

**BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR, CAMP**

**DIKHAN.**

**In Service Appeal No.2204/2023**

**C.M No. \_\_\_\_\_/2024**

**Sabir Hussain  
(Appellant)**


**Versus**

**Govt; of KPK & Others  
(Respondents)**

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Dated; 13/02/2024

  
Petitioner's counsel

22-02-2024

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**BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR, CAMP**

**DIKHAN.**

Khyber Pakhtunkhwa  
Service Tribunal

In Service Appeal No.2204/2023

Diary No. 11214

C.M No. \_\_\_\_\_/2024

Dated 16-02-2024

**Sabir Hussain Versus Govt; of KPK & Others**  
**(Appellant) (Respondents)**

**SERVICE APPEAL No. 2204/2023**

**APPLICATION FOR CORRECTION OF CLERICAL  
MISTAKE/ERROR OCCURRED DURING PRINTING OF ABOVE  
TITLED APPEAL.**

Respected Sir,

Appellant humbly submits as under:

1. That the above titled service appeal is pending before this Worthy Tribunal and is fixed for 22.02.2024.
2. That, at the time of filling of appeal, while printing process of pages some technical error happened and inadvertently 2 lines of page No. 2 remained misprinted. Which are "**starting 2 lines of paragraph No. 4 of facts of appeal**" were not printed. Now, after knowledge, entire service appeal has been reprinted and the error has been removed. The instant corrected service appeal may kindly be placed on judicial file.
3. That the mistake of clerical nature and happened due to some technical fault.
4. That this Worthy Tribunal has vast and ample powers to accept the instant application.

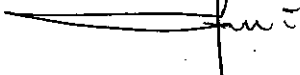
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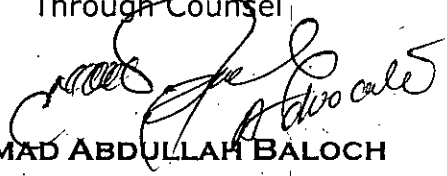
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It is therefore humbly prayed that on acceptance of instant petition, the corrected Service appeal may please be placed on judicial file.

Dated: 13/02/2024 **Your humble Applicant/appellant**



**Sabir Hussain**  
Through Counsel



**MUHAMMAD ABDULLAH BALOCH**

**Advocate Supreme Court**

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**BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR, CAMP DIKHAN.**

In Service Appeal No.2204/2023

C.M No. \_\_\_\_\_/2024

**Sabir Hussain Versus Govt; of KPK & Others**  
**(Petitioner) (Respondents)**

**SERVICE APPEAL No. 2204/2023**

**APPLICATION FOR CORRECTION OF TECHNICAL ERROR MADE DURING PRINTING OF INSTANT APPEAL.**

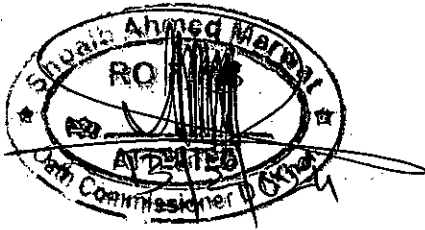
**AFFIDAVIT**

I, **Sabir Hussain**, Applicant, do hereby solemnly affirm and declare on OATH that the contents of the application are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable court.

\_\_\_\_\_

**Deponent.**

0346-7845080



(4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR, CAMP DIKHAN.

SERVICE APPEAL No. \_\_\_\_\_/2023

**Sabir Hussain No. D/51**, Sub-inspector presently posted as SHO/MKh District police Bannu.

**Appellant**

VERSUES

1. The Inspector General of Police, Central Police Office, IGP, Peshawar.
2. The Addl: Inspector General of Police, Head Quarters, CPO, Peshawar.
3. Regional Police Officer, DIKhan Range Dera Ismail Khan.
4. District Police Officer Dera Ismail Khan.

**Respondents**

**SERVICE APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER NO. 4497-99/ES DATED 22/06/2023 WHEREBY THE APPELLANT HAS BEEN AWARDED "MAJOR PUNISHMENT OF REDUCTION IN RANK FROM INSPECTOR TO SUB-INSPECTOR WITH IMMEDIATE EFFECT" AND SERVICE APPEAL AGAINST INDISICION OF THE DEPARTMENTAL APPEAL OF THE APPELANT.**

**Note:** That the addresses of the Parties given in the heading of the Petition are true and correct for the purpose of service.

**Respected Sir;**

1. That the appellant is serving as Sub-inspector in district Police DIKhan and is currently posted as SHO/MKh District police Bannu.
2. That the appellant was appointed as Assistant Sub Inspector in KPK Police Department on the recommendation of KPK Public Service Commission on 17/03/2010. The appellant was promoted as Inspector on 16/04/2020.
3. That during the entire service record the appellant have served in Kohat range, Charsada range, Bannu range, in CTD and as SHO in multiple police stations and even served at extremely hard areas. Due to the meritorious services of the appellant has been awarded reward of CC-1 with cash by the PPO, several times and similarly has been awarded multiple certificates and award from the department.

