

S.No	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	18.03.2016	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">APPEAL NO.1356/2014</p> <p style="text-align: center;">(Alamzeb Khan-vs- Provincial Police Officer/Inspector General of Police Khyber Pakhtunkhwa, Peshawar and others).</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>ABDUL LATIF, MEMBER:</u></p> <p>Appellant with counsel (Mr. Shahid Qayum Khattak, Advocate) and Abd-Ur-Rehman, Inspector (Legal) alongwith Mr. Kabir Ullah Khattak, Assistant Advocate General for respondents present.</p> <p>2. The instant appeal has been filed by the appellant under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act-1974 against the order dated 12.11.2014 of respondent No.2 by which appeal filed by appellant against order dated 20.08.2014 passed by respondent No.3 has been partially accepted and the punishment order passed by respondent No.3 has been modified to punishment of stoppage of two annual increments with cumulative effect. He prayed that on acceptance of this appeal the punishment awarded to the appellant through impugned orders may graciously be set aside by declaring it illegal, void, unlawful, without authority, based on malafide, void ab-initio and thus not sustainable and the appellant is entitled for all back benefits of pay and service.</p> <p>3. Brief facts giving rise to the instant appeal are that respondent No.3 issued a charge sheet to the appellant on 05.06.2014 containing the allegation that while posted as OHC DPO Office Hangu, had neither properly vetted the documents of candidates applied for recruitment in special Police Force nor</p>

A.L.

properly handled the recruitment process as per directions of high ups which showed inefficiency, negligence and carelessness which amounted to gross misconduct on appellants part which had properly been replied. That after the submission of reply of appellant enquiry officers submitted enquiry report wherein appellant has been held responsible and suggest that appellant may not be posted on any important post and necessary punishment may also be imposed upon him. That after the receipt of the enquiry report respondent No. 3 issued the order dated 20.08.2014 by awarding major punishment of reduction from the rank of Head Constable to Constable and forfeiture of two years of regular service. That the appellant preferred departmental appeal which was partially accepted and the punishment order passed by respondent No. 3 has been modified to punishment of stoppage of two annual increments with cumulative effect, hence the present service appeal.

4. The learned counsel for the appellant argued that impugned orders were illegal, without authority, based on malafide, void ab-initio, thus untenable in the eyes of law and hence liable to be set aside. He further argued that no show cause notice was served on the appellant before passing orders of major penalty by respondent No.3 nor the same was taken into consideration by respondent No.2. He further argued that action against the appellant was taken in an arbitrary manner and his reply to the charge sheet was not taken into consideration, moreover no evidence had been collected to substantiate the charges against the appellant. He further contended that stoppage of increments with cumulative effect was not covered under the rules and was liable to be set aside. He prayed that on acceptance of this appeal, the impugned orders may be set aside by declaring the same illegal, void ab-initio and not sustainable under the law and all back benefits of service may be restored to him.

5. The learned Assistant Advocate General resisted the appeal and stated that all codal formalities were fulfilled, proper enquiry was conducted against the appellant and he was provided full opportunity of defense before passing of

DFI

the impugned order. The appellant was also heard in person and his departmental appeal was properly decided by the appellate authority where due relief was provided to him by converting the major penalty into minor penalty. He prayed that the appeal being devoid of any merits may be dismissed.

6. Arguments of learned counsels for the parties heard and record perused with their assistance.

7. From perusal of the record, it transpired that the appellant was proceeded against on the charges of inefficiency. Regular enquiry was conducted against him and major punishment of reduction from the rank of Head Constable to the rank of Constable and forfeiture of two year regular service was imposed on the appellant by the competent authority. The appellant was able to get his punishment reduced as the appellate authority converted the above cited major punishment into that of stoppage of two annual increments with cumulative effect. The Tribunal is however of the view that inspite of application of independent mind by the appellate authority, the order of his minor punishment suffered from legal infirmity in that he did not specify the period of effect in the revised penalty as per FR-29. In the circumstances, the Tribunal deems it appropriate to modify the penalty of stoppage of two increments for a period of one year. The appeal is disposed of accordingly. Parties are left to bear their own cost. File be consigned to the record room.



(PIR BAKHSH SHAH)  
MEMBER



(ABDUL LATIF)  
MEMBER

ANNOUNCED  
18.03.2016

5

09.03.2015

Appellant in person and Mr. Asghar Mehmood, ASI on behalf of respondents alongwith Addl: A.G present. Requested for adjournment. To come up for written reply/comments on 29.5.2015 before S.B.

  
Chairman

6

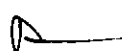
29.05.2015

Appellant in person and Mr. Haider Abbas, ASI alongwith ASST/A.G for respondents present. Para-wise comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 10.11.2015.

  
Chairman

10.11.2015

Counsel for the appellant and Mr. Nabi Rahman, SI alongwith Asstt: AG for respondents present. Rejoinder on behalf of the appellant submitted, copy of which placed on file. To come up for arguments on 18-3-2016.

  
Member

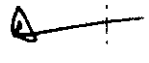
  
Member

Appeal No. 1356/2014  
Mr. Alunzeb

3.

16.01.2015

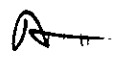
Clerk of counsel for the appellant present, and requested for adjournment due to General Strike of the Bar. To come up for preliminary hearing on 06.02.2015.


  
Member

06.02.2015

Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, the appellant has impugned order dated 20.08.2014, vide which the major penalty of reduction from the rank of Head Constable to Constable and forfeiture of 02 years regular service has been imposed upon the appellant. Against the above referred impugned order appellant filed departmental appeal on 28.08.2014 which was partially accepted vide order dated 13.11.2014, hence the instant appeal on 25.11.2014.

Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. To come up for written reply/comments on 09.03.2015 before the learned Bench-III.

  
Member



Appellant did provide process fee & security  


Form- A

FORM OF ORDER SHEET

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

Case No. 1356/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	25.11.2014	<p>The appeal of Mr. Alamzeb presented 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		<p>This case is entrusted to Bench <u>III</u> for preliminary hearing to be put up there on <u>16-1-2015</u>.</p> <p style="text-align: right;">                       CHAIRMAN                 </p>

BEFORE THE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 1356 /2014

Alamzeb Khan ..... Appellant

Versus

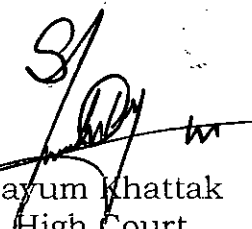
Provincial Police Officer and others.....Respondents

INDEX

S.No.	Description of Documents	Annex	Pages
1.	Memo of appeal with affidavit		1-6
2.	Address of the parties		7
3.	Charge Sheet	A	8-9
4.	Reply of appellant	B	10-11
5.	Copy enquiry report.	C	12-14
6.	Copy of order dated 20/08/2014	D	15
7.	Copy of representation	E	16-17
8.	Copy of Impugned order dated 12/11/2014	F	18
9	Wakalat Nama		

Appellant

Through

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

Dated: 24/11/2014

①

**BEFORE THE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA PESHAWAR**

Service Appeal No. 1356 /2014

Alamzeb Khan S/o Aurangzeb Khan R/o H.No. 22,  
Sector-3, KDA, Kohat..... 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. Government of Khyber Pakhtunkhwa through  
Chief Secretary, Peshawar

S.V.P. Peshawar  
No. 1389  
25/11/2014

..... Respondents

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974  
AGAINST THE ORDER DATED 12/11/2014 OF RESPONDENT NO.  
2 BY WHICH APPEAL FILED BY APPELLANT AGAINST ORDER  
DATED 20/08/2014 PASSED BY RESPONDENT NO. 3 HAS BEEN  
PARTIALLY ACCEPTED AND THE PUNISHMENT ORDER PASSED  
BY RESPONDENT No. 3 HAS BEEN MODIFIED TO PUNISHMENT  
OF STOPPAGE OF 02 ANNUAL INCREMENTS WITH CUMULATIVE  
EFFECT.

