

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

Service Appeal No. 269/2023  
Nasir Iqbal

..... Appellant

Ex-Constable No.117

**VERSUS**

Inspector General of Police,  
Khyber Pakhtunkhwa & others

..... Respondents

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Respondents  
Through  
Representative

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

**Khyber Pakhtunkhwa  
Service Tribunal**

Service Appeal No. 269/2023

Ex-Constable Nasir Iqbal No.117 ..... Appellant

Diary No. 6828

Dated: 03/08/23

**Versus**

Inspector General of Police,  
Khyber Pakhtunkhwa & others

..... Respondents

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1, 2 & 3.**

**Respectfully Sheweth:-**

**Preliminary Objections:-**

- i. That the appellant has got no cause of action to file the instant appeal.
- ii. The appellant has got no locus standi to file the instant appeal.
- iii. That the appellant is estopped by his own conduct to file the instant appeal.
- iv. That the appeal is bad in eyes of law and not maintainable.
- v. That the appellant has not approached the honorable Tribunal with clean hands.
- vi. That the appeal is barred by law and limitation.

**Facts:-**

1. Pertains to Service record, hence, no comments.
2. Correct, hence, no comments.
3. Pertains to record hence, no comments.
4. Incorrect, Proper departmental enquiry was conducted wherein the appellant was duly associated with all proceedings; the charges leveled against the appellant were proved during enquiry. Moreover, the appellant is a criminal mind and was also found involved in a heinous crime reported vide FIR No. 302 dated 21.06.2017 u/s 365B PPC Police station Yaqoob Khan Shaheed District Karak. The appellant was found involved in illegal and extra departmental activities and having links with the criminals. Hence, awarded punishment of dismissal from service under the relevant rules/law.
5. Incorrect, as the Charges against the appellant were proved during the course of enquiry.


6. Incorrect, the appellant was served with Final Show Cause Notice and was provided every opportunity of self-defence. Hence denied.
7. Incorrect, as the Charges against the appellant were proved. Hence, awarded major penalty under the rules / law.
8. Correct to the extent that the appeal was rejected by the appellat authority being devoid of merits. Allegations against the appellant had been established during proper departmental proceedings, therefore, plea of the appellant is not maintainable in law and is liable to be dismissed on the following grounds.

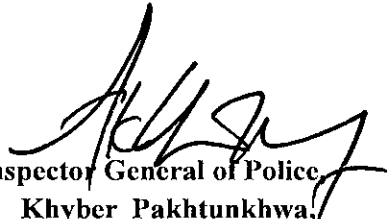
**Grounds:**


- A. Incorrect, the impugned order was passed in accordance with law & rules. Allegations against the appellant had been proved as established by the enquiry officer in his findings.
- B. Incorrect, judicial Proceedings and departmental proceedings go side by side. The appellant has committed a gross misconduct by bringing bad name to discipline force.
- C. Incorrect, Proper enquiry was conducted in which the appellant was duly associated with the enquiry proceedings. The enquiry officer provided proper opportunity of defence to the appellant and thoroughly examined the relevant record. Appellant have failed to advance plausible defence against the charges leveled against him.
- D. Incorrect, charges against the appellant were proved during the course of enquiry. Therefore the enquiry officer had found him guilty and recommended him for punishment.
- E. Incorrect, the appellant was dealt in accordance with laws and rules and has been provided opportunity of hearing.
- F. Reply already submitted as para-C above.
- G. Incorrect, already explained by above ground C.
- H. Pertains to the August Apex Courts, Judgment, however, the appellant has been provided the opportunity of hearing.
- I. Incorrect, the appellant has been proceeded against in the light of enquiry report wherein the appellant has been found guilty of the charges leveled against him.
- J. Incorrect, the competent authority in the light of enquiry finding passed orders according to rules.
- K. Pertains to the August Apex Courts, Judgments. However, judicial Proceedings and departmental proceedings go side by side and the appellant was awarded punishment after fulfillment of all codal formalities.
- L. Irrelevant, needs no comments.
- M. Contents of this para relates to the Hon'ble Supreme Court of Pakistan Judgment. However, the appellant's plea of reinstatement in service bears no footings as charges against him were proved during enquiry and he carried bad reputation for police force for having links with the criminals.
- N. Incorrect, appellant was awarded major punishment of dismissal from service by the respondent No.2 and 3 after fulfilling all the codal formalities.
- O. The respondents may also be allowed to adduce additional grounds at the time of hearing.

Prayer:-

In the light of above facts and circumstances, it is therefore requested that the appeal of the appellant, being devoid of merits, may kindly be dismissed with costs, please.

