

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	19.10.2017	<p style="text-align: center;"><b><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></b></p> <p style="text-align: center;"><b>Service Appeal No. 451/2016</b></p> <p style="text-align: center;">Date of Institution ... 12.04.2016 Date of Decision ... 19.10.2017</p> <p>Moeen Ullah, Constable No. 719, Police Station Gurguri, Karak.</p> <p style="text-align: right;"><b>Appellant</b></p> <p style="text-align: center;"><b>Versus</b></p> <ol style="list-style-type: none"> <li>1. The Provincial Police Officer, KPK, Peshawar.</li> <li>2. The Regional Police Officer, Kohat Region.</li> <li>3. The District Police Officer, Karak.</li> </ol> <p style="text-align: right;"><b>Respondents</b></p> <p style="text-align: center;"><b><u>JUDGMENT</u></b></p> <p style="text-align: center;"><b><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u></b> - Learned counsel for the appellant present. Mr. Zia Ullah, Deputy District Attorney for the respondents present.</p> <p>2. The appellant has filed the present service appeal u/s 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the respondents wherein he made impugned order dated 30.12.2015 of respondent No. 3 whereby the appellant was awarded punishment of reduction to "Time Scale" for period of two years on the charge of attempt to carry charas to the accused confined in District Jail Karak. The appellant also made impugned the order</p>

D  
AWA

dated 16.03.2016 of the respondent No. 2 whereby departmental appeal of the appellant was rejected.

3. Learned counsel for the appellant stated that the impugned orders are against the law, facts, and norms of justice. Further argued that the appellant has not been treated in accordance with law and the inquiry proceeding were not properly conducted nor the codal formalities were observed. Further argued that the punishment of reduction to "Time scale" awarded to the appellant is not mentioned in the Khyber Pakhtunkhwa Police Rules-1975. Further argued that the impugned orders ~~are~~ not tenable in the eyes of law hence liable to be set aside.

4. On the other hand Learned Deputy District Attorney argued that the appellant while posted at District Jail Karak as guard was carrying contraband charas in order to provide the same to the accused confined in District Jail Karak, hence committed gross misconduct as such rightly punishment. Further argued all the codal formalities were fulfilled ~~and~~ the inquiry officer conducted inquiry. Hence the impugned order doesn't warrant any interference.

5. Arguments heard. Filed perused.

6. It is not disputed ~~that~~ the charge sheet and statements of allegation were drafted. Charge sheet was served upon the appellant which he also replied. Similarly inquiry officer conducted inquiry during which he also recorded statements and he in his report held the appellant guilty of misconduct. Show cause notice was also served upon the appellant which he also responded. Learned counsel

Lawyer

for the appellant remained unable to demonstrate that the inquiry was one sided and that the appellant was innocent and the allegation against the appellant was concocted. Similarly learned counsel for the appellant has also not pointed out any reason/motive for leveling false allegation against the appellant.

7. However it may be mentioned that the punishment awarded to the appellant is not mentioned as minor or major punishment in the Khyber Pakhtunkhwa Police Rules-1975. In the light of above discussion and considering the circumstances of the case, punishment of reduction to "Time Scale" for period of two years awarded to the appellant, is modified/converted as minor punishment of censure. The present appeal is decided in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

  
(AHMAD HASSAN)  
MEMBER

  
(MUHAMMAD HAMID MUGHAL)  
MEMBER

**ANNOUNCED**  
**19.10.2017**

19.10.2017

Learned counsel for the appellant present. Mr. Zia Ullah, Deputy District Attorney for the respondents present. Vide separate judgment of today of this Tribunal placed on file, punishment of reduction to "Time Scale" for period of two years awarded to the appellant, is modified/converted as minor punishment of censure. The present appeal is decided in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

19.10.2017




(Ahmad Hassan)  
Member



(Muhammad Hamid Mughal)  
Member

10.01.2017

Appellant in person and Mr. Farmanullah, ASI alongwith Mr. Ziaullah, GP for respondents present. Rejoinder submitted which is placed on file. To come up for arguments on 16.05.2017.

  
(AHMAD HASSAN)  
MEMBER

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

16.05.2017

Counsel for the appellant and Mr. Kabir Ullah Khattak, Assistant D.A.G. Anwar, for the respondent present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 07.09.2017 before D.B.

  
(Gul Zeb Khan)

  
(Muhammad Amin Khan Kundi)  
Member

07/09/2017

Members to general strike of the bar and bench is incomplete,  
the case is adjourned for arguments on 19/10/2017 before DB.

  
MUHAMMAD HAMID MUGHAL  
MEMBER

12.05.2016

Counsel for the appellant present. Learned counsel for appellant argued that the appellant was serving as Constable when subjected to enquiry on the allegations of providing 400/450 grams charas to an accused behind the bar at District Jail, Karak and vide impugned order dated 30.12.2015 punishment in the shape of reduction in time scale for a period of two years was awarded where-against appellant preferred departmental appeal which was rejected on 16.3.2016 and hence the instant service appeal on 12.4.2016.

That the impugned punishment was based on fact finding enquiry and that no regular enquiry as required under the law was conducted.

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 08.09.2016 before S.B.

Appellant Deposited  
Security & Process Fee

  
Chairman

08.09.2016

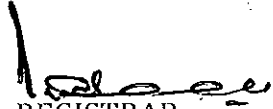


Counsel for the appellant and Rehanullah, ASI Alongwith Addl. AG for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing on 15-01-2017.

  
Member

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 451 /2016


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	27.04.2016	<p>The appeal of Mr. Moeen Ullah resubmitted today by Mr. Muhammad Asif Yousafzai 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	28-4-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>5-5-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	05.05.2016	<p>Counsel for the appellant present. Requested for adjournment. Adjourned for preliminary hearing to 12.5.2016 before S.B.</p> <p style="text-align: right;"> Member</p>

The appeal of Mr. Moeenullah Constable No. 719 Police Station Gurgri received to-day i.e. on 13.04.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Copy of rejection order of the departmental appeal mentioned in the memo of appeal is not attached with the appeal which may be placed on it.

No. 583 /S.T.

Dt. 13/4 /2016

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. M. Asif Yousafzai Adv. High Court.

*Respected Sir*

*1- Removed*

*2- Removed*





**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 451 /2016

Moeen ullah

V/S

Police Deptt:

**INDEX**

S.NO.	DOCUMENTS	ANNEXURE	PAGE
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3.	Copy of reply to charge sheet	B	6-7
4.	Copy of inquiry report	C	8-9
5.	Copy of show cause notice	D	10
6.	Copy of reply to show cause notice	E	11
7.	Copy of order dated 30.12.2015	F	12
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APPELLANT

THROUGH:

  
M.ASIF YOUSAFZAI

&

  
TAIMUR ALI KHAN

(ADVOCATES, PESHAWAR)

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

APPEAL NO. 451 /2016

A.W.F. Provincial  
Service Tribunal  
Diary No. 368  
Dated 12-4-16

Moeen Ullah, Constable No. 719,

Police Station Gurguri. *Karak.*

VERSUS

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

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 16.03.2016, WHEREBY THE DEPARTMENT APPEAL OF THE APPELLANT HAS BEEN REJECTED FOR NO GROUNDS AND AGAINST THE ORDER DATED 30.12.2015, WHEREBY MAJOR PENALTY PUNISHMENT OF REDUCTION TO "TIME SCALE" FOR PERIOD OF TWO YEARS HAS BEEN IMPOSED UPON THE APPELLANT

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 16.03.2016 AND 30.12.2015 MAY BE SET ASIDE AND RESPONDENTS MAY BE FURTHER DIRECTED TO RESTORE THE PAY/SCALE/STAGES OF APPELLANT WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

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

*Moeen Ullah*  
Registrar  
22/4/16

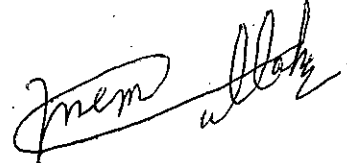
**R. SHEWETH:**

1. That the appellant joined the police force in the year 1990 and completed all his due training etc and also have good service record throughout.
2. That the appellant has issued charge sheeted in which the appellant was charged as *"you constable Moeen ullah No. 719 posted at Distt: Jail Karak were found in attempting of carrying charas i.e 400/450 gm to accused Naqweeb and Jelani who behind the bar at distt: Jail Karak concealed/ hide in bitter gourd (vegetable). On checking, 400/450 gm charas were recovered from the vegetable as you handed over to the jail officers. Such act on your part is against service discipline and amount to gross misconduct and disloyalty"* . The appellant submitted his reply to charge sheet in which he clear the entire situation and denied all the allegations therein. (Copy of charge sheet and reply are attached as Annexure-A&B)
3. That then fact finding inquiry was conducted against the appellant but none of the statement was recorded or record examine in presence of the appellant but even then the inquiry officer held responsible. (Copy of the inquiry report is attached as Annexure-C)
4. That the final show cause notice was issued to the appellant which was duly replied by the replied in which he once again denied all the allegations therein. (Copy of final show cause and reply to show cause notice are attached as Annexure-D&E)
5. That vide order dated 30.12.2015, major punishment of reduction to "Time scale" for period of two years was imposed upon the appellant. (Copy of order dated 30.12.2015 is attached as Annexure F)
6. That against the order dated 30.12.2015, the appellant filed departmental appeal but the same was also rejected for no good ground on dated 16.03.2016. (Copy of departmental appeal and rejection order are attached as Annexure-G&H).
7. That now the appellant come to this august tribunal on the following grounds amongst others.

**GROUNDS:**

- A) That the impugned order dated 16.03.2016 and 30.12.2015 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant has been condemned unheard and has not been treated according to law and rules.
- C) That the inquiry was conducted in sheer violation of law and rules as no evidence was brought on file which shows the link of the appellant in supply of charas inside the jail. Inquiry officer neither considered nor brought on record the defence of appellant that the appellant was not present in the premises of jail on the occasion of receipt of vegetable and recovery of charas from the vegetable.
- D) That the appellant was neither present at the time of the receipt of vegetable nor at the time of recovery of charas from the vegetable and appellant has been guilty on presumption that the appellant has held telephonic talk with Niaz Ali who allegedly hand over the vegetable to the sentry.
- E) That the inquiry officer did not take the statement of the jail superintendent and other concerned authorities about the issue, which is the violation of norms of justice.
- F) That the appellant has not been treated under proper law despite he was a civil servant of the province, therefore, the impugned order is liable to be set aside on this score alone.
- G) That the penalty of reeducation to Time scale for period of two years is very harsh which did not commensurate with the guilt of the appellant, therefore, the same is not sustainable in the eyes of law.
- H) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.



APPELLANT

Moeen Ullah

THROUGH:



(M. ASIF YOUSAFZAI)

&



(TAIMUR ALI KHAN)

ADVOCATES, PESHAWAR

116  
SAC/9

No. 486 / JE  
Dated 2/11 / 2015

**CHARGE SHEET**

1. I, Muhammad Javaid, District Police Officer, Karak as competent authority, hereby charge you **Constable Moeen Ullah No. 719 Guard District Jail Karak** as follow: - *PS Gurgun*

"You Constable Moeen Ullah No. 719 posted at Distt: Jail Karak were found in attempting of carrying Charas i.e 400/450 gm to accused Nageeb and Jelani who behind the bar at Distt: Jail Karak concealed/hide in bitter gourd (vegetable). On checking, 400/450 gm charas were recovered from the vegetable as you handed over to the Jail officials. Such act on your part is against service discipline and amount to gross misconduct and disloyalty."

