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BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 1335 /2014

Mohib Ullah S/o Mir Zaman R/o Laghari Bogaran Tehsil

Takht-e-Nasrati & District Karak..... Appellant

Versus

1. Provincial Police Officer/ Inspector General of Police
Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police Kohat Region, Kohat.
3. District Police Officer, Hangu
4. District Police Officer, Karak
5. Government of Khyber Pakhtunkhwa through
Chief Secretary, Peshawar

1338
6-11-2014

.....Respondents

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST THE ORDER DATED 10/10/2014 PASSED BY
RESPONDENT NO. 2 BY WHICH APPLICATION FILED BY
PETITIONER FOR FIXATION OF PERIOD OF MAJOR PENALTY OF
TIME-SCALE SI HAS BEEN DISMISSED/ FILED

PRAYER

On accepting this service appeal, the impugned order bearing No. 9371/EC, dated Kohat the 10/10/2014 as well as order dated 30/12/2008 may graciously be set aside by declaring it illegal, unlawful, without authority, based on mala fide, void abinitio and thus not sustainable in the eyes of law and the respondent may please be direct to fix the time period of major penalty of reduction to lower stage in time-scale Sub Inspector awarded to petitioner vide order dated 30/12/2008

6/11/14

Respectfully Sheweth;

9/11/14

re-submitted to the
and filed.

13/11/14

1. That appellant joined police department as constable in the year, 1977 and has rendered satisfactory service in the Department for the last 36 long years and has earned promotion to the rank of Sub: Inspector (SI) and performed his duties with full zeal and enthusiasm.

S.No	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	17.05.2016	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">APPEAL NO.1335/2014</p> <p style="text-align: center;">(Mohib Ullah-vs-Provincial Police Officer/Inspector General of Police Khyber Pakhtunkhwa and others).</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>PIR BAKHSH SHAH . MEMBER:</u></p> <p>Appellant with counsel (Shahid Qayum Khattak, Advocate) and Mr. Abdur Rehman, Inspector (Legal) alongwith Additional AG for respondents present.</p> <p>2. On the basis of the allegations that appellant (S.I) Mohib Ullah while posted in Police Station Hangu, conducted faulty investigation in a case registered vide FIR No. 54 dated 20.01.2007 under Section 302 PPC ect, Police Station Hangu, he was proceeded against and vide order of DPO Hangu dated 25.08.2008 major penalty of reversion to the rank of ASI was imposed on him. In departmental appeal this penalty was converted into reduction to lower stage in time scale vide order dated 30.12.2008, hence this service appeal under Section - 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.</p> <p>3. Arguments heard and record perused.</p> <p>4. After a careful perusal of the record and pro & contra arguments, it was observed by the Tribunal that no time limit has been prescribed in the impugned</p>

order in contemplation of the provision of FR.29. The impugned order dated 30.12.2008 is therefore, faulty. This may further be observed that since it is a continuous wrong involving continuous monetary loss to the appellant, therefore the contention of limitation of the learned AAG is repelled. Consequently, while correcting impugned order dated 30.12.2008 of the appellate authority, we would like to prescribe and fix the reversion period for three years only. The appeal is allowed accordingly. Parties are left to bear their own cost. File be consigned to the record room.

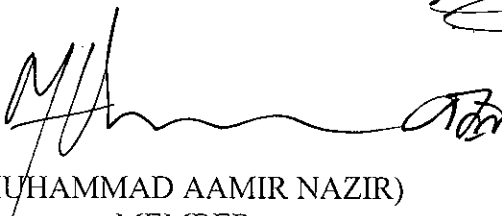
sd/-
(PIR BAKHSH SHAH)
MEMBER


sd/-
(MUHAMMAD AAMIR NAZIR)
MEMBER

ANNOUNCED
17.05.2016

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(MUHAMMAD AAMIR NAZIR)
MEMBER


(PIR BAKHSH SHAH)
MEMBER

ANNOUNCED
17.05.2016

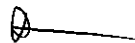
03.09.2015

Counsel for the appellant and Addl: A.G for respondents present.
Rejoinder submitted. The appeal is assigned to D.B for final hearing for
21.12.2015.


Chairman

21.12.2015

Counsel for the appellant and Mr. Abdur Rehman,
Inspector (Legal) alongwith Mr. Ziaullah GP for respondents
present. Clerk to counsel for the appellant requested adjournment.
To come up for arguments on 17-5-2016.


Member


Member

4. 16.2.2015


*Appellant deposited
fees for security & process fee,
BN*

Counsel for the appellant present and submitted that major penalty of reduction to lower stage in time scale was imposed on the appellant without mentioning period which is contrary to the rules. Points raised need consideration. The appeal is admitted for regular hearing, subject to all legal exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 29.4.2015.


MEMBER

29.04.2015

Appellant in person, Mr. Mujahid Hussain, PSI and Mr. Habib Khan, PSI alongwith Asstt:AG for the respondents present. Representative of the respondents requested for time to submit written reply/comments. To come up for written reply/comments on 18.06.2015 before S.B.


Member

18.06.2015

Counsel for the appellant and Mr. Sawab Ali, ASI alongwith Addl: A.G for respondents present. Para-wise comments submitted, copy whereof supplied to learned Addl: A.G. To come up for rejoinder on 3.9.2015.

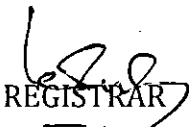



Member

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 1335/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	13.11.2014	<p>The appeal of Mr. Mohibullah resubmitted today by Mr. Shahid Qayum Khattak Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	15-01-2015	<p>This case is entrusted to Bench <u>II</u> for preliminary hearing to be put up there on <u>16-01-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
16.1.2015		<p>Notice of general strike received from the Khyber Pakhtunkhwa Bar Council. Notice be issued to appellant and his counsel. To come up for preliminary hearing on 16.2.2015.</p> <p style="text-align: right;"> MEMBER</p>

The appeal of Mr. Mohibullah son of Mir Zaman r/o Laghari Bogaran Tehsil Takht-e-Nasrati Distt. Karak received today i.e. on 07.11.2014 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

Copy of departmental appeal/application mentioned in Para-5 of the memo of appeal is not attached with the appeal which may be placed on it.

