


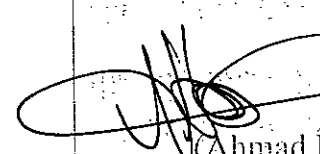
Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	02.05.2017	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR</u></p> <p style="text-align: center;">Appeal No. 644/2016</p> <p style="text-align: center;">Imtiaz Khan Versus Inspector General of Police, Khyber Pakhtunkhwa Peshawar and 2 others.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-</u></p> <p>Counsel for the appellant and Mr. Ziaullah, Government Pleader alongwith Bakht Zamin, Inspector (Legal) for respondents present.</p> <p>2. Imtiaz Khan hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against impugned order dated 09.02.2016 vide which he was dismissed from service and where-against his departmental appeal dated 04.03.2016 was not responded constraining the appellant to prefer the instant service appeal on 10.06.2016.</p> <p>3. We have heard arguments of learned counsel for the appellant and learned Government Pleader for respondents and perused the record.</p> <p>4. Charge against the appellant is that he entertained contact with a proclaimed offender namely Naseeb Khan. Perusal of record would suggest that witnesses produced during the enquiry</p>

[Handwritten signature and date]
09.05.17

have not supported the allegations. The sole evidence made basis for dismissal of the appellant is C.D.R which was not even supported during the enquiry by any witnesses. Perusal of the same would however suggest that the appellant has allegedly made contact with one Nameos who is not a proclaimed offender. Even it is not established that the said cell number was in the use of a proclaimed offender.

5. In view of the above we are left with no option but to accept the present appeal, set aside the impugned order referred to above and reinstate the appellant in service with all consequential back benefits. Parties are left to bear their own costs. File be consigned to the record room.


(Muhammad Azim Khan Afridi)
Chairman


(Ahmad Hassan)
Member

02.05.17

ANNOUNCED

02.05.2017

644/16

19.12.2016

Counsel for the appellant and Mr. Farmanullah, Inspector alongwith Additional AG for the respondents present. Learned counsel for the appellant submitted rejoinder which is placed on file. To come up for arguments on 01.03.2017 before D.B.


(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

01.03.2017

Counsel for appellant and Mr. Muhammad Jan, Government Pleader for respondents present. Learned counsel for appellant requested for adjournment. Adjourned for arguments to 05.04.2017 before D.B.


(AHMAD HASSAN)
MEMBER


(ASHFAQUE TAJ)
MEMBER

05.04.2017

Counsel for the appellant and Mr. Zafarullah, Inspector alongwith Mr. Kabir Ullah Khattak, Assistant AG for the respondents present. Argument could not be heard due to incomplete bench. To come up for final hearing on 02.05.2017 before D.B.


Chairman

29.08.2016

Appellant with counsel present. Preliminary arguments heard and case file perused. Through the instant appeal, the appellant has impugned order dated 9.2.2016 vide which the appellant was awarded major punishment of reduction to time scale Constable for three years. Against the impugned order, the appellant filed departmental appeal which was not responded within the statutory time, hence, in the instant service appeal.

Points argued at the Bar required further consideration and the appeal is within time, therefore, admit for regular hearing, subject to deposit of security and process fee within 10 days. Notices be issued to the respondents for written reply/comments for 29.8.2016 before S.B.


Member

29.08.2016


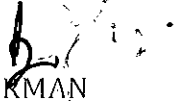
None for the appellant M/S Farman, Inspector and Asghar Ali, HC alongwith Addl. AG for respondents present. Written reply submitted. The appeal is assigned to D.B. for rejoinder and final hearing on 19.12.2016.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____


Case No. 644/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	14/06/2016	<p>The appeal of Mr. Imtiaz Khan resubmitted today by Mr. Zahir Shah Marwat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	15-6-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on. <u>22-06-2016</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Imtiaz Khan son of Abdul Ghaffar Khari r/o Mohallah Sammandi Khel Landiwa Lakki Marwat received today i.e. on 10.06.2016 is returned to the counsel for the appellant with the direction to submit one spare copy/set of the memorandum of appeal along with annexures i.e. complete in all respect within 10 days.

No. 1014 /S.T,

Dt. 13/6 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Zahir Shah Marwat Adv. Pesh.

Completed and resubmitted

SLL
19/6/16

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

Service Appeal No. 644/2016

Imtiaz Khan.....(Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
and others.....(Respondents)


I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service Appeal		1-7
2.	Affidavit		8
3.	Addresses of the parties		9
4.	Copies of Show Cause Notice and Statement of allegations	A & B	10-11
5.	Copies of Statement of allegations and Charge Sheet	C & D	12-13
6.	Copy of reply	E	14
7.	Copy of the impugned order dated 09/02/2016	F	15
8.	Copy of departmental appeal/ representation dated 04/03/2016	G	16
9.	Wakalat Nama		17

Appellant

Through

Dated: 09/06/2016


Zahir Shah Marwat
Advocate High Court,
Peshawar.
Cell No. 0313-9851385

①

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. 644/2016

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 611

Dated 10-6-2016

Imtiaz Khan S/o Abdul Ghafar Khan

R/o Mohallah Samandi Khel, Landiwa, Tehsil and District
Lakki Marwat.....(Appellant)

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa,
Peshawar.
2. Regional Police Officer (DIG), Bannu.
3. District Police Officer, Lakki Marwat.....(Respondents)

APPEAL U/S 4 OF THE N.W.F.P (KHYBER
PAKHTUNKHWA) SERVICE TRIBUNAL ACT
1974 AGAINST THE IMPUGNED ORDER
DATED 09/02/2016 PASSED BY THE
RESPONDENT NO. 2/ REGIONAL POLICE
OFFICER (DIG) BANNU.

Respectfully Sheweth:

Filed to-day Brief facts giving rise to the instant appeal are as
Registrar under:

FACTS:

1. That the appellant joined the Police Department on

Re-submitted to -day 13/07/2009 as constable and performed his duties
and

Registrar

14/6/16

at various police stations except Police Station Landiwa, Lakki Marwat with commitment and devotion.

2. That on 02/12/2015 a Show Cause notice was issued by respondent No. 3 stating therein that the appellant has remained close contact with notorious P.Os. It would be relevant to mention that along with the Show Cause notice, statement of allegations was also issued wherein the Mr. Touheed Khan, S.P. Investigation Lakki Marwat was appointed as Inquiry Officer. (Copies of Show Cause Notice and Statement of allegations are attached as annexure "A" and "B" respectively).

