

918/2014

30.11.2016

Counsel for the appellant (Mr. Noor Muhammad Khattak, Advocate) and Mr. Arif Saleem, ASI alongwith Additional AG for respondents present. This order shall dispose of application dated 30.09.2015 of the appellant seeking amendment in this appeal which was resisted by the learned Additional AG.

2. Arguments heard and record perused.

3. Admittedly major penalty of compulsory retirement was imposed on the appellant vide order dated 23.02.2014 followed by another major penalty of dismissal from service vide order dated 11.03.2014. It was stated that the said orders were the result of separate departmental proceedings in which separate charge sheets were issued to the appellant. Contention of learned counsel for the appellant is that as two major penalties imposed on the appellant have been impugned in this single appeal therefore he may be allowed to file two separate appeals against the said major penalties of compulsory retirement and dismissal from service of the appellant. Defence plea of learned Additional AG is that the appellant should have specifically mentioned the desired amendment in his application which as he has not done so, therefore, application could not be allowed.

4. After hearing pro & contra arguments and perusal of record it was noted that as two separate charge sheets were issued and two separate major penalties were imposed therefore we deem it appropriate that the appellant has an obligation to challenge his penalties in separate service appeals. We are therefore, of the considered opinion to allow appellant to withdraw the appeal with permission to file fresh Service Appeals if so desired. The application is disposed of in the above terms. Consequently the appeal stands dismissed as withdrawn with permission to the appellant to file afresh appeals if so advised.

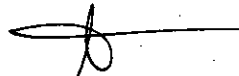
ANNOUNCED
30.11.2016

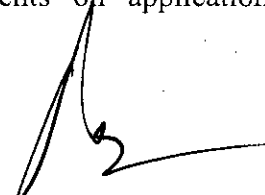

(ABDUL LATIF)
MEMBER


(PIR BAKHSH SHAH)
MEMBER

30.05.2016

Counsel for the appellant and Mr. Arif Saleem, ASI (Legal) alongwith Ziaullah, GP for respondents present. Learned counsel for the appellant requested for adjournment to argue application for amendment of the present appeal. Request is accepted. In the meanwhile respondent-department is directed to submit written reply on application. To come up for arguments on application on 22.8.2016.


Member


Member

22.08.2016

Appellant in person and Arif Saleem, ASI alongwith Ziaullah, GP for respondents present. Appellant requested for adjournment. Request accepted. To come up for arguments on application on 30-11-16.


Member


Member



30.09.2015

Appellant in person and Addl: A.G for respondents present. Another appeal for allowing amended appeal submitted by the appellant. To come up for reply of the instant appeal as well as previous application and arguments on 29.10.2015 before S.B.


Chairman

29.10.2015

Appellant with counsel and Mr. Arif Saleem, ASI alongwith Addl: A.G for respondents present. Written reply submitted. It is deemed appropriate to send the appeal to D.B for deciding the application as such the appeal is assigned to D.B for further proceedings including hearing of application of appellant praying therein for submitting amended appeal for 23.2.2016.


Chairman

23.02.2016

Agent of counsel for the appellant and Mr. Arif Saleem, ASI (Legal) alongwith Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to non-availability of D.B. therefore, the case is adjourned to 30.05.2016 for arguments.


Chairman

10.08.2015

Counsel for the appellant and Assistant A.G for respondents present. Application for permission for filing of appeal in respect of OB. No. 230 dated 25.2.2014 submitted, copy whereof supplied to Learned Assistant A.G. To come up for reply and arguments on application on 24.8.2015 before S.B.


Chairman

24.08.2015

Appellant in person and Mr. Shawal Khan, H.C alongwith Assistant A.G for respondents present. Requested for adjournment. To come up for reply and arguments on application on 22.9.2015 before S.B.


Chairman

22.09.2015

Mr. Noor Muhammad Khattak, Advocate on behalf of appellant and Assistant AG for respondents present. Learned counsel for the appellant submitted Wakalat Nama and requested for adjournment. Adjourned to 30.9.2015 for reply and arguments on application before S.B.


Chairman



28.05.2015

Agent of counsel for the appellant and Asstt: AG for the respondents present. Agent of counsel for the appellant requested for adjournment due to strike of the Bar. Adjourned to 11.06.2015 for preliminary hearing before S.B.


Chairman

11.06.2015

Agent of counsel for the appellant and Assistant A.G for respondents present. Learned counsel for the appellant is not in attendance. Seeks adjournment. Adjourned to 2.7.2015 for preliminary hearing before S.B.


Chairman

02.07.2015

Agent of counsel for the appellant present. Counsel for the appellant is not in attendance. Requested for adjournment. To come up for preliminary hearing on 27.7.2015 before S.B.


Chairman

27.07.2015

Appellant in person and Mr. Imtaiz Khan, DSP (legal) alongwith Mr. Kabirullah Khan Khattak, Assistant A.G for respondents present. Counsel for the appellant is not in attendance. Last opportunity granted for preliminary hearing for 10.8.2015 before S.B.


Chairman

15.04.2015

Appellant in person present. Counsel for the appellant is not in attendance due to strike of the Bar. Adjourned for preliminary hearing to 28.04.2015 before S.B.


Chairman

28.04.2015

Appellant with counsel present. During the preliminary hearing it came to limelight that the appellant has been proceeded against twice and was, at one instance, dismissed from service and, at the other, compulsorily retired from service. Departmental appeal has been preferred against the punishment of compulsory retirement.

Pre-admission notice be issued to the respondents for 14.5.2015 before S.B.


Chairman

14.05.2015

Appellant with counsel and Assistant A.G for respondents present. It was argued that the appellant was dismissed from service vide order dated 11.3.2014 in a separate inquiry and was compulsorily retired vide order dated 25.2.2014 in a separate inquiry. The instant appeal has been preferred against the order dated 25.2.2014 according to which the appellant was compulsorily retired from service.

Learned counsel for the appellant seeks adjournment so as to argue that the dismissal order as well as compulsory retirement of the appellant is one and the same order and appeal maintainable in its present form. Adjourned for further preliminary hearing to 28.5.2015 before S.B.


Chairman

3.

30.09.2014

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 15.12.2014.


Member

4.

Reader Note:

15.12.2014

Counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 26.02.2015 for the same.


Reader

5.


26.02.2015

None present for appellant. Notice be issued to the learned counsel for appellant for preliminary hearing for 30.03.2015 before S.B.


Chairman

30.03.2015



Appellant with counsel present. Learned counsel for the appellant requested for adjournment. To come up for preliminary hearing before S.B on 15.4.2015.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 918/2014

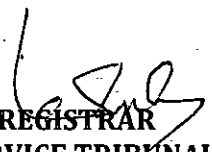
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	04/07/2014	<p>The appeal of Mr. Sayyed Umar resubmitted today by Mr. Hassan Muhammad Shinwari Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	9-7-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>30-9-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Sayyed Umār son of Samar Gul Ex-Police Constable No.341 received today i.e. on 30/06/2014 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of departmental appeal against the impugned order dated 11.3.2014 is not attached with the appeal which may be placed on it.

No. 1019 /S.T,

Dt. 1/7 /2014.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Hassan Muhammad Shinwari Adv. Pesh.

Copy of departmental appeal against the impugned order dated 11/3/2014 is attached with the appeal.

Hanany

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

Service Appeal No. 918 /2014

Sayed Umar.....(Appellant)

VERSUS

I.G.P, Khyber Pakhtunkhwa, Peshawar.

and others.....(Respondents)

I N D E X

S.No	Description of Documents	Annexure	Pages
1.	Service Appeal		1-8
2.	Affidavit		9
3.	Addresses of the parties		10
4.	Application		11-12
5.	Affidavit		13
6.	Copy of letter and charge sheet	A & A/1	14-15
7.	Copies of reply to show case and final show cause	B & B/1	16-17
8.	Copy of D.D	C	18
9.	Copy of D.D. No. 3 dated 06/09/2013	D	19
10.	Copies of disciplinary action and charge	E & E/1	20-21
11.	Copies of reply to the charge sheet and the final show cause reply	F & F/1	22-24
12.	Copy of inquiry report	G	25
13.	Copy of order dated 25/02/2014	H	26
14.	Copy of appeal and order dated 29/05/2014	I & I/1	27-28 27/1
15.	Wakalat Nama		29

Appellant

Through



Dated: 30/06/2014

Hassan Muhammad Shinwari

Advocate High Court,
Peshawar.

