

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
06.12.2019		<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p style="text-align: center;"><u>Appeal No. 374/2016</u></p> <p style="text-align: center;">Date of Institution ... 07.04.2016 Date of Decision ... 06.12.2019 -----</p> <p style="text-align: center;">Muhammad Yousaf Sub Inspector District Police Karak -----Appellant</p> <p style="text-align: center;"><u>Versus</u></p> <p style="text-align: center;">Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others. -----Respondents</p> <p style="text-align: center;">Muhammad Amin Khan Kundi.....Member(J) Mr. Hussain ShahMember (E)</p> <p><u>JUDGMENT</u></p> <p><u>Mr. HUSSAIN SHAH:-</u>Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present.</p> <p>2. The instant appeal has been filed U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order of respondent No.2 and order of respondent No.3 on the basis of the facts and groups mentioned in the memo of appeal.</p> <p>3. Learned counsel for the appellant stated that while the appellant was posted as SHO Police Station Yaqoob Khan Shaheed District Karak. Respondent No.3 served the charge sheet/Statement of allegation upon the appellant on the grounds of allegation of lower performance of the appellant in recovery of arms and ammunition, narcotics as against the recovery of the same during the correspondence period of the year 2014, he was also charged with the allegation that he failed to arrest the accused wanted to police in murder case against the target fixed and also he failed to control the aerial firing in area. Against the charge sheet and statement</p>

of allegations, the appellant submitted detailed reply. The competent authority referred the case to the inquiry officer, after examining the relevant record, the inquiry officer exonerated the appellant from all the charges/allegations. The competent authority after receiving the inquiry report imposed major penalty of reduction in rank upon the appellant. Being aggrieved the appellant submitted departmental appeal before the respondents No.2. The appellate authority partially accepted the appeal by converting the penalty of reduction in rank into the penalty withholding of one (01) year increment with cumulative effect.

4. Being aggrieved by the order of the appellate authority the appellant preferred service appeal on 12.04.2016 wherein it has been prayed that the appellate orders of respondent No.2 may be set aside on acceptance of this appeal with consequential back benefits on the grounds that despite the recommendation of the inquiry officer exonerated the appellant from all the charges, being un approved, the competent authority respondent No.3 imposed major penalty without any reason and grounds. Moreover the appellant was incarcerated in departmental proceedings for a long period while under the law and rules the inquiry proceedings shall be conducted on day to day basis, therefore it appears to be not out of place to derive conclusion that the departmental proceedings against the appellant was nullity in the eye of law. Further argued that the performance of the appellant was good as compared to other Police Station of the District. Moreover the past record of the appellant was good, therefore, the impugned penalty is stigma on the service career of the appellant which is without any material grounds on the basis of record hence is not sustainable. Further argued that the appellate authority also did not appreciated fully the facts on record and the report of the inquiry officer and instead of exonerating the appellant the minor

penalty of withholding of one increment with cumulative effect was imposed vide impugned order of dated 16.03.2016 is not only against the spirit of FR-29 but also without taking into consideration the facts on merit. Moreover the conversion of the major penalty into minor penalty of withholding of increment for one year with cumulative effect is based on giving chance of improvement and not on merit, hence the penalty in itself is illegal and causing recurring loses to the appellant.

5. The learned Additional Advocate General contested the facts, grounds of the appeal and arguments of the learned counsel for the appellant and argued that the competent authority proceeded against the appellant on the grounds of weak performance on account of arresting of the person involved in murder cases, recovery of arms and ammunition, narcotics and failure in control the aerial firing within the jurisdiction of the police station. He further argued that the competent authority is not bound to accept the recommendation of the inquiry officer. He further argued that the appellant was time and again directed to improve the performance in departmental meetings but he failed to make any improvement to the satisfaction of the competent authority. Further argued that he failed to make the arrest of the most wanted proclaimed offender, Abdur Razzaq. He further argued that the appellate authority has already taken the lenient view of the cases on the basis of departmental appeal and converted the major penalty imposed of respondent No.3 in the minor penalty of withholding of increment for one year with cumulative effect hence the appeal may be dismissed.


6. Arguments heard. File perused.

7. After the detailed scrutiny of the document, record on file, arguments and counter arguments of learned counsel for the appellant and learned Additional Advocate General it appears from the record that

the appellant was appointed as SHO of the police station on 17.06.2015. The inquiry officer in his report has given the details statistical information to establish the good conduct and proper performance of the appellant as the in-charge of the police station. According to the inquiry report during his tenure four (04) murder cases were registered in which four (04) person were charged and out of the four (04) one (01) accused was arrested. Similarly twenty six (26) FIRs of the attempted murder were registered in which seventy seven (77) person were charged out of these seventy seven (77) accused fifty five (55) person arrested. In the abduction cases total seven (07) cases were registered and fourteen (14) person were charged out of which twelve (12) person were arrested, all the six (06) accused charged in the theft cases were arrested and similarly another type of FIRs the performance of the appellant was marked as good by the inquiry officer and recommended the filing of the proceedings against the appellant. The competent authority i.e. respondent No.3 though referred to the inquiry report ignored the outcome of the inquiry and imposed major penalty of reduction into rank on 17.12.2015. In his departmental appeal dated 23.12.2015 the appellant narrated his performance FIR wise in detail and the respondent No.2 the appellate authority while considering the appeal and the major penalty of reduction in rank converted in the shape of minor penalty of withholding one (01) increment for one (01) year with cumulative effect vide order of dated 16.03.2016. The service appeal of the appellant was preferred on 07.04.2016 hence the service appeal is within time. This Tribunal observes that after examining of the inquiry report, the reply of the appellant to the show cause notice to the charge sheet/statement of allegations and departmental appeal the minor penalty of imposition of one (01) increment with cumulative effect is not

justifiable.

8. Keeping in view over all service performance and explanations given by the appellant in his departmental appeal as well as inquiry report this Tribunal holds the opinion to accept the appeal without costs and the order the appellate authority of dated 16.03.2016 is set aside. Parties are left to bear their own costs. File be consigned to the record room.


(Muhammad Amin Khan Kundi)
Member


(Hussain Shah)
Member

ANNOUNCED
06.12.2019

02.12.2019


Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Aamir Hussain ASI for the respondents present. Arguments heard. To come up for order on 06.12.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

06.12.2019

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Hussain ASI for the respondents present. Vide our detail judgment of today of this Tribunal placed on file, the present service appeal is accepted. Parties are left to bear their own costs. File be consigned to the record room.


(Muhammad Amin Khan Kundi)
Member


(Hussain Shah)
Member

ANNOUNCED
06.12.2019

23.08.2019

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel as gone to Saudi Arabia for performing of Hajj. Adjourned to 12.09.2019 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

12.09.2019

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is stated to be busy before the august Supreme Court of Pakistan. Adjourned to 29.10.2019 for arguments before D.B.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

29.10.2019


Clerk to counsel for the appellant present. Addl: AG alongwith Mr. Ameer Hussain, ASI for respondents present. Clerk to counsel for the appellant seeks adjournment due to general strike of the bar. Adjourned. Case to come up for arguments on 02.12.2019 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

19.04.2019

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Muhammad Zafran, PSI for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned to 11.06.2019 for arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

11.06.2019

Counsel for the appellant and Mr. Muhammad Jan, DDA for the respondents present.