No. 1591 /S.T.

Dt. 12-11 /2014.

690
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Shahid Qayum Khattak Adv. Pesh.

copy
attached

*Resubmitted after compliance, put up for further n/c
& order please*

[Signature]
13/11/2014

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 1335 /2014

Mohib Ullah..... Appellant

Versus

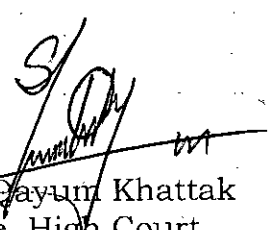
Provincial Police Officer and others..... Respondents

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S.No.	Description of Documents	Annexure	Pages
1.	Memo of appeal		1-4
2.	Affidavit		5
3.	Address of the parties		6
4.	Charge Sheet	A	7-8
5.	Copy of Order dated 25/08/2008	B	9-10
6.	Copy of Order dated 30/12/2008	C	11
7.	Copy of letter dated 12/08/2014	D-I	12
8.	Copy of letter dated 19/08/2014	D-II	13
9.	Copy of letter dated 22/08/2014	D-III	14
10.	Copy of Impugned order dated 10/10/2014	E	15
11.	Wakalat Nama		

Appellant

Through


Shahid Gayum Khattak
Advocate, High Court
Peshawar
Mob No. 0333-9195776

Dated: 06/11/2014

①

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 1335 /2014

Mohib Ullah S/o Mir Zaman R/o Laghari Bogaran Tehsil

Takht-e-Nasrati & District Karak..... Appellant

Versus

1. Provincial Police Officer/ Inspector General of Police
Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police Kohat Region, Kohat.
3. District Police Officer, Hangu
4. District Police Officer, Karak
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On accepting this service appeal, the impugned order bearing No. 9371/EC, dated Kohat the 10/10/2014 as well as order dated 30/12/2008 may graciously be set aside by declaring it illegal, unlawful, without authority, based on mala fide, void abinitio and thus not sustainable in the eyes of law and the respondent may please be direct to fix the time period of major penalty of reduction to lower stage in time-scale Sub Inspector awarded to petitioner vide order dated 30/12/2008

6/11/14

Respectfully Sheweth;

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1. That appellant joined police department as constable in the year, 1977 and has rendered satisfactory service in the Department for the last 36 long years and has earned promotion to the rank of Sub: Inspector (SI) and performed his duties with full zeal and enthusiasm.

re-submitted to the
and filed.
13/11/14

(2)

2. That respondent No. 3 issued a charged sheet to the appellant on 02/01/2008 containing the allegation of gross misconduct. (Copies of charge sheet is attached as Annexure "A")
3. That after conducting enquiry final show cause notice was issued which has been properly replied but respondent No. 3 vide order dated 25/08/2008 reverted petitioner to post of A.S.I. (Copy of order dated 25/08/2008 is attached as Annexure "B")
4. That Appellant filed representation against the said order to respondent No. 2 wherein the punishment of reversion from the rank of Sub inspector to ASI has been converted into major punishment of reduction to lower stage in time scale Sub inspector vide order dated 30/12/2008. (Copy of impugned order dated 30/12/2008 is attached as Annexure "C")
5. That appellant was informed that his representation has been accepted and the penalty imposed upon him was waived off and he has been allowed to work on his post as the order dated 30/12/2008 was not communicated to him thus he was unaware of the reversion of time-scale S.I. But when he came to know regarding the said fact he filed an application for fixation of period of time scale as per P.R 16.5. which read as under:-

16.5 Stoppage of approved service for increment increments or forfeiture

(1) *The increment of a police officer on a time-scale may be withheld as a punishment. The order must state definitely the period for which the increment is withheld, and whether the postponement shall have the effect of postponing future increments. The detailed orders regarding the grant and stoppage of increments are contained in rule 13.2.*

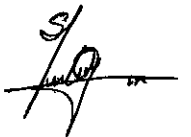
The said application was properly forwarded by respondent No. 4 to respondent No. 2 on 12/08/2014 and respondent No. 2 requisitioned comments. Respondent No. 4 in their comments suggest that the applicant is justified and his case needs proper consideration in accordance with 15.5(1) of Police Rules 1934. (Copy of applications are attached as Annexure "D-I to D-III)

(3)

6. That respondent No. 2 with out considering the submission under the relevant rules declare the application is not maintainable and thus filed the same vide order dated 10/10/2014. (Copy of the impugned order dated 10/10/2014 is attached as Annexure "E")
7. That now the appellant feeling aggrieved from the same order and having no other remedy file this appeal before this Hon'ble Tribunal on the following amongst other grounds.

GROUNDS:

- a. That the impugned orders are illegal, unlawful, without authority, based on mala fide, void abinitio thus untenable in the eyes of law and is liable to be set aside.
- b. That under Rule 16.5(1) of Police Rules 1934 it was incumbent upon respondent to fix time period while awarding major penalty of time scale Sub Inspector but the order dated 30/12/2008 has been passed with out fixing any time period which make it illegal and void thus the same is liable to be modified but this aspect of the case has not been considered at all by the Learned respondent No. 2 while deciding application of appellant.
- c. That under the law void order is no order and limitation never runs against any such order. The appellant brought into the notice of respondents the illegality committed by them while passing order dated 30/12/2008 but the same has not been considered at all therefore, the application is liable to be accepted and the time period of time scale SI is liable to be fixed.
- d. That under the Police Rules 1934 respondent No. 2 is the competent authority to clarify and rectify any mistake apparent on the face of any order but this aspect of the case has not been considered at all by respondent No. 2.
- e. That it is fundamental right of appellant being a civil servant that he must be treated in accordance to the rules and



(4)

regulation and if any mistake is very much evident the same is liable to be corrected in the best interest of justice.

