

S.No	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	13.05.2016	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">APPEAL NO.255/2015</p> <p style="text-align: center;">(Shakeela Nisar-vs-District Police officer, Hangu and others).</p> <p><u>JUDGMENT</u></p> <p><u>PIR BAKHSH SHAH , MEMBER:</u></p> <p>Appellant with counsel (Saadullah Khan Marwat, Advocate), Mr. Abdur Rehman, Inspector (Legal) alongwith Mr. Kabirullah Khattak, Assistant Advocate General for respondents present.</p> <p>2. Lady Constable, Shakeela Nisar, No. 831 was dismissed from service vide order dated 09.12.2014 and her departmental appeal was also rejected vide impugned order dated 22.04.2015 on the following charge (re-produced verbatim from the charge sheet):-</p> <ol style="list-style-type: none"> i. You fraudulently presented documents of your sister Shakeela as well as showing your name Shakeela instead of Zakia. You were recruited as lady constable on vacant post, you qualified recruit training and getting salary since 15.02.2011. ii. Your above act shows criminal gross misconduct on your part which cannot be ignored. <p>The departmental enquiry was conducted by SDPO, Hangu who submitted his report. This Service appeal under Section-4 of the Khyber Pakhtunkhwa Service-</p>


Tribunal Act, 1974 is for following prayer:

“That on acceptance of the appeal, order dated 09.12.2014 of respondent No.1 be set aside and appellant be reinstated in service with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case”.

3. We have heard arguments of learned counsel for the appellant and learned Assistant Advocate General for the respondents and have gone through the record available on file.

4. After a careful perusal of the record and hearing pro & contra arguments at length, it was observed that the charge sheet has been framed against Zakia Nisar who was, evidently not a civil servant. The appellant has pleaded that she had submitted her own testimonials and that she had also undergone the constable training at PTC, Hangu. This is not disputed by the respondent-department that correct document which are on record, are in the name of the appellant and not of her sister, Zakia Nisar. In this context, when the enquiry report was pursued, it was found that no independent witnesses has been examined to have proved that at the time of recruitment documents of the appellant were submitted by Zakia Nisar through impersonation and collusion of the appellant and that appellant herself remained absente and her sister Zakia Nisar fraudulently impersonated appellant with the appellants collusion. The issue is an intriguing one, and as neither the charge sheet has been properly framed nor independent material witness has been collected in the case, therefore, the Tribunal is constrained to set aside the impugned order dated 09.12.2014 and dated 22.04.2015 and remand the case to the respondent-department with the direction to proceed against the appellant strictly in accordance with law and rules and to give appellant ample opportunity of defense and hearing. Needless to mention that for the purpose of

de-novo proceedings, the appellant is reinstated into service. The issue of her back benefits be also decided by the respondent-department in the light of the *de-novo* proceedings. Parties are left to bear their own cost. File be consigned to the record room.


(MUHAMMAD AAMIR NAZIR)
MEMBER


(PIR BAKHSH SHAH)
MEMBER

ANNOUNCED
13.05.2016

28.07.2015

Appellant in person and Mr. Haider Abbas, ASI alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 12.10.2015 before S.B.


Chairman

12.10.2015


Counsel for the appellant and Mr. Nabi Rehman, ASI alongwith Addl: A.G for respondents present. Para-wise comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 27.01.2016.


Chairman

27.1.2016

Appellant with counsel and Mr. Abdur Rehman, Inspector alongwith Assistant AG for respondents present. Rejoinder submitted. To come up for final hearing before D.B on 13.5.2016.

Member


Chairman

14.04.2015

Appellant with counsel present. Learned counsel for the appellant argued that the appellant was appointed as Lady Constable on 15.02.2011 and was dismissed from service vide impugned order dated 09.12.2014. That she has preferred departmental appeal against the impugned order on 10.12.2014 but copy of the same was not retained by the appellant and as such the original is to be requisitioned for preliminary hearing. The same be requisitioned from respondents for 29.04.2015 before S.B.


Chairman

29.04.2015

Appellant with counsel and Mr. Mujahid Hussain, ASI along with Asstt. A.G for respondents present. Departmental appeal not produced by respondents. Learned counsel for the appellant argued that the appellant was serving as Lady Constable when dismissed from service vide impugned order dated 9.12.2014 regarding which she preferred departmental appeal on 10.12.2014 which was not responded and hence the instant service appeal on 27.3.2015.

That the appellant was subjected to inquiry but no opportunity of hearing was afforded and that the same was not conducted in the prescribed manners.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for 28.7.2015 before S.B.


Chairman



Appellant Deposited
Security & Process Fee



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 255/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	31.03.2015	<p>The appeal of Mst. Shakeela Nisar 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.</p> <p style="text-align: right;"> REGISTRAR</p>
2	3-4-15	<p>This case is entrusted to Bench <u>I</u> for preliminary hearing to be put up thereon <u>14-4-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: center;"><i>(A large diagonal line is drawn across the bottom half of the page.)</i></p>

The appeal of Mst. Shakeela D/o Nisar Muhammad Ex-Constable No.831 Police Line Hangu received to-day i.e. on 27.03.2015 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- Copy of departmental appeal is not attached with the appeal which may be placed on it.

No. 414 /S.T.

Dt. 30/3 /2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr.Saadullah.Khan Marwat Adv. Pesh.

Sir,

In objection No. 182, the mentioned documents are, at present, not available with the appellatant. To document the appeal fully, appellatant submitted application (P.9) before R.No.1 to supply copies of the documents mentioned therein but in vain.

As + when the same becomes available, it shall be placed on file No.

submitted for further action.

By

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 255/2015

Shakeela Nisar.