**PRAYER**

By accepting this service appeal, the punishment awarded to  
the appellant through impugned orders may graciously be  
set aside by declaring it illegal, void, unlawful, without  
authority, based on mala fide, void abinitio and thus not  
sustainable and the appellant is entitled for all back benefits  
of pay and service.

Respectfully Sheweth;

1. That respondent No. 3 issued a charged sheet to the appellant on  
05/06/2014 containing the allegation that while posted as OHC  
DPO Office Hangu, had neither properly vetted the documents of  
candidates applied for recruitment in special police force nor

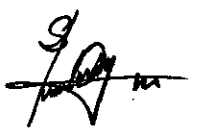
S/A



properly handled the recruitment process as per directions of high ups which showed, in efficiency, negligence and carelessness which amounted to gross misconduct on appellant's part which has properly been replied. ( Copy of charge sheet and reply are attached as Annexure "A" & "B")

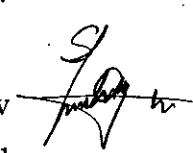
2. That after the submission of reply of appellant enquiry officers submitted enquiry report wherein appellant has been held responsible and suggest that appellant may not be posted on any important post and necessary punishment may also be imposed upon him. (Copy of the enquiry report is attached as Annexure "C")
3. That after the receipt of the enquiry report respondent No. 3 issued the order bearing No. OB No. 471 dated 20/08/2014 by awarding major punishment of reduction from the rank of Head Constable to Constable and forfeiture of 02 years of regular service". ( Copy Impugned order dated 20/08/2014 is attached as Annexure "D")
4. That Appellant filed appeal against the said order to respondent on 28/08/2014 ( the grounds taken therein may please be considered as an integral part of this appeal) who vide impugned order bearing No. 10513-14/EC dated 12/11/2014 partially accepted the appeal and the punishment order passed by respondent No. 3 has been modified to punishment of stoppage of 02 annual increments with cumulative effect. ( Copies of appeal and order are attached as Annexure "E" & "F" respectively)
5. That now felling from order dated 12/11/2014 and 28/08/2014 preferred this appeal on the following amongst other grounds.

GROUND:



- a. That both the impugned orders are illegal, unlawful, without authority, based on mala fide, void abinitio thus untenable in the eyes of law and the punishment awarded to appellant is liable to be set aside.
- b. That the impugned orders passed by respondents are very much harsh and is against the principle of natural justice as the allegation leveled against appellant has not been proved with cogent evidence.

③

- c. That no show cause notice has been given to appellant before passing the major punishment by respondent No. 3 nor the same fact has been taken into consideration by respondent No. 2 while disposing departmental appeal, thus the order passed by respondent No. 2 is liable to be modified and the punishment awarded to appellant is liable to be set aside.
- d. That no proper opportunity of hearing has been provided to the appellant and he has been condemned unheard nor the reply submitted by the appellant to the charge sheet has been taken into consideration at all but this aspect has not been taken into consideration by learned respondent No. 2 at all thus the impugned orders are nullity in the eyes of law and punishment awarded to the appellant is liable to be set aside.
- e. That the allegation leveled against appellant in the charge sheet is totally incorrect and all the responsibility assigned to appellant has been properly complied with and all the formalities and direction were fully observed. The criteria mentioned in the advertisement and the duty assigned to the appellant has been complied with in later in spite but still the appellant has been penalized.
- f. That the case of appellant has been treated in very arbitrary manners and no evidence what so ever has been brought on record to substantiate the allegation leveled against appellant rather he has been proceeded under the rules and regulation which are not at all applicable to petitioner being a civil servant.
- g. That the impugned order has been passed in violation of law and rules of disciplinary proceedings and principles of natural justice. Enquiry officer has not suggest a specific punishment but still a major punishment has been awarded to appellant without issuance of any show cause notice. The appellate authority has not taken into consideration at all the facts and circumstances of the case and still punishment of stoppage of 02 annual increments with cumulative effect has been passed against appellant without any justification which is liable to be set aside in the best interest of justice
- 

- h. That appellant has not concealed any thing from the officers and selection committee and the figure and measurement has been properly mentioned in the list. As appellant is not competent person to appoint person but the duty assigned to his has been properly complied by the appellant to his extend but still two different punishment has been awarded to appellant by respondent No. 3 but still respondent No. 2 has not taken the same into consideration.
- i. That the enquiry proceedings against appellant suffered from gross infirmities, illegalities and irregularities as no evidence what so ever has been produce or cited in the enquiry report nor any witness has been examined before the appellant.
- j. That the authority went beyond the scope in accepting the opinion of enquiry officer based on assessments and speculations. The authority did not examine the departmental file in the light of real controversy. Further more the enquiry officer has not suggest the imposition of major penalty against appellant but this aspect of the case has not been considered by learned respondent No. 2 and 3 at all thus both the order is liable to be set aside in the better interest of justice.
- k. That the impugned order has been based on hallowed and unfounded assessments of enquiry officer who was otherwise not competent to conduct enquiry, therefore the orders based on such enquiry are worth set aside.
- l. That no final show cause notice under the relevant provision of law has been issued to appellant which is mandatory under the law. Similarly appellant was not personally heard properly and no opportunity of defense has been provided to appellant nor proper proceeding under proper law has been carried against the appellant.
- m. That the appellant authority has not disposed off the appeal in accordance to the rules and regulation and procedure provided for disposal of departmental appeal thus the punishment

5

awarded to appellant is liable to be set aside in the best interest of justice.

- n. That the learned respondent has not taken into consideration that the rules under which the appellant has been charged and proceeded with are not applicable on him.

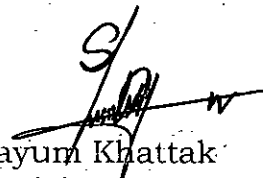
It is, therefore, most humbly prayed that by accepting this service appeal, the punishment awarded to the appellant through impugned orders may graciously be set aside by declaring it illegal, void, unlawful, without authority, based on mala fide, void abinitio thus not sustainable and the appellant is entitled for all back benefits of pay and service.

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



Appellant

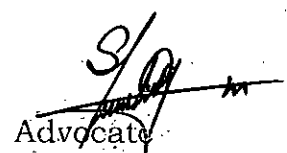
Through



Shahid Qayum Khattak  
Advocate, High Court  
Peshawar

Dated: /11/2014

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



Advocate

6

BEFORE THE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. /2014

Alamzeb Khan ..... Appellant

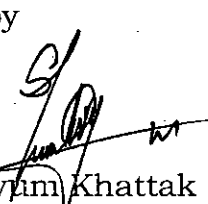
Versus

Provincial Police Officer and others..... Respondents

Affidavit

I, Alamzeb Khan S/o Aurangzeb Khan R/o H.No. 22, Sector-3, KDA, Kohat, 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.

Identified by

  
Shahid Gayim Khattak  
Advocate



  
Deponent

7

BEFORE THE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. /2014

Alamzeb Khan ..... Appellant

Versus

Provincial Police Officer and others..... Respondents

ADDRESS OF THE PARTIES

APPELLANT

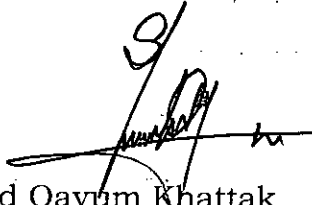
Alamzeb Khan S/o Aurangzeb Khan R/o H.No. 22,  
Sector-3, KDA, Kohat

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. Government of Khyber Pakhtunkhwa through  
Chief Secretary, Peshawar

Appellant

Through

  
Shahid Qayum Khattak  
Advocate, High Court  
Peshawar

Dated: /11/2014

Handwritten scribble at the top of the page.

