejected, Hence Approached to Honorable Service Tribunal Kpk, in which the honorable tribunal **accepted service appeal** and held that the appeal accepted as prayed for. **(copy of judgment is Annexed as annexure 'B')**
4. That the department also implemented the judgment with the hectic efforts of the honorable tribunal by virtue of preferring execution petition.

Registrar

Filed to-day
Registrar

Presented to-day

5. That in compliance to the judgment dated 12-09-022 the district police officer issued re-instatement order in a hasty manner by not blessing the appellant with all consequential back-benefits which is against to the true spirit of the judgment of the honorable tribunal that is also against to the service rules.
6. That is a settle principle of law as well as in the light of police rules which suggest that when a public servant acquitted from all the charges leveled against him, the department is bound to bless the appellant with all back-benefits because in the light of the judgment of the superior courts which held that when a public servant un-necessarily dragged in to litigation for no useful purpose then the department is held responsible for all damages and benefits.
7. That the appellant tender always a good service before the entire satisfaction of the superiors and never ever indulged in any subversive activity which are against to the norms of service rules" the allegation so recorded in impugned order are baseless having no legal footing and directly issued with the impugned order of major punishment and without keeping the good service record of the appellant.
8. That the appellant prefer representation for all back benefit of service being innocent as apparent from the judgment of Hon'ble tribunal but this factum has not been consider and rejected the representation with remarks that CPLA.is pending which is not the plausible pretext as the matter pertains to back benefits and feeling aggrieved appellant again tender review petition under police rules which is still not yet decided and the respondent given false consolation that the petition shall be accepted but in vain hence appellant feeling aggrieved prefer instant service appeal for awarding back benefits on the following grounds inter alia. **(Copy of Representation is attached as Annexure-C)**

GROUND S:-

- A. That the appellant was dealt departmentally strictly and service of the appellant was dismissed upon the enquiry finding report of the enquiry officer so appointed and no proper departmental enquiry ever been conducted.
- B. That appellant was behind the bar and all the proceeding were conducted in the absence of the appellant which is apparent from the impugned order.
- C. That there is a admitted fact mentioned in impugned order that the appellant submit the reply to the show cause notice and ex-part proceeding were conducted against the appellant one think does not appeal to a prudent mind that if a accused official submit reply to show cause notice then how the proceedings were considered ex-partly.
- D. That no proper departmental enquiry have ever been conducted against the appellant and not provided opportunity of personal hearing nor provided opportunity of defense nor had tender opportunity of cross

examination and without any lawful justification blessed with the impugned order.

- E. That as per the constitution fair trial and fair enquiry is the right of any employee and as per police rules when an employee earn acquittal from any criminal case so the department is bound to reinstate him in service.
- F. That in the light of the judgments of superior courts that when a criminal case has registered against an employee then no departmental proceedings were conducted and the proceedings of departmental enquiry be stopped/suspended till the decision of the court.
- G. That as mentioned above in leading Para that the appellant were faced enmity and after proving innocence before the complainant and the status of the petition does not include technicalities or hit the doctrine of latches and on the same footing the guide line of the superior courts in which it has been held that decision of the cases always been encourage on merit basis without indulging in technicalities including limitation as in other same junctures it were also held that no limitation time run against any order when the circumstances were beyond the control of human being. **(Copy of petition with application is attached as Annexure-D).**
- H. That the appellant was neither provided an opportunity to cross examine the witnesses nor to produce defense evidence and the enquiry proceedings accordingly defective. Furthermore the requirements of rules regarding enquiry have not been observed while awarding the impugned punishment.
- I. That the appellant dragged unnecessarily into litigation which is clearly mentioned in **2008 SCMR 725.**
- J. That while awarding the impugned major punishment the enquiry report has not been given to the appellant which is very much necessary as per **1991 PLC CS 706 & PLC 1991 584.**
- K. That while rejecting the departmental representation the statement of complainant before the court regarding the allegation which were mentioned in the impugned order and the complainant himself admits that the appellant had properly handed over all the Government property along with case property while leaving the charge on dated 19.11.2014 vide DD No: 12 15;40hrs.
- L. That all the Departmental proceeding conducting against the appellant were not thoroughly probe and resultantly the material facts and crux and material available on record were not given due deliberation and the services of the appellant were dismissed which is against to the principle of natural justice.
- M. That the appellant after acquittal from the court in a subject case the family of the appellant falsely charge in a criminal case under section 302 in case FIR No: 276 PS Thall (Hangu) and due to which there were

