


16.11.2022


Junior to counsel for the appellant present.

Muhammad Jan, learned District Attorney for respondents present.

Former requested for adjournment as his senior counsel is busy before Hon'ble Peshawar High Court Peshawar. Adjourned. To come up for arguments on 14.12.2022 before D.B

SCANNED  
KPST  
Peshawar


  
(Fareeha Paul)  
Member (E)

  
(Rozina Rehman)  
Member (J)

14<sup>th</sup> Dec. 2022

Due to strike of the Bar and Mrs. Rozina Rehman, learned Member (J) being on leave, this matter is adjourned to 03.03.2023 before the D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.

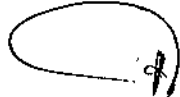
SCANNED  
KPST  
Peshawar

  
(Fareeha Paul)  
Member(E)

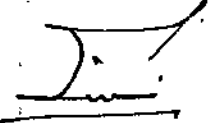
25.03.2022

Appellant alongwith Syeda Umme Habiba, Advocate, junior of learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant sought adjournment on the ground that learned counsel for the appellant is unable to appear before the Tribunal today due to illness of his wife. Adjourned. To come up for arguments on 22.06.2022 before the D.B.



(Rozina Rehman)  
Member (J)



(Salah-ud-Din)  
Member (J)

22.06.2022

Appellant alongwith clerk of his counsel present. Mr. Arif Saleem, Steno alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant has taken his ailing wife to hospital. Adjourned. To come up for arguments on 08.09.2022 before the D.B.



(Mian Muhammad)  
Member (E)



(Salah-ud-Din)  
Member (J)

08.09.2022

Junior to counsel for appellant present.

Kabir Ullah Khattak, learned Additional Advocate General for respondents present.

Former requested for adjournment as senior counsel is busy before the Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 16.11.2022 before D.B.



(Fareeha Paul)  
Member(E)



(Rozina Rehman)  
Member(J)

15.07.2021

Junior to counsel for appellant present.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Former submitted rejoinder with a request for adjournment as senior counsel is busy before Hon'ble Peshawar High Court; granted. To come up for arguments on 25.11.2021 before D.B.

  
(Rozina Rehman)  
Member (J)


  
Chairman

25.11.2021

Junior to counsel for the appellant present.

Mr. Riaz Khan Paindakheil, Assistant Advocate General alongwith Mr. Arif Saleem Stenographer for respondents present.

Learned Member Executive (Mr. Atiq-ur-Rehman Wazir), is on leave, therefore, case is adjourned. To come up for arguments on 17.03.2022 before D.B.

  
(Rozina Rehman)  
Member (J)

17.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 25.03.2022 for the same as before.

  
Reader.

12.01.2021

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Arif Saleem, Steno for the respondents, are also present.

Written reply on behalf of respondents not submitted. Representative of the department is seeking further time for submission of written reply/comments. Adjourned to 25.02.2021 on which date file to come up for written reply/comments before S.B.

(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

25.02.2021

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Arif Saleem, Steno, for the respondents are also present.

Written reply on behalf of respondents not submitted. Representative of the department is seeking further time for submission of written reply/comments. Last chance is given to the respondents for filing of written reply/comments on 30.03.2021 before S.B.

(Muhammad Jamal Khan)  
Member

30.03.2021

Appellant in person and Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Arif Saleem, ASI for the respondents present.

Representative of the department submitted written reply on behalf of respondents No. 1 to 3 which is placed on file. Adjourned to 15.07.2021 for rejoinder and arguments before D.B.

(ATIQU-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

24.09.2020

Counsel for the appellant present.

SCANNED  
KPST  
Peshawar

Contends that before passing of impugned order dated 23.12.2019 the appellant was not subjected to proper/regular enquiry. His valuable rights were jeopardized in that manner. Further contends that through the impugned order major penalty of dismissal from service was imposed upon the appellant on one hand and, on the other, his absence period was treated as unauthorized leave without pay, hence the appellant was put under further jeopardy. While referring to the FIR No. 816 dated 05.11.2019, learned counsel stated that the appellant was released on bail through order of competent court passed on 07.01.2020, however, the departmental appellate authority did not mention the same in its order dated 06.07.2020.

Subject to all just exceptions, instant appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 23.11.2020 before S.B.

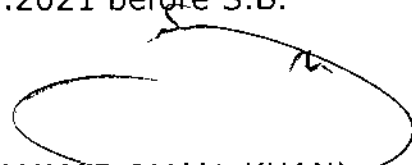
Appellant Deposited  
Security & Process Fee  
29/9/20

  
Chairman

23.11.2020

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Arif Saleem, Steno, for the respondents are also present.




Written reply on behalf of respondents not submitted. Representative of the department seeks further time for submission of written reply/comments. Time given. File to come up for written reply/comments on 12.01.2021 before S.B.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

## FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 7949 /2020

15.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/07/2020	<p>The appeal of Mr. Majid Khan resubmitted today by Mr. Javed Iqbal Gulbella Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>11/09/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	11.09.2020	<p>Counsel for the appellant present.</p> <p>States that another service appeal by the appellant (5757/2020) is fixed for preliminary hearing on 24.09.2020. He, therefore, requests for posting of instant appeal to the said date as well.</p> <p>Adjourned to 24.09.2020 before S.B.</p> <p style="text-align: right;"> Chairman</p>

2-11

The appeal of Mr. Majid Khan son of Laiq Badshah r/o Bhora Ghari Kohat received today i.e. on 10.07.2020 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 2- The authority to whom the departmental appeal was made/preferred has not been arrayed a necessary party.