- f. That the order dated 30/12/2008 did not specified the stages of reduction to time scale therefore, the order is worth modified.

It is, therefore, most humbly prayed that by accepting this service appeal, the impugned order bearing order bearing No. 9371/EC, dated Kohat the 10/10/2014 and order dated 30/12/2008 may graciously be set aside by declaring it illegal, unlawful, without authority, based on mala fide, void abinitio against the rules & regulation and thus not sustainable in the eyes of law and the respondent may please be direct to fix the time period of major penalty of reduction to lower stage in time-scale Sub Inspector awarded to petitioner vide order dated 30/12/2008

Any other relief not specifically prayed for but deem appropriate in the circumstances of the case may also be granted.

Appellant

Through

Shahid Qayum Khattak
Advocate, High Court
Peshawar

Dated: 06/11/2014

Certified that as per instruction of my client no such appeal has been filed before this Hon'ble Forum.

Advocate

(5)

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. /2014

Mohib Ullah..... Appellant

Versus

Provincial Police Officer and others..... Respondents

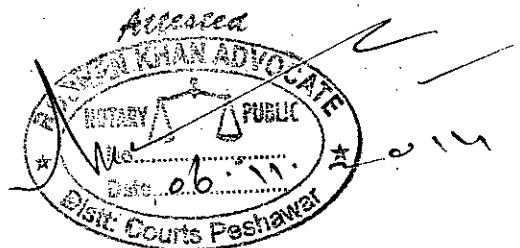
Affidavit

I, Mohib Ullah S/o Mir Zaman R/o Loghari Bogaran Tehsil Takht-e-Nasrati District karak, do hereby solemnly affirm and declare on Oath that the contents of the above appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon'ble Tribunal.

Y
Ullah
Deponent

Identified by

S/
Shahid Qayum Khattak
Advocate



(6)

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. /2014

Mohib Ullah..... Appellant

Versus

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ADDRESSES OF THE PARTIES

APPELLANT

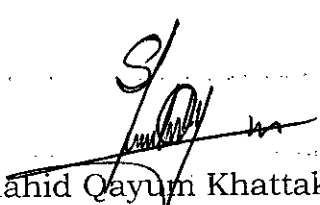
Mohib Ullah S/o Mir Zaman R/o Loghari Bogaran Tehsil
Takht-e-Nasrati District Karak

RESPONDENTS

1. Provincial Police Officer/ Inspector General of Police
Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police Kohat Region, Kohat.
3. District Police Officer, Hangu.
4. District Police Officer, Karak
5. Government of Khyber Pakhtunkhwa through
Chief Secretary, Peshawar

Appellant

Through


Shahid Qayum Khattak
Advocate, High Court
Peshawar

Dated: 06/11/2014

(7)

Annexure "A"

(Handwritten initials)

- 1 -

CHARGE SHEET.

I, **MIAN GHULAM MUHAMMAD, D.P.O, HANGU** as competent authority, hereby charge you SI Mohibullah as follows: -

That you, while posted at P.S. Hangu committed the following irregularities:

- a). You while posted ASI P.S. Hangu conducted investigation vide case FIR No. 54 dated 20.1.2007 u/s 302/324/353/427/148/149 PPC P.S. Hangu in which ASI Yaseen Khan was martyred and the police constables got injuries. You failed to bring no aiota of evidence directly or indirectly connecting the accused with the commission of offence and sent the case for trial and thereby committed gross misconduct which shows your disinterest in the investigation.
2. By reasons of the above, you appear to be guilty of misconduct Under Section - 3 of the NWFP (Removal from Service) Special Power, 2000, and have rendered yourself liable to all or any of the penalties specified in section - 3 of the Ordinance ibid.
3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Enquiry Officer / Committees, as the case may be.
4. Your written defence, if any, should reach to the Enquiry Officer / Committees within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
5. Intimate whether you desire to be heard in person.
6. A statement of allegation is enclosed.

