Appeal No. 1491/2023

Bakht Zeb (Ex.Constable)

(Appellant)

VERSUS

IGP etc.

(Respondents)

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DEPONENT

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PARA WISE COMMENTS OF RESPONDENTS NO. 1 to 4

Respectfully Sheweth

The respondents respectfully submit as under: -

PRELIMINARY OBJECTIONS.

- 1. That the Appellant has got no cause of action.
- 2. That the Appeal is not maintainable under the law.
- 3. That the Appeal is barred by law & limitation.
- 4. That the Appellant has not been discriminated in any way.
- 5. That the Appeal is bad due to mis-joinder and non-joinder of necessary parties.
- 6. That the Appellant has approached the Honorable Tribunal with unclean hands.
- 7. That the Appellant has got no cause of action and locus-standi to file the instant Appeal.
- 8. That the Appellant has been estopped by his own conduct.

ON FACTS

- 1. Pertain to record.
- 2. Pertains to record.
- 3. Incorrect, when proper and regular departmental enquiry was conducted it was found that the appellant has been proven guilty of tampering, fraud and forgery. He was considered is whole solely responsible for this tampering and misconduct as he and only he is its beneficiary and no one else. Moreover, it was held that the co-accused Moharir, additional moharrir and madad Moharir have been found innocent regarding tampering and forgery. (Enquiry report is attached)
- 4. Correct to the extent that the appellant requested and appear before the competent authority for four months (120 days E/leave) but the competent authority granted only 10 days. But rest of the para is incorrect, tampering on part of appellant was established, and he was marked absent vide DD report No.13 dated 24/10/2022, later on, while appellant make his arrival report vide DD No. 7 dated 25/10/2022 and he confessed in writing of his guilt of tampering and forgery. (Documents is duly annexed)
- 5. The answer to this para is already given in para No. 3
- 6. Pertains to record.
- 7. Incorrect, Respondent No.2 (RPO, BANNU) is the competent authority to dismiss th appellant. Power of dismissal from service is vested him according to Police Rules, 1975 (amendment-2014)
- 8. Incorrect.

GROUNDS:

- A. Inorrect, the order dated 14/2/2023 is according to law, rules and norms.
- B. Incorrect, every step taken against the appellant was according to law, rules and principle of justice. In departmental enquiry statements of Moharir Ali Khan, MM Jamshid Khan and MM Abdu Rashid khan were recorded and they stated that Bakhta zeb was guilty of tampering and forgery.

- C. Incorrect, enquiry procedure conducted against the appellant was according to prescribe procedure and statements of official were duly recorded. Moreover, the appellant was heard in person in orderly room held in RPO office dated 9/2/2023 in which his plea was found unsatisfactory
- D. Incorrect, all procedure adopted was according to law and rules. The enquiry officer submitted its finding report vide letter No. 279/Addl. SP dated 28/11/2022 and recommended "Major punishment" to the appellant.
- E. Incorrect, the competent authority i.e RPO, Bannu under power vested in him through KPK Police Rules, 1975 (amended 2014) dismissed the appellant from service for his gross misconduct
- F. Incorrect, the appellant was heard in person in orderly room held in RPO office Bannu dated 9/2/2023. Moreover the appellant service appeal is time barred and is liable to be set aside with cost.
- G. The respondents department seeks permission of this Honorable Tribunal for further/additional grounds at the time of arguments.

PRAYER:

In view of the above Para wise comments, it is most humbly prayed that the Appeal of the Appellant may kindly be dismissed with cost.

District Police Officer Banny

(Respondent No.4)

District Police Officer Lakki Marwat (Respondent No.3)

Regional Paine Officer Bannu, Region, Bannu (Respondent No.2)

Provincial Police Officer KP, Peshawar

(Respondent No.1)



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AUTHORITY LETTER.

Mr. Muhammad Farooq Khan DSP Legal Bannu, is hereby authorized to appear before Honourable Tribunal on behalf of the undersigned in the above cited Appeal.

He is authorized to submit and sign all documents pertaining to the present Appeal.

District Police Officer

Banqu

(Respondent No.4)

District Police Officer

Lakki Marwat

(Respondent No.3)

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

Provincial Police Officer

KP, Peshawar (Respondent No.1)

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AFFIDAVIT.

I MR. Muhammad Farooq Khan DSP Legal Bannu, representative for Respondent Nos.1 to 4, do hereby solemnly affirm and declare that the contents of the accompanying comments submitted by us are true and correct to the best of our knowledge and belief and that nothing has been concealed from this Honorable Tribunal.

