

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.199/2022

Mr.Dildar Hussain s/o Zaman Ali, Parachinar District Kurram.

.....Petitioner.

VERSUS.

1. Inspector General of Police, Government of Khyber PakhtunKhawa Peshawar.
2. Regional Police Officer, Kohat Region, District Kohat.
3. District Police Officer, Kurram.

.....Respondents.

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14-11-23

Peshawar



Javed Shah

[Focal Person DPO Kurram]

Respondent No 3

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 199/2022

Dildar Hussain s/o Zaman Ali Havaladar District Kurram Police

..... Appellant

VERSUS

1. Inspector General of Police KPK, Peshawar
2. Regional Police Officer , Kohat Region Kohat
3. District Police Officer, District Kurram

Khyber Pakhtunkhwa
Service Tribunal

Case No. 8263

Dated 12-10-23

..... Respondents

PARAWISE COMMENTS BY RESPONDENTS NO. 01 TO 03.

Respectfully Sheweth

PRELIMINARY OBJECTIONS

Brief facts

- a) That the appellant has got no cause of action to file the present appeal.
- b) That the appellant has got no locus standi.
- c) That the appeal is bad for mis-joinder and non-joinder of necessary parties.
- d) That the appeal is not maintainable.
- e) That the appellant is stopped to file the instant appeal.
- f) That the appellant has concealed real facts from Hon'able Tribunal.

FACTS

- a) Pertains to service record of the appellant, hence no comments.
- b) Correct that appellant is involved in criminal case vide FIR No. 29 dated 28.01.2015 u/s 302 PPC PS Upper Kurram.
- c) Pertains to record of Hon'able Court hence no comments.
- d) Incorrect, the appellant has been treated in accordance with law/rules. DSP Investigation Kurram was appointed as Inquiry Officer who conducted fair and impartial enquiry into the matter and submitted his findings wherein the appellant was proved guilty of gross misconduct. Therefore, after fulfillment of all codal formalities he was awarded with major punishment of dismissal from service vide order dated 08.07.2021. It is also worth mentioning here that criminal case proceedings and departmental proceedings are distinct in nature and both can run side by side (Copy of order is annexed as Annexure "A"). The appellant filed departmental appeal before the Regional Police Officer Kohat and Regional Police Officer Kohat heard him in person in Orderly Room on 18.01.2022. The appellant badly failed to advance any plausible explanation in his defense to prove

his innocence therefore, the departmental appeal was rejected being devoid of merits vide order dated 19.01.2022 (copy of order on departmental appeal is annexed as Annexure "B").

e) Incorrect, the instant Service Appeal is not maintainable on the following Grounds.

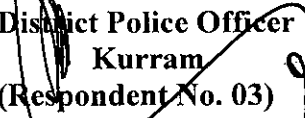
GROUNDS


1. Incorrect, the orders are much legal, justified and the appellant was treated in accordance with law/rules.
2. Incorrect, as already explained in Para No. (e) of Facts that on departmental appeal of the appellant, the appellate authority heard him in person in orderly room on 18.01.2022, but the appellant badly failed to advance any plausible grounds in his self defense to prove his innocence, therefore, the departmental appeal of the appellant was rejected being devoid of merits.
3. Incorrect and misleading, the appellant has been treated in accordance with law/rules and all codal formalities adopted before awarding punishment to the appellant.
4. Incorrect, as already explained that appellant has been treated with law/rules.
5. Incorrect and misleading, the appellant has been provided with ample opportunity of self defense but he badly failed to advance plausible grounds in his self defense.
6. Incorrect and misleading. As already explained in Para No. (e) of Facts.
7. Incorrect, the criminal and departmental proceedings are distinct in nature and can run side by side.
8. Incorrect, as already explained in preceding Paras.
9. Incorrect, as the appellant involved in criminal case, therefore, he was sentenced for sending jail, therefore, this plea of FR-54 is totally unjustifiable.
10. Pertains to record of Hon'able Apex Court, hence no comments.
11. Incorrect, the appellant has been treated in accordance with law/rules and no violation of Constitution of Islamic Republic of Pakistan 1973, exist on part of answering respondents.
12. The orders of respondents are quite legal and maintainable in eyes of law, hence the appellant is not entitled for any relief.

