

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR.

Appeal No1418/2023

Ihsan Ullah

(Appellant)

VERSUS

IGP etc.

(Respondents)

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DEPONENT

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

**Appeal No. 1418/2023**

**Ihsan Ullah**

**(Appellant)**

**VERSUS**

**IGP etc.**

**(Respondents)**

**PARA WISE COMMENTS ON BEHALF 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. Incorrect, during course of inspection by DSP Rural- II. It was found that the appellant was absent from his official duty and it was also established that a private cook was hired by the appellant and he himself was doing private business instead of performing his official duty therefore proper departmental action was taken against the appellant in which appellant was Removed from Service accordingly.
3. Pertain to record.
4. Incorrect, after through perusal of record, facts and figure, it was found that the appellant has hired a private person for cooking in PS Kakki therefore, the appellant authority i.e W/RPO reject its appeal and endorsed the punishment of dismissal awarded by DPO. Bannu. Every step taken against appellant was in accordance with law.
5. Incorrect.

**ON GROUNDS:**


- A. Incorrect, both the orders issued by competent authority are not against law, facts and natural Justice.
- B. Incorrect, both the orders are not against principle of service law. All codal formalities were adopted and nothing was done beyond law.
- C. Incorrect, proper charge sheet and statement of allegations were issued and the impugned orders are not liable to be set aside.(Annexure A & B is annexed)
- D. Incorrect, show cause notice was issued according to Police Rules 1975. Every opportunity of defense was given to the appellant but his reply was found un-Plausible. It is pertinent to mention here that, the appellant was dealt with in Police summary proceedings provided in KP Police rules, 1975 (with amendment – 2014) .
- E. Incorrect, the actions of respondents are not unlawfully, illegal and biased.
- F. Incorrect, proper legal procedure was adopted and nothing was done un lawful.
- G. Incorrect, opportunity of personal hearing was given but his reply was unsatisfactory and all proceedings were carried out according to law/rules.

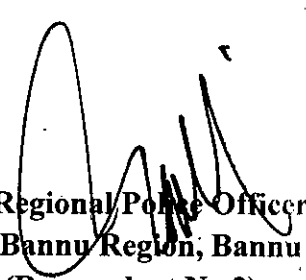
- 2
- H. Incorrect, the whole proceedings was carried out according to Police Rules 1975.
  - I. Incorrect, proper show cause notice was issued, the appellant was heard in person but his reply was found un-plausible and convincible therefore, the order of dismissal was issued.
  - J. Incorrect, such acts of the appellant, being a member of decipline force cannot be tolerated and the appellant at this form cannot be liable to reinstate him with all back benefits.

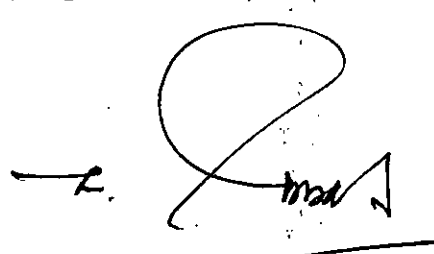
The respondents department seeks permission of this Honorable Tribunal for further/ additional grounds at the time of arguments.

**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  
Bannu  
(Respondent No.3)

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

  
Provincial Police Office  
KP, Peshawar  
(Respondent No.1)

4

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

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**(Appellant)**

**VERSUS**


**IGP etc.**

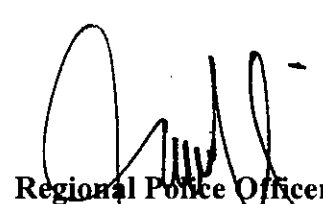
**(Respondents)**

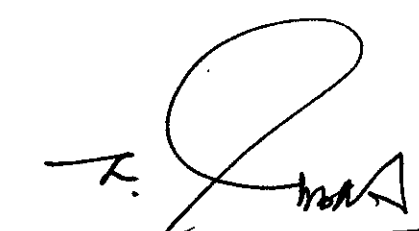
**AUTHORITY LETTER.**

Mr. Muhammad Farooq Khan DSP Legal Bannu, is hereby authorized to appear before Honorable 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  
Bannu  
(Respondent No.2)**

  
**Regional Police Officer  
Bannu, Region, Bannu  
(Respondent No.1)**

  
**Provincial Police Officer  
KP, Peshawar  
(Respondent No.3)**

5

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

**Appeal No1418/2023**

**Ihsan Ullah**

**(Appellant)**

**VERSUS**

**IGP etc.**

**(Respondents)**

**AFFIDAVIT.**

I MR. Muhammad Farooq Khan DSP Legal Bannu, representative for Respondent No. 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.

