

6<sup>th</sup> Oct. 2023

1. Learned counsel for the appellant and Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Zahoor Khan, DSP (Legal) for the respondents present.

2. File to come up alongwith connected Service Appeal No.4951/2021 titled "Sawar Khan Vs. Police Department" on 03.11.2023 before D.B. P.P given to the parties.

SCANNED  
KPST  
PESHAWAR



(Muhammad Akbar Khan)  
Member (E)



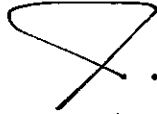
(Kalim Arshad Khan)  
Chairman

\*Atulazem Shah\*

05<sup>th</sup> May, 2023

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.
2. Learned counsel for the appellant seeks time for preparation. Adjourned. To come up for arguments on 10.07.2023 before the D.B. Parcha Peshi is given to the parties.

SCANNED  
KPST  
Peshawar



(Salah-ud-Din)  
Member (J)



(Kalim Arshad Khan)  
Chairman

\*Naeem Amin\*

10.07.2023

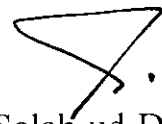
Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

The availability of complete inquiry record before the Tribunal is necessary for just and right decision of the case, however the same has not been submitted by either party. Learned Assistant Advocate General shall intimate the respondents for submission of complete inquiry record on the next date. Adjourned. To come up for complete inquiry record as well as arguments on 06.10.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED  
KPST  
Peshawar



(Rashida Bano)  
Member (J)




(Salah-ud-Din)  
Member (J)

\*Naeem Amin\*

4<sup>th</sup> Nov. 2022

Lawyers are on strike today.

To come up for arguments on 12.12.2022 before the D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.

  
(Fareeha Paul)  
Member(E)

  
(Kalim Arshad Khan)  
Chairman

12.12.2022

Learned counsel for the appellant present.

Mr. Naseerud Din Shah, Assistant Advocate General  
alongwith Aziz Shah, H.C for the respondents.

**SCANNED**  
**KPST**  
**Peshawar**

Learned counsel for the appellant requested for adjournment  
in order to further prepare the brief. Adjourned. To come up for  
arguments on 23.02.2023 before the D.B.

  
(FAREEHA PAUL)  
Member(E)

  
(ROZINA REHMAN)  
Member (J)

23.02.2023

Bench is incomplete, therefore, the case is adjourned to  
05.05.2023 for the same as before.

  
Reader

18-2-22


Due to Retirement of the Honble Chairman  
The case is adjourned to come up for the  
same as before on 19-6-22


*S. J. Reader*  
Reader

10.06.2022

Appellant in person present. Mr. Riaz Ahmed Paindakhel,  
Assistant Advocate General for the respondents present.

Appellant requested for adjournment on the ground that  
his counsel is not available today due to strike of lawyers.  
Adjourned. To come up for rejoinder, if any, as well as  
arguments on 01.09.2022 before the D.B.

  
(Fareeha Paul)  
Member (E)

  
(SaTah-ud-Din)  
Member (J)

01.09.2022

Bench is incomplete, therefore, case is adjourned to  
04.11.2022 for the same as before.

  
Reader

12.07.2021

Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.

Chairman

Stipulated period passed reply not submitted.

25.10.2021

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

Written reply/comments has not submitted despite extension of 10 days time. Learned AAG seeks further time to submit the same on the next date. Granted but as a last chance. To come up for reply/arguments before the D.B on 19.01.2022.

(MIAN MUHAMMAD)  
MEMBER (E)

19.01.2022

Learned counsel for the appellant present. Mr. Riaz Khan Paindakheil, Assistant Advocate General alongwith Mr. Aziz Shah, Reader for respondents present and submitted reply/comments which are placed on file. Copy of the same is handed over to the learned AAG. Learned counsel for the appellant requested for adjournment to submit rejoinder. Adjourned. To come up for rejoinder if any, and arguments before the D.B on 18.02.2022.

(Atiq-Ur-Rehman Wazir)  
Member (E)

Chairman

14.06.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The 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 for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 25.10.2021 before the D.B.

Appellant Deposited  
Security & Process Fee ▶


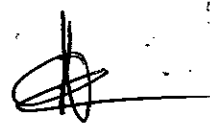
  
Chairman

Form- A

FORM OF ORDER SHEET

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

Case No. - 4953 /2021

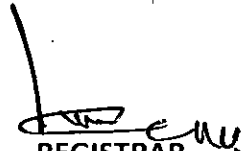
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/04/2021  27/05/21	<p>The appeal of Mr. Fasih-ud-Din resubmitted today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>14/06/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Mr. Fasih-ud-Din Constable no. 2612 Police Line Peshawar received today i.e. on 13/04/2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Annexures of the appeal are illegible which may be replaced by legible/better one.
- 3- Annexure-B of the appeal is incomplete which may be completed.
- 4- Appeal has not been flagged/annexed annexures marks.
- 5- Four more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 734 /S.T,

Dt. 16/04 /2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

Dr

Re-submitted after removing  
the objections.





**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

*Rasheed Khan*  
*Rasheed Khan* S.A No. *1953* / 2021

*Rasheed Khan*

versu

SP & Others

**I N D E X**

S. No	Documents	Annex	P. No.
1.	Memo of Appeal		1-4
2.	Lower School Record	"A"	5
3.	Charge Sheet dated 25-09-2020	"B"	6-7
4.	Reply to Charge Sheet	"C"	8
5.	Final Show Cause Notice, 03-12-2020	"D"	9
6.	Reply to FSCN	"E"	10
7.	Impugned order dated 20-01-2021	"F"	11
8.	Representation	"G"	12
9.	Rejection order dated 31-03-2021	"H"	13

Through

Appellant

*Saadullah Khan Marwat*

Saadullah Khan Marwat  
Advocate.

21-A Nasir Mansion,  
Shoba Bazaar, Peshawar.

Ph: 0300-5872676

Dated 12-04-2021

**BEFORE KPK SERVICE TRIBUNAL PESHAWAR**

*Basim ud Din* S.A No. 4953/2021

*Basim ud Din*

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 4866

Dated 13/4/2021

~~REGISTERED~~

S/O Muhammad Yousof,

S/o Musazai, Peshawar.

Constable No. 2612,

Police Line, Peshawar.