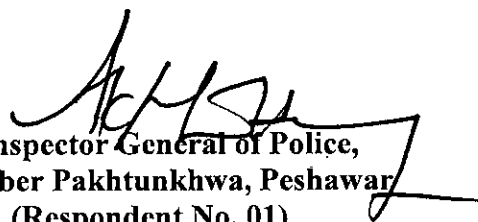
3

Prayers

In view of the above, it is humbly prayed that the instant service appeal is devoid of merits without any legal force may graciously be dismissed with cost, please.


District Police Officer
Kurram
(Respondent No. 03)


Regional Police Officer
Kohat Region, Kohat
(Respondent No. 02)


Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 01)

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

Service Appeal No.199/2022

Mr.Dildar Hussain s/o Zaman Ali, Parachinar District Kurram.

.....Petitioner.

VERSUS.

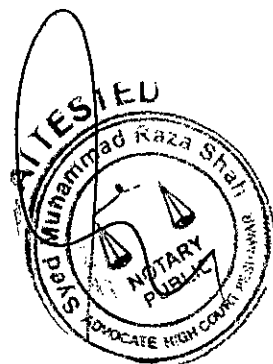
- 1. Inspector General of Police, Government of Khyber PakhtunKhawa Peshawar.
- 2. Regional Police Officer, Kohat Region, District Kohat.
- 3. District Police Officer, Kurram.

.....Respondents.

AFFIDAVIT.

I, Mr. Javed Shah Focal Person Kurram Police Force (The Authorized representative of respondent No.3) do hereby solemnly affirm and declared on oath that the contents of this accompany Records on behalf of respondent No.3 are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court

It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off/cost.



A handwritten signature in black ink, appearing to be 'Javed Shah', written over a faint rectangular box.

DEPONENT

CNIC No.21303-9273132-9

Cell No. 03018019342

(5)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. 199/2022

Dildar Hussain s/o Zaman Ali

Havaldar District Kurram Police

..... Appellant

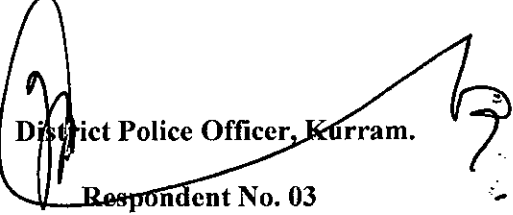
VERSUS

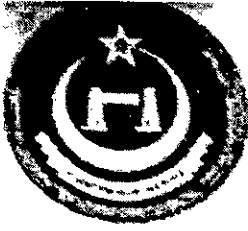
1. Inspector General of Police KPK, Peshawar
2. Regional Police Officer , Kohat Region Kohat
3. District Police Officer, District Kurram

..... Respondents

AUTHORITY LETTER.

Mr. Javed Shah s/o Said Wazir Focal Person bearing CNIC No. 21303-92733132-9 is hereby authorized to institute para-wise comments duly signed by respondents in the Honorable Court on behalf of the respondents.


District Police Officer, Kurram.
Respondent No. 03



6

**OFFICE OF THE
DISTRICT POLICE OFFICER**

KURRAM, KHYBER PAKHTUNKHWA

Tel/Fax: 0926-311354*Email:policekurram@gmail.c

No. 2036...../PA Dated Parachinar. 29-6-

DISCIPLINARY ACTION.

Mr. Tahir Iqbal District Police Officer as competent authority the opinion that you Head Constable Dildar Hussain Personal No. 6713019 s Zaman Ali rendered yourself liable to be proceeded against departments under Khyber Pakhtunkhwa Police Rule 1975 (amended 2014) as you ha committed the following act.

STATEMENT OF ALLEGATIONS

That you are charged and convicted by the than Politic Agent/District Magistrate Kurram in case FIR No. 9 dated 18.07.2019 and 35/II dated 10.09.2020. so, t departmental inquiry is initiated against you in t mentioned case FIRs.

For the purpose of conduct inquiry with reference to the abc allegations DSP Investigation is appointed as Inquiry officer. The inquiry offic shall in accordance with the provision of the Police Rule 1975 (amended 201 provide reasonable opportunity of hearing to the above official within (07) da of the receipt of this order, recommendations as to punishment or oth appropriate action against the official.