Versus

D.P.O & others

I N D E X

S.#	Description of Documents	Annex	Page
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5.	Departmental Appeal, 10.12.2014	"D"	8
6.	Application for Supply of Record, 26.03.2015	"E"	9

Appellant

Through



Dated: 27.03.2015

(Saadullah Khan Marwat)
Advocate
21-A Nasir Mension,
Shoba Bazar, Peshawar.
Ph: 0300-5872676

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWARS.A No. 255 / 2015

Shakeela Nisar D/o Nisar Muhammad,
R/o Land Khwar, Takht Bhai, District Mardan,
Ex-Constable No. 831, Police Line, Hangu Appellant

Versus

1. District Police Officer, Hangu.
2. Deputy Inspector General of Police, Kohat Region, Kohat.
3. Provincial Police Officer, KP, Peshawar. Respondents

**K.P. Province
Service Tribunal**
Diary No. 276
Dated 27-3-2015

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT,
1974 AGAINST OB NO. 709 & ENDST: NO. 4831-
35/PA, DATED 09.12.2014 OF R. NO. 1
WHEREBY APPELLANT WAS DISMISSED FROM
SERVICE AND DEPARTMENTAL APPEAL DATED
10.12.2014 WAS NOT DECIDED WITHIN
STATUTORY PERIOD OF 90 DAYS.**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth:

1. That appellant has educational qualification of PTC from Allama Iqbal Open University, Islamabad and Bachelor of Arts from the Board of Intermediate and Secondary Education, Mardan. (Copies as annex "A")
2. That on 15.02.2011, appellant was appointed along with others as Lady Constable BPS-05 on existing vacancies of District Police, Hangu after advertising the said posts in News Papers and by going through the prescribed manner of recruitment. She also qualified recruit course from PTC Hangu. (Copy as annex "B")

Filed to-day

Registrar

re-submitted to-day
and filed.

Registrar.

3. That charge sheet along with statement of allegation was served upon appellant to the effect that she had got recruitment fraudulently by pretending herself Shakeela instead of Zakia but such allegation was totally false and absolutely incorrect and submitted reply to the allegations. (Copies are in the office of R. No.1)
4. That enquiry in to the matter was perhaps initiated but the same was not conducted as per the mandate of law as neither any witness(s) was examined in presence of appellant nor she was afforded opportunity of cross examination what to speak of opportunity of personal defence.
5. That on 09.12.2014, appellant was dismissed from service on the aforesaid charges. (Copy as annex "C")
6. That on 10.12.2014, appellant submitted departmental appeal for reinstatement in service which met dead response till date. (Copy as annex "D")
7. That as record pertaining to the subject matter was not available with appellant, so on 26.03.2015, she submitted application before R. No. 1 to provide her the documents mentioned therein but in vain. (Copy as annex "E")

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



GROUND S :

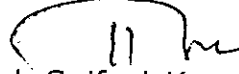
- a. That the allegation of fraud leveled against appellant was baseless and was based on conspiracy with connivance of her sister as she was expelled from house for adverse activities.
- b. That since 15.02.2011 till 09.12.2014, appellant performed her duties up to the standard and no complaint was ever made in this respect.

- c. That sister of the appellant as well as others made conspiracy to take revenge from her by expelling from home due to the said reasons.
- d. That appellant qualified training from PTC Hangu.
- e. That enquiry in to the matter was not conducted as enumerated in the rules. Neither any statement of any witness(s) rather her sister was recorded in presence of appellant nor she was afforded opportunity of cross examination and defence, being mandatory, so the impugned order has no legal value.
- f. That appellant became victim of the conspiracy of the officials/officers of the centre regarding the aforesaid matter.
- g. That order of dismissal from service is very harsh punishment and does not commensurate with the guilt, if any.
- h. That appellant is the only bread earner of the family as her father had already died.
- i. That the whole drama was staged with malafide to expel appellant from service.

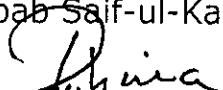
It is, therefore, most humbly prayed that on acceptance of the appeal, order dated 09.12.2014 of R. No. 1 be set aside and appellant be reinstated in service with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.

Dated: 27.03.2015


 Appellant
 Through 
 Saadullah Khan Marwat


 Arbab Saif-ul-Kamal

&


 Miss Robina Naz,
 Advocates,

A

4

Serial No. 176405

PROVINCIAL RESULT CARD



Name SHAKILA
Fathers's Name NISAR MUHAMMAD
Address VILL DARALUQ KHAWAR

Roll No Z65B662
Registration No 07NNN3769
Final Semester SPR-2008

Tehsil TAKHAT BHAI
District MARDAN

has successfully completed PRIMARY TEACHING CERTIFICATE

The detail of passed courses are as under:

Semester	Course Code	Title of Course	Marks	
			Maximum	Obtained
AUT- 07	0613	PRINCIPLES OF EDUCATION	100	56
AUT- 07	0616	SCHOOL COMMUNITY & PRACTICAL ARTS	100	54
AUT- 07	0615	SCHOOL ORGANIZATION, & MANAGEMENT	100	56
SPR- 08	0618	TEACHING OF MATHEMATICS	100	63
SPR- 08	0619	TEACHING OF SCIENCE & PHYSICAL EDUCATION	100	54
SPR- 08	0617	TEACHING OF URDU	100	61
SPR- 08	0620	TEACHING OF ISLAMIAT & SOCIAL STUDIES	100	62
SPR- 08	0614	EDUCATIONAL PSYCHOLOGY	100	57
SPR- 08	0611	PRACTICAL WORKSHOP & TEACHING PRACTICE	100	86

CREDITS: 5

Total Marks / Obtained 900 / 549

Result Declared on MARCH 14, 2009

Percentage / Grade 61 B

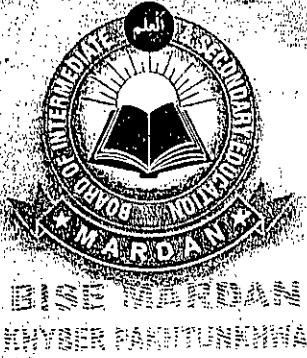
Date of issue APRIL 04, 2009

Controller of Examinations

Disclaimer:

This card is issued provisionally, error and omission excepted, as a notice only. Any entry appearing in this card does not itself confer any right or privilege on a candidate for the grant of certificate/degree/diploma which will be issued under the rules/regulations on the basis of the original record of the university student.

Handwritten signatures and initials



BOARD OF INTERMEDIATE AND SECONDARY EDUCATION MARDAN

Khyber Pakhtunkhwa (Pakistan)

S.No.MB 167287

Roll No: 4109

Reg No: _____

DETAILED MARKS CERTIFICATE INTERMEDIATE (SUPPLY) EXAMINATION - 2009 HUMANITIES (Part-II)

SHAKILA Son/Daughter of NISAR MUHAMMAD
of Institution/District MARDAN
has secured the marks shown against each subject in the Higher Secondary School Examination held in the
month of NOVEMBER/DECEMBER as PRIVATE Candidate.

