

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service appeal No. 1628/2013

Date of Institution. ... 06.12.2013.

Date of Decision. ... 29.05.2018

Sultan Raza Head Constable No. 2507, District Police, Peshawar. ... Appellant)

VERSUS1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and two
others..... (Respondents)Mr. Yasir Saleem,
Advocate ... For appellant.Mr. Ziaullah,
Deputy District Attorney ... For respondents.MR. SUBHAN SHER, ... CHAIRMAN
MR. MUHAMMAD AMIN KHAN KUNDI, ... MEMBERJUDGMENTSUBHAN SHER, CHAIRMAN:-

Keeping in view the minor punishment viz the request of the appellant, stated here short facts of the case are, that the appellant while serving as Head Constable had committed an illegal act for which enquiry was conducted in which

SW
29.5.2018
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he was found guilty of misconduct. As punishment, he was reduced to the rank of Constable.

2. Feeling aggrieved, the appellant filed departmental appeal and finally approached this Tribunal in service appeal No. 73/2011, which was allowed by this Tribunal on 12.08.2011 and the case was remanded to the respondent department with the direction to conduct proper departmental enquiry against the appellant strictly in accordance with law with some other specific directions. On the recommendation of the fresh enquiry, he was imposed minor penalty of stoppage of one increment but with cumulative effect vide order dated 26.03.2012. The appellant being aggrieved from the said order, passed by respondent No.3 assailed it before respondent No. 2, which was rejected on 07.11.2013 and now approached this Tribunal with the prayer that the impugned order is against law as no period has been fixed and even not followed the directions of this Tribunal given in its previous judgment dated 12.08.2011. He requested this Tribunal to set aside the impugned order.


3. Mr. Ziaullah, Deputy District Attorney strongly opposed the contentions of the learned counsel for the appellant by arguing that under Rule 4(1)(a)(v) of Police Rules, 1975, the authority has the discretion to stop increments with or without cumulative effect. Finally he supported the impugned order and requested that the appeal may be dismissed.

4. No need to deeply discuss merits of the case as in many judgments of the Hon'ble Superior Courts, it has been held repeatedly that the punishment of stoppage of increments must be for a specific period and not for ever or general in nature.

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29.5.2018
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5. As earlier stated, the appellant has been punished by withholding his one annual increment but with cumulative effect which is not only against the spirit of the judgments of the Hon'ble Superior Courts but even it is in clear violation of Rule 4(1)(a)(v) of Police Rule, 1975 as well. Hence, this appeal is partially allowed and the impugned order dated 26.3.2012 is modified to the extent that annual increment of the appellant is withheld for one year. In the circumstances, parties are left to bear their own costs. File be consigned to the record room.


(MUHAMMAD AMIN KHAN KUNDI)
Member

 29.5.2018.
(SUBHAN SHER)
Chairman


ANNOUNCED
29.05.2018

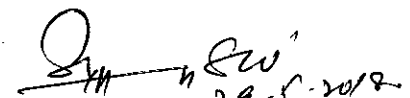
29.05.2018

Counsel for the appellant Mr. Yasir Saleem, Advocate, and Mr. Ziaullah, Deputy District Attorney for the respondents present.

Arguments heard and record perused.

Vide our detailed judgment of today placed on file, this appeal is partially allowed and the impugned order dated 26.3.2012 is modified to the extent that annual increment of the appellant is withheld for one year. In the circumstances, parties are left to bear their own costs. File be consigned to the record room.


Member


Chairman

ANNOUNCED

29.5.2018

11.12.2017

Learned AAG for the respondents and Mr. Yasir Saleem Advocate for the appellant present and submitted fresh wakalat nama on behalf of the appellant which is placed on file and requested for adjournment. Adjourned. To come up for arguments on 05.02.2018 before D.B


(Muhammad Hamid Mughal)
MEMBER


(Gul Zeb Khan)
MEMBER

05.02.2018


Since 5th February has been declared as public holiday. Therefore, the case is adjourned. To come up for arguments on 27.03.2018 Before D.B


Reader

27.03.2018

Appellant absent. Learned counsel for the appellant is also absent. Mr. Riaz Ahmed Painsa Kheil, Assistant AG for the respondents, present. Adjourned. To come up for arguments on 29.05.2018 before D.B.


(Muhammad Amin Khan Kundi)
Member


(Muhammad Hamid Mughal)
Member

03.03.2017

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Clerk to counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 08.06.2017 before D.B.



(AHMAD HASSAN)
MEMBER


(MUHAMMAD AMIR NAZIR)
MEMBER

08.06.2017

Clerk of the counsel for appellant and Mr. Sheraz Khan, HC alongwith Mr. Kabir Ullah Khattak, Assistant AG for the respondents present. Clerk of the counsel for appellant requested for adjournment. Adjourned. To come up for arguments on 03.10.2017 before D.B.


(Gul Zohb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

03.10.2017

Clerk to counsel for the appellant and Asst: AG for respondents present. Clerk to counsel for the appellant seeks adjournment as counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 11.12.2017 before D.B.


(AHMAD HASSAN)
MEMBER


(MUHAMMAD HAMID MUGHAL)
MEMBER

29.03.2016

Counsel for the appellant and Mr. Muhammad Raziq, H.C alongwith Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to non-availability of D.B. Therefore, the case is adjourned to 21.06.2016 for arguments.


Chairman

21.06.2016


Appellant in person and Mr. Ziaullah, GP, for respondents present. Appellant requested for adjournment as his counsel is not available today before the court, therefore, case is adjourned for arguments to 2.11.16 before D.B.


MEMBER


MEMBER

02.11.2016

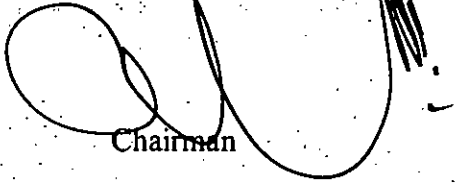
Counsel for the appellant (Mr. Sajid Amin, Advocate) and Mr. Muhammad Jan, GP for respondents present. Counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 03.03.2017.


(ABDUL LATIF)
MEMBER


(PIR BAKHSH SHAH)
MEMBER

08.08.2014

Neither appellant nor counsel for the appellant present. Respondents are not present despite their service for the previous date when the case was adjourned on note Reader. However, Mr. Muhammad Adeel Butt, AAG is present and would be contacting the respondents for written reply/comments on 5.12.2014.