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 07-days of the receipt of this charge sheet to the enquiry Officer DSP B.D. Shouk 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  
*[Signature]*

**ATTESTED**  
*[Signature]*

روز 12/14  
فصل اول

10

مجموعه

بیگم ازک نسی حسن اللہ شاہ 719 جیل شمارہ حال تمام

جنا علی

کچھ بارچ شہ زونک 486/487 شمارہ جناب

2-11-15

بندت ہوئے کہ نوم 30/15 کو ہر روز جمع شریف میں جیل شاہ دست

سلیم اور کئی س غازی جمع شریف میں جانے کی تیاری میں معروف قریب کہ تقریباً نوے دن 13 بجے سے نیا علی کھانہ تنوہ ملازم ڈری اصل نے کس

سے میرا نمبر حاصل کر کے فون کیا کہ میرا سنگ تیرنوال جیل میں بند ہے

جیکے میں کچھ سبزی، فروٹ جیل لے کر چوک اور ساتھ میں کیا کہ ملاقات ہو جائیگی۔ میں نے جواب کیا کہ ملاقات اسے نہیں ہو سکتا کس

دوسرے راتیں میں فی الحال غازی جمع شریف KDA خارج ہوئے۔

مگر میرے حازنے کے بعد وہیں کسوں جیل آکر میں گیت سقری جیل صبر صبر کر سکتے تیر سبزی فروٹے حوالہ کی اور اس پورے

کر کے زندہ ڈیوٹی کے سقری کے حوالہ کرنے کے خاطر میرے آمد تک پہنچے کر کے رکھا گیا تھا۔ اور کیا کچھ سبزی وغیرہ جیکے لیا۔ میرا ڈیوٹی

3۔ میں سبزی میں ڈیوٹی کے سقری کے پاس نہیں ہے جاسکتا لہذا اب میرا جی کہ اندر جیل جمع ہیں تو میں نے جمل سبزی وغیرہ

خود اندر جیل والوں کو حوالہ کیا ہے کوئی علم نہ تھا۔ کہ کیا کیا سبزیوں

حسب خد کو حاضر بنانے جان کر خرید کرنا چوک کہ تیر میری کوئی بد نشینی تھی۔ بعد میں نے رشتیا کو خود جیکے کیا۔ بلکہ جیل

سقری پر پھر ہم کو اسے لیکے پھرے جایا گیا تھا۔ کچھ میں سے اپنے تمام کو جیل میں عمرہ کمال خان کے موجود تھا۔ کہ

جیل والے اپنے کاروان کو لے کے اندر آئے کہ آئے جو سبزی لائی گئی،

ظنا علی

اس میں کر لیم کے دفتر کچھ میری بند تھا نہ جانے جیل کے اندر بہت سے لوگ سبزی وغیرہ لاتے ہیں۔ کہ آیا وہ نقش اسی سبزی میں ہیں؟ یا کہ کس دوسرے کسے جیل میں قیدیوں کے سبزیات جیل والوں نے جو اس نکال کر میرے بندوں سے انہیں شہ قتل۔ اللہ تعالیٰ کو شہادتیں لیکر بیگھا جا رہا ہے

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افسران کے نام صاحبان کو جس کا تعلق ہے۔

کوئی شکایت ہے۔

سینئر افسران کے نام جن کے افسران کے نام کے ساتھ

سماج ہے۔

افسران کے نام جن کے افسران کے نام کے ساتھ

کوئی شکایت ہے۔

ہو گیا ہے۔

محمد علی

16-11-015

فائبرنگ پورٹ

صفحہ

ضلع پورٹ

ناجیالی

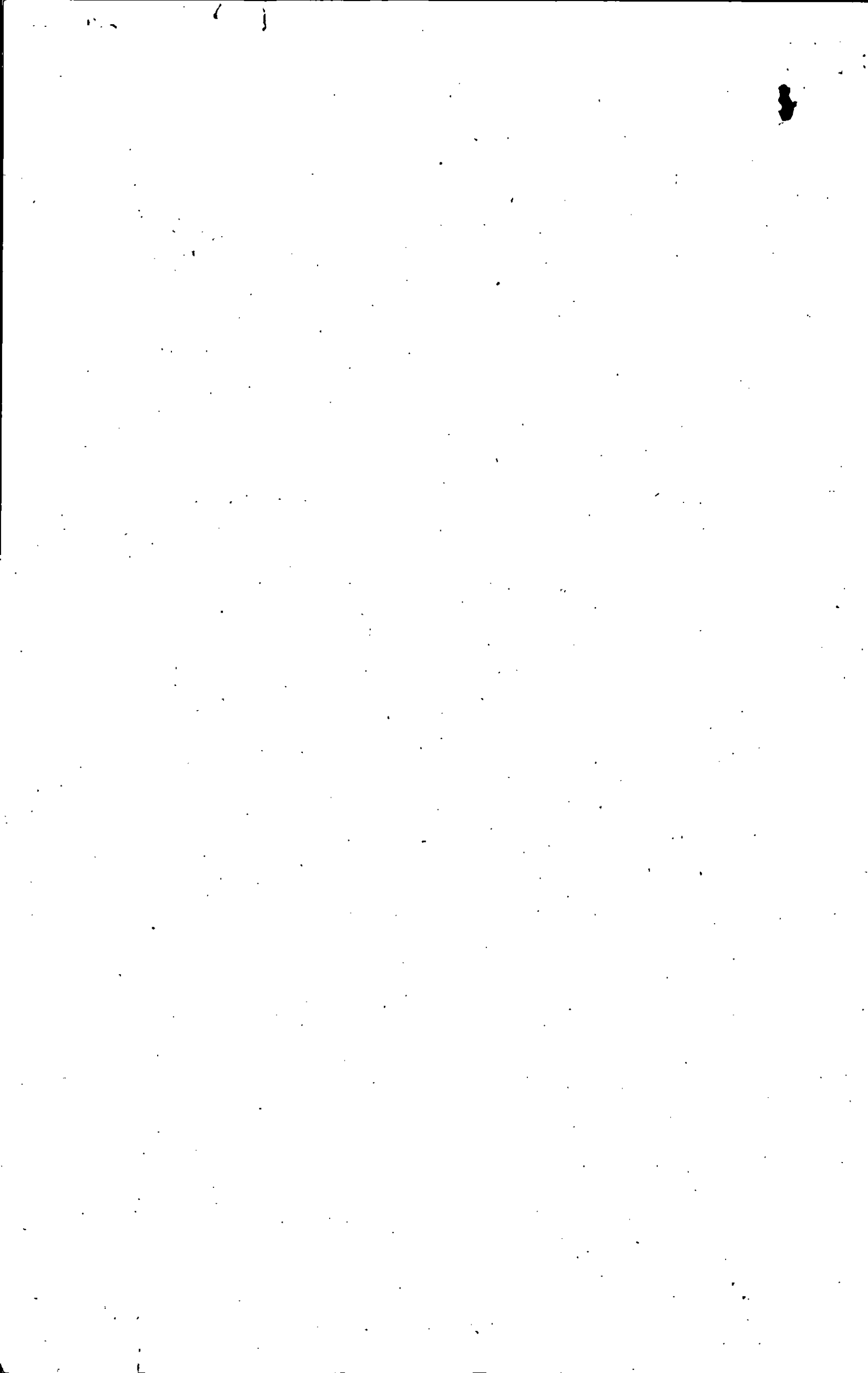
پیشوا کے چارج شیٹ 486 بھولانہ نیشنل حسین اللہ شاہ 19 اگست  
 سرگندیل کی حالت و مقام مگر مگر ہی سلیمان انڈوسٹری 15.11.02  
 بھی لایا جا چکا تھا۔ چارج شیٹ میں نیشنل کے خلاف الزام لگایا گیا  
 کہ ملزمان نصیب بھیلوانی جو کہ ڈسٹرکٹ جیل کرک میں بند تھے انکے  
 سبزی لایا تھا۔ ٹیکے کرنے پر سبزی ل کر لیا اور انڈوسٹری سے اس کے  
 جس پر الزام دیا گیا ہے حسین اللہ شاہ ملکر وہ پورٹ انڈوسٹری لگایا گیا۔  
 اس کے تقریر بیان بھی پیش کیا۔ کافی سوالات کو اس نے جواب دیا  
 ہے۔

ملزم جنیلانہ شاہ دلاک شیراز کے لہجہ مدلت 117 سوئم 15/10/81 (جم 303-324)  
 148-149  
 7/12/81 جبکہ ملزم نصیب اللہ دلاک شیراز شاہ بھولانہ نیشنل  
 سوئم 15/10/81 (جم 303-324) 34  
 34  
 حیدر پور ڈسٹرکٹ جیل کرک میں بند ہیں۔ نیشنل حسین اللہ شاہ  
 عرصہ تقریباً 9 ماہ سے جیل واد میں اذیتا رہا۔

حسین اللہ شاہ کے بارے میں معلومات کی گئی ہے۔ ملزم جنیلانہ فریاد  
 سے ساتی رشتہ داروں کے بیان ہوئی ہے اس بارہ میں وہاں نیشنل اور  
 روٹھلی نیشنل جو جیل پولیس کرک میں ڈیوٹی سر انجام دیتے ہیں انکے  
 بیانات بھی تامل بند ہو چکے ہیں۔

ہاں نیشنل کے بیان سے پتا چلا کہ جس سبزی سے (کر لیا) جس پر الزام لگایا  
 ہے وہ کسی نے نہیں دیا ہے۔ نیشنل حسین اللہ شاہ کے پاس تھا۔  
 جس کے چارج میں وہ رہا ہے۔ اس کے بیان سے پتا چلا کہ وہ بھی  
 حسین اللہ شاہ سے پتا لیا کہ وہاں سے سبزی لگائی گئی تھی۔  
 انکے دفتر سے ہے۔





روشنی نیکل نے دورانِ درس صبح حسین اللہ شاہ کو تیار کیا کہ اس میں جیل کے  
ڈیڑھ گھنٹے میں ایک مرد گیس کی ٹیڑھی کرنا چاہتے ہیں۔ میرے موجودگی میں حسین اللہ  
شاہ نے جو سبزی لے کر لیے انہوں نے تھے۔ سلطان اعجاز ملازم کے چیک کے لئے اس دن  
بے حیرت بڑا بد بوڑھے ہیں۔

دورانِ انٹرویو پایا گیا کہ جیل میں پیر جیلانی شاہ نور حبیب اللہ بلذخان  
اسکے دوست تھے۔ ان نیکل نے حسین اللہ شاہ ملازم حبیب کے رسالے  
سے ملازم جیلانی شاہ کو سبزی فرزندے پیر جیلانی کے لئے لیا۔

اس روز سبزی کر بلا میں بے حیرت بڑا بد بوڑھے ہیں۔ اس روز جیلانی شاہ  
نے 2500 روپیہ سبزی پیر جیلانی حسین اللہ شاہ کو جو اس کے لئے  
دورانِ انٹرویو کو ان کے بیان کے لئے یہ ثابت ہو چکا ہے کہ جو سبزی

رکھ لیے نیکل حسین اللہ شاہ نے لیا ہے اس سے حیرت بڑا بد بوڑھے  
ملازم بڑا بد بوڑھے چکنا ہے۔ حقیقت ہے۔ یہ نتیجہ قیاس کیا جاتا ہے۔

کہ اس دفعہ تو چیک کرنے پر سبزی سے حیرت بڑا بد بوڑھے۔ پہلے بھی شاہ  
نیکل سبزی کے اس طرح اقدارم نہ ہو۔ انٹرویو سے نیکل حسین اللہ شاہ  
گینٹا مارا گیا۔ حکم پورے ڈیپلن فوس ہے۔ فوس کی رہنمائی  
سما لہن باہت بن چکنا ہے۔ نیابت خفیہ طریقے سے سبزی میں  
بند کرنا اور ملازم کے ہیکل میں ناماں پھینا اس لئے لہجے سے خالی  
ہیں۔ نیکل حسین اللہ شاہ کو Major Punishment  
کی سفارش کرتا ہے۔ فائزر کے لئے لہجے سے گزرتا ہے۔

no 194 /BDS  
dt: 30-11-2015

30-11-15  
Sande Dandhak (Kerahi)

AMR

FINAL SHOW CAUSE NOTICE.

1. I, **Muhammad Javid**, District Police Officer, Karak as competent authority under the Police Rule-1975 do hereby serve you, **Constable Moeen Ullah No.719 Guard District Jail Karak** as follow:-

That consequent upon the completion of enquiry conducted against you by Enquiry Officer **Mr. Muhammad Ashraf, SDPO, Banda Daud Shah.**

2. On going through the finding and recommendation of the Enquiry Officer, the materials on the record and other connected papers including your defense before the said Enquiry Officer, the charge against you was proved and you have committed the following acts / omission specified in Police Rule-1975:-

*You Constable Moeen Ullah No. 719 posted at Distt: Jail Karak were found in attempting of carrying Charas i.e 400/450 gm to accused Naqeeb and Jelani who behind the bar at Distt: Jail Karak concealed/hide in bitter gourd (vegetable). On checking, 400/450 gm charas were recovered from the vegetable as you handed over to the Jail officials.*

3. As a result thereof I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under Police Rule-1975.

4. You are therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you, also intimate whether you desire to be heard in person.