Subjects	Marks	Marks Obtained				Total	Marks in Words
		Part-I		Part-II			
		Theory	Pract	Theory	Pract		
English	200	34	--	21	--		
Urdu	200	53	--	35	--	88	Eighty-Eight
Islamic Education	50	26	--	--	--	26	Twenty-Six
Pakistan Studies	50	--	--	26	--	26	Twenty-Six
Islamic History	200	42	--	28	--	70	Seventy Only
Islamic Studies	200	64	--	47	--	111	One Hundred Eleven
Pashto	200	55	--	64	--	119	One Hundred Nineteen

Total : 1100

Remarks :

E-II,

Prepared by:

Checked by:

Date of Declaration of Result: 05-01-2010

Date of Issue: 10-FEB-14

Note: Errors/Omissions are excepted. Any mistake in above particulars must be intimated within 30 days after declaration of result.

Controller of Examinations
BISE, Mardan

Attested
[Signature]

B

6

ORDER

The following candidates are hereby recruited as lady constable BPS-05 with immediate effect on the existing vacancies of district police Hangu subjected to their verification documents, medical fitness and verification of character/ antecedents :-

S.NO	NAME	Daughter of	Residence
1	Shahkeela	Niar Mehmood	Landkhar Takht Bahi, Mardan
2	Fozia Saeed	Muhammad Saeed	Pir Shah Said Hoti, Mardan
3	Easmeeen Ferdous	Ferdous Khan	Bus Adah, Akbar Porah, Nowshera

CS NO. 76

Dated: 15/2/2011


DISTRICT POLICE OFFICER
HANGU.

OFFICE OF THE DISTRICT POLICE OFFICER, HANGU

No. 888-76 Dated Hangu the 17.02./2011.

Copy of above is submitted to the:-

1. Dy: Inspector General of Police, Kohat Region, Kohat.
2. District Account Officer, Hangu.
3. All Concerned.

Attested
by
Inspector


DISTRICT POLICE OFFICER
HANGU.

ORDER.

7

Lady Constable Shakeela Bibi No.831, had fraudulently presented documents of her sister Shakeela as well as showing his name Shakeela instead of Zakia. She was recruited as Lady Constable on vacant post, she qualified recruit training and getting salary since 15.02.2011. Her above act shows criminal gross misconduct on his part.

Charge Sheet together-with statement of allegations under Police Disciplinary Rules 1975 was initiated against him vide No. 4520/PA dated 17.11.2014, to which she submit her reply. Mr. Falak Nawaz SDPO Hangu was appointed as Enquiry Officer to conduct departmental enquiry against her. After completion of enquiry, the enquiry officer submitted his findings on 28.11.2014 in which he recommended you for major punishment of dismissal from service as well as case FIR may be registered against both sisters for their fraudulently presented documents for recruitment and lady constable Shakeela No. 831 getting salary since 15.02.2011 may be recovered, if approved.

Thereafter, Final Show Cause notice served upon her to which she submit her reply and found unsatisfactory.

Keeping in view of above and having gone through available record, the undersigned has come to the conclusion that the defaulter Lady Constable is undependable for Police Force and acted gross misconduct. Moreover, in these circumstances her retention in Police Department is burden on public exchequer, therefore, I, Anwar Saeed Kundi (PSP), District Police Officer, Hangu in exercise of the powers conferred upon me, award her major punishment of "Dismissed from Service" with immediate effect.

Order Announced.

OB No. 709

Dated 9/12/2014.

DISTRICT POLICE OFFICER,
HANGU.

OFFICE OF THE DISTRICT POLICE OFFICER, HANGU.

No. 4831-35/PA, dated Hangu, the 9/12/2014

Copy of above is submitted to the Regional Police Officer, Kohat for favour of information please.

2. Pay Officer, Reader, SRC & OASI for necessary action.
3. Ex-Lady Constable Shakeela Bibi (Zakia) No. 831

Attested
[Signature]

DISTRICT POLICE OFFICER,
HANGU.

E

9

خدمت قیام دستورات پولیس انٹیر مہلب ہنگو

No. 955
dt 26.3.15

دہنووت بابت عطائیں تقو ل ذیل

ضامی - ذیل گنرا ل ہے۔

1- یہ تم سائیکل از سال 2011 سے آٹھنا بکی زیر سایہ

محنت قابل ذیل خدمات سرانی م کو رہی تھی۔ سازش کے تحت سائیکل

کو مورفہ 12/9 کو سرورس سے ڈوس کیا گیا۔ جسکے خلاف سائیکل نے

DI9 مہلب ہنگو کو مورفہ 12/10 کو اپیل دائر کی۔ جو زیر مورفہ منظور

ہے۔ تاہم سائیکل کے پاس معلوم دستاویزات تم ہیں۔ جو ضروری ہیں

رستو علاج تم سائیکل کو ذیل تقو ل عطا کرمانے کا صلح صادر فرماویں

مورفہ 26/3/15

1. چارج شیٹ

2. جواب چارج شیٹ

3. بیانات ریکارڈ کردہ بدوران انوائریا اگر کوئی ہیں۔

4. انوائری رپورٹ

5. حکمانہ اپیل مورفہ 12/10

6. اثبات بابت مورفہ زمانہ کنسیلان

7. دیگر دستاویزات اور فرجی شل / ریکارڈ

العارضہ

سائیکل شکلیہ دختر شامند سائیکل

شکلہ مشال کوئڈ فور، تحت بھائی - منہ مردان

26/3/15

سایہ کینیل نمبر 831، پولیس لائن ہنگو۔

سائیکل شکلیہ
سائیکل شکلیہ

No. 955

For Insurance Notices see reverse. Stamps affixed, except in case of unissued letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Received a registered* addressed to _____

Initials of Receiving Officer* _____

Insured for Rs. (in figures) _____

Insurance fee Rs. _____

Name and _____

Write here "letter", "postal packet" or "parcel" with the word "insured" before it when necessary. (in words)

Kilo _____

Grams _____

26 MAR 15

بعد الت چاپ سروس ٹریبونل صوبہ سندھ پشاور

اسلانت

مخانب

محکمہ سروس و پندرہ

بنام

تشکیلہ نثار

دعویٰ اپیل نمبر 255/2015

باعث شکریہ اینکہ

مقررہ مندرجہ عنوان بالا میں اپنی طرف سے واسطہ پیروی و جواب دہی شکل کاروائی متعلقہ آن مقام پشاور کیلئے سگنل اڈاس سفان دستور دینے ایڈوکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی شکل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست بر قسم کی تقدیر لیتی اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور منسوخی نیز وارڈ کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے گن یا جزوی کاروائی سے واسطہ اور وکیل یا نثار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شاہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التوا مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا دفر خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام درورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ رکھ دیا کہ سند ہے۔

المرقوم 26/3/15

العبد

العبد

العبد

تشکیلہ نثار

محمد اللہ خان مروت

از باب شیخ انکال

ایڈوکیٹ

ایڈوکیٹ

من رؤیتہ نثار

ایڈوکیٹ

عبدالغنی

ایڈوکیٹ

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 567-89/ST

Dated 17 / 04 / 2015

To


1. The DPO, Hangu .
2. D. I.G of Police, Kohat Region, Kohat.
3. P.P.O Peshawar.

Subject: - APPEAL NO. 255/2015 SHAKEELA NISAR VS DPO HANGU AND OTHERS.

