


FORM OF ORDER SHEET

Court of _____

Appeal No. 226/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1		
1	31/01/2024	<p>The appeal of Mr. Yonus presented today by Mr. Hassan Bilal Langraw Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on _____</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

In Service Appeal No. 226 /2024

Younas Khan

VERSUS


Provincial Police Officer KPK etc

I N D E X

S.No.	Description of documents	Annexure	Pages
1.	Memorandum of Appeal and affidavit	--	1-7
2.	Copy of newspaper clipp.	A	8
3.	Copy of the impugned order dated 23/10/2023	B	9
4.	Copy of departmental appeal and order dated 19/01/2024	C & D	10-11
5.	Vakalatnama	--	12

Dated: 31 /01/2024

Your humble appellant


Muhammad Younas

Through counsel


Ahsan Bilal Langrah
Advocate Supreme Court

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 226/2024

Younas Khan son of Din Muhammad r/o Karri Marwati Tehsil
& District Tank, Ex-Constable#601 District Police Tank.

(Appellant)

VERSUS

1. Provincial Police Officer, (IGP), Khyber Pakhtunkhwa Central Police Office Peshawar.
2. Deputy Inspector General of Police, D.I.Khan Region Dera Ismail Khan.
3. District Police Officer Tank.

..... **(RESPONDENTS)**

APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974, AGAINST, FIRSTLY THE IMPUGNED ORDER NO. 5313/PA DATED 23/10/2023 ISSUED BY THE RESPONDENT#3, WHEREBY THE APPELLANT WAS AWARDED MAJOR PUNISHMENT OF REMOVAL FROM SERVICE AND FINALLY, AGAINST THE ORDER NO. 645/ES DATED 19/01/2024 ISSUED BY THE RESPONDENT#2 VIDE WHICH APPEAL OF APPELLANT WAS REJECTED.

Note:

Addresses given above shall suffice the object of service. All necessary and proper parties have been arrayed in the panel of respondents.

②

Respectfully Sheweth;

1. That the appellant joined the Police Department Tank and has demonstrably served with dedication and commitment throughout his service. His performance has consistently received positive evaluations from his superiors.
2. That the appellant's brother, Abdul Baseer, is alleged to be involved in terrorist activities. However, the appellant categorically denies any connection with his brother's activities or any knowledge of his whereabouts.
3. That, upon learning of Abdul Baseer's alleged involvement, the appellant and his family has completely disowned him. This fact is evidenced by a declaration of disobedience published in a newspaper. Copy of newspaper clip is annexed as **Annexure-A**.
4. That without being given a fair chance to defend him, a hasty and unjust inquiry was conducted against appellant. Subsequently, appellant was awarded major penalty of removal from service vide impugned order 5313/PA dated 23/10/2023 issued by the respondent#3 without any concrete evidence or proof against the allegations made. Copy of the impugned order dated 23/10/2023 is annexed as **Annexure-B**.
5. That appellant preferred a departmental appeal to the respondent#2 being appellate authority and disclosed all the true facts and acknowledging the real happenings with the appellant but the appellate authority rejected the appeal vide impugned order 645/ES Dated 19/01/2024. Copy of departmental appeal and order dated 19/01/2024 is annexed as **Annexure-C & D**.
6. That impugned order 5313/PA dated 23/10/2023 and subsequent order of departmental appeal are based on mala

fide and against the law, thus, the appellant left with no other remedy, the appellant approaches this honourable tribunal seeking reinstatement in service with all back benefits in consequence of setting aside impugned order on gracious acceptance of the instant petition on grounds hereinafter preferred.

GR O U N D S:

- a. That the order passed by the departmental authorities, impugned hereby are arbitrary, discriminatory, legally and factually incorrect, ultra virus, void ab initio and militate against principle of natural justice, thus, are liable to be set aside and malafide.
- b. That the appellant is innocent and has been subjected to the penalty for no fault on his part. The inquiry officer failed to follow the prescribed procedure and conducted ex-parte proceedings and the inquiry officer also failed to regulate the departmental inquiry in accordance with law and procedures described for the purpose and as such erred at the very outset of the proceedings, thus, causing grave miscarriage of justice as well as prejudice to the appellant in making his defence.
- c. That it is a matter of record that appellant has been vexed in clear defiance of law and principle laid by the superior courts as well as the tribunals as could be gathered from the facts and circumstances of the case.
- d. That the dismissal was carried out without any substantial proof or evidence against appellant, thereby violating his fundamental rights of fair trial and justice.
- e. That punishment is based on association, not personal conduct and holding the appellant accountable for the

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alleged actions of his brother, without any evidence of his own involvement, violates the principle of individual culpability. An individual cannot be punished for the acts of another, especially when there is no proof of knowledge or assistance.