3. That contrary to the above the respondent No. 2 also issued Statement of allegations and Charge Sheet to the present appellant on 07/12/2015. It would be relevant to mention that the RPO appointed DSP Headquarter Bannu as Inquiry Officer. (Copies of Statement of allegations and Charge Sheet are attached as annexure "C" & "D" respectively).

4. That in reply to the Charge Sheet dated 07/12/2015 the present appellant submitted his written reply, wherein clear denial has been made and plea was taken that the appellant was working at Interment Center, Lakki Marwat with the Pakistan Army for the last 3 months. (Copy of reply is attached as annexure "E").

5. That thereafter the respondent No. 2 passed impugned order on 09/02/2016 and a major penalty of dismissal from service was imposed upon the appellant. (Copy of the impugned order dated 09/02/2016 is attached as annexure "F").

6. That the appellant filed his departmental appeal/ representation against the impugned order dated 09/02/2016 before the respondent No. 1 on 04/03/2016, but of no avail. (Copy of departmental appeal/ representation dated 04/03/2016 is attached as annexure "G").

7. That being aggrieved the appellant prefers this Service Appeal on the following grounds amongst others inter-alia:

GROUND:

- A. That the impugned order dated 09/02/2016 is arbitrary, mechanical and without the application of judicial mind and passed in vacuum needs interference of this august Tribunal.
- B. That the appellant has served the department since 2009 having curiosity to work hard, throughout his career the high-ups trusted him and no complaints whatsoever was made against him during his stay at various police stations.
- C. That the respondents No. 2 & 3 through the blind orders stigmatized the bright career of the appellant not only through this illegal order within the department but in the public as well.

- D. That no Show Cause Notice whatsoever has been issued by the respondent No. 2 which fact is evident from the record, that he only issued the statement of allegations and Charge Sheet, so when no show cause notice has been issued by the respondent No. 2, then how the major would be imposed upon the appellant.

- E. That no inquiry has been conducted and the respondent No. 2 passed the impugned order in haphazard manner without adopting the proper and codal formalities, which clear cut violation of the service laws.

- F. That the impugned order is the clear cut violation of the Article 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973, which guaranteed the fundamental rights of the appellant.

- G. That the appellant has never remained posted at Police Station Landiwa, nor at the time of issuance of the Show Cause Notice and Statement of allegations, the appellant was remained there, so

the allegations of close contact with P.Os is without any substantive material.

- H. That all the proceedings were conducted in haphazard manner and no procedure was followed in strict sense but the hurry shown clearly show the intention of the respondents to make the appellant scape goat so that to help the provincial Government to score in the eyes of public.
- I. That no material has been brought on record during the alleged inquiry nor any person was produced in support of the leveled allegations which could justify the stance of the respondents.
- J. That the appellant is innocent and has been dismissed from service which is a major punishment which is not in accordance with the police rules and the law laid down for the purpose.
- K. That any other ground will be raised at the time of arguments with the prior permission of this Hon'ble Tribunal.

It is, therefore, humbly prayed that on acceptance of this service appeal, the appellant may kindly be re-instated to his post with all back benefits and the impugned order dated 09/02/2016 passed by respondent No. 2 may kindly be set aside.

OR

Any other relief which this august Tribunal deems appropriate may kindly be awarded to meet the ends of justice.

Imtiaz

Appellant
IMTIAZ KHAN,
SM

Through

Dated: 09/06/2016

Zahir Shah Marwat
Advocate High Court,
Peshawar.

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. ____/2016

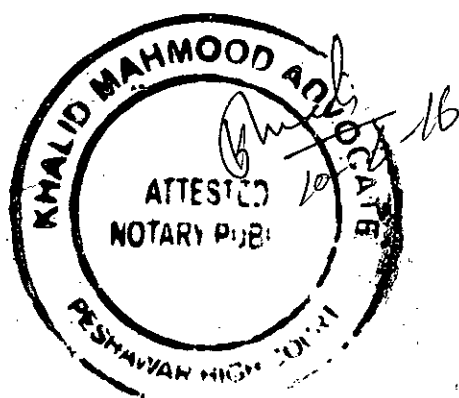
Imtiaz Khan.....(Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
and others.....(Respondents)

AFFIDAVIT

I, **Zahir Shah Marwat** Advocate, as per instruction of my client, do hereby solemnly affirm and declare, that all the contents of accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Tribunal.



Zahir Shah Marwat
ADVOCATE

4

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

Service Appeal No. ____/2016

Imtiaz Khan.....(Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
and others.....(Respondents)

ADDRESSES OF THE PARTIES

APPELLANT:

Imtiaz Khan S/o Abdul Ghafar Khan
R/o Mohallah Samandi Khel, Landiwa, Tehsil and District
Lakki Marwat.

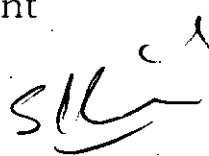
RESPONDENTS:

1. Inspector General of Police, Khyber Pakhtunkhwa,
Peshawar.
2. Regional Police Officer (DIG), Bannu.
3. District Police Officer, Lakki Marwat.

Appellant

Through

Dated: 09/06/2016


Zahir Shah Marwat
Advocate High Court,
Peshawar.

OFFICE OF THE DISTRICT POLICE OFFICER, LAKKI MARWAT

No. 12146/SRC.

Date 2/12/2015.

7
10

SHOW CAUSE NOTICE UNDER POLICE RULES 1975.

WHEREAS, you Constable Imtiaz No.526 while posted at Internment Centre Lakki.

1. That you Constable Imtiaz No.526 remain close contacts with notorious P.Os Naseebo and Namooos r/o Landiwa Police Station Dadiwala who are involved in heinous crime which clearly shows your connivance with P.Os in the area.
2. That this all shows his gross misconduct on your part and makes you liable to be punished under Police Rules-1975.

You are therefore, found guilty of misconduct, as the defined in section 2 (iii) of KPK Police Rules 1975 and as such are liable to action under section 3 of the said Rules.

Now, therefore, you Constable Imtiaz No.526 while posted at Internment Centre Lakki are called upon under section 4 (1) of the KPK Police Rules 1975, to show cause within 15 days of the issuance of this notice, as to why one or more penalties including major penalty of dismissal from service should not be imposed upon you.