The matter was argued at some length when learned counsel for the appellant sought further time to prepare the brief regarding the proposition involving maintainability of instant appeal questioning the imposition of minor penalty in view of provisions contained in Section 4(b)(ii) of Khyber Pakhtunkhwa Service Tribunal Act, 1974. Learned DDA is also expected to prepare further on the point.

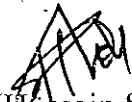
Adjourned to 02.07.2019 for arguments before the D.B.


Member


Chairman

02.07.2019

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Adjourned. To come up for further proceeding on 23.08.2019 before D.B


(Hussain Shah)
Member

(M. Amin Khan Kundi)
Member

10.12.2018

Clerk to counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney for the respondent present. Clerk to counsel for the appellant seeks adjournment as learned counsel is not in attendance. Adjourn. To come up for arguments on 04.02.2019 before D.B


Member


Member

04.02.2019

Junior to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney alongwith Muhammad Idrees PSI present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 15.03.2019 before D.B.


Member


Member

15.03.2019

Clerk to counsel for the appellant and Mr. Riaz Khan Paindakheil learned Assistant Advocate General present. Clerk to counsel for the appellant seeks adjournment on the ground that learned counsel for the appellant is not available. Adjourn. To come up for arguments on 19.04.2019 before D.B


Member


Member

DISCIPLINARY ACTION

I, Amjad Ali Khan, Chief Secretary Khyber Pakhtunkhwa, as the competent authority, am of the opinion that warder (BPS-5) Daud Jan (under suspension) attached to Sub Jail Charsadda has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

He was assigned the duties in the main gate as a Madadgir (helper) on 09-12-2014. Due to his gross negligence/inefficiency in the performance of duties, one undertrial prisoner namely Haneef S/O Abdul Salam escaped from jail in the broad day light on 09-12-2014 at 12.00 Noon by wearing Police uniform as is evident from the record of CCTV Cameras, thus he has violated Rules-1072 & 1095 (f) of Khyber Pakhtunkhwa Prison Rules 1985.

2. For the purpose of inquiry against the said accused with reference to the above allegations, an Inquiry Officer/Inquiry Committee, consisting of the following is constituted under Rule-10(1)(a) of the ibid rules:-

i. Mr. Mush taf / Ahmed DS

ii. _____

3. The Inquiry Officer/Inquiry Committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Inquiry officer/Inquiry Committee.

Amjad
(AMJAD ALI KHAN)
CHIEF SECRETARY,
KHYBER PAKHTUNKHWA

25.10.2017

Appellant in person and Addl. AG for the respondents present. Appellant seeks adjournment as his counsel is not in attendance. Granted. To come up for arguments on 01.01.2018 before the D.B.



Member


Chairman

01.01.2018

Clerk to counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney 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 02.03.2018 before D.B.


(Ahmad Hassan)
Member(E)


(M.Amin Khan Kundi)
Member (J)

02.03.2018

Counsel for the appellant and Mr. Ziaullah, DDA for the respondents present. Learned counsel for the appellant seeks adjournment. To come up for arguments on 09.05.2018 before the D.B.


(Ahmad Hassan)
Member


Chairman

09.05.2018

The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore, the case is adjourned. To come on 18.07.2018


READER

18.10.2016

Mr. Hayat Ullah, Advocate, Junior to counsel for the appellant, Mr. Zakiullah, Senior Auditor and Mr. Rehan Khan, ASI alongwith Addl:A.G for respondents present. Junior to counsel for the appellant requested for time to file rejoinder. To come up for rejoinder and arguments on 16.02.2017.



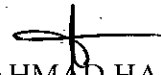
(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

16.02.2017

Clerk to counsel for the appellant and Addl. AG for respondents present. Clerk to counsel for the appellant requested for time to file rejoinder. Request accepted. To come up for rejoinder and arguments on 22.06.2017 before D.B.



(AHMAD HASSAN)
MEMBER

22.06.2017

Counsel for the appellant and Mr. Farman Ali, ASI alongwith Mr. Kabir Ullah Khattak, Assistant AG for the respondent present. Counsel for the appellant submitted rejoinder which is placed on file. To come up for arguments on 25.10.2017 before D.B.



(Muhammad Amin Khan Kundi)
Member



(Gul Zeb Khan)
Member

12.04.2016

Counsel for the appellant present. The learned counsel for the appellant argued that the appellant was serving as Inspector when subjected to enquiry on the allegations of bad performance in the year, 2015 in comparison to 2014 and vide order dated 17.12.2015 appellant was reduced to the rank of Sub Inspector where-against he preferred departmental appeal on 23.12.2015 which was partially allowed and vide order dated 16.3.2016 the said punishment converted into minor punishment of with-holding of one increment for one year with cumulative effect and hence the instant service appeal on 07.4.2016.

That the enquiry officer had exonerated the appellant from the charges during the enquiry. That the performance of the appellant was upto the mark and performance of professor of the appellant then serving as SHO P.S Yaqoob Khan Shaheen Takht-e-Nasrati was attributed to the performance of the appellant. That the allegations were not substantiated during the enquiry and hence impugned order is liable to be set aside.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 31.05.2016 before S.B.

Chairman

31.05.2016

Counsel for appellant and Tariq SI alongwith Addl. AG for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 18.10.2016.



Chairman

Appellant Deposited
Security & Process Fee

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 374/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	07.04.2016	<p>The appeal of Mr. Muhammad Yousaf presented today by Mr. Nasir Mehmood 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	11.4.16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>12.4.16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PEASHAWAR

Service Appeal No 374 /2016

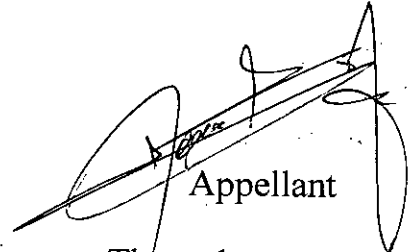
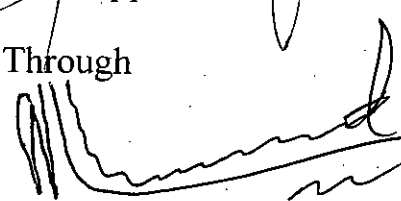
Muhammad Yousaf(Appellant)

Versus

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Kohat.
3. District Police Officer, Karak..... (Respondents).

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S.No.	Description of Documents	Annex	Pages
1.	Memo of appeal	-	1 to 3
2.	Affidavit	-	4
3.	Copy of the impugned order of Respondent No. 2	A	5
4.	Copy of order of Respondent No. 3	B	6
5.	Copy of Charge Sheet	C	7
6.	Copy of Statement of allegations	D	8
7.	Copy of reply in response to charge sheet	E	9
8.	Copy of Finding Report of enquiry officer	F	10-11
9.	Copy of departmental appeal	G	12-15


Appellant
Through

Counsel

NASIR MAHMOOD
Advocate
13-D Haroon Mansion
Khyber Bazar Peshawar.

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No 374/2016

N.W.F. Province
Service Tribunal
Diary No 344
Dated 07-04-2016

Muhammad Yousaf Sub-Inspector (KBI).....(Appellant)
District Police Karak

Versus

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Kohat.
3. District Police Officer, Karak..... (Respondents).

