


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

700/2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/05/2024	<p>The appeal of Mr. Sabit Ullah resubmitted today by Mr. Shah Hussain Nasapi Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 28.05.2024. Parcha Peshi given to the counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>

The appeal of Mr. Sabit Ullah received today i.e. on 23.05.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ① Memorandum of appeal is unsigned. ✓
- 2- Annexures of the appeal are unattested. ✓
- 3- Appeal has not been flagged/marked with annexures. ✓
- ④ Departmental appeal is unsigned. ✓
- 5- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal be placed on it.

No. 62 /Inst;/2024/KPST,

Dt. 23/05 /2024.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Shah Hussain Nasapi Adv.
High Court Peshawar.

PTO

Note:- Re-submitted the objection 1 to 9

to resolved the objection nos of the office, the document which is mentioned in the objection nos was not handed over to the appellant. only facts of the case been mentioned in the appeal.

Signed
by Council of appellant.
H. Saini

24/5/2024

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. 720 /2024

Sabit Ullah Son of Ali Mat Jan Ex-Constable No.1243, District Police Khyber, R/O Kamar Khel, Daray Plaray, P/O Bara, Baz Garha, Tehsil Bara District Khyber

.....Appellant

Versus

Inspector General of Police Khyber Pakhtunkhwa, Peshawar & Others

.....Respondents

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Appellant

Through

Dated: 22.05.2024

Shah Hussain Nasapi
Shah Hussain Nasapi
Advocate, High Court
Peshawar
Cell#0345-9208982

M. ADIL AFZAL AWAN
Advocate High Court.

BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 780 /2024

*Sabit Ullah Son of Ali Mat Jan Ex-Constable No.1243,
District Police Khyber, R/O Kamar Khel, Daray Plaray, P/O
Bara, Baz Garha, Tehsil Bara District Khyber*

.....**Appellant**

Versus

- 1. Inspector General of Police Khyber Pakhtunkhwa,
Peshawar.*
- 2. Capital City Police Officer, Peshawar.*
- 3. District Police Officer, District Khyber*

.....**Respondents**

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL
ACT, 1974 AGAINST THE IMPUGNED
ORDER DATED:30.08.2023 WHEREBY
APPELLANT HAS BEEN AWARDED THE
MAJOR PUNISHMENT OF DISMISSAL
FROM SERVICE WITH IMMEDIATE
EFFECT.**

Prayer in Appeal:-

**On acceptance of the instant appeal, the
impugned order dated:30.08.2023,
22.12.2023 & 07.05.2023 may kindly be set**

aside and may be declared as null and void and the appellant may kindly be reinstated in service with all back benefits, any other relief deems fit in the circumstances of the case may also be granted.

Respectfully Sheweth:

Brief Facts:-

Short facts, giving rise to present Service Appeal, are as under:-

1. That the appellant was serving in Police Department as FC No.1243 in District Police Khyber and performed his duties with full devotion upto the entire satisfaction of the Highups.
2. That an Azeem Ullah Khan SI has registered an FIR bearing No.80 dated:02.04.2023 U/S-9-D CNSA P.S Bara District Khyber in which he recovered contraband weighting 20,000 Gram. **(Copy of FIR is annexed as Annexure "A")**.
3. That the Department alleged the concealment of Narcotics to the appellant, allegedly recovered in the ibid noted FIR whoever at that relevant time the appellant was performing his duties as constable in District Khyber, wherein the Services of appellant was suspended and he was closed to police line Khyber vide order No.2078/PA-DPO Khyber dated:04.04.2023.

4. *That the Departmental proceedings were initiated against the appellant vide order No.2094/PA-DPO Khyber dated:04.04.2023 the appellant submitted reply and appeared before the inquiry officer.*
5. *That the appellant was provisionally reinstated and transferred under observation to Lala Kandaw Post, Police Station Ali Masjid vide order No.2222/PA-DPO Khyber dated: 11.04.2023.*
6. *That the police station involved the appellant in allegations of misconduct, concealment of facts and concealment of contrabands in the jurisdiction of Lala Kandaw Post Police Station Ali Masjid issued Show Cause Notice No.5778/PA-DPO Khyber dated:05.08.2023, also issued with final Show Cause Notice No.6103/PA-DPO Khyber dated:16.08.2023 and without inquiry & facts the appellant declared as guilty of misconduct.*
7. *That the Department/Respondents without any inquiry on the basis of suspicion & malafide dismissed the service of the appellant vide order dated:30.08.2023 bearing No.6460/PA-DPO Khyber. **(Copy of dismissal order is annexed as Annexure "B")**.*
8. *That the appellant filed & submit appeal to the CCPO against the dismissal order on 19.09.2023. The appeal of the appellant was summarily dismissed vide order No.4777-81/PA dated:22.12.2023. **(Copy of appeal***

