

Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	4.05.2015	<p style="text-align: center;">KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, <u>PESHAWAR.</u></p> <p style="text-align: center;">Service Appeal No. 498/2014, Jamshed Ali Shah Versus Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar etc.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>ABDUL LATIF, MEMBER.-</u> Counsel for the appellant (Mr. Sajid Amin, Advocate) and Mr. Ziaullah, Government Pleader with Mir Faraz Khan, Inspector (Legal) for the respondents present.</p> <p>2. This appeal has been preferred by appellant Mr. Jamshed Ali Shah, H.C No. 782 District Police, Bannu under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 10.1.2014 whereby the appellant had been awarded major penalty of compulsory retirement from service and against which his departmental appeal dated 15.1.2014 had been rejected vide order dated 10.3.2014.</p> <p>3. Through this single judgment five (5) other identical appeals submitted under Appeals No. 499/2014 Hamdullah Jan, No. 500/2014 Mehboob Khan, No. 501/2014 Abdul Saboor, No. 502/2014 Sifat Ullah, 503/2014 Siraj Khan are also decided in the same terms as the appellants were proceeded and penalized for almost the same nature of charges.</p>

4. The appellant was appointed as Constable in Police Department in the year, 1993 and was promoted to the rank of Head Constable in the year, 2005. While serving in the said capacity he amongst others was suspended from service vide order dated 7.11.2013 allegedly on account of having tainted reputation and involvement in anti-social activities. Two enquiries were conducted against him one by Mr. Liaqat Shah, DSP Naurang and the other by two Members Committee i.e. DPO Kohat and D.I.G D.I.Khan. Both the enquiries recommended him for major punishment and accordingly he was compulsorily retired from service by competent authority vide order dated 10.1.2014. He submitted departmental appeal against the said order to the appellate authority (Regional Police Officer) who did not accede to his request and filed the appeal.

Q.F.L.

5. The learned counsel for the appellant argued that the appellant was not associated with the proceedings in both the enquiries which were conducted at the same time. He submitted that due to the partisan behaviour of the enquiry officer the appellant also submitted application on 10.12.2013 for marking the enquiry to other officer which was not allowed. He stated that the appellant was not charge sheeted for the second enquiry wherein he was recommended for major punishment. He further argued that no specific charge was framed against him and no evidence was produced

against the appellant, no witnesses were produced nor was he allowed to cross examine any witness against him. Similarly no final show cause notice was issued before imposition of major penalty on him. He further argued that enquiry when proper charge sheet was issued/replied to was submitted on 11.1.2014 whereas penalty was awarded to him on 10.1.2014, thus the whole proceedings as well as order of penalty seemed to be pre-determined which is not maintainable under the law. He also argued that enquiry based its findings on secret probe which is not authentic and dependable in the eyes of law. He relied on 2010-PLC(C.S)724 and PLD 1989-Supreme Court-335.

Q.F.1.

6. The learned Government Pleader argued that all codal formalities were fulfilled before passing of the final order by the competent authority. He stated that charge sheet and statement of allegations were served upon the appellant and enquiry was conducted where proper opportunity of defence was given to the appellant. Moreover, the appellant was also heard in person before award of the penalty. As far the question of final show cause notice was concerned, he clarified that there was no provision of such notice in the Police Rules, 1975.

7. Arguments of the learned counsel for the parties heard and record perused with their assistance.

8. From record it transpired that charges leveled against the appellant were not specific and solid evidence could not be collected to substantiate the charges. The enquiry was rendered ineffective as penalty was imposed a day before its submission. Moreover, the enquiry placed reliance on a secret probe instead of collection of evidence which is bad in the eyes of law. Also the conduct of second enquiry simultaneously rendered the proceedings defective.

9. The impugned order is therefore, set aside. In order to meet the ends of justice and provide opportunity of fair trial, the case is remanded back to the respondent department for denovo enquiry strictly in accordance with law/rules. The appellant is reinstated in service for the purpose of the denovo enquiry proceedings. Back benefits will be subject to outcome of the fresh enquiry which should be completed within thirty days of the receipt of this judgment. Parties are left to bear their own costs. File be consigned to the record room.

10. connected five service appeals, mentioned in para-3 of the judgment, are also disposed of in the above terms.

ANNOUNCED
04.05.2015.



(PIR BAKHSH SHAH)
MEMBER




(ABDUL LATIF)
MEMBER

498/14

30.1.2015

Counsel for the appellant and Mr. Muhammad Jan, GP with Mir Faraz Khan, Inspector (Legal) for the respondents present. Rejoinder received, copy whereof is handed over to the learned GP. To come up for arguments on 16.3.2015.


MEMBER

16.3.2015

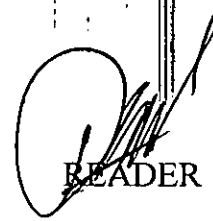
Appellant with counsel (Mr. Sajid Amin, Advocate) and Mr. Ziaullah, GP with Mir Faraz, Inspector (Legal) for the respondents present. Arguments heard. To come up for order on 04.5.2015.


MEMBER


MEMBER

19.08.2014

Counsel for the appellant and Mr. Muhammad Jan, GP for the respondents present. The learned Member is on official tour to Abbottabad. To come up for the same on 09.09.2014.


READER

09.09.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Mir Faraz, Inspector (Legal) for the respondents present. Written reply received and copy handed over to counsel for the appellant. To come up for rejoinder on 24.10.2014.


MEMBER

24.10.2014

Junior to counsel for the appellant, and Mr. Muhammad Adeel Butt, AAG for the respondents present. The learned Member is on leave, therefore, case to come up for proceedings as before on 19.11.2014.


READER

19.11.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Mir Faraz, Inspector for the respondents present. The Tribunal is incomplete. To come up for the same on 29.12.2014.


READER

30.12.2014

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP with Mir Faraz, Inspector (Legal) for the respondents present. The Tribunal is incomplete. To come up for the same on 30.1.2015.


READER

Appeal No. 492/2014
Mr. Jamshed Ali Shah

23.05.2014

Appellant with counsel present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the original order dated 10.01.2014, he filed departmental appeal on 15.01.2014, which has been rejected on 10.03.2014, hence the present appeal on 08.04.2014. He further contended that the impugned order dated 10.03.2014, has been issued in violation of Rule-5 of the Civil Servant (Appeal) Rules 1986. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. Counsel for the appellant also filed an application for suspension of operation of orders dated 10.01.2014 and 10.03.2014. Notice of application should also be issued to the respondents for reply/arguments. To come up for written reply/comments on main appeal on 20.08.2014 as well as reply/arguments on application on 12.06.2014.

Appellant deposited
Process fee & Security
Rs. 1080/- Bank Receipt
attached with file
(in A. No. 492/2014)

Member

23.05.2014

This case be put before the Final Bench II for further proceedings.

Chairman

11.6.2014

Siraj Khan, Attorney for the appellant alongwith Counsel for the appellant and AAG with Mir Faraz, Inspector (Legal) for the respondents present. Power of attorney placed on file. Respondents need further time. To come up for written reply on main appeal as well as reply/arguments on application for interim relief on 20.8.2014.



MEMBER

MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 498/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	08/04/2014	<p>The appeal of Mr. Jamshed Ali Shah presented today by Mr. Ijaz Anwar Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	14-4-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>23-5-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No. 498/2014

Jamshed Ali Shah S/O Meer Khuban Shah, Ex-HC NO. 782, District Police, Bannu.

(Appellant)

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa,
Peshawar and others.

(Respondents)

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Through


Appellant

IJAZ ANWAR

Advocate Peshawar

&


SAJID AMIN

Advocate, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No. 498 /2014

526
08/4/2014

Jamshed Ali Shah S/O Meer Khuban Shah, Ex-HC NO. 782,
District Police, Bannu.

(Appellant)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer Bannu Region Bannu.
3. District Police Officer Bannu.

(Respondents)

Appeal under Section 4 of The Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 10.01.2014, whereby the appellant has been awarded the major penalty of Compulsory Retirement from Service, against which his departmental appeal dated 15.01.2014, has also been rejected vide order dated 10.03.2014 communicated to the appellant on 14.03.2014.

Prayer in Appeal: -

On acceptance of this appeal the impugned orders dated 10.01.2014 and 14.03.2014 may please be set-aside and the appellant may be re-instated in service with all back benefits of service.

Respectfully Submitted:

1. That initially the appellant was enlisted as Constable in police department in the year 1993. During the course of service the appellant got promotions to the rank of Head Constable in the year 2005.
2. That ever since the appointment, appellant had performed his duties as assigned to him with zeal and devotion and there was no complaint whatsoever regarding his performance. It is pertinent to

mention here that during the entire service, the performance of the appellant remained commendable, he traced and arrested criminals who were required to the Police in some high profile cases. Beside this, during the roar of militancy, he always remained in the front line against the militants and demonstrated exceptional performance, gallantry and devotion beyond the call of duty. His performance was also appreciated by the High Ups and he was awarded number of Commendation Certificates and Cash awards. *(Copies of the award Certificates are attached as Annexure A)*

3. That while serving in the said capacity the appellant was suspended from service vide order dated 7.11.2013, allegedly on account of having tainted reputation and involvement in anti-social activities. *(Copy of suspension order dated 7.11.2013 is attached as annexure B).*
4. That the appellant was served with Charge Sheet and statement of allegations dated 06.12.2013, containing certain unfounded and baseless allegations. The allegations leveled in the Charge Sheet are reproduced bellow, for ready reference:

“You have been suspended by the regional Police Officer Bannu on the basis of your tainted reputation and your alleged involvement in anti social activities.”