- 8 -

**CHARGE SHEET.**

Annexure - "A"

I, Mr. Anwar Saeed Kundi, D.P.O, HANGU as competent authority, hereby charge you HC Alamzeb Khan No. 267 while posted OHC DPO Office Hangu committed the following irregularities :-

You neither properly vetted the documents of candidates applied for Recruitment as Constable in Special Police Force nor properly handled the recruitment process as per directions of the high ups which shows inefficiency, negligence and carelessness which amounts to gross misconduct on your part.

2. By reasons of the above, you appear to be guilty of misconduct Under Police Disciplinary Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in the above rules.
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]*  
DISTRICT POLICE OFFICER,  
HANGU

No. 1994 /PA,  
Dated 5/6 /2014.

*[Signature]*  
DISTRICT POLICE OFFICER,  
HANGU

Handwritten text in the left margin, partially cut off.

**DISCIPLINARY ACTION.**

I, **Mr. Anwar Saeed Kundi, D.P.O, HANGU** as competent authority, am of the opinion that **Head Constable Alamzeb Khan No. 267** has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning Under Police Disciplinary Rules, 1975 :-

**STATEMENT OF ALLEGATIONS.**

You neither properly vetted the documents of candidates applied for Recruitment as Constable in Special Police Force nor properly handled the recruitment process as per directions of the high ups which shows inefficiency, negligence and carelessness which amounts to gross misconduct on your part.

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 in the above rules: -

- i. Inspector Aslam Khan SHO PS City Hangu
- ii. Sub-Inspector Nasrullah Khan

3. The Enquiry Officer 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 Officer.

  
**DISTRICT POLICE OFFICER,  
HANGU**

A copy of the above is forwarded to :-

1. Inspector Aslam Khan and Sub-Inspector Nasrullah Khan. The Enquiry Committee for initiating proceedings against the accused under the provisions of Police Disciplinary Rules, 1975.
2. Head Constable Alamzeb Khan No. 267. The concerned officer with the directions to appear before the Enquiry Committee, on the date, time and place fixed by the Officer, for the purpose of the enquiry proceedings.



(19)

1911  
D. H. H. H.

جا علی

حوالہ چارج لیٹ نمبر 1984/PA جاریہ جا - DPO  
 5-6-14  
 ہیٹھ معروضی حدوت ہوں کہ من HC کے شاندار کئی کئی  
 مدنظر رکھتے ہوئے افسران بالا مہالان نے OHC جسے اہم  
 اسی برتقیان کیا تھا۔ من HC نے تمام عرصہ تصانی میں  
 افسران بالا مہالان کو شکایت کا موقع ایسی دیا  
 ہسپتال پولیس فورس کٹیلان کی خبری کے سلسلہ میں اس وقت  
 کے جا - DPO مہب ہیٹھ نے زبانی حکم مہار فرمایا کہ  
 خبری کیے آنیوالے تمام افسران سے درخواست مع تسلی  
 اسناد، ڈومینائل جمع کرنی۔

من OHC نے آنیوالے تمام افسران سے درخواستیں وصول  
 کر کے جو افسران معیار پر پورے تھے ان کی انک اور جو  
 افسران معیار پر پورے نہیں اترتے تھے انکی انک فہرست  
 مرتب کیے۔

Approved  
 District Police Officer  
 HANGU

روز فریڈل لیٹ جا - DIG مہب کو چاٹ رنج کو چاٹ  
 و DPO مہب کو چاٹ اور DPO مہب ہیٹھ کی صورت  
 میں افسران کی پردہ فہرستیں رٹلا جا - DIG مہب  
 کے حوالہ کی گئی ہیں۔ یہاں تک خبری کے تمام مراحل یہاں  
 فرس اسلوب سے طے ہوتے - PTO

پھر جس الی اصدوران کو شامل کیا جاتا تھا جو مطابق فرہستہ پر 4 تھے  
 912 اصدوران میں سے 90 اصدوران کا ماب ہو کر سبیل  
 پورے فورس میں افسران بالا مہالوں نے خالصاً سرٹ پر  
 مہرتی کئے۔ مہرتی کے تمام مراحل انتہائی شفاف اور غیر  
 جانبدار طریقے سے ہوئے۔ من Hc نے بنیاد لگائی اور  
 دلچسپی سے کارِ سرکار احکام دیا ہے ناہم اگر کسی موقع  
 پر افسران بالا مہالوں کو کسی ٹھوس پورے ہو لو اس  
 نادانستہ فعل پر من Hc معافی کا فراسٹگار ہے

رہی انتہائی راضی  
 X+

~~Hc~~

اپنے بیان میں وضاحت موجود ہے کہ جو اصدوران صیاد پروردہ آئیں تو ان  
 کی آئی اور جو اصدوران صیاد پروردہ آئے ان کی آئی آئی فرہستہ پر  
 کچھ جاننا نہ ہوتی۔ موصول شدہ میں کہہ دینی چھائی اور وہ کہ اصدوران کے  
 نام ہیں تو جو ہے کیا اور وہ ہے؟

جواب۔ DPo صاحب نے زبانی آئی کیا تھا کہ ہم میں کسی قسم کی تباہی نہیں ہے کہ  
 "تاہم ہم نے چھائی میں آئی کہ تعداد اسم ہو تو اس کی درخواست نہیں ہے اس بارے میں  
 افسران بالا سے بات ہوئی اور وہیں ناپ لگا لگا جو موقع پر تھا

سوال۔ کیا نے اصدوران کی نام۔ قول کہنے کوئی تھئی بنائی تھی یا نہیں اگر بنائی تھی تو ان کا ایک  
 کاپی پیش کر سکتے ہیں؟

جواب۔ یہ لہجی کیلئے کسی قسم کی SOP نہیں بنائی گئی تھی اور نہ  
 جاری ہوئی تھی تمام تر بائس زبانی کی گئی تھی / 12 "اپنے کو صرف ہر  
 صاحب نے طور پر ایک صاحب کو نہیں دیکھا کہ آئی تھا اور درخواستیں بندہ ہمارے ہاں  
 لیتے تو کیا صرف اور صرف ڈیپارٹمنٹ کے بارے میں کیا کہ جاکر جانتے ہو۔

(11)

1914  
1914  
1914

اور نہ ہی کسی کے بارے میں کوئی بنا یا دوسرا دن میں  
اہلکار نے ہی درخواستیں اور نامے لٹول کی ہے۔

سوال: ایسے نے خدامت میں کس اور ان میں لوگوں کی فہرست علیحدہ بنانا ہے جو چھائی میں  
کس واسطے لوگوں کی فہرست علیحدہ کریں نہیں بنانا ہے اور ان میں کس میں  
خبر لکھنے میں چھائی واسطے اور ان میں کس میں خبر لکھنے کوں دینا ہے؟

جواب: جسے میں نے پہلے جوڑ میں بنانا کہ جناب اس کے ساتھ ساتھ لکھا  
کہ خود میں کس قسم کی شناخت نہ کریں۔ درخواست کے نام  
اگر چھائی میں کسی سے لٹول ان کی درخواست سے لکھیں اور  
بالد کو رائے کوئی بنا رہی۔ کسی کو کوئی لٹول نہیں کیا ہے

How He line

من ذریعہ قسم

Abdullah  
ASST P/S City

M. A. S. S.  
S/O SHO / Hangu

Amir  
DISTRICT POLICE OFFICER  
HANGU

(12)

OFFICE NOTE.