No. 1647 /S.T.

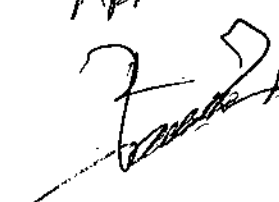
Dt. 13-07 /2020.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Javed Iqbal Gulbella Adv. Pesh.

Respected Sir,

Resubmitted after necessary  
completion of the Accused/Appellant  
has not been served with  
my charge sheet, statement  
of allegations, show cause  
notice nor with any enquiry  
proceedings, so are not  
available with Appellant, please



**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A. 7949 /2018

Majid Khan

**VERSUS**

Inspector General of Police and Others

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Dated: 07/07/2020

*Appellant*

Through

**JAVED IQBAL GULBELA**

Advocate High Court

Peshawar.



**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A \_\_\_\_\_/2020

Majid Khan S/o Laiq Badsha R/o Bhora Ghari, Kohat

----- (*Appellant*)

**VERSUS**

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police Kohat Region Kohat.
3. District Police Officer, Kohat.

----- (*Respondents*).

**APPEAL U/S 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974  
AGAINST THE IMPUGNED ORDER NO. 58031-  
34/PA DATED 23/12/2019 OF THE OFFICE OF THE  
DISTRICT POLICE OFFICER KOHAT, WHEREBY  
THE APPELLANT WAS DISMISSED FROM HIS  
SERVICE & IMPUGNED OFFICE ORDER NO.  
6893/EC DATED 06/07/2020 OF THE OFFICE OF  
REGION POLICE OFFICER KOHAT REGION,  
WHEREBY THE DEPARTMENTAL APPEAL OF  
THE APPELLANT WAS TURNED DOWN IN A  
CLASSICAL, CURSORY AND WHIMSICAL  
MANNER.**

**Respectfully Sheweth,**

1. That the Appellant was inducted into service as Constable in Police Department of Khyber Pakhtunkhwa back in the year 2008.

2. That thereafter the Appellant took charge & with his most sincere and pragmatic way, performed his duties & never left any stone unturned in performance of his duties with utmost zest & devotion.
3. That it was in the backdrop of the year 2019, wherein the Appellant was malafidely & falsely charged in a Criminal case vide FIR No.816, dated 05.11.2019, charged U/S 302, 34 PPC, PS Billitang, Kohat, due to which the Appellant was not in position to perform his duties, due to life threat & fear of enmity. Thereafter, the Appellant surrendered before the Court of law for his Pre-arrest Bail, which was turned down & the Appellant was sent to Judicial lockup. **(Copy of FIR i annexed herewith as Annexure "A")**
4. That the Appellant approached the Court of Learned ASJ-I Kohat for his Post Arrest Bail which was duly accepted on 07.01.2020 & the Appellant was released on bail. **(Copy of post arrest bail order dated 07.01.2020 is annexed herewith as Annexure "B").**
5. That in the meanwhile the Appellant has been dismissed from service, without any

due process of law & upon this sole ground of being booked in a criminal case vid the impugned office order no. 58031-34 dated 23-12-2019 of the office of District Police Officer Kohat. (Copy of impugned Dismissal Order is annexed as Annexure "C")

6. That feeling aggrieved from impugned Dismissal from Service Order, the Appellant preferred a Departmental Appeal dated 15.01.2020 & the same was turned down vide order No. 6893/EC Dated 06/07/2020 by the office of Region Police Officer Kohat Region during the pendency of Service Appeal No. 5757/20 (Copy of Departmental Appeal dated 15.01.2020 and office order No. 6893 dated 06/07/2020 are annexed herewith as Annexure "D & E" respectively).
7. That feeling aggrieved from the impugned Dismissal Order and impugned Appellate Order the Appellant approaches this Hon'ble Tribunal for his reinstatement into service with all back benefits upon the following grounds.

**GROUNDS:**

- A. That the Appellant is a naturally born bonafide citizens of the Islamic Republic of Pakistan and is fully and equally, on equality basis, entitled to all basic and fundamental rights as enshrined in the fundamental law of the land, interpreted, guaranteed and enforced by the laws of the land and discrimination along with unfettered exercise of discriminatory powers by an authority or office is always been deplored, deprecated and depreciated by superior Courts of the land.
- B. That the dismissal order of the Respondent is unwarranted, against the facts and law on the subject, therefore is not sustainable at all.
- C. That as the Appellant was malafidly and falsely charged in a baseless and groundless criminal case and due to fear of enmity and in order to save his life, which is a natural act in such like circumstances and the same has been repeatedly held by the superior law of the land in plethora of his judgments and his absence from duty in such like circumstances is no ground for his dismissal from service.
- D. That the act of the respondents in so called circumstances is purely baseless, unlawful, void ab-initio, corrum non judice and is unwarranted to the core.
- E. That the Supreme law of the land has held many times that if a criminal case is registered against an employee, being a civil servant, he shall be suspended accordingly rather than being dismissed.

