

14.12.2016

Learned counsel for the appellant argued that the appellant was serving as Head Constable when reverted from the said position to that of constable vide original order dated 21.10.2016 where-against appellant preferred departmental appeal which was rejected vide final order dated 07.11.2016 and hence the instant service appeal on 01.12.2016.

That the appellant has neither remained absent nor any opportunity of hearing was afforded to him during the so-called enquiry which was not ever conducted in the mode and manners prescribed by rules.

Appellant Deposited  
Security Process Fee

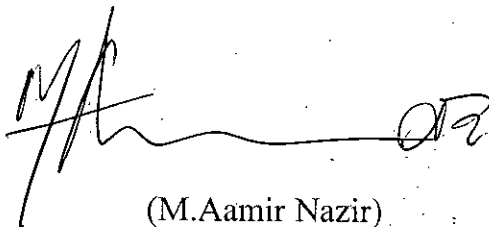
Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 24.1.2017 before S.B.

  
Chairman

24.01.2017

Appellant with counsel and Addl: AG for respondents present. Counsel for the appellant submitted an application for withdrawal of the instant appeal as grievances of the appellant has been redressed departmentally, as such the appeal in hand is therefore, dismissed as withdrawn. File be consigned to the record room

Announced:  
24.01.2017



  
(M.Aamir Nazir)  
Member

14203-2034752-9  


Form- A  
FORM OF ORDER SHEET

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

Case No. 1192/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	01/12/2016	<p>The appeal of Mr. Ghulam Farid presented today by Mr. Zahoor Islam Khattak 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> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>14-12-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>



①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR.**

Service Appeal No. 1192 of 2016

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1239

Dated 01-12-2016

Ghulam Farid Son of Behram Shahzada R/o Sorati  
Qilla, PO Takht Nasrati, District Karak.

... .. Appellant

**VERSUS**

- 1) District Police Office, Karak.
- 2) Regional Police Officer Kohat Region Kohat
- 3) Inspector General of Police Khyber Paktunkhwa  
Peshawar.

... .. Respondents

**APPEAL UNDER SECTION 4 OF SERVICE  
TRIBUNAL 1974, THE APPELLANT WAS  
DEMOTED /REVERTED TO RANK OF HC  
(HEAD CONSTABLE) ON 21/10/2016 FROM  
THE RANK OF IHC.**

**Prayer in Appeal:**

On acceptance of this appeal, the impugned  
order dated 21/10/2016 may be set aside and  
the appellant may be promoted to the Rank  
of IHC with all back benefits.

Respectfully Sheweth:

Brief facts leading to the instant appeal are  
as under: -

Filed today

*S. M. Khan*  
Registrar

01-12-16

- 1) That the appellant was appointed / enrolled in police department as constable on 01/01/1990. (Copy of Service Book and appointment order are attached as Annexure "A").
- 2) That the appellant performing his duties in police department appellant undergo through the basic lower school course and fulfill the require qualification, and the appellant was promoted to the rank of HC in the year of 2007.
- 3) That the appellant qualified the intermediate school course in the 2016.
- 4) That appellant provided his service in police department.
- 5) That the appellant was posted at Tall Plaza Karak and the DPO Karak paid a visit and reported him absent on the basis of absence the appellant was awarded major punishment on 21/10/2016 (Copy of demoted order is annexed as Annexure "B")
- 6) That appellant filed departmental appeal to respondent No.2 on 27/10/2016 (Copy of

departmental appeal is annexed as Annexure "C")

- 7) That respondent No.2 without keeping the facts and circumstances have rejected the representation of the appeal and copy of the representation was communicated to the appellant on 03/11/2016.
- 8) That the appellant have been transferred to the Department of Anti Corruption for a period of 3 years and here appellant took charged as a Head Constable.
- 9) That the appellant being highly aggrieved from the said order the appellant have invoked the jurisdiction of this Hon'ble Tribunal for rederessal of his grievances on the following grounds: -

**Grounds:**

- A) That the impugned order is against law facts and principle of natural justice.
- B) That no charge sheet has been framed and no show cause notice has been issued to the



*appellant neither any opportunity of personal hearing has been provided to the appellant.*

- C) That appellant was imposed more harsh punishment as require under the law.*
  
- D) That impugned order is passed in slipshod manner and the absence of the appellant from the duty spot is not willful rather it is misconceived by the high ups.*
  
- E) That appellant has provided more than 26 years service in police department and throughout his service appellant unblemished service record and appellant reversion is against the law.*
  
- F) That the appellant seeks leave of this Hon'ble Tribunal to rely on additional grounds at the time of arguments.*



9

It is, therefore, prayed that on acceptance of appeal, the impugned order dated 21/10/2016 may be set aside and the appellant may be reinstated in service/promoted to the rank IHC in the Anti Corruption Department District Hangu with all back benefits. Any other relief as deemed proper may also be allowed to the appellant.