It is firsthes stated on oath that in this appeals the answering respondents have neither been placed ex-paste nor their defense he been struck of. Cost.

DEPONENT



CHARGE SHEET

WHEREAS, I am satisfied that a formal inquiry as-contemplated in the Khyber Pakhtunkhwa, Police Rules, 1975 (amended in 2014) for committing the following misconduct is necessary and expedient.

AND WHEREAS, I am of the view that the a egation, if established would call for a major penalty as confined in Rules 4-1(b) of the aforesaic Rules.

NOW THEREFORE, as required by Rule 6-1(a) of the aforesaid Rules, I, Syed Ashfaq Anwar PSP, Regional Police Officer, Bannu charge you <u>LHC-Bakht Zeb No.238, PS Ghazni Khel</u> for misconduct on the basis of summary of allegations appended herewith.

AND WHEREAS, I direct you further under the Rule 6-1(b) of the aforesaid rules to put in a written defense within 07 days of the receipt of this charge sheet as to why a major punishment as defined in Rule 4-1(b) should not be awarded to you. Also state at the same time, whether you desire to be heard in person or not.

In case your reply is not received within the prescribed period without sufficient reasons, it would be presumed that you have no defense to offer and an ex-parte action shall be taken against you.

Regional Police Officer, Bannu Region, Bannu

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STATEMENT OF ALLEGATIONS

I, Syed Ashfaq Anwar PSP, Regional Folice Officer, Bannu Region, Bannu as competent authority, am of the opinion that LHC-Bakhı Zeb No.238, PS Ghazni Khel has rendered himself liable to be proceeded against within the meaning of Khyber Pakhtunkhwa, Police Rules, 1975 (amended in 2014) as he committed the following misconduct.

SUMMARY OF ALLEGATIONS

- That on 23.8.2022 LHC Bakht Zeb No.238 of District Police Lakki appeared before the undersigned and requested for the grant of four (04) months earned leave for medical treatment of his ailing father. Ten (10) days leave were granted to him and communicated to DPO Lakki Marwat vide this office letter No.3283/EC, dated 23.08.2022. However, it was established during course of verification that the aforesaid letter issued by this office has been tampered and ten (10) days has been rewritten as (120) days as evident from the letter.
- That Moharrar staff has made departure of LHC Bakht Zeo No.238 for four (04) months earned leave vide DD No.14 dated 30.8.2022.

For the purpose of scrutinizing the conduct of the said accused w/r to the above allegations, an inquiry committee/officer Addl: SP Bannu is appointed to conduct regular departmental enquiry.

The inquiry committee/officer shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within 25 days after the receiff of this order.

The accused shall join the proceedings on the date, time and place fixed by the inquiry committee.

> Regioual Police Officer, Bannu Region, Валпи

Cc:

The Inquiry Committee/officer for necessary action with the direction to complete the enquiry within stipulated period and submit findings report.

The accused police officer.

Regional Police Office / Bannu Region, Bannu



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جواب چارچ شیندازانِ LHCبخت زیب خان نمبر 238متعینه تمانه غرُر تُسٹر کٹ لکی مروت

جناب عالى!