- F. That no proper Departmental inquiry against the Appellant was ever conducted nor was given an opportunity to be heard, to defend, clear his position and depriving him of his right to be heard, which is against the law of natural justice.
- G. That he impugned office order No. 58031-34/PA of District Police Officer Kohat dated 23-12-2019 clearly proves the malafide and mal-intention as well as mal-practices of the respondents which is not sustainable in eyes of law.
- H. That the impugned dismissal order & impugned Appellate Authority order is unlawful, illegal and liable to be cancelled because the Respondent utterly violated the service law, rules, regulations and policy of the Government for Civil servants while passing the impugned dismissal order.
- I. That the impugned dismissal order as well as impugned Appellate Authority Order is the violation of the fundamental rights of the appellant which is guaranteed and protected by the constitution of Islamic Republic of Pakistan 1973.
- J. That from every angle the impugned dismissal Order & impugned Appellate Authority Order is null and void and not sustainable hence is liable to be set aside.
- K. That any other ground not raised here may graciously be allowed to be raised at the time of arguments.

⑥

*It is, therefore, most humbly prayed that on acceptance of the instant Appeal, the impugned office order NO. 58031-34/PA dated 23-12-2019 of District Police Officer Kohat & impugned office order No.6893/EC dated 06/07/2020 of office of the Region Police Officer Kohat region may kindly be set aside and by doing so the Appellant be reinstated into service with all back benefits.*

*Any other relief not specifically asked for may also graciously be extended in favor of the Appellant in the circumstances of the case.*

Dated: 07/07/2020

*Appellant*

Through

**JAVED IQBAL GULBELA**

**SAGHIR IQBAL GULBELA**

**AHSAN SARDAR**

**&**

**TAHIR KHAN**

Advocates High Court  
Peshawar.

**NOTE:-**

Earlier the Appellant filed Service Appeal which is subjudice before this Hon'ble Tribunal.

**Advocate.**

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**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A \_\_\_\_\_/2020

Majid Khan

**VERSUS**

Inspector General of Police and Others

**AFFIDAVIT**

I, Majid Khan S/o Laiq Badsha R/o Bhora Garhi, Tehsil & district Kohat, do hereby solemnly affirm and declare that all the contents of the accompanied appeal is true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

DEPONENT *Md*

CNIC#14301-5115847-3

Identified By :

Javed Iqbal Gulbela  
Advocate High Court  
Peshawar.



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**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A \_\_\_\_\_/2018

Majid Khan

**VERSUS**

Inspector General of Police and Others

**ADDRESSES OF PARTIES**

**APPELLANT.**

Majid Khan S/o Laiq Badsha R/o Bhora Ghari, Kohat

**RESPONDENTS:**

1. Inspector General of Police, Khyber Pakhtunkhwa,  
Peshawar.
2. District Police Officer, Kohat.

**Dated: 07/07/2020**

*Appellant*

Through

**JAVED IQBAL GULBELA**  
Advocate High Court  
Peshawar.



ابتدائی اطلاعی رپورٹ

ابتدائی جانچ کے لئے لکھی گئی ہے۔

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تاریخ 22/7/55

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(10)

IN THE COURT OF  
ABID ZAMAN

Addr: Sessions Judge-I, Kohat

BA No.1/2020

Majid..Vs..State

ORDER:04

7.1.2020

Pattern of this order is as per MUHAMMAD SHAKEEL versus THE STATE and others case (PLD 2014 Supreme Court 458)

Mr.Fawad Hussain Advocate for accused/petitioner present.

Mr.Ibrar Alam Advocate for complainant present. APP Mr.Amjid Ali for the State present.

Arguments heard and record perused.

Accused/petitioner Majid s/o Laiq Shah r/o Rhora Gari Kohat seeks his release on bail in case F.I.R No.816 dated 5.11.2019 U/s 302/34 PPC of Police Station Belitung, Kohat.

Gist of the FIR is that the accused/petitioner is involved in the murder of one Inayatullah Khan.

No doubt, the case comes within the prohibitory clause of section 497 Cr.PC. However, tentative assessment of the record shows that:

1. Effective role of firing was attributed to co-accused Hassan alias Chintu.
2. Common intention of accused/petitioner with co-accused would be determined at the stage of trial.
3. Investigation to the extent of accused/petitioner is complete and accused/petitioner is no more required for further investigation.
4. The accused/petitioner has not confessed guilt.
5. No recovery or discovery was effected on the pointation of accused/petitioner.
6. There is no absconsion on part of accused/petitioner.

Thus, in these circumstances, case against the accused/petitioner is one of further inquiry. Hence, the accused/petitioner is admitted to bail subject to furnishing bail bonds in the sum of Rs.80,000/- (eighty thousand) with two sureties each, in the like amount, to the satisfaction of this court. Record be returned to quarter concerned while this file be consigned to the record room after its proper compilation and completion.