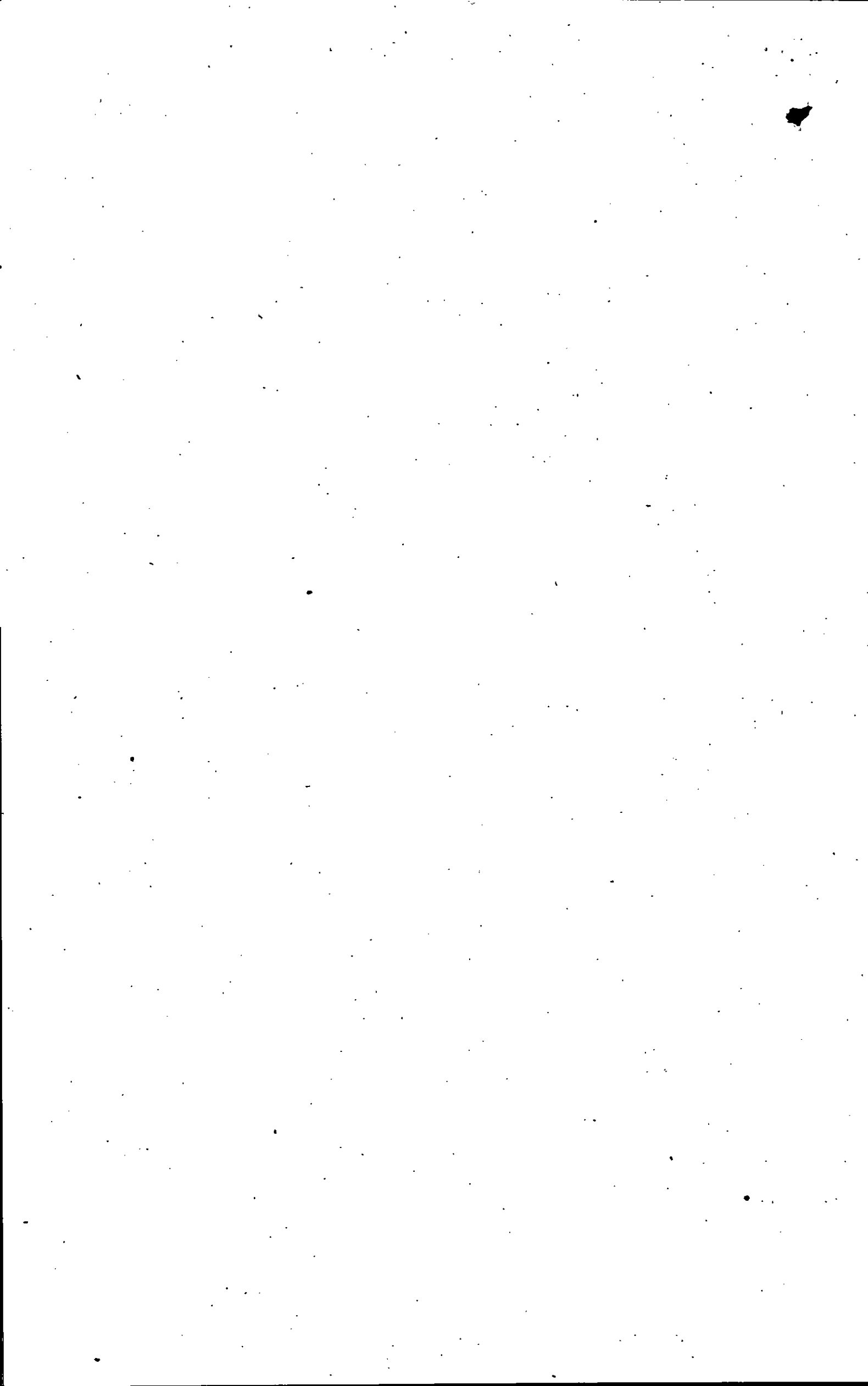
(Signature)
(MIAN GHULAM MUHAMMAD)
DISTRICT POLICE OFFICER,
HANGU.

No. 28 /PA,

Dt: 2 / 1 / 2005

Attested

(Signature)



-2- (8)

(8) (8)

DISCIPLINARY ACTION

I, MIAN GHULAM MUHAMMAD, D.P.O, HANGU as competent authority, am of the opinion that SI Mohibullah while posted as ASI P.S. Hangu, has rendered himself liable to be proceeded against as he committed the following acts / omissions within the meaning of section-3 of the North - West Frontier Province Removal from Service (Special Power) Ordinance, 2000: -

STATEMENT OF ALLEGATIONS

a). You while posted ASI P.S. Hangu conducted investigation vide case FIR No. 54 dated 20.1.2007 u/s 302/324/353/427/148/149 PPC P.S. Hangu in which ASI Yaseen Khan was martyred and the police constables got injuries. You failed to bring no aiota of evidence directly or indirectly connecting the accused with the commission of offence and sent the case for trial and thereby committed gross misconduct which shows your disinterest in the investigation.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Enquiry Committee consisting of the following is constituted under section - 3 of the Ordinance: -

- DSP/Legal*
- i. Mr. Akbar Ali, ~~D.P.O~~ Hangu
 - ii. Sub Inspector Abdul Nawaz Khan

3. The Enquiry Committee shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Enquiry Committee.

Attested

[Signature]

[Signature]
(MIAN GHULAM MUHAMMAD)
DISTRICT POLICE OFFICER,
HANGU.

A copy of the above is forwarded to :-

1. DSP/Legal & SI Abdul Nawaz Khan. The Committee for initiating proceedings against the accused under the provisions of the NWFP Removal from Service (Special Power) Ordinance, 2000.
2. SI Mohibullah. The concerned officer's with the directions to appear before the Enquiry Committee, on the date, time and place fixed by the Committee, for the purpose of the enquiry proceedings.

(9)
ORDER

FER-192/08 (1)

Annexure "B"

An enquiry was initiated against SI Muhibullah on the basis of allegation that he while posted in P.S. Hangu conducted investigation in case F.I.R. No. 54 dated 21.01.2007 U/S 302/321/427/353/148/149 PPC P.S Hangu in which ASI Yasin Khan was martyred and Police constable were injured. The defaulter S.I. was charged for not bringing any iota of evidence during the course of this investigation and the District Public Prosecutor complained against him, Charge sheet and Summary of allegations were served upon the defaulter who replied and put the entire burden on Constable Iftikhar Ali of for not identifying the culprits.

Acting DSP(L) Mr. Akbar Ali was appointed as EO who deliberately delayed the findings for almost 7 months and it was he who got the enquiry completed and the E.O. had to submit his findings on 21st July and hence Final SCN was issued which he did not heed to. Keeping in view the emergency scenario in Hangu, importance of this enquiry in which a brother police officer was killed and the uncalled for delay by A/DSP(L), it was deemed fit to initiate Ex Parte proceedings and thus this order.

The enquiry file was also considered pertinent to be perused which proves without doubt that the I.O ASI Muhib Allah was in league with the accused. The report of Distt. Public Persecutor, Hangu dated 11.12.2007 is worth perusal in which he has categorically stated that I.O Muhib Ullah has not bothered to collect any evidence.

The E.O seems to be quite shrewd in assessing the situation. He on one hand delayed the findings and on the when forced for completion of enquiry, in a way led the authority by holding him responsible but has been naive while discussing the lacunae. He is very lenient for the reason best known to him (E.O). For instance, keeping aside the mala fide on his part (i.e. delay) the E.O has, unfortunately, placed emphasis on poor shoulders of a Constable (Iftikhar Ali) for "not identifying the accused" but has totally ignored the huge and important responsibility of I.O i.e. collection of evidence in which a belt brother (Shaheed Yaseen) was murdered.

in my opinion, the E.O Akbar Ali is equally responsible for damage to this case. Being in charge legal wing, it was also his preliminary duty to have looked into this important case which a custodian of law was killed by miscreants. In the light of these facts, a separate request is to be made to worthy Provincial Police Officer, NWFP, Peshawar and worthy Director Inspector General of Police, Kohat Region, Kohat for taking departmental action against DSP (Legal) Akbar Ali.