Dated 30/11/2016



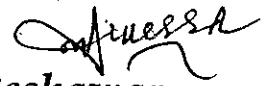
Appellant

Through



Zahoor Islam Khattak

M Abdullah



Advocates, Peshawar.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No. \_\_\_\_\_ of 2016

Ghulam Farid ... .. Appellant

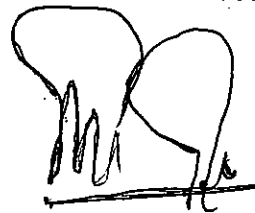
**VERSUS**

District Police Office, Karak and others  
... .. Respondents

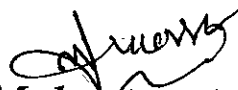
**AFFIDAVIT**

I, Ghulam Farid Son of Behram Shahzada R/o Sorati Qilla, PO Takht Nasrati, District Karak do hereby solemnly affirm and declare on oath that the contents of the accompanied service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

**DEPONENT**

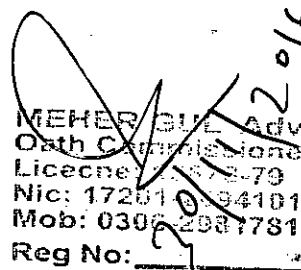


Identified by



Muhammad Abdullah  
Advocate  
High Court, Peshawar

**ATTESTED**

 2011/2016  
MEHER GUL Advocate  
Oath Commissioner  
Licence No: 572-79  
Nic: 17201034101-9  
Mob: 03002981781  
Reg No: \_\_\_\_\_

(A)


CHARACTER ROLL OF

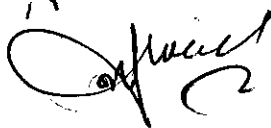
6. APPOINTMENTS, PROMOTIONS, REDUCTIONS, DISCHARGES, ETC.

(continued)

1	2	3	4	5
Appointed, promoted, suspended, reduced, discharged, dismissed, resigned or died	To what grade and pay Appointed, promoted or reduced	Date	No. of District Order	Full Signature of Superintendent of Police
<p>Appointed as temp Constable                      @ Rs: 625/- P.M. w.e. from                      B.S no 2 (625-16-945)</p> <p>Service from 1-1-90 to 30-6-90                      has been verified &amp; Acquittance                      6 Supt. of Police,                      P.M.R. Kohat Range.</p> <p>Allowed 5 Advance increment                      16 x 5 = 80. 625-705 P.M. w.e. + 1/40</p> <p>Services from 1/91 to 31/91                      have been verified from pay bills                      &amp; Acq. Roms kept in this Office                      record.</p>	<p>30-6-90</p>	<p>30-12-89</p>	<p>1/90</p>	<p>SP/PAR                      Kohat Range.....                      AZ</p> <p>Commissioner, P.M.R.                      Kohat Range</p>

7. TRANSFERS BEYOND THE DISTRICT.

1	2	3	4
Date	From	To	Authority for transfer
1-7-90	For Kohat	Comdt For Annual Returns	

Approved  


**CHARACTER AND SERVICE ROLL OF** *Const: Ghulam Farid*

CONSTABULARY NO. ( ) in

DITTO ( ) in

DITTO ( ) in

DISTRICT.

DISTRICT.

DISTRICT.

Name	Father's Name	Tribe or caste	Village or Town	Post and Telegraph Office	Police Station	District	Province	Date of Birth	Height	Chest Measurement	Date of Enrolment	Age on Enrolment	Distinctive Marks
<i>Ghulam Farid</i>	<i>Behrooz Shahzade</i>	<i>Phatam</i>	<i>Swarath Nilla</i>		<i>Latanber</i>	<i>Karak</i>	<i>N.W.F.</i>	<i>8-4-71</i>	<i>5'9"</i>	<i>33 x 34 1/2</i>	<i>1-1-90</i>	<i>18 years</i>	

Verification Roll No. \_\_\_\_\_ dated \_\_\_\_\_ received back and attached to the Fauji Misal.

Government Service prior to present employment, which is approved for pension service.

Service or department	Rank or Grade	Pay of last Appointment	From	To	PERIOD		
					Years	Months	Days
<i>Attested</i>							
Cause of and character on discharge from above service.				Reference to orders approving above service for pension service in the Police Department.			

*Kohat Range.....*

Agreement.—I understand that I have been appointed under section 7 of the Police Act (V of 1861), and the purport of that section and the provisions of the Act and the Rules issued under it and now in force, by which my discipline and conduct are governed, been explained to me. I agree to serve faithfully under the provisions of the said Police Act and to obey all lawful orders issued to me by my Superior Officers and undertake not to resign my appointment within three years from the date of my enrolment. I received a certificate of appointment issued under section 8 of the Police Act (V of 1861).