Appellant

**Versus**

1. Superintendent of Police,

Hqrs: Peshawar.

2. Capital City Police Officer,

Peshawar

Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974**  
**AGAINST OB. NO. 244 DATED 20-01-2021 OF R.**  
**NO. 01, WHEREBY APPELLANT WAS AWARDED**  
**MAJOR PUNISHMENT IN REDUCTION TO LOWER**  
**STAGE OF TIME SCALE FOR A PERIOD OF ONE**  
**YEAR, CANCELLATION OF PASSING OF LOWER**  
**COLLEGE COURSE AND WITHDRAWN OF ENTRY**  
**OF A1 IN SERVICE ROLL OR OFFICE ORDER NO.**  
**1003-08 / PA DATED 31-03-2021 OF R. NO. 02,**  
**WHEREBY APPEAL OF APPELLANT WAS**  
**REJECTED / FILED FOR NO LEGAL REASON:**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Filed to-day

*ew.*  
Registrar

13/4/2021

**Respectfully Sheweth;**

1. That appellant was enlisted in service as Constable on 26-06-2008 and was serving the department with the best of his ability and to the entire satisfaction of the superiors.
2. That at the time A1 examination was conducted in the year 2013 by the department and appellant was declared successful and entry in his Service Book was recorded by the department to this effect.
3. That in the year 2013, departmental examination was abundant and the same was then made through ETEA, so in the year 2018, appellant qualified B1 examination and entry to this effect was made in the Service Book.
4. That thereafter in turn appellant was deputed to PTC Hangu for qualifying Lower School Course and after taking the said examination, he passed the same and entry to this effect was also recorded in Service Book. The Service Book is in the custody of respondents. (Copy as annex "A")
5. That appellant is serving the department for about 13 years when on 20-03-2020 Audit was conducted wherein it was found by the audit party that A1 examination in the record was found failed. Such matter came into surface at the time that one OSI made numerous appointments as per consideration in the department which was complained by colleagues and to scrutinized the said matter, Committee was constituted on 20-03-2020, wherein such matter was also came to surface and A1 examination was found failed.
6. That regarding the aforesaid omission, appellant was served with Charge Sheet on 25-09-2020 with allegation that during scrutiny by Committee constituted on 20-03-2020 to conduct audit of A1 and B1 examination of two branches of OSI and CRC, the same were found failed in A1 examination, yet qualified Lower School Course in PTC Hangu. Enquiry Committee was also constituted therein to probe into the matter. (Copy as annex "B")

7. That the said Charge Sheet was replied and denied the allegations. (Copy as annex "C")
8. That enquiry into the matter was initiated but the same was not conducted as per the mandate of law and submitted enquiry report to the authority wherein suitable punishment was suggested.
9. That on 03-12-2020, appellant was served with Final Show Cause Notice which was replied in the aforesaid manner. (Copy as annex "D" & "E")
10. That on 20-01-2021, appellant was awarded with major punishment of reduction to lower stage of time scale for a period of one year, cancelled of passed Lower College Course and entry of A1 passed examination in Service-Roll was also withdrawn, meaning thereby that at one and the same time, 03 different punishments were awarded to appellant at a single stroke of pain. (Copy as annex "F")
11. That thereafter appellant submitted representation before R. No. 02 for waiving of the aforesaid punishment but the same was rejected on 31-03-2021. (Copies as annex "G" & "H")

Hence this appeal, inter alia, on the following grounds:-

**GROUND S:**

- a. That A1 examination was taken by the respondents internally wherein appellant was declared passed and entry to this effect was made in the Service Book.
- b. That as per Law and Rules after scrutiny of record employee is deputed / selected for subsequent courses of B1, Lower College Course, Upper School Course, etc and those who have not passed A1 or subsequent examinations cannot be selected for further upper courses.
- c. That in the office of OSI, some mishaps have taken place to dig out the same, scrutiny Committee was constituted to check the record as to whether appointments were as per the mandate of law or otherwise and not of the appellant but the Committee also scrutinized other record and then it came to notice that appellant had not passed A1 examination. By then appellant has served for about 13 year's service.

- d. That the authority also cancelled all other courses which were qualified as per the mandate of law by the appellant.
- e. That every year audit goes in the department but no such lacuna was ever pointed out and it is very strange that after 13 years, such drastic action was taken by the respondents for no legal reason.
- f. That whole of the record of the courses is in the possession of the respondents and thereafter such entries were made in the Service Book by them and not by the appellant.
- g. That at this stage appellant cannot be deputed for passing of A1 examination followed by subsequent examination on account of age limit.

It is, therefore, most humbly prayed that on acceptance of appeal, orders dated 20-01-2021 and 31-03-2021 of the respondents be set aside and A1 examination of appellant be declared as passed with all consequential benefits, with such other relief as may be deemed proper and just in circumstances of the case.

*Rubina*  
Miss Rubina Naz

Through



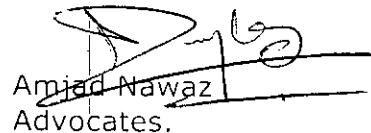
Appellant



Saadullah Khan Marwat



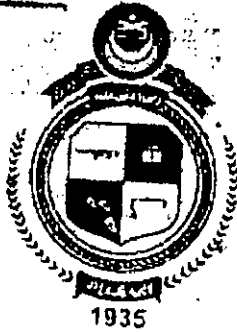
Arbab Saiful Kamal



Amjad Nawaz  
Advocates.

Dated 12-04-2021

# Police Training College Hangu



## PERFORMANCE REPORT

Starting Date : 03.07.2018  
 College Course : Lower  
 District/Unit : CCP Pesh:  
 Belt No. : 2612  
 Education : 10th  
 Term Qualifying : 31.10.2018  
 Ending Date : 31.10.2018  
 Name : Fasih Ud Din  
 Comp# : L-10612  
 Company : Suleman  
 Merit : 257

Subjects	Marks obtained	Marks allotted	Subjects	Marks obtained	Marks allotted	Remarks
<b>Paper No: I</b>			Parade	29	50.00	Awarded grace marks. Declared Passed
PPC	160	/400.00	PT	16	30.00	
PR			FC	30	50.00	
MI/AC			DPA	38	70.00	
Is/EP			A. Fire SMO	200	200.00	
			G3 Fire	97	100.00	
			AC	63	10.00	
<b>Paper No: II</b>			R On P O	1	10.00	
GPC	252	/400.00	Antosh	1	10.00	
LSL			Naka Bandh	1	10.00	
ECT			Total	514	700.00	
PPWP						
PEW/QS						
Total			412	/800		

Overall %age is: 61.73

Grand Total 926 / 1500.00

Leave: Nil, M. Rest: 01 day, Absence: 02 days, Punishment: Nil, Reward: Nil

Checked and found correct.