- f. That the appellant's declaration of disowning his brother and public notice in the newspaper were not adequately considered. This evidence clearly demonstrates the appellant's lack of association with his brother's alleged activities.
- g. That punishing the appellant for his family relationship sets a dangerous precedent and is discriminatory in nature. Such practices can have detrimental effects on morale and discourage individuals from joining the public service.
- h. That the inquiry conducted was not transparent, and appellant was not given a fair opportunity to present his side of the story.
- i. That appellant is the sole breadwinner of his family. Appellant's sudden and unjust dismissal has put the future and well-being of his family in jeopardy. Appellant's family is now facing severe financial hardships due to this abrupt decision.
- j. That the respondents while adjudicating in the matter of departmental proceedings and the appeal/representation of the appellant were disposed of the entire matter in a slip shot manner through the orders impugned hereby, thus, the award of impugned punishment is patently unwarranted, illegal, ultra virus, nullity in law and apparently motivated for extraneous reasons and is not maintainable in law.


- 4229 6325
- 5
- k. That the petition of appeal is duly supported by law and rules formulated there under, besides the affirmation/affidavit annexed hereto.
- l. That this honourable Tribunal is competent and has ample powers to adjudge the matter under reference/appeal.
- m. That counsel for the appellant may graciously be allowed to raise additional grounds at the time of arguments.

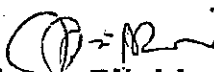
In wake of submission made above applicant humbly requested that the impugned order no. 5313/PA Dated 23/10/2023 issued by the respondent#3 and subsequent impugned order of departmental appeal by the authorities may please be set aside and the applicant may graciously be reinstated in service with all back benefits.

Any other relief deemed appropriate in circumstances of the case may also be allowed in favour of appellant in the large interest of justice.

Dated: 31/01/2024

Your humble appellant


Younas Khan
Through counsel


Ahsan Bilal Langrah
Advocate Supreme Court

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

In service Appeal No. _____/2024

Younas Khan

VERSUS

Provincial Police Officer KPK etc

CERTIFICATE

Certified that appellant have not filed an appeal regarding the subject controversy, earlier in this august Tribunal.


Dated 31/01/2024


Appellant

NOTE:

Appeal with annexure along-with required sets thereof are being presented in separate file covers.

Dated 31/01/2024


Appellant's counsel

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In service Appeal No. _____/2024

Younas Khan

VERSUS

Provincial Police Officer KPK etc

AFFIDAVIT

I, **Younas Khan**, appellant herein, do hereby solemnly affirm on oath:-

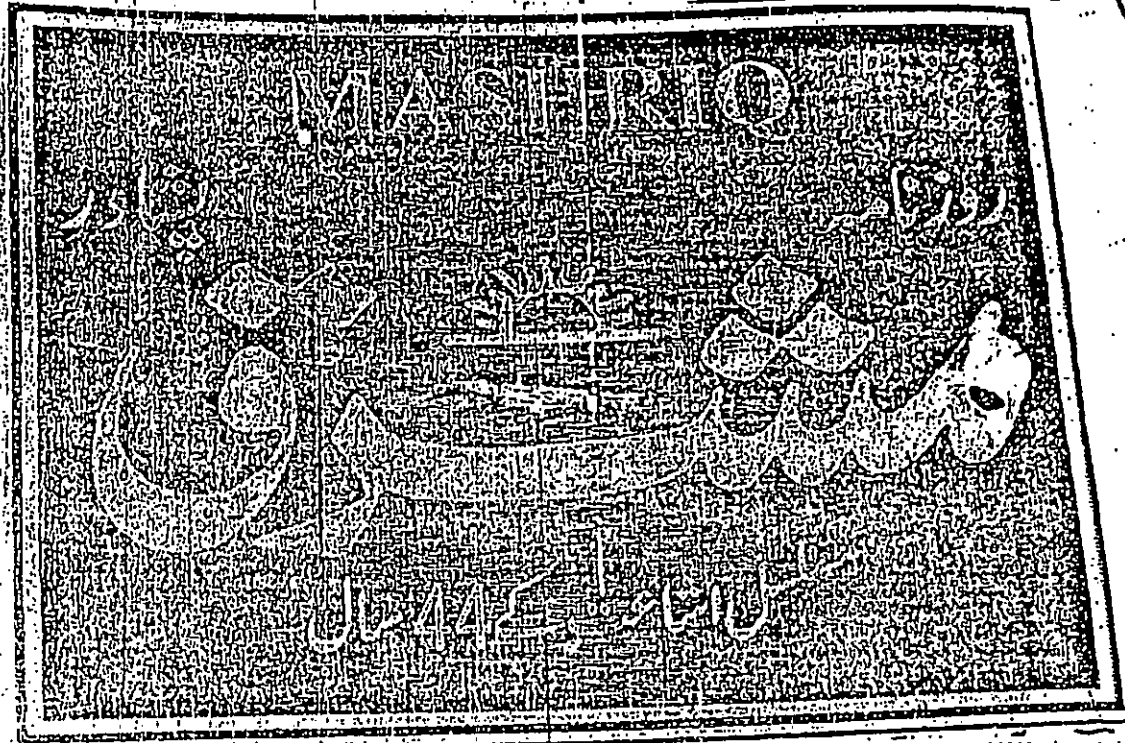
1. That the accompanying appeal has been drafted by counsel following our instructions;
2. That all para-wise contents of the appeal are true and correct to the best of my knowledge, belief and information;
3. That nothing has been deliberately concealed from this Honourable Court, nor anything contained therein, based on exaggeration or distortion of facts.