I am directed to forward herewith a certified copy of order dated 14.04.2015 passed by this Tribunal on subject appeal for strict compliance.

Encl: As above

o/c


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 851 /ST

Dated 20 / 5 / 2016

To


The DPO,
Hangu.

Subject: -

JUDGMENT

I am directed to forward herewith a certified copy of Judgment dated 13 .5.2016 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No.255/2015

Ex-Leady Constable Sahkeela Nisar D/o Nisar Muhammad,
r/o land khwar, District Mardan

.....(Appellant)

VERSUS

The provincial Police Officer,
Khyber pakhtunkhwa Peshawar and others

.....Respondents

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District Police Officer,
Hangu

①

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

Service Appeal No.255 of 2015

Ex-Leady Constable Shakeela Nisar D/o Nisar Muhammad,
r/o Land Khwar, District Mardan.

.....Appellant

VERSUS

The Provincial of Police Officer, Khyber Pakhtunkhwa Peshawar.


The Regional Police Officer, Kohat Region Kohat.

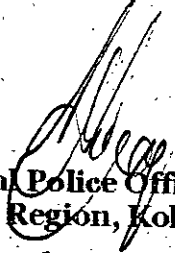
The District Police Officer, Hangu

.....Respondents

AFFIDAVIT

We the following respondents do hereby solemnly affirm and declare that contents of Reply/Parawise Comments to the appeal filed by Shakeela Nisar Ex-Leady Constable are true to the best of our knowledge and nothing has been concealed from this honourable tribunal.


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


**Regional Police Officer,
Kohat Region, Kohat
(Respondent No.2)**


**District Police Officer,
Hangu.
(Respondent No.3)**

②

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

Service Appeal No.255 of 2015

Shakeela Nisar No.831

.....Appellant

VERSUS

1. The Provincial of Police Officer, Khyber Pakhtunkhwa Peshawar.
2. The Regional Police Officer, Kohat Region Kohat.
3. The District Police Officer, HanguRespondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully, sheweth,

Reply/Parawise comments are submitted as under:-

Preliminary Objection.

1. The appellant has got no cause of action.
2. That the appeal is not maintainable in its present form.
3. That the appeal is badly time barred.
4. That the appeal is bad for misjoinder of unnecessary and nonjoinder of necessary parties.
5. That the appellant has not approached this honourable Tribunal with clear hand.
6. That appeal has been estopped by her own conduct to file the appeal.

Reply on Facts.

1. Pertains to record.
2. That one Zakia Nisar managed her enlistment as Lady Constable by impersonating her sister namely Shakeela Nisar and fraudulently and deceptively used educational documents of her sister.
3. That report of Zakia Nisar alongwith her sister Shakeela Nisar was entered vide Police Lines DD No.19 dated 21.09.2014 which disclosed the fraud and impersonation. Copy annexure "A".
That preliminary enquiry into the matter was conducted in which allegations of fraud and deception were established. Copy of report annexure "B" & "C".
Therefore proper charge sheet was issued and served upon lady Constable Shakeela Nisar (actual name Zakia). Copy annexure "D".
4. Incorrect. Proper enquiry was conducted and statement of both sisters Zakia Nisar and Shakeela Nisar were recorded in which they admitted their guilt. Copy annexure "E" and "F".
During enquiry allegation were established. Copy of enquiry report is annexure "G".
5. Correct to the extent of impugned order of dismissal as allegations leveled in the charge sheet were established. Copy annexure "H".
6. That the departmental appeal was rejected. Copy annexure "I".
7. Incorrect. That departmental appeal was submitted on 10.12.2014 and appellant failed to lodge the instant appeal within statutory period.

(3)

GROUND.

- a. Incorrect. Allegation leveled in the charge sheet were established during preliminary enquiry as well as proper enquiry.
- b. Pertains to record. However allegations of fraud and deception were established during enquiry as well as admitted by both sisters.
- c. That the appellant admitted their guilt during enquiry as well as vide DD report No.19 dated 21.09.2014. copy already annexure "A".
- d. Pertains to record. As stated at Para "b" above.
- e. Incorrect. Preliminary enquiry as well as proper departmental enquiry was conducted in which statements of both sisters Zakia Nisar and Shakeel Nisar were recorded in which they admitted their guilt.
- f. Incorrect. After fulfillment of codal formalities, the action was taken against her.
- g. Incorrect. The impugned order was rightly passed.
- h. That the appellant was found guilty of the allegations of fraud and impersonation and deserve no leniency.
- i. Incorrect. The allegation was established during preliminary as well as proper enquiry.

Prayer

In view of above, it is humbly prayed that on acceptance of Parawise comments, the instant appeal may kindly be dismissed being meritless and badly time barred please.


**Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.**

(Respondent No.1)


**Regional Police Officer,
Kohat Region, Kohat**

(Respondent No.2)


**District Police Officer,
Hangu.**

(Respondent No.3)

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لوگن پورن پبلو

منوسنگ

در 19 جاپری، پورٹ 10 سے 9 بجے 14 اپریل 1810

رہو وقت زبیر علی بن عمر میں شکیدہ رضوان نثار پورن لوگن

لوگن حاضر امر نظام سے من شکیدہ کا اعتراضات معرقتی ہوئی

ہوں۔ تاہم معرقتی میں کہ سب تک میں نے لوگن لوگن میں

لوگن سرانجام دے چکی ہوں۔ میں نے یہ کہہ کر شکیدہ نظام سے

شکایت معرقتی ہوں۔ چونکہ کوئی بنا خاص ہے۔ ہم میں شکیدہ

شکایت میں لوگن کوئی کرنا خاص ہے۔ ہم دونوں میں میں

ہیں۔ یہت معرقتی ہوئی۔ شکیدہ کوئی کرنا خاص ہے۔

فانور بنا پورن۔ یا معرقتی کا اعتراضات میں درستی کرنا خاص ہے۔

لوگن معرقتی کرنا خاص ہے۔ یہت معرقتی ہوئی۔

لوگن معرقتی کرنا خاص ہے۔ یہت معرقتی ہوئی۔

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Showing his name Shakeela instead of ...
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دفتر ایس۔ ڈی۔ پی۔ او ہنگو

نمبر SDPO/ 1522

مورخہ 11/11/2014

انکوائری رپورٹ

برخلاف ۱۔ ذکیہ شاد دختر شام محمد
۲۔ شکیلہ دختر شام محمد
متنازعہ لیڈیز کنسٹیبلان ساکنان لوئڈ خود تحصیل تخت بھائی ضلع مردان

جناب عالی!