The official shall join the proceeding on the date, time and pla fixed by the inquiry officer.

District Police Officer
Kurram

Copy to the:

1. Inquiry Officer for initiating proceedings against eh official under tl provision of Police Rule 1975.
2. The official with the direction to appear before the Inquiry Officer. c the date, time and place fixed by him for the purpose of inqui proceedings.

District Police Officer
Kurram

Attended
Tahir

(7)



**OFFICE OF THE
DISTRICT POLICE OFFICER
KURRAM, KHYBER PAKHTUNKHWA**

Tel/Fax: 0926-311354*Email:policekurram@gmail.com

No. 2037/PA Dated Parachinar. 29.6.20

CHARGE SHEET

Mr. Tahir Iqbal District Police Officer as competent authority under Khyber Pakhtunkhwa Police Rule 1975 (amended 2014), am the opinion that you Head Constable Dildar Hussain Personal No. 6713019 s/o Zaman Ali have rendered yourself liable to be proceeded against as you have committed the following act within the meaning of the Police Rules 1975 amended 2014.

That you are charged and convicted by the than Political Agent/District Magistrate Kurram in case FIR No. 95 dated 18.07.2019 and 35/II dated 10.09.2020. so, the departmental inquiry is initiated against you in the mentioned case FIRs.

By reason of the above, you appear to be guilty of misconduct under the Police Rule 1975 (amended 2014) and have rendered yourself liable to all or any of the penalties specified in the Police Rules.

You are, therefore, required to submit your written statement within (03) days of the receipt of this charge sheet to the inquiry officer.

Your written defense if any should reached the inquiry office within the specified period, failing which it shall be presumed that you have no defense to put in and ex-parte action shall be taken against you.

A statement of allegation is enclosed.

*Attested
Tahir*

**District Police Officer
Kurram**

(8)



**OFFICE OF THE
DISTRICT POLICE OFFICER
KURRAM, KHYBER PAKHTUNKHWA**

Tel/Fax:0926-311354*Email:policekurram@gmail.com
No.....632.....Dated Parachinar.16.12.19

ORDER.

Mr. Dildar Hussain s/o Zaman Ali resident of Army Colony Parach Upper Kurram involved in criminal case under section 302 PCC read with section the second schedule FCR, PS Upper Kurram was convicted by Honorable C Additional Session Judge-II Kurram and sentenced 14 year RI, regr imprisonment, as the accused Dildar Hussain has yet not been absorbed in Police, but he is still drawing salary from police salary code KM4030 s 11/04/2019, therefore, his salary is hereby stopped with immediate effect. Fur action shall be intimated.

**No. & date is even.
Copy to all concerned.**

District Police Off
Kurram.

*Attested
p/h*

O/C

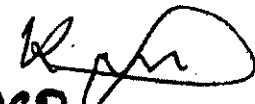
District Police Off
Kurram.

فاتل رپورٹجناب عالی:-

مخوالہ چارج شیٹ نمبر 2036 مورخہ 29-06-2021 بارہ جناب DPO صاحب
 کرم معروض خدمت ہوں۔ کہ پیڈ کانسٹیبل دلدار حسین کو جناب DPO صاحب نے
 FIR میں چارج شیٹ کیا ہے۔ واضح رہے۔ کہ پیڈ کانسٹیبل منکورو نے مورخہ 15/05/21
 پر اپنے بیوی اور مصور حسین کو ناجائز تعلقات کے بناء پر قتل کیا۔ جس کے جرم
 میں پیڈ کانسٹیبل بالہ گرفتار ہو کر جیل میں مقید ہے۔ الزام علیہ عدالت میں
 مجرم ثابت ہو کر 14 سال قید چھو چکا ہے۔


عالیجاہ:-

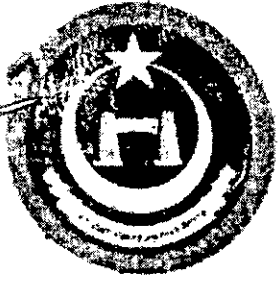
منکورو پیڈ کانسٹیبل پر عدالت میں مجرم ثابت ہوا۔ الزام علیہ فکے کپڑے
 بدنامی کا باعث بنتی ہے۔ لہذا منکورو پیڈ کانسٹیبل کی انکوائری مکمل ہو کر
 جناب D.P.O صاحب کو (Major Punishment) سزا کی سفارش کی جاتی ہے۔
 رپورٹ عرض ہے۔