Annexure - "C"

Respected Sir,

It is submitted that Head Constable Alamzaib No. 267 while posted as OHC DPO office Hangu neither properly vetted the documents of candidates applied for recruitment as Constable in Special Police Force nor properly handled the recruitment process as per directions of the high-ups which shows inefficiency, negligence and carelessness which amounts to gross misconduct on his part.

He was served with Charge Sheet together-with statement of allegations under Police Disciplinary Rules 1975, to which he submitted his reply. Inspector Aslam Khan SHO PS City Hangu and SI Nasrullah were appointed as Enquiry Committee to conduct departmental enquiry against him. After completion of enquiry, the enquiry officer submitted his findings and stated that the charges leveled against the defaulter HC is proved, as he acted intentional negligence therefore recommended for appropriate punishment provided by the rules and he may not be posted at independence/responsible seat in future for the best interest of Police Force.

Submitted for favour of perusal and further order, please.

*[Signature]*  
PA

W/DPO

*See... Put up with along his name record*

*[Signature]*

*[Signature]*  
DISTRICT POLICE OFFICER  
HANGU

*According to Enq report found guilty. There are imposed penalty of Reduction in Rank of HC to FC and fine for 2 year Regular Service being withdrawn.*

*Account.*

*[Signature]*

بحوالہ انکوائری بر خلاف ہیڈ کانسٹیبل عالمزیب نمبر 267 معروضی خدمت میں کہ

ہیڈ کانسٹیبل متذکرہ بالا جو کہ OHC ہنگو تعینات تھا اور بسلسلہ بھرتی اسپتال فورس

پولیس اُس پر ذیل الزامات افسرانِ بالا کی طرف سے عائد کئے گئے۔

You neither properly vetted the documents of candidates applied for Recruitment as Constable in Special police Force nor properly handled the recruitment process as per directions of the high ups which shows inefficiency negligence and carelessness which amounts to gross misconduct on your part.

معاملہ ہذا میں ہم ذیہ دستخطی افسران کو انفرض انکوائری مقرر کر کے بسلسلہ انکوائری

ہیڈ کانسٹیبل عالمزیب کو طلب کر کے تحریری طور پر بیان لیا گیا۔ جس میں اُس نے جملہ کارروائی

سابقہ DPO صاحب کے احکام کی روشنی میں کرنا بیان کیا۔ مفصل بیان ہمراہ لفظ ہذا سے

علاوہ ازیں محمد نصیر اور احمد حبیب نائبین OHC کے بیانات بھی لئے گئے جس میں انہوں نے

ساری کارروائی کو OHC صاحب کے ہدایات کی روشنی میں کرنا بیان کیا۔ کراس سوالات

بھی کئے گئے تاہم اُس میں بھی سب کچھ سابقہ OHC کے بیانات بتائے۔ بیانات ہمراہ لفظ ہذا سے

علاوہ ازیں جہاں تک بھرتی کے طریقہ کار کا تعلق ہے تو بھرتی میں ناپ تول اور کاغذات

کی بڑتال کیلئے ایک سینئر افسر کی زیر نگرانی بھرتی کمیٹی بنائی جاتی ہے جبکہ مذکورہ OHC نے

بھرتی کمیٹی بنانے کی کوئی تکلیف نہیں کی جبکہ نیشنل میٹرٹ لیسٹ جس میں 666 امیدواران کو

شامل کیا گیا جن میں 182 امیدواران کی چھاتیاں وضع کردہ قواعد سے کم ہیں

متذکرہ فہرست شامل انکوائری ہے جبکہ DIG صاحب کو ہارٹ کی پرسیل سٹاف جو

بہروز بھرتی ناپ تول پر معور تھی کو بھی اکثر امیدواران کی قد چھاتی میں فرق نظر آیا چونکہ  
 بدوران بھرتی امیدواران کے علاوہ میڈیا کے نمائندے بھی موجود ہوتے ہیں اور مذکورہ  
 کا یہ فعل انتہائی غفلت کے زمرے میں آتا ہے۔ اگر مذکورہ OHC اپنے کام سے ناواقف تھا  
 تو کسی دوسرے واقف شخص سے مشورہ لیتا اور خود کو عقل کل نہ سمجھتا۔ بھرتی کیلئے سینئر افسر  
 کی زیر نگرانی ناپ تول کمیٹی بنانا اور صحیح طریقہ کار کے مطابق لسٹ فائل کر کے افسران کو  
 پیش کرتا تاہم مذکورہ نے جان بوجھ کر ایسی تکلیف کرنے سے گریز کیا اور خداخواستہ  
 اگر معاملہ ہذا کی بینک میڈیا کو پڑتی باغواہی نمائندوں کو اس کا پتہ چلتا تو حکم پولیس  
 کی بدنامی کے ساتھ ساتھ افسران کیلئے بھی باعث تکلیف ہوتا۔

لہذا ہم زیر دستخطی افسران بعد از انٹوئری اس نتیجے پر پہنچے کہ سابقہ OHC کا  
 یہ فعل انتہائی غفلت کے زمرے میں آتا ہے۔ تو مذکورہ ہیڈ کانسٹیبل کو مستقل میں کسی بھی  
 اہم پوسٹ پر تعینات نہ کرنے کے علاوہ مناسب سزا کی سفارش کیجاتی ہے۔ انٹوئری رپورٹ  
 مرتب ہو کر گزارش ہے۔

Am-o-ash  
 15/5/2015  
 15/5/2015

(1) انسپکٹر اسلم خان انٹوئری افسر  
 (2) سب انسپکٹر نصر اللہ

Amjad  
 District Inspector  
 HANGU

(15)

Annexure - "D"

ORDER

This order of mine will dispose of the departmental enquiry initiated against Head Constable Alamzaib No. 267 while posted as OHC DPO office Hangu neither properly vetted the documents of candidates applied for recruitment as Constable in Special Police Force nor properly handled the recruitment process as per directions of the high-ups which shows inefficiency, negligence and carelessness which amounts to gross misconduct on his part.

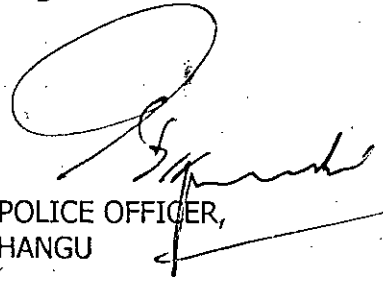
He was served with Charge Sheet together-with statement of allegations under Police Disciplinary Rules 1975, to which he submitted his reply. Inspector Aslam Khan SHO PS City Hangu and SI Nasrullah were appointed as Enquiry Committee to conduct departmental enquiry against him. After completion of enquiry, the enquiry officer submitted findings report and stated that the charges leveled against the defaulter HC is proved, as he acted intentional negligence therefore recommended for appropriate punishment provided by the rules and he may not be posted at independence/responsible seat in future for the best interest of Police Force.

Keeping in view of above and having gone through available record, it has been established that the charges leveled against the accused official has been proved and acted intentional negligence. Therefore I, Anwar Saeed Kundi, PSP, District Police Officer, Hangu in exercise of the powers conferred upon me, awarded him major punishment of "**reduction from the rank of Head Constable to Constable and forfeiture of 02 years regular service**".

Order Announced.

OB No. 471

Dated 20/8/2014.