Chairman

05.12.2014

No one is present on behalf of the appellant. Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for written reply/comments on 25.03.2015.


Reader

25.03.2015

Agent of counsel for the appellant and Addl: A.G for respondent present. Requested for adjournment. To come up for written reply/comments on 15.4.2015 before S.B.


Chairman

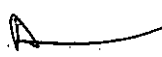
15.04.2015

Agent of counsel for the appellant and Mr. Hayat Muhammad, Reader to DSP alongwith Addl: A.G for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 26.10.2015.


Chairman

26.10.2015

Clerk to counsel for the appellant and Mr. Muhammad Raziq, H.C alongwith Addl: AG for respondents present. Arguments could not be heard due to learned Member (Judicial) is on official tour to D.I Khan. Therefore, the case is adjourned to 29/3/16 for arguments.


Member

Appeal No. 1628/2013.
Mr. Sultan Raza.

27.02.2014

Counsel for the appellant and Mr. Zia Ullah, GP for the respondents present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the order dated 26.03.2012, he filed departmental appeal on 07.04.2012 which has been rejected on 07.11.2013, communicated to the appellant on 12.11.2013. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. Counsel for the appellant also filed an application for condonation of delay. Notice of application should also be issued to the respondents for reply/arguments. To come up for written reply/comments on main appeal as well as reply/arguments on application on 19.05.2014.

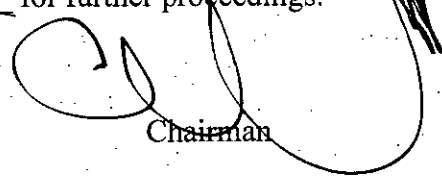
Appellant Deposited
Security & Process Fee
Rs. 180/- Bank
Receipt is Attached with File.



Member

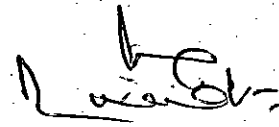
27.02.2014

This case be put before the Final Bench P for further proceedings.



Chairman

Counsel for the appellant present.
The worthy Chairman is an honor to Allah.
To come up for written reply/comments
on 8-8-2014.



4.

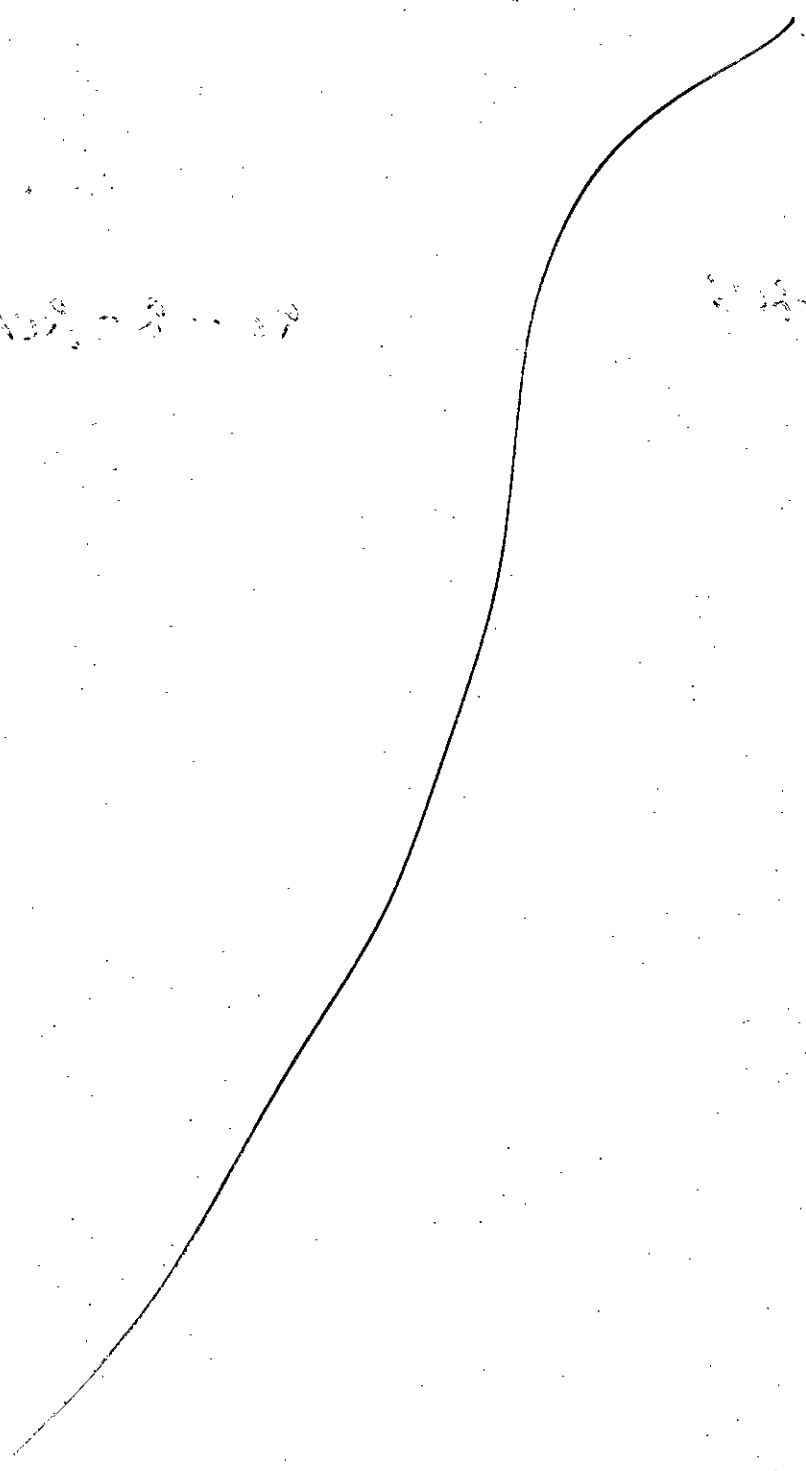
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20.02.2014

Counsel for the appellant present. Preliminary arguments to some extent heard. Pre-admission notice be issued to the Government Pleader to assist the Tribunal for preliminary hearing on 27.02.2014.


