

Next date 30/5/24 Abbottabad.

BEFORE PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11678

Dated 8/3/24

Petition No.....

Appeal No: 941/2020

Next Date: 30-05-2024

Saqib Ali Ex-Constable No. 1024 (Traffic Warden) District Police
Abbottabad R/O Tarhana Tehsil & District Abbottabad

Petitioner/Appellant

VERSUS

Provincial Police Officer, KPK, Peshawar & others. **(Respondents)**

SERVICE APPEAL

PETITION SEEKING PERMISSION FOR CHALLENGING ORDER DATED 21-09-2022 OF THE REGIONAL POLICE OFFICER HAZARA REGION ABBOTTABAD WHICH WAS NEITHER PASSED WITHIN STATUTORY PERIOD OF 90 DAYS AFTER FILING OF DEPARTMENTAL APPEAL NOR WAS ITS COPY COMMUNICATED TO THE PETITIONER/APPELLANT BEFORE FILING TITLED SERVICE APPEAL BEFORE THIS HONOURABLE TRIBUNAL.

PRAYER: PERMISSION TO CHALLENGE ORDER 21-09-2022 OF RESPONDENT NO.2/RPO HAZARA REGION ABBOTTABAD AND TO PLACE ITS COPY ON TITLED SERVICE APPEAL FILE AS PER ORDER SHEET DATED 27-02-2024 OF THE HONOURABLE TRIBUNAL CAMP COURT AT ABBOTTABAD MAY GRACIOUSLY BE ACCORDED.

1. That titled Appeal is pending adjudication before this Honourable Service Tribunal and next date for arguments is fixed as 30-05-2024 at Camp Court Abbottabad.
2. That petitioner/appellant was not given the copy of original order dated 23-02-2022 of the Respondent No.3/DPO Abbottabad however on coming to know through some sources the petitioner/appellant challenged the very order through departmental Appeal dated 01-03-2022 and when not received appellate order then after expiry of 90 days statutory period he filed the titled service appeal dated 13-

06-2022 before this Tribunal. During the pendency of titled service appeal and particularly at the time of argument on 27-02-2024 it came to the notice from reply filed by Respondents that appellate order was passed on 21-09-2022 i.e. after filing of this service appeal. Hence the same is hereby challenged and copy of very order dated 21-09-2022 is attached herewith for placing on the file of titled service appeal. This titled service appeal may be treated as part and parcel of this petition.

3. That it is requested that necessary permission may graciously be accorded for challenging and placing attached copy of order dated 21-09-2022 of RPO HR Abbottabad on titled service appeal file for just and proper decision by this Honourable Tribunal.

THROUGH

Saqib
PETITIONER/APELLANT

M. Aslam
(MUHAMMAD ASLAM TANOLI)
ADVOCATE HIGH COURT
ABBOTTABAD

Dated: 8-03-2024

VERIFICATION

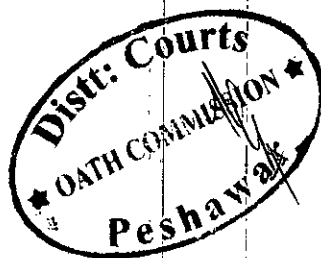
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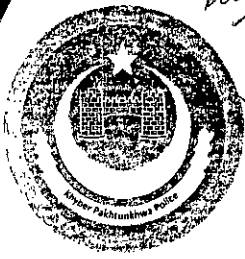
I Saqib Ali, petitioner, do hereby affirm on oath that the contents of this petition are true and correct to the best of my knowledge and belief and nothing has been concealed from the Honourable Service Tribunal.

Dated: 8-03-2024

ATTESTED

Saqib
Deponent





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OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

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✉ r.rpohazara@gmail.com

NO: 868 /PA DATED 21/9/2022

ORDER

This order will dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex HC Gul Afzal No.340 of district Abbottabad against the order of punishment i.e. *dismissal from service* awarded by DPO Abbottabad vide OB No.52 dated 23.02.2022.

Brief facts leading to the punishment are that the appellant while posted at investigation wing PS Mangal on 23.11.2021 he along with 05 co-accused made a plan of selling gold ornament weighing 70/75 Tola to Mr. Khalid s/o Muhammad Rafique r/o Balakot in lieu of Rs. 42,00,000/- out of which cash amounting 32,50,000/- was paid by Mr. Khalid but the appellant along with other co-accused created a pre-plan drama and pretended that the gold ornaments were stolen property. He by using tactics fraudulently took the cash amount Rs. 32,50,000/- from the applicant without any agreement/deed and neither took any legal action nor brought the matter into the notice of senior officers. Consequently, upon the application of Mr. Khalid s/o Muhammad Rafique a case vide FIR No.649 dated 12.12.2021 U/S 419/420/468/471 PPC PS Mangal was registered against him and others 05 co-accused.

The appellant was issued charge sheet along with summary of allegations and Add. SP Abbottabad was constituted to conduct departmental enquiry. The EO in his findings held the appellant responsible of misconduct and recommended him for suitable punishment. Consequently, DPO Abbottabad awarded him major punishment of dismissal from service. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of DPO Abbottabad were sought and examined/perused. The undersigned called the appellant in OR and heard him in person. The appellant was given reasonable opportunity to defend himself against the charges, however he failed to advance any justification. The allegations leveled against the appellant were proved during course of investigation and departmental enquiry. Hence, disciplinary action taken against the appellant seems reasonable and the appeal is liable to be dismissed. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1978 the instant appeal is hereby *filed/rejected* with immediate effect.

PA/SR
for m action

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22/9/22

Mirvais Niaz (PSP)
REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

No. 868 /PA, dated Abbottabad the 21.9.2022.

Cc.

DPO Abbottabad for information and necessary action with reference to his office Memo No 925/PA dated 28-04-2022 with the direction to inform the appellant accordingly. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record