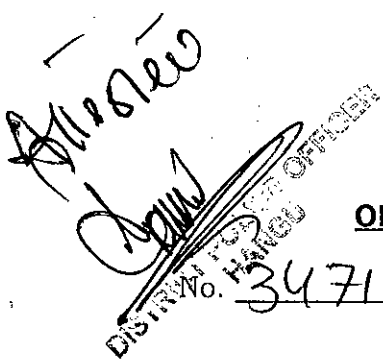
  
DISTRICT POLICE OFFICER,  
HANGU

OFFICE OF THE DISTRICT POLICE OFFICER, HANGU.

No. 3471-74 /PA, dated Hangu, the 20/8/2014.

Copies to Pay Officer, Reader, SRC & OHC for necessary action.

\*\*\*\*\*

  
DISTRICT POLICE OFFICER,  
HANGU



BEFORE THE DEPUTY INSPECTOR GENERAL OF POLICE,  
KOHAT REGION KOHAT

**SUBJECT:-** APPEAL AGAINST THE ORDER OF DPO HANGU ISSUED VIDE O.B NO. 471 DATED 20-08-2014 WHEREBY THE APPELLANT EX-HEAD CONSTABLE ALAMZEB NO. 267 WAS AWARDED THE MAJOR PUNISHMENT OF REDUCTION FROM THE RANK OF HEAD CONSTABLE TO CONSTABLE AND FORFEITURE OF TWO YEARS REGULAR SERVICE.

**RESPECTFULLY SHEWETH:**

With veneration, the appellant submits the instant appeal against the order of DPO Hangu on the basis of the following facts & grounds:-

FACTS

1. Allegation against the appellant was that while posted as OHC DPO Office Hangu, had neither properly vetted the documents of candidates applied for recruitment in special police force nor properly handled the recruitment process as per directions of high ups which showed in efficiency, negligence and carelessness which amounted to gross misconduct on his part.
2. On the above allegation the appellant was dealt with departmentally awarded the punishment vide the impugned order passed by DPO Hangu.

Grounds:-


- a. That the allegations contained in the charge sheet are incorrect. The documents submitted by the candidates were properly checked and nothing was found wrong in the documents of the candidates. As far as handling the recruitment process as per direction of the high ups was concerned it is submitted that no S.O.P in this regard was issued by then DPO Hangu prior to the receipt of the documents and recruitment of the candidates.
- b. That the advertisement issued by the DPO Hangu through daily "AOUSAF" dated 10-05-2014 contained the age limit and education qualification and did not contain the height and chest limit specifically (Copy of the advertisement is enclosed). It should have been mentioned clearly in the advertisement as the criteria for recruitment as constable in the special

police force is different from the criteria prescribed for the regular constables in the police force.

- c. That the cases of the candidates deficient in chest only were brought into the notice of DPO Hangu who verbally directed to include their names in the list of fit candidates. It was further directed such cases shall be discussed with the selection committee and orders solicited in this regard. It was also directed separate list be prepared of those candidates who were deficient both in height and chest. The appellant did so accordingly and prepared two kinds of lists of the candidates as per direction of DPO Hangu. (Copies of both kinds of list are enclosed herewith).
- d. That nothing had been concealed by the appellant either from DPO Hangu or selection committee. The deficiency of candidates and chest was clearly mentioned in the list of the fit candidates as per verbal direction of DPO Hang.
- e. That none from those having efficiency in chest has been selected by the selection committee as such deficiency was clearly shown by the appellant in the list put up to the selection committee.
- f. That the recommendations of the inquiry committee are not based on solid grounds. The inquiry committee in its findings had suggested that appellant should have constituted a scrutiny committee comprising of a senior police officer and junior police officers least realizing that such an action was in the domain of DPO and not the appellant.
- g. That the appellant has been awarded two different punishments at a time which appeared to be harsh and unjustified in the given circumstances.
- h. That the appellant has unblemished service record in the police service.
- i. That on 15-05-2014 last day of the measurement process, a large number of candidates arrived /appeared, they then DPO ordered some other staff members to assist with the committee members due to shortage of time.

PRAYER:-

In the light of above, it is submitted that by accepting the instant appeal, the impugned order of DPO Hangu may be set aside please.

  
Yours Obediently,  
Constable Alamzeb No.267  
EX- OHC DPO Office, Hangu.

(18)

Annexure - F

**ORDER**

The appellant constable Alam Zeb No. 267 of Hangu district through the instant appeal seeks setting aside of the punishment order passed by DPO Hangu vide O.B No. 471 dated 20.08.2014.

Short facts of the case are that the appellant while posted OHC DPO office Hangu was dealt with departmentally on the score of charges of mishandling the recruitment process of Special Police Force held in the year 2014; not properly vetted the documentation of the candidates. An enquiry committee was constituted by the authority in order to scrutinize the conduct of the appellant. The committee held him guilty of the charges and recommended for suitable punishment. Hence upon the recommendation of enquiry committee the DPO Hangu passed a major punishment of reduction from the substantive rank of HC to the lower rank with forfeiture of his 02 year approved service.

The appellant was called in Orderly Room and heard in person on 12.11.2014, but he could not satisfy.

Record gone through, which transpires that the appellant being a responsible to his job committed gross misconduct in recruitment process as charges leveled against him. However, by taking lenient view the appeal is partially accepted and the punishment order passed by the DPO Hangu dated 20.8.2014 is modified to punishment of stoppage of 02 annual increments with cumulative effect.

The appeal is disposed of in above terms.

**Announced**

12.11.2014

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

No. 10513-14 /EC

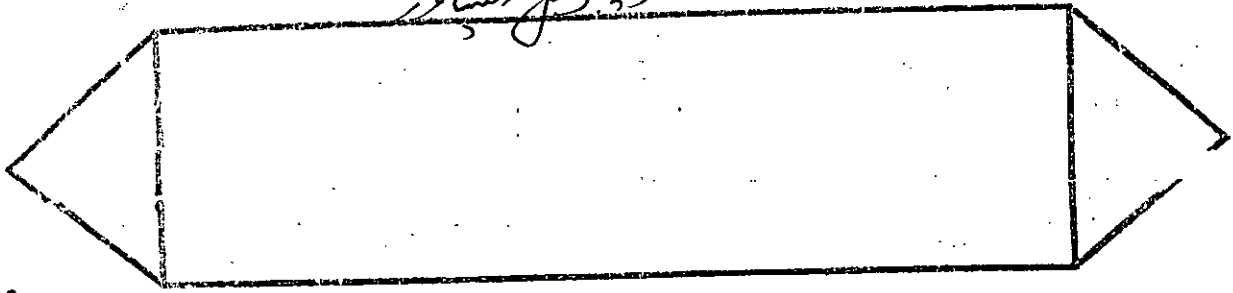
Dated 13-11 /2014

Copy for information and necessary action to the:-

- 1 District Police Officer, Hangu
- 2 ✓ Constable Alam Zeb No. 267 (appellant)

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

# بعد الت سرور کے پیش روئے



24 نومبر 2014ء

علیم زبیر خان پیغام ۱۹۲


مورخہ  
مقدمہ  
دعویٰ  
جرم

## باعث تحریر آئندہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ  
آن مقام کے لیے شاہد متوجہ شدہ اندر کے  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوفہ کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر 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  
ذرائع 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 اختیار 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 با اختیارات حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ و ہرجانہ اتوائے 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  
مذکورہ کے لیے یہ ذراکالت نامہ لکھ دیا کہ سندر ہے۔

Accepted by

*[Signature]*

20/11

ماہ نومبر

24

المرقوم

24/11/2014

واہ

کے لیے منظور ہے۔

*[Signature]*

بمقام

کے لیے منظور ہے۔  
KDA - 22 کوہا

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

Service Appeal No.1356 of 2014

Alamzeb s/o Aurangzeb Khan

r/o H. No.22 Sector-3, KDA, District Kohat

.....Appellant

**VERSUS**

1. The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.

2. The Regional Police Officer Kohat Region Kohat.

3. The District Police Officer, Hangu.

.....Respondents

**AFFIDAVIT**

We the following respondents do hereby solemnly affirm and declare that contents of Reply/Parawise Comments to the appeal filed by Head Constable Alamzeb are true to the best of our knowledge and nothing has been concealed from this honourable tribunal.