NOTE:-

Take notice that if you failed to submit reply in compliance of this show cause notice within the stipulated time, it will be presumed that you have nothing to offer in your defense and in that case, an expert action shall straightaway be taken against you without any further notice.

(Signature)
 (Syed Ali Arbar Shah) PSP
 District Police Officer,
 Lakki Marwat.

*Attested
 SPC*

OFFICE OF THE DISTRICT POLICE OFFICER, LAKKI MARWAT.No. 12147
Dated: 2-12-2015DISCIPLINARY ACTION UNDER NWFP POLICE RULES - 1975.

I, Syed Ali Akbar Shah District Police Officer, Lakki Marwat as competent authority am of the opinion that **Constable Imtiaz No.526 while posted at Internment Centre Lakki** has rendered himself liable to be proceeded against as he committed the following acts/commission within the meaning of Section-02 (iii) of NWFP Police Rules 1975.

STATEMENT OF ALLEGATIONS.

1. That he **Constable Imtiaz No.526** remains close contacts with notorious P.Os Naseebo and Namooos r/o Landiwa Police Station Dadiwala who are involved in heinous crime which clearly shows him connivance with P.Os in the area.
2. That this all shows his gross misconduct on his part and makes him liable to be punished under Police Rules-1975.

For the purpose of securitizing the conduct of the said official with reference to the above allegations **Mr. Touheed Khan, SP/Investigation, Lakki Marwat** is appointed as Enquiry Officer.

The Enquiry Officer shall conduct proceedings in accordance with provision of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its finding and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.


(Syed Ali Akbar Shah) DSP,
District Police Officer,
Lakki Marwat.

OFFICE OF THE DISTRICT POLICE OFFICER, LAKKI MARWAT.No. 12148-49 / Reader, dated Lakki Marwat the 2-12-2015.

Copy of above is forwarded to the:-

3. **Mr. Touheed Khan SP/ Investigation, Lakki Marwat** for initiating proceedings against the accused officer under Police Rules 1975.
4. **Constable Imtiaz No.526** now in Police Lines with the directions to appear before the Enquiry Officer on the date time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

Attested
SAC

STATEMENT OF ALLEGATIONS

I, Muhammad Tahir PSP, Regional Police Officer, Bannu Region, Bannu as competent authority, am of the opinion that Constable Imtiaz No. 526 of Lakki District Police has rendered himself liable to be proceeded against as he committed the following misconduct within the meaning of disciplinary rules-1975 (amendment vide NWFP Gazette 27th: January-1976)

SUMMARY OF ALLEGATION

- That you Constable, Imtiaz No. 526 of Lakki District Police have close relations with PO Naseeb of Lakki District.

For the purpose of scrutinizing the conduct of the said accused w/r to the above allegations DSP-HQr-Bannu is appointed as Enquiry Officer.

The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc: and findings within 25-days after the receipt of this order.

The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

Regional Police Officer,
Bannu Region, Bannu.

No. 364/57/EC. dt. 16/7/05
Copy to :-

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar for favour of information.
2. The District Police Officer, Lakaki for information.
3. The Enquiry Officer.

Regional Police Officer,
Bannu Region, Bannu.

16/7/05

Attested
3/11/05

CHARGE SHEET

(13)

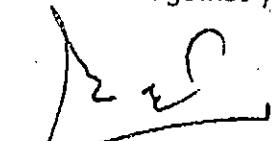
WHEREAS, I am satisfied that a formal inquiry as contemplated in the N.W.F.P. Police Rules, 1975 is necessary and expedient.

AND WHEREAS, I am of the view that the allegation, if established would call for a Major penalty as confined in Rules 4-1 (b) of the aforesaid Rules.

NOW THEREFORE, as required by Rule 6-1 (a) of the aforesaid Rules, I, Muhammad Tahir PSP, Regional Police Officer, Bannu Region, Bannu charge you Constable Imtiaz No. 526 of Bahai District Police for misconduct on the basis of summary of allegations appended herewith.

AND WHEREAS, I direct you further under the Rule (6-1) b of the aforesaid rules to put in a written defense within 07-days of the receipt of this charge sheet as to why a Major punishment as defined in Rule 4-1 (b) should not be awarded to you. Also state at the same time whether you desire to be heard in person or not.

In case your reply is not received within the prescribed period without sufficient reasons it would be presumed that you have no defense to offer and an ex-parte action will be taken against you.


Regional Police Officer,
Bannu Region, Bannu.
8/7/12/15.

Attested
S.K.

سوال نمبر 3649 SI/EC/15 مورخ 12-7-2015

ضلع DIG/Baran Region Baran ضلع ہوں تاکہ اس میں کنسٹبل امتیاز S26
مقتضیہ انٹرنیٹ سنٹر تاج پور ضلع میں ضرورت ہے کہ

میں مسائل مورخ 07-13-2009 کا جواب ہے اور رہنمائی کے لئے اس کے لئے
اور میں مسائل کا جواب نمبر 0345-1584619 گاؤں والوں کے پاس

موجود ہے۔ یہ درست ہے کہ گاؤں سے مجھے فون ہونا ہے۔ لیکن
میں مسائل نے ذاتی فون سے کسی محرم اشتیاری کو گرفتاری سے

بچنے یا پولیس کے متعلق کوئی انفارمیشن یا فون نہیں کیا ہے
جہاں تک لیب P0 اور اس کے بعد ناموں کا ذکر ہے

اور میں بارہ SHO ڈیوٹی کے لئے بہتر جواب دے سکتا ہے
میں مسائل بیان تاج پور انٹرنیٹ سنٹر میں لکھنا ہے

جو ڈیوٹی SHO کے کسی بھی کارکردگی سے معلومات نہیں ہوتی
یہ کہ میں مسائل فرج کے ساتھ مل رہا ہوں، 3 ماہ پہلے آ رہی والوں

کیساتھ ڈیوٹی سرانجام دے رہے ہوں۔ تمہارے ڈیوٹی میں میں مسائل
ایک دن بھی ڈیوٹی نہیں آئی ہے جب کوئی ایسا کارخانہ میں لکھنا

مہ ہو۔ تو ان کا کارخانہ کے حدود P0 کے ساتھ روانہ ہو سکتے ہیں
میں مسائل پر لکھا گیا ہے الزامات میں گرفتاری سے بنیاد ہے

لکھنا استدعا ہے مسائل کے خلاف چارج شیٹ بلڈ منڈی کارروائی کے
داخل دستہ قلمی جاوے۔ اور میں مسائل کو ذاتی طور پر بھی
سننے کا موقع دیا جائے

AA/10/17/01

مسائل کنسٹبل امتیاز S26 لندن کی عروت

POLICE DEPARTMENT.