Cell No. 0333-9623694

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BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. 918 /2014

[Stamp]
[Stamp] 928
[Stamp] 30-6-2014

Sayed Umar S/o Samar Gul R/o Charguli Mardan, Ex-Police
Constable No. 341, Kohat.....(Appellant)

VERSUS

1. I.G.P, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, (D.I.G), Kohat.
3. District Police Officer (D.P.O), Kohat.....(Respondents)

APPEAL U/S 4 N.W.F.P (K.P.K) SERVICE
TRIBUNAL ACT, 1974, AGAINST IMPUNGED
ORDERS OB NO. 333 DATED 11/03/2014
AND 29/05/2014 PASSED BY D.P.O KOHAT
AND REGIONAL POLICE OFFICER KOHAT,
I.E. D.I.G RESPECTIVELY ALONGWITH OB
NO. 230 DATED 25/02/2014 PASSED BY
D.P.O KOHAT, RESULTING IS
TERMINATION FROM SERVICE.

re-submitted to-day
and filed;

[Signature]
[Stamp] 4/7/14

Respectfully Sheweth:

2

Brief facts giving rise to instant appeal are as under:

FACTS:

1. That the appellant had served the Police Department for 25/26 year as Constable and had performed his duties diligently, honestly and zealously.
2. That on 10/10/2013 the appellant was malafidely proceeded against disciplinary action vide letter No. 15679-80/PA by respondent No. 3 and was thereby charge sheeted. (Copy of letter and charge sheet are annexed as annexure "A" and "A/1" respectively).
3. That in response to charge sheet the appellant submitted reply to the charge sheet viz a viz reply to the final show cause notice. (Copies are annexed as annexure "B" and "B/1").
4. That the appellant since vide D.D. No. 5 dated 30/08/2013 in order of performance of his official duties

had gone to F.S.L, Peshawar. (Copy of D.D is attached as annexure "C").

5. That the intervening period the appellant had been on leave having been granted by the superiors of the appellant under the terminology of "Shahbashi" which by no means amount to contumacious absentee.
6. That the appellant vide mobile message was informed from the concerned Police Station regarding participation in refreshner course, whereupon the appellant vide DD No. 3 dated 06/09/2013 made his appearance in the Police Lines Kohat. (Copy of D.D. No. 3 dated 06/09/2013 is attached as annexure "D").
7. That the appellant on 20/09/2013 had marked his attendance in the concerned Police Station Lachi, Kohat, where he was deputed, upon completion of refreshnor course from Police Lines, Kohat.
8. That the appellant vide office order 16382-83/PA dated 13/11/2013 was proceeded for disciplinary action and charge sheeted. (Copies of disciplinary action and charge is attached as annexure "E" & "E/1").

G

9. That the reply to the charge sheet viz a vis reply to and the final show cause were submitted by the appellant. (Copies of reply to the charge sheet and the final show cause reply are attached as annexure "F" & "F/1").

10. That the inquiry officer prepared his finding and report on 24/01/2014 wherein the inquiry officer, surreptitiously and vividly blames S.I Gul Faraz and had not through cogent evidence proved allegations against the appellant who had been awarded penalty of Rs. 1000/- but have victimized the appellant by condemning on the source report whereas appellant has not been allowed the right to cross-examine the witness, that had been procured against him.

11. That the respondent No. 3 on the strength of the inquiry report passed the impugned orders resulting in the compulsory retirement of appellant while OB No. 333 dated 11/03/2014 from the date of his suspension. (Copy of inquiry report is annexure "G").

12. That upon the same allegations respondent No. 3 vide OB No. 230 dated 25/02/2014 at the back of the appellant

CS

awarded major penalty of compulsory retirement against the provision of Article 13 of the Constitution of Islamic Republic of Pakistan, 1973. (Copy of order dated 25/02/2014 is annexed as annexure "H").

13. That being aggrieved of the order of respondent No. 3 the appellant preferred an appeal before respondent No. 2, that met the same fate vide order dated 29/05/2014. (Copy of appeal and order dated 29/05/2014 are attached as annexure "I" and "I/1").
14. That being aggrieved of the order of respondents No. 2 and 3, the appellant prefers the present appeal, on the following grounds inter-alia:

GROUND:

- A. That the impugned orders are arbitrary, mechanical, whimsical and without application of judicial mind, having been passed in vacuum needs interference of this august Tribunal.

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- B. That the appellant has served the department diligently, devotedly and to the best of his efforts for 26 and above years.
- C. That the respondents No. 2 and 3 through their blind orders stigmatized the career not only through their illegal order within the department but in the public too .
- D. That to the utter surprise against the provisions of inquiry act and Police Rules 1975 the inquiry officer as per dictates of respondent No. 3 had collected evidence against the appellant and not for assistance and appraisal of inquiry, thus has prejudice the appellant.
- E. That the sequence of inquires themselves speak of the conduct of the respondent No. 2 in particular.
- F. That the major penalty of compulsory retirement was not called for in the circumantces of the case and hence does not commensurate with the penalty simply for the absentee of the appellant for 16 days 9 hours and 40 mints which could not be proved against the appellant at all.

(7)

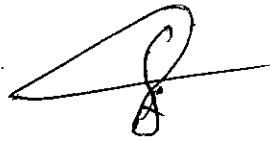
- G. That all the proceedings against the appellant were conducted in haphazard way and no procedure has been followed in stricto sensu, but the very orders of the respondents No. 2 and 3 are against facts on file and record.
- H. That no martial quo the proof of allegations against the appellant had been brought on record nor any disinterested evidence had been procured against the appellant.
- I. That the appellant is innocent and has been awarded major punishment of compulsory retirement against the provision of Police Rules 1975 and Inquires Act:
- J. That the appellant has been condemn unheard and the provision of Article 13 of the Constitution of Pakistan, 1973 has been grossly violated and the appellant has been jeopardized for the acts and omissions not committed by him and hence not proved.
- K. That any other ground would be taken at the time of arguments, with the kind permission of this Hon'ble Tribunal.

CB

It is, therefore, humbly prayed that on acceptance of this Service Appeal, the appellant may kindly be reinstated to his post with all back benefits and the impugned orders dated 11/03/2014, 29/05/2014 and 25/02/2014 may kindly be set aside and be considered null and void.

OR

Any other relief which this august Tribunal deems appropriate may kindly be awarded to meet the ends of justice.



Appellant

Through



Hassan Muhammad Shinwari
Advocate High Court,
Peshawar.

Dated: 30/06/2014

9

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. _____/2014

Sayed Umar.....(Appellant)

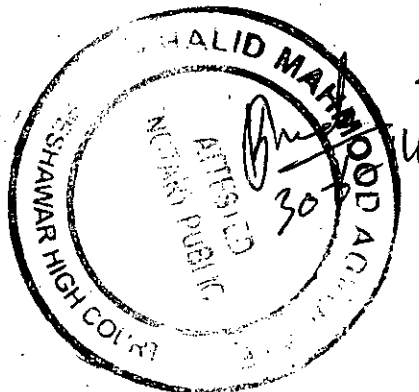
VERSUS

I.G.P, Khyber Pakhtunkhwa, Peshawar.

and others.....(Respondents)

AFFIDAVIT

I, **Hassan Muhammad Shinwari** Advocate Peshawar, as per instructions of my client, do hereby solemnly affirm and declare that all the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



ADVOCATE

Hassan Muhammad Shinwari

10

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. _____/2014

Sayed Umar.....(Appellant)

VERSUS

I.G.P, Khyber Pakhtunkhwa, Peshawar.

and others.....(Respondents)

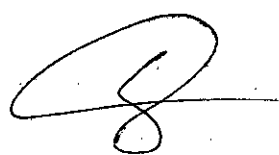
ADDRESSES OF THE PARTIES:

APPELLANT:

Sayed Umar S/o Samar Gul R/o Charguli Mardan, Ex-Police
Constable No. 341, Kohat.

RESPONDENTS:

1. I.G.P, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, (D.I.G), Kohat.
3. District Police Officer (D.P.O), Kohat.



Appellant

Through



Dated: 30/06/2014

Hassan Muhammad Shinwari
Advocate High Court,
Peshawar.

11

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR.

C.M. No. _____/2014

In

Service Appeal No. _____/2014

Sayed Umar.....(Appellant)

VERSUS

I.G.P, Khyber Pakhtunkhwa, Peshawar.

and others.....(Respondents)

APPLICATION FOR CONDONATION

OF DELAY.

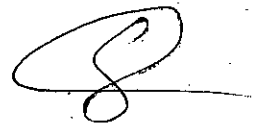
Respectfully Sheweth:

1. That the above title appeal has been filed by the appellant and no date of hearing has yet been fixed.
2. That the appellant applied to the concerned office for the providing of copies of the order of respondents No. 2, but not copies could be provided to the appellant, before 26/06/2014.

3. That the appellant/ applicant has tried his best for putting of the dates of providing of the copies to the appellant from the concerned quarters, but they refused.
4. That the delay had not been occasioned on behalf of the appellant/ applicant, but at the behest of the subordinates to the respondents No. 2 and 3 for the sole purpose and reason of frustration and victimization of the appellant/ applicant.

It is, therefore, most humbly prayed that on acceptance of this application the delay, if any, in filing the above noted may kindly be condoned in the interest of justice in the instant Service Appeal.

Appellant/Applicant



Through



Hassan Muhammad Shinwari
Advocate High Court,
Peshawar.

