

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

*Service appeal No. 256/2023*

*In line with Service appeal No. \_\_\_\_\_/2023*

*Wali Ullah .....Appellant*

**Versus**

District Police Officer Lakki Marwat & others....Respondents

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Dated: 01-09-2023

**Respondent**

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

**Service Appeal No. 256/2023**

Wali Ullah, S/O Muhammad Khan, R/O Nawar Khel, Constable No.568, Police  
Station Town Ship, Bannu.

.....Appellant.

**VERSUS**

1. District Police Officer, Lakki Marwat.
2. Regional Police Officer, Bannu, Region Bannu.

.....Respondents.

**Para-wise comments by respondents:-**

**Respectfully Sheweth,**

**PRELIMINARY OBJECTIONS**

1. That appeal of appellant is badly barred, by law and limitation to file instant appeal.
2. That appellant has got no cause of action.
3. That the appellant has approached the Honorable Tribunal with unclean hands.
4. That appellant has concealed material facts from this Honorable Tribunal.
5. That appeal is bad for non-joinder and miss-joinder of necessary parties.

**REPLY ON FACTS**

1. Pertains to record, needs no comments.
2. Pertains to Record.
3. Pertains to Office record.
4. Pertains to appellant record.
5. An inquiry was conducted by E.O,DSP/HQrs Lakki, into allegation against( That he is facilitating PO/Accused Naveed Nawaz charged in criminal case vide FIR No.1329, All codal formalities have been fulfilled during the cause of enquiry. **Annex-A**
6. In-correct, Final Show Cause Notice was given to the petitioner which is annexed as **Annex-B**, but the petitioners reply was unsatisfactory and do not prove himself innocent. The reply of Show Cause Notice is annexed as **Annex C**.
7. In-correct, major punishment was imposed by the competent authority after taking into consideration all the material facts and fulfilled of all codal formalities.


8. In-correct, The role of Fahim Ullah was totally different from the appellants.
9. In-correct, He was not represented before respondent No. 01.
10. Pertains to record, needs no comments.
11. Pertains to record.
12. Pertains to annexed record.
13. True, pertains to Court record.
14. Needs no comments.

**REPLY ON GROUNDS:**


- A. Incorrect and misleading, as no FIR number, as well as police station has been mentioned.
- B. In-correct, Law does not permit a Police Officer to take law into his own hands.
- C. In-correct, the appellant facilitated the PO Naveed Nawaz facing charges of murder.
- D. Incorrect, already explained vide above para.
- E. The matter was dealt with as per law and the necessary procedure has been adapted before awarded appellant the major punishment.
- F. Incorrect, as appellant has totally denied his presence with accused PASI.
- G. Incorrect, the competent authority upon receipt of Enquiry findings, issued the appellant Final Show Cause Notice and after due consideration to all the circumstances of the case, issued order of dismissal.
- H. Needs no comments as already explained above para.
- I. Incorrect, facts and circumstances of the appellant are different from that of Faheem.
- J. Incorrect, the E.O in his finding report has proved the appellant guilty of misconduct. Therefore, upon receipt of such findings, he competent authority by taking into consideration all the circumstances of the matter, awarded him major punishment to the appellant he has liable to.
- K. Pertains to record, needs no comments.
- L. It is lawful authority of appellant authority to modify the punishment awarded to him by the competent authority.
- M. Incorrect, period of the appellant remaining out of service does not entitle him for any monetary benefits. Therefore, punishment has been rightfully awarded to him as per law.
- N. Incorrect, departmental and judicial proceedings go side by side. Moreover, the appellant has been re-instated into service. Therefore, the instant appeal is not maintainable in the eyes of law.

**Prayer:**

Keeping in view above facts and circumstances, it is humbly requested that appeal of appellant may be dismissed with cost, please.



**Regional Police Officer,  
Bannu Region, Bannu**  
(Respondent No. 2)



**District Police Officer,  
Lakki Marwat.**  
(Respondent No.1)

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**COUNTER AFFIDAVIT.**

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal.

**Regional Police Officer,  
Bannu Region, Bannu.**  
(Respondent No. 2)

**District Police Officer,  
Lakki Marwat.**  
(Respondent No.1)

It is therefore on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off.