Incharge Secrecy

Controller of examinations  
 For Commandant,  
 Police Training College, Hangu.

B

6

**CHARGE SHEET**

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, hereby, charge that 06-officials mentioned in the attached list vide at annexure-D of Capital City Police Peshawar with the following irregularities. .

"During scrutinizing by committee constituted vide No.227-31/PA/CCPO dated 20.03.2020 to conduct Audit of A-I & B-I examination of 02-branches i.e OSI & CRC, you were found failed in A-I examination but you qualified lower school course in PTC Hangu. This amounts to gross misconduct on your part and is against the discipline of the force."

You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer committee, as the case may be.

Your written defence, if any, should reach the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that have no defence to put in and in that case ex parte action shall follow against you.

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.



SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

7

**DISCIPLINARY ACTION**

I, Superintendent of Police, Headquarters, Capital City Police Peshawar as a competent authority, am of the opinion that 06-officials mentioned in the attached list vide at annexure-D has rendered themselves liable to be proceeded against under the provision of Police Disciplinary Rules-1975

**STATEMENT OF ALLEGATION**

"During scrutinizing by committee constituted vide No.227-31/PA/CCPO dated 20.03.2020 to conduct Audit of A-I & B-I examination of 02-branches i.e OSI & CRC, they were found failed in A-I examination but they qualified lower school course in PTC Hangu. This amounts to gross misconduct on their part and is against the discipline of the force."

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and following Officer appointed as Enquiry Officers.

i) **Mr. Gul Arif DSP Civil Secretariat**

ii) **Mr. Arshid Khan DSP Coordination**

2. The Enquiry Officer shall, in accordance with the provisions of the Police Disciplinary Rules, 1975, provide reasonable opportunity of hearing to the accused officer, record his finding within 30 days of the receipt of this order, make recommendations as to punishment or other appropriate action against the accused.

3. The accused shall join the proceeding on the date time and place fixed by the Enquiry Officer.

  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

No. 227 /E/PA, dated Peshawar the 25th /2020

1 \_\_\_\_\_ is directed to  
finalize the aforementioned departmental proceeding within  
stipulated period under the provision of Police Rules-1975.

2. Official concerned



جناب عالی!

گزارش ہے کہ سائل محکمہ پولیس میں 2008 سے ڈیوٹی سرانجام دے رہا ہے سائل نے 2013 کو اے ون امتحان دیا تھا اس دوران سائل نے اپنا سروس بک نہ دیکھا تھا اور نہ ہی اے ون کا نتیجہ چیک کیا تھا سائل اپنی ڈیوٹی میں مصروف عمل تھا سائل نے سی پی فنڈ کے لئے سروس بک چیک کیا تو اے ون پاس تھا سائل کو بی ون امتحان کے لئے رول نمبر مل گیا اور 2018 میں بی ون امتحان دیکر پاس کیا اور نوٹرز کورس کے لئے پولیس ٹریننگ کالج ہنگو چلا گیا کورس مکمل کر کے واپس آکر دریں وقت سائل ضلع پشاور میں اپنی ڈیوٹی سرانجام دے رہا ہے۔

بذریعہ درخواست استدعا کی جاتی ہے کہ سائل کی انکوائری فائل کر کے سائل تاحیات دعا گورہیگا۔

العارض

آپکا تابعدار فصیح الدین نمبر 2612

3

9

**FINAL SHOW CAUSE NOTICE**

I Superintendent of Police, Headquarters, Capital City Police Peshawar, as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve upon you, Constable / M/s. Sag. Uddin No. 2612 the final show cause notice

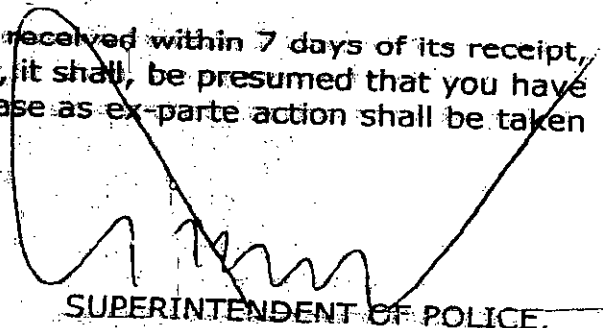
The Enquiry Officer, DSP Civil Secretariat & DSP Coordination, after completion of departmental proceedings, has recommended you for suitable punishment for the charges/allegations leveled against you in the charge sheet/statement of allegations.

And whereas, the undersigned is satisfied that you Constable / M/s. Sag. Uddin No. 2612 deserve the punishment in the light of the above said enquiry report.

And as competent authority, has decided to impose upon you the penalty of minor/major punishment under Police Disciplinary Rules 1975.

1. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

2. If no reply to this notice is received within 7 days of its receipt, in normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

No. 221 /PA, SP/HQrs: dated Peshawar the 3-12 /2020.

Copy to official concerned

جناب عالی!

گزارش ہے کہ سائل محکمہ پولیس میں 2008 سے ڈیوٹی سرانجام دے رہا ہے سائل نے 2013 کو اے ون امتحان دیا تھا اس دوران سائل نے اپنا سروس بک نہ دیکھا تھا اور نہ ہی اے ون کا نتیجہ چیک کیا تھا سائل اپنی ڈیوٹی میں مصروف عمل تھا سائل نے سی پی فنڈ کے لئے سروس بک چیک کیا تو اے ون پاس تھا سائل کو بی ون امتحان کے لئے رول نمبر مل گیا اور 2018 میں بی ون امتحان دیکر پاس کیا اور لوئر کورس کے لئے پولیس ٹریننگ کالج ہنگو چلا گیا کورس مکمل کر کے واپس آکر دریں وقت سائل ضلع پشاور میں اپنی ڈیوٹی سرانجام دے رہا ہے۔

بذریعہ درخواست استدعا کی جاتی ہے کہ سائل کی انکوائری قائل کر کے سائل تاحیات دعا گو رہے گا۔

العارض

آپکا تاجدار فصیح الدین نمبر 2612

F                      11

**ORDER**

This office order relates to the disposal of formal departmental enquiry against Constable Fasih-ud-Din No.2612 of Capital City Police Peshawar on the allegations that during scrutinizing by committee constituted vide No.227-31/PA/CCPO dated 20.03.2020 to conduct audit of A-I & B-I examination of 02-Branches i.e. OSI & CRC, he was found failed in A-I examination but he qualified lower school course in PTC Hangu vide letter No.1095-99/PA/CCPO dated 03.09.2020.