(Copy of the Charge Sheet and Statement of Allegations is attached as Annexure C)
5. That the appellant duly replied the Charge Sheet and refuted the allegations leveled against him as false and baseless vide reply dated 13.12.2013. *(Copy of the Reply is attached as Annexure D)*
6. That a partial inquiry was conducted and the inquiry officer without properly associating the appellant with the inquiry proceedings conducted inquiry and submitted his findings wherein he recommended the appellant for major punishment vide the inquiry report dated 11.01.2014. It is pertinent to mention here that due to the partisan behavior of the inquiry officer, the appellant also submitted an application dated 10.12.2013, for the marking the inquiry to any other officer, however no action was taken on his request. *(Copy of the Inquiry Report and Application dated 10.12.2013, are attached as Annexure E & F).*
7. That while the said inquiry was pending, another inquiry was also conducted on the same charges for which the appellant was never charge sheeted nor associated with the inquiry proceedings. Wherein the appellant was also recommended for major punishment of

Compulsory retirement from Service. (*Copy of the 2nd Inquiry Report is attached as annexure G*).

8. That thereafter without issuing upon him any Final Show Cause Notice, the appellant was awarded the major punishment of "Compulsory Retirement from Service" vide order dated 10.01.2014 to the appellant. (*Copy of the Order dated 10.01.2014 is attached as Annexure H*)
9. That the appellant submitted his departmental appeal on 15.01.2014, however it has also been rejected vide order dated 10.03.2014. Copy of the rejection order was however communicated to the appellant on 14.03.2014. (*Copy of the departmental appeal is attached as Annexure I*)
10. That the impugned Orders are illegal unlawful against law and facts hence liable to be set aside inter alia on the following grounds :

GROUND OF APPEAL .

- A. That the appellant has not been treated in accordance with law hence his rights secured and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed before awarding the major penalty of *Compulsory Retirement from Service*, to the appellant. No proper inquiry has been conducted, the appellant has not been associated with the inquiry proceedings, statements of witnesses if any were never taken in his presence nor he has been allowed opportunity of cross examination, moreover he has not been served with any show cause notice, thus the whole proceedings are defective in the eyes of law.
- C. That the allegations leveled against the appellant are general in nature and no specific instance has been shown where he has been found involved in the charges leveled against him, thus the Charge Sheet in itself is ambiguous and not warranted under the law.
- D. That the appellant has not been allowed opportunity of personal hearing, thus he has been condemned unheard.
- E. That in the Charge Sheet/ Statement of allegations it was alleged that the appellant is having *tainted reputation and allegedly involved in anti social activities*, however not a single instance

has been mentioned wherein he has been found involved in such like such like activities, thus he has not been allowed fair opportunity to defend himself against the charges.

- F. That the charges leveled against the appellant were never proved in the enquiry, the enquiry officer gave his findings on surmises and conjectures, moreover the inquiry officer had stated in the inquiry report that he secretly collected information from the local people about the character, however neither the names of those person (if any) were brought on record nor the appellant has been allowed to cross examine those person on whom statements the inquiry officer relied and recommended him for major punishment. Thus the inquiry report is defective in nature.
- G. That two separate inquiries are conducted regarding the same charges, the appellant was never associated properly with the inquiry proceedings, moreover the findings of the inquiry wherein appellant submitted his reply to charge sheet, were issued / submitted on 11.01.2014, while the appellant was awarded the penalty on 10.01.2014, a day before the submission by the enquiry officer, thus the whole proceedings as well as order of penalty seems to be predetermined.
- H. That the appellant has never been served with Show Cause Notice, nor has he been provided the copy of the inquiry report, before the imposition of penalty upon him, which is mandatory in case of awarding major penalty.
- I. That the appellant has never indulged in any such activities beneficial to his person except the performance of good duty. The allegations leveled against the appellant are quite baseless, based on hearsay evidence which has got no footings in the service laws. The Superior Courts have always held that no one should be condemned without solid reasons.
- J. That appellant has never committed any act or omission which could be termed as misconduct, albeit been awarded the penalty of "*Compulsory Retirement from Service.*"
- K. That the appellant has not been associated with the inquiry proceedings, his statement has not been recorded by the inquiry officer, nor any witness have been examined or if so examined the appellant has not been allowed to cross examine those who may have deposed against me.

- L. That the appellant has at about 21 years bright and spotless service career at his credit, the service record of the appellant bear testimony of his spotless service career, the appellant has never communicated any adverse entries nor has any bad entries in his ACRs, the penalty imposed upon him is too harsh and liable to be set aside.
- M. That the facts and grounds mentioned in the reply to the Charge Sheet dated 13.12.2013, and the departmental appeal of the appellant may also be read as integral part of the instant departmental appeal.
- N. That the appellant is jobless since his illegal compulsory retirement from service.
- O. That the appellant also seeks permission of this Honorable Tribunal to rely on additional grounds at the time of hearing of the instant appeal.

It is, therefore, humbly prayed that on acceptance of this appeal the order dated 10.01.2014, may please be set-aside and the appellant may please be re-instated in service with full back wages and benefits of service.


Appellant

Through



IJAZ ANWAR


Advocate Peshawar

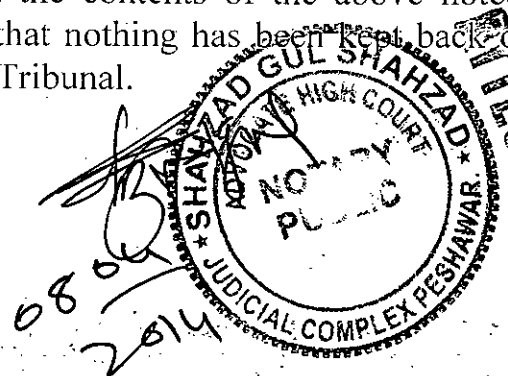

SAJID AMIN

Advocate, Peshawar

AFFIDAVIT

I, **Jamshed Ali Shah S/O Meer Khuban Shah, Ex-HC NO. 782, District Police, Bannu**, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal are true and correct and that nothing has been kept back or concealed from this Honourable Tribunal.


Deponent



6 ANNEX-A

POLICE DEPARTMENT

REGIONAL OFFICE BANNU.

NOTIFICATION.

Dated Bannu the 06 / 08 / 2009.

No. 4480 / AWARD OF CHIEF MINISTER'S POLICE MEDALS: -

Consequent on recommendations of the worthy Provincial Police Officer, N.W.F.P, Peshawar, the Hon:able Chief Minister N.W.F.P on his visit to Bannu district on 05.08.2009 have been pleased to announce accord of sanction for awarding Chief Minister's Police Medals in favour of the following Police Officers/Officials of Bannu district during a proper "Medals Distribution Ceremony" held in the office of Commissioner Bannu Division Bannu in recognition of murdering of notorious, hardened and desperate POs namely Noor Jamal and Shafi-ur-Rehman during Police encounter vide Case FIR No.60 dated 05.03.2009 U/S 302/324/353/148/149PPC/5ESA/13AO/20-Haraba, PS Cantt Bannu who besides working to the local Police of certain Police Stations in 07 heinous criminal cases, were also active members of Amir Taliban Mamand Khel Group: -

- 1) Inspector Ghulam Farid Khan.....SHO Cantt.
- 2) HC Jamshid Ali Shah No.782.....PS Cantt.
- 3) HC Nifatullah No.814.....Gun Man D.P.O.
- 4) Constable Shabirullah No.1282.....PS Cantt.
- 5) Constable Javed Iqbal No.1023.....PS Cantt.
- 6) Constable Sher Ayaz-ud-Din.....D.P.O Squad.
- 7) Constable Wahibullah Khan No.446.....D.P.O Squad.

(M.MASOOD KHAN AFRIDI)
P.S.P
Regional Police Officer,
Bannu Region, Bannu.

No. 4481-86 IGC,

Copy of above is submitted for favour of kind information to:-

- 1) The Provincial Police Officer, N.W.F.P, Peshawar.
- 2) The Secretary to Chief Minister N.W.F.P.
- 3) The Secretary Govt. of N.W.F.P Home & Tribal Affairs Department, Peshawar.
- 4) The Director of Information N.W.F.P Peshawar for f/o information and publication at-least in two (02) National Daily Newspapers at earliest please.
- 5) The District Police Officer, Bannu for information and making necessary entries in service record of the Officials concerned.
- 6) The District Accounts Officer, Bannu for information and further appropriate action at his end. Necessary entry to this effect may also please be made in service record of the Inspector named above.

(M.MASOOD KHAN AFRIDI)
P.S.P
Regional Police Officer,
Bannu Region, Bannu.

(7)

Consequent on recommendation of the Provincial police officer Peshawar, the Hon. Chief Minister N.W.F.P. on his visit to BxU on 05-08-2009 have been pleased to announce accord of sanction for awarding the Minister's police Medals in favour of the following Police officer/officials of BxU distt during proper Medals Distribution Ceremony held in the office of Commissioner BxU Division BxU in recognition of murdering of notorious hardened and desperate pos namely Noor Jam and Shafi-ur-Rehman during police encounter wide case FIR No 60 dt 5-03-2009 U/S 30324/353/148/149 PPC/5 ESA/13A0/20 Haraba PS cantt BxU, who besides wanting to the local police of certain police stations in of heinous criminal cases, were also active members of Amir Taliban Mamand Khel Group wide RPo Notification No 448-96/CRC dt 6-8-09.

Attest
40

- In
/ D AO / BxU

No. 50/12/96-CDS (P)/521
Government of Pakistan
Civil Defence Training School
Peshawar

250

8

POLICE TRAINING COLLEGE HANGU



Estb 1935

History Sheet

School Course : Lower Belt No. : 782
Starting Date : 20.09.1999 Ending Date : 20.04.2000
Rank : Constable Name : JAMSHED ALI SHAH
District : BU N.I.C.No. : 155-91-060733
D.O.Birth : Qualification : Matric
Course Merit Position Achieved 100 out of 297

LAW		DRILL		BOARD
PPC	50 /100	SD	27 /40	20/100
CRPC	95 /100	RF	65 /100	
MJ	52 /60	SF	20 /30	
LSL	65 /100	MD	10 /15	
PR	90 /100	TFC	19 /30	
IST	81 /100	PT	12 /20	
QS	44 /50	UC	6 /10	
PPW	59 /100	GD	13 /20	
FP	29 /40	AC	9 /15	
		RE	13 /20	

Total:- 565 /750 194 /300

Percentage in Law is : 75.33333333 Percentage in Drill is : 64.66666667
Overall Percentage is : 67.73913043

Declared as PASSED

Leave Obtained: 3 days Medical Rest : Nil days Absentee : Nil days
Reward : Nil.
Punishment : 3 days extra drill.