5. If no reply to this Notice is received within Seven days of its delivery in the normal course of circumstances, it will be considered/presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

6. Copy of finding of the Enquiry Officer is enclosed.

**ATTACHED**

*MJS*  
District Police Officer, Karak.

بجائے نائیل شوکاروش اسٹاک 541/E2 جاری حساب کے مطابق

9-12-15

معروف گذشتہ ہونے کے روز 15/10/15 کو ہرگز جے شاپ کے جیل گناہ  
کرک موجود تھا اور ساتھ انچارج کمال خان کے پاس موجود تھا۔ غارجم  
شریف کے تیاری میں صرف وہی کہ میرے سوائے جیل پر

میں نیازی علی کہہ شہزادہ گڑھی جیل نہ تیار ہوا۔ کہ جیل میں میری  
ملاقاتیں سیمان جیل لائی وغیرہ سے یہ جانتیگی۔ تو میں نے خوب  
کیا کہ ملاقات کے کا وقت ختم ہوا۔ اور غارجم شریف KDA

جاری ہے۔ تو نیازی علی نے کہا کہ میں نے کچھ سبزی خرید کر کرک بازار  
میں خریدی ہے۔ سبزی تو قیدیوں کے لئے حوالہ کرنے کے لئے جیل ایم  
پول۔ تو میں نے فون پر کہا کہ سبزی گائیٹ والوں سے اجازت  
حاصل کر کے حوالہ کرو۔ اس کے بعد میں حصار کمال کے غارجم شریف

KDA سے جیل گئے۔ جبے میں گارڈ آئے تو موجود سبزی  
صحابہ اللہ نے مجھے کہا کہ آپ کے علاقہ کے نیازی علی نامی شخص نے سبزی  
مجھے حوالہ کی ہے۔ میں نے کہا کہ چیک کیا ہے۔ تو سبزی کے کہا کہ

یہاں چیک کیا ہے۔ ٹیگورڈی کے جبار کے حوالہ کریں۔ میں نے جملہ  
سبزی ڈیوٹی کے سبزی کے پاس لے جکر سبزی متعلقہ کسان کے  
حوالہ کرنے کا کہا۔ سبزی حوالہ کرنے کے بعد وہیں گارڈ کو کہہ آیا۔

کچھ دیر بعد جیل والے میرے پاس آئے اور کہا کہ اس سبزی کو پلے  
میں جس بند تھا۔ میں نے کہا کہ سبزی تو اپنے سبزی نے چیک کیا  
تھا۔ نہ جانے آپس نے میرے خلاف سازش کی۔ یہ کہہ کر لوٹیں  
جس دیکھایا۔ صرف انہیں گھایا۔

سنا سوال۔

میں نے لپکے لپکے دوران چارٹ بیٹے انڈونٹری انکو سبزی افسر کو طرفاً  
کیا تھا۔ جو صفائی افسرانے بالہ تھے کہیں میں یہ قسمیں صفائی کے لئے  
تیار رہیں کیونکہ آٹے کو جیل میں نے آج تک افسرانے بالہ کو کسی قیمت  
کی شکایت کا موقع نہیں دیا ہے۔ نہ میں غلط کام کرنے کا سبب بنتا ہوں

الضافہ کی امید رکھ کر یہ میرا بیان ہے جو حقیقت ہے۔

ORDER

My this Order will disposed off the departmental enquiry Constable Moeen Ullah No. 719 of this district Police.

Facts are that Constable Moeen Ullah No. 719 posted at Distt: Jail Karak was found in attempting of carrying Charas i.e 400/450 gm to accused Nageeb and Jelani who behind the bar at Distt: Jail Karak concealed/hide in bitter gourd (vegetable). On checking, 400/450 gm charas were recovered from the vegetable as he handed over to the Jail officials.

He was issued Charge Sheet and Statement of allegation and 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 the defaulter Constable received the amount of Rs. 2500/- from the accused Nageeb and Jelani for concealing the Charas in bitter gourd but he was caught red-handed. Moreover, it shows his malafide intention for getting money. Therefore, the allegations leveled against the defaulter Constable have been proved and the E.O recommended him for major punishment.

He was served with final show Cause Notice, in response to the Final Show Cause Notice, the accused Constable submitted his reply, placed on file.

He was called and heard in-person in the Orderly Room held in this office. He could not produce any cogent reasons in his defense. Keeping in view of the available record and facts on file, he is found guilty. Therefore, he is awarded major punishment of reduction to "Time scale" for period of two years with immediate effect.

OB No. 506  
Dated 30/12/2015

*Jelani*  
District Police Officer, Karak  
*mu*

*مؤمن ٧١٩*  
*مؤمن ٧١٩*  
*مؤمن ٧١٩*  
*مؤمن ٧١٩*  
*مؤمن ٧١٩*

ATTACHED

From: The District Police Officer, Karak.  
To:- The Deputy Inspector General of Police,  
Kohat Region, Kohat.  
Through: **PROPER CHANNEL**  
Subject: - **DEPARTMENT APPEAL**

Respected Sir,

Appellant very humbly submits the departmental appeal against the order of learned District Police Officer Karak bearing OB No. 506 dated 30.12.2015, vides which penalty of reduction to time scale for two years was imposed on appellant.

**FACTS:-**

1. That appellant is serving district Karak police as constable under your kind command and control.
2. That in the year 2015, appellant was posted at jail guard on 30.10.2015, appellant alongwith Kamal Khan SI Incharge Jail guard were leaving jail premises for participating in Friday congregation KDA "MASJID" for (Juma Prayer) and in the meanwhile appellant received telephonic case of Nia Ali resident of Shnawa Gudi Khel who placed request for managing his interview with jalani under trial prisoner. Appellant informed him that the interview time was over and he is going to offer "JUMA" prayer.
3. That the said Niaz Ali father told that he wishes handing over vegetable to the prisoners and appellant replied that the same may be entrusted to gate 'Santry' for onward transmission to the prisoner and appellant left for juma prayer.
4. That on return from juma prayer appellant come to know that vegetable was taken inside the jail through sentry on duty at the gate and was returned that "Charas" concealed in the vegetable was recovered by the jailors.
5. That charge sheet based on allegations of supply of Charas to the prisoners was issued to appellant and detailed reply was submitted in response to the charge sheet that except telephonic talk with Niaz Ali, appellant has played no role in the receipt and transmission of the vegetable inside the jail.
6. That ex-parte departmental proceeding was conducted against appellant who culminated in imposing the impugned penalty on appellant. Hence the appeal on the following grounds.

RECEIVED  
A





GROUNDS:-

- A. That the impugned order has wrongly been passed as these is nothing on the record of enquiry file which may show any link of appellant in supply of the charas the prisoners.
- B. That appellant was neither present at the time of receipt fo the vegetable nor the time of recovery of charas from the vegetable and appellant has been held guilty on presumptions that appellant has held telephonic talk with Niaz Ali who allegedly hand over the vegetable to the "Santry".
- C. That the enquiry was conducted in sheer violation of law and rules. No evidence was brought on file while may show link of appellant in supply of the charas inside the jial. Enquiry officer neither considered nor brought on record the defense of appellant that appellant was not present in the premises of jail on the occasion of receipt of vegetable and recovery of charas from the vegetable.
- D. That penalty of reduction to time scale was imposed on appellant without specifying the stage of reduction therefore the order has been passed in violation of FR-29 complete reduction to time scale without mentioning the stages will cause grant monitory to punishing the entire members of the family of appellant.
- E. That copy of the finding report was not supplied to appellant along with final show cause notice therefore appellant was unable to defense the charges in the light of enquiry report.
- F. That the entire record of appellant is unblemished and the authority did not take into account the clean service record of appellant before passing the impugned order.
- G. that major penalty has been awarded to appellant on the basis of unfounded and un established charges.

It is therefore requested that the impugned order may be set aside with grant of back benefits to appellant.

Yours Obediently

**ATTACHED**

Constable Moeen Ullah No. 719  
Police Station Gurguri  
Cell No. 03144-9257867



A 15  
1336  
21-3-16

ORDER

This order will dispose of a departmental appeal, preferred by Constable Moeen Ullah No. 719 (hereinafter called appellant) of Karak district Police against the punishment order of DPO Karak vide which he was awarded minor punishment of time-scale for the period of two years vide OB No. 506 dated 30.12.2015.

Facts are that the appellant while posted at District Jail Karak was found in attempting of carrying of Charas i.e. 400/450 gms to accused Naqeeb and Jelani who were behind the bar at district Jail Karak, concealed / hide in biter ground (Vegetable). On checking, 400/450 gms Charas were recovered from the vegetable as he handed over to the Jail officials. He was dealt with departmentally by the competent authority (DPO Karak) on the above score of charges, which resulted into punishment of time-scale for the period of two years.

Feeling aggrieved, he preferred the instant appeal, record requisitioned and perused. The appellant was heard in person in the orderly room held on 16.03.2016 and was crossly examined, but he could not satisfy the undersigned regarding his misconduct.

Record gone through, which indicates that the appellant has committed a gross misconduct by supplying Charas inside Jail. He misused his official job and damaged the image of Police.

Therefore, keeping in view of the above and available record, the appeal of Constable Moeen Ullah No. 719 is hereby rejected.

Announced  
16.03.2016

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

No. 2891 /EC, dated Kohat the 16-03-2016.

Copy to the District Police Officer, Karak for information w/r to his office Memo: No. 2082/LB, dated 22.02.2016. His service record is enclosed herewith.

S/Roll 201  
Approved for

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

S/R 610HE  
for relaxation

Distt. Police Officer  
Karak  
21/3/16

ATTESTED



تیسری سہ ماہی  
10 روپے



پشاور بار ایسوسی ایشن، خیبر پختونخواہ

ایڈووکیٹ اور محتفلین  
بار کونسل ابار ایسوسی ایشن خیبر پختونخواہ  
رابطہ نمبر:

بعدالت جناب: سروس ٹریبونل لٹراور

منجانب: اسپیکر منٹری	دعویٰ: اسپیکر
مصعبین اختر	علت نمبر:
	موردہ:
	جرم:
	تھانہ:

**بامث تحریرانہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ  
 ان مقام لٹراور کے محمد آصف بھٹو، محمد علی خان اور دیگر شخصوں کو وکیل مقرر  
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب کو  
 راضی نامہ کرنے و تقریر جان و فیصلہ برطن دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
 زریں بدستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا تاخیر کی صورت میں یا اپیل کی برآمدگی اور منسوخی، نیز  
 دائر کرنے اپیل نگرانی و نظریاتی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
 کاروائی کے واسطے اور وکیل یا دیگر قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب  
 مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا سامنے ہر ذرا حق منظور و قبول ہوگا دوران مقدمہ  
 میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف و قبول کرنے کا حقدار ہوگا کوئی تاریخ پیشی مقام  
 دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

Accepted  
 Attest  
 [Signature]

المرقوم: \_\_\_\_\_  
 الع \_\_\_\_\_ واہ شد \_\_\_\_\_ الع \_\_\_\_\_  
 کے لئے منظور ہے۔ \_\_\_\_\_ مقام

[Signature]

BEFORE THE HONORABLE KP SERVICE TRIBUNAL, PESHAWAR.

Service appeal No. 451/2016

Moeen Ullah, Constable No. 719

..... Appellant.

**VERSUS**

Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar and others

..... Respondents.

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

Respectively Sheweth:-

Parawise comments are submitted as under:-

Preliminary Objections:-

1. That the appellant has no cause of action.
2. That the appellant has got no locus standi.
3. That the appeal is not maintainable in its present form.
4. That the appellant has not come to this Hon. Tribunal with clean hands.

FACTS:-

1. Pertains to record. Hence needs no comments.
2. Correct, the appellant while posted at district Jail Karak guards carried charas weighing 400/450 Gms in vegetable and attempted to provide accused confined in district Jail, which was seized by the Jail authority and thus he committed a criminal / professional misconduct. To this effect a report vide DD No. 43 dated 30.10.2015 is also been lodged by Lines officer Karak. Copy is Annexure "A".
3. Incorrect, the concerned Jail officials and Police constable present on duty on the eventful day were examined by the inquiry officer in his presence, who supported the charge framed against the appellant. The appellant proceed guilty of the charges.
4. Correct, to the extent of issuing Final Show Cause Notice to the appellant (accused), but his reply was found unsatisfactory by the respondent No. 3. Furthermore, he was heard in orderly room but failed to advance plausible explanation.
5. Correct, the awarded punishment is commensurate to the charge leveled/established against the appellant.
6. The charge was established against the appellant and there was sufficient evidence on record, which was which connected him in commission of the misconduct. Furthermore submitted that the respondents have taken a lenient view while imposing the punishments on the appellant.
7. No comments. Detail reply on the grounds and as under.