extreme apprehension of Death the appellant remained absconder and after the satisfying the complainant party and then appellant appear before the worthy respondent No: 1 stating the fact that due to above circumstances the appellant was unable to prefer the departmental appeal but in vain and the request was not considered and only on the basis of limitation the appellant representation was rejected as the circumstances were beyond of the control of the appellant.

- N. That the appellant is absolutely innocent and he has been punished for no fault on his part as well as all proceedings were conducted when appellant were behind the bar.
- O. That the punishment being not in accordance with last and the principles of justice deserves to be set aside.
- P. That if deemed proper, the appellant may kindly be heard in person.

Prayer:

In the view of above circumstances it is humbly prayed that the impugned order of respondent no 2 may kindly be set aside and the appellant be blessed with all back benefits for end of justice or blessed with any other suitable remedy in the larger interest of appellant future.

Adil

Appellant

Through

Syed Mudasir Pirzada

Syed Mudasir Pirzada

Advocate High Court

Cell No.0345-9645854

Dated ___/08/2023

CERTIFICATE:-

Certified that no such like appeal has earlier been filed in this Hon able Service tribunal as per instruction of my client.

List of Books

- 1:- Constitution of Pakistan 1973
- 2:- Police Rules
- 3:- Case Law according to need.

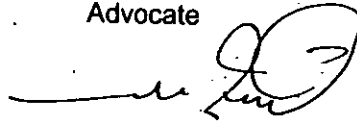
BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal _____ 2023

AFFIDAVIT

I, Syed Mudasir Pirzada Advocate, as per instruction of my client do here by solemnly affirm and declare that all the contents of accompanying service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Advocate



Syed Mudasir Pirzada
Advocate PHC
0345-9645854



2-8-23



BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal _____ 2023

ADIL REHMAN

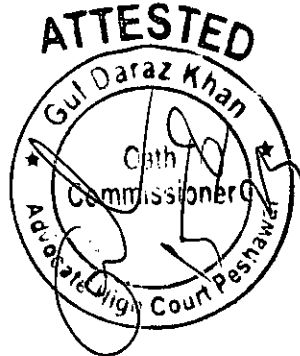
VERSUS

INSPECTOR GENERAL OF KPK POLICE PESHAWAR & Others

AFFIDAVIT

I, **Syed Mudasir Pirzada Advocate**, as per instruction of my client do here by solemnly affirm and declare that all the contents of accompanying **service appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Dated ___/08/2023



Syed Mudasir Pirzada
Advocate High Court
Cell No.0345-9645854

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal _____ 2023

ADIL REHMAN

VERSUS

INSPECTOR GENERAL OF KPK POLICE PESHAWAR & Others

ADDRESS OF THE PARTIES

APPELLANT :-

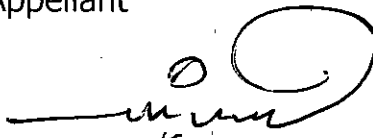
Adil Rehman No: 985 of District Police Kohat Muharrar at PS MRS