Subject

AN APPEAL UNDER SECTION 4 OF THE NWFP (KPK) SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER OF RESPONDENT NO.2 VIDE WHICH DEPARTMENTAL APPEAL OF APPELLANT WAS PARTIALLY ACCEPTED BY CONVERTING MAJOR PENALTY OF REDUCTION IN RANK IMPOSED ON APPELLANT VIDE ORDER OF RESPONDENT NO. 3 INTO MINOR PENALTY OF WITHHOLDING OF INCREMENT FOR ONE YEAR WITH CUMULATIVE EFFECT. COPIES OF THE IMPUGNED ORDER AND ORDER OF RESPONDENT NO. 3 ARE ENCLOSED AS ANNEXURE A & B RESPECTIVELY.

Prayer:-

On acceptance of the Service Appeal the impugned order being without any force and substance and passed in violation of the settled principles of law and rules may be set aside with consequential back benefits.

Facts:-

Facts leading to the present appeal are as under:-

1. That appellant was inducted as ASI in Police department through Public Service Commission against quota reserved for in-service constables and head constables.
2. That appellant on successful completion of basic training, professional, and promotion courses earned promotion to the next ranks of Sub-Inspector and Inspector.
3. That in the year 2015, appellant while posted as SHO Police Station Yaqoob Khan "Shaheed" district Karak was charge sheeted on the score of allegations that the performance of appellant in recovery of arms, ammunition, narcotics was weak as against the recovery of the corresponding year of 2014. Appellant

Handwritten notes and signature:
7/4/2016

was also charged on the score of allegations that arrest of accused wanted in murder cases was below target and aerial firing in the area was not brought under control. Copy of charge sheet and statement of allegations are enclosed as **Annexure-C & D**.

4. That appellant submitted detailed reply in response to the charge sheet contending therein that appellant had assumed charge of Police Station Yaqoob Shaheed on 17.06.2015, therefore, appellant was wrongly and mala-fidely charged for weak recovery of contraband for the entire year of 2015. Similarly appellant performance in arrest of accused was not below target. Appellant also pointed out that in the corresponding period of the year 2014, appellant was posted as SHO PS Yaqoob Khan "Shaheed". Copy of reply is enclosed as **Annexure-E**.
5. That enquiry was entrusted to SDPO Banda Daud Shah who after examining the relevant record made recommendations of exoneration of appellant of the charges. Copy of the finding report is enclosed as **Annexure-F**.
6. That though enquiry officer made recommendation of exoneration of appellant yet Respondent No. 3, imposed major penalty of reduction in rank on appellant. Copy of order is already enclosed as **Annexure-B**.
7. That appellant submitted department appeal before Respondent No. 2 which was partially accepted and penalty of reduction in rank was converted into stoppage of one year increment with accumulative effect. Copy of the departmental appeal is enclosed as **Annexure-G** while copy of impugned order is already enclosed as Annexure-A.
8. That the penalty of stoppage of increment has wrongly been imposed on appellant as the enquiry officer had made recommendations for the exoneration of appellant and there was no evidence to connect the appellant with the charges. Hence this Service Appeal on the following grounds.

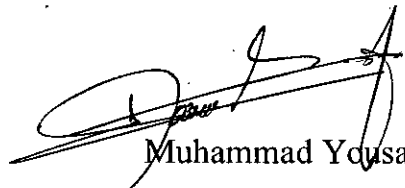
GROUNDS:-

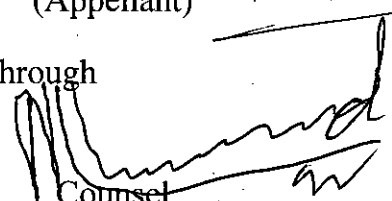
- a. That the enquiry officer had made recommendations of exoneration of appellant from the charges. The

respondent did not advance any reasons and grounds while disagreeing with the findings of enquiry officer. Therefore, the impugned penalty has wrongly been imposed on appellant and is worth set aside.

- b. That the respondents did not take notice of the finding report of enquiry officer wherein the performance of appellant were appreciated by making reference to the recovery of contraband and arrest of accused and proclaimed offenders.
- c. That appellant was incarcerated in departmental charge for long period while under the law and rules the enquiry proceedings shall be conducted on day to day basis therefore, the departmental proceedings initiated against appellant were nullity in the eye of law.
- d. That the performance of appellant was good as compared to other Police station of the district but appellant was wrongly charged for weak performance. Furthermore, the past record of service of appellant was good therefore, the stigma vide impugned penalty on the service carrier of appellant without any evidence and materials on the record is not sustainable.
- e. That the law and rules does not allow stoppage of increment with cumulative effect as provided under F.R-29, therefore, penalty of stoppage of one increment with the cumulative effect has wrongly been imposed on appellant.
- f. That no evidence in support of the charges was brought on record, therefore, the impugned order has wrongly been passed.

It is therefore, graciously prayed that the impugned order of Respondent No. 2 may be set aside with consequential back benefits.


 Muhammad Yousaf,
 (Appellant) 03015-9411996

Through

 Counsel

NASIR MAHMOOD
 Advocate
 13-D Haroon Mansion
 Khyber Bazar Peshawar.

(4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PEASHAWAR

Service Appeal No _____/2016

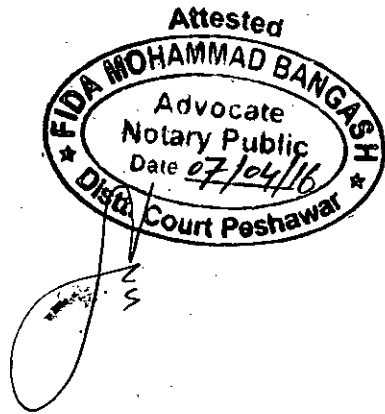
Muhammad Yousaf(Appellant)

Versus

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Kohat.
3. District Police Officer, Karak..... (Respondents).

AFFIDAVIT

I, Muhammad Yousaf appellant do here by solemnly affirm on oath that the contents of accompanying appeal are correct to the best my knowledge and belief. Nothing has been concealed from this Honorable Tribunal.



DEPONENT

Muhammad Yousaf
Appellant

ORDER

21-3-16

This order is passed on a departmental appeal, preferred by SI Muhammad Yousaf. (hereinafter called appellant) of Karak district Police against the punishment order of DPO Karak vide which he was awarded major punishment of reversion from the rank of Inspector to Sub-Inspector for the period of two years vide OB No. 476 dated 17.12.2015.

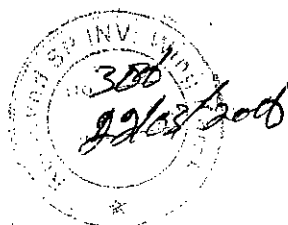
Facts are that from the perusal of comparative crime statement regarding recovery of Arms / Ammunitions, Narcotics and especially arrest of accused in murder cases for the year 2015 as compared with the year 2014 found very poor and below the target, inspite of repeated directions in the meeting to improve his performance, but he failed to do so. Similarly, his performance regarding arrest of accused in registered cases during the year 2015 found below 50%. Moreover, aerial firing has increased in his AOR. Furthermore, notorious PO Abdur Razaq is openly wandering in the area and threatening people and involved in kidnapping cases.

