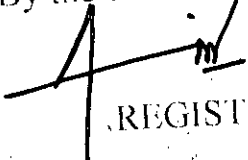


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

2548/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/12/2023	<p>The appeal of Mr. Imran resubmitted today by Roccda Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Parcha Peshi is given to the counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>


The appeal of Mr. Imran Constable no. 1281 received today i.e on 27.11.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Address of the appellant is incomplete be completed according to rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Annexures of the appeal are unattested.
- 3- 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.

No. 3721 /S.T.

DL. 28/11 /2023.

Maria Akbar Adv.
High Court Peshawar.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Note
Appellant was telephonically informed about allegations no show cause notice issued to the appellant only by dismissed order removed by the appellant. Enquiry has been issue by Sarnad. Through Adv. Maria Akbar.

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

Appeal No. 2548 of 2023

Imran Constable No 1281 S/o Muhammad Ali R/o
District Police Khyber

..... Appellant

VERSUS

1. The Inspector General of Police Khyber Pakhtunkhwa Peshawar.
2. District Police Officer Khyber.
3. Capital City Police Officer Peshawar

..... Respondents

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S.No.	Description of documents	Annexure	Pages
1.	Memo of Appeal		1-6
2.	Addresses of the parties		7
3.	Affidavit		8
4.	Copy of order dated 10.10.2022	A	9
5.	Copy of departmental appeal and rejection order	B&C	10-12
6.	Copy of revision petition	D	13
7.	Copy of impugned order dated 28.08.2023	E	14
8.	Wakalat Nama		(15)

Through

Appellant
Imran

Rozda Khan

&

Maria Akbar

Advocates, High Court, Peshawar

(2)

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

Appeal No. 2548 of 2023

Imran Constable No 1281 S/o Muhammad Ali R/o
District Police Khyber

..... Appellant

VERSUS

1. The Inspector General of Police Khyber
Pakhtunkhwa Peshawar.
2. District Police Officer Khyber.
3. Capital City Police Officer Peshawar

..... Respondents

**APPEAL UNDER SECTION 4 OF THE KPK
SERVICE TRIBUNAL ACT, 1974, AGAINST
THE FINAL IMPUGNED ORDER DATED
28/08/2023 WHEREBY THE REVISION
PETITION FILED BY THE APPELLANT
WAS PARTIALLY ACCEPTED BY
REINSTATED THE APPELLANT ON HIS
SERVICE BUT THE APPELLANT WAS
NOT HELD ENTITLED TO THE BACK
WAGES/BACK BENEFITS**

Prayer:

By acceptance of this appeal the impugned
order dated 28.08.2023 to the extent of back
wages/back benefits may kindly be set aside and
the appellant may graciously be held entitled to
the back wages/back benefits of service.

Any other remedy which this august tribunal deems fit that may also be onward granted in favor of appellant.

Respectfully Sheweth:

FACTS

The appellant respectfully submits as under:

- 1) That the appellant has been appointed as Constable with respondent department since long time.
- 2) That after appointment the appellant performed his duty regularly with full devotion and hard work and no complaint whatsoever has been made against the appellant.
- 3) That while performing his official duty with respondent Department the impugned order has been issued against the appellant whereby the appellant has been dismissed from service on 10.10.2022 on the ground of alleged allegations of extortion of money from Cargo Trucks and assaulting a Truck Driver. (Copy of order dated 10.10.2022 is attached as Annexure-A).
- 4) That the appellant submitted Departmental Appeal on which order dated passed by CCPO vide dated 27.02.2023 no good grounds (Copy of departmental appeal and rejection order are attached as Annexure B & C).

- 5) That the appellant submitted revision/mercy petition on 07.03.2023. (Copy of revision petition is attached as Annexure-D).
- 6) That the said revision petition has been decided on 28.08.2023 whereby the appellant has been reinstated on his service while the intervening is treated as leave without pay by not held entitled the appellant for back wages/back benefits. (Copy of impugned order dated 28.08.2023 is attached as Annexure-E).
- 7) That feeling aggrieved the appellant submitted the instant Service Appeal before this Hon' able Tribunal inter alia on the following grounds.

Grounds:

- A. The petitioner has not been treated by the Respondents in accordance with law and rules on the subject noted above and as such the Respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973. As such no charge Sheet no statement of allegation and show cause notice has been issued or served to the appellant.
- B). That the treatment meted out to the petitioner is a clear violation of the fundamental rights of the petitioner is enshrined in the Constitution of Pakistan 1973.