In this regard, he was issued charge sheet & summary of allegations. DSP Civil Secretariat & DSP-Coordination were appointed as Enquiry Officers. They conducted enquiry proceedings & submitted their finding/report that the alleged official failed to produce solid proof in connection with his A-I passed result & found guilty. The E.O further recommended suitable punishment for the defaulter official.

Upon the finding of E.O, he was issued final show cause notice which he received & replied. His explanation found un-satisfactory.

DSP Legal opinion was also sought. He opined that "act of the accused official during perusal of relevant available record are highly objectionable as they had not qualified A-I examination on its own merits. Therefore his selection for B-I and subsequently to lower college course stand illegal"

From perusal of finding of Enquiry Officers & other material available on record, the undersigned came to the conclusion that the defaulter official found guilty of this misconduct. In exercise of the power vested to me under Police & Disciplinary Rules-1975, he is awarded the major punishment in reduction to lower stage of time scale for a period of 01-year with immediate effect. Hence, lower college course he passed is hereby cancelled with immediate effect & his fake entry of A-I passed examination in service roll is also withdrawn.

  
**SUPERINTENDENT OF POLICE  
HEADQUARTERS, PESHAWAR**

OB. NO. 244 / Dated 20 / 1 / 2021

No. 563-49 / PA/SP/dated Peshawar the 20 / 1 / 2021

Copy of above is forwarded for information & n/action to:

- ✓ The Capital City Police Officer, Peshawar.
- ✓ DSP/HQrs, Peshawar.
- ✓ Pay Officer
- ✓ OASI, CRC & FMC along-with complete departmental file.
- ✓ Officials concerned.

بخدمت جناب کیپٹل سٹی پولیس افسر CCPO صاحب پشاور۔  
 مضمون: حکمانہ اپیل برخلاف OB نمبر 244 مورخہ 20 جنوری 2021 جس کی بنا پر سائل کو ایک  
 سال کے لیے ٹائم سکیل اور لوئر کالج کورس کو منسوخ اور ساتھ ہی A\_1 امتحان کو بھی ختم کیا گیا ہے۔  
 جناب عالی!

موردبانہ گزارش ہے کہ سائل 2008 کو بطور کنسٹیبل بھرتی ہو کر ریکروٹ کورس پاس کیا ہے۔ سائل نے  
 تا حال بے داغ ملازمت انجام دی ہے۔ اور کبھی افسران بالا کو شکایت کا موقع نہیں دیا ہے۔ یہ کہ سائل  
 حسب ضابطہ A\_1 اور B\_1 امتحان پاس کر کے افسران بالا ہی نے سائل کو لوئر کورس کے لئے منتخب کر  
 کے پولیس ٹریننگ کالج ہنگو میں مقررہ مدت ٹریننگ حاصل کر کے مکمل امتحانات پاس کر کے سرٹیفکیٹ  
 حاصل کیا۔ یہ کہ سائل کے خلاف بے بنیاد انکوائری عمل میں لائی جا کر جس میں سائل کی جائز معروضات  
 اور دلائل کو نظر انداز کر کے بے جا طور پر سائل کو عنوان الصدر سزا دی گئی ہے۔ ہلانکہ سائل نے فیزیکل  
 ٹریننگ کر کے لوئر کورس پاس کیا ہے۔ سائل کے ساتھ بے انصافی ہوئی ہے اور انصاف کا طلبگار ہے۔  
 سائل کے خلاف کوئی ٹھوس ثبوت منظر عام پر نہیں لایا گیا ہے۔ علاوہ ازیں یہ امر قابل ذکر ہے کہ سائل کا  
 سروس ریکارڈ سائل کے قبضہ/تحویل میں نہیں ہے۔ بلکہ یہ مطلقہ رکارڈ کیپر کے زیر حفاظت ہوتی  
 ہے۔ جس سے سائل ہاتھ کبھی نہیں لگا سکتا ہے۔ اس لئے درخواست بحضور انور ہے کہ سائل کو عنوان بالا  
 سنگین سزا منسوخ فرما کر سائل کو اپنے عہدہ پر دوبارہ اسی طرح بحال فرما کر مشکور فرمائیں۔ عمر بھر دعا گو  
 رہوں گا۔

آپ کا تابعدار فصیح الدین نمبر 2612 حال پولیس لائن پشاور۔



4 13  
OFFICE OF THE  
CAPITAL CITY POLICE OFFICER  
PESHAWAR

Phone No. 091-9210989

Fax No. 091-9212597


ORDER

This order will dispose of the departmental appeal preferred by Constable Fasih Uddir No.2612 who was awarded the major punishment of "Reduction to the lower stage of time scale for a period of one year and his fake entry of A-I passed in his Service Roll also withdrawn" under PR-1975 by SP/HQrs Peshawar vide order No.543-49/PA, dated 20-01-2021

2- He was proceeded against departmentally on the allegations that during the audit of A-I & B-I examination of the two branches i.e OSI and CRC he was found failed in A-I examination but he qualified lower School Course in PTC Hangu.

3- He was issued proper Charge Sheet and Summary of Allegations by SP/HQrs Peshawar. An enquiry committee comprising of DSP/Coordination and DSP/Civil Secretariat Peshawar was constituted to scrutinize the conduct of the accused official. During the course of enquiry statements of all concerned were recorded and after completion of codal formalities, the Enquiry Committee found the accused official guilty in the matter and recommended him for suitable punishment. The competent authority after perusal of the findings of the enquiry officer issued him Final Show Cause Notice to which he replied but his reply was also found unsatisfactory, hence the competent authority awarded him the above major punishment.