  
Regional Police Officer,  
Kohat  
(Respondent No. 2)

  
Inspector General of Police,  
Khyber Pakhtunkhwa,  
(Respondent No. 1)

  
District Police Officer,  
Karak  
(Respondent No. 3)

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

S. Appeal No- 269/2023  
Nasir Iqbal  
Ex Constable NO. 117, Karak

..... Petitioner

**Versus**

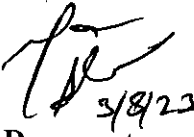
Inspector General of Police,  
Khyber Pakhtunkhwa & others

..... Respondents

**AFFIDAVIT**

I Waqar Ahmad S/O Izzat Khan R/o District Police Karak do hereby solemnly affirm and declare on oath that the contents of Para wise comments in the titled above Writ Petition are true & correct to the best of my knowledge and belief nothing has been concealed from this honourable court.

It is further stated on oath that in the appeal, the answering respondents have neither been placed Ex-parte nor their defence has been struck off/lost.

  
Deponent

CNIC No 17301-5732688-7

Mobile No 03459117337

**Identified By**



ORDER

My this Order will dispose off the departmental enquiry against Constable Nasir Iqbal No. 117 (suspended) of this district Police.

Facts are that:-

1. Constable Nasir No. 117 involved in case FIR No. 302 dated 21.06.2017 u/s 365-B PPC Police Station Yaqoob Khan Shaheed which is quite adverse on his part.
2. Furthermore, during constant raids on the accused party, Constable disclosed/leaked information about the raiding of Police on the abodes and shelters of the accused party as a result of which most of the raids for the recovery of accused and abductee were failed.
3. His previous reputation is also not so good.

He was issued Charge Sheet and Statement of allegations. Mr. Qazi Sajid Ud Din, SP, Investigation Wing Karak and Mr. Muhammad Nazir, SDPO, B.D.Shah were appointed as Enquiry Officers to conduct proper departmental enquiry against him and to submit thier findings in the stipulated period.

The Enquiry Officers reported that the involvement of accused official in the allegations is proved and his contact with abductee was verified from CDR. His SIM was in use of abductee which is registered on his name. Furthermore, the accused official managed their escape and facilitated the abductee and accused in her abduction, as a result of which Police raids were proved ineffective. Moreover, his this act is against the service discipline and stigma on Police Force and his further retention in Force is not warranted.

He was issued with Final Show Cause Notice and properly served upon him, in response to the Final Show Cause Notice, the accused official submitted his reply, which is found unsatisfactory.

He was called and heard in person in the Orderly Room held in this office on 07.11.2017.

Keeping in view of the above and available record and facts on file, his moral character and previous reputation is worse and his link with the abductee and accused are proved from CDR. He is found guilty of the charges leveled against him. His further retention in the Force is a stigma and his services is no more required, therefore, an exercise of power conferred upon me, I, Abdur Rashid, District Police Officer, Karak is hereby imposed a major punishment of Removal from service against Constable Nasir Iqbal No. 117 with immediate effect.

OB No. 676  
Dated 7/11/2017

*(Signature)*  
A. Iqbal

*(Signature)*  
District Police Officer, Karak

ORDER

This Order will dispose off the departmental enquiry against Constable Nasir Iqbal No. 117 (suspended) of this district Police.

It has been noticed with grave concern that Constable Nasir Iqbal No. 117 is involved in illegal and extra-departmental activities and he has developed links with criminals and narcotics sellers. He also leaked secret information regarding raids, etc, to them due to which Constable Nasir Iqbal No. 117 has directly been charged in case FIR No. 338 dated 06.10.2022 u/s 118-KP Police Act-2017 PS Sabirabad. This is quite adverse on his part and shows his malafide intention, willful breach, and non-professionalism in the discharge of his official obligations. This act on his part is against service discipline and amounts to gross misconduct.

He was issued Charge Sheet and Statement of Allegations Mr. Irfan Khan, SDPO B.D.Shah was appointed as Enquiry Officer to conduct proper departmental enquiry against him and he was directed to submit his findings in the stipulated period

The Enquiry Officer reported that Constable Nasir Iqbal No. 117 has not provided any kind of evidence against his Innocence. Being a part of the discipline force, it is quite adverse on his part that he facilitated drug sellers and selling drugs which are not only a shameful act but also a source of embarrassment for the entire Police Force. Therefore, he being involved in extra-departmental activities and selling of drugs, the accused Constable Nasir Iqbal No. 117 is found guilty of the charges and the E.O recommended him for award of a suitable punishment.

He was issued Final Show Cause Notice. In response to the Final Show Cause Notice, accused official submitted his reply, which is found unsatisfactory.

From the perusal of his service record, numerous red entries have also been found which are against the service discipline and amounts to gross misconduct, and it shows his indiscipline and malafide intention.

Keeping in view above available record and facts on file, perusal of enquiry papers, and recommendations of the Enquiry Officer, he is found guilty of the charges. He is a stigma on the Police Force. Being a member of the discipline Force, his involvement in narcotics selling stigmatizes the Police department. His further retention in Police Force is no more required. Therefore, in exercise of the power conferred upon me, I, KHAN ZEB, District Police Officer, Karak, as competent authority under Police Rules 1975 (amended in 2014), hereby impose major punishment of dismissal from service upon defaulter Constable Nasir Iqbal No. 117 with immediate effect.