Dated: 30/06/2014

13

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,

PESHAWAR.

C.M. No. _____/2014

In

Service Appeal No. _____/2014

Sayed Umar.....(Appellant)

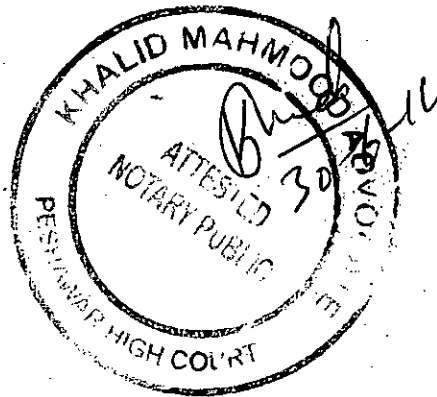
VERSUS

I.G.P, Khyber Pakhtunkhwa, Peshawar.

and others.....(Respondents)

AFFIDAVIT

I, **Hassan Muhammad Shinwari** Advocate Peshawar, as per instructions of my client, do hereby solemnly affirm and declare that all the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



ADVOCATE

Amang

ANNEX 'A'
14

DISCIPLINARY ACTION

I, **MUHAMMAD SALEEM, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, am of the opinion that **Constable Said Umar No. 341** has rendered himself liable to be proceeded against as he committed the following acts/omissions under Police Rule 1975:-

STATEMENT OF ALLEGATIONS

You had absented yourself from official duty vide DD No. 23 dated 03.09.2013 and reported arrival vide DD No. 21 dated 20.09.2013 (total absence 16 days, 09 hrs and 40 minutes) without any leave or permission from the competent authority.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations, **Mr. Mansoor Aman ASP HQrs: Kohat** is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, 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.

The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

DISTRICT POLICE OFFICER, KOHAT

No. 15679-80/PA, dated 10-10-2013.

Copy of above is forwarded to:-

1. **Mr. Mansoor Aman ASP HQrs: Kohat**:- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
2. **Constable Said Umar No. 341**:- The concerned official/ officer's with the directions to appear before the Enquiry officer, on the date, time and place fixed by the enquiry officer, for the purpose of enquiry proceedings.

.....

ATTESTED

- 1 -

CHARGE SHEET.

1. I **MUHAMMAD SALEEM, DISTRICT POLICE OFFICER, KOHAT** as competent authority, hereby charge you **Constable Said Umar No. 341** committed the following irregularities:-

You had absented yourself from official duty vide DD No. 23 dated 03.09.2013 and reported arrival vide DD No. 21 dated 20.09.2013 (total absence 16 days, 09 hrs and 40 minutes) without any leave or permission from the competent authority.

2. By reasons of the above, you appear to guilty of misconduct under Police Rule-1975 and have rendered yourself liable to all or any of the penalties.

3. You are therefore, required to submit your written defence within 07days of the receipt of this Charge Sheet to the enquiry officer.

Your written defense if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case e x-parte action shall be taken against you.

4. A statement of allegation is enclosed.

**DISTRICT POLICE OFFICER,
KOHAT**

[Signature]
ATTESTED

Annex

'B'

16

جواب چارج شیٹ

جناب عالی!

- ۱- بحوالہ چارج شیٹ موصولہ بحوالہ نمبری PA/80-15679 مورخہ 10-10-2013 ذیل معروض ہوں۔
 - ۲- یہ کہ جواب دہندہ کم و بیش 25/26 سال سے بحیثیت کنسٹیبل محکمہ پولیس نے سرکاری خدمات سرانجام دے رہا ہے۔
 - ۳- یہ کہ کبھی بھی جواب دہندہ عہدہ اوقصد اسرکاری ڈیوٹی سے غیر حاضر نہ رہا ہے۔ اور نہ ہی افسران بالا کو جواب دہندہ کے خلاف شکایات موصول ہوئی ہیں۔ کیونکہ جب بھی چٹھی / رخصت کی ضرورت پڑی ہے تو افسران نے عطاء فرمائی ہے۔
 - ۴- یہ کہ بحوالہ موجودہ چارج شیٹ من کے خلاف الزام ہے کہ میں بحوالہ DD نمبر 23 مورخہ 03-9-2013 سے غیر حاضر ہو کر DD نمبر 21 مورخہ 20-9-2013 تک غیر حاضر رہا اور یوں تقریباً 16 دن غیر حاضر رہا۔
 - ۵- یہ کہ یہ الزام یا تو کسی غلط فہمی کے نتیجے میں ہے یا صرف کسی نے جواب دہندہ کے ساکھ کو نقصان پہنچانے کی کوشش کی ہے۔ کیونکہ میں چونکہ درملک تھانہ لاپچی میں ان دنوں تعینات تھا کہ انچارج نے مال مقدمہ رانفل اور کچھ کپڑے پشاور لیبارٹری کو لے جانے کی ہدایت کی اور باقاعدہ بحوالہ مد نمبر 5 روزنامہ مورخہ 30-8-2013 تھانہ لاپچی پشاور روانہ ہوا وہاں رانفل تو جمع کی گئی جبکہ کپڑوں کے بارے کچھ اعتراضات لگا کر واپس لے جانے کا کہا جو کہ واپس لے آیا اور شاباشی پر تھانہ سے روانہ ہوا۔
 - ۶- یہ کہ تھانہ لاپچی والوں نے بغرض کورس گھر سے سیدھا پولیس لائنز کو ہاٹ میں حاضری دینے کی ہدایت کی۔ جو کہ بحوالہ مد نمبر 3 روزنامہ مورخہ 06-9-2013 حاضر آیا۔ (نقل مدلف ہے) اور بعد از کورس مکمل کرنے تھانہ لاپچی میں بحوالہ مد نمبر 21 مورخہ 20-9-2013 حاضری دی۔ لہذا ہدایات کے مطابق مال مقدمہ پشاور لے جانا وہاں سے واپس آنا اور پھر حسب ہدایت پولیس لائنز کو ہاٹ میں حاضری دینا اور بعد مکمل کرنے کورس تھانہ لاپچی میں حاضری دینا من کو غیر حاضر تصور نہ کیا جاوے۔
- یہ کہ مندرجہ بالا کی روشنی میں بے گناہ ہوں چارج شیٹ داخل دفتر فرمائی جاوے۔ اور جواب دہندہ کو ذہنی تکلیف سے بچایا جاوے۔

دعا گور ہونگا۔

ارض

ATTESTED

کنسٹیبل سید عمر بیٹی نمبر 341
پولیس لائنز کو ہاٹ

Amara

B/P

17

جواب شوکا ز نوٹس

جناب عالی!

بحوالہ شوکا ز نوٹس موصولہ بحوالہ نمبری PA/16803 مورخہ 06-12-2013 ذیل معروض ہوں۔

- ۱۔ یہ کہ جواب دہندہ کم و بیش 25/26 سال سے بحیثیت کنسٹیبل محکمہ پولیس میں سرکاری خدمات سرانجام دے رہا ہے۔
 - ۲۔ یہ کہ کبھی بھی جواب دہندہ عمداً و قصداً سرکاری ڈیوٹی سے غیر حاضر نہ رہا ہے۔ اور نہ ہی افسران بالا کو جواب دہندہ کے خلاف شکایات موصول ہوئی ہیں۔ کیوں کہ جب بھی چھٹی رخصت کی ضرورت پڑی ہے۔ تو افسران نے عطا فرمائی ہے۔
 - ۳۔ یہ کہ بحوالہ موجودہ شوکا ز نوٹس من کے خلاف الزام ہے۔ کہ میں بحوالہ DD نمبر 23 مورخہ 03-09-2013 سے غیر حاضر ہو کر DD نمبر 21 مورخہ 20-09-2013 تک غیر حاضر رہا۔ اور یوں تقریباً 16 دن غیر حاضر رہا۔
 - ۴۔ یہ کہ یہ الزام یا تو کسی غلط فہمی کے نتیجے میں ہے یا صرف کسی نے جواب دہندہ کی ساکھ کو نقصان پہنچانے کی کوشش کی ہے۔ کیوں کہ میں چونکہ درملک تھانہ لاجپی میں ان دنوں تعینات تھا۔ کہ انچارج کرنے مال مقدمہ رانقل اور کچھ کپڑے پشاور لیبارٹری کو لے جانے کی ہدایت کی۔ اور باقاعدہ بحوالہ مد نمبر 5 روز نامہ 30-08-2013 تھانہ لاجپی پشاور روانہ ہوا۔ رانقل تو جمع کی گئی جبکہ کپڑوں کے بارے کچھ اعتراضات لگا کر واپس لے جانے کا کہا۔ جو کہ واپس لے آیا۔ اور شائبہ پر تھانہ سے روانہ ہوا۔
 - ۵۔ یہ کہ تھانہ لاجپی والوں نے بغرض کورس گھر سے سیدھا واپس پولیس لائنز کو ہاٹ میں حاضری دینے کی ہدایت کی۔ جو کہ بحوالہ مد نمبر 3 روز نامہ پو پولیس لائن 06-09-2013 حاضر آیا۔ (نقل مدلف ہے) اور بعد از کورس مکمل کرنے تھانہ لاجپی میں بحوالہ مد نمبر 21 مورخہ 20-09-2013 حاضری دی۔ لہذا ہدایات کے مطابق مال مقدمہ پشاور لے جانا وہاں سے واپس آنا اور پھر حسب ہدایت پولیس لائنز کو ہاٹ میں حاضری دینا اور بعد مکمل کرنے کورس تھانہ لاجپی میں حاضری دینا من کو غیر حاضر تصور نہ کیا جاوے۔
- یہ کہ مندرجہ بالا کی روشنی میں۔ بے گناہ ہوں۔ شوکا ز نوٹس داخل دفتر فرمائی جاوے۔ اور جواب دہندہ کو ذہنی تکلیف سے بچایا جائے۔
دعا گورہوں گا۔