Signature.

*17/9/25*

Rolled impression of fingers and thumb of left hand.

Left little	Left ring	Left middle	Left index	Left thumb

1650

(Form No. 12.28)

No. 492

1401

District Karaul

### CHARACTER AND SERVICE ROLL OF

496 <sup>1/2</sup> / FAR

Const: Emulana Farid No 992

#### CONTENTS.

PARAS	PAGES.
1-5. General particulars	1
6. Appointments, Promotions, Reductions, discharges, etc.	2
7. Transfers beyond the district	2
8. Relatives in Government employ	3
9. Particulars of heirs	3
10. Educational qualifications	4
11. Professional attainments	4
12. Medals and decorations	5
13. Miscellaneous Particulars	5
14. Commendatory entries	6-8
15. Censures and punishments	9-12
16. Leave, absence and breaks in service	13
17. Record of posting of Inspectors, Sub-Inspectors, Assistant Sub-Inspectors.	
18. Statement of land held by Lower Subordinates Rule 14.23 (t)	
19. Progress reports of Probationary Inspectors, Sub-Inspectors and Assistant Sub-Inspectors.	
20. Medical history sheet	
21. Leave account of Constables and Head Constables.	
22. Marking sheet in connection with promotions to the selection grade of Constables.	
23. Health certificate	

*Marked*

OFFICE-DEPTT:

KARAK DISTT:

PAY FIXATION PROFORMA FOR THE YEAR, 1994.

Name of Govt. Servant.  
 Designation.  
 Department.  
 Pay Scale on 31.5.1994.  
 Revised Pay Scale on 1.6.94.  
 Pay on 31.5.1994.  
 35 % Increase.  
 Total of Column 6 + 7.  
 Pay on 1.6.1994.  
 Date of Next indrement.

Ghulam Jamal 486  
Const.

POLICE:

1025-48-1270  
1600-150-21850  
11389/AM  
465/15  
1794  
1794 AM  
1-12-94

M.A.  
 Superintendent of Police,  
 Karak.  
M. Alam/

Amir  
Attended


ORDER

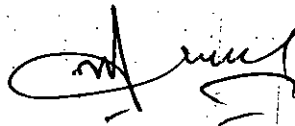
In compliance with the orders of Worthy Inspector General of Police Khyber Pakhtunkhwa, Peshawar Nakabandi was arranged near Tall Plaza and HC Ghulam Farid No. 496 was deputed for Nakabandi duty on 21.10.2016. During the course of checking by the undersigned, HC Ghulam Farid No. 496 was found absent. It has been told by Constable Nasib Ullah No. 1789/FRP that HC Ghulam Farid has left after obtaining prior permission from Line Office Karak. On enquiry from Line Officer stated that he has not granted any permission.

In view of the above and prevailing law & order situation, HC Ghulam Farid No. 496 exercised carelessness and negligence in the discharge of duty. Therefore, in exercise of powers conferred upon me, I Mian Nasib Jan, District Police Officer, Karak hereby revert him to his substantive rank as Constable with immediate effect.

O.B No. 660

Dated 21/10 2016.

  
District Police Officer, Karak

  
Attested

AP

25/10

To: The Regional Police Officer, Kohat.

Through Proper Channel.

Subject: REPRESENTATION.

R/Sir,

It is submitted that the appellant has been awarded a major punishment of reversion from the rank of IHC to constable by District Police Officer, Karak vide OB No. 660 dated 21.10.2016. Being aggrieved from the impugned punishment, the applicant submits the instant representation:-

1. That the appellant was enrolled in Police department as constable on 01.01.1990 and performed his duty efficiently.
2. That after undergoing the basic Lower School Course and fulfilling required qualification the appellant was promoted to the rank of HC in the year-2007.
3. That the appellant qualified the Intermediate School Course in the year-2016.
4. That the appellant was posted at Tall Plaza NakabandiKarak on 21.10.2016. On the same date the DPO Karak paid surprise visit and reported him absent. On the basis of absence the appellant was awarded a major punishment mentioned above.

Grounds:-

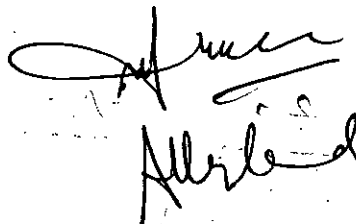
- A. The impugned punishment is against the law, rules and constitutional / fundamental rights.
- B. That no charge sheet or show cause notice was issued by the competent authority, nor absence reference is made in the impugned order.
- C. That the appellant was neither called, nor heard in person by DPO Karak.
- D. That the impugned order is arbitrary / illogical, hence not sustainable in eyes of law.
- E. That a very harsh punishment has been imposed on the appellant with one stroke of pin and the appellant suffered from irreparable loss.
- F. That the appellant served willful zeal & zest for entire satisfaction of his seniors with unblemished service record.