Member



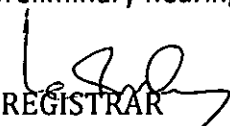

18-11-14

18-11-14

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1628/2013


| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge or Magistrate |
|-------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | 2 | 3 |
| | <p>20/12/2013</p> <p>30-12-2013</p> | <p>The appeal of Mr. Sultan Raza resubmitted today by Mr. Sajid Amin Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>20-2-2014</u>,</p> <p style="text-align: right;"> CHAIRMAN</p> |

The appeal of Mr. Sultan Raza Head Constable No. 2507 Distt. Police Peshawar received today i.e. on 06.12.2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Appeal may be got signed by the appellant.
- 2- Affidavit may be got attested by the Oath Commissioner.
- 3- Copy of rejection order of departmental appeal mentioned in para-5 of the memo of appeal is not attached with the appeal which may be placed on it.
- 4- Wakalat nama in favour of appellant is not attached with the appeal which may be placed on it.
- 5- Annexures of the appeal may be attested.
- 6- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1741 /S.T.


Dt. 06/12 /2013.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Sajid Amin Adv. Pesh.

S.R.

Re. Submitted after completion


Sajid Amin Advocate
Pesh.

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 1628/2013

Sultan Raza Head Constable No. 2507, District Police, Peshawar.
(Appellant)


VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and
others.


(Respondents)

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| 3 | Enquiry Report | C | 9-12 |
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| | Departmental Appeal and Rejection Order dated 12.11.2013 | E & F | 14-15 |
| 5 | Vakalatnama | | |


Appellant

Through


(SAJID AMIN)
Advocate Peshawar
FR-3 fourth floor Bilour Plaza
Saddar road Peshawar Cantt

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 1628 /2013

S. W. F. D. No. 1628
No. 1628
06/12/13

Sultan Raza Head Constable No. 2507, District Police, Peshawar.

(Appellant)

VERSUS

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Senior Superintendent of Police Investigation, Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the Order dated 26.03.2012, whereby the appellant has been awarded the minor penalty of stoppage of one increment with cumulative effect, against which his departmental dated 07.04.2012, has also been rejected vide order dated 07.11.2103, communicated to the appellant on 12.11.2013.

Prayer in Appeal: -

On acceptance of this appeal both the Impugned Orders, dated 04-03-2010 and 07.11.2013, may please be set-aside and the appellant be allowed all consequential benefits of service.

Respectfully Submitted:

1. That the appellant was initially enlisted as Constable in the Police, during the course of his service the appellant also got promotion to the Rank of Head Constable. Ever since his appointment, the appellant has performed his duties with zeal and devotion and there was no complaint whatsoever regarding his performance.
2. That while serving in the said capacity, upon certain false and baseless allegations the appellant was awarded the major penalty of Reversion tor the Rank of Constable vide order dated 29.09.2010. the appellant challenged the same before this Honorable Tribunal in service appeal No 73/2011, which was accepted vide Judgment and Order dated 12.08.2011 in the following words. *"in view of the above, the impugned order*

re-submitted to ~~the~~
and filed.

20/12/13

dated 24.09.2010 is set aside and the case is remanded to the respondents department with direction to conduct proper departmental enquiry strictly in accordance with law and spirit of law, against the appellant and other responsible officers, including SHO concerned, by an officer not below the rank of Superintendent of Police, by providing proper chance of a defence to the appellant at all stages. All the proceedings may be completed within two months, from the receipt of this judgment. The appellant may be given proper chance of defence at all stages. Parties are, however, left to bear their own costs.

(Copies of the Office Order dated 29.09.2010 and Judgment and Order dated 12.08.2011 are attached as Annexure A & B).

3. That thereafter denovo proceedings were initiated, however without serving any charge sheet or Statement of Allegations a partial enquiry was conducted and the enquiry officer recommended the appellant for minor penalty of "*stoppage of one increment*".(Copy of the enquiry report is attached as Annexure C).
4. That the Respondent No 3 without applying his prudent mind, while agreeing with the recommendation of the enquiry officer, awarded the appellant the minor penalty of stoppage of one increment with cumulative affect vide Order dated 26.03.2012. (Copy of the Order dated 26.03.2012 is attached as Annexure D).
5. That the appellant submitted on departmental appeal on 07.04.2012, which remained under consideration for long time, however it was rejected vide Order dated 07.11.2013, communicated to the appellant on 12.11.2013. (Copy of the departmental appeal and rejection order dated 12.11.2013 are attached as Annexure E & F).
6. That the impugned orders are illegal, unlawful and against the law and facts hence liable to be set aside inter alia on the following grounds:-

Grounds of Appeal:

- A. That the appellant has not been treated in accordance with law thus his right secured and guaranteed by law are badly violated.
- B. That this Honourable Tribunal while remanding the case to the Respondents directed to conduct proper departmental enquiry strictly in accordance with law and spirit of law, however the Respondents while ignoring the

direction of the Honourable Tribunal, again conducted the proceedings in haste manner. The appellant was never allowed proper opportunity to defending himself nor any witness has been examined in his presence thus the whole proceedings are nullity in the eye of law.

- C. That the appellant has not been provided proper opportunity of hearing, thus condemned unheard.
- D. That while conducting denovo proceedings against the appellant, no fresh charge sheet statement of allegations were served upon him nor any show cause notice has been issued to him, thus he has not been provided fair opportunity to defend himself against the charges.
- E. That the enquiry report is in its self contradictory as at the one hand the enquiry officer "*himself admitted that the sole allegation leveled by the complainant against the defaulters by producing unconsolidated evidence or witnesses of happening senses becomes uneasy to prove the guilt*", while on the other hand he recommended the appellant for minor penalty.
- F. That the charges leveled against the appellant were never proved during the enquiry, the enquiry officer gave his findings on surmises and conjunctures.
- G. That during the enquiry statement of witnesses were never examined in presence of the appellant nor he has been allowed the opportunity of cross examination.
- H. That the enquiry officer had also recommended the other officials for punishment, however they have not been proceeded thereafter, hence the appellant has been treated discriminately.
- I. That the appellant has not been served with show cause notice neither he has been provided the copy of the enquiry report before the imposition of penalty upon him.
- J. That the penalty of stoppage of one increment with cumulative effect is also not sustainable as no period is specified for which the penalty would remained intact.
- K. That the appellant has a long and spotless service at his credit thus if the penalty in tact remains it would be a stigma to the spotless carried of appellant.