GROUND:-


- A. Incorrect, in the light of charge, inquiry, findings and available cogent evidence proper and legal orders have been passed by the respondents.
- B. Incorrect, the appellant was provided ample opportunity during the entire departmental proceedings, but badly failed to defend himself.

Incorrect, all legal and procedural formalities were fulfilled by the inquiry officer. The statements of witnesses indicates that the appellant provided charas to accused Naseeb Ullah and Jelani, the later one was relative of the appellant, the charas was seized by the Jail authority during checking.

- D. Incorrect, the appellant in his statement admitted his presence on duty and supply of vegetable (contained charas) to accused confined in Jail. (statement of the appellate is "B").
- E. Incorrect, statement of Jail Warders were recorded by inquiry officer in presence of appellant (accused), who was afforded cross opportunity of cross examinations and he cross examined the witnesses.
- F. Incorrect, the departmental proceedings were carried out accordance with the law /rule.
- G. Incorrect, the punishment imposed on the appellant is commensurate in the charge.
- H. No comments. Respondents also seek permission of their Tribunal to adduce further grounds during arguments.

Keeping in view of the above and serious professional misconduct, it is submitted that the appeal is devoid of merits/law and without any substantiate. Therefore, it is prayed that the instant appeal may kindly be dismissed with cost please.

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

  
Regional Police Officer,  
Kohat  
(Respondent No. 2)

  
District Police Officer  
Karak  
(Respondent No. 3)



**BEFORE THE HONORABLE KP SERVICE TRIBUNAL,  
PESHAWAR**

Service appeal No. 451/2016

Moeen Ullah, Constable No. 719

..... Appellant.

**VERSUS**

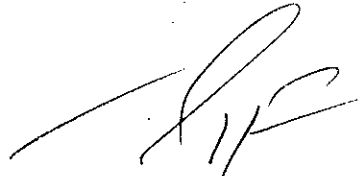
Provincial Police Officer,

Khyber Pakhtunkhwa, Peshawar and others

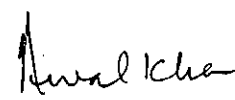
..... Respondents.

**COUNTER AFFIDAVIT**

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



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



Regional Police Officer,  
Kohat  
(Respondent No. 2)



District Police Officer  
Karak  
(Respondent No. 3)

BEFORE THE HONORABLE KP SERVICE TRIBUNAL, PESHAWAR.

Service appeal No. 451/2016

Moeen Ullah, Constable No. 719

..... Appellant.


**VERSUS**

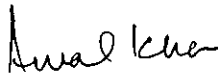
Provincial Police Officer,

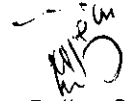
Khyber Pakhtunkhwa, Peshawar and others..... Respondents.

Subject: AUTHORITY

We the respondents do hereby authorize Mr. Mehir Ali DSP Hqrs: District Karak to represent us in the above cited service appeal. He is also authorized to submit comments etc on our behalf before the Service Tribunal Khyber Pakhtunkhwa, Peshawar.

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

  
Regional Police Officer,  
Kohat  
(Respondent No. 2)

  
District Police Officer  
Karak  
(Respondent No. 3)

در 43 والی ریورٹ  
مڈرٹن کوآرڈیناٹ

گل شادی خان صاحبہ مرض 30 15 وقت 16:5

Amulx = A

در 2 پیسے ضد اطلاع جناب DPO صاحبہ نے اطلاع  
 کہ آپے لائن آفیسر صاحبہ جیل جا کر کسی کنسٹیبل نے ملزمان کو  
 جیل سے دینے کی کوشش کی ہے۔ آپ صاحبہ معلومات کے  
 فوری طور پر مجھے جواب دیں۔ اطلاع کو مقدمہ جان  
 آفیسرین بالا میں میں مع نفی کے جیل گارڈ جا کر جیل سپرنٹنڈنٹ  
 ڈیپٹی سپرنٹنڈنٹ میں ڈیوٹی پیرماٹور وارڈن سے پتہ برابر  
 اور معلومات کیلئے۔ قریب نسلی کر کے معلوم ہوا۔ کم کنسٹیبل  
 719 متعلقہ جیل گارڈ نے تقریباً 400 کراچم جیل سے  
 میں نیابت مہارت سے کیا تو بتا کر کے دو عدد ٹرنے کر لیا  
 کہ ایف بی گھاگر کر لیا کے اندر جیل چھپا کر لیا۔ اور ڈیوٹی  
 ماحور وارڈن کو بتا کر لیا۔ کہ یہ سبزی لائن آفیسر گل شادی خان  
 ایچ آر 2 گارڈ کمال خان نے دیا ہے۔ کہ جیل میں بتد مہار  
 نصیب اور جیلوں کو وال کیا جائے۔ ڈیوٹی پیرماٹور وارڈن  
 سبزی کی تلاش کی۔ جبہ کر کے میں متذکرہ جیل برآمد ہو کر  
 ڈیوٹی سپرنٹنڈنٹ اور سپرنٹنڈنٹ جیل کو پیش کیے۔  
 جنہوں نے جیل سے اپنے قریب میں کر کے جناب DPO صاحبہ کو  
 اطلاع دی۔ کہ مذکورہ کنسٹیبل کا یہ فعل ایک جرم ہے۔ حکم  
 پولیس میں ہونے پورے کرنا حکم کی بدنامی کا سبب ہونا ہے۔ کنسٹیبل  
 کا یہ فعل سخت فلفلفہ دہین ہے۔ جس کے خلاف دعویت درج  
 مہارنا ایم ایچ کر حکمانہ کارروائی کے لئے آفیسر بالا کو بھیجوائی جائے۔  
 یہ حالات واقعات جناب DPO صاحبہ کے دفتر میں لائی  
 جناب DPO صاحبہ نے کنسٹیبل بالا کو گارڈ گارڈ میں بند  
 کا حکم فرمایا۔ کنسٹیبل کو یہ لاسر بتد یہ گارڈ گارڈ کیا گیا

Attested  
 [Signature]  
 [Stamp]

Forwarded  
 [Signature]  
 Co. Tharakh

21 - 11 - 15

تخلی  
 21 - 11 - 15

D. 2858/AA6  
23/8/16

**BEFORE THE HONORABLE KP SERVICE TRIBUNAL,**  
**PESHAWAR.**

Service appeal No. 451/2016

Moeen Ullah, Constable No. 719

..... Appellant.

**VERSUS**

Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar and others

..... Respondents.

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.**

**Respectively Sheweth:-**

Parawise comments are submitted as under:-

**Preliminary Objections:-**

1. That the appellant has no cause of action.
2. That the appellant has got no locus standi.
3. That the appeal is not maintainable in its present form.
4. That the appellant has not come to this Hon: Tribunal with clean hands.

**FACTS:-**

1. Pertains to record. Hence needs no comments. ✓
2. Correct, the appellant while posted at district Jail Karak guards carried charas weighing 400/450 Gms in vegetable and attempted to provide accused confined in district Jail, which was seized by the Jail authority and thus he committed a criminal / professional misconduct. To this effect a report vide DD No. 43 dated 30.10.2015 is also been lodged by Lines officer Karak. Copy is Annexure "A".
3. Incorrect, the concerned Jail officials and Police constable present on duty on the eventful day were examined by the inquiry officer in his presence, who supported the charges framed against the appellant. *The Appellant proved guilty of the charges.*
4. Correct, to the extent of issuing Final Show Cause Notice to the appellant (accused), but his reply was found unsatisfactory by the respondent No. 3. Further, he was heard in orderly room but failed to advance plausible explanation. ✓ *more*
5. Correct, the awarded punishment is commensurate to the charge leveled/established against the appellant. ✓
6. The charge was established against the appellant and there was sufficient evidence on record, which ~~was~~ <sup>the</sup> which connected him in commission of <sup>misconduct</sup> misconduct. Further <sup>submitted</sup> submitted that the respondents have taken a lenient view while imposing the punishments on the appellant.
7. No comments. *Do find reply on the grounds are as under.*

**GROUNDS:-**

- A. Incorrect, in the light of charge, inquiry, findings and available cogent evidence proper and legal orders have been passed by the respondents.
- B. Incorrect, the appellant was provided ample opportunity during the entire departmental proceedings, but badly failed to advance any plausible explanation to defend himself.

- C. Incorrect, all legal and procedural formalities were fulfilled by the inquiry officer. The statements of witnesses indicates that the appellant provided charas to accused Naseeb Ullah and Jelani, the later one was relative of the appellant, the charas was seized by the Jail authority during checking.
- D. Incorrect, the appellant in his statement admitted his presence on duty and supply of vegetable (contained charas) to accused confined in Jail. *(statement of the appellant is "B")*
- E. Incorrect, statement of Jail Warders were recorded by inquiry officer in presence of appellant (accused), who was afforded cross opportunity <sup>of cross examination</sup> and he cross examined the witnesses.
- F. Incorrect, the departmental proceedings were carried out accordance with the law /rule.
- G. Incorrect, the punishment imposed on the appellant is commensurate in the charge.
- H. No comments. *Respondents also seek for dismissal of this for offence to address further grounds during Argument.*

Keeping in view of the above and serious professional misconduct, it is submitted that the appeal is devoid of merits/law and without any substantiate. Therefore, it is prayed that the instant appeal may kindly be dismissed with cost please.

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

Regional Police Officer,  
Kohat  
(Respondent No. 2)

*Submitted for nothing please.*  
District Police Officer  
Karak  
(Respondent No. 3)

*Refer subject to correction  
Annexes, Affidavits and AAG/SrCP  
Approved.*

*AAG/SrCP*  
*Approved:*  
*23.8.16*

*In attached the go to  
along with second  
there is also station  
Affidavit  
Peshawar*

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

Regd

Appeal No. 451 of 2016

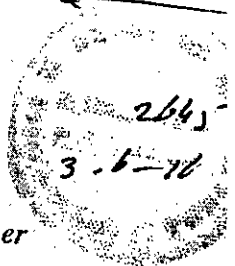
Ms. Noor Ullah Appellant/Petitioner

Versus

P.P.O, KPTC, Pesh. etc Respondent

Respondent No. 3

Notice to: Distt Police officer, Karak



Revals  
part of  
sender record  
No. files etc  
copying

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 8-9-2016 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~

Notice No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this 17th of May 2016

P. Lynd  
Registrar

Distt: Police Officer  
Karak 3/9/16

Registrar,  
Khyber Pakhtunkhwa Service Tribunal  
Peshawar.

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 KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 451 /2016

Moeen ullah

V/S

Police Deptt:

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S.NO.	DOCUMENTS	ANNEXURE	PAGE
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3.	Copy of reply to charge sheet	B	6-7
4.	Copy of inquiry report	C	8-9
5.	Copy of show cause notice	D	10
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7.	Copy of order dated 30.12.2015	F	12
8.	Copy of departmental appeal	G	13-14
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10.	Vakalat nama	-----	16

APPELLANT

THROUGH:

  
M.ASIF YOUSAFZAI

&

  
TAIMUR ALI KHAN

(ADVOCATES, PESHAWAR)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. \_\_\_\_\_/2016

Moeen Ullah, Constable No. 719,  
Police Station Gurguri, *Karak*.

VERSUS

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

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 16.03.2016, WHEREBY THE DEPARTMENT APPEAL OF THE APPELLANT HAS BEEN REJECTED FOR NO GROUNDS AND AGAINST THE ORDER DATED 30.12.2015, WHEREBY MAJOR PENALTY PUNISHMENT OF REDUCTION TO "TIME SCALE" FOR PERIOD OF TWO YEARS HAS BEEN IMPOSED UPON THE APPELLANT

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 16.03.2016 AND 30.12.2015 MAY BE SET ASIDE AND RESPONDENTS MAY BE FURTHER DIRECTED TO RESTORE THE PAY/SCALE/STAGES OF APPELLANT WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.