It is therefore, requested that on acceptance of the instant representation the impugned punishment order passed by DPO Karak may kindly be set aside and the appellant may be re-instated to the rank of IHC with back benefit.

I shall be highly obliged for your kind consideration please.

Your's obediently

Const: Ghulam Farid  
No. 496 (Demoted HC)  
Police Lines Karak





From: The District Police Officer, Karak.

To: The Dy. Inspector General of Police,  
Kohat Region Kohat.

No. 1472/16 /LB, dated Karak the 31-10 /2016.


Subject: REPRESENTATION

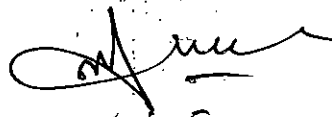
Memo: Kindly refer to your Office Endst: No. 11775/EC, dated 27.10.2016 on the subject cited above.

It is submitted that Constable Ghulam Farid No. 496 has preferred the attached appeal for setting aside the impugned order dated 21.10.2016 passed against him. Facts are that in compliance with the orders of Worthy Inspector General of Police Khyber Pakhtunkhwa, Peshawar Nakabandi was arranged near Tail Plaza and HC Ghulam Farid No. 496 was deputed for Nakabandi duty on 21.10.2016. During the course of checking by the undersigned, HC Ghulam Farid No. 496 was found absent. It has been told by Constable Nasib Ullah No. 1789/FRP that HC Ghulam Farid has left after obtaining prior permission from Line Office Karak. On enquiry from Line Officer he stated that he has not granted any leave or permission.

In view of the above and prevailing law & order situation, HC Ghulam Farid No. 496 exercised carelessness and negligence in the discharge of duty. The above named officials was reverted from the rank of Head Constable to constable vide this office OB. No. 660, dated 21.10.2016.

The appellant submitted the present appeal for setting aside the punishment awarded to him on the grounds mentioned in his appeal. His service record alongwith connected papers are submitted herewith which may kindly be returned to this office when no longer required, please.

  
District Police Officer Karak

  
Ghulam Farid

2

13

4962  
3-11-16

ORDER.

This short order will dispose of a departmental appeal, moved by Ex-HC Ghulam Farid of Karak district against the punishment order passed by DPO Karak vide OB No. 660, dated 21.10.2016, whereby he was awarded major punishment of reversion from the rank of HC to FC for the allegations that he while posted at Toll Plaza was found absent from the place of deployment without any leave or prior permission.

He preferred an appeal to the undersigned, upon which comments were obtained from DPO Karak and his service record was perused. He was heard in person in Orderly Room, held in this office on 02.11.2016.

I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved and the punishment order passed by DPO Karak is correct. Hence, appeal is filed.

Order Announced  
02.11.2016

*Awal Khan*

(AWAL KHAN)  
Regional Police Officer,  
Kohat Region.

No. 12080 /EC, dated Kohat the 3/11 /2016.

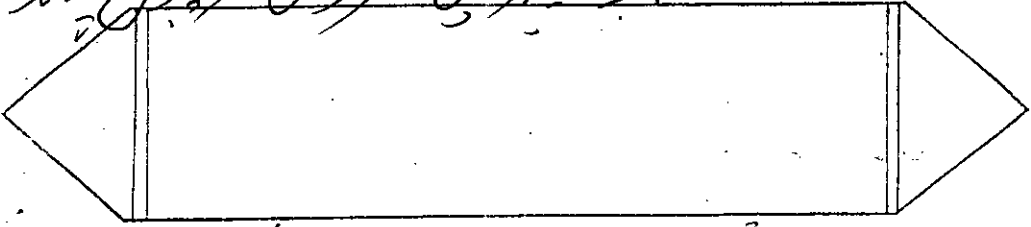
Copy to the District Police Officer, Karak for information w/r to his office Memo: No. 14706//L.B, dated 31.10.2016. His service record is enclosed herewith

*Awal Khan*

(AWAL KHAN)  
Regional Police Officer,  
Kohat Region.

*Amir*  
*Murid*

بعدالت صدر سے سرسین کے لئے



کتاب 2، جناب: عدم تردید  
بنام

موزخہ  
مقدمہ  
دعویٰ  
جرم

کے لئے سرسین کے لئے

### باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ  
آن مقام مختصاً کیلئے عبداللہ الاولیاء طیبر اسلام اور اولیاء  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو رائی نامہ کرنے و اقرار ثالثہ فیصلہ برٹانیا دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل ٹکرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بسورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے 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 سندر ہے۔

الرقوم 30 با نومبر 20

Attended  
and  
accepted  
P. U.

کے لئے منظور ہے۔

M. M. M.

M. M. M.

بمقام