

punishment for the charges in which, he was found not guilty in a departmental enquiry. Therefore, while allowing this appeal, we set aside the impugned orders dated 22.02.2022, 04.02.2021 and 24.11.2020. Cost shall follow the event. Consign.

06. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 22<sup>nd</sup> day of August, 2023.*



KALIM ARSHAD KHAN  
Chairman



SALAH UD DIN  
Member (Judicial)

*\*Adnan Shah, P.A.\**

guilty; that aggrieved therefrom, the appellant filed departmental appeal, which was rejected vide order dated 04.02.2021; that the appellant had also filed revision petition which was decided on 22.02.2022, hence, the present service appeal.

02. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

03. We have heard learned counsel for the appellants and learned District Attorney for the respondents.

04. The Learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Assistant Advocate General controverted the same by supporting the impugned order(s).

05. The appellant was exonerated during de-novo enquiry which fact is evident from the impugned order dated 24.11.2020 passed by the District Police Officer, Kohat. The record further reflects that vide order dated 21.10.2020, the District Police Officer, D.I. Khan, while showing dissatisfaction with the enquiry proceedings/report, ordered re-enquiry by Superintendent of Police, Operation, Kohat. The Superintendent of Police Operation, Kohat had also found the appellant not guilty after his detailed enquiry submitted vide his report submitted on 16.11.2020, therefore, there is no justification with the respondents to award the appellant any



department; that the appellant was proceeded against departmentally for certain false allegations and was awarded punishment with confinement in quarter guard for fifteen days vide Naqlemad No..15 dated 10.10.2019; that the appellant was proceeded twice on the same set of allegations and was awarded penalty of (i) Reduction from higher stage to Lower stage in the same time scale of pay for a period of three years vide order dated 26.06.2019 and (ii) Reduction in rank from the substantive rank of LHC to the rank of Foot Constable vide order OB No. 1249 dated 17.10.2019 and that too during confinement period; that aggrieved from the above orders, the appellant filed departmental appeal before respondent No.1, which was not decided within statutory period, therefore, the appellant filed service appeal before this Tribunal, which was decided vide order/judgment dated 17.01.2022; that, respondent No.2 again forced the appellant to undergo departmental proceedings on the same set of allegations and after summary proceedings awarded appellant major penalty of dismissal from service vide order dated 04.11.2019; that the appellant preferred departmental appeal, which was also rejected vide order dated 18.02.2020; that the appellant thereafter preferred revision petition under Rule-11-A of the Khyber Pakhtunkhwa Police Rules, 1975; that revision petition of the appellant was accepted and he was reinstated into service with the direction to conduct de-novo enquiry; that after de-novo enquiry the appellant was awarded minor penalty of censure and was warned to be careful in future vide order dated 24.11.2020 despite the fact that the appellant was exonerated from the charges in de-novo enquiry as well as in the re-enquiry he was found not

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.**

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**  
**SALAH UD DIN ... MEMBER (Judicial)**

*Service Appeal No.3439/2021*

Date of presentation of Appeal.....02.03.2021  
Date of Hearing.....22.08.2023  
Date of Decision.....22.08.2023

**Hidayat Ullah, Constable No. 881, Police Force, Kohat.....Appellant**

Versus

1. **The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.**
2. **The Regional Police Officer, Kohat Region, Kohat.**
3. **The District Police Officer, Kohat.....(Respondents)**

Present:

Mr. Ashraf Ali Khattak, Advocate.....For the appellant

Mr. Asad Ali Khan, Assistant Advocate General.....For respondents.

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**APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974  
AGAINST THE IMPUGNED FINAL ORDER OF THE  
RESPONDENT NO.1 DATED 22.02.2022, IMPUGNED  
ORDER END: NO. 1600/EC, DATED KOHAT THE  
04.02.2021 OF RESPONDENT NO.2, WHEREIN HE  
REJECTED THE DEPARTMENTAL APPEAL OF THE  
APPELLANT PREFERRED AGAINST THE ORDER  
PASSED BY RESPONDENT NO.2 VIDE OB NO823  
DATED 24.11.2020 OF RESPONDENT NO.3, WHEREIN  
HE AWARDED MINOR PUNISHMENT OF CENSURE  
AND THE INTERVENING PERIOD WAS TREATED AS  
UNAUTHORIZED LEAVE.**

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**JUDGMENT**

**KALIM ARSHAD KHAN CHAIRMAN:** According to the memo and  
grounds of appeal, the appellant was serving as constable in the respondent-