Announced

7.1.2020

JAVED IQBAL Gul Bela.

Daudzai Law Chamber

Advocate High Court Peshawar

Mod/0345-9405501

(ABID ZAMAN)

AD & SJ-I, Kohat

JAVED IQBAL Gul Bela

Daudzai Law Chamber

Advocate High Court Peshawar

07.01.20

12



Aman D

**BEFORE THE DEPUTY INSPECTOR GENERAL OF POLICE KOHAT**  
**REGION KOHAT**

**Subject:** Appeal under Rule 11 of the Police Rules 1975  
(Ammended 2014) against order of the DPO Kohat  
Dated 23-12-2019 wherein the appellant was  
dismissed from service with immediate effect.

Respected Sir,

*With great respect the appellant may be allowed to submit the following for your kind and sympathetic consideration.*

**Facts of the case.**

1. That the appellant was enrolled as constable in the year 2008.
2. That the appellant after qualifying basic courses/training took keen interest in the official work and succeeded to arrest terrorist and recovered huge quantity of chars, arms and ammunition.
3. That the appellant due to his hard work earned confidence of his seniors and for his good work was awarded a number of cash rewards besides commendation certificates.
4. That the appellant while posted in the police lines Kohat was falsely charged vide case FIR No. ~~11-2-2019~~ dated 11-2-2019 u/s 302,34 PPC P.S Billitang Kohat.
5. That the appellant immediately after the registration of case, surrendered before the court. BBA of the appellant was rejected and the appellant was sent to the judicial lock up.
6. That there after the appellant applied Bail after arrest which was accepted on 7-1-2020 by the learned Additional Session Judge I Kohat and the appellant was released on bail. (Copy of the order is enclosed).
7. That the police department also opened departmental enquiry when the appellant was in the district jail Kohat.
8. That the departmental enquiry was completed at the back of the appellant and the appellant was dismissed from service with immediate effect. (Copy of order is enclosed).

JAVED IQBAL Gul Bela  
Daudzai Law Chamber  
Advocate High Court Peshawar  
Mob: 0345-9405501

JAVED IQBAL Gul Bela  
Daudzai Law Chamber  
Advocate High Court Peshawar  
Mob: 0345-9405501

13

13

9. That the punishment order has aggrieved the appellant, therefore, following are grounds of appeal among other:-

Grounds of Appeal

- A. That the impugned order of punishment is not in accordance with law, rules and evidence on record.
- B. That the appellant while in the district Jail Kohat, departmental proceedings were initiated.
- C. That the appellant was not given any opportunity to defend himself during the enquiry proceedings.
- D. That the appellant was denied the right of cross examination of the witnesses who recorded statement against the appellant.
- E. That enquiry against the appellant was conducted one sided and unilaterally.
- F. That the appellant was also not served with the Final Show Cause Notice nor he was produced before the DPO Kohat for personal hearing.
- G. That the fundamental rules of justice were not kept in sight during the enquiry and as well as at the time of awarding punishment to the appellant.
- H. That under Art.10 A of the constitution of Pakistan, the appellant has a fundamental rights of fair, impartial and transparent enquiry /trial but unfortunately the competent authority ignored such an important aspect and thus the entire enquiry proceedings have become nul and void.
- I. That the bail order regarding the appellant also speaks of his innocence because the learned court has held that no effective role was attributed to the appellant and that the question of common intention will be determined at the trial stage. (Copy of the bail order is enclosed).
- J. That the Hon'ble Peshawar High Court Peshawar vide its judgment dated 14-2-2018, has held that if an employee is charged for an offence, the department instead of dismissal from service, keep him under suspension and after decision of trial, his departmental enquiry be disposed of in accordance with the principles of law and justice. The appellant produced the judgment to the DPO Kohat but the order of punishment is silent about the judgment of the Hon'ble Peshawar High Court.
- K. That the appellant has been falsely charged in the case. There is no direct or indirect evidence against the appellant. The appellant is merely charged at the instance of his opponents.

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~~14~~


- L. That the appellant is absolutely innocent because at the time of occurrence the appellant was present in his house. The appellant has been erroneously shown present at the place of occurrence.
- M. That the appellant also assure your good self on oath that he is absolutely innocent and he is falsely charged in the case. Your good self may verify facts from independent sources. They will also certify innocence of the appellant.
- N. That the impugned order of punishment is also not in accordance with law /rules on the score that in addition to the punishment of dismissal the appellant has been awarded another punishment i.e the absence period is treated as unauthorized leave without pay. Under the rules the competent authority could award only one major punishment but the learned competent authority in violation of the rules has awarded additional punishment and thus the punishment order has become legally defective and of no legal effect.
- O. That the punishment order does not satisfy the ends of law and justice, thus it is not sustainable in the eyes of law.
- P. If deemed proper the appellant may be heard in person.

Prayer:-

It is therefore, humbly requested that the impugned punishment order dated 23-12-2019 being not in accordance with law, justice and evidence on record may kindly be set aside and the appellant may be re-instated in service with all back benefits and privileges. The appellant will pray for your long life and prosperity.