RESPONDENTS

1. INSPECTOR GENERAL OF POLICE KPK PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT.


Appellant

Through


Syed Mudasir Pirzada
Advocate High Court
Cell No.0345-9645854

Dated ___/08/2023

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

C.M No. _____/2023
In Service Appeal _____2023

ADIL REHMAN

VERSUS

INSPECTOR GENERAL OF KPK POLICE PESHAWAR & Others

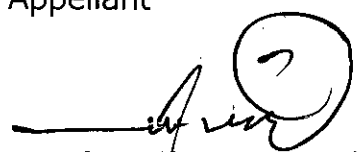
APPLICATION FOR CONDONATION OF DELAY DUE

1. That the appellat representation was pending before respondent No-2.
2. That the representation was pending and the appellat due to criminal case of Family elders remains absconder and after Jirga of elder of locality the appellat proved himself innocent then able to approach the Honourable forums for the redressal of grievance.(Copy of FIR already annexed)
3. That all the prevailing circumstances were beyond the control of the appellat.
4. That no lawyer were available to draft the appeal before the Honourable Tribunal.
5. That these circumstance were beyond the control of human being and were natural hence appellat were deprived form Justice.

It is therefore humbly prayed that the delay if any may please be condone for the end of justice.

Appellant

Through


Syed Mudasir Pirzada
Advocate High Court
Cell No.0345-9645854

Dated ___/08/2023

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

C.M No. _____/2023
In Service Appeal _____ 2023

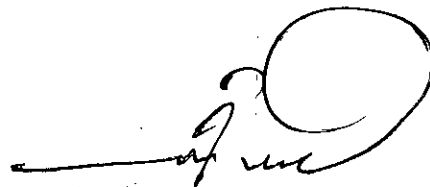
ADIL REHMAN

VERSUS

INSPECTOR GENERAL OF KPK POLICE PESHAWAR & Others

AFFIDAVIT

I, **Syed Mudasir Pirzada Advocate**, as per instruction of my client do here by solemnly affirm and declare that all the contents of accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.



Syed Mudasir Pirzada
Advocate High Court
Cell No.0345-9645854

Dated ___/08/2023

Annexure A
P-07

POLICE DEPTT:

DISTRICT KOHAT

ORDER

This order is passed on the departmental enquiry against Constable Adil Rehman No. 877 of this District Police under the Khyber Pakhtunkhwa, Police Rules, 1975 Amendment 2014.

Brief facts are that as per report of Moharir PP Bannu Gate that when he assumed the charge of Moharir on 21.10.2014, several case property articles/Items/Arms and ammunitions were found missing/deficient in the Maal Khana of the Police Post. In this regard he also registered his report in the roznamcha vide DD No. 17 dated 19.11.2014, DD No. 22 dated 25.12.2014.

He was served with Charge Sheet & Statement of Allegations and DSP Sadder, Kohat was appointed as enquiry officer to proceed against him departmentally. Enquiry officer submitted his finding and stated that the defaulter police official was found guilty of the charge and have no defense. The defaulter police official miserably failed to submit any reply.

He was served with Final Show Cause Notice, reply to the Final Show Cause Notice was received and found un-satisfactory. He was called in O.R severally but he could not appear before the undersigned. Therefore, ex-parte action has been taken.

In view of above the undersigned I, Muhammad Sohaib Ashraf District Police Officer, Kohat in exercise of the powers conferred upon me, the defaulter police official is hereby awarded a major punishment of dismissal from service with immediate effect.

Attested by [Signature]

OB No. 289
Date 29-3-2016

ATTESTED

[Signature]

**DISTRICT POLICE OFFICER,
KOHAT**

No 4076-80 PA dated Kohat the 30-3-2016.

Copy of above is forwarded for information and necessary action to the:-

1. DSP City is directed to register a proper criminal case against the defaulter constable and arrest him accordingly.
2. PO, SRC and OHC for necessary action.

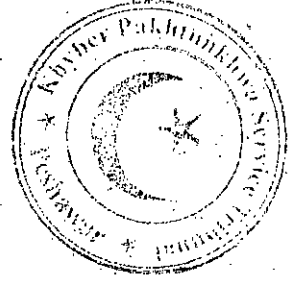
.....