He was dealt with departmentally by the competent authority on the score of above charges. SDPO B.D.Shah was appointed as enquiry officer to proceed against him departmentally. After completion of all codal formalities, he was awarded major punishment of reversion to the rank of Sub-Inspector.

Feeling aggrieved, he preferred the instant appeal. Record requisitioned and perused. He was also heard in person in Orderly Room on 16.03.2016 and was asked regarding his poor performance, but he could not satisfy the undersigned.

Therefore, keeping in view of the above and available record, his performance was not up to the mark, however, giving him a chance of improvement, the major punishment of reduction in rank is converted in shape of minor punishment of withholding of increment for one year with cumulative effect.

Announced
16.03.2016



(DR. ISHTIAQ AHMAD MARWAT)
Regional Police Officer,
Kohat Region

SP/CP
Z
SP/Inv
21.3.2016

No. 2888 /EC, dated Kohat the 16-03-2016.
Copy to the District Police Officer, Karak for information w/r to his office Memo: No. 1279/LB, dated 01-02-2016. His service record is enclosed herewith.

(DR. ISHTIAQ AHMAD MARWAT)
Regional Police Officer,
Kohat Region

Encls
S/Kat=01
S/Books=02
S/Missal=01

SP/CP/PO = Inv: Staff

For m/n action

Distt: Police Officer
Karak
21/3/16

Certified to be True Copy

6

Annexure. 13

ORDER

My this Order will dispose off the departmental enquiry against Insp: Muhammad Yousaf the then SHO PS Yaqoob Khan Shaheed Karak.

Facts are that on the perusal of comparative crime statement regarding recovery of Arms & Ammunition, narcotics and specially arrest of accused in murder cases for the year 2015 as compared with year 2014 found very poor and below the target, inspite of repeated directions in the meetings to improve his performance but Insp: Muhammad Yousaf failed to do so. Similarly, his performance regarding arrest of accused in registered cases during the year 2015 found below 50 %. Moreover, areal firing has increased in his AOR. Furthermore, notorious Proclaimed Offender Abdur Razaq is openly wandering in the area and threatening people and involving in kidnapping in broad day light without any fear of the local Police but he did not dare to him or arrest him and he deliberately failed to bring him into the clutches of law.

He was issued Charge Sheet and Statement of allegation on the above allegations. Mr. Muhammad Ashraf, SDPO, Banda Daud Shah was appointed as Enquiry Officer to conduct proper departmental enquiry against him and to submit his findings in the stipulated period.

From the perusal of findings of Enquiry Officer, it revealed that in 2015, (04) cases of murder were registered, in which 04 accused were charged, 01 arrested, while the 03 accused still remaining. The defaulter Inspector badly failed to improve his performance and to arrest the targeted Proclaimed Offender Abdur Razaq. Therefore, the charges leveled against the defaulter Inspector have been proved.

He was served with Final Show Cause Notice. In response to the Final Show Cause Notice, the defaulter Inspector submitted unsatisfactory reply, placed on file.

He was also heard in person in Orderly Room held in this office but he could not produce any cogent reason in his defense. Keeping in view of the available record and facts on file, he is found guilty. Therefore, in exercise of the power conferred upon me under Khyber Pakhtunkhwa Police Rules 1975 (Amendments-2014), he is awarded Major Punishment of reduction in rank to Sub Inspector for a period of 02 years with immediate effect.

OB No. 476
Dated 17/12/2015

Jar
District Police Officer, Karak

OFFICE OF THE DISTRICT POLICE OFFICER, KARAK

No. 530-51 /PA, dated Karak the 17/12 /2015.

Copy of above is submitted for favour of information to:-

1. The Dy: Inspector General of Police Kohat Region Kohat.
2. The Asstt: Inspector General of Police, Establishment, CPO Peshawar.

Advised

**Certified to be
True Copy**

District Police Officer
(KARAK)

CHARGE SHEET

1. I, Muhammad Javaid, District Police Officer, Karak as competent authority, hereby charge you Insp: Muhammad Yousaf SHO Police Station Yaqoob Khan Shaheed as follow: -

"From the perusal of comparative crime statement regarding recovery of Arms & Ammunition, narcotics and specially arrest of accused in murder cases for the year 2015 as compared with year 2014 found very poor and below the target, inspite of repeated directions in the meetings to improve your performance but you failed to do so. Similarly, your performance regarding arrest of accused in registered cases during the year 2015 found below 50 %. Moreover, areal firings are increase in your AOR. which shows your lethargic conduct, slackness and non professionalism in discharging of official duty. Such act on your part is against service discipline and amount to gross misconduct/ negligence in duty."

2. By reason of your commission / omission, constitute miss-conduct under Police disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department and have rendered your-self liable to all or any of the penalties specified in Police Rule-1975 ibid.

3. You are, therefore, required to submit your written defense within 7-days of the receipt of this charge sheet to the enquiry Officer DSP B. D. Shah is appointed for the purpose of conducting enquiry.

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

4. Intimate whether you desire to be heard in person.

5. A statement of allegation is enclosed.

District Police Officer, Karak

**Certified to be
True Copy**

صالحہ

فائل نمبر

تاریخ 15-8-71

بلاشبہ شہداء حاجی شیخ 333/153 واپس لے کر صاحب کمرے پر لے آئے۔
 15-8-71
 انٹیکسٹ دست خانہ ملازمین کی فہرست پر درج شدہ ہر ایک کو پتہ لگا دیا گیا۔
 جو رقم 5/15 کو وصول کیا۔
 انٹیکسٹ دست خانہ ہر ایک کو پتہ لگا دیا گیا۔ جس نے خریدنے کی سہولت پیش
 کیا۔ کو رقم سہولت بھی ملے۔
 رقم 17/6 کو دست خانہ اسکاڈ لیڈر ملازمین کی فہرست پر لکھا۔
 کو رقم سہولت کے مطابق سال 15/70 میں اس کی باقی ماندات قتل کی گئی۔
 چار ملازمین حاجی میں جو رقم ملے گئے۔
 رقم قتل 26 مقدمات میں 77 ملازمین حاجی میں جو رقم ملے۔
 اور دیگر سہولت کے مقدمات میں 12 ملازمین حاجی 10 گرفتار ہیں۔
 اور دیگر 70 ایک مقدمات میں جو ملازمین حاجی 2 گرفتار ہیں۔
 دیگر 3 مقدمات میں ملازمین حاجی اور دیگر ملازمین گرفتار۔
 تفتیشی 2 مقدمات میں 5 ملازمین حاجی اور 2 گرفتار ہیں۔
 چھوٹے 2 مقدمات کے ملازمین حاجی کے گرفتار ہیں۔
 سہولت کے مقدمات میں 5 ملازمین حاجی کے گرفتار ہیں۔
 دیگر 8 مقدمات میں 5 ملازمین حاجی 8 گرفتار ہیں۔
 دیگر 1 مقدمات میں 1 گرفتار ہے۔
 جس نے اسے مائیں میں ہے۔

Attested

District Police Officer (KARAK)

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1. I, Muhammad Javaid, District Police Officer, Karak as competent authority, is of the opinion that Insp: Muhammad Yousaf SHO Police Station Yaqoob Khan Shaheed has rendered himself liable to be proceeded against on committing the following act / commission within the meaning of Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department.