L. That the appellant seeks the permission of this Honorable Tribunal to rely on additional grounds at the hearing of this appeal.

It is, therefore, humbly stated that on acceptance of this appeal both the Impugned Orders, dated 04-03-2010 and 07.11.2013, may please be set-aside and the appellant be allowed all consequential benefits of service.



Appellant

Through



SAJID AMIN
Advocate Peshawar

AFFIDAVIT

I, *Sultan Raza Head Constable No. 2507, District Police, Peshawar*, do hereby solemnly affirm and declare that the contents of the above appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.




Deponent

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ANNEXURE A

ORDER.

HC Sultan Raza No.2507 was proceeded against departmentally-on the grounds that he while posted on the strength of investigation wing as Moharrir Investigation at Police Station Gulbahar, Peshawar illegally confined a person namely Rahid Khan s/o Yar Badshah r/o Masho Khel Mera Pekai, Peshawar in Police Station for the period of 4 days and released him after receiving illegal gratification of Rs.500000.

He was placed under suspension and closed to Police Lines, Peshawar. He was issued Charge Sheet and Summary of Allegations. DSP Qamar Zaman DSP/Investigation City Division and Inspector Shahid Hussain CIO PS: Faqirabad, Peshawar were appointed as enquiry officers to conduct the departmental enquiry against the defaulter police official. On receipt of their findings report wherein the Enquiry Officers recommended the official for Major Punishment. He was issued Final Show Cause Notice and reply to final show cause notice received which was not satisfactory. He was heard in person. I agreed with the recommendation of Enquiry Officers, therefore he is awarded the punishment of reversion from the rank of Head Constable to the rank of Constable. He is re-instated in service from the date of suspension and the period of suspension is treated as duty. On re-instatement in service he is hereby posted to Police Station Agha Mir Jani Shah on the strength of investigation wing.

Mulla

SENIOR SUPERINTENDENT OF POLICE,
INVESTIGATION, PESHAWAR.

O.B. NO. 3244

DT: 24-9-2010

NO. /PA, dated Peshawar, the / /2010.

Copy submitted to the Capital City Police Officer, Peshawar for the information please.

- 2/ The Senior Superintendent of Police, Operation, Peshawar refer to his office memo: No.943/PA, dated 10/08/2010.
- 3/ DSP/HQ, Peshawar.
- 4/ DSP/(I) City Division, Peshawar. - DSP/CI/R
- 5/ Pay Officer.
- 6/ OASI.
- 7/ CRC.
- 8/ FMC along-with enquiry file for record.

Attested
DSP HQ (I)
Peshawar

6

ANNEXURE B

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL



Service Appeal No. 73/2011

Date of Institution. ... 15.1.2011
Date of Decision ... 12.8.2011

Sultan Raza, Ex-Head Constable No. 2507, MHC, Investigation P.S Gul Bahar, Peshawar. (Appellant)

VERSUS

- 1. Capital City Police Officer, Peshawar.
2. Senior Superintendent of Police (Investigation) Peshawar.
3. Deputy Superintendent of Police (Investigation), City Peshawar.
4. Inspector (Chief Investigation Officer) P.S Faqir Abad, Peshawar. (Respondents).

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER NO. 1591-98/PA DATED 24.9.2010 OF RESPONDENT NO.2 WHO REVERTED THE APPELLANT FROM THE RANK OF HEAD CONSTABLE TO CONSTABLE AGAINST WHICH THE APPELLANT PREFERRED DEPARTMENTAL APPEAL ON 4.10.2010 BEFORE RESPONDENT NO.1 WHO COULD NOT DISPOSE OFF THE DEPARTMENTAL APPEAL WITHIN THE STATUTORY PERIOD.

MR. IJAZ ANWAR, Advocate For appellant

MR. SHER AFGAN KHATTAK, Addl. Advocate General For respondents

SYED MANZOOR ALI SHAH, MEMBER
MR. KHALID HUSSAIN, MEMBER

ATTESTED
EXAMINER
Khyber Pakhtunkhwa Service Tribunal, Peshawar

JUDGMENT

SYED MANZOOR ALI SHAH, MEMBER :- This appeal has been filed by appellant Sultan Raza; U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 24.9.2010 of respondent No.2, whereby he had been reverted from the rank of Head Constable to that of Constable and against the order dated 4.10.2011, whereby his department appeal was rejected. It has been prayed that on acceptance of the appeal, the impugned orders may be set aside and the appellant be restored to his substantive post of Head Constable.

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Brief facts of the case are that the appellant joined Police Department as a Constable on 15.12.1994 and subsequently promoted to the rank of Head Constable. The appellant while working as Moharrir (Investigation) in Police Station Gul Bahar, Peshawar, was charged on the allegations that he had received an illegal gratification of Rupees five lacs from one Rohid Khan (complainant). The appellant was issued charge sheet alongwith statement of allegations on 17.8.2010, which was duly replied by him and denied the allegations leveled against him. An enquiry was conducted in the matter and the appellant was found guilty of misconduct, and he was recommended for major punishment. Vide impugned order dated 24.9.2010, the appellant was reverted from the rank of Head Constable to Constable. Feeling aggrieved the appellant filed departmental appeal on 04.10.2010, which elicited no response within the statutory period, hence this appeal.

3. Notices were issued to the respondents. They filed their joint written reply and contested the appeal. The appellant also submitted his rejoinder in rebuttal.

Arguments heard and record perused.

The learned counsel for the appellant contended that the appellant was awarded major penalty of reduction from rank of Head Constable to Constable on the complaint of one Rohid Khan son of Yar Badshah of Maira Masho Khel. In his statement before the enquiry committee, the complainant stated that the amount had been returned to him, and he had no dispute with the appellant. So, on this score alone the punishment awarded to the appellant is harsh and not commensurate with the charge leveled against the appellant. He further contended that no proper opportunity was given to the appellant to cross examine complainant (Rohid Khan) and other witnesses produced against him or to produce evidence in his support, which were mandatory under Section 5 of the NWFP (Khyber Pakhtunkhwa) Removal from Service (Special Powers) Ordinance, 2000. The appellant only could not be held responsible for receiving such a huge amount and even SHO and other staff Members of Police Station, Gulbahar were not charged in the case and only the appellant, being a lower in rank, was made a scape goat.

