


ORDER

12th Feb. 2024

1. Learned counsel for the appellant present. Mr. Muhammad Jan, District for the respondents present.
2. Vide our detailed judgment of today, placed on file, instant service appeal is dismissed with costs. Consign.
3. *Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 12nd day of February, 2024.*


(Salah Ud Din)
Member (J)

Mutazem Shah


(Kalim Arshad Khan)
Chairman

General of Police, the punishment was further reduced to reduction of time scale for one year. Therefore, already very lenient view has been taken by the authorities, leaving no room for acceptance of this appeal especially when the allegations against the appellant stood proved in the departmental proceedings.

6. As a resultant consequence, this appeal fails and is dismissed with costs.

Consign.

7. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 12th day of February, 2024.*



KALIM ARSHAD KHAN
Chairman



SALAH UD DIN
Member (Judicial)

Muazem Shah

5. The allegations against the deceased appellant were that he had telephonic contact with Mst. Sidratul Muntaha, daughter of Mst. Farah Naz, (who was already confined in Karak Jail in an FIR No.538 dated 22.10.2019 U/S 302 Police Station Latambar District Karak); that immoral conversation was recorded in the mobile of Mst. Sidaratul Muntaha, in which the appellant had enticed her for his undesirable needs, which amounted to indiscipline and misconduct. The allegations were duly proved in an inquiry conducted into the matter. The appellant as duly associated in the enquiry proceedings and had admitted calling Mst. Sidratul Muntaha on telephone and had not denied such allegations. He, however, came forward with the contention that his conversation, on telephone, with Mst. Sidratul Muntaha, never meant that he wanted to had a gossip with her, rather it was for the purpose of reaching the actual facts of the case and recovery of other mobiles used in the commission of offence in order to get the criminal case succeeded. During the course of arguments, learned counsel for the appellant had contended that Joint Investigation Team asked the appellant to help the JIT through his expertise to dig the fact of the case as narrated by the appellant himself during the inquiry, but there is no letter/order in this respect produced by the learned counsel for appellant in order to support such fact, therefore, a proved act of contacting a lady itself was not appropriate. As regards the quantum of punishment, we see that the appellant was awarded major punishment of reduction of time scale for three years' vide order dated 29.11.2019 by the District Police Officer, Karak and on appeal to the Regional Police Officer Kohat Region, the three year time scale punishment awarded to the appellant was reduced to two years vide order dated 25.06.2020 and similarly, vide order dated 26.04.2021 of the Inspector



PPC Police Station Latamber was registered against unknown accused. That the appellant, while making efforts to trace the case against Mst. Farah Naz, her daughter namely Sidratul Muntaha moved an application to respondent No.2 against the appellant, blaming him for demanding undesirable needs. That an inquiry was initiated against the appellant and charge sheet was issued to him on 12.11.2019. That vide order dated 29.11.2019, the District Police Officer, Karak awarded him major punishment of reduction to "time scale" for period of three years. That the appellant filed departmental appeal to the Regional Police Officer Kohat Region (respondent No.2) which was though dismissed, however, his punishment was reduced to two years. Feeling aggrieved, he filed revision petition before the Inspector General of Police as well as appeal before this Tribunal. That vide order dated 29.04.2021, his punishment was reduced to reduction to "time scale" for one year, therefore, the appellant withdrawn the earlier appeal and filed the instant service appeal against the order of the Inspector General of Police (respondent No.3).

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defence setup was a total denial of the claim of the appellant.

3. We have heard learned counsel for the appellant and learned District Attorney for the respondents.

4. The Learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned District Attorney controverted the same by supporting the impugned order(s).



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

BEFORE: **KALIM ARSHAD KHAN ...CHAIRMAN**
SALAH UD DIN ...MEMBER (Judicial)

Service Appeal No.6617/2021

Date of presentation of appeal.....17.06.2021
Dates of Hearing.....12.02.2024
Date of Decision.....12.02.2024

Rehman Ullah Computer Operator (BPS-16), DEO (F) Office Battagram.....(*Appellant*)

Versus

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

Present:

Syed Roman Shah, Advocate.....For appellant
Mr. Muhammad Jan, District Attorney.....For respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER OF THE REGIONAL POLICE OFFICER, KOHAT REGION NO.6891/EC, DATED 25.06.2020 WHEREBY MAJOR PUNISHMENT OF REDUCTION TO "TIME SCALE" FOR PERIOD OF THREE (03) YEARS AWARDED BY THE DISTRICT POLICE OFFICER KARAK TO THE APPELLANT VIDE ORDER BEARING NO.517 DATED 29.11.2019 HAS BEEN REDUCED TO TWO YEARS AND THE ORDER OF INSPECTOR GENERAL OF POLICE DATED 29.04.2021 BEARING NO.1684 WHEREBY MAJOR PUNISHMENT OF REDUCTION TO TIME SCALE HAS BEEN REDUCED FOR A PERIOD OF ONE (01) YEAR.

JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Brief facts of the case are that appellant was serving in the Police Department. That being incharge of DSB and member of the constituted JIT, an FIR No.538 dated 22.10.2019 U/S 302