Dated 31/01/2024


DEPONENT

Identified By Counsel





عقالت نامہ

میں نے اپنے بیٹے عبدالرشید ولد دین محمد سکندر کڑی مروٹی تحصیل
 ضلع ٹانک کو بوجہ نافرمانی اپنی تمام منقولہ وغیر منقولہ جائیداد سے
 عاق کرتا ہوں آئندہ میں اسکے کسی لین دین کا ذمہ دار نہیں ہوں گا



OFFICE OF THE
DISTRICT POLICE OFFICER,
DISTRICT TANK.
Tel: 0963-510257, Fax: 511257

T B"
ANU-B (9)

No. 5318 /PA

23/10

ORDER

This order will dispose of departmental proceedings conducted against Constable Younas (No. 601) (hereinafter called accused official) under the Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014).

2. Facts arising of the case are that according to reliable sources, Constable Younas (No. 601) has a brother namely Commander Maulvi Abdul Baseer, who is involved in terrorist activities across the Pakistan. Being a member of discipline force, it is his prime responsibility to help/assist the local police in his apprehension as well as his rehabilitation, but he has failed in this regard, which show negligence and unprofessional attitude towards the discharge of official duties.

3. For the above, serious professional misconduct of the accused official charge sheet with statement of allegation, was served upon the accused official. An enquiry was conducted in this matter through Mr. Nasir Khan-SP Investigation Unit Tank was appointed as Enquiry Officer to scrutinize the conduct of accused official. The Enquiry Officer vide his report established in fact stated that the above named accused official held responsible for the charges leveled against him and recommended for Major Punishment owing to didn't help/assist the local police to arrest his brother namely Maulvi Commander Abdul Baseer (TTP).

4. Keeping in view of the finding and recommendation of the Enquiry Officer and past service record of the delinquent, the undersigned came to the conclusion that the charge levelled against the accused official has been established beyond any shadow of doubt.

5. Nevertheless, in the light of above, I, IFTIKHAR ALI SHAH, DISTRICT POLICE OFFICER, TANK, in exercise of the powers conferred upon me under section 11(b) clause (iv) of Police Rules, 1975 amended 2014, hereby imposed him Major Punishment of "DISMISSAL FROM SERVICE" with immediate effect.

(IFTIKHAR ALI SHAH)
District Police Officer
Tank

ENDS/ NO. & DATE EVEN

Copy to:

1. The Pay Officer SRC/OHC Jandala OHC-District for necessary action

(IFTIKHAR ALI SHAH)
District Police Officer
Tank

**OFFICE OF THE
DISTRICT POLICE OFFICER
DISTRICT TANK**

No:- 5314/PA

Dated 23/10/2023

ORDER

This order will dispose of departmental proceedings conducted against **Constable Abdul Wadood No.582** (hereinafter called accused official) under the Khyber Pakhtunkhwa Police Rules (amendment 2014).

2. Facts arising of the case are that according to reliable sources, he (Constable Abdul Wadood) has a brother namely Commander Maulvi Abdul Baseer, who involved in the activities across the Pakistan. Being a member of discipline force, it is his prime responsibilities to help/assist the local police in his apprehension as well as his rehabilitation, but he has fasciation this regard, which show negligence/laxity and unprofessional attitude towards the discharge of official duties.