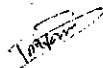
(5)

- C). That there is no prove or evidence regarding the allegation level against the appellant.
- D). That there is no illegality on part of the appellant.
- E). That no departmental and regularly inquiry has been conducted against the appellant.
- F). That no statement of witness has been recorded and no opportunity of cross examination and personal hearing has been provided to the appellant.
- G). That the appellant has been reinstated by the respondent department and that's sold grounds is enough for the innocent of the appellant that's why the appellant is liable for reinstatement alongwith all back benefits.
- II). That any other grounds not raised here may graciously be allowed to be raised at the time of arguments.

It is therefore most humbly prayed that on acceptance of this appeal the impugned order dated 28.08.2023 to the extent of back wages/back benefits may kindly be set aside and the appellant may graciously be held entitled to the back wages/back benefits of service.

(6)

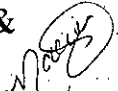
Any other remedy which this august tribunal
deems fit that may also onward granted in favor
of appellant.


Appellant

Through


Rozeda Khan

&


Maria Akbar

Advocates, High Court, Peshawar

7

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

Appeal No. _____ of 2023

Imran Constable No 1281 S/o Muhammad Ali R/o
District Police Khyber.

..... Appellant

VERSUS

1. The Inspector General of Police Khyber
Pakhtunkhwa Peshawar.
2. District Police Officer Khyber.
3. Capital City Police Officer Peshawar

..... Respondents

ADDRESSES OF THE PARTIES

Appellant

Imran Constable No 1281 S/o Muhammad Ali R/o
Zakha Khel, Naiki Khel, Wali Baig Khel, P.O. Landi
Kotal District Landi Kotal District Khyber Agency.

Respondents

1. The Inspector General of Police Khyber
Pakhtunkhwa Peshawar.
2. District Police Officer Khyber.
Capital City Police Officer Peshawar.

Through

Imran
Appellant

Roeda
Roeda Khan

&

Maria
Maria Akbar

Advocates, High Court, Peshawar

(8)

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

Appeal No. _____ of 2023

Imran Constable No 1281 S/o Muhammad Ali R/o
District Police Khyber

..... Appellant

VERSUS

1. The Inspector General of Police Khyber
Pakhtunkhwa Peshawar.
2. District Police Officer Khyber.
3. Capital City Police Officer Peshawar

..... Respondents

AFFIDAVIT

I, Imran Constable No 1281 S/o Muhammad Ali R/o District
Police Khyber do hereby solemnly affirm and declare on oath
that the content of the above application are true and correct
to the best of my knowledge and belief and nothing has been
kept secret and concealed from this Hon'ble Tribunal.

DEPONENT

Imran

(9)

ANZED(A)



OFFICE OF THE
DISTRICT POLICE OFFICER
KHYBER



No. 6757 /PA-DPO Khyber

Dated 10/10/2022

DISMISSAL ORDER

FC Imran No. 1281 s/o Muhammad Ali of District Police Khyber was Suspended and closed to Police Lines Khyber vide Order No. 6441PA-DPO Khyber dated 02/10/2022, due to his involvement in extorting money from Cargo trucks and assaulting a truck driver after he refused to comply. The official was issued with Show Cause notice No. 6458/PA-DPO Khyber dated 03/10/2022 to clarify his position.

The delinquent official is a habitual offender. He was recently awarded with a fine of 08 days deduction from his salary due to non-performance of duties at Police Station Ali Masjid vide Order No. 5519 - 24/PA-DPO Khyber dated 05/09/2022. It came into the notice of the undersigned that this official does not take interest in performance of duties other than posts which are notorious for extortion of money from cargo trucks. He was then transferred to Police Station Tirah when he violated official chain of command regarding transfer/posting. However, he not only failed to report to Police Station Tirah but also remained involved in extortion of money and assaulting truck drivers.

Therefore, the undersigned, being the competent authority, is satisfied about his involvement in corrupt practices and his non-compliance. And in order to maintain discipline in the force, the undersigned hereby awards the defaulter official with Major Punishment of Dismissal from Service as per Section 4-b(iv) of Police (E&D) Rules 1975 (With Amendments - 2014).

IMRAN KILAN (PSP)
DISTRICT POLICE OFFICER,
KHYBER

OR No. 1145 /OIC, dated 10/10/2022

No. 6758-62 /PA-DPO Khyber

Copies to:

1. DSP HQs/RI Lines for information
2. OIC DPO Office Khyber for Transfer/Posting Record
3. Accountant Khyber for Stoppage of pay
4. Service Record Branch for compilation of Service Record
5. IC Control Room for proper communication

(10) Amere
C

The Chief Capital Police Peshawar,
Khyber Pakhtunkhwa, Peshawar

Subject: DEPARTMENTAL APPEAL AGAINST
THE ORDER DATED 10/10/2022
WHEREBY THE APPELLANT HAS
BEEN DISMISSED FROM SERVICE.