6. The learned A.A.G, on the other hand, argued that charge sheet alongwith statement of allegations was issued to the appellant, proper enquiry was conducted against him and a show cause notice was issued to him. He was also heard in person but he failed to ^{his} prove innocence. He further argued that act of the appellant was grave in nature and already a lenient view had been taken against him. He requested that the appeal may be dismissed with costs.

7. The record reveals that departmental enquiry was conducted by Qamar Zaman, DSP(Investigation) City and Shahid Hussain, Inspector, CIO P.S, Faqir Abad without

RECEIVED
EX-AMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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affording proper chance of defence to the appellant. Even statements of witnesses were not recorded in his presence to cross examine them nor he was given chance to produce evidence in his support. The appellant being Moharrir of Police Station could not solely be held responsible for receiving such a huge amount from the complainant (Rohid Khan).

8. In view of the above, the impugned order dated 24.9.2010 is set aside and the case is remanded to the respondent department with direction to conduct proper departmental enquiry strictly in accordance with law and spirit of law, against the appellant and other responsible officers, including SHO concerned, by an officer not below the rank of Superintendent of Police, by providing proper chance ^{of} defence to the appellant at all stages. All the proceedings may be completed within two months; from the receipt of this judgment. The appellant may be given proper chance of defence at all stages. Parties are, however, left to bear their own costs. File be consigned to the record.

ANNOUNCED
12.08.2011

(Signature)
(KHALID HUSSAIN)
MEMBER

(Signature)
(SYED MANZOOR ALI SHAH)
MEMBER

Certified to be true copy

(Signature)
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

| | |
|-------------------------------------|------------------|
| Date of Presentation of Application | <u>23-8-2011</u> |
| Number of Words | <u>1200</u> |
| Copying Fee | <u>8-00</u> |
| Urgent | <u>2-00</u> |
| Total | <u>10-00</u> |
| Name of Copyiest | |
| Date of Completion of Copy | <u>23-8-11</u> |
| Date of Delivery of Copy | <u>23-8-11</u> |

(Signature)

(9)

ANNEXURE C

REFERENCE ATTACHED.

No. 17-E/PA.

Dated: 17/10/2011.

Subject: ENQUIRY REPORT.

Memo:

Kindly refer to your office Dy: No. 5026/PA, dated 15-09-2011 & also Dy: No. 5295/PA, dated 20-09-2011, (returned in originals) regarding the above subject.

It is submitted that it is a remanded enquiry against the then HC/Sultan Raza No. 2507 Muharrir investigation PS/Gulbahar Peshawar now posted at PS/Mathra investigation wing.

Brief facts of the instant case/enquiry are that the defaulter joined the police department as a Constable on 15-12-1994 and subsequently promoted to the rank of Head Constable. The defaulter while working as Muharrir investigation in PS/Gulbahar, Peshawar was charged with the allegations that he (Sultan Raza) received illegal gratification of rupees five lacs from one applicant Rohaid Khan s/o Yar Badshah r/o Maira Masho Kehi Badaber, Peshawar. Therefore, the W.SSP/Op: Peshawar marked the subject application to the ASP/Gulbahar Peshawar for inquiry & report.

The ASP/Gulbahar, Peshawar summoned the applicant (Rohaid Khan) heard him in person as the applicant stated to the effect that he was kept in illegal confinement by the MI/HC Sultan Raza & later on released after payment of rupees five lacs. The applicant also stated that he has also identified one Saiful Islam No. 876 as an associate who provided him food in Gulbahar Police Station. The applicant had further stated that he would produce two witnesses who had paid the subject amount. On the report submitted by ASP/Gulbahar the worthy SSP/Operation Peshawar sent the subject enquiry to the W.SSP/Investigation Peshawar for initiating a proper departmental enquiry against the defaulter HC/MI Sultan Raza No. 2507 of PS/Gulbahar, Peshawar.

The defaulter HC/MI Sultan Raza No. 2507 was charge sheeted along with summary of allegations on 17.08.2010 vide SSP/Investigation Peshawar office-Endst: No. 1367-698/PA, dated 17-08-2010, which was replied by the defaulter HC/MI Sultan Raza No. 2507 and denied the allegations leveled against him.

For the purpose of scrutinizing the conduct of the said HC/MI Sultan Raza No. 2507 of PS/Gulbahar Peshawar with reference to the above allegations an enquiry committee/enquiry officers consisting Mr. Qamar Zaman Khan DSP/Inv: City Division, Peshawar and CIO/Inspector Mr. Shahid Hussain of PS/Faqir Abad, Peshawar were constituted under section (3) of the act.



Enquiry was conducted by the above cited Police Officers against the defaulter HC/MI Sultan Raza No. 2507 of PS/Gulbahar, Peshawar in the matter the defaulter was found guilty of misconduct and was recommended for major punishment vide his office Memo: No. 1375/PA, dated 08-09-2010. The final show cause notice was issued by the W.SSP/Investigation Peshawar vide his office memo: No. 1502-P.A. dated 14-09-2010 to the defaulter. The reply of final show cause was not satisfactory. Therefore, the defaulter (Sultan Raza No. 2507) was awarded the punishment of reversion from the rank of Head Constable to the rank of Constable vide his office No. 1591-98/PA. dated 24-09-2010 besides he was re-instated in service from the date of suspension and the period of suspension was treated as duty. However, on re-instatement in service the defaulter was posted to PS/Mathra on the strength of investigation wing.

The defaulter HC/MI Sultan Raza No. 2507 of PS/Gulbahar Peshawar submitted an appeal vide DSP/Legal office No. 2805-LB dated 11-10-2010, before the W.CCPO Peshawar.

On Perusal of record by the DSP/Legal revealed that punishment order passed by the competent authority was in accordance with law. After opinion and remarks of the W.SSP/Co-ordination the W.CCPO Peshawar issued order vide his office Endst: No. 819-24/PA, dated 25-04-2011 to the effect that the defaulter was called in OR and was heard in person on 21-04-2011, but the defaulter could not defend himself. After perusal relevant record the defaulter was found guilty of charges and his appeal was rejected / filed.

Later on, the defaulter Constable Sultan Raza went on appeal before the Khyber Pakhtunkhwa Service Tribunal Peshawar in the matter vide service appeal No. 73/2011, against the order dated 24-09-2010 as he was reverted from the rank of Head Constable to the rank of constable and against the order dated 04-10-2011, whereby, his departmental appeal was rejected/ filed.