Attest
D

[Signature]
Commandant
Police Training College Hangu.

Police Training College Hangu



Estb 1935

History Sheet/Detail Marks Certificate

College Course : Intermediate
 Starting Date : 01-08.2007
 Rank : HC
 Education : Matric
 Course Merit Position: 85 /125

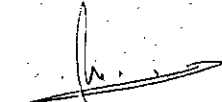
Name : Jamshid Ali
 Ending Date : 30-11-2007
 Computer # : A3542
 District : Bannu



LAW			DRILL			REMARKS
PPC	50	/100	SD	17	/30	
CrPC	57	/100	MD	11.66	/20	
PR	119	/200	PT	10.00	/20	
MJ	61	/100	GD	11.66	/20	
IST	65	/100	UC	6.00	/10	
PD	32.00	/50	RF	40.00	/80	
FP	64	/100	SF	21.33	/40	
LSL	52	/100	TFC	17.00	/30	
SA	57	/100	SIT	6.00	/10	
GK/QS	63	/100				
PPW-P	62	/100				
PPW-T	57.00	/100				

Total:- 739.00/1510 140.65/260
 Overall Percentage is :58.25

Declared as PASSED

Leave Obtained:3 Medical Rest:Nil. Absence: Nil Punishment : Nil


 Commandant
 Police Training College Hangu.

ORDER

(10) ANNEX-B

The following Police Officers/officials are suspended with immediate effect for their failure to fulfill legal obligations coupled with the fact that majority of them have got tainted reputation and allegedly involved in anti-social activities:-

1. Inspector Gul Nawaz SHO PS Haved, District Bannu.
2. ASI Rasool Khan No. 460 PS Jani Khel, District Bannu.
3. ASI Hamdullah Jan No. 407 ASI PS Mandan, District Bannu.
4. ASI Gul Ayub No. 1249 PP Baran Bridge, District Bannu.
5. HC Jamshid No. 782 PS Cantt., District Bannu.
6. HC Pir Hamid Ullah Shah No. 892 I/C Guard KGN Hospital, District Bannu.
7. HC Noor Subhani Shah No. 214 TO Traffic (Now Police Lines), Bannu.
8. HC Shafiq Ullah No. 376 PS Ghoriwala, District Bannu.
9. LHC Mushtaq No. 649 PS Jani Khel, District Bannu.
10. Constable Tariq Ijaz No. 1335 PS Kakki, District Bannu.
11. Constable Jamshid No. 1896 PS Jani Khel, District Bannu.
12. Constable Arif Ullah No. 955 Police Lines, District Bannu.
13. Constable Aman Ullah No. 1977 QRF, Police Lines, District Bannu.
14. Constable Shahid Aslam No. 2067 (Gunner with ASI Saadullah PS City)
15. Constable Saboor No. 293 Police Lines, District Bannu.
16. Constable Shah Qiaz No. 1572 Police Lines, District Bannu.
17. Constable Azmat Ullah No. 1667 Police Lines, District Bannu.
18. Constable Hatim Ullah Shah No. 1767 QRF, Police Lines, District Bannu.
19. Driver/Constable Attique No. 1609 PS Township, District Bannu.
20. Driver/Constable Tawab No. 1269 PS Mandan, District Bannu.
21. Driver/Constable Khushdil No. 261 PS Haved, District Bannu.

(SAJID ALI KHAN) PSP
Regional Police Officer,
Bannu Region, Bannu

No. 2606-09/EC, dated Bannu the

07/11/2013

Copies to:-

1. The Provincial Police Officer, Khyber Pakhtunkhwa for favour of information please.
2. The Additional Inspector General of Police, Operation Khyber Pakhtunkhwa, Peshawar for favour of information please.
3. The Additional Inspector General of Police, Investigation, Khyber Pakhtunkhwa, Peshawar for favour of information please.
4. The District Police Officer, Bannu for necessary action with the direction to initiate proper departmental proceedings against the above mentioned Police Officers (except S/No.1), under Police Rules 1975 and submit the result of action taken within 25 days.

(SAJID ALI KHAN) PSP
Regional Police Officer,
Bannu Region, Bannu

Attest
[Signature]

10

(11)

ANNEX-C

CHARGE SHEET

1. MUHAMMAD IQBAL District Police Office, Bannu, as competent authority, hereby charge you HC Jamshid No.782 of PS Cantt, as you have been suspended by the Regional Police Officer, Bannu on the basis of your tainted reputation and your alleged involvement in anti-social activities. Your activities are against the norms of a disciplined service, morality and impartialness which are badly required for the police force.

2. By reason of the above you appear to be guilty of misconduct under the police Rules (Amended vide NWFP gazette, 27 January 1976) and have rendered yourself liable to all or any of the penalties specified in the said rules.

3. You are therefore, directed to submit your defense within 07 days of the receipt of this Charge Sheet to the enquiry officer.

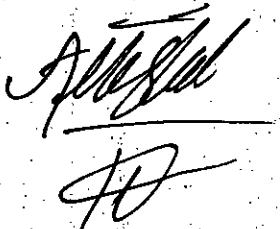
4. Your written defense, if any, should reach the Enquiry Officer within the specified period, failing which, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

5. You are directed to intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.



(MUHAMMAD IQBAL)
District Police Officer,
Bannu.



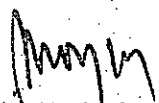
(12)

STATEMENT OF ALLEGATIONS:

I, Muhammad Iqbal, District Police Officer, Bannu as competent authority, am of the opinion that HC Jamshid No.782 of PS Cantt of Bannu Police has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Police Rules (amended vide NWFP gazette 27th January 1976).

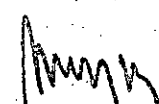
STATEMENT OF ALLEGATIONS:

1. He has been suspended by the Regional Police Officer, Bannu on the basis of his tainted reputation and his alleged involvement in anti-social activities. His activities are against the norms of a disciplined service, morality and impartialness which are badly required for the police force.
2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations Mr. Liaqat Shah, DSP Naurang, District Lakki Marwat, is appointed as Enquiry Officer.
3. The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within (25 days) after the receipt of this order.
4. The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.


(MUHAMMAD IQBAL)
District Police Officer,
Bannu.

No: 668-7dSRC dt- 06-12-013

Copies to (1) Head Constable Jamshid No.782 of PS Cantt
(2) DSP Naurang, District Lakki Marwat (3) SRC Bannu.


(MUHAMMAD IQBAL)
District Police Officer,
Bannu.


TO

13

ANNEX-D

To,

The District Police Officer,
Bannu.

Subject: REPLY TO THE CHARGE SHEET BASED UPON
STATEMENT OF ALLEGATION.

Respected Sir,

With reference to your good self-number 668-70/SRC dated 06/12/13, the petitioner prayed as under:-

1. The petitioner recruited in police deptt: as constable in the year 29-03 1993 and after undergoing basic training in the training institution, reported back in the District for performance of duty. The petitioner was then deputed for the training of different courses which was successfully completed and thereafter the petitioner has been assigned the duties in various police stations which was discharge efficiently.
2. That the petitioner was posted on various establishment in police deptt: and performed the duty with great zeal and zest and this is why that the officers under whom command, I have performed the duty has made no complaint what so ever against the petitioner and was happy from the performance of duty.
3. That throughout my service since 1993, the petitioner has not done any such thing/action which is against the spirit of police rules as well as disciplinary force. The service record of the petitioner is so much clean that during the entire period of service, no complaint has been received from the public to the officers and this is why that no departmental action has been initiated against the petitioner from any corner on the basis of Anti-Social activities. During the course of extra ordinary performance of duty the petitioner has obtained so many

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commendation certificate with cash award out of which the extra ordinary performance has been recognized in the following cases.

1. Case FIR No. 177 dated 30/12/2006 u/s 17(3)/365-A/324/148/149 PPC PS Miryan.
 2. Case FIR No. 980 dated 5/2/07 U/S 17(3) /458/506/342 PPC PS City.
 3. Case FIR No. 197 dated 28/5/07 U/S 302/353/34 PPC PS Cantt.
 4. FIR No. 60 dated 5/3/09 U/S 20 Haraba /324/353/148/149 PPC r/w 13AO/5ESA PS Cantt.
 5. FIR No. 495 dated 10/12/09 U/S 324/353/PPC r/w 7ATA/13AO/34 /5ESA PS cant Bannu.
4. That after qualifying different course satisfactory in different institution. The petitioner was assigned the duty against the terrorist/militants and other anti-social elements which has been performed devotedly and honestly. During the course of performance of duty the petitioner has not shown any cowardice whatever situation came forwarded as evident from service record of the petitioner.
5. That the petitioner has performed front line duty in the raid proceeding of police as well as whenever the services of the petitioner was required in any field for police deptt. The petitioner has also performed the duty on so many sensitive places and the services of the petitioner in the performance of duty in such sensitive places has been recognized by the officers with good name in-spite of the fact that many time threat has been received to the petitioner from the terrorist+.
6. The allegation leveled in the subject Charge Sheet is not based upon facts because the petitioner has not been counseled by the authority in light of the contents of the above allegations. According to service laws whenever no proof is available against any officer/official on the subject of corruption or any other anti-social activities then the official/officer is directed by the authority for reformation or removing the short coming or the same is communicated to the officer/official in shape of adverse remarks in the ACR but in my case no such adverse

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remarks has been communicated to me in shape of ACR or advice, which suggest that the allegations mention in the above letter is not substantiated by cogent evidence.