 DSP (inv) Kurram
 02/7/2021

NO 209/DSP(inv)

dt 05/7/2021


 Hestel



10

Annexure (A)

**OFFICE OF THE
DISTRICT POLICE OFFICER
KURRAM, KHYBER PAKHTUNKHWA**

Tel/Fax: 0926-311354*Email:policekurram@gmail.com

No. 2184-68/PA Dated Parachinar..8-7-2021

ORDER


This order is passed on the Charge Sheet against Head Constable Dildar Hussain personal No.6713019 s/o Zaman Ali under the Khyber Pakhtunkhwa, Police Rules, 1975 (Amendment 2014).

Brief of the fact is that Head Constable Dildar Hussain has been charged in murder case vide FIR No. 29 TMK dated 28.01.2015 u/s 302 PPC PS Upper Kurram.

That consequent upon the completion of inquiry conducted against Head Constable Dildar Hussain by the inquiry officer for which Head Constable Dildar Hussain was given opportunity vide this office No. 2036/PA dated Parachinar the 29.06.2021 and charge Sheet No. 2037/PA dated Parachinar the 29.06.2021.

Concluded through the findings and recommended that, the material on record and other connected evidence including defense the inquiry officer that Dildar Hussain has committed the crime of 302 PPC as charged in FIR No. 29 TMK dated 28.01.2015 u/s 302 PPC PS Upper Kurram. The inquiry officer recommended major punishment for the delinquent person.

In view of the above I, Tahir Iqbal District Police Officer Kurram in exercise of the powers conferred upon me, hereby award him a major punishment of "Dismissal from Service" under the Khyber Pakhtunkhwa, Police Rules, 1975 (Amendment 2014) with immediate effect.


District Police Officer
Kurram

No. & date is even:

Copy forwarded to the:

1. Regional Police Officer Kohat Region Kohat.
2. District Account officer Kurram.
3. All DSPs/SHOs in Kurram
4. Pay Officer Kurram.
5. Concerned.


District Police Officer
Kurram

*Attended
Kohat*

(11)

Annexure (B)

POLICE DEPTT:

KOHAT REGION

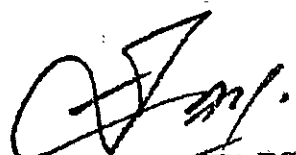
ORDER.

This order will dispose of a departmental appeal, moved by Ex-Constable Dildar Hussain of Kurram district against the punishment order, passed by DPO Kurram vide order No. 2164-68/PA, dated 08.07.2021 whereby he was awarded major punishment of dismissal from service on the allegations of his involvement in criminal / murder case vide FIR No. 29, dated 28.01.2015 u/s 302 PPC PS Upper Kurram.

He preferred an appeal to the undersigned, upon which comments were obtained from DPO Kurram and his service record was perused. The appellant was also called and heard in Orderly Room held in this office on 18.01.2022. During hearing the appellant did not advance any plausible explanation in his defense to prove his innocence.

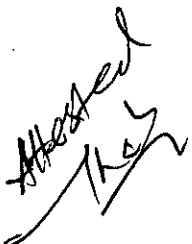
I have gone through the available record which indicates that the appellant was directly involved in a criminal / double murder case and was awarded punishment of 14 years rigorous sentence by the Honourable Additional Session Judge-II, Kurram. Therefore, in exercise of the powers conferred upon the undersigned, his appeal being devoid of merits is hereby dismissed.


Order Announced
18.01.2022


(TAHIR AYUB) PSP
Region Police Officer,
Kohat Region.

No. 1027 /EC, dated Kohat the 19-01 /2022.

Copy for information and necessary action to the District Police Officer, Kurram w/r to his office Memo: No. 829, dated 27.12.2021. His Service Record is returned herewith.

Attested



(TAHIR AYUB) PSP
Region Police Officer,
Kohat Region.