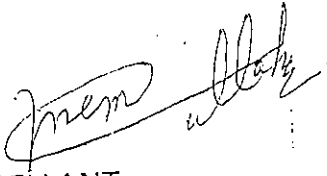
**R. SHEWETH:**

1. That the appellant joined the police force in the year 1990 and completed all his due training etc and also have good service record throughout.
2. That the appellant has issued charge sheeted in which the appellant was charged as *"you constable Moeen ullah No. 719 posted at Distt: Jail Karak were found in attempting of carrying charas i.e 400/450 gm to accused Naqweeb and Jelani who behind the bar at distt: Jail Karak concealed/ hide in bitter gourd (vegetable). On checking, 400/450 gm charas were recovered from the vegetable as you handed over to the jail officers. Such act on your part is against service discipline and amount to gross misconduct and disloyalty"*. The appellant submitted his reply to charge sheet in which he clear the entire situation and denied all the allegations therein. (Copy of charge sheet and reply are attached as Annexure-A&B)
3. That then fact finding inquiry was conducted against the appellant but none of the statement was recorded or record examine in presence of the appellant but even then the inquiry officer held responsible. (Copy of the inquiry report is attached as Annexure-C)
4. That the final show cause notice was issued to the appellant which was duly replied by the replied in which he once again denied all the allegations therein. (Copy of final show cause and reply to show cause notice are attached as Annexure-D&E)
5. That vide order dated 30.12.2015, major punishment of reduction to "Time scale" for period of two years was imposed upon the appellant. (Copy of order dated 30.12.2015 is attached as Annexure F)
6. That against the order dated 30.12.2015, the appellant filed departmental appeal but the same was also rejected for no good ground on dated 16.03.2016. (Copy of departmental appeal and rejection order are attached as Annexure-G&H).
7. That now the appellant come to this august tribunal on the following grounds amongst others.

**GROUNDS:**



- A) That the impugned order dated 16.03.2016 and 30.12.2015 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant has been condemned unheard and has not been treated according to law and rules.
- C) That the inquiry was conducted in sheer violation of law and rules as no evidence was brought on file which shows the link of the appellant in supply of charas inside the jail. Inquiry officer neither considered nor brought on record the defence of appellant that the appellant was not present in the premises of jail on the occasion of receipt of vegetable and recovery of charas from the vegetable.
- D) That the appellant was neither present at the time of the receipt of vegetable nor at the time of recovery of charas from the vegetable and appellant has been guilty on presumption that the appellant has held telephonic talk with Niaz Ali who allegedly hand over the vegetable to the sentry.
- E) That the inquiry officer did not take the statement of the jail superintendent and other concerned authorities about the issue, which is the violation of norms of justice.
- F) That the appellant has not been treated under proper law despite he was a civil servant of the province, therefore, the impugned order is liable to be set aside on this score alone.
- G) That the penalty of reeducation to Time scale for period of two years is very harsh which did not commensurate with the guilt of the appellant, therefore, the same is not sustainable in the eyes of law.
- H) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

  
APPELLANT

Moeen Ullah

THROUGH:

  
(M. ASIF YOUSAFZAI)  
&   
(TAIMUR ALI KHAN)  
ADVOCATES, PESHAWAR

116  
SAG, G

A A (5)  
No. 486 /EE  
Dated 2 / 11 / 2015

CHARGE SHEET

1. I, Muhammad Javaid, District Police Officer, Karak as competent authority, hereby charge you **Constable Moeen Ullah No. 719 Guard District Jail Karak** as follow: - *PS Garjani*

"You Constable Moeen Ullah No. 719 posted at Distt: Jail Karak were found in attempting of carrying Charas i.e 400/450 gm, to accused Naqeeb and Jelani who behind the bar at Distt: Jail Karak concealed/hide in bitter goura (vegetable). On checking, 400/450 gm charas were recovered from the vegetable as you handed over to the Jail officials. Such act on your part is against service discipline and amount to gross misconduct and disloyalty."

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 07-days of the receipt of this charge sheet to the enquiry Officer DSP R.D. Shaha 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.

*[Signature]*  
District Police Officer, Karak

مذہب علی

کوچلہ پانچ شہر (تھاک 486/15) قرار دیا گیا ہے۔  
تاریخ 2-11-15  
تاریخ 30/15 کو مزید شرح شریف میں بیان کیا گیا ہے  
اسلام اور کتب خارجہ شریف سے جاننے کی تیاری میں معروف ہے کہ  
تقریباً 1300 میں نیار علی نے شہرہ ملازم ڈری اصل کے  
سے سیر حاصل کی تھی۔ کیا تم سیر سے تیرا اصل اصل ہے  
خاک سے میں نے سبھی فریٹ میں لے کر چلا گیا ہے  
ملاقات سے پہلے میں نے خواب کیا کہ ملاقات سے پہلے میں نے  
دوسرے حالت میں فی الحال خارجہ شریف KDA خارجہ ہے۔  
مگر میرے حالت سے بعد میں کمال میں آ کر میں گیت سہری  
جیل میں ہمارا صاحب کو گیت میں سبھی فریٹ چلا گیا ہے اور اس کے  
کہ وہ اندر فریٹ کے سبھی کے ساتھ اپنے کے ساتھ میرے ساتھ ہے  
کہ کہ کیا گیا تھا۔ اور کیا کہ میں نے سبھی فریٹ چیک کیا ہے۔  
میں یہ سبھی میں خود ڈری کے سبھی کے پاس ہی سے جا سکتا  
پہلے اس میں علی کے اندر جیل میں میں نے جو علم سبھی فریٹ

فوراً اندر جیل والے کو حوالہ کیا ہے کہ وہ علم نہ تھا کہ کیا کیا ہے  
جو خدا کو حاضر پارل جانے کو فریٹ کرنا چاہتے تھے۔ میری کہ  
درنہ میں نے اسے خود چیک کیا ہے۔ بلکہ جیل  
سبھی فریٹ میں اس کے اپنے پرے جا گیا ہے۔ اس میں  
میں نے شمارہ کو جیل میں عمرہ کمال خان سے لے لیا ہے۔  
جیل کے ایک کمارت کو لے کے اندر آئے کہ اپنے جو سبھی فریٹ

مذہب علی

اس میں کہہ لیا کہ اندر کو چہ میں بند تھا  
مہ جانی جیل کے اندر بہت سے لوگ سبھی فریٹ میں  
واقف اس میں سبھی میں۔ یا کہ میں نے سبھی فریٹ  
قد لیا ہے۔ سبھی فریٹ میں والے نے میں نے کمال کے سبھی فریٹ  
سبھی فریٹ میں۔ سبھی فریٹ میں۔ سبھی فریٹ میں۔

(7)

اصول کے بارے میں جو بعض اصفائیہ فرقوں نے کہا ہے وہ سب سیرا

کوئی انکار نہیں ہے۔

سیرت میں جو اس کے بارے میں آج کے اصول کے بارے میں کہا گیا ہے

سارے اصولوں کے ساتھ ہے۔ یہی اس کے بارے میں کہا گیا ہے

کہ اس کے بارے میں جو اصول کے بارے میں کہا گیا ہے

کہ اس کے بارے میں جو اصول کے بارے میں کہا گیا ہے

یہ سب ہے۔

علامہ محمد امجد علی

16-11-15

تاجپالی

پہلے سے جاری شدہ 486 ہر فلورٹ کینسل حسین اللہ شاہ 1971  
 15.11.79  
 جو ایسا تھا جس کا تھا۔ جاری شدہ میں کینسل کے خلاف انراجم اللہ شاہ  
 نے ملوہاں نصیب کیلانی جو کہ ڈسٹرکٹ جیل کرک میں بند ہے ایک  
 میں ان پر پھینکے گئے حسین اللہ شاہ ملوہاں ہر فلورٹ اور انراجم اللہ شاہ  
 نے قریب ہی بیان لکھی ہیں یہاں سے اس سوال کے جواب میں جاری کی گئی

ملوہاں کیلانی شاہ دلور کینسل کے لئے عدالت 117 صفحہ 10/13 (ج 3) 304-300  
 149-145  
 37  
 304-300 34  
 9 ماہ سے جیل پارو میں اوجھارے رہا۔

کے ساتھ ساتھ اور ہی بیان لکھی جو اس بارہ میں ماہر کینسل اور  
 تاجپالی کینسل جو جیل کرک میں ڈیوٹی میں تھے ان کے بارے میں  
 لکھی تھیں۔ ان کے بارے میں  
 حسین اللہ شاہ کے بارے میں کینسل کے بارے میں  
 کینسل کے بارے میں لکھی تھیں۔ ان کے بارے میں  
 کینسل کے بارے میں لکھی تھیں۔ ان کے بارے میں  
 کینسل کے بارے میں لکھی تھیں۔ ان کے بارے میں

روشنی کی شکل سے جو ان کو اس طرح حسین اللہ شاہ کو بتایا کہ میں نے  
 کچھ لوگوں میں ایک سرد گیسر کی طرح کئی کئی بار اس سے حسین  
 شاہ نے جو سبزی لکھنے والے تھے اس کا نام "بزرگ" ہے جس کے بارے میں وہ  
 سے نہیں بڑا ہوا ہے۔

جو ان کو سبزی پایا گیا کہ جیل سے بے بیچارگی کے ساتھ اور اللہ کے فضل سے  
 اس میں جو ہے اس میں "نیل" حسین اللہ شاہ ملزم لکھنے کے ساتھ  
 سے ملزم صلیبی اللہ شاہ کو سبزی فریڈ سے ملنے پر پورے ہوئے۔

اس روز سبزی لکھنے سے حسین بڑا ہوا ہے۔ اس روز صلیبی اللہ شاہ  
 نے 2500 روپے سبزی لکھنے کے ساتھ حسین اللہ شاہ کو لکھنے کے  
 جو ان کو سبزی لکھنے کے ساتھ حسین اللہ شاہ کو لکھنے کے ساتھ  
 لکھنے کے ساتھ حسین اللہ شاہ کو لکھنے کے ساتھ اس سے حسین اللہ شاہ  
 کو لکھنے کے ساتھ حسین اللہ شاہ کو لکھنے کے ساتھ۔ یہ سب لکھنے کے ساتھ

کہ اس دفعہ کو ایک کو لکھنے کے ساتھ حسین بڑا ہوا ہے۔ اس کے ساتھ  
 لکھنے کے ساتھ اس طرح لکھنے کے ساتھ حسین اللہ شاہ کو لکھنے کے ساتھ  
 لکھنے کے ساتھ حسین اللہ شاہ کو لکھنے کے ساتھ حسین اللہ شاہ کو لکھنے کے ساتھ  
 لکھنے کے ساتھ حسین اللہ شاہ کو لکھنے کے ساتھ حسین اللہ شاہ کو لکھنے کے ساتھ  
 لکھنے کے ساتھ حسین اللہ شاہ کو لکھنے کے ساتھ حسین اللہ شاہ کو لکھنے کے ساتھ  
 لکھنے کے ساتھ حسین اللہ شاہ کو لکھنے کے ساتھ حسین اللہ شاہ کو لکھنے کے ساتھ

no 194 / 1005  
 dt: 30-11-2015

Handwritten signature and stamp with some illegible text and a large scribble.



FINAL SHOW CAUSE NOTICE.

No. 182  
Dated 29.1.2018

D  
16

1. I, *Muhammad Javed*, District Police Officer, Karak as competent authority under the Police Rule-1975 do hereby serve you, *Constable Moeen Ullah No.719* Guard District Jail Karak as follow:-

That consequent upon the completion of enquiry conducted against you by Enquiry Officer *Mr. Muhammad Ashraf, SDPO, Banda Daud Shah*.

2. On going through the finding and recommendation of the Enquiry Officer the materials on the record and other connected papers including your defense before the said Enquiry Officer, the charge against you was proved and you have committed the following acts / omission specified in Police Rule-1975:-

*You Constable Moeen Ullah No. 719 posted at Distt: Jail Karak were found in attempting of carrying Charas i.e 400/450 gm to accused Naqeeb and Jelani who behind the bar at Distt: Jail Karak concealed/hide in bitter gourd (vegetable). On checking, 400/450 gm charas were recovered from the vegetable as you handed over to the Jail officials.*

3. As a result thereof I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under Police Rule-1975.

4. You are therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you, also intimate whether you desire to be heard in person.