STATEMENT OF ALLEGATION

"From the perusal of comparative crime statement regarding recovery of Arms & Ammunition, narcotics and specially arrest of accused in murder cases for the year 2015 as compared with year 2014 found very poor and below the target, inspite of repeated directions in the meetings to improve his performance but he failed to do so. Similarly, his performance regarding arrest of accused in registered cases during the year 2015 found below 50 %. Moreover, areal firings are increase in his AOR. which shows his lethargic conduct, slackness and non professionalism in discharging of official duty. Such act on his part is against service discipline and amount to gross misconduct/ negligence in duty."

2. The enquiry Officer DSP B.D. Shah in accordance with provision of the Police Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department may provide reasonable opportunity of hearing to the accused official, record his finding and make within 10-days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

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

Javaid
District Police Officer, Karak

No. 324 /EC (enquiry), dated 21/1/8 /2015.

Copy to:-

30. The enquiry Officer for initiating proceeding against the accused under the Provision of the Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department.

2. Insp: Muhammad Yousaf SHO Police Station Yaqoob Khan Shaheed.

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عقوبت
مقامات قتل ۱۱۰ صاحبان اعلیٰ سے قبل حج و عمرہ کے لئے
تاجم راکھ اعلیٰ میں کافی دستک پر کسی ایسے سے۔

۳۰/۱۵ سے بعد ۱۷/۱۵ سے ۱۷/۱۵ - ۱۳/۱۵/۳۵۲/۳۵۴ کا کار
لیونٹان شہید ملازم صاحبان سے، مقتولیت ۳۰/۱۵ سے ۱۴/۱۵
۳۰۴ - ۳۰۲ کے نام لیونٹان شہید ملازم کے لئے اور ۳۵۵
لیونٹان شہید ملازم اعلیٰ میں گرفتار کے سے۔
راکھ اعلیٰ سے بیکر ۱۱۰ صاحبان کے لئے قاتل پر کسی ایسے سے
تاجم مقتولیت قتل میں ملازم کے لئے قاتل کے لئے
کے لئے قاتل کے لئے قاتل کے لئے قاتل کے لئے
مقتولیت کے لئے قاتل کے لئے قاتل کے لئے

محمد رفیق
09-10-15
100 Divisional Police Officer
Randa Soudah (Karak)

No 158
dt 09-10-15

Altered

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District Police Officer
(KARAK)

12

Annexure-4

To:- The Deputy Inspector General of Police,
Kohat Region, Kohat.

Through: proper channel

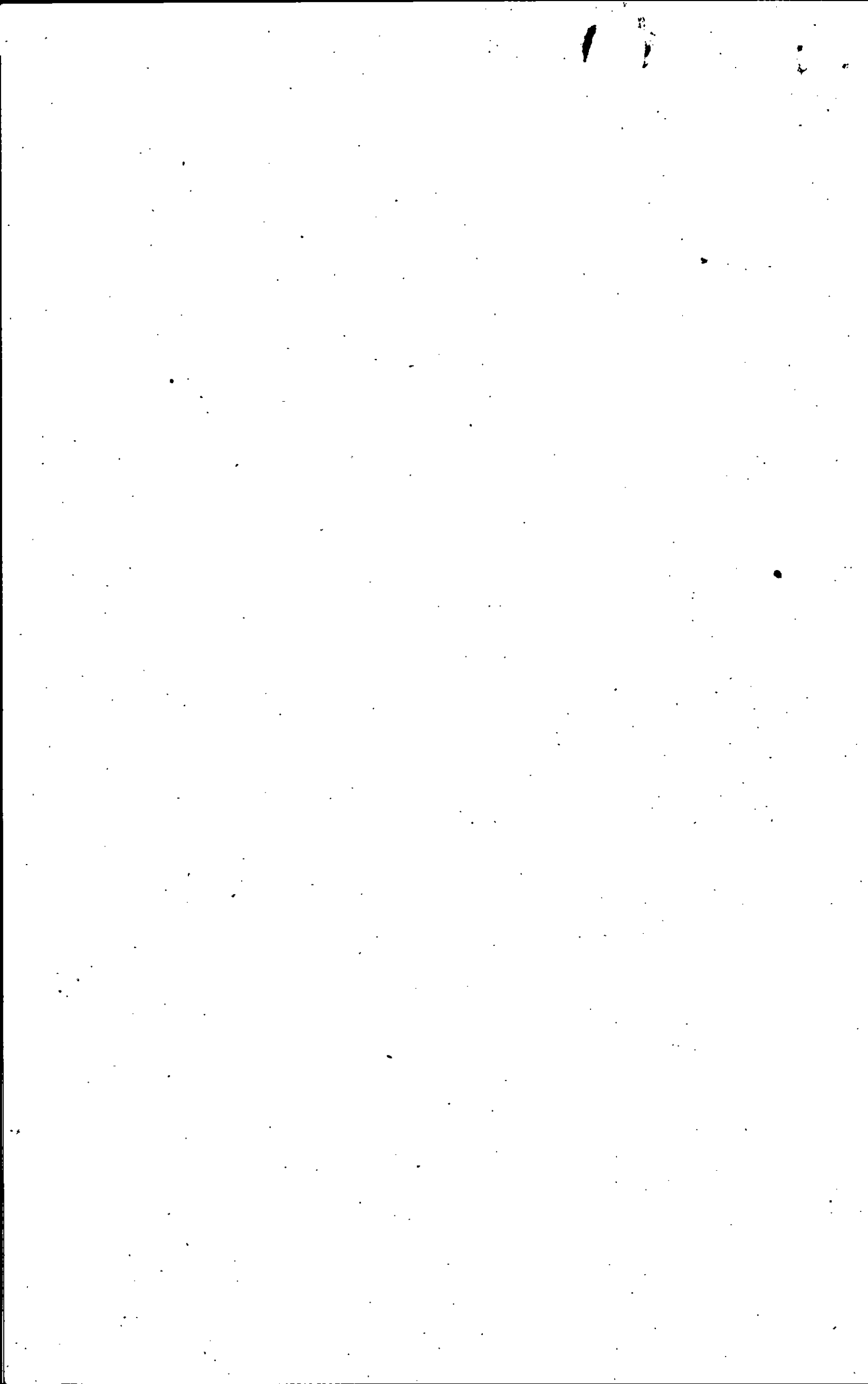
Subject: - DEPARTMENTAL APPEAL

With due respect appellant submits departmental appeal against the order dated 17.15.2015 OB No. 476 passed by learned DPO Karak vide which penalty of reduction in a rank of SI for a period of two years was imposed on appellant.

FACTS

1. That appellant joined police department as constable and was later on inducted as ASI through Provincial Public Service Commission against quota of in-service graduate constables and Head Constables.
2. That appellant successfully qualified basic courses, promotion courses, other professional courses and earned promotion to the rank of Inspector.
3. That in the year 2015 appellant was transferred from district Kohat to Karak and on 17.06.2015 was posted as SHO Police Station Yaqoob Khan Shaheed.
4. That on 21.08.2015, charge Sheet based on allegations that the comparative crimes statement of the year 2015 and of the corresponding period of the year 2014 shows poor performance on the part of appellant in recovery of arms, Ammunition, narcotics, a specially arrested accused charge in a Murder cases as it was below target and aerial firing has increased.
5. That appellant submitted detail and plausible reply in response to the charge sheet contending therein that appellant has assumed charge of SHO PS Yaqoob Khan Shaheed on 17.06.2015 and has wrongly been held responsible and accountable for the entire period of the year 2015. It was further contended that all the four (04) murder cases were registered in PS YKS prior to the posting of appellant. Six (06) accused charged in the murder cases five (05) were arrested, thus the target of 50% ratio of

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arrest was achieved.