Annexure B
P-08

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.16407/2020

Date of Institution 02.11.2020
Date of Decision 12.09.2022



Adil Rehman No.887 of District Police Kohat.

(Appellant)

VERSUS

Inspector General of Police Khyber Pakhtunkhwa, Peshawar and two others.

(Respondents)

Syed Mudassir Pirzada,
Advocate

For appellant.

Naseer Ud Din Shah,
Assistant Advocate General

For respondents.

Rozina Rehman
Fareeha Paul

Member (J)
Member (E)

JUDGMENT

ROZINA REHMAN, MEMBER (J): The appellant has invoked the jurisdiction of this Tribunal through above titled appeal with the prayer as copied below:

“It is humbly prayed that the impugned order of DPO, Kohat dated 29.03.2016 may please be set aside for the end of justice and the appellant may please be graciously reinstated in service by ordering for denovo inquiry if necessary”.

2. Brief facts of the case are that as per report of Moharrir PP Bannu Gate, case properties in shape of arms & ammunition etc. were found missing/deficient in the Mall Khana of the Police Post during the period of present appellant. In this regard, report was entered in the Roznamcha vide DD No.17 and 22. Upon the allegations, the appellant was

Attested
by

ATTESTED

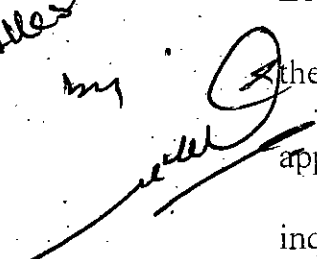
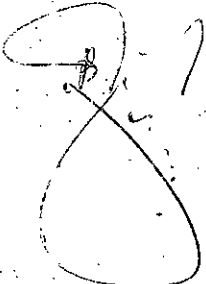
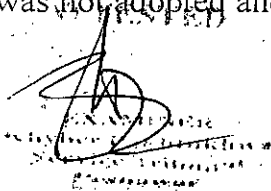
ATTESTED

dismissed. A criminal case was also registered against the appellant and he was acquitted by the learned Trial Court, Kohat. He preferred a representation after a long legal battle but the same was rejected. During the rejection period, one of his close elders in District Hangu committed an offence U/S 302 PPC etc. and due to the said criminal case appellant also took refuge due to enmity in Northern Area for the sake of his life and was later on declared innocent and discharged from the so called allegations, hence, the present appeal.

3. We have heard Syed Mudassir Pirzada, Advocate learned counsel for the appellant and Naseer Ud Din Shah, learned Assistant Advocate General for respondents and have gone through the record and the proceedings of the case in minute particulars.

4. Syed Mudassir Pirzada Advocate, learned counsel for the appellant argued inter alia that the impugned orders are against law, facts and norms of justice as appellant was not treated according to law.

Learned counsel contended that the appellant was behind the bars and all the proceedings were conducted in the absence of appellant which is apparent from the impugned order and that no proper departmental inquiry was conducted against the appellant. Further submitted that no opportunity of personal hearing was afforded to the appellant nor any witness was examined in his presence. Lastly, he submitted that as per law and judgment of the superior Courts when a criminal case is registered against a civil servant, then the proceedings of departmental inquiry has to be suspended till the decision of court but in the instant case, procedure was not adopted and inquiry report was not given to the

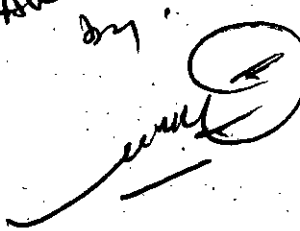
Attested by




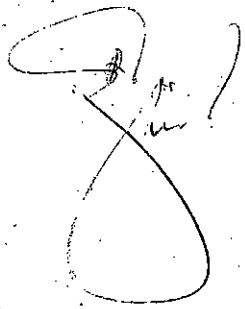
ATTESTED

appellant which was very much necessary. He, therefore, requested for acceptance of this appeal.