بحوالدشموله چارج شیپ RPO بایت جواباً RPA,dated 07.11.2022 بجادید جناب حزت باب RPO صاحب بنول دیجن بنول کی بایت جواباً معروض خدمت ہوں کیا تکوائری ہوا میں تل ازیں جو جواب جنار یا DSP/HQ صاحب کی مردت کودی ہے دبی میرا بیان ہے جو کد درست ہے علاوہ ازیں حقیقت کچھ یوں ہے کرمائل نے چار ماہ رخصت کال منظور کرنے کے لئے بالتر تیب افسران بالاسے جناب RPO میاحب بنوں ریجن بنوں کو پیش ہونے کی استدعا کی تھی جوكه جناب RPO صاحب كويين موكر بعدازييتى واليس آيا_ كن سائل روغين كم طابق شاباتى يرتفا كدقعان بذاب مدوم ربهشيد 441/LHC في بذريعه موبائل فون اطلاع دى كداب كى چار ماه رخصت كلال وجدميد يكل ليومنظور موچكى الى جس كا ثبوت بذريعدوالس ايب اب كومير المبرال المدمت ہو چی ہے۔ چونکداپ ایک اونی ماتحت مرد بریں وجہ تھا۔ ہذا سے ایکی روائی بحوالہ مرتبر 14 روز مامید 30.08.2022 سیف الرحن ASI کی طرف سے موئی ہے۔اطلاعیا فی گزادش ہے۔جس پرمن سائل ۔ ایک ادنی اتحت ہونے کے ناطع سل کرے ایک رفست کلاں گزارنا جاری رکھی کھورفست کلاں مزارنے کے دوران تفانہ بزاسے اطلاع کمی کہ اپ فور باطور پر تعانہ آجائے۔ جیسے می من سائل تعانہ پہنچادہاں پرمعلوبات وید براری پرمعلوم ہوا کہم رسٹانپ جوسارے ایک بی قومیت سے تعلق رکھتے ہیں۔ من سر ل کو نامعلوم وجوہات کی بناہ پر پھنمانے کے لئے من سائل کے دخصت کلال کا افسران بالاسے آمدہ پرواندا ظلاعیا فی می ردوبدل کیا ہے حالاتک من سائل کو برواندا طلاعیانی بابت رخصت کلال کے بارے میں ندی پچھام ہے اورندی کچھ و کھا ہے کونک من سائل توددمررجشيد 441/LHC يموبا تكل فون يركينا ورائن كووالس ايب نمبر ارسال كى موئى داوروز نامي پرايى رخصت كلال كزار را تفاكد اى التاهيل محردسناف في من مائل كوكانى بريشان اور يشرائز كر كروزنا ميد كالدونم مراكر دوزنا ميد 25.10.2022 من ايك بميان تحرير كريج من ير سائل سعد يتخط شيت كيالهذا محردساف كاليفل ضاير فوجداري كي يكن (162) كي ظاف ورزى مي برعزت ماب جناب RPO ما حب بنول ریجن بنول بذریعه DSP/HQ ماحب کی مروت پرتی حری انتوائزی تروع کی ۔جو کہ بعداختآم پریلیمزی انگوائزی پر جناب RPO صاحب بنول نے تھانہ غزني خيل يحررساف وكنهار ثابت قرار كربطور مزاواد يئة آبائي صلع كى مروت ساريش ساف من بنوق يخلف تعانب على العينات كيع بين-عاليجاه سأل كى عاجز اندامتدعاييك كمن سائل كى : كى طرف دارى ندى جادي بلكسافسران بالاسيم مرف اورمرف انساف كى الميل ب-نیزتمام ضروری لواز مات جمراه لف جواب چارج شیث قبل ملاحظیر

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[11]

ORDER:

This order will dispose of departmental proceedings initiated against LHC Bakht Zeb No.238 under Police Rules 1975 amended in 2014) by issuing charge sheet and statement of allegations to him for committing the following commissions/ missions:

- That on 23.8.2022, LHC Bak't Zeb No.238 of District Police Lakki appeared before the undersigned and requested for the grant of four (04) months carned leave for medical treatment of his ailing father. After personal hearing Ten +10) days leave was granted to him and communicated to DPO Lakki Marwat vide this office letter No.3283/EC, dated 23.08.2022. However, it was es ablished during course of verification that the aforesaid letter issued by this office has been tempered and ten (10) days has been rewritten as (120) days as evident from the letter.
- That Molarrar staff made his reparture on four (04) months earned leave vide DD No.14 dated 30.8.7022 and he spent more than month on leave when this cheating was reported.

Preliminary enquiry was conducted by DSP/ IQ: Lakki vide his letter No.276, dated 31.10.2022. Charge sheet along with statement of allegations was issued and served upon accused official (LHC Bakht Zeb. 10.238) vide this office E.No.816-13/PA dated 07.11.2022. Addl: S.P. Bannu was appointed a Enquiry Officer to scrutinize the conduct of the accused official. The Enquiry Officer submitted his findings report vide letter No.279/Addl:SP dated 28.11.2022.

Findings report and c her relevant papers were perused which revealed his guilt and confession. The accused official was also heard in erson in orderly room held on 09.02.2023. Explanation of the accused official was foun unsatisfactory. He deliberately tampered the official order and cheeted the system. His action not only emboldened others to follow suit but also brought a bad name for a disciplined department.

Therefore, I, Syed A hfaq Anwar, PSP, Regio. at Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules, 1975 (amended in 2014) hereby award him a major punishment of "Dismissal from Service" with immediate effect.