7. Sir, the petitioner has never been indulged in any such activities beneficial to the person of petitioner except the performance of good duty vide which I am receiving monthly salary from police Deptt. The allegations in the above charge sheet is quite based upon hearsay evidence which has got no footing in the service laws, furthermore I do not know that under what source, the same has been communicated to your good self by worthy RPO Bannu because till date I have not even warned by the authority on any score of mis-conduct.
8. According to the dicta of Supreme court of Pakistan as well as service tribunal and the constitution of Islamic republic of Pakistan 1973 no official/officer should be condemned without solid reasons / proof of any allegation and in the case of any allegation against the spirit of police rules/service laws, the official/officer will be suspended when there is some clue leading towards the allegations but in the case of petitioner no complaint what so ever has been made against the petitioner nor any kind of tinted allegation has been refereed in the charge sheet. The general allegations without proof are nothing but amounts the harassment of the official.
9. The petitioner is the only bread earner of the family and such like defamation will certainly discourage myself as well as other police officials in performance of duty specially in the situation facing by the police in now a days. The petitioner's performance has been praised by the authorities on each and every occasion as evident from the service record but I don't know that why I have been blamed for such allegations.
10. That the allegations in the charge sheet are in-morality and impartialness not governed by any cogent/solid proof and no

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official/officer can be entangle with such like allegations without substantive proof. Furthermore, throughout my service I have performed my duty so devotedly and bravery that no chance has been given to any authority for fingering upon my duty. Detail facts and figures on the subject has also been submitted to the worthy PPO Peshawar in the shape of representation. Copy of which is annexed as grounds to the charge sheet.

In light of the above facts and circumstances, it is requested that the allegations mentioned in the charge sheet is Ariel in nature and the charge sheet may kindly be filled without further action.

Yours Obediently


HC Jamshid

No. 782

Police Line Bannu.

13-12-2013

Attested



S. M. Usd
Sd/o M. A. Raza
13/12/2013



از دفتر DSP سرمل ٹورنگ

نمبر 11 تاریخ 11-01-2014

فائل رپورٹ اینٹوائٹری آفیسر

جناب عالی! موصوف خدمت میں کہ چارج شیٹ ہمیں آف

ایگٹین نمبر 668-76/SRE فورم 6¹²/₂₀₁₃ حیدرآباد DPo صاحب بنوں HC

جسٹس 782 پولیس لائن بنوں کے خلاف الزام عائد کیا ہے

کہ وہ سماج دشمن عناصر کیسے تو حقیقہ طور پر ملے ہوئے ہے

جو حکم پولیس کیلئے بدنامی کا باعث ہے۔ چارج شیٹ

ہمیں آف ایگٹین جاری کردہ میں فن DSP ٹورنگ

کو اینٹوائٹری آفسر مقرر کرنے کے احکامات جاری کر کے

اینٹوائٹری بساطت آفسران صلو بنوں بذریعہ ڈپٹی و سول پولیس

الزام علیہ آفسر نے پورے میعاد میں چارج شیٹ ہمیں

آف ایگٹین و سول کردہ پر اپنا فری جواب دیا

اور آجے خلاف لکھے لئے الزامات کو رد کرنے

سویئے خود کو بے گناہ، بے قصور بتلایا

دوران اینٹوائٹری ذیل گواہان بشمول الزام علیہ آفسر طلب

کئے جا کر حاضر آئے جسے بیانات بہ موجودگی الزام علیہ

آفسر قلمبند کر کے الزام علیہ کو گواہان پر حصر

کرنے اور اپنا دفاع کرنے کا پورا پورا موقع دیا گیا،

OASI گل محمد خان مقننہ ضلعو بنوں

SRC عطاء اللہ ضلعو بنوں

جسٹس 782 مقننہ پولیس لائن بنوں
HC

مطابق ریکارڈ OASI، SRC مذکورہ HC جسٹس 782 فورم 29⁰³/₁₉₉₃

کو محکمہ پولیس ضلع بنوں میں بطور کانسٹیبل تعینات ہوا۔ فورم 31⁰³/₁₉₉₃ کو

ریکارڈ نوٹس مکمل کر کے پولیس لائن ضلع بنوں حاضر آیا۔ فورم 05⁰³/₁₉₉₄

کو P, DAR، PS کینٹ، PS سٹی، NC, HQ، PS بیویہ، MM سکاقل

حور لائن اور فورم 10⁰⁴/₂₀₀₅ کو HC عید کے پر ترقیاب ہوا۔ فورم 26⁰⁵/₂₀₀₆

کو HC، PS سٹی، HC میریان، HG کینٹ، HC لکی، اور

فورم 05⁰⁷/₂₀₀₈ کو شولڈر ہدفیشن پر ASI کے عہدے پر ترقیاب ہوا

فورم 16¹²/₂₀₀₈ کو شکایتاً لائن تبدیل ہوا۔ فورم 16¹²/₂₀₀₈

کو 11⁰⁶/₂₀₀₈ کو G.D تھانہ کینٹ میں ڈپٹی سرخام دیا رہا۔

SRC ریکارڈ کے مطابق مذکورہ HC جسٹس 782 کے نو Good-9

اور ایک BED انٹری موجود ہے جو غلطی پر دی ہے

عالمیہ۔ الزام علیہ جسٹس 782 کے متعلق صفحہ ایف سی سے

معلومات نسیبی تو پایا گیا کہ مذکورہ سفارشی سفاروں پر

انہی تصدیقی میں سماج دشمن عناصر کے روابط دکھ کر

معاونتی اور آڑ میں انہی واپس کو دانداز کر دیا ہے

Attest

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حد صرف لکھنے والے الزامات کی لعدنی رہا ہے تو ہی ہے
 ہی ہے انکو پڑی سے مذکورہ جید علیہ $\frac{782}{40}$ گناہ کا
 قصور وار ٹھہرانا جانا ہے۔ (MAJAR) سندھ و

کی سفارش کی جاتی ہے

ED: 11-1-2014
 50% / Now Rang

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بخدمت جنات ڈسٹرکٹ پولیس آفیسر بنوں

(12)

عنوان: درخواست دربارہ تبدیل کرنے انکوائری آفیسر

جناب عالی!

گزارش کی جاتی ہے۔ کہ سائل بحوالہ لیٹر انگریزی نمبر EC/58-2654 مورخہ 8.11.2013 اور

نمبر EC/9-2606 مورخہ 7.11.2013 RPO صاحب بنوں نے معطل لائن کیا گیا ہے۔ جو کہ من سائل کی

انکوائری آفیسر DSP صاحب نورنگ ضلع لکی مروت مقرر کیا گیا ہے۔ جو کہ جناب DSP صاحب نورنگ ہماری ڈیوٹی اور

ہمارے اخلاق سے پوری طرح باخبر نہ ہے۔ جس سے انصاف کی توقع نہیں ہے۔

لہذا استدعا ہے کہ DSP صاحب نورنگ سے انکوائری تبدیل کر کے ضلع بنوں کے کسی بھی انکوائری افسر مقرر کرنے کا حکم

صادر فرمائیں۔

عین نوازش ہوگی

مورخہ
10/12/13

ارض

عین نوازش ہوگی
10/12/13
10-12-13

ہیڈ کانسٹیبل جمشید علی شاہ نمبر 782 متعینہ پولیس لائن بنوں

Forwarded
DSPA
10/12/13

Attest
to

ANNEX F

(21)

To,

The District Police Officer,
Bannu.

Subject: REQUEST FOR STOPPAGE OF INQUIRY ENTRUSTED TO DSP NAURANG

Sir,

With reference to PPO Peshawar letter No. 3313-33151/PPO dated 4.12.2013, committee under the chairman ship of DIG D.I.Khan rang D.I.Khan has been constituted for thrashing out the allegations leveled in the charge sheet issued by your good self. According to the constitution of Islamic republic of Pakistan 1973 as well as law of the land and service rules, no officer/officials can be prosecuted twice one and the same cause of action.

Therefore, it is requested the inquiry proceedings entrusted to DSP Naurang may kindly be dropped.

Your's Obediently

Jamshid Khan 782/IHC

10/12/13

Handwritten notes:
20/12/13
10-12-13
Sir,

Handwritten note: Forwarded.

Handwritten signature and date:
[Signature]
DSP/HQ
10/12/13

FINDING REPORT / RECOMMENDATION

②② ANNEX C

S#	Name & Rank	Good Entries	Bad Entries	Intelligence Report	Remarks
1.	Inspector Shabir	03-Good Entries C-II dt: 21.06.05 C-I dt: 09.07.10 C-III	10-Bad Entries including • Compulsory retirement vide OB # 205 dt: 28.04.08 on the allegations of found in league with grain smugglers. • Compulsory retirement vide No.3261-62/EC, dated 26.12.2012.	• No ill reputation	<ul style="list-style-type: none"> Though the intelligence report does not point out any corruption yet his service record speaks adverse. The record bears 10-bad entries including two time compulsory retirement on serious allegations. Similarly, as per secret probe and information he is involved in receiving due share from the smugglers of non custom paid vehicles and other smuggled items as well as morally no good reputation. Therefore keeping in view his long service & family kids he is recommended for compulsory retirement.
2.	Inspector Gul Nawaz	06-Good Entries	09-Bad Entries including Dismissal from service vide OB # 531 dt: 13.12.06.	• Reputed as Highly Corrupt	<ul style="list-style-type: none"> The perusal of the record as well as intelligence reports shows him to be ill reputed for corruption. The secret probe also affirm the allegations. He was personally heard in the orderly room & his statement recorded but could not negate the allegations. Therefore keeping in view his long service & family kids he is recommended for compulsory retirement.
3.	Inspector Inayat Ali Amjid	14-Good Entries	06-Bad Entries	• Reputed as fair officer	<ul style="list-style-type: none"> The perusal of the record shows 14-good entries of normal nature & no extra ordinary performance. Similarly, the intelligence reports also report him fair officer. The record as well as secret probe reports him to be an average officer. No report of corruption during his previous service. However, during recent posting as SDPO Cantt: Bannu, his reputation is not so much good and receiving his share of non custom paid vehicles and other items through Inspector Shabir (already under enquiry). He was personally heard in the orderly room and his statement also recorded. During personal hearing it was noticed that he was

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wearing uniform with badges of DSP being an Inspector which is against the discipline and order of Supreme Court as circulated vide IGP Office Memo: No.8794-8808/E-I dated 16.04.2013 & No.13829-74/E-I, dated 13.06.2013. Therefore minor punishment is recommended against him.