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**AUTHORITY LETTER.**

Mr. **Burhan Ud Din** Inspector Legal Branch, (Police)  
Lakki Marwat is hereby authorized to appear before the Honourable Service  
Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on  
behalf of the respondents. He is also authorized to submit all required documents  
and replies etc. as representative of the respondents through the Addl: Advocate  
General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

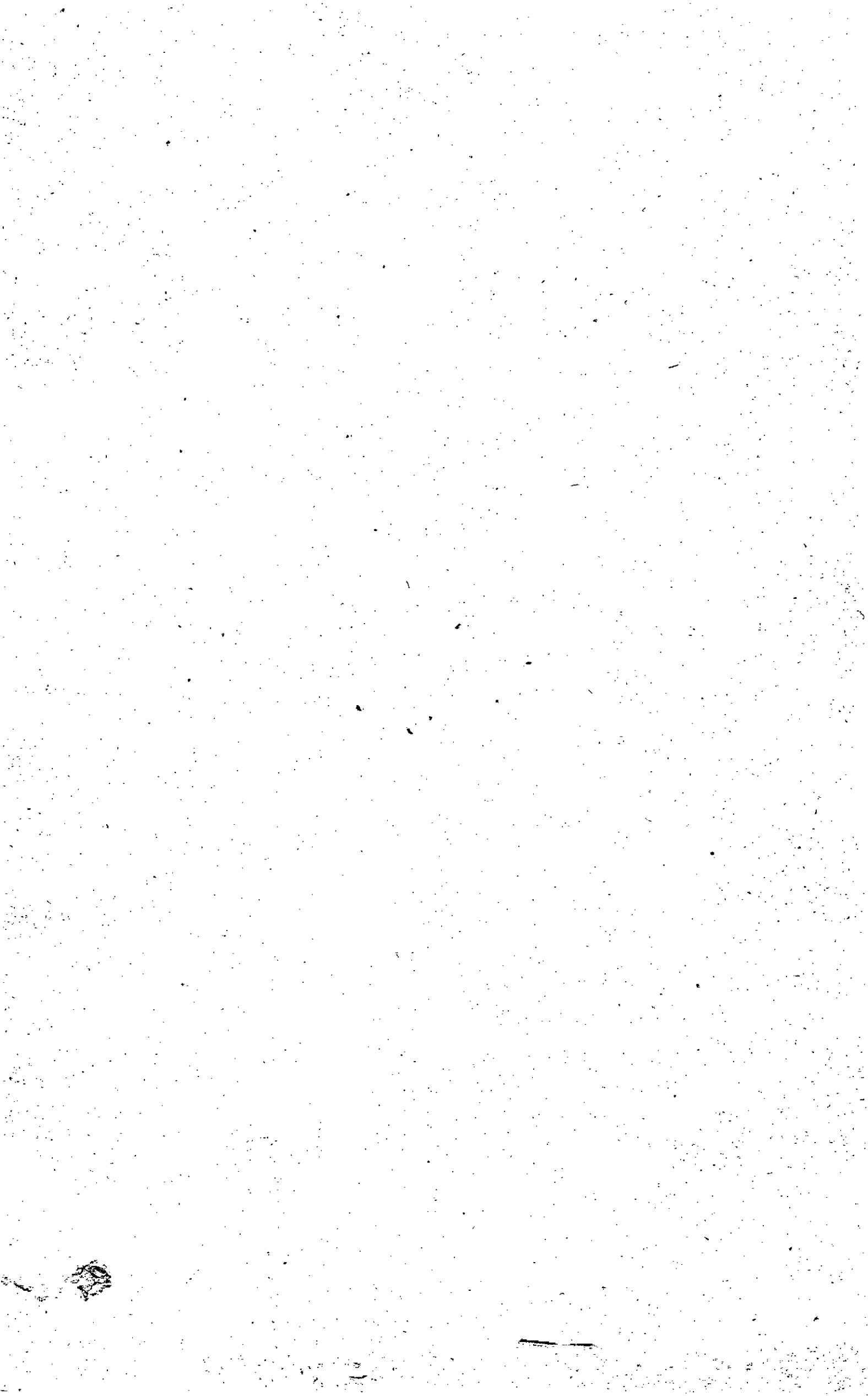
  
**Regional Police Officer,  
Bannu Region, Bannu.**  
(Respondent No. 2)

  
**District Police Officer,  
Lakki Marwat.**  
(Respondent No.1)

Handwritten text in Devanagari script, oriented vertically. The text appears to be a list or a series of entries, possibly related to a manuscript or a collection of items. The script is somewhat faded and difficult to read in many places due to the quality of the scan. Some legible fragments include words like "पुस्तक" (book), "पत्र" (letter), "दस्तावेज" (document), "संज्ञक" (signature), "दिनांक" (date), "स्थान" (place), "व्यक्ति" (person), "वस्तु" (thing), "मूल्य" (value), "वर्णन" (description), "संख्या" (number), "प्रमाण" (proof), "संदर्भ" (reference), "संज्ञक" (signature), "दिनांक" (date), "स्थान" (place), "व्यक्ति" (person), "वस्तु" (thing), "मूल्य" (value), "वर्णन" (description), "संख्या" (number), "प्रमाण" (proof), "संदर्भ" (reference).