*[Handwritten Signature]*

DEPONENT

ATTESTED  
Hafiz Muhammad Asif Qureshi  
Counsel  
Advocate High Court Peshawar

SHO, CASE NOTICE

9 ANN "E"

Constable Hisanullah No. 53... considered yourself liable to be proceeded against under rule 303 of... Rules 1975 (amended in 2014) for... the following...

- That as per credible information you have hired a private person to perform duties in lieu of handsome money while you yourself are remaining idle which is against the Rules &...
- That this act amounts to gross misconduct and liable to be punished...

That by taking cognizance of the matter, the undersigned as competent authority under the said rules, propose stern action against you by awarding one of the major punishments provided in the rules.

You are therefore called upon to show cause as to why you should not be imposed with one of the major punishments for the said deviant misconduct under Khyber Peshawar Frontiers Rules 1975 (amended in 2014).

You should submit reply to this show cause notice within seven (07) days of the receipt of this notice, failing which an ex-parte action shall be taken against you.

You are further directed to inform the undersigned that as to whether you wish to be tried by a court of law or by a court-martial.

Attested to be true  
by  
SA  
deputy legal

Regional Police Officer  
Bannu Region  
Bannu

Constable Hisanullah  
No. 53  
Bannu  
2023

Attested to be true  
copy by

Regional Police Officer  
Bannu Region  
Bannu

Better Copy

**SHOW CAUSE NOTICE**

You constable Ihsan Ullah was posted as Cook in PS Kakki District Bannu, you render yourself liable to be proceeded under rule 5(3) of the Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014) for committing following misconduct.

- That as per credible information you have hired a private person for performing your duties in lieu of handsome money while you are running a private business, which is against rules and regulation.
- That this act amounts to gross misconduct and liable to be punished.

That by taking cognizance of the matter, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one the major punishment as provided in the rules.

You are therefore, called upon to show cause as to why you should not be imposed upon one of the major punishment for the said deviant under Khyber Pakhtunkhwa , Peshawar Police rules 1975 ( amended in 2014).

You should submit reply to this show cause notice within Seven (07) days of the receipt of this notice failing which an as per action shall be taken against you.

You are further directed to inform the undersigned that as to whether you wish to be heard in person or not.

**Regional Police Officer  
Bannu Region,  
Bannu**

**Cook constable Ihsan Ullah**

**No. 53 PS Kakki, Bannu**

**No. \_\_\_\_\_/PA. Dated: \_\_\_\_\_**

**DPO Bannu for information, please.**

**Regional Police Officer  
Bannu Region,  
Bannu**

(7)

F-7-16/02-23

14

ORDER:

This order will dispose of departmental appeal, preferred by Ex-Cook Constable Ihsan Ullah No.53 of District Police Bannu, wherein he has prayed for setting aside the order of major punishment of "Dismissal from service", imposed upon him by DPO Bannu under Police Rule 1975 (As amended vide Govt. of Khyber Pakhtunkhwa Gazette Notification of even No. dated 27<sup>th</sup> of August 2014) vide OB No.73 dated 19.01.2023 for committing the following misconduct:-

- That the appellant hired a private person for cooking in his place, while the appellant himself running private business.

Comments, service record, punishment order were received from DPO Bannu vide his office letter No.973/SRC, dated 21.02.2023 and perused in detail. The DPO Bannu has reported that the appellant was issued Show Cause Notice but his reply was found unsatisfactory. The appellant being habitual absentee, his further retention in service would be detrimental and burden over the shoulder of the Department. In the current situation of terrorism, his absence has put other officials of the concerned Police Station at risk. Therefore the appellant was awarded major punishment of dismissal from service vide OB No 73 dated 19.01.2023.

He was also heard in person during orderly room held in RPO Office Bannu on 06.04.2023. Perusal of his service record reveals his tainted reputation, and problematic for police department. During argue, he admitted that one "Tabidat Uncle" has been performing his duties as Cook in P.S Kaki. He cheated his superiors by taking full pay from the government and hiring a private person for performing duties in his place @ of Rs:8000/- per month while he himself was running a private business. He had recruited an "Iwazi" to perform duties at his place while he himself was doing private business. The introduction of this dirty culture is extremely dangerous in police department and cannot be allowed to go unchecked.

Therefore, I, Syed Ashfaq Anwar, PSP/ Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules, 1975 (amended in 2014) hereby reject his appeal and endorse the punishment awarded to him by DPO Bannu vide O.B No. 73 dated 19.01.2023.

ORDER ANNOUNCED  
OB No. 87  
Dated: 20/04/2023.

*AH esther*  
*AAH*

Regional Police Officer,  
Bannu Region,  
Bannu

No. 1221 /EC, dated Bannu the 20/04/2023  
Cc:

DRQ-Bannu for necessary action w/r to his office letter No. cited above. Complete Service Roll and other relevant papers of Ex-Cook Constable Ihsan Ullah No.53 of District Bannu are sent herewith for record in your office which may be acknowledged, please.