مورخہ 02-01-2014

کنسٹیبل سید عمر نمبر 341

پولیس لائن کو ہاٹ

ATTESTED

لغات جناب ڈی شریک جمع صاف با احتیاط لکھو لکھو لکھو لکھو

مدیر شاہ ولیہ سمور شاہ لکھو جنگل خیل کو بھارت
بذریعہ مگر نثار خان ولد محمد اسلم حال KDA گٹ
مگر 2 کھو لکھو

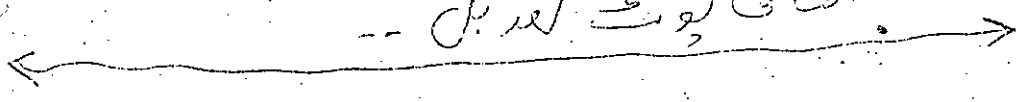
نیل

نیل

- ① ایسکس وائیڈ کوچھات
- ② S.D.O. آرین وائیڈ کوچھات
- ③ میٹر ریشٹ جنگل خیل کوچھات
- ④ ریلوئی وائس وائیڈ کوچھات

مسزول علیہماں

درخواست میرا درنگی نیل نمبر / اکتوبر
کا زوائی بر خلاف مسزول علیہماں کھنچے
افافی لوٹ لکھو



جناب عالی اسٹیل نیل عرض کرتا ہے -

- ① یہ کہ سٹیل نے تھاکر بل ابراہیم خدوئی تا آگت جمع کروائے نیل
(نقل لکھو یہ ادھوات میں)
- ② یہ کہ کوئی لکھو یا جات سٹیل کے خلاف ہیں کھنچے مگر شاہ اکتوبر

منوع و بان

APPENDIX (18)

فردی و غیر فردی

۰۶-۱۳
۰۹
۰۳

۳۱۳ - آذربایجان - ۰۶-۱۳
۰۹۱۰۰ - ۰۹۱۰۰
۳۴۱ - ۳۴۱
کمانه کانی - عباس خان ۱۳۳۲ - کمانه KDA نسیل قره سنی ۷۲۹ عباس خان - کمانه
KDA کلو خان ۶۷۵ کمانه شیر دره - عدنان ۷۳۶ کمانه MRS. - لفرض الفخر نسیم
گورس کمانه کذا خان آر مزید بیان

کمانه کانی

تقریبات

Schallach

MM-Line

28-11-2013

ATTESTED

صلوات

تقدیر اور فیصلہ 30/8/13

Approved (18)

اورنگ آباد 5/4/13 اورنگ آباد 30/8/13 وقت 08.15 بجے اس وقت تک پیل سپرنگر 34
کولونٹ درمست سے حاضرانہ طور پر 176 من فائبرسٹریٹ ماسٹر
دے کر FSL لٹیا اور روڈ ایکسٹنشن مناب حوالیہ

وللی اورنگ آباد 5/4/13 اورنگ آباد 30/8/13 وقت 17.00 بجے اس وقت تک پیل
سپرنگر 34/13 زمین محترم کیلئے لٹیا اورنگ آباد فاسل
تسے وللی اورنگ آباد بیان کی اورنگ آباد لٹیا اورنگ آباد درمست
پوسٹ روڈ لٹیا اورنگ آباد

جناب عالی:

نقل عطا کی اصل ہے

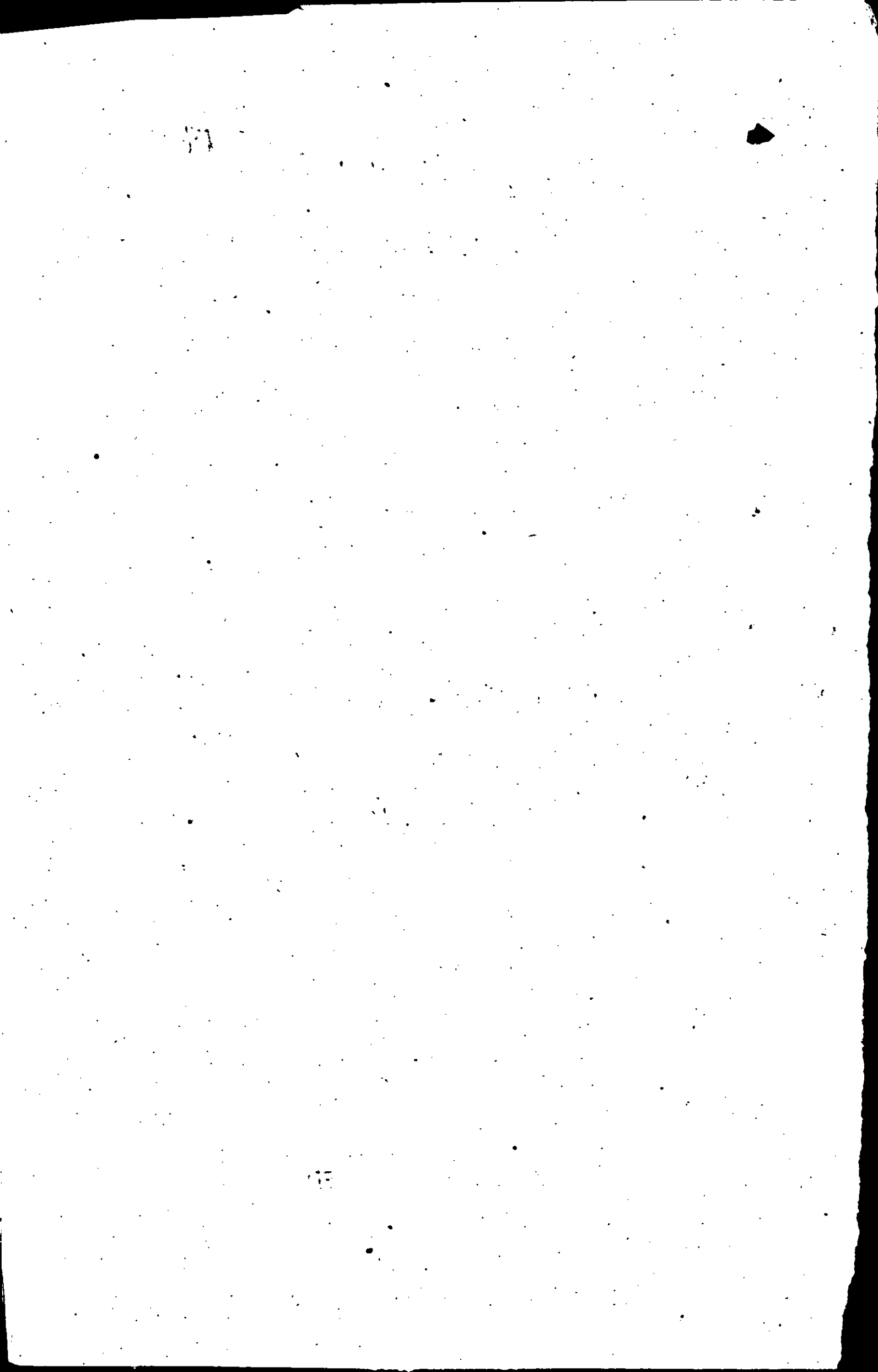
M. M. L.

M. M. L.

21-4-14

Attested

ATTESTED



Amir *20*

DISCIPLINARY ACTION

I, **MUHAMMAD SALEEM, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, am of the opinion that **Constable Said Umar No. 341** has rendered himself liable to be proceeded against as he committed the following acts/omissions under Police Rule 1975:-

STATEMENT OF ALLEGATIONS

- (i) You Constable Said Umar No. 341, while posted at PP Darmalak instituted a false/exaggerated complaint against SI Gul Faraz through your wife just to save your skin from lawful action in sequence of your abnormal absence and disobedient acts.
- (ii) As per enquiry report of SDPO Saddar, in preliminary enquiry you were found guilty of misconduct of arisen dispute over illegal selling of Oil which is provided by Mol Company to a pickup allotted for the facility of police by Mol Company.
- (iii) You are enjoying bad reputation i.e cordial relations with criminals/ anti social elements/activities due to which once you were dismissed too.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations, **Mr. Mansoor Aman ASP/HQrs, Kohat** is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, 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.