4.	Sub Inspector Khanan	08-Good Entries	04-Bad Entries	• Reputed as fair officer	<ul style="list-style-type: none"> • The perusal of record shows him to have performed acts of bravery & courage during his service. • The intelligence reports also indicate him as fair officer he was personally heard in the orderly room & his statement recorded. • There may be some element of corruption but keeping in view his good performance he may be exonerated of the charges.
5.	ASI Saadullah	20-Good Entries including 04-CC-I	05-Bad Entries	• Reputed as Highly Corrupt	<ul style="list-style-type: none"> • Though the intelligence reports indicates him to be highly corrupt but perusal of record shows his extra ordinary performance of bravery & courage particularly in thwarting attack of miscreants on PP Mamaskhel Bannu & other arrest of Miscreants. He was personally heard in the orderly room. • The reputation of corruption is based on hearsay which may be ignored keeping in view his courageous role in the performance of duty at the risk of his life.
6.	MHC Ghaffar Ali 1539	02-Good Entries	"NIL"	• Reputed as Highly Corrupt	<ul style="list-style-type: none"> • The perusal of the record shows no extra ordinary performance on his part during the service. The intelligence reports also indicates him highly corrupt. The secret probe also affirms the allegation. He was personally heard in the orderly room & his statement recorded but he could not give satisfactory account for the same.

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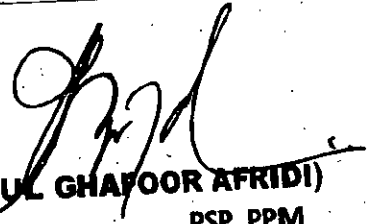
7.	HC Jamshed No. 782	07-Good Entries	03-Bad Entries	<ul style="list-style-type: none">Reputed as Highly Corrupt	<ul style="list-style-type: none">Therefore keeping in view his long service & family kids he is recommended for compulsory retirement.The intelligence reports as well as secret probe indicates him to be highly corrupt. He was personally heard in the orderly room & his statement was also recorded but he could not give satisfactory account for the same.Therefore keeping in view his long service & family kids he is recommended for compulsory retirement.
8.	Constable Farooq No. 1219	02-Good Entries	03-Bad Entries	<ul style="list-style-type: none">Not in position of corruption.	<ul style="list-style-type: none">As per intelligence reports he has served as orderly / Gunman with the officers for most part of his service and not remained posted at significant place. He was personally heard in the orderly room & his statement was also recorded.As he remained posted as orderly for the most part of his service, therefore no direct chance of his corruption. However, it is recommended that for the remaining service he may not be posted as orderly / Gunman with any officer and may be deployed for general duty.

(MOHAMMAD SALEEM MARWAT)
DISTRICT POLICE OFFICER
KOHAT



(ABDUL GHAFOOR AFRIDI)
PSP, PPM

Dy: Inspector General of Police,
Dera Ismail Khan Range



POLICE DEPARTMENT:

DISTRICT BANNU.

Annex: H

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ORDER:

HC Jamshid Ali No.782 of Bannu District Police was placed under suspension vide RPO, Bannu Region, Bannu order Endst No.2606-09/EC dated 07-11-2013 because of his tainted reputation and his alleged involvement in anti-social activities.

Later on, the said Police Officer was charge sheeted and SDPO, Naurang was appointed as Enquiry for initiating proper departmental proceedings under Police Rules 1975.

Meanwhile, recommendations/findings, conducted by the Enquiry Committee, comprising of RPO DI Khan region and DPO, Kohat was received from the PPO KPK Peshawar vide CPO, Peshawar Memo No.221/PA/AIG/E dated 03-01-2013 which status that " The perusal of record as well as intelligence report shows him to be reputed as highly corrupt. The secret probe also affirm the allegations. He was personally heard in the orderly room and his statements recorded but could not negate the allegations. Therefore, keeping in view his long service and family kids, he is recommended for compulsory retirement".

In light of the said recommendation/findings, I, Muhammad Iqbal District Police Officer Bannu in exercise of the powers vested in me, hereby impose upon HC Jamshid Ali No.782 the Major punishment of compulsory retirement from service with immediate effect.

OB No. 58
Dated : 10/01/2014.

(MUHAMMAD IQBAL)
District Police Officer,
Bannu

No. 458-62 /Dated Bannu, the 10/01/2014.

Copy of above is submitted to the:

1. Regional Police Officer, Bannu Region, Bannu w/r to his Endst number quoted above please.
2. Pay Officer.
3. SRC
4. OASI for completion or record.
5. RI/LO Police Line Bannu.

(MUHAMMAD IQBAL)
District Police Officer,
Bannu

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معنی = اصل زلف صلیب اور
✓ سے 10/14 حکم

1 - جو الہ دین میں زلفیں افرو کسے کہہ کر 62-458 سے اس کے خلاف زلف (تاریخ
10-01-2014) کو دیکھیں اور

2 - جو زور سے جان بوجھ کر زلفیں افرو کرنے سے منع کیا گیا ہے اور اس
کو زور سے افرو کرنے کی صورت میں فائدہ مند نہیں ہے

3 - جو زور سے افرو کرنے کی صورت میں فائدہ مند نہیں ہے اور اس
کو زور سے افرو کرنے کی صورت میں فائدہ مند نہیں ہے

4 - جو زور سے افرو کرنے کی صورت میں فائدہ مند نہیں ہے اور اس
کو زور سے افرو کرنے کی صورت میں فائدہ مند نہیں ہے

۱۔ سے طار کا تھا کہ حج کو سہارا دینی ہوگی لہذا اولیاء کے لغز و لہجہ
کلموں کے ساتھ کہاں کہاں نقل کیا اور اس میں بیان میں کلمہ اللہ تعالیٰ کے ساتھ
جو کہ قرآن مجید کے کتبہ کو ثابت کرتا ہے

۲۔ انکو امریکی کلموں کے لغز و لہجہ طرح میں لکھا گیا ہے اور لغز و لہجہ کا اردو
کے ساتھ بیان گواہی اور لغز و لہجہ میں کلموں کو لغز و لہجہ میں
ایک اور ڈیٹا ہے جس میں کلموں کو لکھا گیا ہے اور کلموں کے ساتھ
جو کہ اللہ تعالیٰ کے ساتھ لکھا گیا ہے

۳۔ میں صحت میں فکر و لہجہ میں کلموں کو لکھا گیا ہے اور لغز و لہجہ میں
منازل کے ساتھ لکھا گیا ہے اور کلموں کو لکھا گیا ہے اور کلموں کے ساتھ
فہم کو لکھا گیا ہے اور کلموں کو لکھا گیا ہے اور کلموں کے ساتھ
میں کلموں کے ساتھ لکھا گیا ہے اور کلموں کو لکھا گیا ہے اور کلموں کے ساتھ
کو لغز و لہجہ میں لکھا گیا ہے اور کلموں کو لکھا گیا ہے اور کلموں کے ساتھ
لکھا گیا ہے اور کلموں کو لکھا گیا ہے اور کلموں کے ساتھ

۴۔ میں آدین وقت اور طار کا کار انکو امریکی کلموں کے ساتھ لکھا گیا ہے اور کلموں کے ساتھ
میں لکھا گیا ہے اور کلموں کو لکھا گیا ہے اور کلموں کے ساتھ
میں لکھا گیا ہے اور کلموں کو لکھا گیا ہے اور کلموں کے ساتھ
میں لکھا گیا ہے اور کلموں کو لکھا گیا ہے اور کلموں کے ساتھ
میں لکھا گیا ہے اور کلموں کو لکھا گیا ہے اور کلموں کے ساتھ
میں لکھا گیا ہے اور کلموں کو لکھا گیا ہے اور کلموں کے ساتھ

تین جوڑا حکم سے مندر تھوت کے لئے اور قانونی تصور سے
 یہ کہ ہر ایک کوئی بھی قانونی تصور سے
 ہر ایک کے مطابق کوئی بھی قانونی تصور سے
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۵
۱۰ دروس روزہ فہرست کتب کا مشہور حصہ ہے جو کہ اس

ناکضافی اور مدرسہ میں ہے

12 DP0 ص ۵۸ دروس نمبر 58 صفحہ 14، 10 جو کہ دروس

میں سے نمبر ۱۰۱ اور صفحہ ۱۰۱ اور ۱۰۱

تو یہ اس کے معنی میں اللہ اور روعت سائنس ہے جو کہ

تو اس کے معنی میں ہے ان کے ساتھ ساتھ اس کے معنی میں

اس کے معنی میں ہے اور اس کے معنی میں ہے

جو کہ اس کے معنی میں ہے اور اس کے معنی میں ہے

خانہ اور اس کے معنی میں ہے اور اس کے معنی میں ہے

دوسرے معنی میں ہے اور اس کے معنی میں ہے

۱۰ دروس نمبر 58 صفحہ 14، 10 جو کہ دروس

اس کے معنی میں ہے اور اس کے معنی میں ہے

خانہ اور اس کے معنی میں ہے اور اس کے معنی میں ہے

15/14

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ORDER

My this order will dispose of departmental appeal preferred by Ex: HC Jamshid Ali No. 782 of Operation Staff, Bannu against the order of Major Punishment of Compulsory retirement from service by DPO/Bannu vide OB No. 58 dated 10-01-2014 for committing of the following omissions:-

- That his reputation was reported to be tainted as well as charged for anti social activities.

The said EX: HC was proceeded against departmentally for the above misconduct. Mr. Liaqat Shah, DSP/Naurang, District Lakki Marwat was appointed as Enquiry Officer, who conducted proper departmental enquiry into the allegations and submitted his findings. The delinquent Police HC was reported to be guilty of the charges. Hence, he was awarded major punishment of Compulsory retirement from service by the competent authority under police rule-1975 vide Order Book No and dated quoted above.

The appellant preferred departmental appeal before the undersigned for set asiding the awarded punishment. The undersigned, besides perusing the departmental enquiry file and contents of the appeal, also verified the allegations through various sources which were found accurate. Opportunity of personal hearing was also afforded to the appellant but failed to satisfy the undersigned regarding the allegations leveled against him.

Keeping in view the above, therefore, I SAJID ALI KHAN, Regional Police Officer, Bannu Region, Bannu in exercise of the powers vested in me under Police Rules 1975. hereby file the instant appeal with immediate effect.
Order announced.