Yours Obediently

Dated 15-01-2020

Majid Khan   
Ex Constable No.372  
R/O Bhora Garhi Tehsil & District Kohat  
Cell No. 0334-8313290

JAVED IQBAL Gul Bel.  
Daudzal Law Chamber  
Advocate High Court Peshawar  
Mob: 0345-9405501

JAVED IQBAL Gul Bel.  
Daudzal Law Chamber  
Advocate High Court Peshawar  
Mob: 0345-9405501

POLICE DEPTT:

"Annexure E"  
3

(15)

KOHAT REGION

ORDER.

This order will dispose of a departmental appeal, moved by Ex-Constable Majid Khan No. 372 of Operation Staff Kohat against the punishment order, passed by DPO Kohat vide OB No. 1673, dated 23.12.2019 whereby he was awarded major punishment of dismissal from service on the allegations of his involvement in a criminal case vide FIR No. 816, dated 04.11.2019 u/s 302, 34 PPC PS Billitang, Kohat.

He preferred an appeal to the undersigned upon which comments were obtained from DPO Kohat and his service record was perused. He was also heard in person in Orderly Room, held on 25.06.2020. During hearing, he did not advance any plausible explanation in his defense to prove his innocence and just forwarded lame excuses.


I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved beyond any shadow of doubt and the same has also been established by the E.O in his findings. Therefore, his appeal being devoid of merits is hereby rejected.

**Order Announced**  
25.06.2020

  
(TAYYAB HAFEEZ) PSP  
Region Police Officer,  
Kohat Region.

No. 6893 /EC, dated Kohat the 6/7 /2020.

Copy to District Police Officer, Kohat for information w/r to his office Letter No. 1501/LB, dated 29.01.2019. His Service Roll & Fauji Missal / Enquiry File is returned herewith.

  
(TAYYAB HAFEEZ) PSP  
Region Police Officer,  
Kohat Region.

JAVED IQBAL Gul Beta  
Daudzai Law Chamber  
Advocate High Court Peshawar  
Mob: 9945-9405501

DSP  
Gul

# وکالت نامہ

بعدالت: صاحب سروس ٹریڈنگ کمپنی  
 ماہ رمضان بنام صاحب سروس ٹریڈنگ کمپنی

منجانب رہنمائی دعویٰ 5A  
 تاریخ BC-11-1742

باعث تحریر آنکہ مقدمہ مندرجہ بالا عنوان کی طرف سے واسطی پوری کی وجوہی  
 بمقام کیلئے جاوید اقبال گل بیلہ ایڈووکیٹ ہاشمی کورٹ لوڈیر لکھنؤ وکیل  
 مقرر کیا ہے۔ کہ میں ہر پیشی کا خود یا بزرگیہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکار کے جانے مقدمہ وکیل  
 صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا، اگر پیشی پر من مظهر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے  
 کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر  
 مقام پجھری کی کسی اور جگہ یا پجھری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پجھری کرنے کے ذمہ دار نہ ہوں گے۔ اگر  
 مقدمہ علاوہ صدر مقام پجھری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پجھری کے اوقات کے آگے پیچھے پیش ہونے پر  
 من مظهر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی  
 صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کوکل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور  
 صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و  
 تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل  
 کرنے اور ہر قسم کے بیان دینے اور سپروٹاشی و راضی نامہ فیصلہ برخلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور  
 بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف  
 کو بشرط ادائیگی علیحدہ مختار نہ پجھری کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا  
 اس کے کسی جزوی کارروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا پیر سٹر کو بجائے اپنے یا اپنے ہمراہ  
 مقرر کریں اور ایسے مشیر قانون کے ہر امر دہی اور ایسے ہی اختیارات حاصل ہوں گے جیسے کے صاحب موصوف کو حاصل  
 ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو  
 پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پجھری نہ کریں اور ایسی صورت  
 میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سند رہے۔  
 مورخہ 2020-7-07 مضمون مختار علیحدہ لیا اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted by  
 [Signatures]

ایڈووکیٹ صاحب  
 1742

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

Service Appeal No. 7949/2020  
Majid Khan Ex-FC No. 372

..... Appellant

**V** ERSUS

Inspector General of Police,  
Khyber Pakhtunkhwa & others

..... Respondents

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Deponent



P-1

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

---

Service Appeal No. 7949/2020  
Majid Khan Ex-FC No. 372

..... Appellant

**V**  
**ERSUS**

Inspector General of Police,  
Khyber Pakhtunkhwa & others

..... Respondents

**PARAWISE COMMENTS BY RESPONDENTS**

**Respectively Sheweth:-**

**Preliminary Objections:-**

- i. That the appellant has got no cause of action.
- ii. The appellant has got no locus standi.
- iii. That the appeal is bad for misjoinder and nonjoinder of necessary parties.
- iv. That the appellant has not approached the honorable Tribunal with clean hands.
- v. That the appellant is estopped to file the instant appeal for his own act.
- vi. That the appeal is barred by law and limitation.