The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

**DISTRICT POLICE OFFICER,
KOHAT**

No. 16382-83/PA, dated 13-11- /2013.

Copy of above is forwarded to:-

- 1. **Mr. Mansoor Aman ASP/HQrs, Kohat**:- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
- 2. **Constable Said Umar No. 341**:- The concerned official/ officer's with the directions to appear before the Enquiry officer, on the date, time and place fixed by the enquiry officer, for the purpose of enquiry proceedings.

Amir
ATTESTED

ANNEX
-1-

E/11 (21)

CHARGE SHEET.

1. I **MUHAMMAD SALEEM, DISTRICT POLICE OFFICER, KOHAT,**
as competent authority, hereby charge you **Constable Said Umar No. 341**
committed the following irregularities:-

- (i) You Constable Said Umar No. 341, while posted at PP Darmalak instituted a false/exaggerated complaint against SI Gul Faraz through your wife just to save your skin from lawful action in sequence of your abnormal absence and disobedient acts.
- (ii) As per enquiry report of SDPO Saddar, in preliminary enquiry you were found guilty of misconduct of arisen dispute over illegal selling of Oil which is provided by Mol Company to a pickup allotted for the facility of police by Mol Company.
- (iii) You are enjoying bad reputation i.e cordial relations with criminals/ anti social elements/activities due to which once you were dismissed too.

2. By reasons of the above, you appear to guilty of misconduct under Police Rule-1975 and have rendered yourself liable to all or any of the penalties.

3. You are therefore, required to submit your written defence within 07 days of the receipt of this Charge Sheet to the enquiry officer.

Your written defense if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

4. A statement of allegation is enclosed.


**DISTRICT POLICE OFFICER,
KOHAT**


ATTESTED

جواب چارج شیٹ

F
ANNEX

جناب عالی!

- ۱۔ بحوالہ چارج شیٹ موصولہ بحوالہ نمبری PA/83-16382 مورخہ 11-13-2013 ذیل معروض ہوں۔
- ۲۔ یہ کہ جواب دہندہ کم و بیش 25/26 سال سے بحیثیت کنشٹیبل محکمہ پولیس نے سرکاری خدمات سرانجام دے رہا ہے۔
- ۳۔ یہ کہ کبھی بھی جواب دہندہ عہدہ اوقصد اسرکاری ڈیوٹی سے غیر حاضر نہ رہا ہے۔ اور نہ ہی افسران بالا کو جواب دہندہ کے خلاف شکایات موصول ہوئی ہیں۔ کیونکہ جب بھی چٹھی / رخصت کی ضرورت پڑی ہے تو افسران نے عطاء فرمائی ہے۔ من کے خلاف کبھی بھی افسران کو Criminal اور Anti-Social elements یا کسی بھی خلاف قانون کاروائی میں ملوث ہونا یا ایسے لوگوں کے ساتھ میل میلاپ رکھنا بالا 25/26 سالوں کے دوران کبھی بھی من کے خلاف یہ الزام نہیں عائد کئے گئے ہیں۔ اور نہ ہی پولیس میں رہ کر ایسے فعل کے سرزد ہونے کا تصور کر سکتا ہوں۔

۴۔ یہ کہ موجودہ چارج شیٹ من کے خلاف الزامات ہیں:

(الف) کہ میری بیوی نے SI گل فراز کے خلاف من گھڑت اور مبالغہ آمیز شکایت / درخواست افسران کو دی ہے اور یوں میں اپنی غیر حاضری اور نافرمانی کو چھپانا چاہتا تھا کے بارے معروض ہوں کہ چونکہ درملک تھانہ لالچی میں تعیناتی کے دوران نہ تو میں کبھی غیر حاضر رہا اور نہ ہی کسی افسر کی نافرمانی کی ہے۔ تو میری بیوی من کو بچانے کی خاطر کیوں درخواست دے گی؟ مزید یہ کہ میری بیوی نے گل فراز SI کے خلاف افسران کو درخواست دی ہے جس پر باقاعدہ انکوائری ہوئی میری بیوی انکوائری افسر کے سامنے پیش ہو کر اپنا بیان قلمبند کروایا ہے اور بدیں وجہ کہ کسی ناگزیر حالات کی بناء پر میری بیوی میرے پاس چونکہ درملک آئی تھی اور SI گل فراز نے انکے سامنے یہ الزام لگایا کہ میں کنشٹیبل سید عمر اپنی بیوی کے ذریعے افسران کو بلیک میل کرتا ہوں اور بیوی کے ذریعے دعوت گناہ دیتا ہوں جس پر میری بیوی نے گل فراز SI کے خلاف درخواست دی ہے یہ میرے کہنے پر نہیں ہوا ہے البتہ بیوی کا ذاتی فعل ہے۔

(ب) دوسرا الزام یہ ہے کہ بدوران انکوائری جو جناب SDPO صدر نے کی ہے میں Mis-conduct جو کہ آئل کے بیچنے / معاملہ میں جو کہ پک اپ کو مول کمپنی دیتی تھی کہ بارے میں گنہگار ثابت ہوا کہ بارے جو اب معروض ہوں کہ انکوائری میری بیوی کی درخواست پر گل فراز SI کے خلاف کی گئی اور گنہگار تصور وار من کو ٹھہرایا جاتا ہے۔ تیل مول کمپنی جو کہ پک اپ کو

ATTESTED

(23)

دیتی تھی صرف اتنا میں ملوث ہوں کہ پیک اپ میرے دوست کی تھی اور میں نے انکو مول کمپنی میں لگایا تھا باقی تیل کسی نے بیچا ہے کتنا تیل ملتا تھا یا نہیں ملتا تھا کے بارے میں کوئی تعلق نہ ہے۔ اب اگر کسی دوست کو رشتہ دار کو کمپنی میں سفارش پر لگانا جرم بنتا ہے تو کچھ نہیں کہہ سکتا مزید میرا اس معاملہ کے ساتھ کوئی تعلق نہ ہے۔

(ج) یہ کہ میں بری شہرت کا حامل ہوں اور Criminal اور Anti-Social elements یا کسی بھی خلاف قانون کارروائی میں ملوث ہوں یا ایسے لوگوں کے ساتھ میں میلاپ رہا ہوں اور ان روتوں بنا پر ان کو ایسے لوگوں کے ساتھ میلاپ رکھتا ہوں اور نہ ہی کوئی ایسے برطرف کیا گیا تھا کے بارے میں جو اباً معروض ہوں کہ میں نہ تو کبھی ایسے لوگوں کے ساتھ میلاپ رکھتا ہوں اور نہ ہی کوئی ایسے فعل کئے ہیں اور نہ ہی مجھے اس بنا پر کبھی نوکری سے برخاست کیا گیا ہے۔ جناب عالی! من کو ایک بار نوکری سے 110 دن کی غیر حاضری کی بنا پر برطرف کیا گیا تھا جو کہ جناب IGP صاحب نے بحوالہ حکم نمبر II-E-91-13789 مورخہ 01-8-1998 دوبارہ من کے معروضات پر غور فرما کر دوبارہ نوکری پر بحال کیا اور یوں میں کبھی بھی کسی اور فعل کی بنا پر نوکری سے برطرف نہ ہوا ہوں۔ (آؤڈر IGP صاحب لف ہے)

یہ کہ مندرجہ بالا کی روشنی میں من بے گناہ ہوں چارج شیٹ داخل دفتر فرمائی جاوے۔ اور مجھے ذہنی تکلیف سے بچایا جاوے۔

دعا گور ہونگا۔

الارض

کنشیل سید عمر بیٹی نمبر 341

پولیس لائنز کوہاٹ

ATTESTED

جواب فائل شوکا ز نوٹس

ANNEX

جناب عالی!