Case FIR NO. PS	Accused Name	
	Charged	Arrested
FIR No. 17 dated 17.01.2015 u/s 302,324,34 PPC PS YKS	1. Saleem Muhammad s/o Roz Muhammad 2. Sabir Ullah s/o Saleem Muhammad r/o Toor Dhand	1. Arrested on 03.02.2015 2. Arrested on 10.09.2015
FIR No. 234 dated 03.06.2015 u/s 302 PPC PS YKS	1. Arshad Khan s/o Fida Muhammad 2. Maqseed s/o Fid Muhammad r/o Khadda Banda	1. 07.10.2015 2. Still PO
FIR No. 237 dated 05.06.2015 u/s 302,324,34 PPC PS YKS	1. Azmat Ali s/o Payo Khan r/o Gari Kala Wazir Domel Distt: Bannu	Arrest on 09.12.2015
FIR No. 252 dated 17.06.2015 u/s 302 PPC PS YKS	1. Shah Niaz s/o Sher Daraz r/o Ghundi kala	Arrest on 17.06.2015

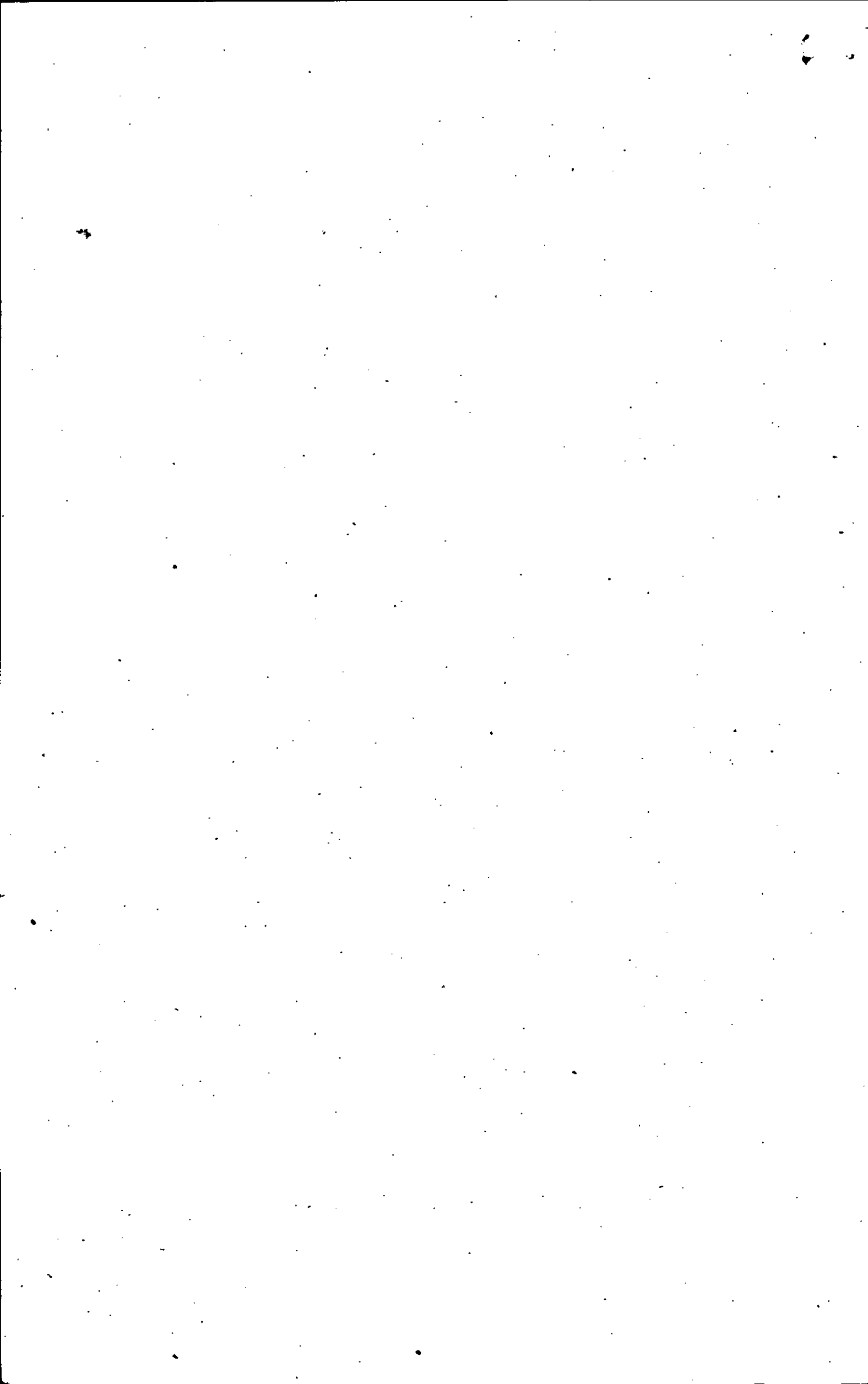
The appellant further pointed out that appellant has also remained is SHO PS YKS in the corresponding period of the year 2014 and below target performance were made good by appellant.

6. That SDPO Banda Daud Shah was appointed as enquiry Officer he examined the reply of appellant, police station record and prepared written chart of comparative crime recovery and arrest figures and made recommendations of exoneration of appellant but the authority passed the impugned order hence this departmental appeal on the following grounds.

GROUND:-

- A. that the impugned order has been passed contrary to the principle governing the disciplinary proceeding because the authority is not given

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any reason and grounds while discharging and disbelieving the finding of Enquiry Officer who had made recommendation of exoneration of appellant of the alleged charges. Therefore, the impugned order vide ab-initio and bad in the eye of law.

B. That the enquiry officer not only made recommendation for exoneration of appellant from the charges but also appreciated performance of the appellant and based his opinion making detail reference to the recovery, arrest of accused and proclaimed offenders.

C. That the enquiry officer held the performance of appellant as good after examining, discussing and evaluating the entire record for the period under review. This is also worth mentioning that the enquiry officer has erroneously shown the arrest of proclaimed offender minus by 06 while actually the figures were plus by 06. Similarly, only one accused arrested in a murder cases but actually five (05) accused were arrested charged in a murder cases. The authority passed the impugned order without evaluating the facts, evidence and findings of enquiry officer. Therefore, the impugned order is worth set aside.

D. That charged sheet was issued to appellant on 21.08.2015 but the impugned order was passed on 17.12.2015 with delay of four month. Law & Rules don't allow prolong departmental proceeding and ordains conduct of departmental proceedings on day to day basis. Therefore, the entire departmental proceedings are nullity in the eye of law.