ORDER ANNOUNCED

OB No. 2/

Dated: /4/ (12/2023)

Regional Police Officer, Bannu Region,

Bannu

No. 433-3/i.C, dated Bannu the 14/02/2023 /

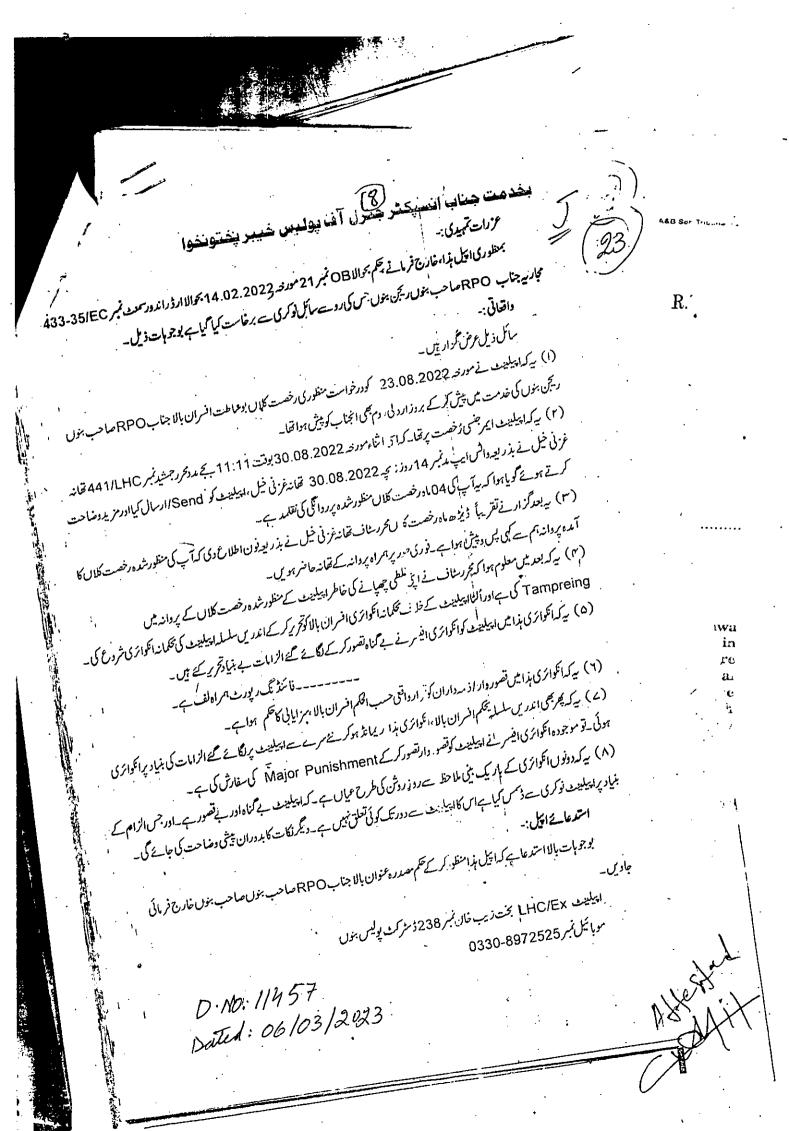
> DPOs Bannu & Lakki for neccessary action and report compliance.

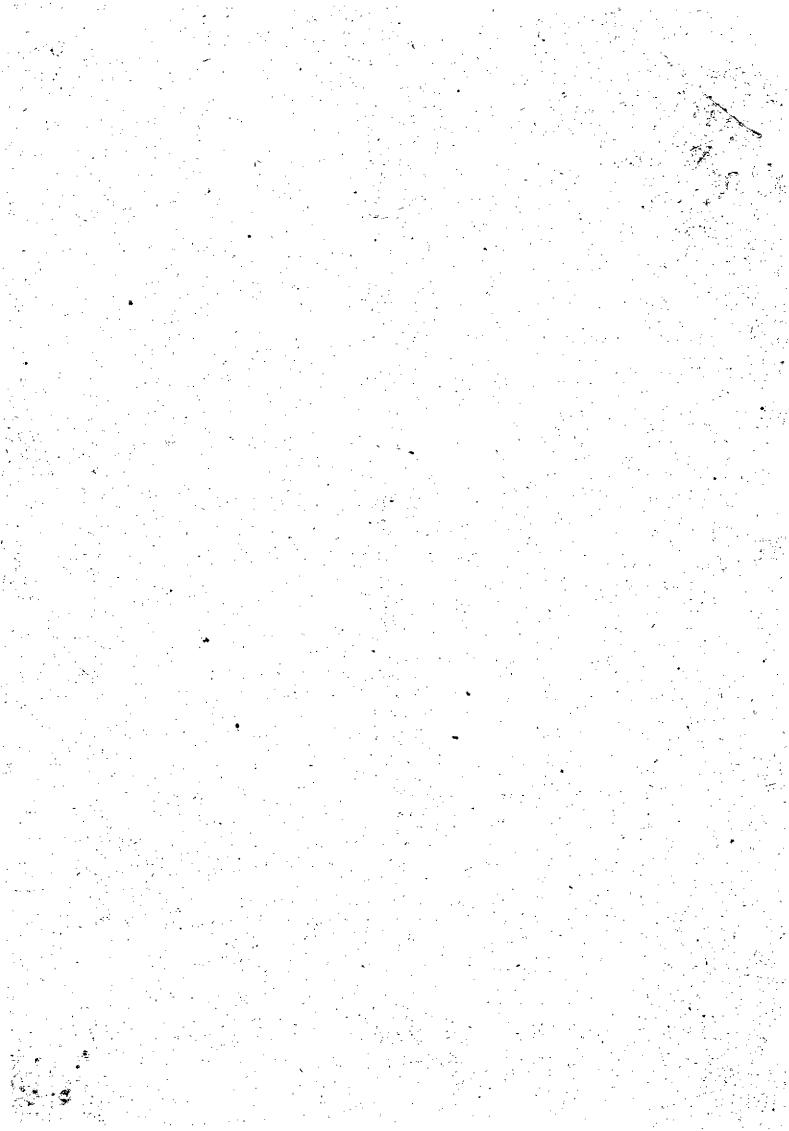
> DAOs Bunnu & Lakki for necessary action.