4- He was heard in person in O.R. and the relevant record along with his explanation perused. He failed to produce any plausible explanation in his defence. Therefore his appeal for setting aside the punishment awarded to him by SP/HQrs vide order No.543-49/PA; dated 20-01-2021 is hereby rejected/ filed.

  
(ABBAS ARISAN) PSP  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

No. 1003-08 /PA dated Peshawar the 31-03 2021.

Copies for information and n/a to the:-

1. SP/HQrs Peshawar
2. OS/ Pay Officer/ CRC
3. FMC along with Fouji Missal
4. Official concerned.

پندرہ روزہ اخبار سروس ٹریڈ یونین کے ذریعے پتہ پشاور

متواضع  
فصلہ الدین  
نام  
مقام پولیس  
دعویٰ

پندرہ روزہ اخبار سروس ٹریڈ یونین کے ذریعے پتہ پشاور

مستندہ سند جو عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و عمل کاروائی مستغلفہ آن مقام پشاور کیسٹ اسٹول اڈا صاحبان سے روٹ سے ایڈوکیٹ ہائی کورٹ کو وکیل مقرر کر کے اختیار کیا جاتا ہے کہ صاحبان موصوف کو مقدمہ کی عمل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے راضی نامہ و دفتر ثالث و فیصلہ بنیاد دینے جواب دہی اور اقبال دعویٰ اور ہمیشہ ڈگری کرنے اجراء اور دعویٰ چیک و روپیہ اور مرضی دعویٰ اور درخواست ہر قسم کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا نیز ہر صورت عدم پیروی یا ڈگری کیسٹ یا اپیل کی برآمدگی اور مستوری نیز دائر کرنے اپیل ٹرانسفر و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور ہر صورت ضرورت مقدمہ بنا کر کے عمل یا جبری کاروائی کے واسطے اور وکیل یا مشارق قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور وہ اپنے مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساتھ پرواغفہ منظور قبول ہوگا اور دوران مقدمہ میں جو خرچہ و تر جانہ الزام مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیش مقام روزہ پر ہو یا مدت سے باہر ہو تو وکیل صاحب یا مدعا نہ ہوں گے کہ پیروی مذکور کریں۔  
لہذا وکالت نامہ رکھ دیا کہ مستند ہے۔

الرقوم 9-04-20

القائد  
القائد  
القائد  
ارباب نیف اہمال  
ایڈوکیٹ  
سیدہ الشہدہ محال مرقدت  
ایڈوکیٹ  
صالح الدین  
امجد کوزا  
ایڈوکیٹ  
سیدہ شہدہ  
سیدہ شہدہ ناز  
ایڈوکیٹ

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

**Service Appeal No.4953 /2021.**

Constable Fasih ud Din No.2612 of CCP Peshawar..... **Appellant.**

**VERSUS**

Capital City Police Officer Peshawar and others..... **Respondents.**

**REPLY BY RESPONDENTS NO. 1, &2.**

**Respectfully Sheweth:-**

**PRELIMINARY OBJECTIONS:-**

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
3. That the appellant has not come to Hon'able Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi to file instant appeal.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from Honorable Tribunal.
7. That the appeal is not maintainable being devoid of any merit.

**REPLY ON FACTS:-**

1. Incorrect. The appellant has not a clean service record and contains 07 bad entries and 02 minor punishments on different occasions in his service. Record shows that he was an unwilling and unprofessional officer, thereby not interested in discharging of his official duties. (copy of list as annexure A)
2. Incorrect. In fact when it was learnt that some constables have unlawfully managed and manipulated to make fake entry of A-1 and B-1 examination, so to unearth the real fact and enquiry committee was constituted. The committee after thorough probe into the matter concluded and nominated each and every individual who had manipulated the fake entry in their service record. As such proper departmental enquiry was initiated and all the defaulters were taken to task as per gravities of their misconduct.
3. Para is totally incorrect as explained above. However, during the audit of A-1 and B-1 examination, the appellant was found failed in A-1 examination.
4. Incorrect. In fact the appellant had managed his selection for Lower Course through back doors and after surfacing the real facts his A-1 and B-1 entry were found faked/forged, hence his selection for Lower Course was found illegal at the very outset, therefore after conducting full-fledged enquiry his Lower Course as well as entry of A-1 and B-1 were cancelled by the competent authority.



5. Para-5 the Appellant has personally explained the factual position of the case as police is a disciplined force wherein such fault/illegality is not tolerated and deserving individuals are not deprived of their due rights what so ever.
6. Incorrect. In fact during the audit of A-1 and B-1 examination, the appellant was found failed in A-1 examination. In this regard, he was issued charge sheet with statement of allegations. DSP Civil Secretariat and DSP Coordination were appointed as enquiry officers. The enquiry committee after thorough probe into the matter pointed out all sort of illegality and unlawful entries made in the record. . (copy of charge sheet, statement of allegations, enquiry report, FSCN are annexure as B,,C,D,E).
7. Incorrect. The appellant was issued charge sheet with summary of allegations to which he received and also submitted his written reply, but his reply was found unsatisfactory.
8. Incorrect. In fact, proper departmental enquiry was conducted against him in accordance with law/rules. The enquiry officers after conducting enquiry recommended that the charges leveled against him proved. The enquiry officers provided full opportunity of defense during the course of enquiry, but the appellant failed to defend the charges leveled against him. The enquiry was conducted against him on merit.
9. Incorrect. After completion of the enquiry proceedings, the appellant was issued final show cause notice to which he replied, but his reply was also found unsatisfactory.
10. Incorrect. Appellant was awarded only the punishment of reduction to lower stage of time scale for a period of 01 year, besides cancellation of fake entry and qualifying course illegally is not a punishment.
11. Incorrect. In fact, the punishment awarded to the appellant was found justified and lawful, therefore his departmental appeal was rejected as no modification in the punishment was deemed fit/appropriate.

That appeal of the appellant being devoid of merits and limitation may be dismissed on the following grounds.