The learned counsel for the appellant contended that the appellant was awarded major penalty of reduction from Head Constable to constable on the complaint of one Rohaid Khan s/o Yar Badshah r/o Maira Masho Khel Badaber. In his statement before the enquiry committee, the complainant stated that the amount was being returned to him, and he had no dispute with the appellant. So, on this score alone the punishment awarded to the appellant is harsh and not commensurate with the charge leveled against the appellant. He further contended that no proper opportunity was given to the appellant to cross examine complainant Rohaid Khan and other witnesses produced against him or to produce evidence in his support, which were mandatory under section (5) of the KPK- Removal from service (Special Powers) Ordinance, 2000. The appellant only could not be held responsible for the receiving such a huge amount and even SHO and other staff



members of police station Gulbahar were not charged in the case and only the appellant, being lower in rank, was made a scape goat. Further record reveals that departmental enquiry was conducted by the enquiry committee with out affording proper chance of defence to the appellant. Even statements of witnesses were not recorded in his presence to cross examine them nor he was given chance to produce evidence in his support. The appellant being Muharrir of PS/Gulbahar Peshawar could not solely be held responsible for receiving such a huge amount from the complainant (Rohaid Khan).

Therefore, in view of the above, the impugned order dated 24-09-2010, is set aside and the case was remanded to the respondent department with direction to conduct proper departmental enquiry strictly in accordance with law and spirit of law, against the appellant and other responsible officers, including SHO/concerned, by an officer not below the rank of Superintendent of Police, by providing proper chance of defence to the appellant at all stages. All the proceedings may be completed within two months, from the receipt of this judgment. The appellant may be given proper chance of defence at all stages.

The enquiry papers received to the office of the undersigned on 15-09-2011. The undersigned tried to contact the applicant/complainant Rohaid Khan on his mobile cell time and again but in vain. Lateron, the undersigned issued a proper parwana and sent to CIO/Badaber to produce the applicant Rohaid Khan before the undersigned for recording his statement. The applicant was produced before the undersigned and he was heard in person as well as his statement was recorded.

The statement of then SHO Atique Shah, MASI Mukhtiyar, CIO Arab Nawaz, Constable Saiful Islam No. 876 and Constable Hamid Ullah No. 3865 were recorded. The defaulters Sultan Raza No. 2507 as well as others were given proper chance of cross examination. The complainant during the course of identification parade of Police personnel's described that he never met the SHO Atique Shah, MASI Mukhtiyar of PS/Gulbahar, so far Saifullah No. 876 and Hamid Ullah No. 3865 were concerned he (the complainant) had witnessed them but they did not even talked to him. The only defaulter Sulttan Raza No. 2507 who was charged by the complainant who brought him to PS/Gulbahar and had a deal for demanding five lacs rupees.

The complainant Rohaid was openly asked for several times surface all evidences like Liaqat his associate at the time of carrying him to PS/Gulbahar by the Police and those evidences by whom the amount was delivered to Police and the eye witnesses of that time when the amount was returned by the Police but the complainant could not produce the eye witnesses. The complainant was given to much time to arrange the eye witnesses/jirga members by the undersigned regarding the amount but he was badly failed.

It is worth mentioning that during the course of cross examination the complainant was asked that was he brought by the defaulter Sultan Raza No. 2507 but he (complainant) replied that he could not ascertain.

CONCLUSION.

The complainant was provided a couple of weeks to assemble his associates, witnesses and relevant evidences i.e his companion Liqat and those who played role for his release for paying amount to Police and then after obtained the returned money. He neither pointed out the members of jirga as well as the venue nor he seemed eager or anxious and winded up with the expression that he has given an end to his complaint as he had already stated in his previous statement for not taking any action against the defaulters.

For this reason the solely allegations leveled by the complainant against the defaulters by producing unconsolidated evidence or witnesses of happening becomes uneasy to prove the guilt. Since the miserable event had taken place that would be unjustified to overrule the circumstances.

Therefore, the undersigned recommend the defaulter Sultan Raza No. 2507 for minor punishment stoppages of one annual increment as well as for restoration to the rank of Head Constable from the date of reversion while other officers/officials who should have not been the silent spectators of the incident and irresponsible attitude. The SHO Atique Shah, MASI Mukhtiar. Constable Saiful Islam No. 876 and Constable Hamid Ullah No. 3865 are recommended for the minor punishment of censure.

Submitted please.

Encls: (2)

**Superintendent of Police,
Investigation, Peshawar.**

**Worthy Sr: Supdt: of Police,
Investigation, Peshawar.**

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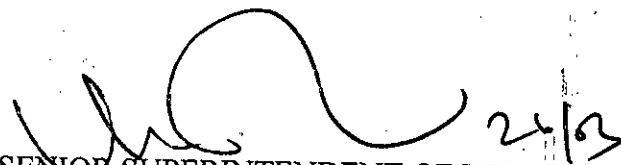
ANNEXURE D

ORDER.

HC Sultan Raza No.2507 was proceeded against departmentally on the grounds that he while posted as Moharrir Investigation at Police Station Gulbahar, Peshawar illegally confined a person namely Rahid Khan s/o Yar Badshah r/o Masho Khel Mera Pekai, Peshawar in Police Station for the period of 4 days and released him after receiving illegal gratification of Rs.500000/-

He was placed under suspension and closed to Police Lines, Peshawar. He was issued Charge Sheet and Summary of Allegations. DSP Qamar Zaman DSP/Investigation City Division and Inspector Shahid Hussain CIO PS: Faqirabad, Peshawar were appointed as inquiry officers to conduct the departmental inquiry against the defaulter police official. The Inquiry Officers recommended the official for Major Punishment. He was issued Final Show Cause Notice and reply to final show cause notice received which was not satisfactory. He was awarded the punishment of reversion from the rank of Head Constable to the rank of Constable vide OB No.3244 dated 24/09/2010 and re-instated in service from the date of suspension.

He filed an appeal before the Khyber Pakhtunkhwa Service Tribunal Peshawar against the orders dated 24/09/2010. The impugned order dated 24/09/2010 was set aside by the Tribunal and the case was remanded to the respondent department to conduct proper departmental inquiry by a senior officer. The inquiry was conducted through Mr. Hilal Haidar SP/Investigation, Peshawar who recommended the defaulter Police official for minor punishment of stoppage of one annual increment as well as for restoration to the rank of Head Constable from the date of reversion. I agree with the recommendations of Inquiry Officer therefore, FC Sultan Raza No.2507 is hereby restored to the rank of HC from the date of reversion and awarded the minor punishment of stoppage of one annual increment with cumulative effect as defined in Police Disciplinary Rules, 1975.