Allested

9-A

BETTER COPY

ORDER

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In my opinion, the E.O Akbar Ali is equally responsible for damage to this case. Being in charge legal wing, it was also his preliminary duty to have looded into this important case is which a custodian of laws was killed by miscreants. In the light of these facts, a separate request is to be made to worthy Provincial Polce Officer , NWFP, Peshawar and worthy Dy Inspector General of Police, Kohat Region, Kohat for faking departmental action against acting DSP (legal) Akber Ali

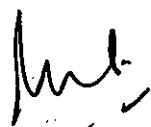
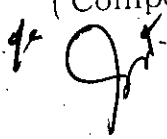
Attested
9/12/07

10

3

As far as this disposal is concerned I am of the honest opinion that since S.I Muhib Ullah has not been responding to Final SCN, issued to him on 07.08.2008 therefore, in the best interest of the department, yet taking a lenient view, the S.I Muhibullah is reverted to the work of A.S.I. This will however not jeopardize the right of this or other office to award/ recommend him against any thing of another enquiry(s) lying so far regarding more punishment.

OB-585
DL-25/8/08

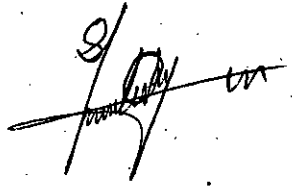

(MUHAMMAD IDREES) PSP
DISTRICT POLICE OFFICER,
HANGU
(Competent Authority)


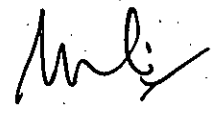
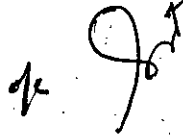
OFFICE OF THE DISTRICT POLICE OFFICER, HANGU.

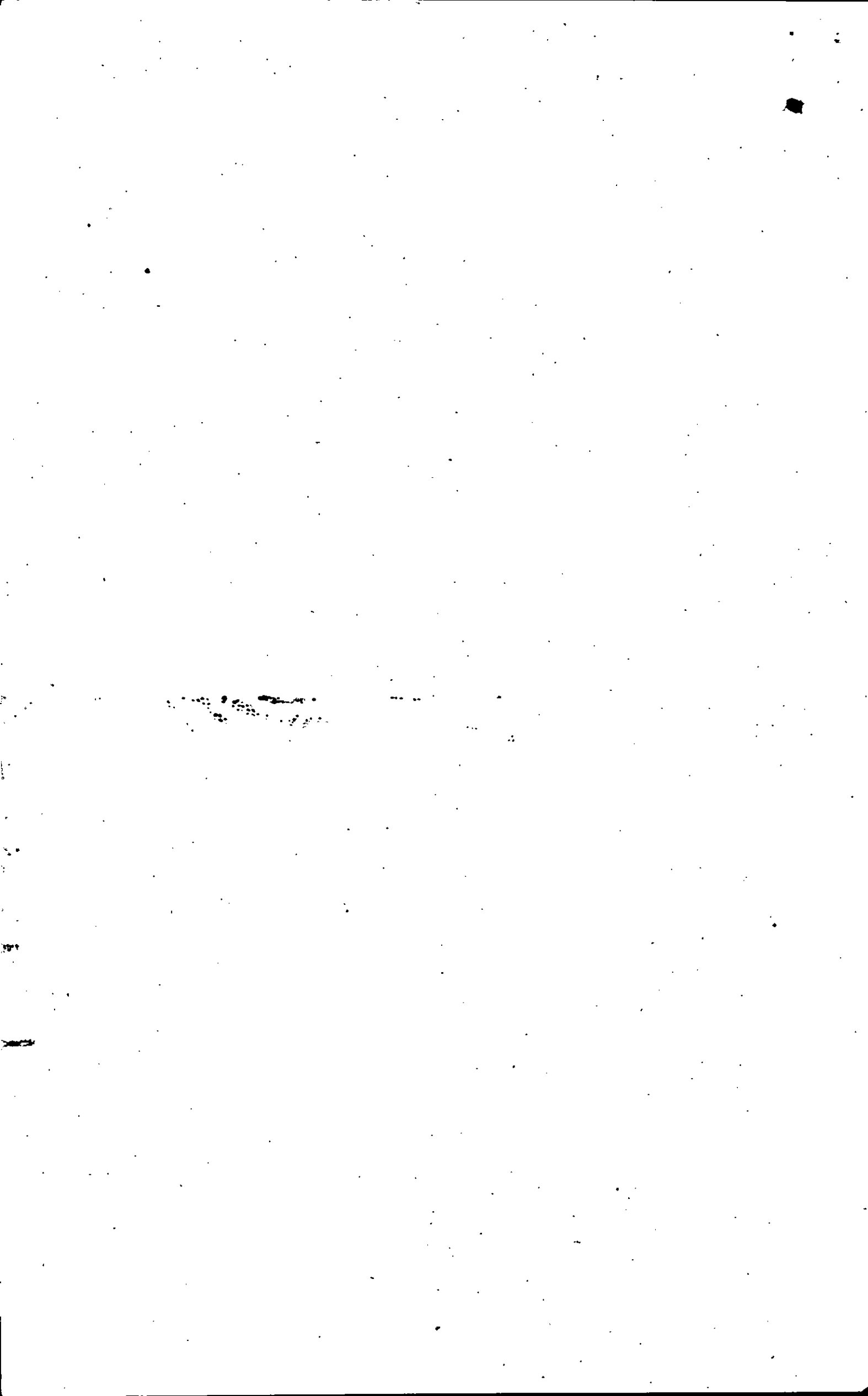
No 1869-71/PA, Dated Hangu the 25/8/2008.