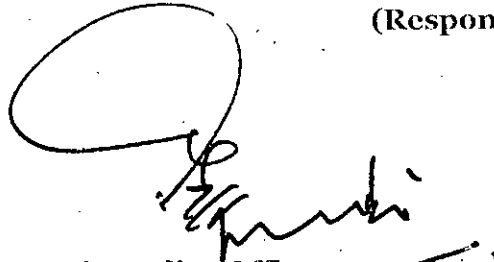
Provincial Police Officer,  
Khyber Pakhtunkhwa Peshawar.

(Respondent No.1)



Regional Police Officer,  
Kohat Region, Kohat

(Respondent No.2)



District Police Officer,  
Hangu.

(Respondent No.3)

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

Service Appeal No.1356 of 2014

Alamzeb s/o Aurangzeb Khan r/o H.No.22,

Sector-3, KDA, Kohat

.....Applicant

**VERSUS**

1. The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
2. The Regional Police Officer, Kohat Region Kohat.
3. The District Police Officer, Hangu .....Respondents

**Respectfully, sheweth,**

Reply/Parawise comments are submitted as under:-

**Preliminary Objection.**

1. The appellant has no cause of action.
2. That, the appeal is liable to be dismissed in limine.
3. That, the appellant is estopped from moving appeal due to his own conduct.
4. That, the appellant has concealed material facts from this Honourable Tribunal.
5. That, the instant appeal is barred by law.

**Parawise Comments.**

1. Correct to the extant of charge sheet and allegations only.
2. That proper enquiry was conducted and allegations established.
3. That as the allegations were established, therefore appellant was awarded major punishment of reduction from rank of Head Constable and forfeiture of two year regular service vide order bearing OB No.471 dated 20.08.2014. Copy attached.
4. That the appellant authority took lenient view, partially accepted the appeal and modified/converted, the punishment into stoppage of 02 annual increment with cumulative effect vide order bearing No.10513-14/EC dated 13.11.2014. Copy attached.
5. That the appellant has got no cause of action as the allegation were established during enquiry and the appellant authority has already took a lenient view by converting the punishment into stoppage of two 02 annual increment with cumulative effect.

**GROUNDS.**

- A. Incorrect. All the proceedings were conducted in accordance with law and rules.
- B. Incorrect. The appellant authority has already taken a lenient view and converted the major punishment of reduction in rank and forfeiture of two year regular service into minor punishment stoppage of two annual increment with cumulative effect.


0/6  
29.05.15

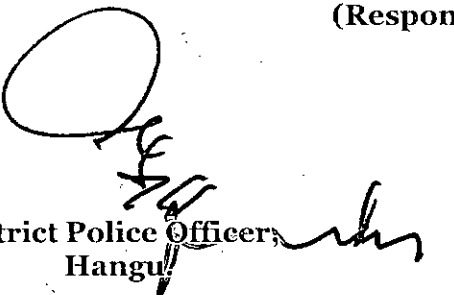
- C. Incorrect. That all the codal formalities were fulfilled and appellant in his departmental appeal raised objection of only harsh punishment, which was partially accepted and major punishment converted into minor punishment.
- D. Incorrect. All codal formalities were complied with.
- E. Incorrect. That allegations were established during enquiry.
- F. Incorrect. Proper enquiry was conducted in which allegations leveled in the charge sheet were established. Copy of enquiry report attached.
- G. Incorrect. Proper enquiry was conducted and the enquiry officer has recommended appropriate punishment.
- H. Incorrect. During proper enquiry the allegations have been reported established.
- I. Incorrect. All the legal formalities were complied with.
- J. Incorrect. That allegations were reported established in the finding report whereas the enquiry officer has not to suggest the kind of punishment nor such suggestion is binding on the competent authority.
- K. Incorrect. As stated above.
- L. Incorrect. All the proceedings were held in accordance with law/rules.
- M. Incorrect. During appeal, appellant was personally heard and major punishment was converted into minor punishment.
- N. Incorrect. That the appellant was rightly dealt with under police rules 1975.

**Prayer**

In view of above, it is humbly prayed that on acceptance of Parawise comments the instant appeal may kindly be dismissed being meritless please.

  
**Provincial Police Officer,  
Khyber Pakhtunkhwa Peshawar.**  
**(Respondent No.1)**

  
**Regional Police Officer,  
Kohat Region, Kohat**  
**(Respondent No.2)**

  
**District Police Officer,  
Hangu**  
**(Respondent No.3)**

Alam Zeb inc  
of the punishment order passed

**ORDER**

This order of mine will dispose of the departmental enquiry initiated against Head Constable Alamzaib No. 267 while posted as OHC DPO office Hangu neither properly vetted the documents of candidates applied for recruitment as Constable in Special Police Force nor properly handled the recruitment process as per directions of the high-ups which shows inefficiency, negligence and carelessness which amounts to gross misconduct on his part.

He was served with Charge Sheet together-with statement of allegations under Police Disciplinary Rules 1975, to which he submitted his reply. Inspector Aslam Khan SHO PS City Hangu and SI Nasrullah were appointed as Enquiry Committee to conduct departmental enquiry against him. After completion of enquiry, the enquiry officer submitted findings report and stated that the charges leveled against the defaulter HC is proved, as he acted intentional negligence therefore recommended for appropriate punishment provided by the rules and he may not be posted at independence/responsible seat in future for the best interest of Police Force.

Keeping in view of above and having gone through available record, it has been established that the charges leveled against the accused official has been proved and acted intentional negligence. Therefore I, Anwar Saeed Kundi, PSP, District Police Officer, Hangu in exercise of the powers conferred upon me, awarded him major punishment of "**reduction from the rank of Head Constable to Constable and forfeiture of 02 years regular service**".

Order Announced.

OB No. 471

Dated 20/8/2014.

DISTRICT POLICE OFFICER,  
HANGU

**OFFICE OF THE DISTRICT POLICE OFFICER, HANGU,**

No. 3471-74/PA, dated Hangu, the 20/8/2014.

Copies to Pay Officer, Reader, SRC & OHC for necessary action.

\*\*\*\*\*



**ORDER**

The appellant constable Alam Zeb No. 267 of Hangu district through the instant appeal seeks setting aside of the punishment order passed by DPO Hangu vide O.B.No. 471 dated 20.08.2014.

Short facts of the case are that the appellant while posted OHC DPO office Hangu was dealt with departmentally on the score of charges of mishandling the recruitment process of Special Police Force held in the year 2014, not properly vetted the documentation of the candidates. An enquiry committee was constituted by the authority in order to scrutinize the conduct of the appellant. The committee held him guilty of the charges and recommended for suitable punishment. Hence upon the recommendation of enquiry committee the DPO Hangu passed a major punishment of reduction from the substantive rank of HC to the lower rank with forfeiture of his 02 year approved service.

The appellant was called in Orderly Room and heard in person on 12.11.2014, but he could not satisfy.