**Facts:-**

1. Pertains to service record of appellant, hence no comments.
2. Incorrect, the appellant being member of disciplined department was duty bound to serve in accordance with the law and rules. His performance during service was not up to the marks. List of bad entries are enclosed as **annexure A**.
3. Incorrect, on 05.11.2019, one Aqil Khan s/o Suhbat Khan r/o Bora Ghari Kohat lodged a report vide FIR No. 816 dated 5.11.2019 u/ss 302, 34 PPC Police station Bilitang Kohat, wherein the appellant alongwith his two co-accused were directly charged for the commission of offence. The appellant remained at large after the commission of offence. During course of investigation appellant was found responsible for the heinous offence. Copy of FIR and challan u/s 173 CrPC are enclosed as **annexure B & C**.
4. Relates to court record, however, tentative assessment is made by the court in bail granted to the appellant, which does not amount to

innocence or acquittal of the appellant in criminal case. Furthermore, trial of the case is under process in the trial court and there is probability of his conviction in the alleged criminal case.

- 5. Incorrect, the appellant has committed a gross professional misconduct besides a criminal act. Therefore, a regular inquiry was initiated against the appellant under the relevant rules. The charge / allegation leveled against the appellant was established beyond any shadow of doubt. During probe on conclusion of departmental proceedings and fulfillment of all codal formalities, appropriate punishment was awarded to appellant under the rules.
- 6. Correct to the extent that the departmental appeal of the appellant was processed by respondent No. 2, which was found devoid of merits and correctly rejected by the competent authority vide order dated 25.06.2020 with cogent and convincing grounds.
- 7. Incorrect, the appellant is charged in a heinous case and he is estoppel to file the instant service appeal for his own act. He has wrongly assailed the legal order of respondents through unsound grounds.


**Grounds:-**


- A. The appellant was proceeded with departmentally under the relevant rules and he was never discriminated in any way by the respondents.
- B. Incorrect, the appellant is involved in a murder case and directly charged by the complainant in FIR mentioned above. Besides his criminal act, he has committed a gross professional misconduct for which he was proceeded departmentally under the relevant rules.
- C. Incorrect, as replied in the above paras, one private person namely Aqil Khan has lodged a report, wherein the appellant alongwith co-accused were directly charged for the commission of serious offence.
- D. Incorrect, reply is submitted in the above paras.
- E. Incorrect, criminal and departmental proceedings are distinct in nature and can run side by side.
- F. Incorrect, a regular inquiry was conducted against the appellant, he was associated with the proceedings and afforded ample opportunity of defense.
- G. Incorrect, the order of respondent No. 3 is based on facts and speaking one.


- H. Incorrect, both the orders of the respondent No. 2 & 3 legal and speaking and well reasoned.
- I. Incorrect, reply is submitted in the above paras.
- J. Incorrect, reply is submitted in the above paras.
- K. The respondents may also be allowed to advance other grounds during the course of arguments.

**Prayer:-**

In view of the above, it is prayed that the appeal contrary to facts and devoid of merits may graciously be dismissed with costs.

  
Dy: Inspector General of Police  
Kohat Region, Kohat  
(Respondent No. 2)

  
Inspector General of Police,  
Khyber Pakhtunkhwa,  
(Respondent No. 1)

  
District Police Officer,  
Kohat  
(Respondent No. 3)

P-4

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 7949/2020  
Majid Khan Ex-FC No. 372

..... Appellant


**VERSUS**


Inspector General of Police,  
Khyber Pakhtunkhwa & others

.... Respondents

**COUNTER AFFIDAVIT**

We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of parawise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Tribunal.

  
Dy: Inspector General of Police  
Kohat Region, Kohat  
(Respondent No. 2)

  
Inspector General of Police,  
Khyber Pakhtunkhwa,  
(Respondent No. 1)

  
District Police Officer,  
Kohat  
(Respondent No. 3)

EX-CONSTABLE MAJID KHAN NO. 372

S#	Name & Number	D.O.B.	D.O.E.	Edu:	Good			Bad		
					Major	Minor	Leave Without Pay	Major	Minor	Leave Without Pay
1	Ex-Constable Majid Khan No. 372	14.04.1989	31.10.2008	10 <sup>th</sup>	02	03	09			

*[Signature]*  
9/1/02

(9) (10)

تاریخ نمبر ۱۵-۱۱-۲۰۱۹

ڈی جی ڈی

پلاز جنرل پولیس سٹیٹوٹریٹ ڈیپارٹمنٹ

کاؤنٹر فائل

14301-3022755-3  
0333-9617333

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع دست برقم قابل دست اندازی پولیس رپورٹ نمبر ۱۵۳ مجموعہ ضابطہ عدالتی

تاریخ وقت رپورٹ	۱۱/۱۱/۱۹ ۱۷:۰۰ بجے
نام و سکنیت اطلاع دہندہ	حاصل خان صحت خان
شخصی کارڈ نمبر اسپتال	۶۹/۶۴ سال سکر جنرل گرو گروچی کوہاٹ
مختصر کیفیت جرم (میں وقت) خالی اگر خالی کیا ہو۔	۳۰۲/۳
پہلے توہم فاصلہ تھا یا نہیں اور بہت	۱۵ روز قبل از ان ماجدہ واقم جوڑا گروچی باہر سے
نام و سکنیت ظرم	حاصل خان صحت خان
شخصی کارڈ نمبر اسپتال	۶۹/۶۴ سال سکر جنرل گرو گروچی کوہاٹ
کارروائی جو پیش کی گئی اگر اطلاع درج کرنے میں توقف آواہ اور وجوہ بیان کرو۔	پہلے توہم فاصلہ تھا یا نہیں اور بہت
تعمیر سے درآگئی کی تاریخ و وقت	۱۱/۱۱/۱۹ ۱۷:۰۰ بجے