۱۔ بحوالہ مد 19 روز نامہ 21.09.2014 بوقت 18:10 بجے لائن افسر پولیس لائن ہنگو نے رپورٹ ضبط تحریر میں لائی جا کر جس کا متن ذیل ہے۔
"اس وقت ذکیہ بی بی بمعہ بہن شکیلہ بی بی دختران شام محمد پولیس لائن ہنگو حاضر آکر ظاہر کیا کہ میں شکیلہ کے کاغذات پر بھرتی ہو چکی ہوں۔ تاریخ بھرتی سے لے کر اب تک میں نے پولیس لائن میں ڈیوٹی سرانجام دی ہے۔ اور میں نے اپنے اپکو شکیلہ ظاہر کر کے ٹریننگ بھی کی ہے۔ چونکہ گھریلو ناجاتی کی وجہ سے شکیلہ خود پولیس میں ڈیوٹی کرنا چاہتی ہے۔ ہم دونوں بہنیں غیر شادی شدہ ہیں۔ ڈیوٹی کے علاوہ ہمارا کوئی ذریعہ معاش نہیں ہے۔ بہت مہربانی ہوگی کہ شکیلہ کو میری جگہ ڈیوٹی پر مامور کیا جائے یا میری کاغذات میں درستگی کرائی جا کر ڈیوٹی کا موقع دی جاوے۔" سردست ہر دو لیڈیز کو وارنٹر پولیس لائن فارغ کر کے RI اور SDPO صاحب کے نوٹس میں لائی گئی ہے۔ چونکہ معاملہ فراڈ یعنی فوجداری جرائم کا پایا جاتا ہے۔ لیڈی کانسیبل ذکیہ بی بی جو شکیلہ کے نام پر بھرتی ہو کر شکیلہ نام سے پکاری جاتی ہے۔ جو بحوالہ مد 20 روز نامہ 17.09.2014 پولیس لائن سے غیر حاضر بھی ہے۔ جس کی حاضری بھی درج روز نامہ کی گئی۔

۲۔ RI صاحب لائن کی رپورٹ محررہ 23.09.2014 کا متن ذیل ہے۔

لیڈی کانسیبل شکیلہ نمبر 831 مورخہ 15.02.2011 بھرتی شدہ ہے۔ تاریخ پیدائش 04.09.1983 ہے۔ پولیس ٹریننگ کورس 01.01.2013 تا 20.09.2013 کی ہے۔ مورخہ 01.10.2013 کو پولیس لائن ہنگو میں حاضری کی ہے۔ اب تک ڈیوٹی سرانجام دیتی رہی۔ شکیلہ جس کا اپنا نام ذکیہ بی بی دختر شام محمد سنہ محلہ اول خیل تحصیل تخت بھائی ضلع مردان کا رہائشی ہے۔ ذکیہ کا تاریخ پیدائش 05.04.1977 ہے۔ تاریخ بھرتی 15.02.2011 کو ذکیہ کا عمر 33 سال 10 ماہ 10 دن بنتا تھا جو اور تاریخ تھی۔ بدیں وجہ ذکیہ نے اپنے اپکو شکیلہ ظاہر کر کے اپنی بہن شکیلہ کا شناختی کارڈ معہ دستاویزات پیش کر کے دھوکہ دہی سے بھرتی ہوئی۔ ذکیہ اور شکیلہ دونوں سگی بہنیں ہیں۔ گھریلو ناجاتی کی وجہ سے شکیلہ نے اپنا اصل شناختی کارڈ اور دستاویزات پر بھرتی ہوئی تھی۔ لہذا اب میں ان کی جگہ پر نوکری کرونگی۔ اور تنخواہ کا میں حقدار ہوں۔ دونوں بہنوں کا شناختی کارڈ نوٹو اسٹیٹ ہمراہ لف ہے۔

اس سلسلہ میں لائن افسر ہمایون بحوالہ مد 19 روز نامہ 21.09.2014 رپورٹ درج کر کے معاملہ مشکوک دھوکہ دہی کا معلوم ہوتا ہے۔ استدعا یہ کہ حکمانہ کاروائی کا حکم صادر فرمایا جاوے۔

جس پر جناب DPO صاحب ہنگو نے RI کو تحریری ہدایات دی ہے۔ کہ وہ اس بارے میں حقیقت معلوم کر کے رپورٹ پیش کریں۔

۳۔ مورخہ 30.09.2014 کو RI پولیس لائن نے ایک تحریری رپورٹ پیش کر کے جس کا متن ذیل ہے۔

معروض ہوں کہ لیڈی کانسیبل جو شکیلہ کے نام سے بھرتی ہوئی تھی۔ مورخہ 10.09.2014 کو سات یوم منظور شدہ رخصت اتفاق پر گھر خود جا کر بدوران رخصت انکو معلوم ہوا کہ انکی حصہ جائیداد انکے بھائی نیاز علی نے انکی جگہ دوسری عورت پیش کر کے جائیداد اپنی نام منتقل کیا ہے۔ جس پر ذکیہ ناراض ہو کر اپنے بھائی کو کہا۔ کہ جائیداد اپنے نام پر منتقل کیا اتنا جگہ دو جس میں اپنے لئے گھر بناؤ۔ مزید اپنے بھائی کو کہا کہ ہنگو میں آدمی کو پسند کیا جو اہل تشیع ہے۔ اس کو اہل سنت کرانا چاہتی ہوں۔ شادی کرنے کے بعد انکو ہمراہ لا کر اس میں اکٹھے زندگی بسر کر سکیں گے۔ جس پر بھائی نیاز علی نے انکار کر کے گھر سے بے داخل کرنے کو کہا۔ جس پر ذکیہ نے انکے خلاف درخواست دائر کرنے کی دھمکی دی۔ کہ انتقال پر میرا انگوٹھا مثبت نہیں۔ بلکہ میری جگہ دھوکہ دہی سے کسی دوسری عورت کو پیش کر کے انگوٹھا مثبت کیا ہے۔ ذکیہ بھائی کے کہنے پر اپنی بہن جو فضل اکبر پر شادی شدہ ہے کے ہاں چلی گئی۔ نیاز علی اپنی بہن شکیلہ جو اصلی شکیلہ ہے۔ جس کے دستاویزات بھرتی ہونے پر اعمال نامہ میں موجود ہے۔ ڈیوٹی کیلئے ہنگو جانے کی ہدایت کی کہ ذکیہ کی جگہ آپ خود اپنی ڈیوٹی کریں گے۔ اسی گفتگو میں ذکیہ جو شکیلہ کے نام پر پکاری جاتی تھی غیر حاضر رہی۔ اور ٹریننگ بھی کر چکی ہوں۔ اب میرا حق بنتا ہے جبکہ شکیلہ نے کہا کہ بھرتی کاغذات میں نے جمع کیے ہیں۔ اعمال نامہ میں