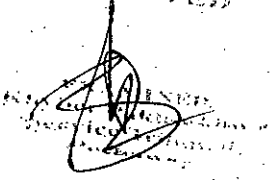
5. Conversely, learned AAG submitted that departmental and criminal proceedings can run side by side hence, appellant was dismissed after proper departmental proceedings in accordance with law and rules. He submitted that as per report of Moharrir Police Post Bannu Gate, different articles, arms & ammunition in shape of case property were found missing in the Mal Khana, therefore, proper report was entered in the daily Roznamcha and appellant was served with charge sheet alongwith statement of allegations. DSP Saddar was appointed as Inquiry Officer who submitted his report wherein the appellant was found guilty of the charge. He was also served with final show cause notice whereafter he was called in Orderly Room but he could not appear, therefore, he was dismissed from service.

6. After hearing the learned counsel for the parties and going through the record of the case with their assistance and after perusing the precedent cases cited before us, we are of the opinion that the appellant while posted at PP Bannu Gate as Moharrir, was held responsible for missing/deficient case properties in the Mal Khana. In this regard, the then Moharrir Hameed Badshah also entered report in the Roznamcha vide DD No.17 dated 19.11.2014 and DD No.22 dated 25.12.2014. Charge sheet alongwith statement of allegations were issued but its service upon appellant is not available on file as admittedly, FIR No.272 was registered against appellant on 01.04.2016 U/S 406/409 PPC and he was arrested on the same date. The respondent Department failed to show

Attested by




ATTESTED



ATTESTED

service of any notice inside the jail premises in the presence of Superintendent of Jail. Admittedly, no evidence was recorded by Inquiry Officer Sona Khan rather FIR was registered against the appellant on 01.04.2016, whereas charge sheet and statement of allegations were issued on 30.04.2015. The appellant was acquitted in the above mentioned case on 22.02.2017. It is worth mentioning that the date of the alleged occurrence was 19.11.2014, whereas FIR No.272 was registered on 01.04.2016 and the delay in lodging of FIR was never explained by the Department. Then after about 20 days another FIR No.326 was registered against the appellant and allegedly the occurrence had taken place on 02.04.2016. This delay in lodging of FIR was also not explained and vide judgment of the learned Senior Civil Judge, Kohat dated 25.11.2017, he was acquitted U/S 249 A Cr.PC. So far as missing of case properties in the Mal Khan during his tenure is concerned, nothing was brought in black & white to show that actually, he was the custodian of case property being Moharrir and that different items were found missing during his period. Register No.19 is kept for entering the detail of the case property but neither the register was produced before this Bench nor copy of the same was taken from the concerned Moharrir during the inquiry proceedings in order to show missing items in the Mal Khana during the tenure of appellant. An extract from the Roznamcha was produced before this Bench which shows that Hameed Badshah LHC who assumed charge from his predecessor Adil Rehman is available on file and who admitted the entries in the said register according to law where-after, both Hameed Badshah and Adil Rehman signed the relevant register which is available on file. One Sona Khan DSP Saddar had been

Attested
ms
[Signature]

[Signature]

ATTESTED

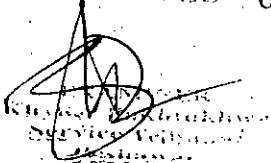
[Signature]
[Stamp]