BANNU REGION.

ORDER

15

My this order will dispose off the departmental proceedings initiated against Constable Imtiaz No. 526, District Police Lakki on account of the following omission:-


- That he, Constable Imtiaz No. 526 of Lakki District Police has close relations with PO Naseeb of Lakki District.

~~The said Police Officer was charged with the following~~
statement of allegations and DSP/HQrs: Bannu was appointed as Enquiry Officer. The Enquiry Officer conducted proper departmental enquiry under Police Rules 1975 and submitted his findings, wherein the aforementioned charges against the said delinquent Police Officer have been proved without any shadow of doubt.

The enquiry proceedings were thoroughly perused and the officer concerned heard in orderly room on 29.1.2016.

Therefore, I, Muhammad Tahir PSP, Regional Police Officer, Bannu Region, Bannu in exercise of the powers vested in me, after thoroughly perusal the record/proceedings and hearing the Police Officer in orderly room on 29.1.2016 came to the conclusion that order of Major punishment is required to be imposed upon him, being held guilty of the allegations/charges by the Enquiry Officer as well as un-satisfactory hearing for showing himself innocent with the undersigned. Hence, the delinquent Police Officer is hereby awarded the Major Punishment of dismissal.

Order announced.



(Muhammad Tahir)PSP
Regional Police Officer,
Bannu Region, Bannu.

No. 392 /EC, dated. 09/2/2016. 09/2/16

Copy to :-

- The District Police Officer, Lakki.

Attested



(Muhammad Tahir)PSP
Regional Police Officer,
Bannu Region, Bannu.

Departmental Appeal against the order dated 09.02.2016 passed by the Regional Police Officer Bannu whereby appellant was imposed upon the major penalty of Dismissal from service.

Subject

Respected Sir,

With due respect I have the honour to submit this departmental appeal for your kind consideration and favourable action on the following facts and grounds:

1. That the appellant was appointed as Constable in the Police Force Bannu, was presently posted at District Lakki Marwal and has rendered more than 06 years service with unblemished service record.

2. That during this period of more than 06 years service, appellant has never ever been proceeded against for neither anything adverse, nor any complaint whatsoever was ever raised against me from any quarter. That the appellant perform his duty to the satisfaction of his immediate seniors, to the best of my abilities and even put my life at risk for welfare of general public.

3. That so far as the charge of providing any leads to the culprits is concerned the same is not true rather based on some misinformation provided by some interested or inimical quarter and I deny and disown the same wholesale.

4. That stated P1 and his brother live within the jurisdiction of PS Dadiwala District Lakki Marwal while the appellant has been posted at ICL Lakki Marwal, therefore, appellant has nothing to do with them. Appellant has not passed a single day at PS Dadiwala.

5. That appellant is innocent and there is no proof against him regarding the allegation leveled against him.

6. That till date the report of enquiry has not been given to the appellant. It is, therefore, humbly requested that while graciously accepting this departmental appeal, the order dated 09.02.2016 may kindly be set aside by reinstating the appellant with all back benefits.

Dated: 04/03/16.

Yours Obediently,

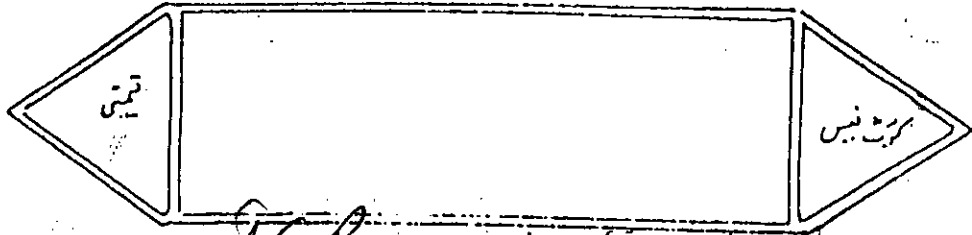
EX-Constable Imtiaz Khan
(FC 526) Lakki Police,
District Lakki Marwal,
0301-8751731.

Imtiaz

Handwritten signature/initials

Received on 04/03/2016
By No. 915/16
D.T. d.

بدلت ضابطہ سرویس ٹریڈیونل سپر وٹھو خواہ لکھنؤ



اعلیٰ صاحب نام
 منجانب ایڈووکیٹ دعویٰ باہرم
 ایف آئی آر تاریخ

تاجدار فیصل
 عینا فیصل

باعث تحریر مانگو
 مقدر مزدج بالا میزان میں اپنی طرف سے اسلے پیری دہرا بدی بمقام ایڈووکیٹ پٹ اور کو بدین منظرہ ڈیپل مقرر کیا ہے کہ میں ہر پیشی پر غور یا بند رہیہ وقت دغاں زبرد بدلت عاقرتہ باہر مانگو لگا اوتوت پکار جانے مندر کیل عاقرتہ کو اطلاع دیکر عاقرتہ بدلت کر لگا اوتوت پیشی پر منظرہ مقرر ہوا اور
 مقدر کی فیضی کو کہ جسے کسی طور سے برفلاف ہر گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز کیل صاحب موصوف صدر مقام کچہری کے کسی اور جگہ یا کچہری کے قریب اذنان سے پہلے یا پیچھے یا بروز تسلیل پیروی کر کے ذمہ دار نہ ہوں گے اگر مقدر علاوہ صدر مقام کچہری کے کسی اور جگہ سماعت ہونے یا بروز تسلیل یا کچہری کے اتقات کے آگے پیچھے پیش ہونے پر منظرہ کو کسی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاہدہ کے ان کرنے یا محنت نہ دانیس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ کچھ کو گمانتہ پر اوتو صاحب موصوف من کل کہ ذات فہ منظرہ قبول ہوگا اور صاحب موصوف کا مرضی و موئے و جواب دعویٰ اور درخواست اجراء سے ڈری و نظرائی اپیل دگر ان ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈری کے اجراء کرنے اور ہر کام پیدہ موصول کر لے اور رسید بخا اور دخل کرنے اور ہر قسم کے بیان دینے اور ہر قسم کی روٹھنڈ کو تسلیم برفلاف کرنے، اقبال کو دینے کا بھی اختیار ہوگا اور بصورت اہل دہرا ڈی مقدر یا منسوخ ڈری ایک طرفہ درخواست حکم اختتامی یا ترقی یا ترقی ترقی قبل از اجراء ڈری بھی موصوف کو بشرط ادا یعنی مفیدہ منسوخ پیری کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدر شکوہ باہس کے کسی جنک کاروائی کے واسطے یا بصورت اہل اپیل کے واسطے کہ ہر ڈری کیل یا ہر ڈری کو بجائے اپنے اپنے مجراہ مقرر کریں اور ایسے میں ترقی نہ ہر ڈری کو ہر ڈری ہی اور ایسے ہی اختیارات حاصل ہو گئے۔ جیسے کہ صاحب موصوف کو حاصل ہیں اور و این مقدر میں جو کچھ ہر جائزہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا اگر ڈری صاحب موصوف کو پوری ایس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدر کی پیری نہ کریں اور ایس صورت میں میرا کوئی صاحب کسی قسم کا صاحب موصوف کے برفلاف نہیں ہوگا۔ لہذا یہ فیما زار لکھ دیا کہ سند سے مضمون فیما زار سن لیا ہے اور اچھی طرح کچھ لیا ہے اور منظرہ ہے۔