and order dated:22.12.2023 is attached as Annexure "C").

9. *That appellant challenged the order dated:22.12.2023 in Revision Petition to the IGP Pakhtunkhwa Peshawar, the Revision petition of the appellant was also dismissed vide order No.931-936/24 dated:07.05.2024. (Copy of Revision petition alongwith order dated:07.05.2024 is attached as Annexure "D").*
10. *That appellant is bitterly aggrieved from the order dated:30.08.2023, 22.12.2023 and order dated:07.05.2024, filed the instant Service Appeal before this Hon'ble Tribunal on the following grounds:-*

G R O U N D S:

- A. *That the Impugned Orders mentioned in the heading/subject of instant Appeal are illegal, unlawful, void and ineffective upon the rights of the appellant.*
- B. *That, the impugned orders are against the principles of natural justice and are liable to be set aside.*
- C. *That no lawful procedure of inquiry etc has been adopted by respondent, while passing the impugned order.*
- D. *That no proper inquiry has been conducted and no opportunity of cross examination and personal hearing was granted to the appellant, hence the whole proceedings are illegal against the law.*

- E. *That nothing is available on record about the involvement of appellant in the alleged allegations nor an iota of evidence is brought on record and a major penalty of dismissal from service was awarded on the basis of suspicion and conjectures.*
- F. *That the impugned order is based on surmises and conjectures, and the malafide & ulterior motive is very much floating on the surface of it.*
- G. *That the impugned dismissal order, that of the appellate authority are cubical, void ab initio & unwarranted and are liable for setting aside.*
- H. *That no proper inquiry was ever conducted in case of the appellant, nor the appellant was ever heard in person, nor was ever allowed to cross examine any witness and thus the appellant was condemned unheard.*
- I. *That the appellant belongs to a poor family, and is the only earning hand in the whole family to look after them.*
- J. *That the appellant has served the department for long 18 years, with an unblemished record of service, without any complaint ever against and full satisfaction of highups.*
- K. *That from every angle the appellant is liable & entitled to be re-instated into service with all back benefits.*

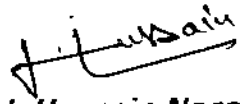
- L. That from all prospective the dismissal order as well as that of the appellate Authority in appeal and revisional orders are illegal, wrong, unwarranted & are liable to be set aside.
- M. That appellant may also be allowed to rely on additional grounds at the time of arguments please.

Therefore, it is humbly submitted that On acceptance of the instant appeal, the impugned order dated:30.08.2023, 22.12.2023 & 07.05.2023 may kindly be set aside and may be declared as null and void and the appellant may kindly be reinstated in service with all back benefits, any other relief deems fit in the circumstances of the case may also be granted.

Appellant

Through

Dated: 22.05.2024


Shah Hussain Nasapi
 Advocate, High Court
 Peshawar
 Cell#0345-9208982

VERIFICATION:-

It is to certify that no appeal has been submitted on the subject earlier to the instant appeal.


 DEPONENT

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____/2024

Sabit Ullah Son of Ali Mat Jan Ex-Constable No.1243, District Police Khyber, R/O Kamar Khel, Daray Plaray, P/O Bara, Baz Garha, Tehsil Bara District Khyber

.....**Appellant**


Versus

Inspector General of Police Khyber Pakhtunkhwa, Peshawar & Others

.....**Respondents**

AFFIDAVIT

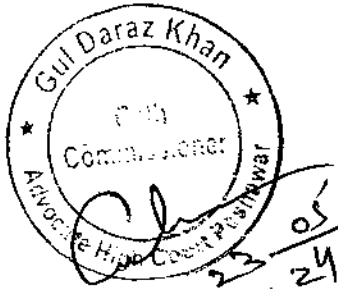
I, Sabit Ullah Son of Ali Mat Jan Ex-Constable No.1243, District Police Khyber, R/O Kamar Khel, Daray Plaray, P/O Bara, Baz Garha, Tehsil Bara District Khyber, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



