

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Appeal No. 862 /2023

Inam Ullah

(Appellant)

VERSUS

RPO, Bannu etc.

(Respondents)

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DEPONENT

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PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 & 2

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.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7707
Dated: 20/09/23

BRIEF FACTS:

1. Pertain to record hence, need no comments.
2. Incorrect, the appellant was directly charged in criminal case FIR No. 289 U/S 302/324 PPC dated 07.06.2022. The appellant was properly charge sheeted based upon statement of allegations, during enquiry proceedings it was found that the appellant committed the crime and killed one Iqbal Khan with his personal Kalashnikov when he was on duty in polio Campaign and in this respect the report was also incorporated in Daily Diary No. 61 Dated 07.06.2023 PS Kakki. The weapon of offence (His personal Kalashnikov) was also received from his possession recovery memo dated 8.6.2022 is placed on judicial file. It is pertinent to mention that his previous enmity with the deceased Iqbal Khan regarding their land dispute has also been established during enquiry proceedings.
3. Pertains to record.
4. Correct to the extent that the criminal case is under trial but rest of the para is incorrect, no expert action has been taken against the delinquent police official, however, charge sheet+ statement of allegations was served upon the appellant, he was also associated with the enquiry proceedings and all codal formalities were adopted. (Copy of charge sheet+ statements of allegations and enquiry report are annexed).
5. The appeal of the appellant was rejected being devoid of merits.
6. The appellant has got no cause of action to file instant appeal.

ON GROUNDS:

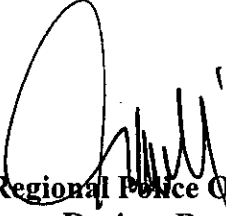
- A. Incorrect, the impend orders dated 19.08.2022 and 15.02.2023 are not against law, facts, and norms of justice and are tenable.
- B. Incorrect proper orders were issued for enquiry and after enquiry proceedings and establishment of the charges, the removed from service order was issued.

- C. Pertain to record hence, need no comments.
- D. Incorrect, the penalty order was issued according to law/rules/policy.
- E. Incorrect, sufficient evidence was available and after thorough probe he was awarded major punishment.
- F. Proper procedure has been followed then penalty order was issued according to law/rules and policy.
- G. As replied above.
- H. Incorrect the appellant has not been condemned unheard and has been treated according to law/rules.
- I. Incorrect, the appellant was removed from service after following proper procedure of law and rules.
- J. The appellant's guilt has been proved beyond the shadow of doubts and the appellant was punished after proper enquiry proceedings.
- K. Pertain to record hence, need no comments.
- L. Incorrect, the appellant has not been condemned unheard nor it is violation of Article 10A of the constitution of Islamic Republic Of Pakistan and not it is violation of " Audi Alterum Partum" and was treated according to principle of the land laws.
- M. Detail reply has already been given in the above para.
- N. That the respondent department seek permission to advance further grounds and proofs 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
Bann
(Respondent No.2)


Regional Police Officer
Bann, Region, Bann
(Respondent No.1)

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
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RPO, Bannu etc.

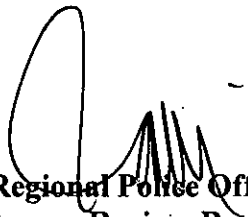
(Respondents)

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
Bannu
(Respondent No.2)**


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

(3)

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

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(Appellant)

VERSUS

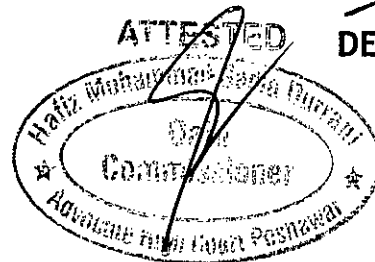
RPO, Bannu etc.

(Respondents)

AFFIDAVIT.

I MR. Muhammad Farooq Khan DSP Legal Bannu, representative for Respondent Nos.1 & 2 , 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.

20 SEP 2023



STATEMENT OF ALLEGATIONS:

I, Dr. Muhammad Iqbal, District Police Officer, Bannu as competent authority, am of the opinion that LHC Inam Ullah No. 168 has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Police Rules (As amended vide Khyber Pakhtunkhwa Gazette Notification, No.27th of August 2014).

SUMMARY OF ALLEGATIONS:

- That reportedly LHC Inam Ullah No. 168 has been found charged/involved in a criminal case vide FIR No. 289, dated 07.06.2022 u/s 302/34 PS Kakki.
- Such act on his part is against service discipline and amounts to gross misconduct.

1. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations Addl. SP is appointed as Enquiry Officer.
2. The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within the targeted days after the receipt of this order.
3. The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

[Signature]
(Dr. Muhammad Iqbal)PSP
District Police officer,
Bannu.

No. 3078

1023/6/22

Copy of above is forwarded to Superintendent of Police, Investigation Bannu for favour of information.

Attested
[Signature]

[Signature]
(Dr. Muhammad Iqbal)PSP
District Police officer,
Bannu.

(7)

STATEMENT OF ALLEGATIONS:

I, Dr. Muhammad Iqbal, District Police Officer, Bannu as competent authority, am of the opinion that LHC Inam Ullah No. 168 has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Police Rules (As amended vide Khyber Pakhtunkhwa Gazette Notification, No.27th of August 2014).