OB No. 584  
Dated 08/11/2022

OBNO = 584

Date: 08/11/22

  
District Police Officer, Karak







**FINAL SHOW CAUSE NOTICE.**

No. 116 /Enq

Dated 21/11/2022

1. I, KHAN ZEB, District Police Officer, Karak as competent authority under the Police Rule-1975 is hereby serve you Constable Nasir Iqbal No. 117 (suspended) Police Lines Karak as follow:-

That consequent upon the completion of re-enquiry conducted against you by Enquiry Officers Mr. Irfan Khan, SCPO Banda Daud Shah.

2. On going through the finding and recommendation of the Enquiry Officer and materials on the record and other connected papers including your defense before the said Enquiry Officer, the charge against you were proved and you have committed the following acts / omission specified in Police Rule-1975:-

"It has been noticed with grave concern that you Constable Nasir Iqbal No. 117 are involved in illegal and extra-departmental activities and develop links with criminals and narcotics sellers and leaked secret information regarding raids etc to them due to which you Constable Nasir Iqbal No. 117 have directly been charged in case FIR No. 338 dated 06.10.2022 u/s 118-KP Police Act-2017 PS Sabirabad. This is quite adverse on your part and shows your malafide intention, willful breach, and non-professionalism in the discharge of your official obligations. This act on your part is against service discipline and amounts to gross misconduct."

3. As a result thereof I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under Police Rule-1975.

4. You are therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you, also intimate whether you desire to be heard in person.

5. If no reply to this Notice is received within (07) days of its delivery in the normal course of circumstances, it will be considered/presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

6. Copy of findings of the Enquiry Officer is enclosed.

  
District Police Officer, Karak  
9.11.22

No. 362 /BDS

Dated 01-11 /2022

### FINDINGS

Kindly this is in response to your good Office Charge Sheet No. 158/Enq dated 10.10.2022, issued to FC Nasir Iqbal No. 117 (suspended) Police Lines Karak with the following allegations.

### STATEMENT OF ALLEGATIONS

It has been noticed with grave concern that Constable Nasir Iqbal No. 117 is involved in illegal and extra-departmental activities and develop links with criminals and narcotics sellers and leaked secret information regarding raids etc to them due to which Constable Nasir Iqbal No. 117 has directly been charged in case FIR No. 338 dated 06.10.2022 u/s 118-KP Police Act-2017 PS Sabir Abad. This is quite adverse on his part and shows his malafide intention, willful breach, and non-professionalism in the discharge of his official obligations. This act on his part is against service discipline and amounts to gross misconduct.

Thus the undersigned was appointed as an enquiry Officer to dig out the real facts.

### ENQUIRY PROCEEDING.

During the course of an enquiry, the accused FC Nasir Iqbal No. 117 (suspended) was summoned. He attended this office and heard in person and crossly examined by the undersigned. However, he recorded his statement in response to the charge sheet in which he divulges that he has no relation with drugs sellers and the allegations leveled by the SHO Sabir Abad are baseless and his no truth and false case FIR No. 338 dated 06.10.2022 u/s 118-KP Police Act-2017 PS Sabir Abad has been registered against him. As for case FIR No. 337 dated 04.10.2022 u/s 9D CNSA PS Sabir Abad is concerned, the accused namely Afzal Mehmood s/o Arbab Khan r/o Dab Bego Khel is a resident of my village, therefore my name must have been taken in the hope of getting some expected concession.

Moreover, accused Afzal Mehmood charged in case FIR No. 337 dated 04.10.2022 u/s 9D CNSA his interrogation report was called from which it was concluded that the said Constable was selling drugs near Kamran Shaheed Chowk. Further, the said constable used to buy drugs from Hazrat Umar and Sabir Nawaz and sell it to Nasir Khan, Rab Nawaz, Shahab Sultan, and Naqeeb near the petrol pump in Kamran Shaheed Chowk.

In this regard a secret report was brought from DSB Karak to dig out the real facts, in which it came forward that no such evidence was found against the accused constable which can be made part of the enquiry as evidence.

Further, after the perusal of the service book of the said constable, it was founded that Constable Nasir Iqbal No. 117 was dismissed from the service back in the year 2017, for being involved in criminal activities. However, Regional Police Officer Kohat reinstated him back, and he is also a habitual absentee during his service.

**CONCLUSION.**

After going through all the available records the undersigned reached to the conclusion that Constable Nasir Iqbal No. 117 has not provided any kind of proof against himself, and being part of the discipline force it is quite adverse on his part that he is facilitating the drug sellers and also he selling drugs, which is not only a shameful act but also a source of embarrassment for the entire Police force, therefore being involved in extra-departmental activities and selling of the drugs the accused Constable Nasir Iqbal No. 117 found guilty and he is recommended for suitable punishment, please

Sub: Divisional Police Officer,  
B.D Shah, Karak.