ATTESTED

appointed as Inquiry Officer by DPO Kohat, whereas, the findings of the departmental inquiry clearly shows that the same was submitted by Sub Divisional Police Officer, Saddar Circle Kohat and order of the authority is missing as to how the inquiry was conducted by SDPO instead of DSP. Proper procedure was not adopted not only by the competent authority but also by the Inquiry Officer. Report of the inquiry Officer is silent in respect of missing items. The appellant was not given any opportunity of defense as well as personal hearing. No evidence was recorded and no opportunity of cross examination was given to the appellant. So far as limitation is concerned, major punishment of dismissal from service was awarded on 30.03.2016. He was acquitted on 22.02.2017 and just after acquittal, he filed appeal on 08.03.2017 which was rejected on 10.05.2017 by RPO Kohat Region. The appeal was quite well within time as he opted to file appeal after the decision by competent court of law and just after getting acquittal, he filed departmental appeal which was rejected. His revision petition was filed on 03.09.2020 which was rejected on 11.09.2020 and service appeal was filed on 21.10.2020. The revision was filed with a delay and the reason mentioned by the appellant is genuine as his close family elder in Thal District Hangu was allegedly involved in a criminal case U/S 302 324 PPC and the appellant being close relative of the accused party took refuge in the Northern Area due to enmity and after declaring the appellant innocent by the Jirga, he filed present service appeal, therefore, the delay in filing appeal is condoned.

7. We are unison on acceptance of this appeal in the light of our observation in the preceding paras which immediately call for the


ATTESTED



 Khayal Ahmad
 District Officer
 Service, Kohat

ATTESTED

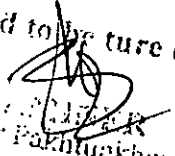
acceptance of the instant service appeal as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
12.09.2022

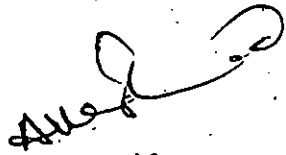
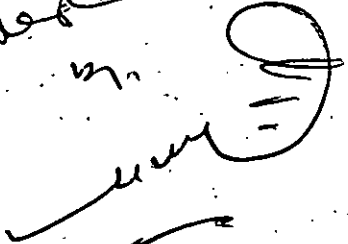

(Farzeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application... 13/9/22
Number of Words... 2400
Copying Fee... 26/-
Urgent...
Total... 26/-
Date of Application of Copy... 02-11-2022
Date of Delivery of Copy... 02-11-2022

ATTESTED

Annexure C
P-14

POLICE DEPARTMENT

DISTRICT KOHAT

ORDER

In compliance with the judgment dated 12.09.2022, passed by Khyber Pakhtunkhwa the Service Tribunal Peshawar in service appeal No. 16407/2020 and approval of competent authority vide CPO letter No. 29/Legal dated 11.01.2023, Ex-Constable Adil Rehman No. 877 is hereby reinstated in service conditionally / provisionally with immediate effect subject to the outcome of CPLA, filed against the impugned judgment before august Supreme Court of Pakistan.

OB NO. 32 /SRC
Dated. 16-01- /2023


DISTRICT POLICE OFFICER,
KOHAT

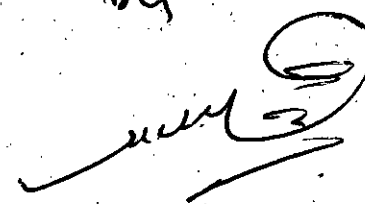
OFFICE OF THE DISTRICT POLICE OFFICER KOHAT

No 438-40 /SRC, dated Kohat the 16/01 /2023.

Copy for necessary action to the: -

1. DSP Legal / Reader / Pay Officer / OHC.
2. Appellant for information.

ATTESTED

Attested
by


P-15

BEFORE THE DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT

Through Proper Channel.