اعلیٰ صاحب اول عدل لکھنؤ

ACCEPTED گواہ گواہ گواہ شد

502

BC-09-2328
 0313-4851385

Tajdar Faisal Minakhel

BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL 644/2016

Imtiaz Khan

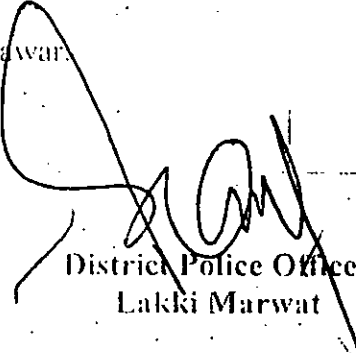
VS

DISTRICT POLICE OFFICER LAKKI MARWAT

AUTHORITY LETTER

Mr. Farman Khan Inspector Police Lines Lakki Marwat is hereby authorized to appear before honorable Service Tribunal Peshawar behalf of the undersigned in the above cited title case.

He is authorized to submit and sign all the documents pertaining to the present writ petition through advocate General Peshawar.


District Police Officer
Lakki Marwat

RPO Bannu Region

Peshawar

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays
 2. Always quote Case No. While making any correspondence.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No.644/2016

Imtiaz Khan

.....

Appellant

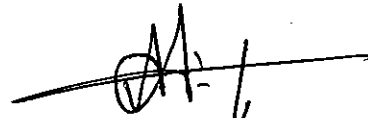
Versus

Provincial Police Officer & others

Respondents

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DEPONENT

11101-1483421-1

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No.644/2016

Imtiaz Khan

.....

Appellant

Versus

Provincial Police Officer, KPK, Peshawar & others

Respondents

Preliminary Objections

1. That the appeal of appellant is badly time-barred.
2. That the appeal is not maintainable in its present form.
3. That the appellant has concealed the actual facts from the honorable tribunal.
4. That the appeal is bad in law due to non-joinder and mis-joinder of unnecessary parties.
5. That the appellant has approached the Honorable Tribunal with unclean hands.
6. That the appellant has got no cause of action and locus-standi to file the instant appeal.
7. That the appellant has been estopped by his own conduct.

PARA WISE COMMENTS ON BEHALF OF THE RESPONDENTS

Respectfully Sheweth:-

1. Pertains to record. Hence no comments.
2. Correct. Hence no comments
3. The enquiry officer failed to finalize the enquiry within the stipulated period therefore, DSP/HQ Bannu was appointed as Enquiry Officer for the purpose. Order of enquiry is "A" and hence issues charge sheet alongwith statement of allegations "B" & "C".
4. Pertains to record. Hence no comments.
5. Correct to the extent that after proper inquiry the appellant was found guilty and on the recommendation of inquiry officer after fulfilling all the codal formalities Appellant was dismissed. (Copy of the inquiry report alongwith other documents are "D").
6. Pertains to record.
7. Reply on the grounds as under.

Ground of Appeal

- A. Incorrect. The impugned order issued by the competent authority is purely based upon merits and facts on record.
- B. Incorrect. During his short spell of service numerous complaints received against him showing his involvement and hands in glows with narcotic peddlers/criminals Nasibo and his brothers who were cancer for the society.

- C. Incorrect. The appellant was never stigmatized and after having been proved beyond any shadow of doubts then proper punishment order was issued.
- D. Incorrect. Respondent No.2 is the competent authority for issuance of show cause notice as per Police Rules 1975 and in the case of appellant; the law & rules were properly observed. Further opportunities of personal hearing was provided which is evident from the impugned order.
- E. Incorrect. Proper departmental enquiry was conducted, the allegations against the appellant were found established and all the codal formalities were properly adopted during departmental proceedings.
- F. Incorrect. As per para above.
- G. Incorrect. The appellant is resident of Dhadiwala while the narcotic peddlers/criminals Nasibo, his brothers and father also hell for the said area. Therefore, as per enquiry he (appellant) had close association with them.
- H. Incorrect. The departmental proceedings were conducted purely on merit, no deviation from enquiry rules and the enquiry was conducted strictly in accordance with law on the subject. The appellant was never made scape goat, he was in close contact with the above POs was further established through CDR (Call Data Record) the copy whereof is annexed as annexure "E".
- I. The CDR which shows his contact with the POs is its self sufficient evidence to prove the allegations against him.
- J. Incorrect. The punishment awarded to the appellant was strictly in accordance with law/rules on the subject.
- K. No comments. Respondents also seek permission of this Honourable Tribunal for advancing further grounds during Final Hearing.

Prayer:-

It is, therefore, humbly prayed that in view of his involvement and close contacts with PO Nasibo etc and presence of solid documentary evidence as per CDR which brought bad name to the entire Police therefore, his appeal may kindly be dismissed with cost.

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

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

**District Police Officer,
Lakki Marwat
(Respondent No.3)**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No.644/2016

Imtiaz Khan

.....