SENIOR SUPERINTENDENT OF POLICE,
INVESTIGATION, PESHAWAR.

O.B. NO. 1203

Dated 26/3/2012.

NO. /PA, dated Peshawar, the ___/___/2012.

Copy submitted to the Capital City Police Officer, Peshawar for f/o information please.

2. PO
3. CRC
4. OASI
5. FMC along-with inquiry file for record.



صفوف خالی سے لے کر صفوں ۱۰۰۰ تک

مقابل

مقابل اپنے قریبی قریبی تعلق اور روابط کے تحت

(۱) تمہارے نام پر سالہ ۱۹۹۴ سے قریبوں میں صوتی سٹرنگ نام پر ہے۔ ایم او آرڈر کے تحت
کئی قسم کا کویڈ شکایت میں ہے اور اس کے لئے پوری جائگتوں - اعلیٰ درجے اور خوش اسلوبی
سے اپنا واپس سٹرنگ رو ہے۔

(۲) تمہارے قریبی ۲۰۱۰ میں قریبوں کے خلاف سے من کوٹ اور بے بنیاد الزامات گناہ سے
دی۔ جن پر اس میں زیادہ سے زیادہ پوری ہوئی۔ اور پوری آگے سے سٹرنگ کے طور
سٹرنگ سٹریٹ پر تعلق سے سٹرنگ سٹرنگ پوری - جہاں پر ہے - ۵۵۲ میں نے باقاعدہ
آرڈر O.B No. 1203 جاری کیا۔ اور اس کی سلسلہ میں پوری ہوئی۔ اور اس کے لئے (پوری ہوئی)
26.3/012 - قسم دہ سالہ تا پوری ہوئی اور اس کے لئے (پوری ہوئی) کے لئے

(۳) تمہارے قریبی پوری خان سے پوری آگے سے سٹرنگ کے لئے پوری اور پوری
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(۴) تمہارے قریبی ان الزامات کا نام پوری پوری پوری پوری پوری پوری پوری پوری
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714/012

Aladdin

ORDER

Annex F

(15)

This order will dispose off departmental appeal of Head constable **Sultan Raza No.2507** who was awarded stoppage of one annual increment with cumulative effect vide OB No. 1203 dated 26.3.12 under Police Disciplinary Rules 1975 by SSP (Inv) Peshawar.

The allegations levelled against him were that he while posted as Moharrar Investigation PS Gulbahar, illegally confined a person namely Rahid Khan S/O Yar Bad Shah R/O Masho Khel Mera Pekai, Peshawar in Police Station Gulbahar for a period of 4 (four) days and released him after receiving illegal gratification of Rs.5,00,000/-

Proper departmental proceedings were initiated against him and SP (Inv) Hilal Haider Khan was appointed as the E.O. In his findings he held him responsible. After issuance of SCN by the SSP (Inv) Peshawar, he was awarded the above major punishment.

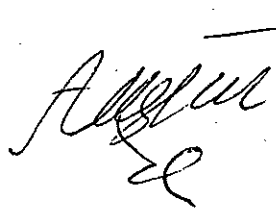
He was called in OR and heard him in person on 1/11/2013 but he could not defend himself. The relevant record was also perused. The competent authority has already taken a lenient view by awarding a minor punishment of stoppage of one annual increment with cumulative effect in such a gross misconduct. Hence the appeal is rejected/filed.


**CAPITAL CITY POLICE OFFICER,
PESHAWAR.**

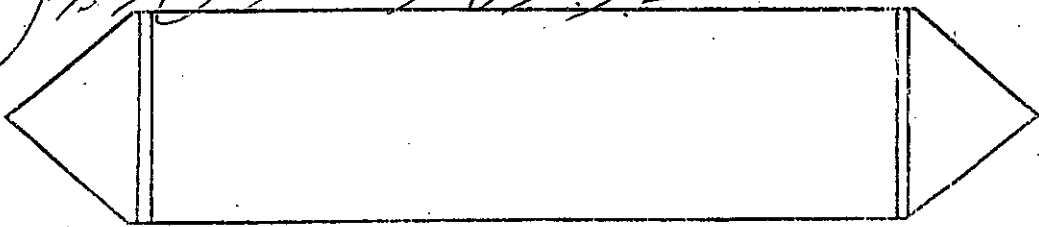
No. 1737-42/PA dated Peshawar the 7.11. 13

Copies for inf and n/a to the:-

- 1/ SSP/(Inv), Peshawar
- 2/ PO
- 3/ OASI
- 4/ CRC along with S.R. for making necessary entry.
- 5/ FMC encl: (FM)
- 6/ Official concerned.



باعت تحریر آئینہ سروس پرائیویٹ لمیٹڈ



موزخہ _____ 20 _____ دسمبر

مقدمہ _____ سلطان رضا بنام _____ P.P.O. و عترہ

دعویٰ _____ سروس پرائیویٹ

جرم _____

باعث تحریر آئینہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام _____ کیلئے لکھا گیا ہے۔

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زراہیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائہ التوائے مقدمہ کے سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم _____ 20 _____ ماہ _____ 2018

کے لئے منظور ہے۔

بمقام لکھنؤ

Abulhasan Ali
Sajid
Ali

Sajid

Sajid Ali

BEFORE THE KPK SERVICE TRIBUNAL, KPK, PESHAWAR

MATTER OF APPEAL NO. 1628 /2013

SULTAN RAZA

VERSUS

PROVINCIAL POLICE OFFICER KPK AND OTHERS

APPLICATION FOR CONDONATION OF DELAY
IF ANY IN FILLING THE TITLED APPEAL.

Respectfully Sheweth,


1. That the titled appeal is pending adjudication and is fixed for hearing for today i.e. 27/02/2014.
2. That the applicant pray for condation of delay if any in filing the titled appeal inter alia on the following grounds:-

GROUND:-

- A. That the applicant never remained negligent in persuing his remedy, he duly filed departmental appeal against the impugned order well in time, thereafter the applicant produced to Hangu for six month intermediate course, during his stay at Hangu he remained in contact but was not informed about the outome of the appeal, lastly, his appeal was rejected on merit vide order dated 07/11/2013 the applicant has filed the titled appeal well with in 30 days of the communication of the rejection order.