SUBJECT: APPEAL FOR AWARDING BACK-BENEFITS OF SERVICE

Respectfully shweth,

With great veneration it is humbly prayed that,

1. That the appellant while serving in the police department being Constable and due to some complications and charges which were of frivolous in nature and the appellant was also booked into a criminal case and the service of appellant was dismissed. (copy of dismissal order Annexed as annexure 'A').
2. That the appellant after earning long legal battle acquitted from all the charges against the appellant except services.
3. That the appellant feeling aggrieved from the dismissal order after acquitted from the criminal charges, preferred departmental representation which were too rejected, Hence Approached to Honorable Service Tribunal KPK, in which the honorable tribunal accepted the service appeal and held that the appeal accepted as prayed for. (copy of judgment is Annexed as annexure 'B')
4. That the department also implemented the judgment with the hectic efforts of the honorable tribunal by virtue of preferring execution petition.
5. That in compliance to the judgment dated 12-09-022 the district police officer issued re-instatement order in a hasty manner by not blessing the appellant with all consequential back-benefits which against to the true spirit of the judgment of the honorable tribunal that is also against to the service rules.
6. That is a settle principle of law as well as in the light of police rules which suggest that when a public servant acquitted from all the charges leveled against him, the department is bound to bless the appellant with all back-benefits because in the light of the judgment of the superior courts which held that when a public servant unnecessarily dragged in to litigation for no useful purpose then the department is held responsible for all damages and benefits.

PRAYER

In the light of the above fact and circumstances it is humbly prayed that the appellant may graciously be blessed with all consequential benefits of the service for the end of justice on the basis that appellant was from the first day was innocent and his innocence proved beyond any shadow of doubt.

Dated: 12-02-023

0233-9012179

Sd/- [Signature]

[Signature] 18/02/023

Your Truly,

Police Const: Adil Rehman 985

District Kohat.

ATTESTED

Ri- [Signature] 22/02/2023

Annex D

P. 16

BEFORE THE INSPECTOR GENERAL OF POLICE KPK PESHAWAR

Through Proper Channel

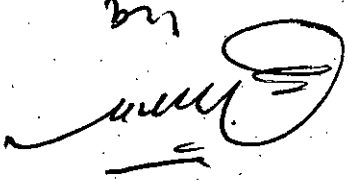
Subject :- REVIEW APPEAL AGAINST THE IMPUGNED ORDER DATED 03-03-2023 IN WHICH THE REPRESENTATION FOR GRANT OF SERVICE BACK-BENEFITS FOR THE END OF JUSTICE

Respectfully shweth,

With great veneration it is humbly prayed that,

BRIEF FACTS:-

- 1:- That Prior to the instant review petition the appellant had prefer departmental representation for grant of back benefits of service before the honourable Region chief which was rejected on dated 03-03-2023 (Copy of impugned order along with representation annexed as annexure A respectively)
- 2:- That the appellant while serving in the police department being Constable and due to some complications and charges which were of frivolous in nature and the appellant was also booked into a criminal case and the service of appellant was dismissed. (copy of dismissal order Annexed as annexure B').
1. That the appellant after earning long legal battle acquitted from all the charges against the appellant except services.
2. That the appellant feeling aggrieved from the dismissal order after acquitted from the criminal charges, preferred departmental representation which were too rejected, Hence Approached to Honorable Service Tribunal Kpk, in which the honorable tribunal accepted the service appeal and held that the appeal accepted as prayed for. (copy of judgment is Annexed as annexure 'C')
3. That the department also implemented the judgment with the hectic efforts of the honorable tribunal by virtue of preferring execution petition.
4. That in compliance to the judgment dated 12-09-022 the district police officer issued re-instatement order in a hasty manner by not blessing the appellant with all consequential back-benefits which against to the true spirit of the judgment of the honorable tribunal that is also against to the service rules.

Attest
by


ATTESTED

P-17

- 5. That is a settle principle of law as well as in the light of police rules which suggest that when a public servant acquitted from all the charges leveled against him, the department is bound to bless the appellant with all back-benefits because in the light of the judgment of the superior courts which held that when a public servant unnecessarily dragged in to litigation for no useful purpose then the department is held responsible for all damages and benefits.