- ۱۔ بحوالہ چارج شیٹ موصولہ بحوالہ نمبری 571/PA مورخہ 29/01/2014 ذیل معروض ہوں۔
- ۲۔ یہ کہ جواب دہندہ کم دیش 25/26 سال سے بحیثیت کانسٹیبل محکمہ پولیس نے سرکاری خدمات سرانجام دے رہا ہے۔
- ۳۔ یہ کہ کبھی بھی جواب دہندہ عہدہ اوقصد سرکاری ڈپوٹی سے غیر حاضر نہ رہا ہے۔ اور نہ ہی افسران بالا کو جواب دہندہ کے خلاف شکایات موصول ہوئی ہیں۔ کیونکہ جب بھی چھٹی ارحصت کی ضرورت پڑی ہے تو افسران نے عطا فرمائی ہے۔ سائل کے خلاف کبھی بھی افسران کو criminal اور anti social elements یا کسی بھی خلاف قانون کاروائی میں ملوث ہونا یا ایسے لوگوں کے ساتھ میل ملاپ رکھنا بالا 25/26 سالوں کے دوران کبھی بھی سائل کے خلاف یہ الزام نہیں عائد کیے گئے ہیں۔ اور نہ ہی پولیس میں رہ کر ایسے فعل کے سرزد ہونے کا تصور ہو سکتا ہوں یہ کہ موجودہ فائل شوکا ز نوٹس من کے خلاف الزامات ہیں۔

الف۔ یہ کہ میری بیوی نے SI گل فراز کے خلاف من گھڑت اور مبالغہ آمیز شکایت درخواست افسران کو دی ہے اور یوں میں اپنی غیر حاضری اور نافرمانی کو چھپانا چاہتا تھا کہ بارے میں معروض ہوں کہ چونکہ درملک تھانہ لاجپی میں تعیناتی کے دوران نہ تو میں کبھی غیر حاضر رہا اور نہ ہی کسی افسر کی نافرمانی کی ہے، تو میری بیوی من کو بچانے کی خاطر کیوں درخواست دے گی؟ مزید یہ کہ میری بیوی نے گل فراز SI کے خلاف افسران کو درخواست دی ہے جس پر باقاعدہ انکوائری ہوئی۔ میری بیوی انکوائری افسر کے سامنے پیش ہو کر اپنا بیان قلمبند کروایا ہے، بدیں وجہ کہ کسی ناگزیر حالات کی بناء پر میری بیوی میرے پاس چونکہ درملک آئی تھی اور SI گل فراز نے ان کے سامنے یہ الزام لگایا کہ میں کانسٹیبل سید عمر اپنی بیوی کے ذریعے افسران کو بلیک میل کرتا ہوں اور بیوی کے ذریعے دعوت گناہ دیتا ہوں۔ جس پر میری بیوی نے گل فراز SI کے خلاف درخواست دی ہے، یہ میرے کہنے پر نہیں ہوا ہے۔ البتہ زوجہ جام کا ذاتی فعل ہے۔

ب۔ دوسرا الزام یہ ہے کہ بدوران انکوائری جو جناب SDPO صدر نے کی ہے میں mis-conduct جو کہ آئل کے بیچنے / معاملہ میں جو کہ پک اپ کو مول کمپنی دیتی تھی کہ بارے میں گنہگار ثابت ہوا کہ بارے میں جواباً معروض ہوں کہ انکوائری میری بیوی کی درخواست پر گل فراز SI کے خلاف کی گئی اور گنہگار، قصور وار من کو ٹھہرایا جاتا ہے۔ تیل مول کمپنی جو کہ پک اپ کو دیتی تھی صرف اتنا میں ملوث ہوں کہ پک اپ میرے دوست کی تھی اور میں نے ان کو مول کمپنی میں لگایا تھا باقی تیل کسی نے فروخت کیا ہے۔ کتنا تیل ملتا تھا یا نہیں ملتا تھا کے متعلق من کا کوئی تعلق نہیں ہے۔ اب اگر کسی دوست کو رشتہ دار کو کمپنی میں سفارش پر لگانا جرم بنتا ہے تو کچھ نہیں کہہ سکتا۔ مزید میرا اس معاملہ کے ساتھ کوئی تعلق نہیں ہے۔

ج۔ یہ کہ میں بری شہرت کا حامل ہوں اور criminal اور anti-social elements یا کسی بھی خلاف قانونی کاروائی میں ملوث ہوں یا ایسے لوگوں کے ساتھ میل ملاپ رکھتا ہوں اور اسی کر توت کی بناء پر من کو ایک بار نوکری سے بھی برطرف کیا گیا تھا کہ بارے میں معروض ہوں کہ میں نہ تو کبھی ایسے لوگوں کے ساتھ میل ملاپ رکھتا ہوں اور نہ ہی کوئی ایسے فعل کیے ہیں اور نہ ہی مجھے اس بناء پر کبھی نوکری سے برخاست کیا گیا ہے۔

جناب عالی! من کو ایک بار نوکری سے 110 یوم کی غیر حاضری کی بناء پر برطرف کیا گیا تھا جو کہ جناب IGP صاحب نے بحوالہ حکم نمبری 13789-91/E-11 مورخہ 01/08/1998 دوبارہ من کے معروضات پر غور فرما کر دوبارہ نوکری پر بحال کیا اور یوں میں کبھی بھی کسی اور فعل کی بناء پر نوکری سے برطرف نہ ہوا ہوں۔ (آرڈر IGP صاحب لف ہے)۔

یہ کہ درج بالا کی روشنی میں من بے گناہ ہوں، فائل شوکا ز نوٹس داخل دفتر فرمایا جائے تاکہ سائل ذہنی پریشانی سے بچ سکے اور سرکاری خدمت سکون اور دیانتداری سے کر سکے۔ آپ کے اس اقدام کا تہ دل سے شکر گزار رہوں گا۔

کانسٹیبل سید عمر۔ Belt # 341۔ پولیس لائنز، کوہاٹ

ATTESTED

(Signature)

ANNEX 31 (25)

No 67 HQ
Dt 24-1-14

IN DEPARTMENTAL ENQUIRY AGAINST CONSTABLE SAID UMAR NO 341

FINDINGS

This is a finding in departmental enquiry against Constable Said Umar No 341. Allegations were that (i) he while posted at PP Darmalak, Kohat instituted a false/exaggerated complaint against SI Gul Faraz through his wife just to save his skin from lawful action in sequence of his abnormal absence and disobedient acts. (ii) As per enquiry report of SDPO Saddar, in preliminary enquiry he was found guilty of misconduct of arisen dispute over illegal selling of oil which is provided by MOL Company to a pickup allotted for the facility of Police by the said Company. (iii) He is enjoying bad reputation i.e. cordial relations with criminals / anti social elements / activities due to which once he was dismissed.

On these allegations he was charge sheeted and the undersigned was appointed as E.O to probe into the matter.

Defaulter constable and SI Gul Faraz and other officials summoned, heard in person and recorded their statements. Service record of defaulter constable perused.

The defaulter constable stated that he has 25/26 years service during which he did not give a chance of any complaint to high-ups. So far the allegations of institution of complaint by his wife against SI Gul Faraz is concerned, he stated that once his wife was came to PP Darmalak due to some urgency and SI Gul Faraz Incharge of the PP claimed in her presence that (defaulter constable) by using his wife in un-fair means /blackmailing the high ups. In retaliation of these blames she moved complaint against him. About the second allegation of selling of oil of the pickup provided by MOL Company he stated that the said pickup is of his friend. He engaged the said in MOL Company. He did not know about supply / selling oil of this pickup. Third allegation having relation with anti social elements, he denied.

SI Gul Faraz stated that Constable Said Umar was bringing meat / fruit etc to PP so he asked him why he expending his resources on him. Secondly he directed constable said Umar not to use the allotted pickup but defaulter constable told that he is the owner of said pickup and will use it frequently. Thirdly the said Constable become absent on 03.09.2013. Resultantly constable Said Umar instituted a false complaint through his wife against him.

PWs Constable Imran Khan 980, Ex-serviceman HC Abdul Hafeez, Ex-serviceman HC Sardar Badshah etc stated that a quarrel was taken place between SI Gul Faraz and Constable Said Umar on the monthly expenditure of "Andiwali" (mess charges).

Service record of defaulter constable perused and found that during 30 years of service he earned only 02 good entries and 52 bad entries including major penalties.

District Security Branch was directed to furnish a secret report about his attitude and other activities. They furnished detailed report that he is habitual absentee, not taking interest in official duty and a lethargic official.

CONCLUSION

During course of enquiry it has been established that he has bad reputation, habitual absentee, not taking interest in duty and creating problems wherever deputed for duty without his choice.

In view of the above facts and evidence, the allegations leveled against him are proved beyond any doubt and he is recommended for one of the major punishment.

Submitted please.

Asstt: Superintendent of Police,
HQrs, Kohat

ATTESTED

ORDER

This order is passed on the departmental enquiry against Constable Said Umar No. 341 of this district Police under Police Rule 1975.

Brief facts of the departmental enquiry are that he has absented himself from his official duty vide DD No. 23 dated 03.09.2013 and reported arrival vide DD No. 21 dated 20.09.2013 (Total absence 16 days, 09 hrs and 40 minutes) without any leave or permission from the competent authority.

He was served with charge sheet/summary of allegations and Mr. Mansoor Aman ASP/HQrs, Kohat was appointed as Enquiry Officer to proceed against him departmentally. The enquiry officer has submitted his findings, his service record was checked and found that during his service he has earned 40 bad entries which clearly shows that he is habitual absentee, unwilling worker and has no interest in the discharge of government duties.

Therefore, he was served with Final Show Cause Notice. His reply is perused and found not satisfactory therefore, the undersigned take a departmental action against him and awarded him a major punishment of Compulsory Retirement.