Copy of above is submitted to the Provincial Police Officer, NWFP, Peshawar for favour of information please.

- 2. Addl: Inspector General of Police, Investigation NWFP, Peshawar for information please.
- 3. Dy: Inspector General of Police, Kohat Region, Kohat with the request to write to Dy: Inspector General of Police, D.I, Khan for departmental action against DSP (Legal) Akbar Ali in Case FIR No. 54 dated 21.01.2007 U/S 302/324/427/353/148/149 PPC P.S Hangu.

Attested



(MUHAMMAD IDREES) PSP
DISTRICT POLICE OFFICER,
HANGU.




10-A

BETTER COPY

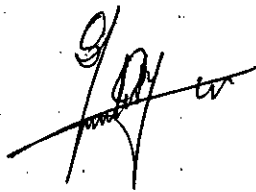
So far as this disposal is concerned I am of the honest opinion that since S.I Muhib Ullah has not been responding to Final SCN, issued to him on 07.08.2008 therefore, in the best interest of the department, yet taking a lenient view, the S.I Muhibullah is reverted to the work A.S.I. This will how ever not jeopardize the right of this or other office to award/ recommend him against any thing of another enquiry(s) lying so for regarding more punishment.

OB 585
DL 25/8/08

(MUHAMMAD IDREES) DSP
DISTRICT POLICE OFFICER,
HANGU
(Competent authority)

OFFICE OF THE DISTRICT POLICE OFFICER, HANGU
No. 1869-71 / PA, Dated Hangu the 25/8/2008

Copy of above is submitted to the Provincial Police Officer, NWFP,
Peshawar for favour of information please.

Attested


11

Annexure - C

KOHAT REGION.

POLICE DEPARTMENT

ORDER.

This order will dispose off the representation of ASI Mohibullah of Hangu district.

Brief facts of the representation are that on 21.01.2007 ASI Muhammad Yaseen alongwith Police party was on night patrolling in official vehicle. On the eventful night unidentified person started indiscriminate firing on the said mobile. As a result ASI Muhammad Yaseen was martyred and Constable Iftikhar Ali, Munir Ahmed and Said Rehman sustained injures. Case FIR No.54 dated 21.01.2007 U/S 302/324/353/427/148/149 PPC Police Station Hangu was registered against unknown accused.

The appellant while posted at Investigation Wing Hangu was entrusted the case for investigation. He failed to workout a heinous nature case and to collect the evidence against arrested accused. He was death with departmentally under the NWFP Removal From Service (Special Power) Ordinance -2000 and awarded punishment of Reversion from the rank of S.I to ASI.

He was heard in person in orderly room held in this office on 03.12.2008. The case file was perused. From the perusal of case file and other relevant documents I have come to the conclusion that the appellant has traced out the case and arrested the accused.

Keeping in view the above the undersigned has taken lenient view and the punishment of reversion from the rank of S.I to ASI is converted into major punishment of reduction to lower stage in time scale Sub Inspector with immediate effect.

Office of the Supdt of Police Inve
Dy. No. 10
Dated 5-1-09
Kohat

(QUDRATULLAH KHAN MARWAT)
Dy. Inspector General of Police,
Kohat Region, Kohat.

No. 567273/EC, dated Kohat the 30/12/2008.

Copy of District Police Officer, Hangu for information with reference to his office Memo: No.4883/GC, dated 06.10.2008. His Service Record together with Police file of case FIR No. mentioned above are returned herewith.

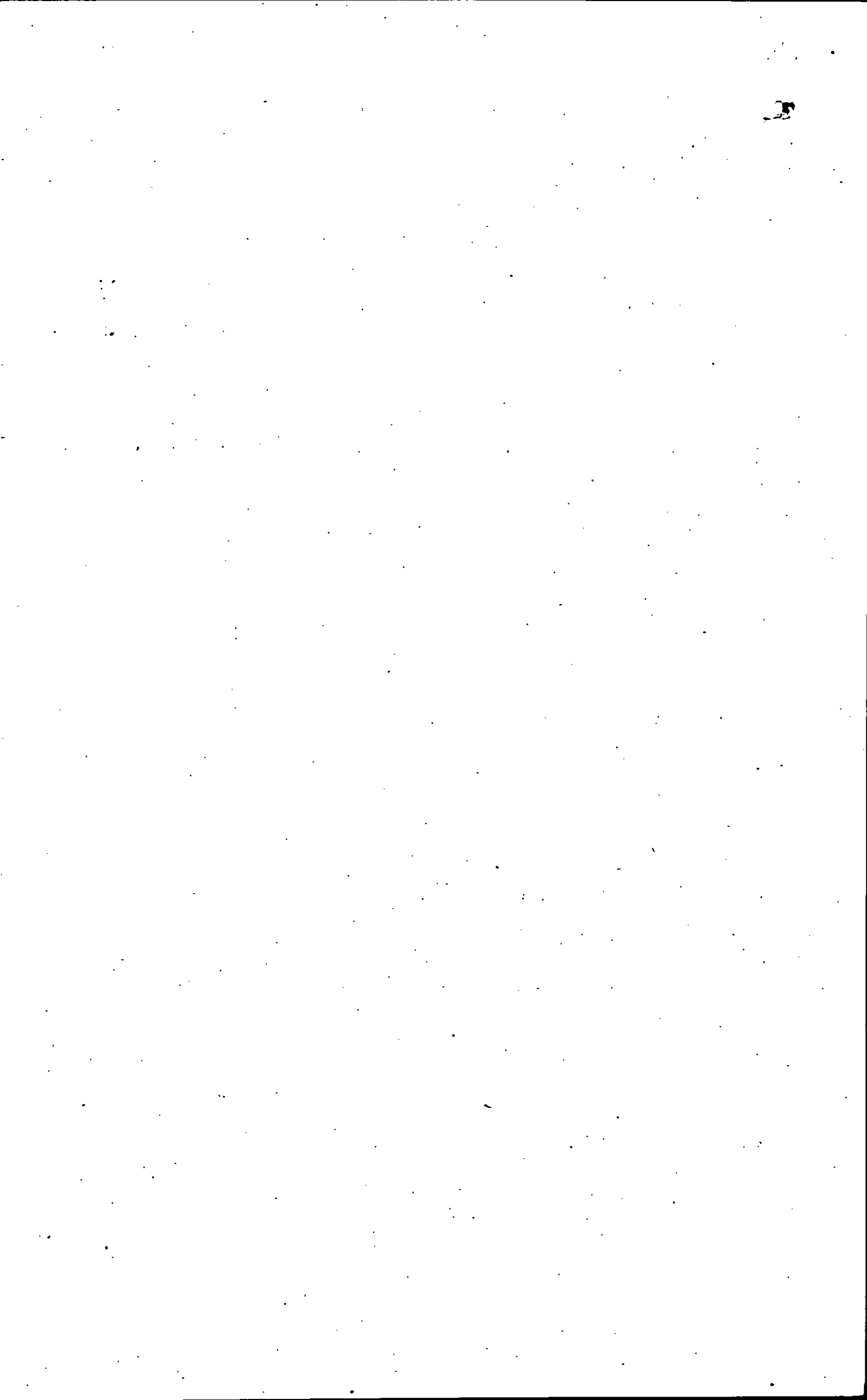
✓2. The Supdt: of Police Inve: Wing Kohat.