E. That the enquiry officer had prepared the comparative chart of performance from the record of police station which was made part of the enquiry proceedings but the authority did not consult the chart and passed the impugned order. The authority wrongly referred to failure of the arrest of target PO namely Abdur Razzaq. First Abdur Razzaq was PO

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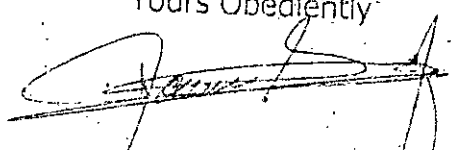
right from the year 2009, when he was charged vide FIR No. 203 u/s 302, 34 PPC PS YKS and still at large. Secondly the arrest of said PO was not mentioned in the charge sheet. Therefore, then impugned order based on conjectures and surmised is not sustainable.

- F. That the performances of PS YKS were good as compare to the other police station of the district but appellant was wrongly made scapegoat for showing taking disciplinary action against the subordinate staff for improvements of performance.
- G. That the impugned order not only discouraged the appellant but is also main hurdle in the bright future of appellant. Disciplinary action are taken with a view to improving the efficiency of subordinate staff but the authority with single stroke of pen imposed harsh penalty on appellant and destroyed the future of appellant. Law and rules does not allow award of penalty for commission of no wrong.
- H. That human conduct does not change abruptly. Appellant was rated good officer right from date of joining service. Appellant was rewarded Rs. 1000 by your good-self in recognition of good performance in the year 2015 and the authority punished appellant without taking into account previous unblemished service record and reward granted by the Higher Authority.

It is therefore, requested that the impugned order may be set aside with back benefits

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Yours Obediently



MUHAMMAD YOUSAF
Sub- Inspector (KBI)
Cell No. 0345-9411996

23/12/2015

بعد الت حیدر، اکتوخوا سروس ٹرائیونل پیشاور

کورٹ فیس

20 منجانب اپنا نمبر

مورخہ

مقدمہ: سروس اپیل - محمد یوسف بنام انسٹیٹیوٹ جنرل آف لوئس

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پیشاور کے لئے ناصر محمود، سید عبدالجلیل، سید عیاد اللہ اور سید ابرار اللہ

مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی عامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرانے اجراء اور وصولی چیک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زراس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمد ہوگی اور منسوخ دابر کرنے کی اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مذکور کے عمل یا جزدی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برداشتہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا ذریعہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی بمقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

Attestation
6
Accepted

منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا ذریعہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی بمقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم 7 ماہ اپریل 2016ء

بد گواہ شدہ العبد
پیشاور بمقام

کے لئے منظور ہے۔

BEFORE THE KHYBER PAKHUTNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 374/2016 Titled

Inspector Muhammad Yousaf of District Police Karak
(Appellant)

Versus

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer Kohat Region Kohat..
3. The District Police Officer, Karak

(Respondents)

PARA-WISE COMMENTS/REPLY TO APPEAL ON BEHALF OF RESPONDENTS NO. 1 TO 3

Respectfully sheweth,

The Para-wise comments to appeal on behalf of Respondents No. 1 to 3 are submitted as below,

Preliminary objections

1. That the appellant has no locus-standi to file the appeal.
2. Appellant has got no cause of action to file the present appeal.
3. The appeal is time barred.
4. The appeal is not maintainable in its present form.
5. The appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties

Facts

1. Correct. Pertains to record.
2. .Pertains to record. Needs no comments.
3. The appellant was charge sheeted on the basis of low performance in the recovery of arms / ammunitions, arrest of the murder cases accused and control of aerial firing.
4. Incorrect, the reply of the appellant in response to the charge sheet was implausible.
5. Incorrect, the finding report clearly reveals that the appellant while posted as SHO Yaqoob Khan Shaheed failed to improve his performance.
6. Incorrect, the order was passed after it was established in enquiry that the appellant failed to improve his performance as already explained vides above para-5 and also despite repeated directions the appellant failed.


to arrest the most wanted proclaimed offender, Abdur Razzaq. Further competent authority is not bound to the recommendation of inquiry officer.

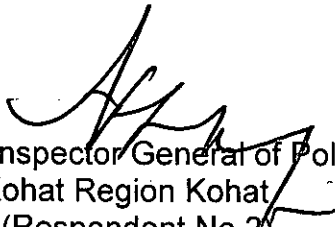
7. The order in respect of the departmental appeal has been passed by taking a lenient view and by giving the appellant a chance for improvement.
8. Incorrect, the order was passed on the basis of appellant's low performance as SHO Yaqoob khan Shaheed. The appellant has got no cause to file the appeal.


GROUNDS

- a. Incorrect, the enquiry finding clearly revealed that the appellant had low performance in the arrest of the murder cases accused, recovery of arms and also he failed to have a control on aerial firing which had resulted in great public disorder.
- b. Incorrect, already explained vide above ground 'a'.
- c. Proper departmental action was taken according to law.
- d. Incorrect, the appellant has proceeded on account of his low performance despite repeated directions in meetings.
- e. Incorrect, the penalty has been specified for the period of one year.
- f. Incorrect, the order has been passed in view of available record and facts on file, declaring him guilty.

In the light of above facts and circumstances it is requested that appeal filed by the appellant may very kindly be dismissed being badly time barred and not maintainable.


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


Dy. Inspector General of Police
Kohat Region Kohat
(Respondent No.2)


District Police Office, Karak
(Respondent No. 3)

BEFORE THE KHYBER PAKHUTNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 374/2016 Titled

Inspector Muhammad Yousaf of District Police Karak
(Appellant)

Versus

1. The Provincial Police Officer, Khyber Pakhtunkhwa,
Peshawar.
2. The Regional Police Officer Kohat Region Kohat..
3. The District Police Officer, Karak

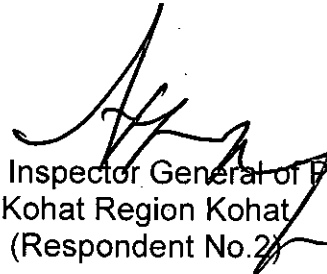
(Respondents)

Subject: **AUTHORITY LETTER**

We, the respondents' No. 1 to 3 to hereby nominate Mr. Muhammad Tariq Usman SI, legal branch, District Karak to represent us before the Service Tribunal Khyber Pakhtunkhwa, Peshawar in the above cited service appeal. He is also authorized to submit comments / reply on our behalf before the Service Tribunal Khyber Pakhtunkhwa, Peshawar and to assist Govt: pleader/ Additional Govt: Pleader attached to August Tribunal till the decision of appeal.



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



Dy: Inspector General of Police,
Kohat Region Kohat
(Respondent No.2)



District Police Office, Karak
(Respondent No. 3)

BEFORE THE KHYBER PAKHUTNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 374/2016 Titled

Inspector Muhammad Yousaf of District Police Karak
(Appellant)


Versus

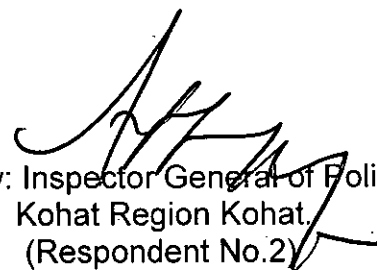
1. The Provincial Police Officer, Khyber Pakhtunkhwa,
Peshawar.
2. The Regional Police Officer Kohat Region Kohat..
3. The District Police Officer, Karak

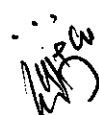
(Respondents)

Subject: **AFFIDAVIT**

We, the respondents' No. 1 to 3 to hereby affirm and declare on oath that the contents of reply/comments to the above titled service appeal are true and correct to the best of our knowledge and belief and nothing has been concealed from the August Tribunal.


