Service Appeal No. 983/2023	A 11
Gul Noor	Appellan
Const: No. 1779, District Kohat	

VERSUS

Regional Police Officer, Kohat & other

...... Respondents

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Deponent

Service Appeal No. 983/2023 Gul Noor Const: No. 1779, District Kohat

..... Appellant

VERSUS

Khyber Pakhtukhwa Service Tribunal Diary No. 9709

Dated 06-12-2023

Regional Police Officer, Kohat & other

..... Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 & 2

Respectfully Sheweth:-

That the respondents submit as under:-

Preliminary Objections:-

- i. That the appellant has got no cause of action to file the instant appeal.
- ii. That appeal in its present form is legally defective and is not entertainable.
- iii. That the appellant is estopped to file the instant appeal for his own act.
- iv. That the appellant has not approached the honorable Tribunal with clean hands.
- v. That the appeal is barred by law and limitation.

Facts:

- 1. Pertains to record.
- Correct.
- 3. Pertains to record.
- Pertains to record.
- Pertains to record.
- 6. Incorrect, inquiry against the appellant was conducted quite in accordance with law and rules.
- 7. Incorrect, all the relevant documents were provided to the appellant in accordance with law / rules.
- 8. That the order of the competent authority is according to law and rules.
- 9. Pertains to record.

Grounds:

A. Incorrect, the appellant was treated strictly in accordance with law and rules. The appellant is reminded that in connection with the affairs of the Police officers / officials Police Rules 1934, Police Rules 1975 (Amended 2014) and Police Act 2017. Hence, this para being misleading is of no help to the appellant.

- B. Incorrect, the respondent have never treated the appellant in derogation of the decisions of the Honorable Courts, referred by the appellant.
- C. Incorrect, the appellant has referred to an irrelevant reference while it is an admitted fact that every case has its own merits. Hence, this para has got no relevancy with the case of the appellant.
- D. Incorrect, the respondent have followed a well-established and universally accepted principle of "No work no pay". The respondent department on the basis of said principle have lawfully and justifiably denied salary for the intervening period.
- E. Incorrect, refusal by the respondent department to pay the appellant during the intervening period is quite legal and in accordance with facts and evidence on record. Hence the order needs no interference and the impugned order deserves to be upheld in the best interest of law. Justice and fair play.

Prayer:-

It is therefore, requested that appeal being unsubstantiated, may kindly be dismissed with costs and the impugned order may kindly be upheld being in accordance with law rules and principles of justice.

(FARHAN KHAN) PSP (QPM)

District Police Officer,

Kohat

(Respondent No. 2)

(SHER-AKBER) PSP, S.St

Regional Police Officer, Kohat Region (Respondent No. 1)

Service Appeal No. 983/2023 Gul Noor Const: No. 1779, District Kohat

..... Appellant

VERSUS

Regional Police Officer, Kohat & other

...... Respondents

COUNTER AFFIDAVIT

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

(FARHAN KHAN) PSP (QPM)

District Police Officer,

Kohat

(Respondent No. 2)

(SHER AKBER) PSP, S.St

Regional Police Officer, Kohat Region

(Respondent No. 1)

FINDING REPORT

DEPARTMENTAL ENQUIRY AGAINST KHASADAR CONSTABLE GUL NOOR NO.1779

Undersigned was appointed as Enquiry Officer in the said above enquiry bearing No. 1123-24/PA dated 03.03.2020 issued from the office of the worthy DPO, Kohat against the above named Khasadar Constable with the following allegations:-

"It has been observed through reliable sourced / secret information that you have links with criminals for your personal gain, which shows inefficiency on your part."

In this regard, Constable Gul Noor No.1779 was charge sheeted which was duly served upon him with the direction to submit his written reply to the undersigned's office within the given time.

ENQUIRY PROCEEDINGS:-

During enquiry hearing, accused constable was summoned, heard in person and necessary cross questions were also carried out by the undersigned but could not give any plausible answer / reply regarding the allegations framed against him.

Written statement was also sought from accused constable stating in it that he is innocent and government servant, performed his official obligations according to law/rule but could not produce any solid proof / defence before the enquiry officer (statement attached).

FACTS:-

For scrutinizing the allegations, all officials deployed on the different check posts and specific entry / exits points falls under the jurisdiction were also summoned at this office who were duly interviewed, stated that accused constable has links with few criminal persons who often paid visit towards him with some unknown purposes. However, every one verified in their statements the allegations levelled against accused constable which seems clearly mala fide from the part of accused constable (statements of each attached herewith for perusal).

RECOMMENDATIONS:-

Keeping in view the accused hearing and statements perused, it's reflects that accused Khasadar Constable Gul Noor No.1779 is found guilty from the charges. So, the undersigned recommends him suitable punishment for his inefficiency on his part please.

Submitted please

DANIYAL AHMAD JAVED ASPAS PO SADDAR,

КОНАТ

Attested



OFFICE OF THE COMMANDANT. DARA SUB DIVISION/DPO KOHAT

Dated <u>0.3. S.</u>/2020

CHARGE SHEET.

CAPT ® MANSOOR AMAN, COMMANDANT, DARA SUB **DIVISION/DPO KOHAT**, as competent authority under Khyber Pakhtunkhwa, am of the opinion that you Khasadar, constable Gul Noor No. 1779 rendered yourself liable to be proceeded under Disciplinary Rules, as you have committed the following act/omissions.

> It has been learnt through reliable sources / secret information that you have links with criminals for your personal gain, which shows inefficiency on your part.

- 2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.
- ١3. You are, therefore, required to submit your written statement within 07days 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 ex-parte action shall be taken against you.

A statement of allegation is enclosed.

Commandant, Dara Sub Division/ DPO Kohat

92. 3/3/20

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Office of the District Police Officer, Kohat

Dated <u>93-3</u>/2020

DISCIPLINARY ACTION

I, <u>CAPT ® MANSOOR AMAN, DISTRICT POLICE OFFICER,</u>

<u>KOHAT</u> as competent authority, am of the opinion that you <u>Khasadar constable</u>

<u>Gul Noor No. 1779</u> have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

STATEMENT OF ALLEGATIONS

It has been learnt through reliable sources / secret information that you have links with criminals for your personal gain, which shows inefficiency on your part.

2: For the purpose of scrutinizing the conduct of said accused with reference to the above allegations **SDPO Saddar, Kohat** is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

DISTRICT POLICE OFFICER,

No. 1123-24/PA, dated 03-3-/2020.

Copy of above to:-

SDPO Saddar, Kohat: The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.

The <u>Accused Official:</u> with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the purpose of enquiry proceedings.

Atlested.

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Attested

Service Appeal No. 983/2023 Gul Noor Const: No. 1779, District Kohat

..... Appellant ,

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Regional Police Officer, Kohat & other

...... Respondents

AUTHORITY LETTER

Mr. Arif Saleem steno (Focal Person) of this office is hereby authorized to file the parawise comments and any other registered documents in the Honorable Tribunal on behalf of respondents / defendant and pursue the appeal as well.

(FARHAN KHAN) PSP (QPM)

District Police Officer,

Kohat

(Respondent No. 2)

(SHER-AKBER) PSP, S.St

Regional Police Officer, Kohat Region

(Respondent No. 1)