*Attached to time copy*



گزارش کیا۔ بریکنگ پولیس انسپر جنرل رحیم نوری

(12)

جانب عالی

ANK

"D"

گزارش ہے کہ میں ضلع نوری پولیس میں بطور کانسٹیبل  
بھرتی ہوا ہوں۔ میری پندرہ سالہ نوری بھرتی ہے  
میرے عمل نامہ میں کوئی سزا درج نہیں ہے۔ اپنی درجی  
ایمانداری سے کرتا ہوں۔

مجھے DPo صاحب نوری نے بحالہ آرڈر نمبر 73 تاریخ 19/12/23

کو ملازمت سے اس وجہ سے برخاستہ کر دیا ہے کہ میں ضمانت  
پولیس میں بطور کانسٹیبل خود کام میں کر رہا تھا بلکہ اپنی اصل

NO. 411/2023  
CH. 13-2-21

پہر کسی اور شخص کو گھار دیا تھا اور وہ شخص میری اصل  
پر درجی ادا کرتا تھا۔ اور وہیں اپنی تنخواہ سے اس کی  
تنخواہ دیتا تھا۔

DPO P. Anwar  
For comm. and sub. in his service Record / Enquiry

مجھے ابراہیم صاحب آرڈر کے تحت برخاستہ کیا گیا ہے ابتداء

میں نہ کوئی خارج ٹیٹ جاری کی گئی ہے اور نہ ہی باقاعدہ  
تخلیفات انکوائری کی گئی ہے۔ نہ ہی حفاظی SHO اور سرکل  
DPo سے دریافت ہوئی ہے کہ کوئی شخص ذاتی P-T-O

1312123  
الحسن علی  
الحسن علی

Handwritten signature and initials

13

طور پر شہدائی کیلئے طلب کیا گیا ہے

نہری برہنہ بیوی تین بچے ہیں جن کا فرج میرے ذمے ہے اور

والدین بھی میرے ساتھ ہیں۔

اسد علی احمد صاحب قسیم سے سروس میں بحال کیا جائے اور میں

دانی طور پر بھی عرضی دعویٰ کیلئے بھی پیش کرنا چاہتا ہوں

جس کی بھی اجازت عطا فرمائی جاوے۔

احمد علی اللہ ولد فضل رحمن  
موروثاً ضلع ملکی مورتا

سہیلیم نیوکس کانسٹیبل  
4855336-7-1201  
0344 933011

Attested  
AJH

Attested to be true  
copy  
احمد علی اللہ

11/11

ANIR  
GA  
00

PUNISHMENT ORDER

Reportedly Cook Contable Ihsan Ullah No. 53 PS Kakki who has hired a private person for performing his duties i.e. Cooking in his place while he himself is running private business.

Keeping in view of the above, the undersigned meticulously perused all the relevant record. His further retention in service would be detrimental and burden over shoulders of the Department. In the current situation of terrorism, his this act have put other officials of the concerned Police Station at risk, therefore, I, D. Muhammad Iqbal, District Police Officer, Bannu, in exercise of the power vested in me under Police Rule 1975 As amended vide Govt. of Fyher Pakhtunkhwa Gazette Notification of serial No. dated 27<sup>th</sup> of August 2014) hereby awarded him Major Punishment of "Dismissal from service" with immediate effect.

OB No. 72

Dated: 19 / 10 / 2023

(Dr. MUHAMMAD IQBAL) DSP  
District Police Officer,  
Bannu.  
Tel: 0928-927-038  
Fax: 0928-92700-5  
Email: iqbal@bannu.gov.pk

*Attended*  
*MI*

Copies to all concerned

*Attended to be true copy*  
*MI*

(Batter Copy)

**PUNISHMENT ORDER**

Reportedly cook Constable Ihsan Ullah No.53 who has hired a private person for performing his duties i.e cooking in his place while he himself is running private business.

Keeping in view of the above the undersigned meticulously perused all the relevant record. His further retention in service would be detrimental and burden over shoulders of the department. In the current situation of terrorism his act has put other officials of the concerned Police Station at risk. Therefore, I, **Dr. Muhammad Iqbal**, District Police Officer, Bannu, in exercise of the power vested in me under Police Rules 1975 as amended vide Govt. of Khyber Pakhtunkhwa Gazette Notification of even No. dated 27<sup>th</sup> of August 2014 hereby rewarded him Major punishment of “ **Dismissal from Service**” with immediate effect.

OB No. \_\_\_\_\_

Dated: \_\_\_\_\_

**(Dr. Muhammad Iqbal ) PSP**  
**District Police Officer,**  
**Bannu**