DEPONENT

CNIC# 21201-7896423-5

Cell# 0307-0527122



**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____/2024

Sabit Ullah Son of Ali Mat Jan Ex-Constable No.1243, District Police Khyber, R/O Kamar Khel, Daray Plaray, P/O Bara, Baz Garha, Tehsil Bara District Khyber

.....**Appellant**

Versus

Inspector General of Police Khyber Pakhtunkhwa, Peshawar & Others

.....**Respondents**

ADDRESSES OF PARTIES

APPELLANT:

Sabit Ullah Son of Ali Mat Jan Ex-Constable No.1243, District Police Khyber, R/O Kamar Khel, Daray Plaray, P/O Bara, Baz Garha, Tehsil Bara District Khyber

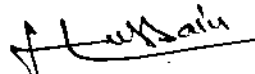
RESPONDENTS:

1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. District Police Officer, District Khyber

Appellant

Through

Dated: 22.05.2024


Shah Hussain Nasapi
 Advocate, High Court
 Peshawar

Annex "A"
 27/04/23

VC:03

P 11/11/2023

نام نمبر 26 (1) 5-23

9076865
 عظیم ارنل
 333-03

ابتدائی اطلاعی رپورٹ

تاریخ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 152 مجموعہ ضابطہ نو جداری

تعداد	15
نمبر	80
محل وقوع	ضلع
تاریخ	02/02/23
وقت	15:00 بجے

1-	تاریخ وقت رپورٹ 02/2023 وقت 16:00 بجے، جاگیدگی، برجیہ 02/023 وقت 16:30 بجے
2-	نام و سکونت اطلاع دہندہ دستین اور اس کا سوبال فون نمبر عظیم ارنل، نزد تقانہ باڑوں
3-	مختصر کیفیت جرم (موردہ) مال اگر کچھ لیا گیا ہو۔ 9DCNSA ہر ایک چرس گدوں پیکیٹ رزنی/2000 گرام
4-	جائے وقوعہ قاصد تقانہ سے اور سمت شلو بہر تقابلاً آباد نزد حاجی زمان مسجد جانب شمال، 2 کلو میٹر از تقانہ
5-	نام و سکونت ملزم
6-	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں وقت بہا ہو تو وجہ بیان کرو
7-	تعداد سے روانگی کی تاریخ و وقت