Appellant

Versus

Provincial Police Officer & others

Respondents

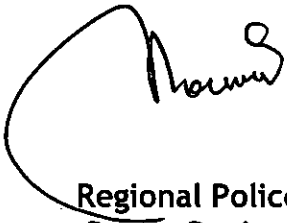
AUTHORITY LETTER.

Mr. Mohammad Farooq Khan Inspector, is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar on behalf of the Provincial Police Officer, KPK & Others in the above cited Appeal.

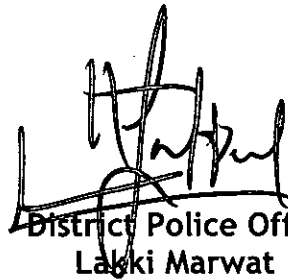
He is authorized to submit and sign all documents pertaining to the present Petition.



Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
Respondent No.1



Regional Police Officer
Bannu Region, Bannu
Respondent No.2



District Police Officer
Lakki Marwat
Respondent No.3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No.644/2016

Imtiaz Khan

Appellant

Versus

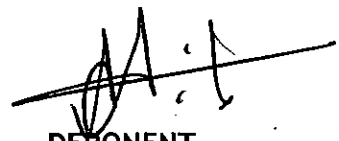
Provincial Police Officer & others

Respondents

AFFIDAVIT.

I, Mohammad Farooq Khan Inspector, representative for respondents PPO &

Others, do hereby solemnly affirm and declare that the contents of the accompanying comments submitted by me are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.


DEPONENT

11101-1483421-1

POLICE DEPARTMENT.

BANNU REGION

ORDER.

My this order will dispose off the departmental proceedings initiated against Constable Imtiaz No. 526, District Police Lakki on account of the following omission:-

- That he, Constable Imtiaz No. 526 of Lakki District Police has close relations with PO Naseeb of Lakki District.

The said Police Officer was charge sheeted based upon statement of allegations and DSP/HQrs: Bannu was appointed as Enquiry Officer. The Enquiry Officer conducted proper departmental enquiry under Police Rules 1975 and submitted his findings, wherein the aforementioned charges against the said delinquent Police Officer have been proved without any shadow of doubt.

The enquiry proceedings were thoroughly perused and the officer concerned heard in orderly room on 29.1.2016.

Therefore, I, Muhammad Tahir PSP, Regional Police Officer, Bannu Region, Bannu in exercise of the powers vested in me, after thoroughly perusal the record/proceedings and hearing the Police Officer in orderly room on 29.1.2016 came to the conclusion that order of Major punishment is required to be imposed upon him, being held guilty of the allegations/charges by the Enquiry Officer as well as un-satisfactory hearing for showing himself innocent with the undersigned. Hence, the delinquent Police Officer is hereby awarded the Major Punishment of dismissal.

Order announced.


(Muhammad Tahir)PSP
Regional Police Officer,
Bannu Region, Bannu.

No. 392 /EC, dated. 09/2/2016. 09/2/16

Copy to :-

- The District Police Officer, Lakki:


(Muhammad Tahir)PSP
Regional Police Officer,
Bannu Region, Bannu.

5
From:- The Deputy Superintendent of Police,
HQ, Bannu.

To:- The Regional Police Officer,
Bannu Region, Bannu.

No. 66/HQ Dated Bannu, 13/01/2016.

Subject:- FINDING OF DEPARTMENTAL ENQUIRY AGAINST CONSTABLE IMTIAZ NO.526.

Memo:

Kindly refer to your Endst No.3649-51/EC dated 07.12.2015 on the above subject.

Constable Imtiaz No.526 was charge sheeted on the following grounds:-

- "That he has close relation with PO Naseeb of Lakki District".

The enquiry was marked to the undersigned to probe into the allegations. The copy of the charge sheet was served upon him; he replied to the charge sheet and also recorded the statements of the following personnel:-

- Statement of SI Mohammad Saleem Khan the then SHO PS Lakki Marwat
- Statement of SI Syed Azam the then SHO PS Lakki Marwat.
- Statement of Raza Khan the then SHO PS Naurang presently Police Line Lakki Marwat.
- Statement of the then SHO Arif Ullah Khan presently SI Investigation PS Naurang.
- Statement of ASI Abdul Saboor Khan Incharge PP Gambila presently PS City Bannu.
- Statement of ASI Ghulam Saboor Khan Incharge PP City Lakki.

They all in their statements have stated, no compliant was received against Constable Imtiaz No.526.

The Proclaimed Offender Naseeb and his brothers Naimat, Qjmat, Imran and his father Nekam Khan S/O Jan Ahmad wanted to the local Police of District Lakki Marwat in the following criminal cases:-

- FIR No.96 dated 27.06.2010 u/s 302/324/353/148/149 PPC/7ATA PS Dadiwala.
- FIR No.112 dated 19.05.2011 u/s 324/353/148/149 PPC PS Dadiwala.
- FIR No.38 dated 05.03.2010 u/s 324/353/148/149 PPC PS Dadiwala.
- FIR No.134 dated 10.07.2014 u/s 324/353/148/149 PPC PS Dadiwala.
- FIR No.183 dated 10.09.2014 u/s 324/353/427 PPC/7ATA PS Dadiwala.
- FIR No.221 dated 25.10.2014 u/s 15AA PS Dadiwala.
- FIR No.246 dated 22.11.2014 u/s 5/6 Gambling Act/15AA PS Dadiwala.
- FIR No.252 dated 13.12.2014 u/s 15AA PS Dadiwala.
- FIR No.208 dated 11.10.2015 u/s 324/353/148/149 PPC PS Dadiwala.
- FIR No.103 dated 18.04.2015 u/s 15AA PS Dadiwala.
- FIR No.127 dated 27.06.2013 u/s 324/435/148/149 PPC PS Dadiwala.
- FIR No.48 dated 17.03.2011 u/s 13AO PS Dadiwala.
- FIR No.212 dated 30.09.2011 u/s 9CNSA PS Dadiwala.
- FIR No.49 dated 25.02.2015 u/s 5/6 Gambling Act PS Dadiwala.

vii. Statement of accused official Imtiaz No.526.

He stated that he is enlisted in Police Department on 13.07.2009. It is correct that he has Mobile phone No.03451584619 and is available with his co-villagers but he has not contacted with this SIM No with PO Naseeb etc to facilitate them to be escaped from Police.