3. For the above, serious/professional misconduct of the accused official, charge sheet alongwith statement of allegations was served upon the accused official. An enquiry was conducted in the matter through Mr. **Nasir Khan SP Investigation Unit Tank** was appointed as enquiry after scrutinize the conduct of accused official. The Enquiry Officer vide his report established in a stated that the above named accused official held responsible for the charges leveled against end recommended for Major Punishment owing to didn't help assist the local police to arrest his brother namely Maulvi Commander Abdul Baseer (TTP)

4. Keeping in view of the finding and recommendation of the Enquiry Officer and perusing the service record of the delinquent, the undersigned came to the conclusion that the charge levelled against the accused official has been established beyond any shadow of doubt.

5. Nevertheless, in the light of above, I, **IFTIKHAR ALI SHAH, DISTRICT POLICE OFFICER, TANK**, in exercise of the powers conferred upon me under section 4th) clause (the Police Rules, 1975 amended 2014, hereby imposed him Major Punishment of "DISMISSAL FROM SERVICE" with immediate effect.

IFTIKHAR ALI SHAH
District Police Office
Tank

ENDST NO & DATE EVEN

Copy to

1. The Pay Officer/SRC/OHC Jandola/OHC-District for necessary action

(IFTIKHAR ALI SHAH

"C"

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جناب لیڈنگ انسپکٹر جنرل انسپکشن لیٹرہ اسماعیل خان ریٹائر
رسم اپیل بابت سوالی ملازمت

جناب عالی

6987

33

گزارش کی جاتی ہے کہ میں سوالی کو کوال آرڈر نمبر PA 53137 مورخہ 24.10.2023 کو فراہم کیا گیا
میں جناب DPO ایک سے ملازمت سے برعاطفی کے آرڈر جاری کئے

مذکورہ درخواست استدعا کی جاتی ہے کہ سوالی کو دوبارہ ملازمت پر بحال کئے جانے کا حکم صادر فرمایا جائے

میں گزارش ہوئی

مورخہ: 24.10.2023

عارضی

EX کنسٹیبل ایڈیشن 601 صلح نامہ

21/10/23

03069533142

FC

Handwritten signature and initials

بخدمت جناب ڈپٹی انسپکٹر جنرل آف پولیس ڈیرہ اسماعیل خان رینج

عنوان: رحم اپیل بابت بحالی ملازمت

گزارش کی جاتی ہے کہ من سائل کو بحوالہ آرڈر نمبر PA/5313 مورخہ 23-10-2023 کو حکمانہ انکوائری میں جناب DPO صاحب نے ملازمت سے برخاستگی کے آرڈر جاری کئے۔

بذریعہ درخواست استدعا کی جاتی ہے کہ سائل کو دوبارہ ملازمت پر بحال کئے جانے کا حکم صادر فرمایا جائے۔

عین نوازش ہوگی۔

مورخہ 24-10-2023

العرض

EX کا نشیبل پوسٹ 601 ضلع ٹانک

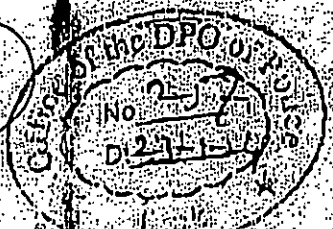
0306-9533142

ANX-D (11) 11/11/2024



OFFICE OF THE
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN
REGION

☎ 0966-9280291 FAX // 9280290



No. 645 /IS

dated D.I. Khan the

19/10/2024

ORDER

1. This order disposes off departmental appeal filed by Ex-Constable Younis Khan No. 601 of District Police Tank, against the order of Major Punishment of (Dismissal from Service), passed by the DPO Tank, vide his office Order No. 5313 dated 23.10.2023 on the following allegations:

2. "He has brother, namely Commander Maulvi Abdul Baseer, who involved in terrorist Activities across the Pakistan, being a member of discipline force. It is his prime responsibilities to help assist the local police in his apprehension as well as his rehabilitation, but he has failed in this regard who show negligence/likly and unprofessional attitude towards the discharge of official duties."

3. DPO Tank served the appellant with the charge sheet. Enquiry into the matter was got conducted into through Mr. Nasir Khan SP Investigation 2511, who in his finding report in which he stated that he held responsible for the charges levelled against him and recommended for Major Punishment.

4. DPO Tank has awarded him Major Punishment of "Dismissal from Service" vide his office Order No. 5313 dated 23.10.2023.

5. Heard in person on 03.01.2024, in orderly room by undersigned. His service record and findings of the inquiry officer, is also perused. He was given ample opportunity of due process and natural justice against the charges under which DPO Tank has awarded him Major Punishment "Dismissal from service". His written as well as verbal response is found to be unsatisfactory.

