

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
PESHAWAR.

SERVICE APPEL NO 1436/2023.

Umar Abdullah, Head Constable, Ex-ASI, Presently Head Constable  
No.256.

.....Appellant

SCANNED  
KPST  
Peshawar

2/11/23

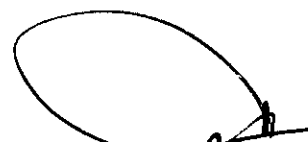
**VERSUS**

- 1) The Appellate board (Police) through, Inspector General of Police, Head quarter, KPK, Peshawar.
- 2) The Additional Inspector General Of Police, KPK, Peshawar.
- 3) The Regional Police Officer, Hazara Division, Abbottabad.
- 4) The District Police Officer, Mansehra.

..... Respondents

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Deponent

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**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**

9267  
21-11-23

**PESHAWAR.**

**SERVICE APPEL NO 1436/2023.**

Umar Abdullah, Head Constable, Ex-ASI, Presently Head Constable  
No.256.

.....**Appellant**

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KPST  
Peshawar**

**VERSUS**

21/11/23

- 1) The Appellate board (Police) through, Inspector General of Police, Head quarter, KPK, Peshawar.
- 2) The Additional Inspector General Of Police, KPK, Peshawar.
- 3) The Regional Police Officer, Hazara Division, Abbottabad.
- 4) The District Police Officer, Mansehra.

..... **Respondents**

**Reply/Comments On Behalf Of Respondents**

**RESPECTFULLY SHEWETH:-**

**PRELIMINARY OBJECTION:-**

- a) The appeal is not based on facts and appellant has got no cause of action or locus standi.
- b) That appeal is not maintainable in the present form.
- c) The appeal is bad for non-joinder of necessary and mis-joinder of unnecessary parties.
- d) The appellant is estopped by his own conduct to file the appeal.
- e) The appeal is barred by the law and limitation.
- f) The appellant has not come to the Honorable Tribunal with clean hands.

**FACTS:-**

1. The appellant was appointed as constable on 05-11-2003 in district Kohistan and presently serving in District Mansehra. His period of service is about 19 years.

2. The appellant while posted as incharge Police check post Toll Plaza, Police station Saddar Mansehra, was proceeded against with allegation that on 28-08-2022, a proclaimed offender Arslan S/O Farooq R/O Baila Subai Shankiari was stopped at Toll Plaza Check Post and released without taking any legal action. Due to his negligence the image of the local Police was badly damaged. The appellant was properly charge sheeted and departmental enquiry was entrusted to Additional Superintendent of Police Mansehra who after proper enquiry and after giving him opportunity of defence, held him guilty and recommended for suitable punishment. **(Copy of enquiry file finding is enclosed as annexure "A")**
3. That this fact was not brought on record or into the notice of any responsible officer, Hence, denied.
4. That the detail has been given in Para 02. However, the appellant was properly charge sheeted and he joined the whole enquiry proceedings.
5. The appellant was dismissed from service after providing him chance of personal hearing.
6. That departmental appeal was partially accepted and competent authority reinstated him into service and rewarded punishment of reduction in rank which fully commensurate with the gravity of allegations.
7. That the appellant has been granted relief by the appellate authority in first appeal therefore his revision petition was rejected being not maintainable.

That the instant appeal is not maintainable on the following grounds:-

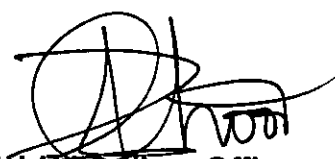
**GROUND**


- A. Incorrect. All the impugned orders are legal fair and according to law.


- B. Incorrect. The impugned orders are suitable in the eye of law.
- C. Incorrect. As replied above.
- D. Incorrect. All the legal and codal formalities were fulfilled during the enquiry proceedings.
- E. Incorrect. The appellant was heard in person but he failed to advance any cogent reason in his defence.
- F. Incorrect. Full opportunity of defence was given to him.
- G. Incorrect. As replied in above paras.
- H. Incorrect. As replied above.
- I. Incorrect. As replied above.
- J. Incorrect. All the allegation leveled against appellant had been proved during enquiry proceedings.
- K. Pertains to record.
- L. Legal and subject to proof.