ابتدائی اطلاع نیچے درج کردہ۔ تقریری مراسلہ منجانب عظیم ارنل، نزد تقانہ باڑوں 3474 موصول ہو کر جو تفتیشی عمل سے منظر مت آفیسر ایچ آر جی تقانہ باڑوں اور درمیان معتمدین عبدالقیوم 1574- رحمت اللہ 3474 بسلسلہ نامہ بندی مقام وقوعہ بالا موصول مقام اتس دوران ایک موٹر سائیکل سوار جس نے موٹر سائیکل کی ٹینگی پر ہلکا زرد بوری رکھی ہوئی جا جب غریب سے بطرف پشاور آتا ہوا بدھن چکنگ گڈ ایونے 18 اشارہ کیا تو موٹر سائیکل سوار نے روکنے کی بجائے فرار ہوئی تفتیش کی تو نامہ بندی پر نامہ ملے ہوئے کیٹیبل عبدالقیوم 1574 نے موٹر سائیکل سوار کو روکنے کی کوشش کی تو اس حرکت پر موٹر سائیکل سوار نے موٹر سائیکل ہلکا کر کے موٹر سائیکل کی ٹینگی پر رکھی ہوئی ہلکا زرد بوری پھسل کر رکھی موٹر سائیکل سوار نے ڈگمگا کر موٹر سائیکل کو ہٹانے کا بہانہ بنا کر راہ فرار اختیار کی۔ ملازم موٹر سائیکل سوار اسم و سکن نام معلوم فرار شدہ کے موٹر سائیکل سے پھسل کر رکھی ہوئی ہلکا زرد بوری پھسل کر فرار کر کے فرار ہو کر فرار شدہ میں لہنی ہوئی 20 ملحد چرس گدوں پیکیٹ ہر ایک چرس گدوں پیکیٹ سے 50 گرام بھرے پیکیٹ 1000 گرام کل - 20000 گرام اٹلی۔ موصول ہر ایک چرس گدوں پیکیٹ سے 50 گرام بھرے پیکیٹ یہ FSL بندہ پارسل نمبر 1 تا 25 سہ ماہیہ کے بجائے چرس گدوں پیکیٹ وزن 19900 گرام بندہ پارسل نمبر 21 سہ ماہیہ کے پارسل باڈی پر 3/3 مواہد اسمی AK ثبت کر کے اٹھائے ہوئے پیکیٹ دعائے کے اندر رکھ کر پارسل باڈی 1 تا 21 ہر ایک فرد قبضہ پولیس میں کر کے ملزم موٹر سائیکل سوار فرار شدہ اسم و سکن نام معلوم نہیں تلاش و پتہ براری و تفتیشی درپیش رکھ کر اسلئے بعد میں تفتیشی مقدمہ بدست کیٹیبل رحمت اللہ 3474 ارسال تقانہ ہے۔ مقدمہ درج رجسٹر کر کے کسی انسٹی ٹیوشن آفیسر کو تفتیش کیا جاوے۔ دستخطی تقریری عظیم ارنل، نزد تقانہ باڑوں مورخہ 02-04-23 کارروائی تقانہ موصولہ تقریری مراسلہ صرف طرف درج بالا ہو کر پرچہ بزم بالا درج رجسٹر کر کے تفریق FIR بعد مراسلہ بعد میں تفتیش حوالہ با دو خالی ایڈ کیڈ جاتے ہیں۔ پرچہ گزارش ہے۔ ملزم کے

نواب خان
 51-PS - Baba
 02-04-23

Annex B¹⁶ (10)

OFFICE OF THE
DISTRICT POLICE OFFICER
KHYBER



No. 6460 /PA-DPO Khyber

Dated: 30/08/2023

DISMISSAL ORDER

FC Sabit Ullah No. 1243 of District Police, Khyber was suspended and closed to Police Lines Khyber vide Order No. 2078/PA-DPO Khyber dated 04/04/2023 due to involvement in alleged concealment of seized narcotics while he was performing duties as I/C Shalobar Chowk post, at Police Station Bara. The incident was recorded in Case FIR No. 80, dated 02/04/2023 u/s 9D-CNSA of Police Station Bara.

Departmental Proceedings were initiated against him vide No. 2094/PA-DPO Khyber dated 04/04/2023. He submitted his reply against the Charge Sheet and appeared before the Inquiry Officer. He was heard in person and his statement was recorded. He denied the allegations but could not provide any cogent reason against the allegations. He was provisionally reinstated and sent under observation to Lala Kandaw Post, Police Station Ali Masjid vide Order No. 2222/PA-DPO Khyber dated 11/04/2023. However, he got involved again in such type of misconduct, concealment of facts and seized contrabands in the jurisdiction of Lala Kandaw Post, PS Ali Masjid. He was issued with Show Cause notice No. 5778/PA-DPO Khyber dated 05/08/2023 in this regard. He was again issued with Final Show Cause notice vide 6103/PA-DPO Khyber dated 16/08/2023. He was also heard. However, he could not submit any satisfactory replies in this. Thus, he was found guilty of the said misconduct.

Therefore, in pursuance of the recommendation of Inquiry Officer, the undersigned, being the competent authority is satisfied about his involvement in concealment of facts and corrupt practices and in order to maintain discipline in the force, hereby awards the delinquent official with Major Punishment of Dismissal from Service as per Section 4-b(iv) of Police (E&D) Rules 1975 (With Amendments - 2014).

Capt. © SALEEM ABBAS KULACHI (PSP)
DISTRICT POLICE OFFICER,
KHYBER

OB No. 834 /dated 30/08/2023

No. 6461-64 /PA - DPO Khyber

Copies to:

1. DSP HQrs. Khyber
2. OIC, DPO Khyber for Record
3. Accountant, DPO Khyber for Stoppage of Pay

تذکرت فاتحہ کا بی بی اہل ک...