Office Supdt:/E.C RPO Office. Bannu.

Regional Police Officer, Bannu Region, Bannu







چناب عالــــي!

بحواله شمولدا نگرمزی لینرمجادیه RPO صاحب نمبر 4226 مودند 0.2022 ا DPOصاحب ڈائزی نمبر 5341 مور قد 27.10.2022 انگوائری برخلاف LHC بخت ذیب نمبر 83ً کھ معروض بول كدليرسنذكر وبالا بغرض الكوائرى من DSFIHQr مادك بوكرانكوائرى كرسلسل مي LHC بخت زيب تمبر MHC ، 238 على قال ، AMHCمبغت الله ، MM جشيد فال تمبر 441 ، MM رشيد فال نمبر930 تھاندغزنی خیل ، تائب OHC حنیف اللہ کورفتر بلد اطلب کئے گئے جن کے بیانات لئے جا کر ہمراہ لف قائل ما حظم المنظم الله المركزي المرسم المراكزي المرسم الله المراكز المراكز المراكز المراكز المراكزي المرا نے جناب RPO صاحب بنوں کو بغرض منظوری رخصت کلال 120 یوم معدد رخواست پیش موکر جناب RPO صاحب بحوالدليز فير 3283/EC، ورخد 23.08.2022 كودك يوم رخصت منظور كي ب-ادر يةول LHC بخت ذیب نمبر RPO 238 صاحب کے PA نے اس کور بانی بھی بتاا یا تھا کماس کی دس ایوم رخصت منظور ہو بھی ے لیز غیر 3283/EC مورور 23.08.2022 وفتر OHC موسول مو كر مورور 30.08.2022 كو با قاعده طور برنا مب OHC حليف الله الله الله الماس الماس علم كالعيل كرت بوعة مركوره ليفر مع بابت مدومرمان MM جشيدخان نمير 441، MM رشيدخان نمبر 930 كوجناب DPO صاحب كي مردت مارك شده لیزارسال کیا اور مطلع کئے گئے کے حسب الی RPO صاحب LHC بخت زیب تمبر 238 کی وی یوم دخصت مظور ہو چکا ہے۔ جس کا دونول مدومر ال نے بذراید Whatsapp جدائی سے بھی کیا ہے۔۔ مدومر ران نے بخت زیب نمبر 238 کی 120 یوم دخست بیز محرر HC علی خان کے وائس بین مجمی لایا ہے محرر شاف کی ملطی ، لایر دائ ك وجد مع در شاف في مزكوره LIC بخت زيب تمبر 238 كى 120 يوم خصسة، كلال يردوانك كى ب- كيونك لينرين اوير120 يوم كاذكرتما - MM شيدخان نے جب تقلمدردا كى LHC بخت زيب نمبر 238 كو Whatsapp كياتو LHC بخت زير في 120 يوم رخصت روائل يرخاموتى اختيار كى كدموسكا ي كرجناب RPO صاحب بول في بعداد ميري يتي ك 120 اليم رخصت كال منظوري مو

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