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


Dy. Inspector General of Police,
Kohat Region Kohat.
(Respondent No.2)


District Police Office, Karak
(Respondent No. 3)

BEFORE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE Service Appeal NO.374\016

Muhammad Yousaf.....Appellant

Versus

Provincial Police Officer and others.....Respondents

Rejoinder on behalf of Appellant

Respectfully Sheweth;

Preliminary Objections;

All the preliminary objections have taken in routine. That the appeal is very much within time besides the impugned order is illegal and void thus cannot be sustained. The appellant has got locus standi and is having cause of action. The appeal is maintainable in present form and all the necessary parties have been joined as parties.

Facts;

1. Para-1&2 of the comments needs no rejoinder.
2. In reply to Para-3 of the comments it is submitted that the appellant has falsely been charge sheeted.
3. Para-4 of the comments is wrong and incorrect thus denied and facts narrated in Para-4 of the appeal are reiterated.
4. Para-5 of the comments is wrong and incorrect thus denied. The appellant was exonerated in the departmental enquiry. Further the appellant was punished for the fault of others.
5. Para-6 of the comments is wrong and incorrect thus denied. In the departmental inquiry it was established that the appellant is innocent that's why he was exonerated. It is further submitted that in the charge sheet there is no such allegation against the appellant however when the appellant assumed the charge on 17.06.2015 then in a very short span of time during frequent raids all the accomplices of the proclaimed offender Abdur Razzak were arrested by the appellant but the respondent has not taken any action against

the predecessor of the appellant who were occupying the post from January to June 2015.

6. Para-7 of the comments is wrong and incorrect. A very harsh punishment has been imposed upon the appellant.
7. Para-8 of the comments is wrong and incorrect thus denied and facts narrated in Para-8 of the appeal are reiterated.

Grounds:

- a. Ground-a of the comments is wrong and incorrect thus denied. In the departmental enquiry appellant was exonerated. Further the facts mentioned in ground-a are reiterated.
- b. Ground-b of the comments is wrong and incorrect thus denied. Further the facts mentioned in ground-b are reiterated.
- c. Ground-c of the comments is wrong and incorrect thus denied.
- d. Ground-d of the comments is wrong and incorrect thus denied. The respondents have not annexed any minutes of the meeting showing hereby that any such directions were given to the appellant.
- e. Ground-e of the comments is wrong and incorrect thus denied.
- f. Ground-f of the comments is wrong and incorrect thus denied. Further the facts mentioned in the ground-f are reiterated.

It therefore, respectfully prayed that while considering the above rejoinder appeal of the appellant may be allowed.

Appellant

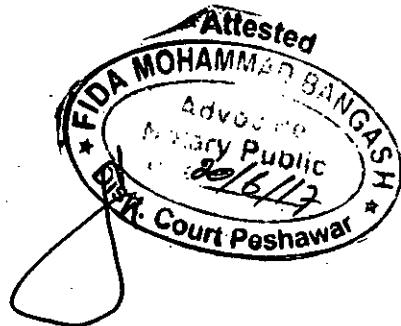
Through

Nasir Mahamood dvocate
13-Haroon Mension Peshawar

Affidavit

I do hereby declare and affirm on oath that the contents of above rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble tribunal.

Deponent



Deponent

A handwritten signature in black ink.

BEFORE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE Service Appeal NO.374\016

Muhammad Yousaf.....Appellant

Versus

Provincial Police Officer and others.....Respondents

Rejoinder on behalf of Appellant

Respectfully Sheweth;

Preliminary Objections;

All the preliminary objections have taken in routine. That the appeal is very much within time besides the impugned order is illegal and void thus cannot be sustained. The appellant has got locus standi and is having cause of action. The appeal is maintainable in present form and all the necessary parties have been joined as parties.

Facts;

1. Para-1&2 of the comments needs no rejoinder.
2. In reply to Para-3 of the comments it is submitted that the appellant has falsely been charge sheeted.
3. Para-4 of the comments is wrong and incorrect thus denied and facts narrated in Para-4 of the appeal are reiterated.
4. Para-5 of the comments is wrong and incorrect thus denied. The appellant was exonerated in the departmental enquiry. Further the appellant was punished for the fault of others.
5. Para-6 of the comments is wrong and incorrect thus denied. In the departmental inquiry it was established that the appellant is innocent that's why he was exonerated. It is further submitted that in the charge sheet there is no such allegation against the appellant however when the appellant assumed the charge on 17.06.2015 then in a very short span of time during frequent raids all the accomplices of the proclaimed offender Abdur Razzak were arrested by the appellant but the respondent has not taken any action against

the predecessor of the appellant who were occupying the post from January to June 2015.

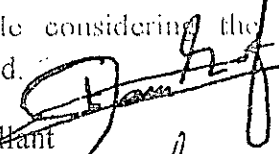
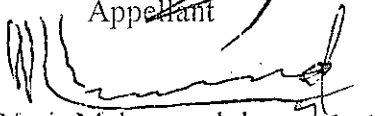
6. Para-7 of the comments is wrong and incorrect. A very harsh punishment has been imposed upon the appellant.
7. Para-8 of the comments is wrong and incorrect thus denied and facts narrated in Para-8 of the appeal are reiterated.

Grounds:

- a. Ground-a of the comments is wrong and incorrect thus denied. In the departmental enquiry appellant was exonerated. Further the facts mentioned in ground-a are reiterated.
- b. Ground-b of the comments is wrong and incorrect thus denied. Further the facts mentioned in ground-b are reiterated.
- c. Ground-c of the comments is wrong and incorrect thus denied.
- d. Ground-d of the comments is wrong and incorrect thus denied. The respondents have not annexed any minutes of the meeting showing hereby that any such directions were given to the appellant.
- e. Ground-e of the comments is wrong and incorrect thus denied.
- f. Ground-f of the comments is wrong and incorrect thus denied. Further the facts mentioned in the ground-f are reiterated.

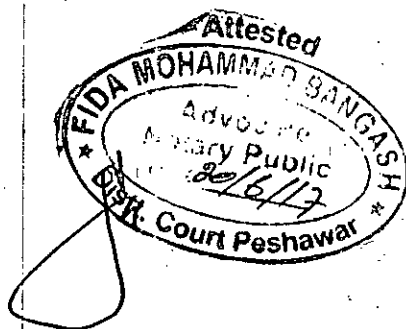
It therefore, respectfully prayed that while considering the above rejoinder appeal of the appellant may be allowed.

Through

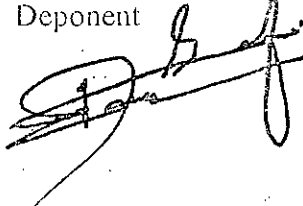

Appellant

Nasir Mahamood Advocate
13-Haroon Mension Peshawar

Affidavit

I do hereby declare and affirm on oath that the contents of above rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble tribunal.



Deponent



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 276 /ST

Dated 28 /01 / 2020


To

The Regional Police Officer,
Government of Khyber Pakhtunkhwa,
Kohat.

Subject: - JUDGMENT IN APPEAL NO. 374/2016, MR. MUHAMMAD YOUSAF.

I am directed to forward herewith a certified copy of Judgement dated 06.12.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR,
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.