۱۔ درخشاں بہار سنہ ۱۳۰۸ھ میں لکھی گئی تھی۔ (۱۱-۱۳۰۸)
۲۔ درخشاں بہار کی تالیف میں سائیل کو جو ہر نام سے ذکر ہے۔

تذکرہ

سائیل حضرت ذیل عرفی رحمانی

اسی کے سائیل ۱۳۰۸ھ میں لکھی گئی تھی۔ (۱۱-۱۳۰۸)
سرنگاپور سے لکھی گئی تھی۔ اس میں سائیل کو جو ہر نام سے ذکر ہے۔
تذکرہ میں ہے۔

۳۔ یہ تذکرہ ہے سائیل کو جو ہر نام سے ذکر ہے۔ (۱۱-۱۳۰۸)

۴۔ یہ تذکرہ ہے سائیل کو جو ہر نام سے ذکر ہے۔ (۱۱-۱۳۰۸)

۵۔ یہ تذکرہ ہے سائیل کو جو ہر نام سے ذکر ہے۔ (۱۱-۱۳۰۸)
۶۔ یہ تذکرہ ہے سائیل کو جو ہر نام سے ذکر ہے۔ (۱۱-۱۳۰۸)
۷۔ یہ تذکرہ ہے سائیل کو جو ہر نام سے ذکر ہے۔ (۱۱-۱۳۰۸)

۸۔ یہ تذکرہ ہے سائیل کو جو ہر نام سے ذکر ہے۔ (۱۱-۱۳۰۸)
۹۔ یہ تذکرہ ہے سائیل کو جو ہر نام سے ذکر ہے۔ (۱۱-۱۳۰۸)
۱۰۔ یہ تذکرہ ہے سائیل کو جو ہر نام سے ذکر ہے۔ (۱۱-۱۳۰۸)

نمبر درون دفتہ میں مندرجہ پٹریوں کی تفصیلات دیکھئے۔

میں فروخت کیا اور متعلقہ ضلع کو وکالتہ آگاہ ہے۔

میں ساہیل اور جتوئیہ ۱۱۱۱-۱۱۱۱ ضلعان کا اسکا بناد بہرہ دہی

میں تعلقہ پورہ پورہ ہے۔ جس پر درج ذیل ہے۔

۱۱۱۱-۱۱۱۱ ضلعان کا اسکا بناد بہرہ دہی

۱۱۱۱-۱۱۱۱ ضلعان کا اسکا بناد بہرہ دہی

۱۱۱۱-۱۱۱۱ ضلعان کا اسکا بناد بہرہ دہی

۱۱۱۱-۱۱۱۱ ضلعان کا اسکا بناد بہرہ دہی

۱۱۱۱-۱۱۱۱ ضلعان کا اسکا بناد بہرہ دہی

۱۱۱۱-۱۱۱۱ ضلعان کا اسکا بناد بہرہ دہی

۱۱۱۱-۱۱۱۱ ضلعان کا اسکا بناد بہرہ دہی

۱۱۱۱-۱۱۱۱ ضلعان کا اسکا بناد بہرہ دہی

۱۱۱۱-۱۱۱۱ ضلعان کا اسکا بناد بہرہ دہی

۱۱۱۱-۱۱۱۱ ضلعان کا اسکا بناد بہرہ دہی

۱۱۱۱-۱۱۱۱ ضلعان کا اسکا بناد بہرہ دہی

۱۱۱۱-۱۱۱۱ ضلعان کا اسکا بناد بہرہ دہی

۱۱۱۱-۱۱۱۱ ضلعان کا اسکا بناد بہرہ دہی

۱۱۱۱-۱۱۱۱ ضلعان کا اسکا بناد بہرہ دہی

۱۱۱۱-۱۱۱۱ ضلعان کا اسکا بناد بہرہ دہی

۱۱۱۱-۱۱۱۱ ضلعان کا اسکا بناد بہرہ دہی

۱۱۱۱-۱۱۱۱ ضلعان کا اسکا بناد بہرہ دہی

یہ کہ دیکھو دیکھو یہ دروازے میں سے آگیا تو سنا کہ
 اہل خانہ سے اسے اس وقت پکڑا گیا تھا
 شہینہ نے اسے دیکھا تو اسے پکڑ لیا
 یہ کہ وہ اسے نہیں دیکھا۔ اور اسے اس وقت سے لے کر
 برقیات کو لے کر