(Sajid Ali Khan)PSP
Regional Police Officer,
Bannu Region, Bannu.

No. 629-30 /EC, dated Bannu the 10 / 03 /2014.

Copy to:-

1. The District Police Officer, Bannu along with service record containing departmental proceeding file for information and necessary action w/r to his office memo: No. 1557 dated 04-02-2014.
2. ✓ Ex: HC Jamshid No. 782.

(Sajid Ali Khan)PSP
Regional Police Officer,
Bannu Region, Bannu

POWER OF ATTORNEY

In the Court of KPK Services Tribunal Peshawar
Jamshaid Ali

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

the P.P.O and others

} Defendant
} Respondent
} Accused
}

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/We, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

Sajid Amin Advocate, my true and lawful attorney, for me in my same and on my behalf to appear at Peshawar to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____
Executant/Executants _____
Accepted subject to the terms regarding fee _____

Sajid Amin
SAJID AMIN
ADVOCATE HIGH COURT
Legal Advisor Services & Labour Laws Consultants
FR-3 & 4, Fourth Floor, Bilour Plaza Peshawar Cantt.
Ph: 091-5272054, Mob: 0333-4584986, 03339155956

Ijaz Anwar
Ijaz Anwar
Advocate High Courts & Supreme Court of Pakistan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. _____/2014

Jamshed Ali Shah Applicant

Versus

Provincial Police Officer and others Respondents

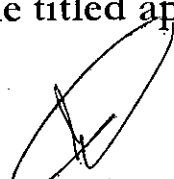
**APPLICATION FOR THE SUSPENSION OF
OPERATION OF ORDERS DATED 10/01/2014
AND 10/03/2014 TILL THE FINAL DISPOSAL
OF THE TITLED APPEAL.**

RESPECTFULLY SHEWETH,

1. That applicant has filed the titled appeal before this Honourable Tribunal in which today i.e. 23/5/2014 is the date fixed for the preliminary hearing.
2. That the facts and grounds mentioned in the titled appeal may be read as integral part of the instant application.
3. That applicant has got very good prima facie case and is sanguine of his success in the same.
4. That balance of convenience lies in favour of the applicant and an irreparable loss would accrue to him if the instant application was not accepted.

5. That any grounds will be raised at the time of arguments with prior permission of this Honourable Tribunal.

It is therefore, most humbly prayed that on acceptance of this application operation of the orders dated 10/01/2014 and 10/03/2014 may please be suspended till the final decision of the titled appeal.


Applicant

Through


IJAZ ANWAR

And


SAJID AMEEN

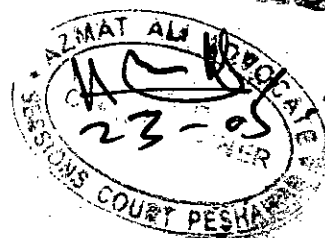
Advocates, Peshawar.

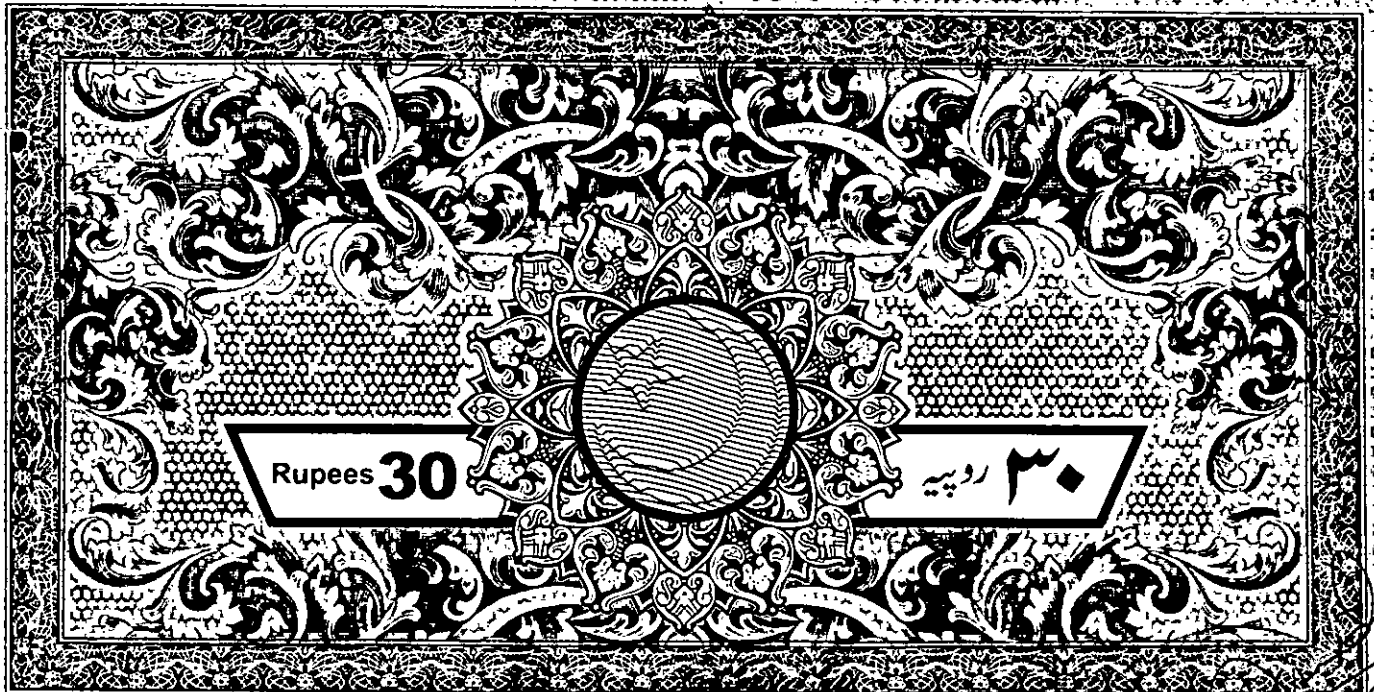
AFFIDAVIT:-

I, do hereby solemnly affirm and declare on oath that all the contents of instant application are true and correct and nothing has been concealed from this Honourable Tribunal.


DEPONENT

ATTESTED





مختیار نامہ خاں بابت بیرونی عداوت



مختیار نامہ خاں بابت بیرونی عداوت

۱) محمد اللہ خان ولد شاہ صاحب خان
 ۲) محمد علی شاہ ولد میر فویان شاہ سندن سادرت حسن
 ۳) محمد علی شاہ ولد میر فویان شاہ سندن سادرت حسن
 ۴) عبد العزیز خان ولد حافظہ خاں سندن سادرت حسن
 ۵) محمد علی شاہ ولد میر فویان شاہ سندن سادرت حسن
 ۶) محمد علی شاہ ولد میر فویان شاہ سندن سادرت حسن
 ۷) محمد علی شاہ ولد میر فویان شاہ سندن سادرت حسن
 ۸) محمد علی شاہ ولد میر فویان شاہ سندن سادرت حسن
 ۹) محمد علی شاہ ولد میر فویان شاہ سندن سادرت حسن
 ۱۰) محمد علی شاہ ولد میر فویان شاہ سندن سادرت حسن

۱۱۱۰۱-۰۲۱۶۶۸۰۹

۱۱۱-۰۱۹۶۸۲۷۳۹-۱

۱۱۱۰۱-۷۷۹۹۳۸۵-۵

۱۱۱۰۱-۱۴۷۹۷۳۲-۷

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۱۱۱۰۱-۵۱۰۰۸۸۵-۳

مختیار نامہ خاں بابت بیرونی عداوت

۱) محمد اللہ خان
 ۲) محمد علی شاہ
 ۳) عبد العزیز خان
 ۴) محمد علی شاہ
 ۵) محمد علی شاہ
 ۶) محمد علی شاہ
 ۷) محمد علی شاہ
 ۸) محمد علی شاہ
 ۹) محمد علی شاہ
 ۱۰) محمد علی شاہ

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA PESHAWAR
Appeal No. 498/2014.

Jamshed Ali Shah S/O Meer Khuban Shah, Ex-HC No.782, District Police Bannu.

(Appellant)

VERSUS

- 1) Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 2) Regional Police Officer Bannu Region, Bannu
- 3) District Police Officer Bannu (Respondents)

PARA WISE COMMENTS ON BEHALF OF THE RESPONDENTS No.1 to 3,

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

- 1) That the appellant has approached the Honorable Tribunal with unclean hands
- 2) That the appellant is estopped to file the appeal due to his own conduct.
- 3) That the appeal is bad due to mis-joinder and non-joinder of necessary parties.
- 4) That the appellant has concealed the actual facts and material facts from the Honorable Tribunal.
- 5) That the appeal of appellant is not maintainable in its present form.

OBJECTIONS ON FACTS

- (1) Correct. Pertains to record.
- (2) Incorrect. The appellant has performed duty as routine and never showed any exception performance. He was found involved in anti social activities which were verified through various sources and inquiries.
- (3) Incorrect. After verification through various sources and inquiry, appellant and other officials were found involved in anti social activities. He was suspended and dealt departmentally under Police Rules 1975.
- (4) Incorrect. Well founded charge-sheet based on statement of allegations was issued to appellant followed by departmental inquiry. Charge sheet, statement of allegation and reports of D.I Khan & DSP Nourang are annexure "A", "B", "C" and "D".
- (5) The reply of appellant was examined in the light of allegations and found baseless and unsatisfactory.
- (6) Incorrect. Impartial two inquiries were conducted. All the opportunities of defense/hearing were provided to the appellant in accordance with law/rules.
- (7) Incorrect. Opportunities of hearing/defense were provided in both the inquiries i.e. preliminary and regular.
- (8) Charge sheet based on statement of allegations was issued to the appellant under Police rules 1975. Final show cause notice is not mandatory under the said rules.
- (9) Departmental appeal of appellant was found baseless and unsatisfactory and rightly rejected.
- (10) Incorrect. The orders of respondents are lawful, based on facts and justified under the law/rules.

OBJECTIONS ON GROUNDS.