OB No. 230
Dated 25-2-2014.


DISTRICT POLICE OFFICER,
KOHAT


ATTESTED

75-2-14
عبد
مونسف
کونستبل
فریدی

ORDER

27/11

This order is passed on the departmental enquiry against Constable Said Umar No. 341 of this district Police under Police Rules 1975.

Brief facts of the departmental enquiry are that is as under:-

- (i) Constable Said Umar No. 341, while posted at PP Darmalak instituted a false/exaggerated complaint against SI Gul Faraz through his wife just to save his skin from lawful action in sequence of his abnormal absence and disobedient acts.
- (ii) As per enquiry report of SDPO Saddar, in preliminary enquiry he has found guilty of misconduct of arisen dispute over illegal selling of Oil which is provided by Mol Company to a pickup allotted for the facility of police by Mol Company.
- (iii) He was enjoying bad reputation i.e cordial relations with criminals/ anti social elements/activities due to which once he was dismissed too.

He was served with charge sheet/summary of allegations and Mr. Mansoor Aman ASP HQrs Kohat was appointed as Enquiry Officer to proceed against him departmentally. The enquiry officer has submitted his findings, his service record of defaulter constable perused and found that during his service he earned only 02 good entries and 52 bad entries including major penalties. Which clearly shows that he is habitual absentee, unwilling worker and has no interest in the discharge of government duties and a lethargic official.

He was served with Final Show Cause Notice. His reply is perused and found unsatisfactory therefore, the undersigned take a departmental actions against him and award a major punishment of dismissal from service with immediate effect.

OB No. 333
Date 11.3 /2014


**DISTRICT POLICE OFFICER,
KOHAT**


ATTESTED

Amir L (27)

BEFORE THE DEPUTY INSPECTOR GENERAL OF POLICE,
KOHAT REGION, KOHAT

Subject: **APPEAL AGAINST THE ORDER OF D.P.O. KOHAT BEARING O.B. NO.230**
Dated 25/02/2014 whereby the appellant ex-constable Said Umar No. 341,
Was awarded the major punishment of compulsory retirement

Respected Sheweth:

With humble submission, the appellant prefers the instant appeal on the basis of the following facts and grounds.

FACT.

Briefly stated the facts are that the appellant while posted to P.P Darmalak, P.S. Lachi, was compulsory retired by D.P.O. Kohat in the year 2014 vide the impugned order on the charges of absence from duty with effect from 03/09/2013 to 20/09/2013 after departmental inquiry was concluded against the appellant and findings were submitted by the enquiry officer.

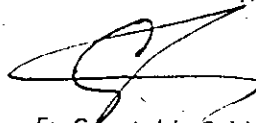
Grounds:

- a) The appellant was granted three days "SHABBASHI" by Muharrir on 03/09/2013.
- b) That on 06/09/2013, the appellant was at home when directed by Muharrir to report directly at police line Kohat for joining the refresher course at Police Line, Kohat
- c) That the appellant reported at Police line Kohat vide D.D. No. 9 dated 06/09/2013 as directed.
- d) That on completion of the course at Police Line, Kohat, the appellant reported for duty at P.S. Lachi vide D.D. No. 21, dated 20/09/2013.
- e) That the appellant did not remain absent from duty for the period as alleged.
- f) That the appellant was not associated with the proceedings by enquiry officer during the course of departmental enquiry.
- g) That no opportunity of cross examination was afforded to the appellant and ex-party proceedings were carried out against the appellant.
- h) That copy of the findings of the enquiry officer was not furnished to the appellant by D.P.O. Kohat and thus the appellant was prejudiced in his defence.
- i) That the punishment awarded to the appellant was not commensurate with the charge.

Prayers:

In light of the above submissions, it is requested that by accepting the instant appeal, the impugned order may be set aside and the appellant re-instated in service with effect from the date of compulsory retirement please.

Yours Obediently,



Ex-Constable Said Umar No.341
Kohat District Police.

ATTESTED

Annex 1/1 (28)

ORDER.

This order is passed on the appeal preferred by Ex-Constable Said Umar No. 341 of Kohat district Police against the punishment order of DPO Kohat vide O.B No. 333, dated 11.03.2014, whereby he was awarded major punishment of compulsory retirement from service. He requested for setting aside the punishment order and reinstatement in service

Facts of the case are that the appellant while posted at Police Post Darmalak, PS Lachi submitted a false, exaggerated complaint through his wife against his senior SI Gul Faraz, the complainant leveled serious frivolous allegations. After conducting preliminary enquiry into the matter, the complaint was found baseless. Hence, in the light of findings of preliminary enquiry, he was charge sheeted for the above and ill-reputation by the competent authority (DPO Kohat) and ASP HQrs Kohat was appointed as Enquiry Officer. During course of enquiry, he was held guilty of the charges and was served with Final Show Cause Notice. His reply was found unsatisfactory by the DPO Kohat. On conclusion of enquiry, the appellant was awarded major punishment of compulsory retirement from service.

Feeling aggrieved from the above order, he preferred the instant appeal.

The applicant was called in orderly room held in this office on 28.05.2014 but he did not appear.

The undersigned has gone through the record, which transpired that the appellant had enjoyed ill-reputation during his entire service. Previously, he was awarded various kind of punishments on 49 occasions for his misconduct, including dismissal from service twice. Record further transpired that the appellant had involved in criminal activities as he was arrested in theft case u/s 381 PPC by PS Shehzad Town, Rawalpindi. Similarly, his son was also arrested in case FIR No. 318, dated 10.04.2011 u/s 381 PPC PS Cantt Kohat, which shows his joint hands with his son.

Keeping in view of the past conduct, ill-reputation of the appellant, the appeal is not substantiated, time barred and the undersigned does not seem to interfere into the order passed by DPO Kohat vide O.B No. 333, dated 11.03.2014. Moreover, the DPO Kohat has already taken lenient view, therefore, the appeal is hereby rejected.

ANNOUNCED
28.05.2014

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

No. 5246-47 /EC, dated Kohat the 28/05 /2014.

Copy of above for information and necessary action to the District Police Officer, Kohat w/r to his office Memo: No. 10010/L.B, dated 08.05.2014. His service record is enclosed herewith.

2 ✓ Ex-Constable Said Umar No. 341 of Kohat district Police.

[Signature]
ATTESTED

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

To

Dt
The Inspector General of police,
Kohat Range, Kohat.

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER OF D.P.O. KOHAT.
BEARING NO. OB-333 DATED 11-03-2014 WHEREBY THE
APPELLANT HAS BEEN AWARDED MAJOR PENALTY OF COMPULSORY
RETIREMENT.

Respected Sir,

The appellant submits the instant appeal on the following facts and grounds are as under :-

FACTS

Brief facts of the instant appeal are that the appellant while posted at police post Darmalak P.S. Lachi had been compulsory retired by D.P.O. Kohat on 11-03-2014 vide order subject supra on the meager charges of persuasion of spouse of appellant for making an application against the S.I. Gul Faraz where against the appellant was charge-sheeted and consequently awarded capital punishment of compulsory retirement.

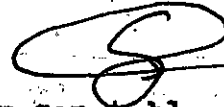
GROUNDS

- A) That the appellant has no concern with the actions of the applicant i.e. wife of appellant.
- B) That there is no proof of allegations levelled against the appellant.
- C) That the appellant has not been provided any opportunity of cross examination.
- D) That the A.S.I. has been fined to the tune of Rs. 1,000/- in which proves the allegations levelled against him.
- E) That now copy of the findings of inquiry has been handed over to the appellant by the D.P.O. Kohat, hence the appellant is prejudice and condemned unheard.
- F) That the punishment awarded to the appellant does not commensurate with the charges and no charges

had been levelled against the appellant.

It is, therefore, respectfully prayed that on acceptance of this appeal, the impugned order be set aside and the appellant be re-instated in service with effect from the date of compulsory retirement.

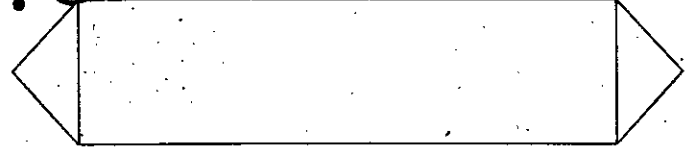
Yours obediently,



(Ex-Constable said Umar)
No. 341 Kohat District police

بعدالت مسرور سہولت چہرہ خوشحال پاور

20



مورخہ
مقدمہ
دعویٰ
جرم

2ء منجانب
بنام سربراہ چہرہ خوشحال پاور
سید عمر
مسرور سہولت

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ عدالت و کورٹ کے آں مقام پر مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کال اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر خلف 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 کاروائی 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 اس کا ساختہ پر داختم 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 ہاں ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

سید عمر
سہولت چہرہ خوشحال
سربراہ

Accepted
of accepted
Ammy

20
20

المرقوم

العہد گواہ العہد

کے لئے منظور ہے۔

مقام

بسم الله الرحمن الرحيم

الحمد لله رب العالمين

والصلاة والسلام على من لا نبي بعده

وبعد فقد حضر

الاجتماع المذكور في تاريخ ١٠/١٠/١٤٢٥هـ

بمقر الجمعية

والتواضع

الموافق

Before The Services Tribunal, K.P.K, Peshawar.