**PRAYER:**

In view of the above mentioned facts, the appeal in hand may kindly be dismissed being devoid of any legal force.

  
District Police Officer  
Mansehra  
(Respondent No. 04)  
Zahoor Baber Afridi

  
Regional Police Officer  
Hazara Region Abbottabad  
(Respondent No. 03)  
AJAZ ICHAM

  
Inspector General of Police  
Head quarter, KPK, Peshawar  
(Respondent No.01)

Akhter Hayat Gunda Puri

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
PESHAWAR.

SERVICE APPEL NO 1436/2023.

Umar Abdullah, Head Constable, Ex-ASI, Presently Head Constable No.256.

.....Appellant

**VERSUS**

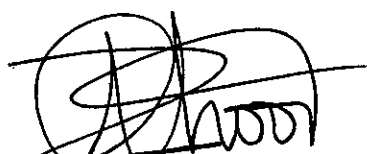
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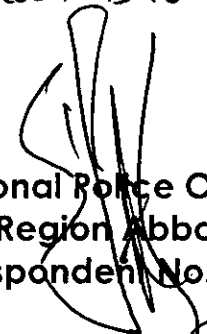
..... Respondents

AFFIDAVIT

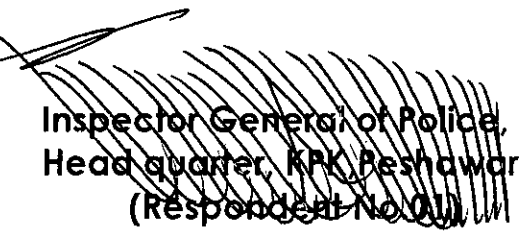
We respondents, do hereby solemnly affirm and declare that the contents of comments are true and correct to the best of our knowledge and belief and nothing has been concealed or suppressed from this Honorable Tribunal.

ATTESTED  
**EJAZ ALI SHAH**  
 Advocate High Court  
 Notary Public  
 Date: \_\_\_\_\_  
 Distt: Mansehra  
 12/25

  
 District Police Officer  
 Mansehra  
 (Respondent No. 04)  
 Zahoor Baber Afridi

  
 Regional Police Officer  
 Hazara Region Abbottabad  
 (Respondent No. 03)  
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**EJAZ ALI SHAH**  
 Advocate High Court  
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 Distt: Mansehra  
 12/25

  
 Inspector General of Police,  
 Head quarter, KPK Peshawar  
 (Respondent No. 01)  
 Alichter Hayat Gandapur



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LA  
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(5)

**POLICE DEPARTMENT**

**DISTRICT MANSEHRA**

From: The Additional Superintendent of Police,  
Mansehra.

To: The District Police Officer,  
Mansehra.

No. 340 /PA/ Addl: SP, Mansehra dated the 27/09/2022.

Subject: **DEPARTMENTAL ENQUIRY OF ASI UMER ABDULLAH  
POLICE LINES MANSEHRA.**

Please refer to your office ends: No. 6555-56/PA dated  
14.09.2022.

The departmental enquiry in hand was entrusted to the undersigned by the competent authority (District Police Officer, Mansehra) under KP Police E & D Rules 1975 (Amended-2014) to scrutinize the conduct of accused official **ASI UMER ABDULLAH POLICE LINES MANSEHRA** about the charges leveled against him that on 28.08.2022, proclaimed offender Arsalan s/o Farooq r/o Baila Subai Shinkiari was stopped at Check Post Toll Plaza and released. It shows extreme negligence and inefficiency on his part.

In this regard departmental enquiry against the delinquent official was initiated by the undersigned. For the purpose of transparent enquiry, the delinquent official was summoned, heard in person and his written statement was recorded which is attached herewith enquiry file for perusal and ready reference.

During the enquiry proceedings, the undersigned perused the statements of the delinquent official and observed that on 19.08.2022, he stopped a Toyota Hiace coming from Abbottabad and took the accused person sitting on the last seat out of the vehicle on suspicion. During comprehensive search, the delinquent official recovered a pistol 30 bore alongwith 02 rounds from him. The delinquent official further asked him about his arm license who replied that he is an employee of forest department will show his arm license inside the room. From where, the said accused person managed to escape from the delinquent official pretext of

Page 1 of 2

Attested

A. M. P.  
DSP LEGAL  
MANSEHRA

⑥ "A"

going to the room. He was also involved in a car theft and local police of Abbottabad informed you.