**REPLY ON GROUNDS:**

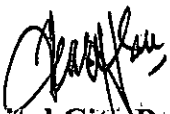
- a. Incorrect. During the audit of A-1 and B-1 examination, the appellant was found failed in A-1 examination. The charges levelled against him was proved, hence he was awarded the appropriate punishment as per law/rules.
- b. Incorrect. As per the amended 2017 rules 13(7) those constables who qualified A-1 and B-1 examination through pre requisite criteria shall eligible for the lower school course in the order of merit in B-1 examination.
- c. Incorrect. A committee was constituted to scrutinized the record of OSI branch and CRC who after through probe to the matter and revealed that there were same


mischief was taken place, found some personnel failed in A-1 and B-1 examination. The appellant was also found failed in A-1 examination thus punished.

- d. Incorrect. In fact when the matter of mischief was brought in the notice of the competent authority the appellant was proceeded against departmentally over which his courses were cancelled.
- e. Incorrect. The appellant was treated legally and no violation of his right has been committed by the replying respondents, while conducting enquiry against him in accordance with law/rules.
- f. Incorrect. The replying respondents have never acted against the law/rules.
- g. Incorrect. The appellant himself is responsible for the situation. Furthermore, replying respondent is duty bound to strictly follow law/rules.

**PRAYER.**

Keeping in view the gravity of slackness, willful negligence and misconduct of appellant, it is prayed that appeal being devoid of merit may kindly be dismissed with cost please.

  
**Capital City Police Officer,  
Peshawar.**

  
**Superintendent of Police,  
HQrs, Peshawar.**

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

**Service Appeal No.4953 /2021.**

Constable Fasih ud Din No.2612 of CCP Peshawar..... **Appellant.**

**VERSUS**

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. **Respondents.**

**AFFIDAVIT.**

We respondents 1 and 2 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.



**Capital City Police Officer,  
Peshawar.**



**Superintendent of Police,  
HQrs, Peshawar.**

**CHARGE SHEET**

6

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, hereby, charge that 06-officials mentioned in the attached list vide at annexure-D of Capital City Police Peshawar with the following irregularities.

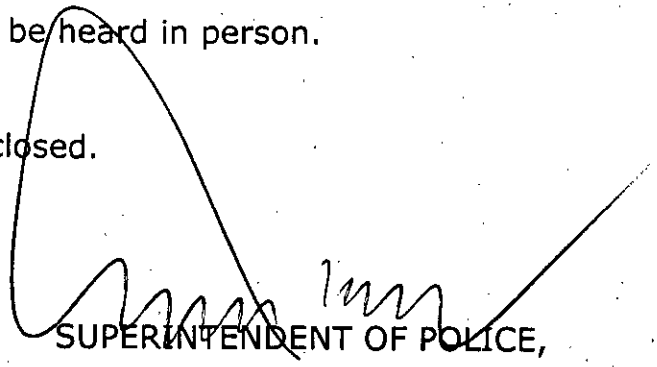
"During scrutinizing by committee constituted vide No.227-31/PA/CCPO dated 20.03.2020 to conduct Audit of A-I & B-I examination of 02-branches i.e OSI & CRC, you were found failed in A-I examination but you qualified lower school course in PTC Hangu. This amounts to gross misconduct on your part and is against the discipline of the force."

You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer committee, as the case may be.

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

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.



SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

LHC دینخ الہ 1924  
میں نے اپنا چارج شیٹ اور اسٹیٹمنٹ خود وصول کیا

Deak  
30/9/2020

LHC نوید الہ 5449  
میں نے اپنا چارج شیٹ اور اسٹیٹمنٹ خود

Deak  
06/10/2020

FC صفحہ الدین 2612  
میں نے اپنا چارج شیٹ اور اسٹیٹمنٹ خود وصول کیا

Deak  
07/10/2020

5

**DISCIPLINARY ACTION**

I, Superintendent of Police, Headquarters, Capital City Police Peshawar as a competent authority, am of the opinion that 06-officials mentioned in the attached list vide at annexure-D has rendered themselves liable to be proceeded against under the provision of Police Disciplinary Rules-1975

**STATEMENT OF ALLEGATION**

"During scrutinizing by committee constituted vide No.227-31/PA/CCPO dated 20.03.2020 to conduct Audit of A-I & B-I examination of 02-branches i.e OSI & CRC, they were found failed in A-I examination but they qualified lower school course in PTC Hangu. This amounts to gross misconduct on their part and is against the discipline of the force."

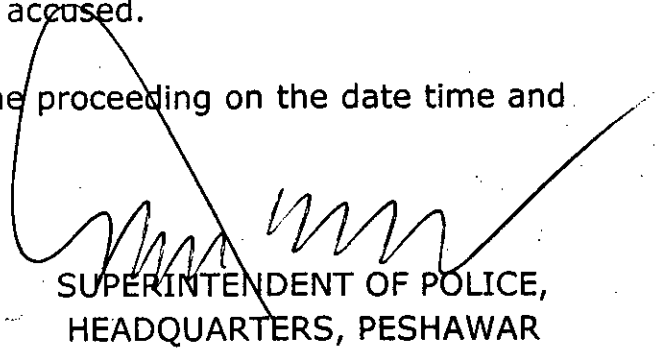
For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and following Officer appointed as Enquiry Officers.

i) **Mr. Gul Arif DSP Civil Secretariat**

ii) **Mr. Arshid Khan DSP Coordination**

2. The Enquiry Officer shall, in accordance with the provisions of the Police Disciplinary Rules, 1975, provide reasonable opportunity of hearing to the accused officer, record his finding within 30 days of the receipt of this order, make recommendations as to punishment or other appropriate action against the accused.

3. The accused shall join the proceeding on the date time and place fixed by the Enquiry Officer.

  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

No. 221 /E/PA, dated Peshawar the 25th /2020

1 \_\_\_\_\_ is directed to finalize the aforementioned departmental proceeding within stipulated period under the provision of Police Rules-1975.

2. Official concerned

<p>دفعہ 1924 عینہ نے اپنا حارجہ پیش اور اس کی کاپی موصول ہوئی 30/9/20</p>	<p>FC 4766 5708 عینہ نے اپنا حارجہ پیش اور اس کی کاپی موصول ہوئی 01/10/20</p>	<p>FC 1866 428 عینہ نے اپنا حارجہ پیش اور اس کی کاپی موصول ہوئی 06/10/2020</p>	<p>فصلیہ کارڈ 375 عینہ نے اپنا حارجہ پیش اور اس کی کاپی موصول ہوئی 06/10/2020</p>
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Subject: **INQUIRY OF POLICE OFFICIAL'S A1 FAILED CANDIDATES BUT THEY QUALIFIED THE LOWER COURSE IN PTC HANGU.** 3

Memo:

Please refer to your office Endst: No.221/E/PA dated 25/09/2020 on the subject cited above.