... name Shakeela instead of ...
... she qualified recruit training and

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انگوٹھے مثبت ہیں۔ اسی وقت میری دو ماہ کی بچی تھی۔ بدیں وجہ میں نے اپنی ڈیوٹی اچکھوالہ کی جو میری مجبوری تھی۔ اب میں ڈیوٹی کرونگی۔ جس پر
بحوالہ مد 19 روز نامچہ 21.09.2014 رپورٹ درج روز نامچہ کی گئی۔

RI صاحب کے اس رپورٹ پر جناب DPO صاحب نے من DSP کو انکو آڑی کا حکم صادر فرمایا۔

۴۔ مسماہ شکیلہ بی بی دوران انکو آڑی پیش ہو کر اپنا تحریری بیان پیش کیا کہ اس نے اپنے کاغذات پولیس فورس میں بھرتی کیلئے جمع کیے۔ اعمال نامہ پر انگوٹھے
بھی مثبت کی۔ میڈیکل کیساتھ ساتھ ناپ تول بھی ہوئی۔ دیگر لیڈیز پولیس کیساتھ ایک ہفتہ ہنگو میں رہی ہے۔ کہ اس دوران اسکی چھوٹی بچی بیمار ہو کر ڈیوٹی دینے
سے قاصر رہی۔ اور گھر خود چلی جا کر اپنی بہن ذکیہ بی بی بھرتی کیلئے آئی تھی۔ چونکہ اس کو خاوند نوکری کیلئے نہیں چھوڑ رہا تھا۔ بدیں وجہ ذکیہ بی بی اس کی جگہ ڈیوٹی
دیتی رہی۔ اب چونکہ اسکو خاوند نے طلاق دی ہے۔ اور اپنے بھائی کے گھر بیٹھی ہے۔ لہذا اب وہ خود ڈیوٹی سرانجام دینا چاہتی ہے۔

۵۔ ذکیہ بی بی دوران انکو آڑی پیش ہو کر اپنا تحریری بیان پیش کیا کہ وہ اور اتج ہو چکی تھی۔ لہذا اپنی بہن شکیلہ کی رضامندی سے اسکے تعلیمی اسناد پر بھرتی
ہوئی۔ اور پولیس ٹریننگ کالج ہنگو میں 9 ماہ ٹریننگ بھی کی۔ وہ غیر شادی شدہ ہے اور بھائی نے گھر سے نکلا ہے۔

فائنڈنگ:

جناب عالی!

رپورٹ ہائے لائن افسر، RI پولیس لائن ہنگو، بیانات مسماہ ذکیہ، مسماہ شکیلہ و دیگر حالات واقعات سے پایا جاتا ہے۔ کہ ہر دو لیڈیز نے باہمی
صلاح مشورے اور ملی بھگت سے ایک ہی نام استعمال کر کے دھوکہ دہی اور فراڈ سے بگس اسناد پر محکمہ پولیس میں بطور لیڈی کا نشیبل بھرتی ہو کر 2011 سے
لے کر اب تک غیر قانونی تنخواہیں وصول کی ہے۔ مسماہ شکیلہ نمبر 831 متعینہ پولیس لائن کی برخاستگی اور ہر دو لیڈیز کے خلاف مقدمہ درج کرنے اور جتنے بھی
تنخواہیں اب تک وصول کی ہے۔ کی ریکوری کرنے کی سفارش کی جاتی ہے۔ انکو آڑی رپورٹ بمراد مناسب حکم گزارش فرما ہے۔

SDPO/HANGU

Issue search slip
advised to her

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19.11.14

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CHARGE SHEET.

I, Mr. Anwar Saeed Kundi, D.P.O, HANGU as competent authority, hereby charge you Lady Constable Shakeela No. 831 (Zakia) while posted at Police Lines Hangu committed the following irregularities :-

- a) You fraudulently presented documents of your sister Shakeela as well as showing your name Shakeela instead of Zakia. You were recruited as lady constable on vacant post, you qualified recruit training and getting salary since 15.02.2011.
- b) Your above act shows criminal gross misconduct on your part which cannot be ignored.

2. By reasons of the above, you appear to be guilty of misconduct Under Police Disciplinary Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in the above rules.

3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Enquiry Officer/Committees, as the case may be.

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

5. Intimate whether you desire to be heard in person.

6. A statement of allegation is enclosed.

No. 4520 /PA,

Dated 17/11/2014.


DISTRICT POLICE OFFICER,
HANGU

DISCIPLINARY ACTION.

I, **Mr. Anwar Saeed Kundi, D.P.O, HANGU** as competent authority, am of the opinion that **Lady Constable Shakeela No. 831 (Zakia)** has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning Under Police Disciplinary Rules, 1975 :-

STATEMENT OF ALLEGATIONS.

- a) You fraudulently presented documents of your sister Shakeela as well as showing your name Shakeela instead of Zakia. You were recruited as lady constable on vacant post, you qualified recruit training and getting salary since 15.02.2011.
- b) Your above act shows criminal gross misconduct on your part which cannot be ignored.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Enquiry Officer consisting of the following is constituted in the above rules: -

- i. Mr. Falak Nawaz SDPO Hangu

3. The Enquiry Officer shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Enquiry Officer.


DISTRICT POLICE OFFICER,
HANGU

A copy of the above is forwarded to :-

1. Mr. Falak Nawaz SDPO Hangu. The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Disciplinary Rules, 1975.
2. Lady Constable Shakeela No. 831 (Zakia). The concerned officer with the directions to appear before the Enquiry Officer, on the date, time and place fixed by the Officer, for the purpose of the enquiry proceedings.