5. If no reply to this Notice is received within Seven days of its delivery in the normal course of circumstances, it will be considered/presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

6. Copy of finding of the Enquiry Officer is enclosed.

*MJ*  
District Police Officer, Karak.

جو کہ نیشنل شو کمازنوش اسٹاک 541/E2 جاریہ حساب نمبر 7-18-15  
 معروف گذشتہ ہیں کہ مورخ 11/10/15 کو ہرگز جی آر ایس جیل گارڈ  
 کرکٹ موجود تھا اور ساتھ اچھا بچ کمال خان ایڈیشن موجود تھا۔ غازی جی  
 شریف کے تیاری میں صرف صفحہ کہ میرے سربراہی کے تحت ہے  
 میں نیازی علی کہ شہزادہ گڑھی خیل نہ تبدیل رہا۔ کہ جیل میں میری  
 ملاقات سے سیدان جیل لائی وغیرہ سے یہ جانیں گی۔ تو میں نے جواب  
 کیا کہ ملاقات سے کا وقت ختم ہوا ہے۔ اور غازی جی شریف KDA  
 جاریہ میں۔ تو نیازی علی نے کہا کہ میں نے کچھ سبزی فروٹ کرکٹ بازار  
 میں خریدی ہے۔ سبزی تو قیدیوں کیلئے حوالہ کرنے کیلئے جیل ایم  
 جیل۔ تو میں نے فون پر کہا کہ سبزی گریٹ والوں سے اجازت  
 حاصل کرنے حوالہ کرو۔ ایک لبرس (حرمہ کمال) ایڈ غازی جی شریف  
 KDA سے مل گئے۔ جسے میں گارڈ اپنے تو موجود سبزی میں  
 صہاب اللہ نے بھی کہا کہ آپ کے ملاقات نیازی علی نامی شخص نے سبزی  
 خریدنے کے لیے۔ میں نے کہا کہ جیل کیا ہے۔ تو سبزی کے کہا کہ  
 جان چیک کیا ہے۔ ٹھیکوڑی سے جا کر ایک حوالہ کریں۔ میں نے جمل  
 سبزی ڈیپوڑی کے سبزی سے پاس لے جا کر سبزی متعلقہ کدبان کے  
 حوالہ کرنے کہا۔ سبزی حوالہ کرنے کے بعد وہیں گارڈ کے پاس آیا۔  
 کچھ دیر بعد جیل والے میرے پاس آئے اور کہا کہ اس سبزی کو پلے  
 میں دہن بند تھا۔ میں نے کہا کہ سبزی تو اپنے سبزی نے چیک کیا  
 تھا۔ نہ جانے کس نے میرے خلاف سازش کی۔ کیونکہ نہ کوئی  
 جاس دیکھا یا۔ صرف انہی گارڈ۔

سنا سوال۔

میں نے اپنے لئے دوران چارٹ بیٹے انڈونری انڈونری اور طرفاً  
 کیا تھا۔ جو صفائی افسرانے بارڈر کے کہیں میں یہ قسم کی صفائی کیلئے  
 تیار رہیں کیونکہ آدھے طویل ٹرے میں نے آج تک افسرانے بارڈر کے کس قسم  
 کی شکایت کا موقع نہیں دیا ہے۔ نہیں ملتا چاک کرنے کا سوج سکتا ہیں  
 انصاف کی امید رکھ کر یہ میرا خیال ہے جو حقیقت ہے میرا ہے

نقل حسین اللہ نمبر 719 حال کماڈری

F (12)

My this Order will disposed off the departmental enquiry Constable Moeen Ullah No. 719 of this district Police.

Facts are that Constable Moeen Ullah No. 719 posted at Distt: Jail Karak was found in attempting of carrying Charas i.e 400/450 gm to accused Naqeeb and Jelani who behind the bar at Distt: Jail Karak concealed/hide in bitter gourd (vegetable). On checking, 400/450 gm charas were recovered from the vegetable as he handed over to the Jail officials.

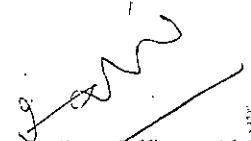

He was issued Charge Sheet and Statement of allegation and Mr. Muhammad Ashraf, SDPO, Banda Daud Shah was appointed as Enquiry Officer to conduct proper departmental enquiry against him and to submit his findings in the stipulated period.

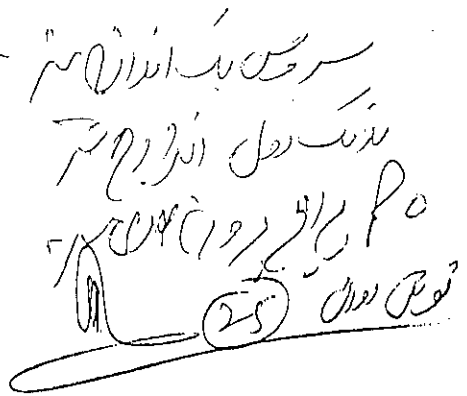
From the perusal of findings of Enquiry Officer, it revealed that the defaulter Constable received the amount of Rs. 2500/- from the accused Naqeeb and Jelani for concealing the Charas in bitter gourd but he was caught red-handed. Moreover, it shows his malafide intention for getting money. Therefore, the allegations leveled against the defaulter Constable have been proved and the E.O recommended him for major punishment.

He was served with final show Cause Notice, in response to the Final Show Cause Notice, the accused Constable submitted his reply, placed on file.

He was called and heard in person in the Orderly Room held in this office. He could not produce any cogent reasons in his defense. Keeping in view of the available record and facts on file, he is found guilty. Therefore, he is awarded major punishment of reduction to "Time scale" for period of two years with immediate effect.

OB No. 506  
Dated 30/12/2015

  
District Police Officer, Karak  




6 (13)

From: The District Police Officer, Karak.  
To:- The Deputy Inspector General of Police,  
Kohat Region, Kohat.  
Through: PROPER CHANNEL  
Subject: - DEPARTMENT APPEAL

Respected Sir,

Appellant very humbly submits the departmental appeal against the order of learned District Police Officer Karak bearing OB No. 506 dated 30.12.2015, vides which penalty of reduction to time scale for two years was imposed on appellant.

FACTS:-

1. That appellant is serving district Karak police as constable under your kind command and control.
2. That in the year 2015, appellant was posted at jail guard on 30.10.2015, appellant alongwith Kamal Khan SI Incharge Jail guard were leaving jail premises for participating in Friday congregation KDA "MASJID" for (Juma Prayer) and in the meanwhile appellant received telephonic case of Nia Ali resident of Shnawa Gudi Khel who placed request for managing his interview with jalani under trial prisoner. Appellant informed him that the interview time was over and he is going to offer "JUMA" prayer.
3. That the said Niaz Ali father told that he wishes handing over vegetable to the prisoners and appellant replied that the same may be entrusted to gate 'Sentry' for onward transmission to the prisoner and appellant left for juma prayer.
4. That on return from juma prayer appellant come to know that vegetable was taken inside the jail through sentry on duty at the gate and was returned that "Charas" concealed in the vegetable was recovered by the jailors.
5. That charge sheet based on allegations of supply of Charas to the prisoners was issued to appellant and detailed reply was submitted in response to the charge sheet that except telephonic talk with Niaz Ali, appellant has played no role in the receipt and transmission of the vegetable inside the jail.
6. That ex-parte departmental proceeding was conducted against appellant who culminated in imposing the impugned penalty on appellant. Hence the appeal on the following grounds.

GROUNDS:-

- A. That the impugned order has wrongly been passed as there is nothing on the record of enquiry file which may show any link of appellant in supply of the charas to the prisoners.
- B. That appellant was neither present at the time of receipt of the vegetable nor the time of recovery of charas from the vegetable and appellant has been held guilty on presumptions that appellant has held telephonic talk with Niaz Ali who allegedly hand over the vegetable to the 'Santry'.
- C. That the enquiry was conducted in sheer violation of law and rules. No evidence was brought on file which may show link of appellant in supply of the charas inside the jail. Enquiry officer neither considered nor brought on record the defense of appellant that appellant was not present in the premises of jail on the occasion of receipt of vegetable and recovery of charas from the vegetable.
- D. That penalty of reduction to time scale was imposed on appellant without specifying the stage of reduction therefore the order has been passed in violation of FR-29 complete reduction to time scale without mentioning the stages will cause grant monetary to punishing the entire members of the family of appellant.
- E. That copy of the finding report was not supplied to appellant along with final show cause notice therefore appellant was unable to defend the charges in the light of enquiry report.
- F. That the entire record of appellant is unblemished and the authority did not take into account the clean service record of appellant before passing the impugned order.
- G. That major penalty has been awarded to appellant on the basis of unfounded and un established charges.

It is therefore requested that the impugned order may be set aside with grant of back benefits to appellant.

Yours Obediently

Constable Moeen Ullah No. 719  
Police Station Gurgul  
Cell No. 0344-9257867

H (US)  
1336  
21-3-16

ORDER.

This order will dispose of a departmental appeal, preferred by Constable Moeen Ullah No. 719 (hereinafter called appellant) of Karak district Police against the punishment order of DPO Karak vide which he was awarded minor punishment of time-scale for the period of two years vide OB No. 506 dated 30.12.2015.


Facts are that the appellant while posted at District Jail Karak was found in attempting of carrying of Charas i.e. 400/450 gms to accused Naqeeb and Jelani who were behind the bar at district Jail Karak, concealed / hide in biter ground (Vegetable). On checking, 400/450 gms Charas were recovered from the vegetable as he handed over to the Jail officials. He was dealt with departmentally by the competent authority (DPO Karak) on the above score of charges, which resulted into punishment of time-scale for the period of two years.

Feeling aggrieved, he preferred the instant appeal, record requisitioned and perused. The appellant was heard in person in the orderly room held on 16.03.2016 and was crossly examined, but he could not satisfy the undersigned regarding his misconduct.

Record gone through, which indicates that the appellant has committed a gross misconduct by supplying Charas inside Jail. He misused his official job and damaged the image of Police.

Therefore, keeping in view of the above and available record, the appeal of Constable Moeen Ullah No. 719 is hereby **rejected**.


Announced  
16.03.2016

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

No. 2891 /EC, dated Kohat the 16-03-2016.

Copy to the District Police Officer, Karak for information w/r to his office Memo: No. 2082/L.B, dated 22.02.2016. His service record is enclosed herewith.

S/Roll-20  
D/Marwat

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

SRC/OHE  
in violation

Distt. Police Officer  
Karak  
21/3/16

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

*No. = 957/cell  
Dt = 06-06-016*

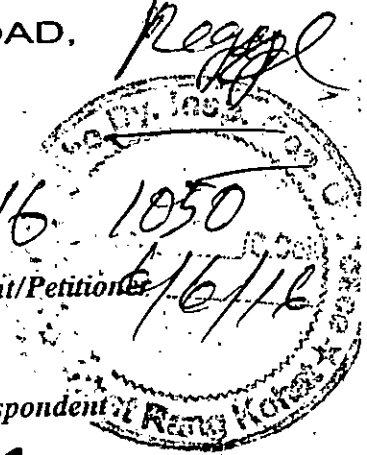
Appeal No. 451 of 20 16 1050

Mr. Moosa Ullah Appellant/Petitioner

Versus

P.P.O, K.P.K. Pesh. Respondent

Respondent No. 2



Notice to: Regional police officer Kohat Region.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 8-9-2016 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No. \_\_\_\_\_ dated \_\_\_\_\_

Given under my hand and the seal of this Court, at Peshawar this 17th

Day of May, 2016.

*Oto karni  
for compliance*

**DIG POLICE  
KOHAT**

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
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 KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 451 /2016

Moeen ullah

V/S

Police Deptt:

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APPELLANT

THROUGH:

  
M.ASIF YOUSAFZAI

&  
  
TAIMUR ALI KHAN

(ADVOCATES, PESHAWAR)



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. \_\_\_\_\_/2016

Moeen Ullah, Constable No. 719,

Police Station Gurguri, *Karak*.