Handwritten text in Urdu script, likely a list or index of entries. The text is written in a cursive style and includes various numbers and names. The entries are arranged in a roughly vertical column, with some lines starting with a small symbol resembling a crescent moon or a similar character. The text is somewhat faded and difficult to read in some places due to the quality of the scan.



Handwritten text in a cursive script, likely a list or ledger. The text is arranged in approximately 20 horizontal lines. Each line contains several entries, some of which include numbers and dates. The script is dense and difficult to decipher due to the high contrast and grain of the image. Some legible fragments include numbers like '184', '185', '186', '187', '188', '189', '190', '191', '192', '193', '194', '195', '196', '197', '198', '199', '200'. There are also some words that appear to be names or titles, such as 'M. S.', 'M. T.', 'M. P.', 'M. R.', 'M. S.', 'M. T.', 'M. P.', 'M. R.', 'M. S.', 'M. T.', 'M. P.', 'M. R.'. The text is written in a dark ink on a light background.



P-10  
Signature - B.  
District Police Officer  
Lakki Marwat  
No. 6585/SRG Date: 19-10-2021

SHOW CAUSE NOTICE UNDER POLICE RULES 1975.

WHEREAS; you Driver Constable Wali Ullah No. 563 while posted at PP City Lakki were found Indulge in the following allegations:-

1. That on the event of full day you followed Naveed Nawaz to the crime scene and now you hiding facts which show your connivance with the accused.
2. That all speaks gross misconduct on his part and liable to be punished under Police Rules-1975.

You are therefore, found guilty of misconduct, as the defined in section 2 (III) of KPK Police Rules-1975 and as such are liable to action under section 2 of the said rules.

Based on the above facts, I am satisfied that no enquiry is needed in this case as contained in section 5.3 clauses (a) & (c) under the said rules.

Now, therefore, you Driver Constable Wali Ullah No. 568 are called upon under section 4.1 of the KPK Police Rules 1975, to show cause within 07 days of the issuance of this notice, as to why one or more penalties including major penalty of dismissal from service should not be imposed upon you.

**NOTE:-**

Take notice that if you failed to submit reply in compliance of this show cause notice within the stipulated time, it will be presumed that you have acting to offer in your defense and in that case, an expert action shall straightaway to taken against you without any further notice.

Arnd  
/

Sd/-  
District Police Officer  
Lakki Marwat



جناب عالی! بحوالہ شمول شوکارا نوٹس نمبری scr/7493 مورخہ 11-11-2021 جاریہ جناب ڈسٹرکٹ پولیس آفیسر صاحبہ سے  
 مردود صورتوں میں جو کہ مسائل کوئی نہیں اس سلسلہ میں شوکارا نوٹس نمبری scr/6585 مورخہ 10-10-2021 جاریہ صاحبہ سے  
 بالا دیا گیا تھا۔ جس کے بوب میں مسائل نے مفصل جواب اندر معیاد انکوٹری آفیسر کے ساتھ حل کیا ہے۔

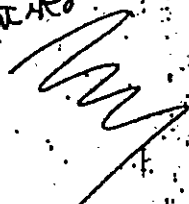
اندزین بارہ ایک مرتبہ پھر مسائل کو فائنل شوکارا نوٹس نمبر مندرجہ بالا دیا گیا۔ سہ ماہی کے مطابق مورخہ 06-10-2021  
 بجے سے 11-50 بجے ہمراہ انور کمال IHC، 12:00 بجے رات تک ہمراہ اشتم خان IHC کے ساتھ موبائل گشت پر رہا۔ اندر میں سلسلہ  
 مطابق ریکارڈ روز نامہ چوک کی پیش کردہ عمل درآمد میری بے گناہی کے لئے نہیں شہوت ہیں۔ مجھ پر گناہے گئے الزامات بے بنیاد ہیں۔  
 نوید نو از لزم سابقہ PS کے جرم کو چھپانے اور اندازاً بہنڈت کے بدلے سوچ بھی نہیں سکا اور نہ ہی میرے عہدہ کی اتنی حیثیت ہے۔

عالیجاہ! مسائل کو ناکرہ جرم پر ہراساں، پریشان کنے بغیر فائنل شوکارا نوٹس فائنل کیا جائے۔ جرم کا خواہگار ہوں۔

نوید نو از لزم پروردگی ہوگی۔

مورخہ 12-11-2021

مسائل معطل برٹیشیل ولی اللہ نمبر 568 متعین پولیس لائننگی۔

Attest  




**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

*Service appeal No. 256/2023*

Diary No. 7320

*In line with Service appeal No. \_\_\_\_\_/2023*

Dated 1/9/2023

*Wali Ullah .....Appellant*

**Versus**

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