اسے ہار کے ساتھ لے کر برقیات کو لے کر
 شہینہ نے اسے دیکھا تو اسے پکڑ لیا

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یہ کہ وہ اسے نہیں دیکھا۔ اور اسے اس وقت سے لے کر

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اس کے

یہ کہ وہ اسے نہیں دیکھا۔ اور اسے اس وقت سے لے کر

یہ کہ وہ اسے نہیں دیکھا۔ اور اسے اس وقت سے لے کر





(14)

**OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR**

Phone No. 091-9210989 Fax: No. 091-9212597

ORDER.

This order will dispose of the departmental appeal preferred by Ex-Constable Sabit Ullah No. 1243, who was awarded the major punishment of "dismissal from service" under KP PR-1975 (amended 2014) by DPO Khyber vide order No. 6460/PA, dated 30.08.2023.

2- Brief facts leading to the instant appeal are that the defaulter Constable was proceeded against departmentally on the charges that he was found involved in concealment of ceased narcotics while he was performing duties as Incharge Shalobar Chowk, PS Bara, District Khyber.

3- He was issued Charge Sheet and Summary of Allegations by DPO Khyber. SP/Investigation, Khyber was appointed as Enquiry Officer to scrutinize the conduct of the accused official. The Enquiry Officer after conducting departmental enquiry submitted his findings in which the accused official was recommended for suitable punishment. The competent authority in light of the recommendation of the Enquiry Officer awarded him the major punishment of dismissal from service.

4- He was heard in person in Orderly Room. During personal hearing, he was given an opportunity to prove his innocence. However, he failed to submit any plausible explanation in his defense. Afterwards, SP/Investigation, Khyber was directed to conduct re-enquiry in the instant case, who in his findings recommended to file the instant appeal vide No. 1079/PA-Inv Khyber dated 18.12.2023. Therefore, his appeal for setting aside the punishment awarded to him by DPO Khyber vide order No. 6460/PA, dated 30.08.2023 is hereby **rejected/filed**.

"Order is announced"

**CAPITAL CITY POLICE OFFICER,
PESHAWAR**

No. 4777-21 /PA, dated Peshawar the 27 / 12/2023

Copies for information and necessary action to the:-

1. District Police Officer Khyber, along with complete inquiry file.
2. DSP/HQrs Khyber.
3. Accountant & OASI Khyber.
4. Official concerned.

To

THE INSPECTOR GENERAL OF POLICE,
Khyber Pakhtunkhwa, Peshawar.

Subject: **11-A PETITION AGAINST THE ORDER DATED 22-12-2023**
AND STOPPAGE OF SALARY STOPPED SINCE APRIL 2023

R/Sir,

Most respectfully it is stated that:

1. I am an employee of Police Department and working as constable in District Khyber quite efficiently whole heartedly with full devotion and as such I have an unblemished service record of more than 18 years.
2. While I was posted in Salober Area I was called in the routine GASHT by my Assistant Incharge Azeem Ullah in the area that we have caught 20 Kg of garda Charas whereas the accused escaped.
3. When I reached the spot the murasla has also been prepared and I was told that a bag of 20 kg Charas has been fallen from accused and he escaped on the Motorcycle.
4. FIR No. 80 dated 02-04-2023 was filed in this respect wherein the complainant in the FIR is Azeem Ullah, Sub-Inspector of PS Bara, hence, the same was properly brought in the knowledge of the SHO concerned namely Shamshad Khan who complained to the high ups that I have sold out ICE.
5. In this respect, I was transferred in the same incident to Ali masjid without any cogent reason and was also kept under observation and with this my salary was also stopped from the month of April 2023.
6. I was astonished, when I was handed over the impugned order dated 30-08-2023 whereby I have been dismissed from service without fulfilling any codal formality required.
7. I filed a Departmental Appeal dated 19-09-2023 against the impugned order dated 30-08-2023 which was properly affixed with diary No. 1019 but the same regretted vide order dated 22-12-2023 on no good grounds, hence, I am filing the instant 11-A petition.
8. The impugned order dated 30-08-2023 has not been passed while fulfilling the codal formalities required for imposing a major penalty against a civil servant.