Record gone through, which transpires that the appellant being a responsible to his job committed gross misconduct in recruitment process as charges leveled against him. However, by taking lenient view the appeal is partially accepted and the punishment order passed by the DPO Hangu dated 20.8.2014 is modified to <sup>month</sup> punishment of stoppage of 02 annual increments with cumulative effect.

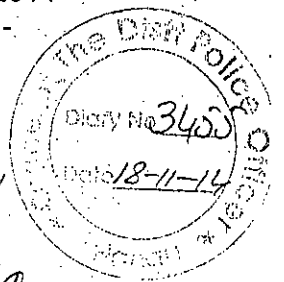
The appeal is disposed of in above terms.

**Announced**  
**12.11.2014**

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

No 10513-14 /EC Dated 13-11 /2014

- 1 Copy for information and necessary action to the:-  
District Police Officer, Hangu
- 2 Constable Alam Zeb No. 267 (appellant)



*Reading/SR/PO/PSI*

*For n. action pl.*

*[Handwritten signature]*

District Police Officer  
Hangu.

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

*OB NO 640*

*18/11/14*

W/D

4  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9

## انکوائری رپورٹ

حوالہ انکوائری بر خلاف ہیڈ کانسٹیبل عالمزیب نمبر 267 معروضی خدمت میں کہ

ہیڈ کانسٹیبل متذکرہ بالا جو کہ OHC ہسٹو تعینات تھا اور بسلسلہ بھرتی اسپیشل فورس

پولیس اُس پر ذیل الزامات افسرانِ بالا کی طرف سے عائد کئے گئے۔

You neither properly vetted the documents of candidates applied for Recruitment as Constable in Special police Force nor properly handled the recruitment process as per directions of the high ups which shows inefficiency negligence and carelessness which amounts to gross misconduct on your part.

معاملہ ہذا میں ہم ذیہ دستخطی افسران کو بغرض انکوائری مقرر کر کے بسلسلہ انکوائری

ہیڈ کانسٹیبل عالمزیب کو طلب کر کے تحریری طور پر بیان لیا گیا۔ جس میں اُس نے جملہ کارروائی

سابقہ DPO صاحب کے احکام کی روشنی میں کرنا بیان کیا۔ مفصل بیان ہمراہ لفظ ہذا ہے

علاوہ ازیں محمد نصیر اور احمد حبیب نائبین OHC کے بیانات بھی لائے گئے جس میں انہوں نے

ساری کارروائی کو OHC صاحب کے ہدایات کی روشنی میں کرنا بیان کیا۔ کراس سوالات

بھی کئے گئے تاہم اُس میں بھی سب کچھ سابقہ OHC کے ہدایات بتائے۔ بیانات ہمراہ لفظ ہذا ہے۔

علاوہ ازیں جہاں تک بھرتی کے طریقہ کار کا تعلق ہے تو بھرتی میں ناپ تول اور کاغذات

کی بڑتال کیلئے ایک سینئر افسر کی زیر نگرانی بھرتی کمیٹی بنائی جاتی ہے جبکہ مذکورہ OHC نے

بھرتی کمیٹی بنانے کی کوئی تکلیف نہیں کی جبکہ فائنل میٹرٹ لسٹ جس میں 666 امیدواران کو

شامل کیا گیا جن میں 182 امیدواران کی چھاتیاں وضع کردہ قواعد سے کم ہیں

متذکرہ فہرست شامل انکوائری ہے جبکہ DIG صاحب کو باغی کی پرسنل سٹاف جو

بیروز بھرتی ناپ تول پر معورتھی کو بھی اکثر امیدواران کی قد چھاتی میں فرق نظر  
 بیروزان بھرتی امیدواران کے علاوہ میڈیا کے نمائندے بھی موجود ہوتے ہیں اور مذکورہ  
 کا یہ فعل انتہائی غفلت کے زمرے میں آتا ہے۔ اگر مذکورہ OHC اپنے کام سے ناواقف ہے  
 تو کسی دوسرے واقف شخص سے مشورہ لیتا اور خود کو عقل کل نہ سمجھتا۔ بھرتی کیلئے سینئر افسر  
 کی زیر نگرانی ناپ تول کیٹی بنانا اور صحیح طریقہ کار کے مطابق لیٹ نائل کر کے افسران کو  
 پیش کرتا تاہم مذکورہ نے جان بوجھ کر ایسی تکلیف کرنے سے گریز کیا اور خدا خواستہ  
 اگر معاملہ ہذا کی بھنگ میڈیا کو بھرتی یا عوامی نمائندوں کو اس کا پتہ چلتا تو حکم پولیس  
 کی بدنامی کے ساتھ ساتھ افسران کیلئے بھی باعث تکلیف ہوتا۔

لہذا ہم زیر دستخطی افسران بعد از انوائری اس نتیجے پر پہنچے کہ سابقہ OHC کا  
 یہ فعل انتہائی غفلت کے زمرے میں آتا ہے۔ تو مذکورہ ہیڈ کانسٹیبل کو مستقل میں کسی بھی  
 اہم پوسٹ پر تعینات نہ کرنے کے علاوہ مناسب سزا کی سفارش کی جاتی ہے۔ انوائری رپورٹ  
 مرتب ہو کر گزارش ہے۔

ام ۰۰۵۵  
 ام ۰۰۵۵  
 ام ۰۰۵۵

(۱) انسپکٹر اسلم خان انوائری افسر

(۲) سب انسپکٹر نصر اللہ

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No. 483 /ST

Dated 28 /3/ 2016

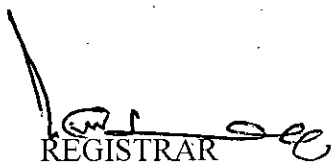
To

The DPO,  
Hangu.

Subject: - **JUDGMENT**

I am directed to forward herewith a certified copy of Judgement dated 18.3.2016 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

18/3

BEFORE THE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 1356 /2014

Alamzeb..... Appellant

Versus

Provincial Police Officer and others..... Respondents

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth;

Preliminary objection

That the reply/para-wise comment has not been competently filed and nor any affidavit has been filed in accordance with law nor the same has been properly attested, hence the same has no value in the eyes of law. The authority letter attached with the comments is worth perusal which is specifically for Peshawar High Court, Peshawar not for this Hon'ble Tribunal.

Rejoinder to Preliminary objection

Preliminary objection raised by respondents are erroneous, frivolous, based on male fide intention and having no factual and legal backing. Respondents have failed to explain as why the appeal is not based on facts; how the appeal is not maintainable in the present form; who are the appellant is estopped by his own conduct; how the appeal is suffer from limitation; and what matter facts has been concealed by the appellant from this Hon'ble Tribunal. No plausible explanation has been given by the respondents. No specific and due objection regarding the controversial question of facts and law involved in the instant service appeal has provided, therefore, appellant is unable to submit proper rejoinder to the preliminary objection raised by the respondents.

Rejoinder to Facts of Reply/ Parawise comments

1. Para No. 1 and 2 of the reply / parawise comments needs no reply. However it is submitted that respondent have not attached any such document which can be used against appellant to justify the allegation leveled against him. Furthermore whether it is not the duty of the respondent to prove allegation leveled against appellant.
2. In response to para No. 3,,4, and 5 it is submitted that these paras are properly and comprehensively explained by appellant in his memo of appeal and no plausible explanation/ comments have been submitted to these para by the respondents therefore, needs no reply. Further it submitted that proper procedure for disposal of appeal has not been adopted by respondent No. 2 envisages in the N.W.F.P Civil Servants (Appeal) Rules, 1986.