(34) بیان از ان گدی کنسل از کبی

بیان کیا۔ جب سے کہ وقت سے ہم اور اہم ہو چکا تو وقت
 دلوں کے لیے کی سال گذر گئے۔ مگر یہ سب
 تو جب سے ہم سے دیکھئے پاس گذر گئے تو وقت سے
 گذر گئے۔ 100000 روپے ماہ روپے ہو گئے۔ اس وقت سے
 تھے۔ تو وہی ہیں، شہر سے یہاں اس وقت کے انسانی حقوق
 ہونے کی وجہ سے اس کا ہم سے چھوٹی تھی اور اس سے اس کا رافنا ہونے سے
 تمام تھی اس لئے وہاں سے اس کے سنا فی ماہ وہ تھے جو وہاں سے اس کے
 سے عدم موجودگی سے اس کے سنا فی ماہ وہ تھے جو وہاں سے اس کے
 نام کر رہی ہے اس کے ساتھ اس کے سنا اور اس کے سنا ہے
 شہر کی پینڈو پینڈو وہ وہاں ڈیوٹی خود کرتے اور وہی سے اس کے
 دیا جائے۔ اس کے وہاں سے اس کے سنا ہے اس کے سنا ہے
 سنا ہے۔ چوتھے ہم دونوں پینڈو سے اس کے سنا ہے اس کے سنا ہے
 ہے اس کے سنا ہے اس کے سنا ہے اس کے سنا ہے اس کے سنا ہے
 لہذا اس کے سنا ہے اس کے سنا ہے اس کے سنا ہے اس کے سنا ہے
 کا حکم سے اس کے سنا ہے اس کے سنا ہے اس کے سنا ہے اس کے سنا ہے
 سنا ہے اس کے سنا ہے اس کے سنا ہے اس کے سنا ہے

Zabina

بیان مسماہ شکیلہ دختر نثار گرد

نے بیان کیا۔ تم میں اپنے کاغذات بھری تھیں جمع آئے۔ جس پر میں پولیس فورس میں بھری ہوئی۔ محل نامہ میں آنکوٹ میرے تھے۔ میرے نقل سے مسماہ ساہو ناپ ٹول بھی میری ہوئی ہے۔ اسی وقت میری دو بیٹی بھی تھیں۔ آپا ہفتہ میں نے دیکر لکھنؤ میں لے گئے مسماہ ہنر میں رہ چکی ہوں۔ اس دوران میری بھی بیمار ہو کر ڈھوئی کرنے سے قاصر رہی۔ پھر میں خانہ خود واضح لوند خور مردان چلی گئی۔ ڈاوی لیک اپنی بہن مسماہ ذکیم بی بی کو چھوڑ دی۔ کہ آپا میری ڈھوئیاں کرتے رہے۔ پوتندہ ذکیم بی بی بھری تھیں آئی تھی۔ ہمارے ساتھ ہنر میں موجود تھی۔ جب میں خانہ خود چلی گئی۔ تو میرے خاوند نے مجھے نہ جانے کس قبور میں لے گیا۔ کہ آپا نوکری نہیں کرتے۔ اسی طرح عرصہ نرسا دھا۔ بھری سے دیکر اب اس ذکیم بی بی نے میری قبور ڈھوئیاں سرانجام دے رکھے۔ پھر خاوند نے مجھے طلاق دے کر دوسری شادیاں کرائی۔ اور مجھ سے اپنی بھی خاوند نے کر اب میں قبور ہو کر بہن ذکیم بی بی کے بجائے خود نوکری کرانا چاہتی ہوں۔ اب چونکہ میں غلام شدہ بھائی سے بھری تھی ہوں۔ میرا کوئی ذریعہ معاش نہیں ہے۔ میرا بھری بھائی نے میری پولیس فورس سے سرانجام دینے کا موضوع دیا جائے۔ یہ میرا بیان ہے۔

شکیلہ بی بی

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POLICE DEPARTMENT

HANGU DISTRICT

NO. 1568 /H

Date: 29/11/2014

INQUIRY AGAINST LADY CONSTABLE SHAKEELA NO. 831

On the report of RI/Line Officer Police Lines Hangu, an Inquiry initiated against Lady Constable Shakeela No. 831 on the basis of allegation that he while posted at Police Lines Hangu committed the following irregularities :-

- a). She fraudulently presented documents of her sister Shakeela as well as showing her name Shakeela instead of Zakia. She was recruited as Lady Constable on vacant post, she qualified recruit training and getting salary since 15.02.2011.
- b). Her above act shows criminal gross misconduct on her part which cannot be ignored.

The undersigned has appointed as Inquiry Officer to conduct a Departmental inquiry against defaulter Lady Constable Shakeela No. 831.

The undersigned summoned defaulter Lady Constable Shakeela No. 831 along-with her sister Zakia, both sisters appeared before the undersigned and recorded their statements which are enclosed with the enquiry file for ready reference.

Moreover, Lady Constable Shakeela Bibi No. 831 and her sister Mst: Zakia stated in their statements, they have already been stated in their statements in previous Ex-Enquiry.

From the perusal of the available record, the undersigned has come to the conclusion that defaulter Lady Constable Shakeela No. 831 held guilty from the charges leveled against her.

Therefore, I, Enquiry Officer recommend defaulter Lady Constable Shakeela No. 831 for major punishment of Dismissal from Service as well as case FIR may be registered against both sisters for their fraudulently presented documents for recruitment and Lady Constable Shakeela No. 831 getting salary since 15.02.2011 may be recovered.

Submitted for favour of perusal & further order please.

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 Gen. Inid
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 W/DPO
 [Signatures]

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SDPO/HANGU

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 Submitted for
 Perusal
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 [Signature]
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(17)

Anwar (A)

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ORDER.

Lady Constable Shakeela Bibi No.831, had fraudulently presented documents of her sister Shakeela as well as showing his name Shakeela instead of Zakia. She was recruited as Lady Constable on vacant post, she qualified recruit training and getting salary since 15.02.2011. Her above act shows criminal gross misconduct on his part.

Charge Sheet together-with statement of allegations under Police Disciplinary Rules 1975 was initiated against him vide No. 4520/PA dated 17.11.2014, to which she submit her reply. Mr. Falak Nawaz SDPO Hangu was appointed as Enquiry Officer to conduct departmental enquiry against her. After completion of enquiry, the enquiry officer submitted his findings on 28.11.2014 in which he recommended you for major punishment of dismissal from service as well as case FIR may be registered against both sisters for their fraudulently presented documents for recruitment and lady constable Shakeela No. 831 getting salary since 15.02.2011 may be recovered, if approved.