**Allegations:-**

That the LHC following were failed in A1 Examination and qualified the lower course from PTC Hangu the names are following:-

1. Naveed Ullah 4559.
2. Sawar Khan 1466/428/FRP/HQrs:.
3. Rooh Ullah 809/T/1924.
4. Qazi Fazal Dad 3751.
5. Fasil-Ud-Din 2612.
6. Shah Nawaz No.2171/4766.

**Proceedings:-**

To dig out the factual the above Police officials summoned appear before the undersigned charge sheets and summary of allegations was served upon on them. They are heard in person and they recorded their statement.

1. **Statement of Constable Naveed Ullah 5449:-**

The constable Naveed Ullah No.5449 recorded in his statement that he does not know about the entry of A1 in his service Roll. He qualified various promotion courses and he qualified the A1 and B1 examination on time. A1 Pass entry is present in his Service Roll therefore on this basis he applies for B1 examination but he failed and once again he submitted his form through OSI for B1 examination and again on second time he passed the B1 exam. If there is any mistake in his Service Roll. It is not my responsibility because I am not the Incharge of CRC Branch and the service Roll keeps under the Incharge of CRC Branch in his office. If there is some mistake in my Service Roll why they send me for Lower Course. (Statement enclosed).

2. **Statements of Constable Sawar Khan 1866:-**

The Constable Sawar Khan No.1866 stated in his statement that he passed the A1 examination in year 2012. The entry is present in the service record. Therefore he submits form for the B-1 examination and he passed the examination in 2017. Who entry is present in Service Roll. (Statement enclosed).

3. **Statement of Constable Rooh Ullah 809/T/1924:-**

The Constable Rooh Ullah No.809/T/1924 stated in his statement that he passed the A1 and B1 Exam by legal procedure and sent to Lower Corse PTC Hangu. I do not know about the bogus entry in his Service Roll. (Statement enclosed).

4. **Statement of Constable Qazi Fazal Dad 3751:-**

The Constable Qai Fazal Dad No.3751 stated that he passed the exam in 2013 and after qualifying the Lower Course he perform his duty in his district. (Statement enclosed).

5. Statement of Constable Fasih-Ud-Din 2612:-

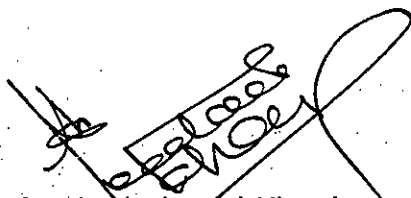
The constable Fasih-Ud-Din stated in his statement that he never checked his Service Roll or his result of A-1 exam. Once he checked his Service Roll in connection of GP fund purpose. He saw the A1 pass entry in his Service Roll. Therefore he submitted the form for B1 exam and Pass the exam of B1 in year 2018 and qualified Lower Course from Hangu Training College and now he is performing his duty in his district. (Statement enclosed).

6. Statement of Constable Shah Nawaz 2171/4766:-

The Constable Shah Nawaz 2171/4766 stated in his statement that he give examination of A1 in year 2013. My result announce late due to write wrong date of enlistment in his record. Which is wrote 2012 instead of 2009. When I clear the mistake they announce my result which is A-1 exam Passed. (Statement enclosed).

FINDING:-

After going through the charge sheet and summary of allegations and statements of the alleged officials and other material available on record the undersigned came to conclusion that Police officials were A1 Exam failed. Too much time gives to them to produce solid proof in the connection of A1 Pass result but they were failed in producing solid proof. The statements of the alleged officials were un-satisfactory. Only Constable Shah Nawaz produce A-1 Pass result by self which is sent to verification to PTC Hangu by through SP/HQrs: furthermore 05 Constable found guilty they are failed in A1 examination all 05 constables recommended for suitable punishment if so agree please. Furthermore, the matter of Constable Shah Nawaz No.2171/4766 after the receiving of verification of A-1 result will decide.



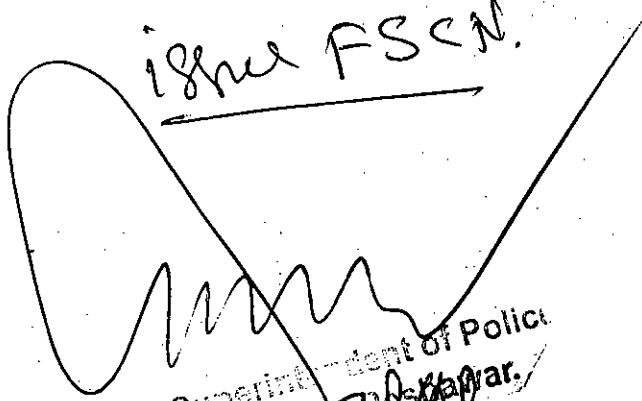
(Arshad Ahmad Khan)  
Deputy Superintendent of Police,  
Coordination CCP, Peshawar



(Gul Arif Khan)  
Deputy Superintendent of Police  
(Security), Civil Secretariat,  
Peshawar.

No. 185 /R, Dated 12 / 11 /2020

issue FSCN



Superintendent of Police  
HQrs: CCP, Peshawar.

W/SP/Hqrs

5. Statement of Constable Fasih-Ud-Din 2612:-

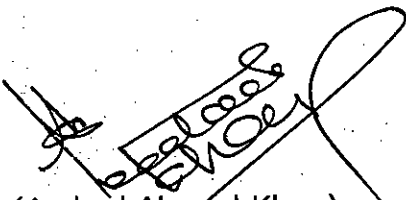
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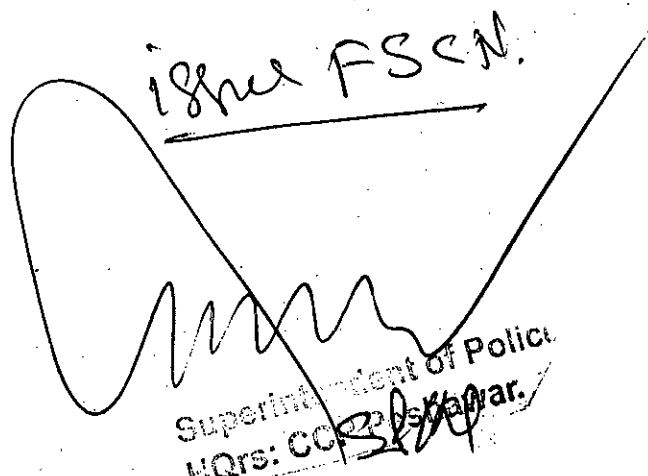


(Arshad Ahmad Khan)  
Deputy Superintendent of Police,  
Coordination CCP, Peshawar



(Gul Arif Khan)  
Deputy Superintendent of Police  
(Security), Civil Secretariat,  
Peshawar.