Rejoinder to the Grounds of Reply/ Parawise comments

- a) Para No. a- c of the reply / parawise comments are incorrect and that of memo of appeal are correct. The impugned order is illegal, unlawful, without authority, based on mala fide, void abinitio. The appellant has been proceeded with the rules and regulation which are not applicable to him nor proper procedure has been adopted by the respondents to determine the guilt of appellant. No evidence whatsoever has been procured against appellant.
- b) Para No. d- h of the reply / parawise comments are incorrect hence denied. Detail given in the memo of appeal is correct. The enquiry report are very much clear that no evidence whatsoever were procured by the enquiry officer against appellant although he tried his best to bring any thing adverse from the mouth of the witnesses but he totally failed. Under the law in opportunity of cross examination of witnesses is the unalienable right of appellant but no opportunity of hearing has been provided to him. The penalty imposed on appellant is only on the basis of

surmises and conjunctures without taking into consideration the documents and evidence provided by the appellant. The stance forwarded by the appellant has not been taken into consideration nor any evidence to that effect has been procured by the enquiry officer which has basic and main responsibility under the law. Whether a person can be penalized only on here say evidence and whether this important aspect of the case has been considered by the respondent while awarding punishment to appellant. And whether it is justified under any canon of law that a good performance of a person has to be based for his punishment.

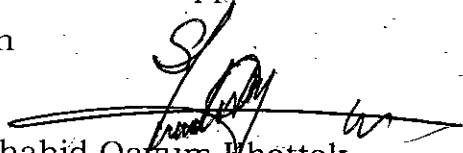
c) Para No. i- n of the reply / parawise comments are incorrect hence denied. No proper procedure of enquiry or awarding of punishment has been adopted by the respondent. The appellant being Civil Servant has wrongly been proceeded with. It is the ultimate purpose of law and rights guaranteed by the Constitution that no body has to be condemned unheard but here the basic right of the appellant has been violated and he has been condemned unheard, hence both the orders are liable to be set aside in the best interest of justice and the appellant is liable to be reinstated on his post with all back benefits. The Learned respondent No. 2 has not adopted proper procedure as mentioned in the N.W.F.P Civil Servants ( Appeal) Rules, 1986. The question arises that whether there is any evidence regarding the allegation leveled against appellant and whether the punishment awarded to appellant being a civil servant is in accordance with law, rule and regulation. The procedure adopted by the respondents clearly show male fide intention, discrimination and undue victimization of the appellant and the appellant approaches this Hon'ble Tribunal being the final and highest forum of appeal. It is further submitted that rules and regulation are always in support of substantive law and substantive law always prevails over it.

It is therefore, most humbly prayed that by accepting this rejoinder and the ground of main appeal the impugned order of respondents may please be set aside and the appellant may please be retained/

reverted back/ reinstated on his post with all back benefits of pay and service.

Appellant

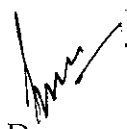
Through

  
Shahid Qayum Khattak  
Advocate, High Court  
Peshawar


Dated: /11/2015

Affidavit

I, do hereby solemnly affirm and declare on Oath that the contents of the above rejoinder are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon'ble Tribunal.

  
Deponent



  
10/11/2015



BEFORE THE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 1356 /2014

Alamzeb..... Appellant

Versus

Provincial Police Officer and others.....Respondents

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth;

Preliminary objection

That the reply/para-wise comment has not been competently filed and nor any affidavit has been filed in accordance with law nor the same has been properly attested, hence the same has no value in the eyes of law. The authority letter attached with the comments is worth perusal which is specifically for Peshawar High Court, Peshawar not for this Hon'ble Tribunal.

Rejoinder to Preliminary objection

Preliminary objection raised by respondents are erroneous, frivolous, based on male fide intention and having no factual and legal backing. Respondents have failed to explain as why the appeal is not based on facts; how the appeal is not maintainable in the present form; who are the appellant is estopped by his own conduct; how the appeal is suffer from limitation; and what matter facts has been concealed by the appellant from this Hon'ble Tribunal. No plausible explanation has been given by the respondents. No specific and due objection regarding the controversial question of facts and law involved in the instant service appeal has provided, therefore, appellant is unable to submit proper rejoinder to the preliminary objection raised by the respondents.

Rejoinder to Facts of Reply/ Parawise comments

1. Para No. 1 and 2 of the reply / parawise comments needs no reply. However it is submitted that respondent have not attached any such document which can be used against appellant to justify the allegation leveled against him. Furthermore whether it is not the duty of the respondent to prove allegation leveled against appellant.
2. In response to para No. 3,4, and 5 it is submitted that these paras are properly and comprehensively explained by appellant in his memo of appeal and no plausible explanation/ comments have been submitted to these para by the respondents therefore, needs no reply. Further it submitted that proper procedure for disposal of appeal has not been adopted by respondent No. 2 envisages in the N.W.F.P Civil Servants (Appeal) Rules, 1986.

Rejoinder to the Grounds of Reply/ Parawise comments

- a) Para No. a- c of the reply / parawise comments are incorrect and that of memo of appeal are correct. The impugned order is illegal, unlawful, without authority, based on mala fide, void abinitio. The appellant has been proceeded with the rules and regulation which are not applicable to him nor proper procedure has been adopted by the respondents to determine the guilt of appellant. No evidence whatsoever has been procured against appellant.
- b) Para No. d- h of the reply / parawise comments are incorrect hence denied. Detail given in the memo of appeal is correct. The enquiry report are very much clear that no evidence whatsoever were procured by the enquiry officer against appellant although he tried his best to bring any thing adverse from the mouth of the witnesses but he totally failed. Under the law in opportunity of cross examination of witnesses is the unalienable right of appellant but no opportunity of hearing has been provided to him. The penalty imposed on appellant is only on the basis of

surmises and conjunctures without taking into consideration the documents and evidence provided by the appellant. The stance forwarded by the appellant has not been taken into consideration nor any evidence to that effect has been procured by the enquiry officer which has basic and main responsibility under the law. Whether a person can be penalized only on here say evidence and whether this important aspect of the case has been considered by the respondent while awarding punishment to appellant. And whether it is justified under any canon of law that a good performance of a person has to be based for his punishment.


c) Para No. i- n of the reply / parawise comments are incorrect hence denied. No proper procedure of enquiry or awarding of punishment has been adopted by the respondent. The appellant being Civil Servant has wrongly been proceeded with. It is the ultimate purpose of law and rights guaranteed by the Constitution that no body has to be condemned unheard but here the basic right of the appellant has been violated and he has been condemned unheard, hence both the orders are liable to be set aside in the best interest of justice and the appellant is liable to be reinstated on his post with all back benefits. The Learned respondent No. 2 has not adopted proper procedure as mentioned in the N.W.F.P Civil Servants ( Appeal) Rules, 1986. The question arises that whether there is any evidence regarding the allegation leveled against appellant and whether the punishment awarded to appellant being a civil servant is in accordance with law, rule and regulation. The procedure adopted by the respondents clearly show male fide intention, discrimination and undue victimization of the appellant and the appellant approaches this Hon'ble Tribunal being the final and highest forum of appeal. It is further submitted that rules and regulation are always in support of substantive law and substantive law always prevails over it.

It is therefore, most humbly prayed that by accepting this rejoinder and the ground of main appeal the impugned order of respondents may please be set aside and the appellant may please be retained/

reverted back/ reinstated on his post with all back benefits of pay and service.

Appellant

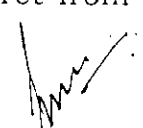
Through

  
Shahid Qayum Khattak  
Advocate, High Court  
Peshawar


Dated: /11/2015

Affidavit

I, do hereby solemnly affirm and declare on Oath that the contents of the above rejoinder are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon'ble Tribunal.

  
Deponent



  
10/11/2015