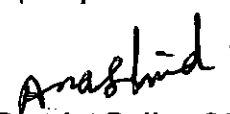
- A. Incorrect. The appellant has been treated under Police Rules 1975 and no rights of appellant has been violated by the respondents.
- B. Incorrect. Proper inquiries under the prevailing Rules were conducted through inquiry officers wherein the charges/allegations leveled were established against the appellant and appropriate punishment was given to him after providing all the opportunities of hearing/defense.
- C. Incorrect. The charges of tainted reputation and involvement in anti social activities were established against the appellant in the both the inquiries. Photo copy already enclosed as annexure "C" & "D".
- D. Incorrect. The appellant was heard in orderly room dated 10.01.2014 but he could not negate the allegation.
- E. Incorrect. The charges have been proved from both the inquiries conducted by RPO D.I.Khan and DSP Naurang respectively.
- F. Incorrect. Preliminary and regular inquiries were conducted in accordance with law and rules and all the opportunities of hearing/defense etc were provided to the appellant.
- G. Incorrect. As explained in preceding para.
- H. Incorrect. Charge sheet based on statement of allegation was given to the appellant under Police Rules 1975 while final show cause notice is not mandatory under the said rules.
- I. Incorrect. Misconduct on the part of appellant has been proved from various inquiries.
- J. Incorrect. As explained in preceding para.
- K. Incorrect. All the codal formalities were observed during the course of inquiries.
- L. Incorrect. Keeping in view the charges established through various inquiries, lenient view was taken and benefit of approved service was given to the appellant.
- M. Reply and departmental appeal of appellant was found unsatisfactory and baseless.
- N. Incorrect. The orders of respondents are lawful and based on facts. Benefits of approved service have been provided to the appellant.
- O. That respondents may seek permission of the Honorable Tribunal to rely on addition grounds at the time of hearing of appeal.

Prayer:

In view of the above facts and stated reasons, the appeal of appellant is devoid of legal force, may kindly be dismissed with costs.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)


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


District Police Officer,
Bannu.
(Respondent No.3)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA PESHAWAR
Appeal No. 498/2014.

Jamshed Ali Shah S/O Meer Khuban Shah, Ex-HC No.782, District Police Bannu.

(Appellant)

VERSUS

1) Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

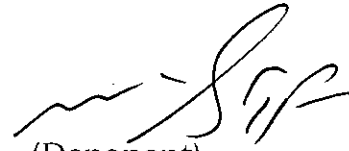
2) Regional Police Officer Bannu Region, Bannu

3) District Police Officer Bannu

(Respondents)


COUNTER AFFIDAVIT

We, do hereby solemnly affirm and declare that the contents of the attached comments are true and correct to the best of our knowledge and belief and nothing has been with held or concealed from this Honorable Tribunal.



(Deponent)

Provincial Police Officer
Khyber Pakhtunkhwa, Peshawar
(Respondent No.I)



(Deponent)

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



(Deponent)

District Police Officer,
Bannu
(Respondent No.III)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA PESHAWAR

Appeal No. 498/2014.

Jamshed Ali Shah S/O Meer Khuban Shah, Ex-HC No.782, District Police Bannu.

(Appellant)

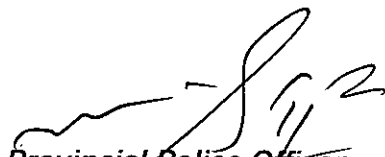
VERSUS

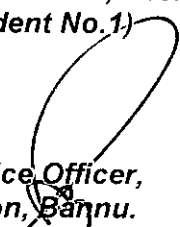
- 1) Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
 - 2) Regional Police Officer Bannu Region, Bannu
 - 3) District Police Officer Bannu
- (Respondents)

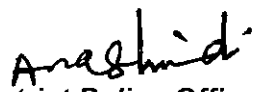
AUTHORITY LETTER.

Mr. Mir Faraz Khan Inspector Legal Bannu is hereby authorized to appear before the Service Tribunal Khyber Pakhtun Khwa Peshawar on behalf of the undersigned in the above cited case.

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


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)


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


District Police Officer,
Bannu.
(Respondent No.3)

to Annexure "A",

CHARGE SHEET

1. MUHAMMAD IQBAL District Police Officer, Bannu, as competent authority, hereby charge you HC Jamshid No.782 of PS Cantt, as you have been suspended by the Regional Police Officer, Bannu on the basis of your tainted reputation and your alleged involvement in anti-social activities. Your activities are against the norms of a disciplined service, morality and impartialness which are badly required for the police force.


2. By reason of the above you appear to be guilty of misconduct under the police Rules (Amended vide NWFP gazette, 27 January 1976) and have rendered yourself liable to all or any of the penalties specified in the said rules.

3. You are therefore, directed to submit your defense within 07 days of the receipt of this Charge Sheet to the enquiry officer.

4. Your written defense, if any, should reach the Enquiry Officer within the specified period, failing which, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

5. You are directed to intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.


(MUHAMMAD IQBAL)
District Police Officer,
Bannu.


Annexure "B"

STATEMENT OF ALLEGATIONS:

I, Muhammad Iqbal, District Police Officer, Bannu as competent authority, am of the opinion that HC Jamshid No.782 of PS Cantt of Bannu Police has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Police Rules (amended vide NWFP gazette 27th January 1976).


STATEMENT OF ALLEGATIONS:

1. He has been suspended by the Regional Police Officer, Bannu on the basis of his tainted reputation and his alleged involvement in anti-social activities. His activities are against the norms of a disciplined service, morality and impartialness which are badly required for the police force.
2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations Mr. Liaqat Shah, DSP Naurang, District Lakki Marwat, is appointed as Enquiry Officer.
3. The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within (25 days) after the receipt of this order.
4. The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.


(MUHAMMAD IQBAL)
District Police Officer,
Bannu.

No. 668-70/SRC dt. 06.12.2013

Copies to (1) Head Constable Jamshid No.782 of PS Cantt
(2) DSP Naurang, District Lakki Marwat (3) SRC Bannu.


(MUHAMMAD IQBAL)
District Police Officer,
Bannu.

از دفتر DSP سرکل نورنگ

نمبر 11 تاریخ 11-01-2014

فائل رپورٹ انٹوائٹری آفیس

جناب عالی! موصوف خدمت میں کہ چارج شیٹ ہماری آف
 اسیٹن نمبر 668-76/س.ر.ع فورم 6¹²/₂₀₁₃ جادیہ DPo صاحب ہوں HC
 جسٹس 782 پولیس لائن ہوں کے خلاف الزام مناد کیا ہے
 کہ وہ سماج دشمن عناصر کیساتھ قبیح طور پر عمل کیا ہے
 جو کہ پولیس کیلئے بدنامی کا باعث ہے۔ چارج شیٹ
 ہماری آف اسیٹن جاری کردہ میں فن DSP نورنگ
 کو انٹوائٹری آفیس قرار کرنے کے احکامات جاری کر کے
 انٹوائٹری ایسٹاٹ آفیسر ان ہونہ ہوں بذریعہ ڈاک وصول ہوئی
 الزام علیہ آفیسر نے مقررہ عیاد میں چارج شیٹ ہماری
 آف اسیٹن وصول کردہ پر آئیا ہماری جواب دیا
 اور آجے خلاف لکھے لئے الزامات کو رد کرتے
 ہوئے خود کو بے گناہ، بے قصور بتلایا

دوران انٹوائٹری ذیل گواہان بشمول الزام علیہ آفیسر طلب
 کیے جا کر حاضر آئے جسے بیانات بہ موجودگی الزام علیہ
 آفیسر قلمبہ کر کے الزام علیہ کو گواہان پر حبراج
 کرنے اور آئیا دفاع کرنے کا پورا پورا موقع دیا گیا،

OASI نقل محمد خان معینہ ضلعہ بنوں
RC عطاء اللہ ضلعہ بنوں
جسٹس 782/HC معینہ پولیس لائن بنوں

مطابق رلیکارڈ OASI، SRC مذکورہ HC جسٹس 782/HC فرم 29/03/1993

نو حکم پولیس ضلع بنوں میں لپٹر کا ٹیبل لگاتی ہوا فرم 3/31/1993 کو

ریکارڈ نوٹس مکمل کر کے پولیس لائن ضلع بنوں حاضر آیا فرم 05/03/1994

کو P, DAR, PS کینیٹ، PS سٹی، NG, HQ، PS بیویہ، mm مکمل

فرم 26/5/2006 اور فرم 10/04/2005 کو HC عیدے پر ترقیاب ہوا فرم 26/5/2006

کو IHC PS سٹی، IHC میریان، IHC کینیٹ، IHC لکی، اور فرم 05/7/2008 کو شہر ڈرہم روشن پر Asi کے عیدے پر ترقیاب ہوا

فرم 16/12 کو شد کھائیٹا لائن تبدیل ہوا فرم IHC غور لولہ فرم

11/6 کو G.D چھان کینیٹ میں ڈروٹی سرخام دیا رہا فرم 13/9

SRC رلیکارڈ کے مطابق مذکورہ HG جسٹس 782 کے نو Good-

آر آر ایک BED انٹری وجود ہے جو غیر ظاہری پردی ہے

حالیہ ۶۔ الزام علیہ جسٹس 782/HC کے متعلق ضلعہ بنوں سے

معلومات نیکی تو پایا گیا کہ مذکورہ سٹارٹس نیپاروں پر

انہی قسمتی میں سماج دشمن عناصر نے سابقہ رول پر ڈکو کر

بدستور آئی اور آئین میں ایسی دامن کو دائرہ کار کیا ہے


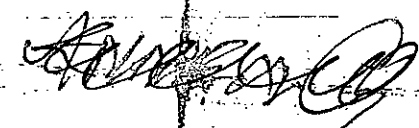
(3)

حد صرف لکھنے کے لئے الزامات کی قدرتی دہائی میں ہوتی ہے
 ان کے انکوائری سے مذکورہ جہت میں $\frac{782}{40}$ گناہ گار
 قلمروار بھرتا جانے سے حکومت (MAJAR) سزا دے

کی سفارش کی جاتی ہے
 S. H. D.
 S. H. D. / M. K. Rang
 11-1-2014

Annexure "D"