VERSUS

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

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 16.03.2016, WHEREBY THE DEPARTMENT APPEAL OF THE APPELLANT HAS BEEN REJECTED FOR NO GROUNDS AND AGAINST THE ORDER DATED 30.12.2015, WHEREBY MAJOR PENALTY PUNISHMENT OF REDUCTION TO "TIME SCALE" FOR PERIOD OF TWO YEARS HAS BEEN IMPOSED UPON THE APPELLANT

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 16.03.2016 AND 30.12.2015 MAY BE SET ASIDE AND RESPONDENTS MAY BE FURTHER DIRECTED TO RESTORE THE PAY/SCALE/STAGES OF APPELLANT WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

**R. SHEWETH:**

1. That the appellant joined the police force in the year 1990 and completed all his due training etc and also have good service record throughout.
2. That the appellant has issued charge sheeted in which the appellant was charged as *"you constable Moeen ullah No. 719 posted at Distt: Jail Karak were found in attempting of carrying charas i.e 400/450 gm to accused Naqweeb and Jelani who behind the bar at distt: Jail Karak concealed/ hide in bitter gourd (vegetable). On checking, 400/450 gm charas were recovered from the vegetable as you handed over to the jail officers. Such act on your part is against service discipline and amount to gross misconduct and disloyalty"*. The appellant submitted his reply to charge sheet in which he clear the entire situation and denied all the allegations therein. (Copy of charge sheet and reply are attached as Annexure-A&B)
3. That then fact finding inquiry was conducted against the appellant but none of the statement was recorded or record examine in presence of the appellant but even then the inquiry officer held responsible. (Copy of the inquiry report is attached as Annexure-C)
4. That the final show cause notice was issued to the appellant which was duly replied by the replied in which he once again denied all the allegations therein. (Copy of final show cause and reply to show cause notice are attached as Annexure-D&E)
5. That vide order dated 30.12.2015, major punishment of reduction to "Time scale" for period of two years was imposed upon the appellant. (Copy of order dated 30.12.2015 is attached as Annexure F)
6. That against the order dated 30.12.2015, the appellant filed departmental appeal but the same was also rejected for no good ground on dated 16.03.2016. (Copy of departmental appeal and rejection order are attached as Annexure-G&H).
7. That now the appellant come to this august tribunal on the following grounds amongst others.

**GROUNDS:**

- A) That the impugned order dated 16.03.2016 and 30.12.2015 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant has been condemned unheard and has not been treated according to law and rules.
- C) That the inquiry was conducted in sheer violation of law and rules as no evidence was brought on file which shows the link of the appellant in supply of charas inside the jail. Inquiry officer neither considered nor brought on record the defence of appellant that the appellant was not present in the premises of jail on the occasion of receipt of vegetable and recovery of charas from the vegetable.
- D) That the appellant was neither present at the time of the receipt of vegetable nor at the time of recovery of charas from the vegetable and appellant has been guilty on presumption that the appellant has held telephonic talk with Niaz Ali who allegedly hand over the vegetable to the sentry.
- E) That the inquiry officer did not take the statement of the jail superintendent and other concerned authorities about the issue, which is the violation of norms of justice.
- F) That the appellant has not been treated under proper law despite he was a civil servant of the province, therefore, the impugned order is liable to be set aside on this score alone.
- G) That the penalty of reeducation to Time scale for period of two years is very harsh which did not commensurate with the guilt of the appellant, therefore, the same is not sustainable in the eyes of law.
- H) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

*Moeen Ullah*

APPELLANT

Moeen Ullah

THROUGH:

*M. Asif Yousafzai*

(M.ASIF YOUSAFZAI)

& *Taimur Ali Khan*

(TAIMUR ALI KHAN)

ADVOCATES, PESHAWAR

116  
SAGG

A A 5  
No. 486 JEC  
Dated 2/11/2015

CHARGE SHEET

1. I, Muhammad Javaid, District Police Officer, Karak as competent authority, hereby charge you *Constable Moeen Ullah No. 719 Guard District Jail Karak* as follow: - *PS Garjari*

*"You Constable Moeen Ullah No. 719 posted at Distt: Jail Karak were found in attempting of carrying Charas i.e 400/450 gm to accused Naqeeb and Jelani who behind the bar at Distt: Jail Karak concealed/hide in bitter gourd (vegetable). On checking, 400/450 gm charas were recovered from the vegetable as you handed over to the Jail officials. Such act on your part is against service discipline and amount to gross misconduct and disloyalty."*

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 07-days of the receipt of this charge sheet to the enquiry Officer *DSP B.D. Shaha* 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.

*JJA*  
District Police Officer, Karak

بیت زکات بنام حسین اللہ شاہ 719 میل شمارہ حال اقامت

منہ علی

کھلا بہ جامعہ زکات 486/154 جاری تھا۔ وہ ایک نامور مدرسہ ہے۔  
 2-11-15  
 مدت یہ کہ ہم 30/15 کہ مرزوقم شریف سے جیل شہادت  
 سلیم اردکشیہ بخاریہ شریف میں جاتے ہیں تیاری میں معروف ہے کہ  
 تقریباً 5-13 م سے نیا علی علی علیہ السلام شہادت حاصل کی ہے  
 سے سیرا علیہ السلام کے وقت کیا سیرا سگ تیر جیل میں بند ہیں  
 جیل کے میں کچھ سنہری، فروٹ جیل کے ایک ہونڈ۔ ہندوستان میں کیا کہ  
 ملاقات یہ ہو سکتی۔ میں نے خواب کیا کہ ملاقات سے اس کے ہندوستان  
 دوسرے رہائش میں علی اللہ بخاریہ شریف KDA جاری ہے۔  
 سگ میرے ساتھ کے بعد میں کہتاں جیل آ کر میں گیت سگری  
 جیل اسیر ہمارا صاحب کو گیت پر سگری فروٹ جیل میں۔ اس کے  
 کے اندر ڈھنگی کے سگری کے جیل کے اپنے کے خاطر میرے اپنے کے  
 کے کہ کیا تھا تھا۔ اور کیا کہ میں سنہری و سگری جیل کے کیا تھا تھا  
 ہے۔ میں یہ سنہری میں جو ڈھنگی کے سگری کو پاس ہی سے جیل  
 اپنا آپ میرا علی اللہ بخاریہ جیل سے میں میں یہ جیل سگری  
 فوراً اللہ جیل والوں کو حوالہ کیا ہے کوئی علم نہ تھا کہ کیا کیا سنہری  
 جس خدا کو حاضر بنائی جان کر قبر پر کرتا چوک کہہ میری کہی  
 لادینس لہو۔ ہر نہ میں نے رشتیا کو خود جیل کے کیا ہے۔ بلکہ جیل  
 سگری پر ٹھہرے کہ اس کے لیے پورے جا گیا تھا ہونڈ کہہ میں  
 میں رہنے شمارہ جیل میں حجرہ کمال خان کے سے رہتا تھا کہ  
 جیل کے ایک کمان کو کے کے اندر آئے کہ آئے جو سگری والی لگا

ضابطہ

اس میں کہہ لے کے رفتہ رفتہ میری بند تھا  
 نہ جاتے جیل کے اندر بہت سے لگتے سنہری و سگری لڑنے میں کہہ  
 ہر قسم اس میں سنہری میں سگری ہوا۔ جا کہ سنہری و سگری لڑنے میں  
 قید لے لے کے سنہری سے جیل والوں نے جیل کے اندر  
 رہتا تھا تھا۔ لڑنے کے لئے کہہ لے لے لے لے لے لے لے لے لے

7

افسران کے علاوہ افسران کے حوالے سے افسانوں کی کمی ہے۔

کوشش ہوگی کہ اس کو دور کیا جائے۔

سب سے پہلے اس کو دور کیا جائے۔ افسران کے علاوہ افسانوں کی کمی ہے۔

کوشش ہوگی کہ اس کو دور کیا جائے۔

افسران کے علاوہ افسران کے حوالے سے افسانوں کی کمی ہے۔

کوشش ہوگی کہ اس کو دور کیا جائے۔

افسران کے علاوہ افسران کے حوالے سے افسانوں کی کمی ہے۔

محمد علی احمد

16-11-015

۱۵۲۵ باب ۲۵ = فائز شاہ کے پورے

عاجلی  
پیشوا کے چارج شیٹ نمبر 486 پر عدالت نے نیشنل بینک (الدر شاہ) کے خلاف  
۱۵۱۱-۱۱۰۲  
پیشوا کے چارج شیٹ نمبر 486 پر عدالت نے نیشنل بینک (الدر شاہ) کے خلاف  
پیشوا کے چارج شیٹ نمبر 486 پر عدالت نے نیشنل بینک (الدر شاہ) کے خلاف

۱۱۷ نمبر ۱۱۰/۱۵ (۱۲) 300-304  
۱۱۵۹-۱۱۵۹  
۱۱۷ نمبر ۱۱۰/۱۵ (۱۲) 300-304  
۱۱۵۹-۱۱۵۹

۱۱۷ نمبر ۱۱۰/۱۵ (۱۲) 300-304  
۱۱۵۹-۱۱۵۹  
۱۱۷ نمبر ۱۱۰/۱۵ (۱۲) 300-304  
۱۱۵۹-۱۱۵۹



درہنہ کی نسل نے دورانِ درشن حضرت حسینؑ اور شاہ کرشنا یا کدوس سے پہلے  
 لڑائی میں ایک اور گنہگار کی طرح لڑا۔ میرے عقیدے میں حسینؑ  
 شاہ کرشنا سے پہلے لڑے اور ان کے سلطان اور ملکہ کو دیکھنے کے لئے ان  
 سے حیرت برآمد ہوئے ہیں۔

دورانِ کوروشی پایا گیا کہ جیل سے میں پیر شہلا کی شاہ نور حسینؑ اور ملکہ  
 حسینؑ کے ساتھ تھی۔ نسل حسینؑ اللہ شاہ ملکہ حسینؑ کے ساتھ  
 سے ملکہ سلطان شاہ کو سزا فرمائی اور وہیں سے چلا گیا۔

اس روز سبھی کو ملکہ سے حیرت برآمد ہوئی ہے۔ اس روز سلطان شاہ  
 نے 500 روپیہ سزا دی اور حسینؑ اور شاہ کو سزا دی۔  
 دورانِ کوروشی کو ملکہ سے یہاں سے یہاں تک چلا گیا کہ کوروشی

رک گیا۔ نسل حسینؑ اللہ شاہ کے لئے اس سے حیرت برآمد ہوئی ہے۔  
 گرام برآمد ہو چکا ہے۔ حقیقت ہے۔ یہی تھی۔ قیاس کیا جاتا ہے۔

کہ اس دفعہ تو ایک کوروشی سے حیرت برآمد ہوئی ہے۔ یہی تھی۔  
 نسل کوروشی کے اس لئے مقدم کرنے ہے۔ کوروشی سے نسل حسینؑ

گنہگار بنا گیا۔ حکم لیں۔ حسینؑ اور شاہ سے حیرت برآمد ہوئی ہے۔  
 کیا رہی حالت میں چکا ہے۔ یہاں سے حسینؑ طرف سے اس سے  
 سزا دیا اور ملکہ کو سزا دی۔ یہاں سے اس سے حیرت برآمد ہوئی ہے۔  
 اس سے حیرت برآمد ہوئی ہے۔ کوروشی سے حیرت برآمد ہوئی ہے۔  
 Major Punishment

no-194/1505  
 dt: 30-11-2015

Handwritten signature and official stamp of the Government of Punjab, Lahore. The stamp includes the text 'GOVERNMENT OF PUNJAB' and 'Lahore'.

FINAL SHOW CAUSE NOTICE.

No. 100  
Dated 29.12.2015

D  
10

1. I, Muhammad Javid, District Police Officer, Karak as competent authority under the Police Rule-1975 do hereby serve you, Constable Moeen Ullah No.719 Guard District Jail Karak as follow:-

That consequent upon the completion of enquiry conducted against you by Enquiry Officer Mr. Muhammad Ashraf, SDPO, Banja Daud Shah.

2. On going through the finding and recommendation of the Enquiry Officer, the materials on the record and other connected papers including your defense before the said Enquiry Officer, the charge against you was proved and you have committed the following acts / omission specified in Police Rule-1975:-

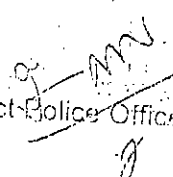
You Constable Moeen Ullah No. 719 posted at Distt: Jail Karak were found in attempting of carrying Charas i.e 400/450 gm to accused Naqeeb and Jelani who behind the bar at Distt: Jail Karak concealed/hide in bitter gourd (vegetable). On checking, 400/450 gm charas were recovered from the vegetable as you handed over to the Jail officials.

3. As a result thereof I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under Police Rule-1975.

4. You are therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you, also intimate whether you desire to be heard, in person.