Sayed Umar

.... Appellant

Vs I.G.P, K.P.K + others

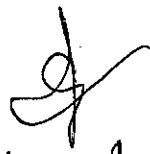
.... Respondents

Application for grant of permission for filing of appeal in respect of OB No 230 D-dated 25/2/14 of the respondent No 1, whereas the same had been impugned alongwith OB No 333 dated 11/3/14 under the cover of Article 13 of the Constitution of Islamic Republic of Pakistan, 1973.

10/08/15
Respectfully Sheweth:-

- 1) That the subject cited appeal is pending adjudication before the worthy Tribunal.
- 2) That since the order of the respondent No 1 had been assailed combinedly under the cover of Article 13 of Constitution of the Islamic Republic of Pakistan 1973, in respect of OB No 333 dated 11/3/14 alongwith OB No 230 dated 25/2/14
- 3) That since the rights of the appellant are attached with the defective, illegal and void orders of the respondents, where in in both of the departmental actions against the respondents appellant neither any proper inquiry had been conducted nor any right of audience had been availed to the petitioner.

It is therefore most humbly prayed for
the acceptance of the instant application order be
made for filing of separate appeal against the
order bearing No. OB No: 230 dated 25/2/14 in
the best interest of justice.


Petitioner/Appellant

Amang

28/5/15

Through: Hassan Muhammad
Shimwari
Advocate, High Court, Peshawar

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar
OF 2015

Sayed Umar (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

J. G. KPK Peshawar (RESPONDENT)
(DEFENDANT)

I/We Sayed Umar

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above-noted matter.

Dated. 04/09/2015



CLIENT



ACCEPTED

NOOR MOHAMMAD KHATTAK
(ADVOCATE)

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHAYBER PAKHTUNKHWA
PESHAWAR.**

Service Appeal No. 918/2014

Syed Umar Ex. Constable 341 Applicant

VERSUS

Inspector General of Police KPK Peshawar Respondent

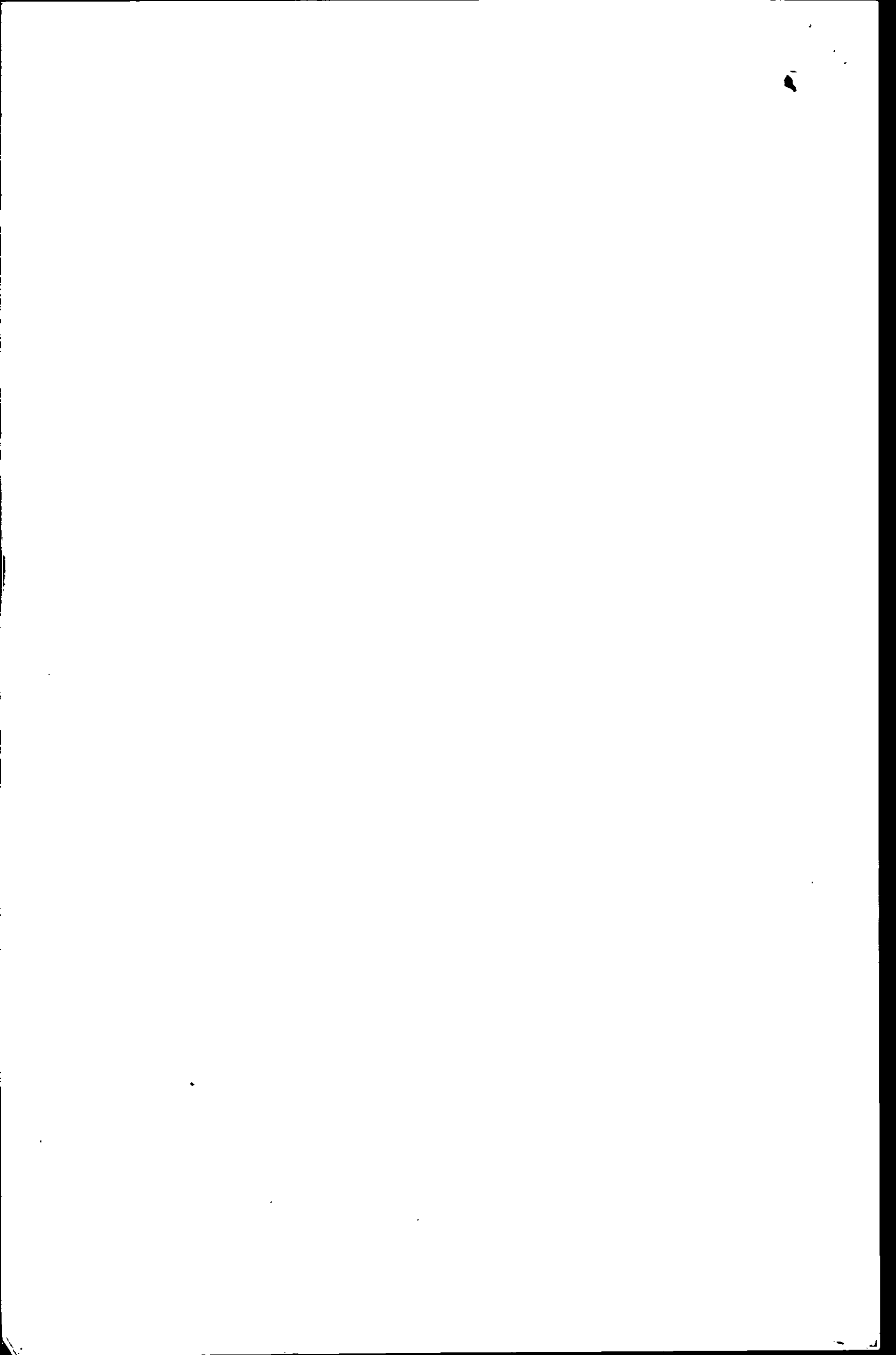
Respectively sheweth:-

Parawise reply on the application of appellant is submitted as under.

1. No comments.
2. Incorrect. the appellant was proceeded against departmentally on two separate charge sheet and awarded punishment vide two separate orders i.e order vide OB No. 230 dt: 25.02.2014 and order vide OB No. 333 dt: 11.03.2014 whereas departmental appeal has been filed against only one order vide OB No. 230 dt: 25.02.2014.
3. Incorrect. Proper departmental Enquiries in two different charges were conducted in accordance with law as rules in which all the legal formalities including audience have been observed. Furthermore, appellant has already filed service appeal No. 918/2014 against both the orders.

In view of above it is prayed that on acceptance of above parawise reply instant application of appellant may kindly be dismissed being meritless.


Respondent through
Representative



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

Service appeal No. 918/2014

Syed Umer Ex-Constable 341

..... Appellant.

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa Peshawar and others

..... Respondents.

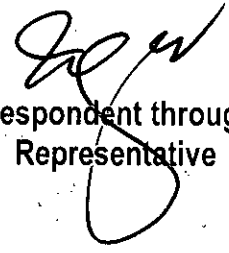
Parawise comments on behalf of respondents.

Respectively Sheweth:-

Parawise reply on the application of applicant is submitted as under:-

1. Need no comments.
2. Pertains to record.
3. The appellant has already filed service appeal in the Honorable Tribunal against two separate orders i.e order vide OB No. 230 dated 25.02.2014 and vide OB No. 333 dated 11.03.2014 passed by the competent authority in two different charge sheets whereas departmental appeal has been filed against only one order vide OB No. 230 dated 25.03.2014. Further if the appellant is allowed to amend the appeal. Nature of the appeal will completely be changed which cannot be allowed under the law.

In view of the above, it is prayed that on acceptance of this reply, the instant application of applicant may kindly be dismissed with cost.


Respondent through
Representative

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 918/2014

SAYED UMAR

VS

POLICE DEPARTMENT

APPLICATION FOR ALLOWING AMENDED APPEAL

R/SHEWETH:

- 1- That the above mentioned appeal is pending adjudication before this august Tribunal which is fixed for hearing today dated 30.9.2015.
- 2- That appellant filed the above mentioned appeal against the impugned order dated 11.3.2014 whereby the appellant has been compulsory retired from service.
- 3- That appellant seeks permission to submit amended appeal before this august Service Tribunal.

It is therefore, most humbly prayed that on acceptance of this application the appellant may kindly be allow to submit amended appeal.

Dated: 30.9.2015

APPELLANT



SAYED UMAR

THROUGH:



NOOR MOHAMMAD KHATTAK
ADVOCATE