Respected Sir!

That the appellant is/ was the employee of your good-self department and was performing his duties as Constable vide FC No. 1281.

That while performing his duties with zeal and zest and upto the entire satisfaction of his Superiors, the appellant was dismissed from service vide Order dated 10-10-2022.

That it is pertinent to mention here that no regular inquiry has been conducted in to the matter, however as per the judgment of the Apex Court of Pakistan, it is compulsory.

That no Show-Cause Notice has been summoned upon the appellant and he has been condemned unheard.

That no charge sheet and statement of allegations has been provided before the imposition of the major penalty.

That no opportunity of personal hearing and personal defense has been given to the appellant.

That there is no bad entry in the service and no complaint against the appellant in the entire service.

That it is the cordial principle of natural justice that on one should be condemned unheard

ATTESTED

but in the instant case the entire proceeding is one sided.

It is, therefore, most humbly prayed that on acceptance of this departmental appeal, the impugned order dated 10-10-2022 may please be set aside and the appellant be reinstated into service with all back benefits.

d: _____

Appellant

Imran

FC No: 1281

ATTESTED



Ammer
"C"

(12)

OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

ORDER.

This order will dispose of the departmental appeal preferred by Ex-Constable Imran No. 1281, who was awarded the major punishment of "Dismissal from service" under KP PR-1975 (amended 2014) by DPO Khyber vide order No. 6757/PA, dated 10.10.2022.

2- Shorts facts leading to the instant appeal are that the defaulter Constable was issued Show Cause Notice on the charges that he was involved in extortion money from Cargo Trucks and assaulting a Truck driver after he refused to comply. Moreover, he was transferred to Police Station Tirah District Khyber, but he failed to report at his new place of posting and violated the official chain of command regarding transfer/posting.

3- He was issued Show Cause Notice on the above allegations by DPO Khyber but he failed to submit his reply to the said notice hence, awarded the above major punishment.

4- He was heard in person in O.R and the relevant record along with his explanation perused. During personal hearing the appellant failed to submit any plausible explanation in his defence. He was given ample opportunity to prove his innocence but he could not defend himself. Therefore, his appeal for setting aside the punishment awarded to him by DPO/Khyber vide order No. 6757/PA, dated 10.10.2022 is hereby rejected/filed.

(MUIHAMMD IJAZ KHAN) PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 912-16 /PA. dated Peshawar the 27/10/2023

Copies for information and necessary action to the:-

1. District Police Officer Khyber, along with complete inquiry file.
2. DSP/HQrs Khyber.
3. Accountant & OASI Khyber.
4. Official concerned.

Annex
" (D) " (13)

To

The Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

Subject:

**MERCY PETITION UNDER RULE-11-A OF POLICE RULES KHYBER
PAKHTUNKHWA, 1975 AGAINST THE IMPUGNED ORDER DATED
27.02.2023 WHEREBY THE DEPARTMENTAL APPEAL HAS BEEN
REJECTED**

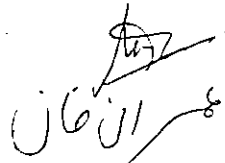
Respected sir

1. That the appellant is peaceful and law abiding citizen of Pakistan
2. That the appellant was the employee of your good-self department and was performing his duties as constable Vide FC No.1281.
3. That while performing his duties with zeal and zest and upto the entire satisfaction of his Superiors, the appellant was dismissed form service vide order dated 27.02.2023.
4. That it is pertinent to mention here that no regular inquiry has been conducted in to the matter, however as per the judgment of the Apex Court of Pakistan, it is compulsory.
5. That no Show Cause notice has been summoned upon the appellant and he has been condemned unheard.
6. That no charge sheet and statement of allegations has been provided before the imposition of the major penalty.
7. That no opportunity of personal hearing and personal defense has been given to the appellant.
8. That there is no bad entry in the service and no complaint against the appellant in the entire service.
9. That it is the cordial principles of natural justice that no one should be condemned unheard but in the instant case the entire proceeding is one sided.
10. That the appellant is one of the holly sully male member of his family they depend on his salary.
11. That the appellant belongs to poor family and cannot afford the expenses of his daily life routine.
12. That there is no source of income except this job.

It is, therefore most humbly prayed that on acceptance of this Mercy Petition, the impugned order dated 27.02.2023 may please be set aside and the appellant be reinstated into service with all back benefit.