5. If no reply to this Notice is received within Seven days of its delivery in the normal course of circumstances, it will be considered/presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

6. Copy of finding of the Enquiry Officer is enclosed.

  
District Police Officer, Karak.

جو کہ ٹائٹل شو کم از نوٹس اصلاح 541/E2 حوالہ خط 15-10-9

معروف گذشتہ ہیں کہ سوخ 110/100 ہزار حج شریف سے جیل کے بار

کرک موجود تھا اور ساتھ انچارج کمال خان کے پاس موجود تھا۔ غازی حج

شریف کے تیاری میں صرف حقہ کہ میرے سوا کسی شخص پر

میں نیازی نہیں کہ شوقہ گڑھی جیل نہ تبدیل رہا۔ کہ جیل میں میری

ملفوظات سے بیان جیلانی وغیرہ سے جو جائیگی۔ تو میں نے خوب

کیا کہ ملفوظات کا دست خط ہے۔ اور غازی حج شریف نے KDA

حالیہ میں۔ تو نیازی نہیں کیا کہ میں نے کچھ سبزی فروٹ کرک بازار

میں خریدی ہے۔ سبزی تو قیدیوں کے لئے حوالہ کرنے کے لئے جیل ایم

پیش۔ تو میں نے خود پر کیا کہ سبزی گیت والوں سے اخراجات

حاصل کر کے حوالہ کرو۔ اس کے بعد میں حمزہ کمال خان غازی حج شریف

KDA سے ملنے کے لئے جسے وہیں گمارا ہے تو موجود سبزی میں

صاحب اللہ نے مجھے کہا کہ آپ کے ملازم کے نیازی نامی شخص نے سبزی

مجھے حوالہ کی ہے۔ میں نے کہا کہ چیک کیا ہے۔ تو سبزی کے کیا کہ

جان چیک کیا ہے۔ ٹھیکوڑی کے جا کر ایک حوالہ کریں۔ میں نے جملہ

سبزی ڈیپوڑی کے سبزی کے پاس لے جاکر سبزی منقلہ کرمان کو

حوالہ کرنے کا کیا۔ سبزی حوالہ کرنے کے بعد وہیں گمارا کہ آیا۔

کچھ دیر بعد جیل والے میرے پاس آئے اور کہا کہ اس سبزی کو پلے

میں جسے بند تھا۔ میں نے کہا کہ سبزی تو اپنے سبزی کے چیک کیا

تھا۔ نہ جانے کس نے میرے خلوت سازش کی۔ یہ کہ نہ کوئی

جس دیکھا یا۔ صرف الزام گھایا۔

جناب عالی

میں نے پہلے بھی دورانہ چارٹے بیٹے انکو سبزی اور سبزی کو حوالہ

کیا تھا۔ جو صفائی وغیرہ ان بارڈر کے کہیں میں یہ قسم کن صفائی کے لئے

تیار رکھیں کیونکہ آرنے کو پلے ٹرے میں نے آج تک افسرانے بارڈر کو قسم قسم

کی شکایت کا موقع نہیں دیا ہے۔ نہیں ملتا تھا کرنے کا یہ سبب سببوں

الضافہ کی امید رکھ کر یہ میرا بیان ہے جو حقیقت ہے میرا ہے

کشل محمد حسین اللہ منبر 219 حال تمام سبزی

E (12)

My this Order will disposed off the departmental enquiry Constable Moeen Ullah No. 719 of this district Police.

Facts are that Constable Moeen Ullah No. 719 posted at Distt: Jail Karak was found in attempting of carrying Charas i.e 400/450 gm to accused Nageeb and Jelani who behind the bar at Distt: Jail Karak concealed/hide in bitter gourd (vegetable). On checking, 400/450 gm charas were recovered from the vegetable as he handed over to the Jail officials.

He was issued Charge Sheet and Statement of allegation and 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 the defaulter Constable received the amount of Rs. 2500/- from the accused Nageeb and Jelani for concealing the Charas in bitter gourd but he was caught red-handed. Moreover, it shows his malafide intention for getting money. Therefore, the allegations leveled against the defaulter Constable have been proved and the E.O recommended him for major punishment.

He was served with final show Cause Notice, in response to the Final Show Cause Notice, the accused Constable submitted his reply, placed on file.

He was called and heard in person in the Orderly Room held in this office. He could not produce any cogent reasons in his defense. Keeping in view of the available record and facts on file, he is found guilty. Therefore, he is awarded major punishment of reduction to "Time scale" for period of two years with immediate effect.

OB No. 506  
Dated 30/11/2015

*Jain*  
District Police Officer, Karak  
*mu*

*موجز*  
*محمد اشرف*  
*سڈپو*  
*بندا داؤد شاہ*  
*(25) دہ راجہ*

6 (13)

From: The District Police Officer, Karak.  
To: The Deputy Inspector General of Police,  
Kohat Region, Kohat.  
Through: PROPER CHANNEL  
Subject: - DEPARTMENT APPEAL

Respected Sir,

Appellant very humbly submits the departmental appeal against the order of learned District Police Officer Karak bearing OB No. 506 dated 30.12.2015, vides which penalty of reduction to time scale for two years was imposed on appellant.

FACTS:-

1. That appellant is serving district Karak police as constable under your kind command and control.
2. That in the year 2015, appellant was posted at jail guard on 30.10.2015, appellant alongwith Kamal Khan SI Incharge Jail guard were leaving jail premises for participating in Friday congregation KDA "MASJID" for (Juma Prayer) and in the meanwhile appellant received telephonic case of Nia Ali resident of Shnawa Gudi Khel who placed request for managing his interview with jalani under trial prisoner. Appellant informed him that the interview time was over and he is going to offer "JUMA" prayer.
3. That the said Niaz Ali father told that he wishes handing over vegetable to the prisoners and appellant replied that the same may be entrusted to gate 'Santry' for onward transmission to the prisoner and appellant left for juma prayer.
4. That on return from juma prayer appellant come to known that vegetable was taken inside the jail through sentry on duty at the gate and was returned that "Charas" concealed in the vegetable was recovered by the jailors.
5. That charge sheet based on allegations of supply of Charas to the prisoners was issued to appellant and detailed reply was submitted in response to the charge sheet that except telephonic talk with Niaz Ali, appellant has played no role in the receipt and transmission of the vegetable inside the jail.
6. That ex-parte departmental proceeding was conducted against appellant who culminated in imposing the Impugned penalty on appellant. Hence the appeal on the following grounds.

GROUNDS:-

- A. That the impugned order has wrongly been passed as there is nothing on the record of enquiry file which may show any link of appellant in supply of the charges the prisoners.
- B. That appellant was neither present at the time of receipt of the vegetable nor the time of recovery of charas from the vegetable and appellant has been held guilty on presumptions that appellant has held telephonic talk with Niaz Ali who allegedly hand over the vegetable to the "Santry".
- C. That the enquiry was conducted in sheer violation of law and rules. No evidence was brought on file which may show link of appellant in supply of the charas inside the jail. Enquiry officer neither considered nor brought on record the defense of appellant that appellant was not present in the premises of jail on the occasion of receipt of vegetable and recovery of charas from the vegetable.
- D. That penalty of reduction to time scale was imposed on appellant without specifying the stage of reduction therefore the order has been passed in violation of FR-29 complete reduction to time scale without mentioning the stages will cause grant monetary to punishing the entire members of the family of appellant.
- E. That copy of the finding report was not supplied to appellant along with final show cause notice therefore appellant was unable to defend the charges in the light of enquiry report.
- F. That the entire record of appellant is unblemished and the authority did not take into account the clean service record of appellant before passing the impugned order.
- G. That major penalty has been awarded to appellant on the basis of unfounded and unestablished charges.

It is therefore requested that the impugned order may be set aside with grant of back benefits to appellant.

Yours Obediently

Constable Moeen Ullah No. 719  
Police Station Gurgul  
Cell No. 03144-9257867

H  
1336  
21-3-16

ORDER.

This order will dispose of a departmental appeal, preferred by Constable Moeen Ullah No. 719. (hereinafter called appellant) of Karak district Police against the punishment order of DPO Karak vide which he was awarded minor punishment of time-scale for the period of two years vide OB No. 506 dated 30.12.2015.

Facts are that the appellant while posted at District Jail Karak was found in attempting of carrying of Charas i.e. 400/450 gms to accused Nageeb and Jelani who were behind the bar at district Jail Karak, concealed / hide in bitter ground (Vegetable). On checking, 400/450 gms Charas were recovered from the vegetable as he handed over to the Jail officials. He was dealt with departmentally by the competent authority (DPO Karak) on the above score of charges, which resulted into punishment of time-scale for the period of two years.

Feeling aggrieved, he preferred the instant appeal, record requisitioned and perused. The appellant was heard in person in the orderly room held on 16.03.2016 and was crossly examined, but he could not satisfy the undersigned regarding his misconduct.

Record gone through, which indicates that the appellant has committed a gross misconduct by supplying Charas inside Jail. He misused his official job and damaged the image of Police.

Therefore, keeping in view of the above and available record, the appeal of Constable Moeen Ullah No. 719 is hereby rejected.

Announced  
16.03.2016

*[Signature]*  
(DR. ISHTIAQ AHMAD MARWAT)  
Regional Police Officer,  
Kohat Region.

No. 2891 /EC, dated Kohat the 16-03-2016.

Copy to the District Police Officer, Karak for information w/r to his office Memo: No. 2082/LB, dated 22.02.2016. His service record is enclosed herewith.

*S/Roll-51  
P/Mossal-51*

*[Signature]*  
(DR. ISHTIAQ AHMAD MARWAT)  
Regional Police Officer,  
Kohat Region.

*S/Roll-51  
P/Mossal-51*

Distt. Police Officer  
Karak  
21/3/2016

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No. 451/2016

Moeen Ullah

VS

Police Deptt:

.....

**REJOINDER ON BEHALF OF APPELLANT**

.....

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

(1-4) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

1. Admitted correct by the respondents as the service record is present with the respondent department.
2. Incorrect. The appellant while posted at District Jail Karak guards did not carried Charas 400/450 gms, but in fact he was given charge sheet on the basis of allegation that you were found in attempting of carrying Charas 400/450 gm which was denied by the appellant in his reply to the charge sheet and clear the entire situation.
3. Incorrect. While para 3 of the appeal is correct.
4. First portion of 4 is correct hence no comments, while the rest is incorrect as in reply to show cause notice the appellant denied the allegation.
5. First portion of 5 is correct hence no comments, while the rest is incorrect as the punishment awarded to the appellant is very harsh which was passed in the violation of law and rules.



6. No comments, which is endorsed by the department that para 6 of the appeal is correct.

**GROUND:**

- A) Incorrect. Without regular inquiry and without proper chance of defence to the appellant, impugned orders passed by the respondents are not in accordance with law, facts, norms of justice and material on record therefore not tenable and liable to set aside.
- B) Incorrect. No regular inquiry was conducted, but the whole action was taken on the basis of fact finding inquiry in which no proper chance of opportunity was provided to the appellant which is the violation of law and rules.
- C) Incorrect. No regular inquiry was conducted but the whole action was taken on the basis of fact finding inquiry in which no statement of witness was recorded in the presence of the appellant nor any opportunity of cross of the witnesses was provided to the appellant.
- D) Not replied according to para D of the appeal. Moreover para D of the appeal is correct.
- E) Incorrect. While para E of the appeal is correct.
- F) Incorrect. While para F of the appeal is correct.
- G) Incorrect. The punishment is very harsh and passed in the violation of law which is liable to be set aside.
- H) Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

APPELLANT

Through:

( M. ASIF YOUSAFZAI )  
ADVOCATE SUPREME COURT,

&

  
( TAIMUR ALI KHAN )  
ADVOCATE HIGH COURT.

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.

DEPONENT

ATTESTED  
Oath Commissioner  
Zahoor I. Advocate  
Distt: Court Peshawar  
12/1  
2017

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2279 /ST

Dated 23 / 10 / 2017

To

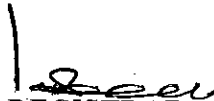
The District Police Officer,  
Government of Khyber Pakhtunkhwa,  
Karak.

Subject: -

JUDGMENT IN APPEAL NO. 54512016, MR. MOEEN ULLAH.

I am directed to forward herewith a certified copy of Judgement dated 19.10.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.