Thereafter, Final Show Cause notice served upon her to which she submit her reply and found unsatisfactory.

Keeping in view of above and having gone through available record, the undersigned has come to the conclusion that the defaulter Lady Constable is undependable for Police Force and acted gross misconduct. Moreover, in these circumstances her retention in Police Department is burden on public exchequer, therefore, I, Anwar Saeed Kundi (PSP), District Police Officer, Hangu in exercise of the powers conferred upon me, award her major punishment of "Dismissed from Service" with immediate effect.

Order Announced.

OB No. 709
Dated 9/12/2014.

[Signature]
DISTRICT POLICE OFFICER,
HANGU.

OFFICE OF THE DISTRICT POLICE OFFICER, HANGU.
No. 4831-35 /PA, dated Hangu, the 9/12/2014

- Copy of above is submitted to the Regional Police Officer, Kohat for favour of information please.
2. Pay Officer, Reader, SRC & OASI for necessary action.
 3. Ex-Lady Constable Shakeela Bibi (Zakia) No. 831

[Signature]
DISTRICT POLICE OFFICER,
HANGU.

[Handwritten initials]

(13)

Amur (1)

ORDER.

This order is passed on a departmental appeal, moved by Ex-Lady Constable Shakeela Bibi No. 831 of Hangu district Police against the punishment order of DPO Hangu vide O.B No. 709, dated 09.12.2014, whereby she was awarded major punishment of "Dismissal from service". The defaulter Lady Constable seeks to set-aside the punishment order and reinstatement in service.

Facts arising are that the defaulter Lady Constable had fraudulently / deviously presented the academic documents of her sister Shakeela as well as showing her name Shakeela instead of Zakia. Thus, she was recruited as Lady Constable on the existing vacancy of Lady Constable in district Police Hangu. Later on, she qualified recruit course and joined district Police Hangu w.e.f. 15.02.2011. This act of the defaulter shows her deceptive / illusive mind and amounts to gross misconduct.

She was dealt with departmentally on the score of above charges. Charge sheet & statement of allegations was issued to her under Police Rules 1975 by the competent authority (DPO Hangu). Her conduct was also examined through SDPO/Hangu as enquiry officer. She was found guilty of the charges leveled against her. After completion of departmental proceedings, she was awarded major punishment of dismissal from service by DPO Hangu vide O.B mentioned above.

Feeling aggrieved from the said punishment, she preferred the instant appeal. Record requisitioned and perused.

The appellant was heard in person in orderly room on 18.02.2015, cross queries were asked to her regarding her misconduct, but she could not explain his position to satisfy the undersigned. In order to verify / authenticate the real facts, the matter was re-enquired into through I/C Rescue-15 Kohat, who in his finding report has found her guilty of the charges and recommended her appeal to be filed.

In view of the above and available record, it transpired that the charges leveled against her have been established without any shadow of doubt. She has committed a gross misconduct and also deceived the district Police Hangu. Therefore, the undersigned does not seem to interfere the order passed by DPO Hangu, which is justified and upheld. Hence, appeal being devoid of merit / substance and is hereby filed.

Order Announced.

(DR. ISHTIAQ AHMAD MARWAT)
Dy. Inspector-General of Police,
Kohat Region, Kohat.

No. 831-29 /EC, dated Kohat the 22/04 /2015.

Copy to the District Police Officer, Hangu for information w/r to his office Memo: No. 49/LB, dated 04.01.2015. His service record is enclosed herewith.

2.

Appellant, Ex-Lady Const: Shakeela Bibi.

(DR. ISHTIAQ AHMAD MARWAT)
Dy. Inspector General of Police,
Kohat Region, Kohat.

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BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No. 255/2015

Shakeela Nisar

Versus

P.P.O & others

REJOINDER**Respectfully Sheweth,****Preliminary Objections:-**

All the (06) preliminary objections are illegal and incorrect. No reason in support of the same is ever given as to why appellant has no cause of action, appeal is not maintainable, the same is time barred, mis & non-joinder of necessary parties, appellant has not come with clear hands and estoppel exists.

ON FACTS

1. Needs no comments. Furthermore, it is stated, that appellant was running accounts with her name and signature on cheques and none the else.
2. Para No. 2 of the appeal is not replied to its contents. As far as Zakiya Nisar Managing her enlistment as Lady Constable by impersonating of her sister namely Shakeela Nisar (Appellant) is concerned, she has no concern with the same. No fraud or deceit was ever committed by appellant and she could not be held responsible for the acts of others.
3. In response to para No. 3 of the comments, it is submitted that appellant was appointed as Lady Constable as per the prescribed manner. She was illegally implicated in the case as she was not responsible for the acts of others. As far as annexure "A" is concerned, it was the act of Police Line, Hangu and appellant has no concern with the same.
4. Not correct. No proper enquiry as per the mandate of law was ever conducted. As far as annexure "B" attached with the reply is concerned, it is a self made report and could not be termed as enquiry as is evident from the same.

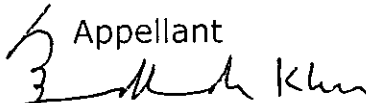
5. Admitted correct by the respondents. But the allegations mentioned therein are incorrect. The statements of Lady Constables, Zakia Bibi and Shakeela Nisar before the police has no legal value as per law.
6. In response to this para of the appeal, no rejection order was ever communicated/served upon the appellant nor the same was dispatched to her as is evident from Endorsement No 928-29 because if the same was dispatched to appellant, then the No. should have been 928-30/EC, dated 24.04.2015.
7. Not correct. The appeal was filed within the target period as is evident from the same.

GROUND S:

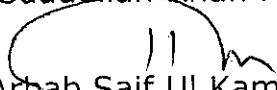
All the grounds of the appeal are legal and correct while that of the reply are illegal and incorrect. The same are once again reaffirmed.

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

Through

Appellant

 Saadullah Khan Marwat

Dated: 27.01.2016


 Arbab Saif Ul Kamal
 Advocates,

AFFIDAVIT

I, Shakeela Nisar D/o Nisar Muhammad, Appellant, do hereby solemnly affirm and declare that contents of **Rejoinder** are true and correct to the best of my knowledge and belief. While that of the reply of the respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.


 DEPONENT