ابتدائی اطلاع کے درج کروانے سے پہلے قریباً ۱۵ روز قبل از ان ماجدہ واقم جوڑا گروچی باہر سے  
 ۱۵۳ مجموعہ ضابطہ عدالتی  
 ۱۱/۱۱/۱۹ ۱۷:۰۰ بجے  
 حاصل خان صحت خان  
 ۶۹/۶۴ سال سکر جنرل گرو گروچی کوہاٹ  
 ۳۰۲/۳  
 ۱۵ روز قبل از ان ماجدہ واقم جوڑا گروچی باہر سے  
 حاصل خان صحت خان  
 ۶۹/۶۴ سال سکر جنرل گرو گروچی کوہاٹ  
 پہلے توہم فاصلہ تھا یا نہیں اور بہت  
 ۱۵ روز قبل از ان ماجدہ واقم جوڑا گروچی باہر سے  
 حاصل خان صحت خان  
 ۶۹/۶۴ سال سکر جنرل گرو گروچی کوہاٹ  
 ۳۰۲/۳  
 ۱۱/۱۱/۱۹ ۱۷:۰۰ بجے

AS: P. 85  
S. 11.19

بیان اسٹریٹجی 011 5550019 حکام ملی سبک

بھارتی ایئر فورس میں ترقی پان کیم سروسز کے 816 حکام 5 11/19 جنم 302 ملی سبک میں ترقی ملزم ماجد خان ولز لائی بادشاہ سبک جیورگڈی کے خلاف ذیل الزامات ہیں۔

1. مذکورہ کے خلاف مری سروسز عامل خان کے ای اسپر سٹیٹ اسٹریٹجی میں ترقی کے بارے میں رات دھیری کی 2. وقوم پشم خود دلچسپ بیان کیا 2. ملزم ماجد کو مائزنگ کرتے دلچسپ بیان کیا 2. لوٹ مارم رپورٹ میں ڈاکٹر نے مقبول جیم مائزنگ زخات کے علاوہ دو سیز دھار آلہ کے زخات جی تحریر کئے تھے جس کے بارے میں مری سبک نے کم ملزم ماجد خان کیا تو حاشو ہوا کرتا تھا۔ اور لقیہہ یہ زخات ماجد خان نے لگائے ہیں۔
2. وقوم ملزم ماجد خان کی سبک کے روزے میں روکا ہوا تھا۔ ملزمان اور مقبول شہانے میں قبلا از وقوم موجود تھے۔

3. روز وقوم لوہا میں سبک جیورگڈی میں سبک مائزنگ کی آوز میں کر جیے جائے۔ وقوم سبک نے ملزم ماجد خان اس سبک کے روزے میں کھڑا تھا لوہا کو رکھ کر سبک لگا۔ لوہا نے سبک کے ملزمان آبادی میں گولوں میں گھسی کر تھیر پوائے۔ ملزم ماجد خان نے سبک کے گولوں کو کھانہ مقبول کو لوہا نے مارا 2. سبک علاقہ میں کافی سبک بیوے تھے۔ اور سبک سے گولوں کو تسلی کرتی تھی۔

4. ملزم ماجد خان نے کیوکر وقوم کو روکنے کی کوشش میں کی۔
5. ملزم ماجد خان اگر بالفرض اس وقوم میں ملوث نہیں تھا تو کیوکر وقوم سے قرار ہو کر روٹوشن ہوا۔ جیسے تو یہ تھا کہ وہ گواہی دیتا اگر اس نے تم کو بتا دیتا۔
6. ملزم ماجد خان نے BDA کے منوح ہو کر دوران اسٹریٹجی دیگر دو ملزمان پر حارا ملیم ڈاک کر لگا کر بیان کیا 2. التو وقوم کے وقت وقوم پر اپنی موجودگی بیان کر کے حوش کی لگا رہی تھی 2۔

2۔ ذکرہ ملزم نے اپنی لگائی کے بارے میں کسی قسم کا ثبوت نہیں کیا 2۔ ذکرہ اس وقوم میں براہ راست ملوث 2۔ اور اور اورا شریک 2۔ دیگر ملزمان کی گھیری پر ملزم ماجد خان کا اس وقوم میں کردار بالکل واضح ہو جائے گا کہ وہ کتنا کھٹا 2۔ یہ سبک بیان 2۔

Sir  
Submitted for info!  
for further orders pl.  
011 - P-7  
16-12-19  
18/12