- B. That the proceeding conducted against the applicant are illegal and void, the appellant has not been proceeded against in accordance with law, neither any charge sheet or show cause has been served upon him nor he has been properly associated with the inquiry thus the proceeding so conducted are defective and no period of limitation run against an order based on such defective and illegal proceeding.
- C. That the delay if any in filling the instant appeal is not willful but due to the above stated reasons.
- D. That valuable rights of the applicant for involved in the instant appeal hence the delay if any, deserves to be condoned.
- E. That the Superior Court have always held, that causes be decided on merit rather than technicalities including limitation.

It is therefore, most humbly prayed that the delay if any in filing the titled appeal may be condoned.

Applicant
Through 
SAJID AMIN
Advocate, Peshawar.

AFFIDAVIT

I do hereby solemnly affirm and declare on oath that the contents of the above application are true and correct and nothing has been concealed from this Honourable Tribunal.

ATTESTED




DEPONENT

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No.1628/2013.

Sultan Raza Head Constable No. 2507 District Police, Peshawar.....**Appellant.**

VERSUS.

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Senior Superintendence of Police, Investigation, Peshawar.....**Respondents.**

Reply on behalf of Respondents 1, 2 and 3.

Respectfully sheweth:.

PRELIMINARY OBJECTIONS.

1. That the appeal is badly time barred.
2. That the appeal is not maintainable for joinder of unnecessary parties and non-joinder of necessary parties.
3. That the appellant has not come to this honorable tribunal with clean hands.
4. That the appellant has no cause of action.
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 appellant has got no locus standi to file the instant appeal.

Facts:-

1. First part of Para relates to record while rest of the Para is for the appellant to prove.
2. First part of Para No 2 is correct to the extent that after conducting a proper enquiry the appellant was awarded major punishment of reversion to the rank of constable from the rank of Head constable vide OB No 3244 dated 24.09.2010, on charges of illegally confining and receiving illegal gratification of RS 5 lakhs. Rest of para pertains to court, hence needs no comments.
3. Para No. 3 is correct to the extent that the appellant was already charge sheeted in previous enquiry on same charges. During a denove enquiry, the appellant's statement was recorded and he was given full opportunity to defend himself as charges leveled against appellant were stand proved, hence the punishment order of stoppage of one annual increment was passed in accordance with law/rules and as per directions of Honorable Service Tribunal.
4. Para No 4 is correct to the extent that after conducting a denove enquiry, the charges of illegal confining and receiving illegal gratification were stand proved, hence was rightly awarded the punishment order.
5. Para No 5 is correct to the extent that after due consideration appeal of appellant was rejected because the charges leveled against him were stand proved.
6. Para No. 6 is totally incorrect and denied. The punishment orders are in accordance with law and rules.

GROUNDS:-

- A. Incorrect. The appellant was treated as per law and rules.

- B. Para is correct to the extent that a proper denove enquiry was conducted against appellant as per the directions of Service Tribunal KPK Peshawar. The statements of appellant along with other concerned persons were recorded which revealed that the appellant got involved in illegally confining and receiving illegal gratification from a person namely Rahid Khan. Moreover, the appellant was provided full opportunity to defend himself.
- C. Incorrect. The appellant was provided full opportunity to defend himself. The appellant was called to orderly room and was heard in person but he failed to defend himself.
- D. Incorrect. The appellant was called to orderly room and was heard in person but he failed to defend himself. Hence the punishment order was passed as per law and rules.
- E. Incorrect and denied. The enquiry officer after conducting a proper denove enquiry recommended him for minor punishment of stoppage of one annual increment as the charges leveled against him were stand proved.
- F. Incorrect and denied. Para already explained above in detail.
- G. Incorrect. The appellant was called along with other witnesses and their statements were recorded in accordance with law and rules. Furthermore the appellant was provided full opportunity of cross examination and to defend himself.
- H. Incorrect. No discrimination has been done to him. He was treated as per law and rules.
- I. Incorrect. The appellant was provided full opportunity to defend himself.
- J. Incorrect. The appellant was awarded minor penalty of stoppage of one annual increment with cumulative effect vide OB No 1203 dated 26.03.2012, hence his punishment order clearly specifies the period.
- K. Incorrect. First part of the Para is for appellant to prove while rest of the Para is incorrect as if the Govt servant clearly found guilty, the department is bound to award proper punishment.
- L. Respondents also seek the permission of Honorable Tribunal to adduce further grounds, points at the time of arguments.

PRAYER:-

It is therefore most humbly prayed that in light of above facts and submissions, the appeal of the appellant devoid of merits, and legal footing, may kindly be dismissed.


Fv Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.


Capital City Police Officer,
Peshawar.


Senior Superintendent of Police,
Investigations, Peshawar.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No.1628/2013.

Sultan Raza Head Constable No. 2507 District Police, Peshawar.....**Appellant.**

VERSUS.

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Senior Superintendence of Police, Investigation, Peshawar.....**Respondents.**

AFFIDAVIT.

We respondents 1,2 & 3 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.


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


**Capital City Police Officer,
Peshawar.**


**Senior Superintendent of Police,
Investigations, Peshawar.**

POWER OF ATTORNEY

In the Court of KPK Senior Tribunal Peshawar

Sultan Raja } For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

Government of KPK } Defendant
} Respondent
} Accused

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/We, the undersigned, do hereby nominate and appoint

YASIR SALEEM ADVOCATE, HIGH COURT R

Janad-ul-Rehman advocate my true and lawful attorney, for me in my same and on my behalf to appear at _____ to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____
Executant/Executants _____
Accepted subject to the terms regarding fee _____

Accepted
Janad-ul-Rehman
Advocate High Peshawar

YASIR-SALEEM Yasir Saleem

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 1130 /ST

Dated 31/05/2018

To


The Senior Superintendent of Police Investigation,
Government of Khyber Pakhtunkhwa,
Peshawar .

Subject: **JUDGEMENT/ ORDER IN APPEAL NO. 1628/13, MR.SULTAN RAZA.**

I am directed to forward herewith a certified copy of Judgment dated 29/05/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

eh


**REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.**