Dated 07.03.2023

9227863



Appellant



Annexure
(E) 14

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Imran No. 1281. The applicant was dismissed from service by DPO Khyber OB No. 6757/PA, dated 10.10.2022 on the allegations that he was involved in extortion of money from Cargo Trucks and assaulting a Truck driver after he refused to comply. Moreover, he was transferred to PS Tirah District Khyber, but he failed to report at his new posting and violated the official chain of command regarding transfer/posting. CCPO Peshawar rejected his appeal vide order Endst: No. 912-16/PA, dated 27.02.2023.

Meeting of Appellate Board was held on 17.08.2023 wherein petitioner was heard in person. The petitioner denied the charges leveled against him.

The petitioner has long service of 16 years, 1 month, 9 days. In view of his long service & by taking a lenient view, the Board accepted the revision petition of the petitioner. He is hereby reinstated with immediate effect. The intervening period is treated as leave without pay.

Sd/-

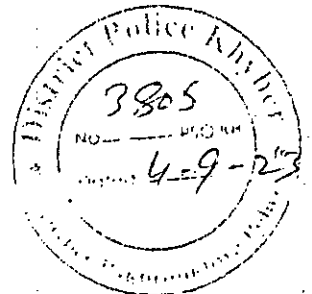
AWAL KHAN, PSP

Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. SI/2191-22/23, dated Peshawar, the 22-02/2023.

Copy of the above is forwarded to the.

1. Capital City Police Officer, Peshawar. One Service Roll, One Enquiry File (14 pages), of the above named Ex-FC received vide your office Memo: No. 8785/KD, dated 10.05.2023 & office Memo: No. 11154/KD, dated 14.06.2023 is returned herewith for your office record.
- ✓ 2. District Police Officer, Khyber.
3. AIG Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: E-IV CPO Peshawar.



P.A.

(DR ZAHID ULLAH) PSP
AIG/Establishment.

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

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

Appeal No. _____ of 2023

Imran Constable No 1281 S/o Muhammad Ali R/o
District Police Khyber

..... Appellant

VERSUS

1. The Inspector General of Police Khyber
Pakhtunkhwa Peshawar.
2. District Police Officer Khyber.
3. Capital City Police Officer Peshawar

..... Respondents

**APPLICATION FOR CONDONATION OF DELAY IN
FILING OF APPEAL IF ANY.**

Respectfully Sheweth:

- 1) That the applicant file an appeal in this Hon'ble Court, which is fixed for today in which no date is fixed for hearing so far.
- 2) That there are number of precedence of the Supreme Court of Pakistan. That the cases shall be decided on merits neither then on technicalities.
- 3) That there are many Judgment of the superior court that if the respondent has no case on merit the limitation has not becomes a hardle in way of justice.

Islamic Republic of Pakistan 1973. As such no charge sheet no statement of allegation and show cause notice has been issued or served to the appellant.

- 5) That the appellant has been reinstated by the respondent department and that's solid grounds is enough for the innocent of the appellant that's why the appellant is liable for reinstatement alongwith all back benefits.

It is, therefore, humbly prayed that on acceptance of this application the delay if any in filing of appeal may kindly be condone.

Through

Appellant *Imran*

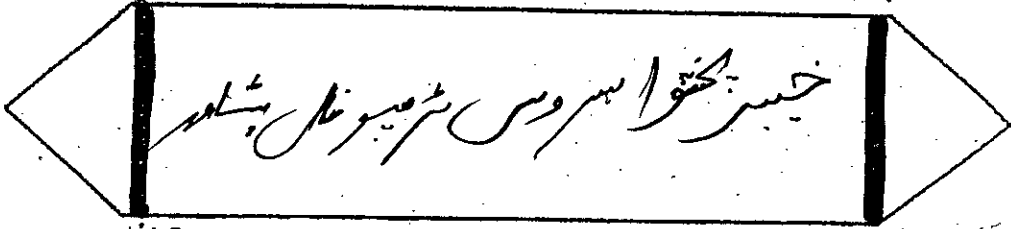
[Signature]
Rozeda Khan

&

[Signature]
Maria Akbar

Advocates, High Court, Peshawar

بعدالت



2022ء بجانب

محرم بنام آئی جی بی وٹو

موزونہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مشدرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دکن کاروائی متعلقہ
آن مقام مشاور کیلئے حارس کیمپ اینٹر ریسورس کے
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
دکیل صاحب کو راضی نامہ کرنے و تقرر ثالت ہ فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور
بسورت ڈگری کرنے اجراء اور صولی چیک درو پیہا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برادگی 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 باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے وہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حدیبے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کریں۔ لہذا ادکالت نامہ لکھ دیا کہ سند ہے۔

Accepted
and
attested

11

27

المرقوم

واہ

by

بمقام مشاور