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA PESHAWAR**

In S.A # 7949/2020

Majid Khan

Versus

Inspector General of Police and Others

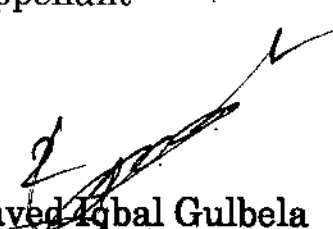
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Dated: 15/07/2021

  
Appellant

Through

  
Javed Iqbal Gulbela  
Advocate, Supreme Court of  
Pakistan



**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR**

In S.A # 7949/2020

Majid Khan

Versus

Inspector General of Police and Others

**REJOINDER ON BEHALF OF THE  
APPELLANT TO THE COMMENTS  
FILED BY THE RESPONDENTS.**

**Respectfully Sheweth,**

**Reply to Preliminary objections:-**

**Para No. 1 to 6:**

All the preliminary objections raised by the respondents are incorrect, false, frivolous, concocted, hence sternly denied. The Appellant has a good prima facie case and has rightly approached this Hon'ble Tribunal. The Appellant remained sincere & devoted fellow and has always performed his duties with full zest and devotion. The Appellant has never concealed material facts from the Hon'ble Tribunal, and this Hon'ble Tribunal has got ample jurisdiction to adjudicate upon the matter. As far as the limitation is concerned, previously the Departmental Appeal of the Appellant was not decided by the Appellate Authority, hence after the lapse of statutory period, the Appellant timely & rightly approached the Hon'ble Khyber Pakhtunkhwa Services Tribunal and during the pendency of the Service Appeal of the Appellant, the Departmental Appeal of the Appellant was decided on 06/07/2020, hence the Appellant submitted amended service appeal rightly within time and have rightly approached the Hon'ble Khyber Pakhtunkhwa Services Tribunal.

**On Facts:-**

1. Para No. 1 needs no comments.
2. Para No.2 of the comments is false, fabricated, concocted and sternly denied. The Appellant always

remain punctual and devoted fellow and there has never ever been any sort of complaint against the Appellant throughout his year's long career.

3. Para No.3 of comments is incorrect, false, concocted, vexatious, hence denied. True & detailed picture has been portrayed in the main Appeal. .
4. Para No. 4 of comments is false and incorrect. The Bail was rightly granted to the Appellant as per his innocence and false implication in the FIR and there is a probability that the Appellant would be acquitted of the charges leveled against him.
5. Para No.5 of comments is incorrect, and wrong and sternly denied. The Appellant has never ever committed any criminal act and was falsely dragged in the instant case. No inquiry was ever got conducted in case of the Appellant, neither any codal formalities were fulfilled but even then the harshest punishment of dismissal from service was awarded to the Appellant in a classical, cursory & whimsical manner.
6. Para No.6 of comments is only correct to the extent that the Appellant preferred the Departmental Appeal to the Respondent No.2, which was decided after the lapse of statutory period i.e., on 06/07/2020. It would be equally important to mention here that after the lapse of statutory period i.e., 90 days, the Appellant preferred Service Appeal No: 5757/2020, and during the pendency of that Service Appeal, the Departmental Appeal of the Appellant was decided, which shows malafide on part of the Respondent and was only an act to prolong the case of the Appellant.
7. Para No 7 of comments is incorrect and false, hence sternly denied.

### **On Grounds:**

- A. Incorrect & denied.
- B. Incorrect & denied. The Appellant is an innocent soul and has already been released on bail and there is probability of his acquittal in the criminal case lodged against the Appellant.

- C. Incorrect & denied. True and detailed picture has already been portrayed in the preceding Paras.
- D. Incorrect & denied, while that of the main Appeal is correct.
- E. Incorrect & wrong, hence sternly denied.
- F. Incorrect & denied, no proper opportunity of defense was ever extended to the Appellant, neither no proper inquiry got conducted in case of the Appellant. But even then, the harshest penalty of dismissal from service was awarded to the Appellant.
- G. Incorrect & denied.
- H. Incorrect & Denied. Even the Departmental Appeal of the Appellant was decided after six months, which clearly depicts malafide and mal-practices on part of the Respondents.
- I. Incorrect & denied.
- J. Incorrect & denied. Proper reply has already been given in the above Paras.
- K. No Comments.

*It is, therefore, most humbly prayed that on acceptance of instant rejoinder, the Appeal of the Appellant may graciously be allowed, as prayed for therein.*

Through

  
Appellant

Javed Iqbal Gulbela  
Advocate, Supreme Court of  
Pakistan

Saghir Iqbal Gulbelâ

&

Ahsan Sardar  
Advocates High Court  
Peshawar

Dated: 15/07/2021

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA PESHAWAR**

In S.A # 7949/2020

Majid Khan

Versus

Inspector General of Police and Others


**AFFIDAVIT**

I, Majid Khan S/o Laiq Badshah R/o Bhora Garhi,  
Tehsil & District Kohat, do hereby solemnly affirm and  
declare on oath that contents of the Rejoinder are true  
and correct to the best of my knowledge and belief and  
nothing has been concealed from this Hon'ble court.

  
Deponent

CNIC: 14301-5115847-3

Identified By:-

  
Javed Iqbal Gulbela  
Advocate Supreme Court of  
Pakistan