PRAYER


In the light of the above fact and circumstances it is humbly prayed that the impugned order of 03-03-2023 be set a side and the appellant may graciously be blessed with all consequential benefits of the service for the end of justice on the basis that appellant was from the first day was innocent and his innocence proved beyond any shadow of doubt but this fact has been ignored without any lawful justification

Spiller 03/09
Your Truly,

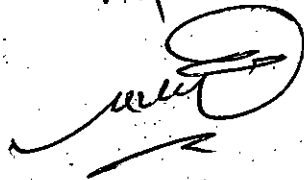
Const: AdilRehman 985 District PoliceKohat.
Presently (PS MRS)

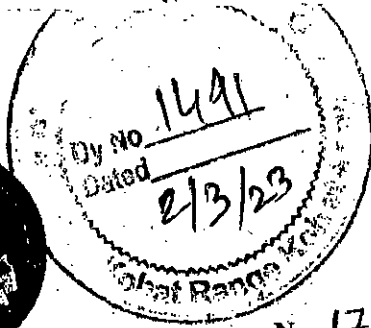
Dated: 02-04-2023

Sr Forwarded PS

DM
SHO
03/09/23


ATTES

Adil
my




P. 1.8

OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax: 9260125

No. 1755 /SRC dated Kohat the 2/3 /2023.

To: The Regional Police Officer,
Kohat Region, Kohat.

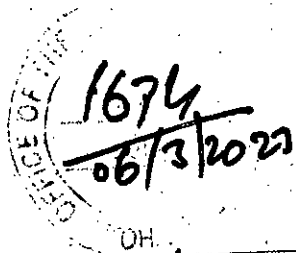
Subject: APPEAL OF CONSTABLE ADIL REHMAN NO. 985.

Memo: -

It is submitted that Constable Adil Rehman No.985 of this District Police, has preferred an appeal requesting therein for the grant of back benefits of service, as the said applicant has recently been reinstated in service conditionally / provisionally with effect from 16.01.2023 subject to outcome of CPLA vide CPO letter No.29/Legal dated 11.01.2023 and this office OB: No.32/SRC dated 16.01.2023.

His appeal along-with other connected paper, is enclosed herewith please.

EC
2/3



Shahzada
DISTRICT POLICE OFFICER,
KOHAT

DPO/Kohat

No. 2758 /RC
01/03-23-723

ATTESTED

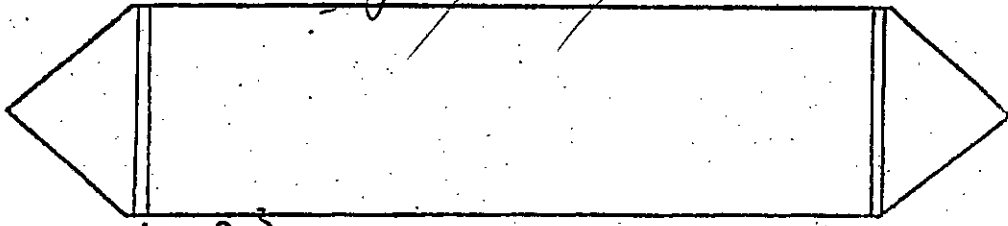
*Returned in original with the
remarks that CPLA is being
lodged against the judgment of
Service Tribunal. Therefore, the same
may be submitted if CPLA is regretted.*

*SRC
for further action*

h
District Police Officer,
Kohat
2/3/23

Shahzada
DISTRICT POLICE OFFICER
KOHAT 3/3

بعد الت حسب اصول الترميم والاعمار



تاريخ 20 محرم الحرام

بنام

عادل الرحمن بنام

موزعہ

مقدمہ

دعویٰ

جرم

باعث تخریب آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
 آن مقام کے لیے سپرد عمل ہو گیا۔ اہل کاروائی کی طرف سے
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری بیکطرفہ 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 لیا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
 پر داخستہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا اوکالت نامہ لکھد یا کہ سند ہے۔

المرقوم 02

ماہ الت 20

العبد و العبد

Approved
 Attest
 کے لئے منظور ہے۔

بمقام

Adil