6. Keeping in view the above, I, NASIR MEHMOOD SATTI, PSP, Regional Police Officer, Dera Ismail Khan, in exercise of the powers conferred upon me under Rule 114 clause 4 (a), of the Police Rules 1975, Amended 2014, do not intend to take a lenient view, therefore **REJECT** his appeal being meritless and uphold the order of Major Punishment of (Dismissal from Service) passed by District Police Officer Tank vide his office Order No. 5313, dated 23.10.2023, with immediate effect.

6. Order Announced.

(NASIR MEHMOOD SATTI) PSP
Regional Police Officer
Dera Ismail Khan

No. 646 /IS.

Copy of above is sent to the DPO Tank with reference to his office letter No. 2813 dated 11.10.2023. (Encl: Service Coll & Fauji Missal)

OB/SKE/0000
District Police Officer
Tank

(NASIR MEHMOOD SATTI) PSP
Regional Police Officer
Dera Ismail Khan

District Police Officer
District Police Officer

F. Misal
9/11/24
S. D. Khan

**OFFICE OF THE
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN
REGION**

No:- 645

dated DI Khan

Dated 19/01/2024

ORDER

This order dispose the departmental appeal filed by the Ex. Constable Younas Khan No 601 District Police Tank, against the order of Major punishment of (Dismissal from service) passed by DPO Tank vide Office Order No 5314 dated 23/10/2023 on the following allegations.

2. He has brother namely Commander Maulvi Abul Baseer; who involved in terrorist activities across the Pakistan, being a member of discipline force, it is his prime responsibilities to help assist the local police in his apprehension as well as his rehabilitation, but he was failed in this regard, who show negligence. Laxity and unprofessional attitude towards the discharge of official duties.

3. DPO Tank served the appellant with the charge sheet. Enquiry into the matter was got conducted into through Mr. Nasir Khan SP Investigation Tank, who in his finding report in which he stated that he held responsible for the charge levelled against him and recommended for Major punishment.

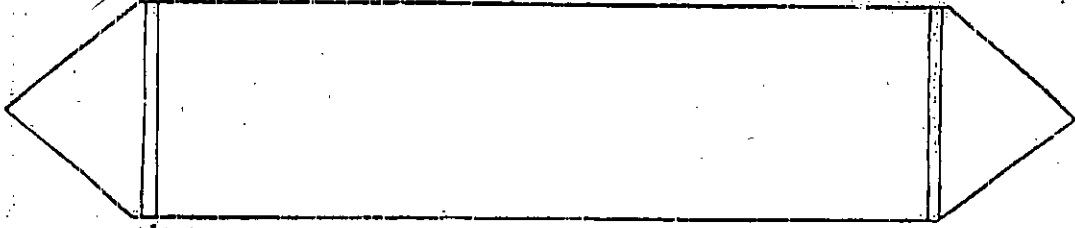
4. DPO Tank has awarded him Major punishment of "Dismissal from Service" vide his office Order No 5313 dated 23/10/2023.

5. Heard in person on 03/01/2014 in ordinary room by undersigned. His service record and findings of inquiry officer is also perused. He was given opportunity of due process and natural justice against the charge under which DPO Tank has awarded him Major Punishment "Dismissal from service" His written as well as verbal response is found to be unsatisfactory.

6. Keeping in view the above, I Nasir Mehmood Shah, PSP, Regional Police Officer, Dera Ismail Khan, in exercise of the powers conferred upon me under Rule 11 Clause 4 (a) of the Police Rules, 1975 Amended 2014 do to intend to take a lenient view, therefore, **REJECT** his appeal, hence, meritless and uphold the order of Major Punishment of (Dismissal from service) passed by District Police Officer Tank vide his Order No 5313 dated 23/10/2023 with immediate effect.

(NASIR MEHMOOD SATTI) PSP
Regional Police Officer
Dera Ismail Khan

بعدالت



مورخہ _____
 مقدمہ _____
 دعویٰ _____
 پریم _____

2 مخانب
 بنام لوگنڈ

باعث تحریر آنگہ

مقدمہ جلد راجہ عزالدین بالائیں اپنی طرف سے واسطے پیروی اور جواب دہی وکل کاروائی متعلقہ
 آج کے مقام پر کیے اس بلال لنگراہ اور لوگنڈ
 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 تقرر ثالثیت و فیصلہ برحلف دینے جو جواب دہی اور اقبال دعویٰ اور
 باہرورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زراں پر دستخط کرنے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل نمرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہر اذیتا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب دفتر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا سائنٹ
 پر واختم منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم _____ ۱۳ _____ ۲۰ _____

العبد _____ واہ العبد _____

مقام _____