FINDING REPORT / RECOMMENDATION


S#	Name & Rank	Good Entries	Bad Entries	Intelligence Report	Remarks
1.	Inspector Shabir	03-Good Entries C-II dt: 21.05.05 C-I dt: 09.07.10 C-III	10-Bad Entries including • Compulsory retirement vide OB # 205 dt: 28.04.08 on the allegations of found in league with grain smugglers. • Compulsory retirement vide No.3261-62/EC, dated 26.12.2012.	• No ill reputation	• Though the intelligence report does not point out any corruption yet his service record speaks adverse. The record bears 10-bad entries including two time compulsory retirement on serious allegations. Similarly, as per secret probe and information he is involved in receiving due share from the smugglers of non custom paid vehicles and other smuggled items as well as morally no good reputation. Therefore keeping in view his long service & family kids he is recommended for compulsory retirement.
2.	Inspector Gul Nawaz	06-Good Entries	09-Bad Entries including Dismissal from service vide OB # 531 dt: 13.12.06.	• Reputed as Highly Corrupt	• The perusal of the record as well as intelligence reports shows him to be ill reputed for corruption. The secret probe also affirm the allegations. He was personally heard in the orderly room & his statement recorded but could not negate the allegations. Therefore keeping in view his long service & family kids he is recommended for compulsory retirement.
3.	Inspector Inayat Ali Amjid	14-Good Entries	06-Bad Entries	• Reputed as fair officer	• The perusal of the record shows 14-good entries of normal nature & no extra ordinary performance. Similarly, the intelligence reports also report him fair officer. The record as well as secret probe reports him to be an average officer. No report of corruption during his previous service. However, during recent posting as SDPO Cantt: Bannu, his reputation is not so much good and receiving his share of non custom paid vehicles and other items through Inspector Shabir (already under enquiry). He was personally heard in the orderly room and his statement also recorded. • During personal hearing it was noticed that he was

					wearing uniform with badges of DSP being an Inspector which is against the discipline and order of Supreme Court as circulated vide IGP Office Memo: No.8794-8808/E-I dated 16.04.2013 & No.13829-74/E-I, dated 13.05.2013. Therefore minor punishment is recommended against him.
4.	Sub Inspector Khanan	08-Good Entries	04-Bad Entries	• Reputed as fair officer	<ul style="list-style-type: none"> • The perusal of record shows him to have performed acts of bravery & courage during his service. • The intelligence reports also indicate him as fair officer he was personally heard in the orderly room & his statement recorded. • There may be some element of corruption but keeping in view his good performance he may be exonerated of the charges.
5.	ASI Saadullah	20-Good Entries including 04-CC-I	05-Bad Entries	• Reputed as Highly Corrupt	<ul style="list-style-type: none"> • Though the intelligence reports indicates him to be highly corrupt but perusal of record shows his extra ordinary performance of bravery & courage particularly in thwarting attack of miscreants on PP Mamaskhel Bannu & other arrest of Miscreants. He was personally heard in the orderly room. • The reputation of corruption is based on hearsay which may be ignored keeping in view his courageous role in the performance of duty at the risk of his life.
6.	MHC Ghaffar Ali 1539	02-Good Entries	"NIL"	• Reputed as Highly Corrupt	<ul style="list-style-type: none"> • The perusal of the record shows no extra ordinary performance on his part during the service. The intelligence reports also indicates him highly corrupt. The secret probe also affirms the allegation. He was personally heard in the orderly room & his statement recorded but he could not give satisfactory account for the same.

~~SECRET~~

7.	HC Jamshed No. 782	07-Good Entries	03-Bad Entries	<ul style="list-style-type: none">Reputed as Highly Corrupt	<ul style="list-style-type: none">Therefore keeping in view his long service & family kids he is recommended for compulsory retirement.The intelligence reports as well as secret probe indicates him to be highly corrupt. He was personally heard in the orderly room & his statement was also recorded but he could not give satisfactory account for the same.Therefore keeping in view his long service & family kids he is recommended for compulsory retirement.
8.	Constable Farooq No. 1219	02-Good Entries	03-Bad Entries	<ul style="list-style-type: none">Not in position of corruption.	<ul style="list-style-type: none">As per intelligence reports he has served as orderly / Gunman with the officers for most part of his service and not remained posted at significant place. He was personally heard in the orderly room & his statement was also recorded.As he remained posted as orderly for the most part of his service, therefore no direct chance of his corruption. However, it is recommended that for the remaining service he may not be posted as orderly / Gunman with any officer and may be deployed for general duty.

(MOHAMMAD SALEEM KHAN)
DISTRICT POLICE OFFICER
KOHAT


(ABDUL GHAFOOR AFRIDI)
PSP, PPM
Dy: Inspector General of Police,
Dera Ismail Khan Range

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

Service Appeal No. 498/2014

Jamshaid Ali Khan.

....Appellant

V E R S U S

The Provincial Police Officer KPK Peshawar & others

....Respondents

**REPLICATION ON BEHALF OF THE
APPELLANT**

Respectfully Sheweth:-

The appellant submits his replication as under:

ON PRELIMINARY OBJECTIONS

1. Contents incorrect and misleading the appellant has come to Tribunal with clean hands.
2. Contents incorrect misleading no rule of estoppel is applicable in the instant case.
3. Contents incorrect and misleading all parties necessary for disposal of appeal are arrayed in the instant appeal.
4. Contents incorrect and misleading all facts necessary for the disposal of the appeal are brought before the Hon'ble Tribunal and nothing has been concealed.
5. Contents incorrect and misleading the appeal being filed in accordance with the prescribed rules and procedure hence maintainable in its present form.

the Government Servant (E&D) Rules, 2011 has not been adhered to before the imposition of penalty upon the appellant. The appellant being civil servant, the relevant law for proceeding against him was the said rules.

9. Contents of Para No.9 of the appeal are correct the reply submitted to the para is incorrect and misleading.
10. Contents of Para No.10 of the appeal are correct the reply submitted to the para is incorrect and misleading.

ON GROUNDS:-

Grounds "A" to "O" taken in the memo of appeal are legal and will be substantiated at the time of hearing of the appeal. However the replies submitted to the grounds are incorrect misleading baseless and without any proof.

It is therefore, prayed that the appeal of the appellant may kindly be accepted as prayed for

Through

Appellant

IJAZ ANWAR

Advocate, Peshawar

&

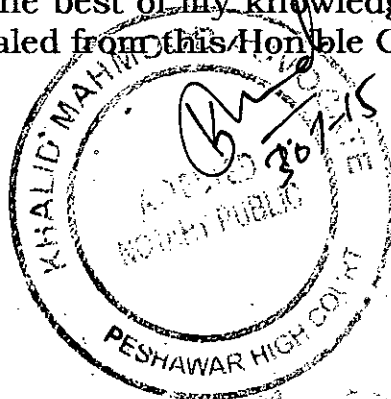
SAJID AMIN

Advocate, Peshawar

Dated 24/10/2014

AFFIDAVIT

I, do hereby solemnly affirm and declare on oath that the contents of the above replication as well as the appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honble Court.



DEPONENT

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 797 /ST

Dated 13 / 05 / 2015

To

The DPO, Bannu

Subject: - Appeal Nos: 498/2014, Jamshaid Ali Shah, 499/2014, 500/2014, 501/2014,
502/2014, 503/2014 vs PPO Peshawar and others.

I am directed to forward herewith a certified copy of order dated 4.05.2015 passed by this Tribunal on subject appeal for strict compliance.

Encl: As above



REGISTRAR

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

Jamshad
&
Others
case

order of similarly placed employee
who has been re-instated on dep departmental
Appeal.

1403
10-3-14

POLICE DEPARTMENT.

BANNU REGION.

ORDER

My this order will dispose of departmental appeal preferred by Ex: LHC Musntaq No. 449 of Operation Staff, Bannu against the order of Major Punishment of Compulsory retirement from service by DPO/Bannu vide OB No. 1460 dated 31-12-2013 for committing of the following omissions:-

- That his reputation was reported to be tainted as well as charged for anti social activities

The said Ex: LHC was proceeded against departmentally for the above misconduct. Mr. Sana UllahKhan DSP/HQrs, District Bannu was appointed as Enquiry Officer, who conducted proper departmental enquiry into the allegations and submitted his findings. The delinquent Police LHC was reported to be guilty of the charges. Hence, he was awarded major punishment of dismissal by the competent authority under police rule-1975 vide Order Book No and dated quoted above.

The appellant preferred departmental appeal before the undersigned for set asiding the awarded punishment. The undersigned, besides hearing in person the appellant, also perused departmental enquiry file and contents of the appeal and it was found:-

- That the enquiry was not conducted in proper way and according to the charges but a general view has been offered by enquiry Officer
- That the relevant persons/officials i.e OASJ, SRC and ASRC have not been examined which is mandatory under the rules.
- That finding of the Enquiry Officer is not exhaustive, as silent to show for what purpose patwari Halqa and Bank reports were obtained when the concerned scribes were not examined on oath.
- That Order sheet is also incomplete e.g there is nothing regarding conclusion of the enquiry tht on which date it was completed.

Keeping in view the above, therefore, I SAJID ALI KHAN, Regional Police Officer, Bannu Region, Bannu in exercise of the powers vested in me under Police Rules 1975. Hereby set aside order issued by DPO/Bannu vide OB No and dated quoted above and the appellant is reinstated into service for the purpose of Denove enquiry.
Order announced.

(Sajid Ali Khan)PSP
Regional Police Officer,
Bannu Region, Bannu.

No. 601-02 /EC, dated Bannu the 10/03/2014.

Copy to:-

DSP/HQ
SRC/HQ
with staff
departmental enquiry
papers for further reference
enquiry will be initiated
said official

The District Police Officer, Bannu along with service record containing departmental proceeding file for information and with the direction to initiate Denove enquiry departmental proceeding and to conclude within stipulated period under the law under intimation to this office please. This refer to his memo No. 1772 dated 11-02-2014.

LHC Mushtaq No. 449

(Sajid Ali Khan)PSP
Regional Police Officer,
Bannu Region, Bannu

10/3/2014

13-3-2014