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The allegation regarding the close relations with PO Naseeb and his brother PO Namoos is concerned, he is posted at interment centre Tajazai and performing his duty with Army personnel and has not remained posted at home Police Station Dadiwala. The allegation is not based on fact.

Accused official did not admit/confess the charges in his written reply, shown his present posting in Internment Center Taja Zai. He has also refused that mobile No.0345-1584619 not in his use and stated that he has not resident of village Landiwa but according to his NIC, he is permanent residential of village Landiwa Mohalla Samandi Khel. He did not produce any defense. He further admitted in his statement that Namoos is brother of PO Naseeb. According to the CDR the said Constable Imtiaz No.526 has contacted several times with Mobile No. 0344-6804064 of Namoos brother of PO Naseeb.

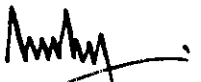
(Copy of the CDR is enclosed with the enquiry file).

CONCLUSION :-

SI Saleem Khan, SI Syed Azam, SI Arif Ullah, ASI Abdul Saboor and ASI Ghulam Saboor have given their statement deliberately in favour of the defaulter official due to belonging in same race and locality to avoid any local enmity. Therefore, their statements are discrete/excluded from evidence and is based on the following supporting evidence:-

1. Documentary (CDR).
2. LHC Imtiaz No.526, PO Naseeb & others are the resident of one and same locality and further individual also keep relation/contact of one PO Namoos brother of PO Naseeb with Mobile No.0344-6804064 several times as evident from the CDR and therefore, it is reasonably believed that the defaulter Police Official constantly keeps the POs informed about the movement of Police.

The complainant/victim persons of the cases registered against the PO Naseeb were secretly contacted and they also confirmed the linkage with the PO and his family members Namoos & others. The intelligence agencies have confirmed the charges against the defaulter constable and his service record also perused and 05 bad entries were found in his service record therefore; I am of the view that the defaulter constable has close relation with PO Naseeb Khan and his brothers. In the above circumstances the charges were found proved against LHC Imtiaz Khan No:526.


(SYED INAYAT ALI SHAH)
DSP/ HQ, BANNU.

PO Namcos CDR

CDR ٢٠١٥

CALL DIALED_NUM	CALL_START_DT_TM	inc/out	duration	TYPE	Location						
923446804064	923451584619	2015-08-2419:50:51	OUTGOING	0	SMS	Village Landiwah Moh Dau Khel Tehsile Lucky Marwat Dist Lucky Lakki Marwat					
923446804064	923451584619	2015-08-2419:50:54	OUTGOING	0	SMS	Village Landiwah Moh Dau Khel Tehsile Lucky Marwat Dist Lucky Lakki Marwat					
923446804064	923468644506	2015-08-2419:52:08	OUTGOING	0	SMS	Village Landiwah Moh Dau Khel Tehsile Lucky Marwat Dist Lucky Lakki Marwat					
923446804064	923459015064	2015-08-2519:29:05	INCOMING	0	SMS	Village Landiwah Moh Dau Khel Tehsile Lucky Marwat Dist Lucky Lakki Marwat					
923446804064	923459858715	2015-08-2520:01:15	INCOMING	44	GSM	Village Landiwah Moh Dau Khel Tehsile Lucky Marwat Dist Lucky Lakki Marwat					
923446804064	923451584619	2015-08-2520:13:56	OUTGOING	0	SMS	Village Landiwah Moh Dau Khel Tehsile Lucky Marwat Dist Lucky Lakki Marwat					
923446804064	923449334635	2015-08-2520:16:31	INCOMING	0	SMS	Village Landiwah Moh Dau Khel Tehsile Lucky Marwat Dist Lucky Lakki Marwat					
923446804064	923451584619	2015-08-2520:17:26	OUTGOING	0	SMS	Village Landiwah Moh Dau Khel Tehsile Lucky Marwat Dist Lucky Lakki Marwat					
923446804064	923459015064	2015-08-2520:19:17	INCOMING	0	SMS	Village Landiwah Moh Dau Khel Tehsile Lucky Marwat Dist Lucky Lakki Marwat					
923446804064	923461981040	2015-08-2520:19:19	OUTGOING	0	SMS	Village Landiwah Moh Dau Khel Tehsile Lucky Marwat Dist Lucky Lakki Marwat					
923446804064	923459015064	2015-08-2520:19:22	INCOMING	0	SMS	Village Landiwah Moh Dau Khel Tehsile Lucky Marwat Dist Lucky Lakki Marwat					
923446804064	923461981040	2015-08-2520:19:25	OUTGOING	0	SMS	Village Landiwah Moh Dau Khel Tehsile Lucky Marwat Dist Lucky Lakki Marwat					
923446804064	923458647664	2015-08-3109:45:50	OUTGOING	13	GSM	Village Landiwah Moh Dau Khel Tehsile Lucky Marwat Dist Lucky Lakki Marwat					
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923446804064	923451584619	2015-08-3110:02:46	INCOMING	24	GSM	Village Landiwah Moh Dau Khel Tehsile Lucky Marwat Dist Lucky Lakki Marwat					
923446804064	923369622125	2015-08-3114:52:12	OUTGOING	20	GSM	Village Landiwah Moh Dau Khel Tehsile Lucky Marwat Dist Lucky Lakki Marwat					
923446804064	923449322036	2015-08-3115:24:19	INCOMING	0	SMS	Village Landiwah Moh Dau Khel Tehsile Lucky Marwat Dist Lucky Lakki Marwat					
923446804064	923468677068	2015-08-3115:26:43	INCOMING	238	GSM	Village Landiwah Moh Dau Khel Tehsile Lucky Marwat Dist Lucky Lakki Marwat					
923446804064	923419269808	2015-08-3115:31:22	OUTGOING	39	GSM	Village Landiwah Moh Dau Khel Tehsile Lucky Marwat Dist Lucky Lakki Marwat					

LHC Imtiaz Khan.

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CHARGE SHEET

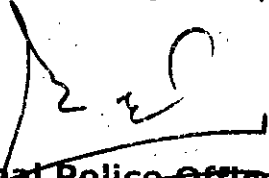
WHEREAS, I am satisfied that a formal inquiry as contemplated in the N.W.F.P. Police Rules, 1975 is necessary and expedient.

AND WHEREAS, I am of the view that the allegation, if established would call for a Major penalty as confined in Rules 4-1 (b) of the aforesaid Rules.