In view of forgoing, T being enquiry officer found irresponsibility, laxity and sluggish, casual behavior of delinquent official. Furthermore, the said accused person insisted him that he is an employee of forest department and he would show the arms license inside the room but being an incharge/ officer on spot, the delinquent official could not managed to assess the situation due to which said accused person managed to run away from the delinquent official by pretending to show the arms license in the room. Hence, the charges leveled against the delinquent official in the instant charge sheet are stand established therefore, he is recommended for suitable punishment as described in Police Efficiency and Disciplinary Rules 1975 (Amended-2014).

Enquiry Report along with all relevant attested documents/ papers are submitted for perusal, please.

(MUHAMMAD JAMIL AKHTAR)  
ADDITIONAL SUPERINTENDANT OF POLICE,  
(ENQUIRY OFFICER)  
MANSEHRA  
27/09/22

OHU/OR

*[Signature]*  
DPO Mansehra

Dismissed

*[Signature]*

10/11/22

Attested  
*[Signature]*  
DSP LEGAL  
MANSEHRA





⑧ "A"

## DISCIPLINARY ACTION

I, Irfan Tariq (PSP), District Police Officer Mansehra, as Competent Authority of the opinion that ASI Umer Abdullah Police Lines has rendered himself liable to be proceeded against as he committed the following act/omissions within the meaning of Khyber Pakhtunkhawa Police Disciplinary Rules 1975 (amended in 2014).

On 28-08-2022 Proclaimed Offender Arsalan s/o Farooq r/o Baila Subai Shinkiari was stopped at Check Post Toll Plaza and released. It shows extreme negligence and inefficiency on your part.

For the purpose of scrutinizing the conduct of the said accused Officer with reference to the above allegations. Mr. Jamil, Addl/SP. is deputed to conduct formal departmental enquiry against ASI Umer Abdullah Police Lines

The Enquiry Officer shall in accordance with the provisions of the Khyber Pakhtunkhawa Police Disciplinary Rules 1975 (amended in 2014), provide reasonable opportunity of hearing the accused, record findings and make recommendations as to punishment or other appropriate action against the accused.

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

  
District Police Officer,  
Mansehra

No 6555-56/PA dated Mansehra the 14 -09-2022

**Copy of the above is forwarded for favour of information and necessary action to: -**

1. The Enquiry Officer for initiating proceedings against the defaulter officer under the provisions of the Khyber Pakhtunkhawa Police Disciplinary Rules 1975.
2. ASI Umer Abdullah Police Lines with the direction to submit his written statement to the Enquiry Officer within 07 days of the receipt of this charge sheet/statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purposes of departmental proceedings.

  
District Police Officer,  
Mansehra

*Attested*  
*Man*  
DSP LEGAL  
MANSEHRA

(9) "A"

**CHARGE SHEET**

I, Irfan Tariq (PSP), District Police Officer, Mansehra as Competent Authority, hereby charge you **ASI Umer Abdullah Police Lines** as follows.

On 28-08-2022 Proclaimed Offender Arsalan s/o Farooq r/o Baila Subai Shinkari was stopped at Check Post Toll Plaza and released. It shows extreme negligence and inefficiency on your part.

Due to reasons stated above you appear to be guilty of misconduct under Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (amended in 2014) and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.

You are, therefore, required to submit your written defense within 07 days of the receipt of this charge sheet to the enquiry officer.

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

Intimate whether you desire to be heard in person or otherwise.

Statement of allegation is also enclosed.

  
District Police Officer,  
Mansehra

*Attested*  
*me*  
DSP LEGAL  
MANSEHRA

## **AUTHORITY LETTER**

I, District Police Officer, Mansehra, hereby authorized SI Legal, Gul Shazad Khan as departmental representative to attend honorable Court of Service Tribunal Khyber pakhtunkhwa, Peshawar in case titled Umar Abdullah **VS** Provincial Police Officer, KPK others on my behalf.



**District Police Officer  
Mansehra**