~~Superintendent of Police
Investigation Kohat~~

Attested
[Signature]

[Signature]
(QUDRATULLAH KHAN MARWAT)
Dy. Inspector General of Police,
Kohat Region, Kohat.

OB No. 3
dt. 19.1.09



(12)

(12)

(12)

Annexure-D-I
Annexure-D-I

From: The District Police Officer, Karak.

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

No. 10195 /EC, dated Karak the 12/18 2014

Subject: APPLICATION.

Memo:

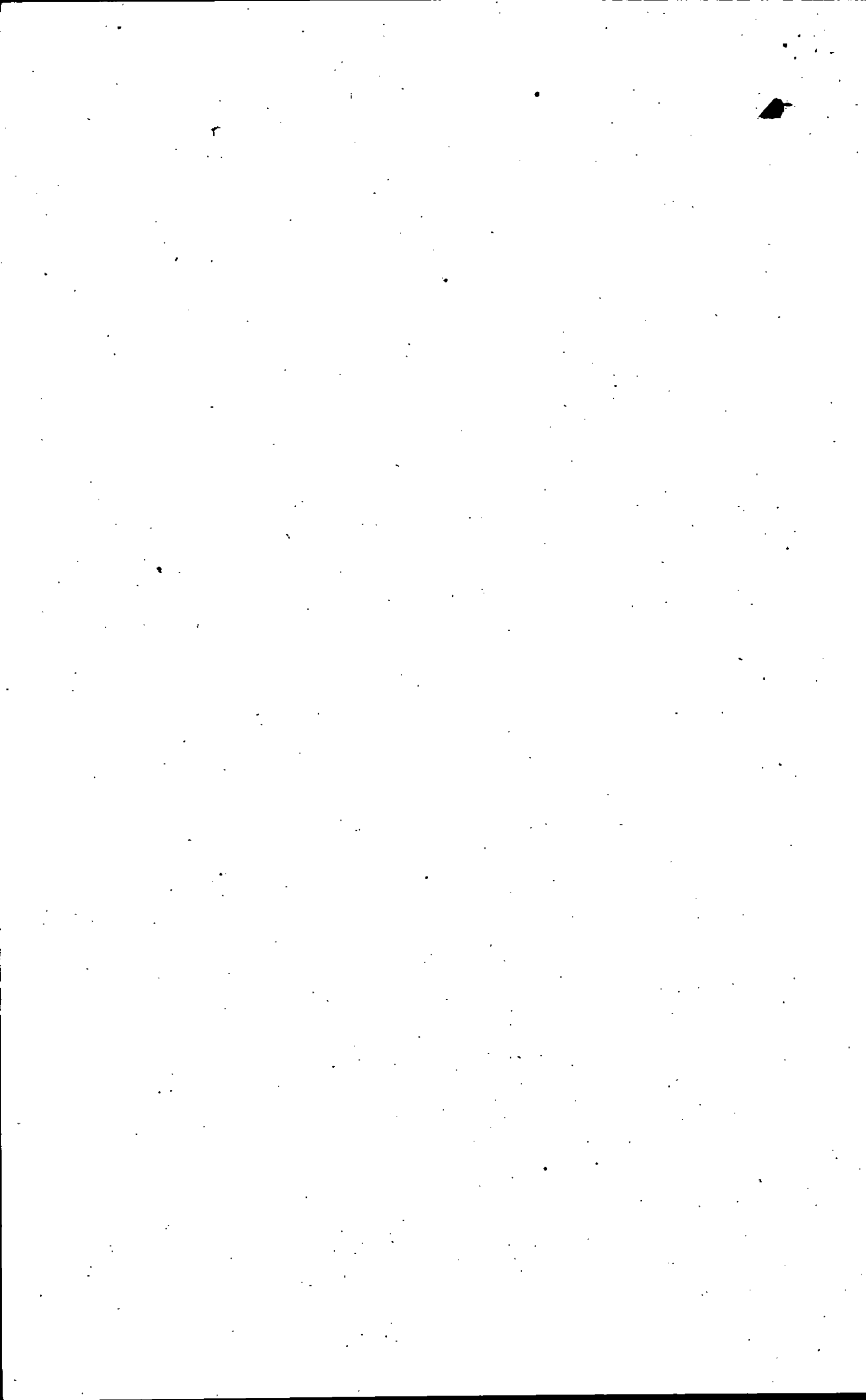
An application preferred by ASI Mohib Ullah, requesting therein for specification period in the major penalty of time scale, awarded to him vide your good office order Endst: No. 5672-73/EC dated 30.12.2008, is submitted herewith for favour of perusal and order please.