NOW THEREFORE, as required by Rule 6-1 (a) of the aforesaid Rules, **I, Muhammad Tahir PSP, Regional Police Officer, Bannu Region, Bannu** charge you **Constable Imtiaz No. 526 of Lakki District Police** for misconduct on the basis of summary of allegations appended herewith.

AND WHEREAS, I direct you further under the Rule (6-1) b of the aforesaid rules to put in a written defense within 07-days of the receipt of this charge sheet as to why a Major punishment as defined in Rule 4-1 (b) should not be awarded to you. Also state at the same time whether you desire to be heard in person or not.

In case your reply is not received within the prescribed period without sufficient reasons it would be presumed that you have no defense to offer and an ex-parte action will be taken against you.


N **Regional Police Officer,**
Bannu Region, Bannu.

9/7/12/15

5

STATEMENT OF ALLEGATIONS.

I, **Muhammad Tahir PSP, Regional Police Officer, Bannu Region, Bannu** as competent authority, am of the opinion that **Constable Imtiaz No. 526 of Lakki District Police** has rendered himself liable to be proceeded against as he committed the following misconduct within the meaning of disciplinary rules-1975 (amendment vide NWFP Gazette 27th: January-1976)

SUMMARY OF ALLEGATION:

- That you Constable, Imtiaz No. 526 of Lakki District Police have close relations with PO Naseeb of Lakki District.

For the purpose of scrutinizing the conduct of the said accused w/r to the above allegations **DSP-HQr-Bannu** is appointed as Enquiry Officer.

The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc: and findings within 25-days after the receipt of this order.

The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.


Regional Police Officer,
Bannu Region, Bannu.

No. 3649-51/EC. Dated: 07/12/15.

Copy to :-

07/12/15.

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar for favour of information.
2. The District Police Officer, Lakaki for information.
3. The Enquiry Officer.


Regional Police Officer,
Bannu Region, Bannu.

5

STATEMENT OF ALLEGATIONS.

I, **Muhammad Tahir PSP, Regional Police Officer, Bannu Region, Bannu** as competent authority, am of the opinion that **Constable Imtiaz No. 526 of Lakki District Police** has rendered himself liable to be proceeded against as he committed the following misconduct within the meaning of disciplinary rules-1975 (amendment vide NWFP Gazette 27th: January-1976)

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The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc: and findings within 25-days after the receipt of this order.

The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

No. 3649-51 / EC 07/12/15
Copy to :-

o/d Regional Police Officer,
Bannu Region, Bannu.
7/12/15.

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar for favour of information.
2. The District Police Officer, Lakaki for information.
3. The Enquiry Officer.

o/v Regional Police Officer,
Bannu Region, Bannu.
7/12/15.

BEFORE THE SERVICE TRIBUNAL, KP, PESHAWAR

Service Appeal No. 644/2016

Imtiaz Khan

Versus

IGP and others

Rejoinder on behalf of petitioner

Respectfully Sheweth

On preliminary objections

- 1- That the Para No 1 of the preliminary objection is incorrect. The Appeal of the appellant is within time.
- 2- That Para no 2 of the preliminary objection is incorrect.
- 3- Para No 3 is incorrect.
- 4- Para No 4 is incorrect.
- 5- Para No 5 is incorrect.
- 6- Para No 6 is incorrect.
- 7- Para No 7 is incorrect.

On facts: -

1. Para No 1 and 2 needs no reply.
2. That in response of Para No. 3 it is submitted that the reply of the respondents is not according to the facts, nor as per documentary evidence. The respondents have not bring on record any order or documents to the effect that the earlier enquiry officer failed to finalize the enquiry with in time. Furthermore it is evident from record that the first

statement of Allegation was issued on 02/12/2015 while second statement of Allegation was issued after 5 days on 07/12/2015 which clearly shows the malafide on their part. It is also pertinent to mention here that no show cause notice what so ever has been issued by respondent No. 2, so in the absence of any show cause notice no penalty can be awarded.

3. Para No. 4 needs no reply.
4. That in response of Para No. 5 it is submitted that the alleged inquiry conducted by the respondents is totally not according to law and rules as no proper codal formalities were adopted which is against the services laws.
5. Para No.6 and 7 needs no reply.

On Grounds: -


- A. Para No A is incorrect.
- B. That in response of Para No. B it is submitted the allegation of numerous complaints against the appellant is incorrect and based on surmises and conjectures. There is no such like evidence against the appellant and the appellant have always performed his duties with honesty.
- C. Para No C is incorrect.
- D. Para No D is incorrect. The proper reply has been given in upper para.
- E. Para No E is incorrect. The proper reply has been given in upper para.
- F. Needs no reply.

- G. Para No G is incorrect. Hailing from same area is no ground and reason for close association.
- H. Para No H is incorrect.
- I. Para No I is incorrect.
- J. Para No J is incorrect.
- K. Needs No Comments.

It is therefore most humbly requested that the appeal of the petitioner may kindly be accepted.

Appellant

Through


Zahir Shah Marwat
Advocate,
High Court Peshawar

BEFORE THE SERVICE TRIBUNAL, KP, PESHAWAR

Service Appeal No. 644/2016

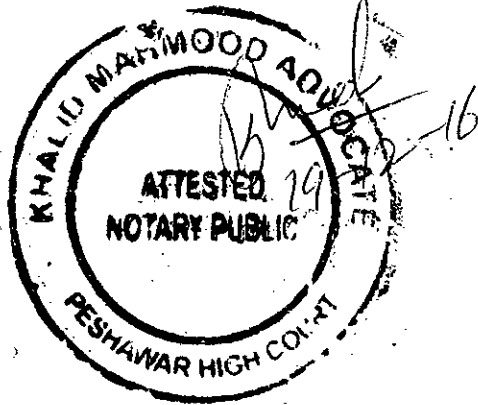
Imtiaz Khan

Versus

IGP and others

FFIDAVIT

As per instructions from my clients I, Mr. Zahir Shah Marwat Advocate, do hereby affirm and declare that the contents of this rejoinder are true and correct to the best of my knowledge and information and nothing has been concealed from this Hon;ble Court.




Deponent

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1242 /ST

Dated 5 / 5 / 2017

To


The Regional Police Officer,
Government of Khyber Pakhtunkhwa,
Banu Region Banu.

Subject: -

JUDGMENT in appeal no. 644/2016 & 645/2016

I am directed to forward herewith a certified copy of Judgement dated 2.5.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.