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4. That due to the appraisable efficiency of the appellant, was appointed as SDPO on 09/05/2023. On 25/05/2023 while performing other duties, also issued various directions to the Incharge Khutti check post namely Riaz Hussain IHC. The official communication which is regarded as internal secret communication, was mistakenly or intentionally shared in social media by the said IHC Riaz Hussain. The Worthy RPO DIKhan region issued charge sheet and statement of allegations vide letter No. 3711/ES dated 27/05/2023. Copies are annexed as **Annexure A**. The appellant was also suspended vide RPO order No. 3709/ES dated 27/05/2023. Copy is annexed as **Annexure B**. The appellant duly submitted his written reply. Copy of reply of the appellant is annexed as **Annexure C**. During the inquiry proceeding, the inquiry officer held the present appellant also responsible for that and RPO DIKhan issued impugned Order No.4497/ES dated 22/06/2023 and awarded major punishment of reduction in rank from inspector to Sub-inspector with immediate effect. Copy of Impugn order dated 22/06/2023 is annexed as "**Annexure-D**".
5. That after the issuance of impugned order, the appellant preferred a departmental appeal/representation on 26/06/2023. Copy of a departmental appeal is annexed as "**Annexure-E**".
6. That uptill now no response has been shown from the respondents and after the laps of statutory limitation of departmental appeal, cause of action has been accrued to the appellant for instant appeal hence, the instant service appeal, inter alia on the following grounds.

#### **GROUND**

1. That the impugn order is against Law and facts and against service rules, void and is in sheer violation of Police rules, 1975 amended 2014.
2. That charge sheet and statement of allegation are patently illegal, void ab-initio, unwarranted and legally not sustainable in the eye of law. The same were issued by respondent No. 3 (RPO DIKhan region), who was not a competent authority under KP Police rules, 1975 amended 2014, thus the impugn order is liable to be set aside on this score alone.
3. That as the record reflects that respondent No. 03's grievances were involved in the present inquiry. Therefore, the element of anger and partiality could not be ruled out in the present case. Thus, in the present eventuality respondent No. 03 was not justified to issue the impugn order.
4. That the appellant was not treated in accordance with law and the actions of the respondents are mala-fide being discriminatory and harsh. That appellant has been made scape goat in the instant inquiry proceeding and in the case.


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5. That the Appellant has been subjected to injustice and the case of Appellant has not been dealt with under the principle of the fair play.
6. That statement of allegation contains the allegation of making viral a conversation on social media. The same allegations were also issued to those police officials who either, mistakenly or intentionally made the video viral. Thus the present appellant had no role with/in this allegation. But the Learned Inquiry officer held the present appellant responsible even for this allegation.
7. That the impugned order is against the settled laws and rules of KP Police Rules. Hence, ineffective upon the rights of appellant. The learned inquiry officer did not follow the prescribe procedure and failed to distinguish the case of appellant with rest of the delinquent police officials.
8. That this Hon'ble Tribunal is competent and has ample powers to adjudge the matter under Appeal.
9. That the counsel for Appellant may be allowed to argue additional grounds at the time of arguments.

It is, therefore, respectfully prayed that on acceptance of this appeal, the impugned order No. 4497-99/ES dated 22/06/2023 whereby the appellant has been awarded "major punishment of reduction in rank from Inspector to Sub-Inspector with immediate effect", being void, illegal may please be set aside and appellant may kindly be restored to his actual post/position as Inspector along with all back benefits.


Any other relief deems fit and appropriate in given circumstances may also be granted in larger interest of justice.

Yours Humble Appellant



(Sabir Hussain)  
Through Counsel

Dated: /10/2023



Mohammad Abdullah Baloch  
(Advocate Supreme Court)

**VERIFICATION**

Verified on oath at DIKhan, this <sup>th</sup> day of October, 2023, that all contents of the above appeal are true and correct and appellant have not filed an appeal regarding the subject controversy, earlier in this august Tribunal.

Dated; /10/2023

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Appellant

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR, CAMP DIKHAN.

In Service Appeal No. \_\_\_\_\_/2023

**Sabir Hussain**  
**(Appellant)**

Versus

**Govt; of KPK etc**  
**(Respondents)**

**SERVICE APPEAL**

**AFFIDAVIT**

I, **Sabir Hussain**, appellant herein, do hereby solemnly affirm on oath that all parawise contents of the accompanying appeal are true and correct to the best of my knowledge, belief and information; that nothing has been concealed or kept secret from this worthy Tribunal.

Dated /10/2023

\_\_\_\_\_  
Deponent