No. 185 /R, Dated 12 / 11 /2020

Issue FSCN.  
  
Superintendent of Police  
HQrs: CCP Peshawar.

W/SP/Hqrs



**FINAL SHOW CAUSE NOTICE**

10

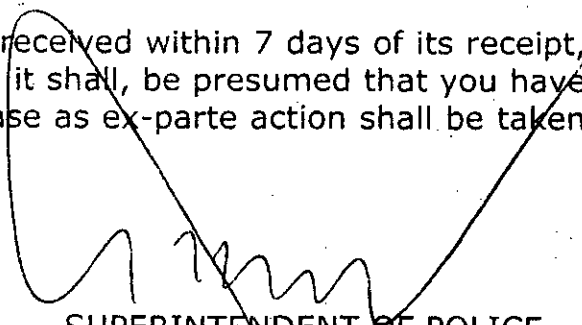
I Superintendent of Police, Headquarters, Capital City Police Peshawar, as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve upon you, Constable LHC Sasi ud Din No. 2612 the final show cause notice.

The Enquiry Officer, DSP Civil Secretariat & DSP Coordination, after completion of departmental proceedings, has recommended you for suitable punishment for the charges/allegations leveled against you in the charge sheet/statement of allegations.

And whereás, the undersigned is satisfied that you Constable LHC Sasi ud Din No. 2612 deserve the punishment in the light of the above said enquiry report.

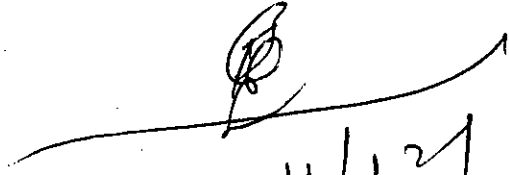
And as competent authority, has decided to impose upon you the penalty of minor/major punishment under Police Disciplinary Rules 1975:

1. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
2. If no reply to this notice is received within 7 days of its receipt, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

No. 221 /PA, SP/HQrs: dated Peshawar the 3-12 /2020.

Copy to official concerned

  
11/12/20

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR**

S.A No. 4953/2021

Fasih-ud-Din

versus

SP &amp; Others

**REJOINDER****Respectfully Sheweth,****PRELIMINARY OBJECTION**

All the 07 Preliminary Objections are illegal and incorrect. No reason in support of the same is ever given as to why the appeal is time barred, bad for mis and non-joinder of proper parties, unclean hands, without cause of action / locus standi, estoppel, concealment of material facts and non maintainable.

**ON FACTS**

1. Not correct. Service record of appellant having 14 years service is neat and clean and if any pervious laxities exist, the same has already been dealt with and cannot be made part and parcel of the impugned punishment. More so, appellant was never reduced on the score mentioned in the impugned order.
2. Not correct. Appellant never managed and manipulated any entry in the Service Book because the Service Book is in the possession of the respondents and after 14 years such closed chapter cannot be opened on the false allegation. No proper enquiry was ever made regarding the allegations.
3. Not correct. Every year audit took place and it is not known that such lacuna was, if any, not pointed out well within time. Appellant qualified the examination.

4. Not correct. Reply to the allegation in the para is given in the preceding para No. 02. It was the duty of the respondents to check the record before nominating him for B-1 examination. This means that nothing wrong was found in the service record of appellant. No enquiry was ever conducted as per the mandate of law what to speak of full fledged enquiry. Entry of the examinations were illegally cancelled.
5. Not correct. And as stated earlier whoever nominates for further courses, previous record was to check. The position of the matter has been explained in the para of appeal and it was not for the first time for audit but every year audit was conducted but no such lacuna was ever pointed out.
6. Not correct. It is not understood that why at such a belated stage, such action was taken. Enquiry Committee was constituted not for the purpose in hand but illegal appointments were made, so the same were scrutinized. As for as enquiry was conducted the same was not per the mandate of law because no statement of anyone was recorded in presence of appellant, nor opportunity of cross examination was provided to appellant.
7. Not correct. The para of the appeal is correct regarding reply to Charge Sheet and denial of allegation.
8. Not correct. The para of the appeal is correct regarding none conduct of enquiry as per the mandate of law. No major punishment was ever suggested for him.
9. Not correct. The para of the appeal is correct regarding submission of reply to the Final Show Cause Notice.
10. Not correct. The para of the appeal is correct regarding 03 different punishments for one and the same cause.
11. Not correct. The para of the appeal is correct regarding submission of representation and its rejection for no legal reason.

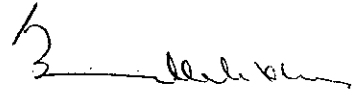
**GROUNDS:**

All the grounds of the appeal are legal and correct while that of the reply are illegal and incorrect. The same are re-affirmed once again.

It is, therefore, most humbly prayed that the appeal be accepted as prayed for.

  
Appellant

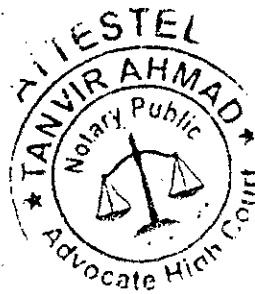
Through

  
Saadullah Khan Marwat  
Advocate,


Dated: 31-08-2022

**AFFIDAVIT**

I, Fasih-ud-Din, appellant do hereby solemnly affirm and declare that contents of the **Appeal & rejoinder** are true and correct to the best of my knowledge and belief while that of reply of respondents are illegal and incorrect.



  
DEPONENT

  
01/09/22