SUMMARY OF ALLEGATIONS:

- > That reportedly LHC Inam Ullah No. 168 has been found charged/involved in a criminal case vide FIR No. 289, dated 07.06.2022 u/s 302/34 PS Kakki.
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(Dr. Muhammad Iqbal)PSP
District Police officer,
Bannu.

No. 3078

1 06 23/6/22

Copy of above is forwarded to Superintendent of Police, Investigation Bannu for favour of information.

Attested
[Signature]

(Dr. Muhammad Iqbal)PSP
District Police officer,
Bannu.

Phone No: 0928-9270027

Fax No: 0928-9270045



OFFICE OF THE
ADDITIONAL SUPERINTENDENT OF POLICE,
BANNU

No. 217 / ASP

Dated 09 / 08 2022

To: The District Police,
Bannu

Subject: DEPARTMENTAL PROCEEDINGS AGAINST LHC INAM ULLAH
NO. 168

Memo:

Kindly refer to DPO office letter No. 3078/SRC, dated 23.06.2022, on the subject noted above.

Respected Sir,

As per your kind directives, the undersigned completed enquiry in the above cited case. The detail is given below:

ALLEGATIONS AGAINST LHC INAM ULLAH NO. 168:

That reportedly LHC Inam Ullah No. 168 has been found charged involved in a criminal case vide FIR No. 289, dated 07.06.2022, u/s 302/34 PPC, PS Kakki.

PROCEEDINGS:

Accused LHC, Inam Ullah NO. 168 has been arrested in case FIR No. 289, dated 07.06.2022 registered u/s 302/34 PPC in PS Kakki, Bannu. The charge sheet and summary of allegations were served upon him; his reply has been reached through proper channel under the attestation of Assistant Superintendent Central Prison, Bannu. The case file was studied thoroughly and the statement of IO SI Abdul Hameed was also obtained. The PS record was checked, too. His total service is about 15 years. His posting chart and previous service record have also been obtained. All the documents have been placed on file.

STATEMENT OF ACCUSED LHC, INAM ULLAH NO. 168:

His statement, written on computer in Urdu version, is annexed and self-explanatory wherein he negated all the allegations leveled against him.

STATEMENT OF IO/SI ABDUL HAMEED:

His self-written narration is appended which is self-explanatory. He declared

Attested
A/H

FINDINGS:

Accused LHC, Inam Ullah No. 168 has committed the murder of one Iqbal Khan with his private/personal Kalashnikov during duty hours when he was out for his anti-Polio duty vide daily diary No. 6, dated 07.06.2022, PS Kakki. Weapon of offence, his personal Kalashnikov—which he was not authorized to keep during duty hours—has been recovered from his possession vide recovery memo, dated 08.06.2022. His previous enmity with Iqbal Khan regarding land-dispute has also been established. There are sufficient ocular, documentary and circumstantial evidences against the accused LHC to incriminate him with the commission of the murder of Iqbal Khan. The accused has been arrested and sent to central jail, Bannu. Complete Challan has been submitted against him wherein his name has been kept in column No. 3 (where the names of culprits are placed) of the Challan form. He has earned a bad name for the department by his cruel-act. Hence, there is no leniency for him in the department.

RECOMMENDATIONS:

Keeping the above facts and figures in view, LHC Inam Ullah No. 168 is recommended to be dismissed from police services immediately, if agreed.

Submitted please.

*Attested
A.I.*

[Signature]
Additional Superintendent of Police,
Bannu

*Dismissed
from Service*

[Circular Stamp]

ORDER:

This order will dispose of departmental appeal, preferred by Ex-LHC Inamullah No.168 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 vide OB No.888 dated 19.08.2022 for committing the following misconduct:-

- That reportedly the appellant was found charged/involved in criminal case vide FIR No.289, dated 07.06.2022 u/s 302/34 PPC PS Kakki District Bannu..

Comments; service record and departmental inquiry file were received from DPO Bannu vide his office letter No.4847/SRC dated 15/11/2022. As per enquiry file, the appellant was charge sheeted based upon statement of allegations and Addl: SP Bannu was appointed as Enquiry Officer. The E.O conducted inquiry into the allegations and submitted his findings, wherein, the E.O concluded that the allegations leveled against the appellant have been proved. Therefore, the appellant was recommended for major punishment of dismissal from service. The competent authority (DPO Bannu) with the recommendation of E.O awarded the appellant major punishment of "dismissal from service"vide OB No.888 dated 19.08.2022.

The enquiry file was perused and the appellant was heard in person in orderly room held in RPO Office Bannu on 09.02.2023. His plea was not found convincing.

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 OB No. 888 dated 19.08.2022.

ORDER ANNOUNCED

OB No. 26
Dated: 15/02/2023.

No. 474 /EC, dated Bannu the 15/02/2023
Cc:

DPO-Bannu for necessary action w/r to his office letter No. cited above. Complete Service Roll of Ex-LHC Inamullah No.168 and enquiry file are sent herewith for record in your office which may be acknowledged, please:

Regional Police Officer,
Bannu Region,
Bannu

Regional Police Officer,
Bannu Region,
Bannu

SRC
For n/action

Ashfaq
AP

1483
16-2-023

District Police Officer
BANNU