Attached

o/c

[Signature]

[Signature]
District Police Officer, Karak

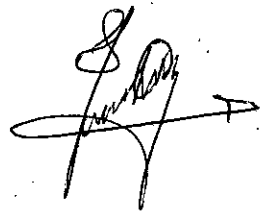


1. اذین سے تعلق رکھنے والے افراد کو
 2. نام سے سب سے پہلے ترقی دیا جائے گا۔
 3. پانچ سالہ قیدیوں میں سے ترقی دیا جائے گا۔
 4. نام سے ترقی دیا جائے گا۔
 5. پانچ سال سے زیادہ قیدیوں میں سے ترقی دیا جائے گا۔
 6. سب سے پہلے ترقی دیا جائے گا۔

7. اذین سے تعلق رکھنے والے افراد کو
 8. نام سے ترقی دیا جائے گا۔
 9. پانچ سال سے زیادہ قیدیوں میں سے ترقی دیا جائے گا۔
 10. نام سے ترقی دیا جائے گا۔
 11. پانچ سال سے زیادہ قیدیوں میں سے ترقی دیا جائے گا۔

12/14
 13/14
 14/14
 15/14

Alludu & be Ism
 Copy



(13)

Annexure D-II

3937
21-8-14

From: - The Dy: Inspector General of Police,
Kohat Region, Kohat.

To: - The District Police Officer, Karak.

No. 7561 /EC, Dated Kohat the 19/08 /2014.

Subject: - APPLICATION.

MEMO:

Please refer to your office Memo: No. 10145/EC, dated
12.08.2014.

The application of ASI Mohib Ullah received with your
above quoted reference is returned herewith for comments, also furnish
his service record for the perusal of W/DIG.

SRC
RCPT
muel
District Officer
Karak
21/8/2014

For Dy: Inspector General of Police,
Kohat Region, Kohat

Attest

14

Annexure - D-III

From: The District Police Officer, Karak.
To: The Dy. Inspector General of Police,
Kohat Region Kohat.

No. 10459 /LB, dated Karak the 22/08 /2014

Subject: APPLICATION.

Memo:

Kindly refer to your Office Memo: No. 7561/EC, dated 19.08.2014 on the subject cited above.

The requisite comments on the subject application are submitted as below:-

It is on record that SI Mohib Ullah, while posted in Police Station Hangu, conducted investigation in case FIR No.54, dated 21.01.2007 u/s 302, 324, 353, 427, 148, 149 PPC Police Station Hangu, in which ASI Yasir Khan was martyred and a Police Constable was injured. The investigating Officer failed to procure incriminating evidence in support of prosecutions case. He was proceeded against departmentally for conducting defective investigation in the case. Proper enquiry against defaulter S.I was conducted by Akbar Ali DSP, who recommended defaulter for major punishment, consequently defaulter S.I was reverted to the rank of ASI by the District Police Officer, Hangu vide O.B.No.585, dated 25.08.2008.

At a subsequent stage, the defaulter ASI filed appeal against punishment order of reversion in rank to Regional Police Officer Kohat, which was decided vide your Office Endst: No. 5672-73/EC, dated 30.12.2008, whereby punishment already imposed upon the appellant was converted to time scale S.I with immediate effect.

At present, the applicant ASI Mohib Ullah has requested for specification of period of time scale in accordance with the provisions of P-R 16.5. The request of applicant is justified and needs proper consideration in accordance with 16.5 (1) of Police Rules 1934. Copy of P-R 16.5 enclosed for your kind perusal and further orders deemed proper in the circumstances, please.

Encl: S. Record.

Attested
[Signature]

O/c

District Police Officer, Karak

(15)

4746
14-10-14

Annexure-"E"

ORDER

This order is passed on application moved by ASI Mohib Ullah of Karak district. The applicant submitted that he was awarded a major penalty of time-scale SI by the DIG Kohat on acceptance of his departmental appeal filed against reversion order to the rank of ASI by DPO Hangu. He requested for fixation of period of the above punishment.

Record gone through, which indicates that the applicant while posted as SI at Hangu district was awarded a major punishment of reversion to the rank of ASI by the DPO vide order dated 25.08.2008. On acceptance of departmental appeal, the punishment was modified to time-scale SI by this forum vide order dated 30.12.2008.

Now, the applicant requested that the period of time-scale SI may be fixed.

Record further indicates that the applicant if so aggrieved from the order of departmental appellate forum was required to seek remedy from second appellate forum (i.e Service Tribunal); but again approached to this forum after lapse of a long period.

Therefore, in view of the above and legal aspect, the application is not maintainable in eyes of law and hereby filed.

(Signature)
(DR. ISHTIAQ AHMED MARWAT)
Dy: Inspector General of Police
Kohat Region, Kohat.

No. 9371- /EC,

Dated Kohat the 10/10 /2014

Copy of above to the District Police Officer, Karak w/r to his office Memo: No. 10459/LB dated 22.08.2014 for information and necessary action.

Attested

mique

District Police Officer
Karak 28/10/2014

(Signature)
(DR. ISHTIAQ AHMED MARWAT)
Dy: Inspector General of Police
Kohat Region, Kohat.

بعدالت جناب سروس ٹریڈنگ کمپنی کپشاور

Appeal no 14

Petitioner 2 منجانب

19A عجب اللہ بنام

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام لیتیا اور کیلئے سنا بد خبوم حکم ایدو لیتیا اور مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف 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 نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت 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 باختیارات حاصل ہوں گے اور ان کا ساختہ پرداخت منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا کالت نامہ لکھد یا کہ سندر ہے۔

المرقوم

ماہ

20

مقام

الع د گ واہ الع

کے لئے منظور ہے۔

Accepted

عجب اللہ ولد سروس