9. NO show cause notice has been served upon the petitioner while issuing the impugned order dated 30-08-2023 whereby major penalty has been imposed upon me and where after issuance of the order dated 22-12-2023.
10. No Charge Sheet, Statement of allegation has been served upon me while issuing the impugned order dated 30-08-2023.
11. No regular inquiry has been conducted in the matter and competent authority has issued the illegal impugned order dated 30-08-2023 which is pre-requisite while imposing major penalty against a civil servant.
12. The complainant in the instant case has not recorded his statement in front of me hence I have not been given any chance of cross-examination over the complainant.
13. Neither the complainant nor any other official (if any) while recording his statement has been examined in my presence nor been cross examined and has issued the impugned order dated 30-08-2023 and whereby issued order 22-12-2023.
14. The impugned order dated 30-08-2023 and whereby issuing order dated 22-12-2023 is nothing but just to harass me and to save the skin of his blue eyed persons.
15. The impugned order dated 30-08-2023 and order dated 22-12-2023 is the result of non-reading and mis-reading of the record hence the same needs to be struck down and I may be re-instated into service with all back benefits.

In view of the above submission, it is, therefore, most kindly requested the impugned order dated 30-08-2023 and 22-12-2023 may very kindly be struck down as well as release of my monthly salary stopped since April 2024 may very kindly be struck down and I may be re-instated into service with all back benefits.

Obediently Yours.



SABIT ULLAH

Ex-Constable No. 1243

District Khyber.

03070527122

Attested by
[Signature]

(SONIA SHAMROZE KHAN) PSP
A/C Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

- 6. Office Supdt. I-V CPO Peshawar.
- 5. PA to DIO/IOps: Khyber Pakhtunkhwa, Peshawar.
- 4. PA to Addl. IGP/IOps: Khyber Pakhtunkhwa, Peshawar.
- 3. A/C/Agmt. Khyber Pakhtunkhwa, Peshawar.
- 2. District Police Officer, Khyber.
- 1. Capital City Police Officer Peshawar.

(copy of the above is forwarded to the)

No. S/ 931-936 /24, dated Peshawar, the 07-05-2024.

AWAL KHAN, PSP
Additional Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

SD/-
reasons for acceptance of his petition, therefore, his petition is hereby rejected.
proved. The petitioner failed to submit any cogent reason in his self-defense. The Board sees no ground and
Petition of enquiry papers revealed that the allegations leveled against the petitioner has been
petitioner contended that he is innocent.

Meeting of Appellate Board was held on 02.05.2024 wherein petitioner was heard in person. The
SIPA, dated 22.12.2023.

The Appellate Authority i.e. (CPO) Peshawar rejected the appeal vide Order under No. 4777
agreed.

provide anything in his defense, and thus his appeal was filed with which (CPO) Peshawar
SP/Investigation, Khyber to conduct re-enquiry in which he concluded that the delinquent official failed to
During CR he failed to submit any plausible explanation in his defense. (CPO) Peshawar directed




exchange Shudhar Chowk, PS Ihum, District Khyber.
shown as per Re-enquiry conducted by SP Investigation Khyber while he was performing duties as
only 25 KCIs were shown and instead of 16 KCIs (Ihums and 09 KCIs of ITR) only 16 KCIs of Ihums were
he was found involved in concealment of evaded invoices in two separate cases (instead of 70 KCIs (Ihums
was dismissed from service by DPO Khyber vide Order No. 04607/A, dated 30.08.2021, on the charges that
Pakhtunkhwa Police Rule-1975 numbered 2014 submitted by EA FC Subhullah No. 1243. The petitioner
This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber

ORDER

OFFICE OF THE
INSPECTOR GENERAL OF POLICE,
KHYBER PAKHTUNKHWA
PESHAWAR.



17

50	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
Shah. Hussain Nasapi	
ایڈوکیٹ:	PESHAWAR BAR ASSOCIATION
بار کونسل ایسوسی ایشن نمبر: 11-1414	
رابطہ نمبر: 03459208982	
	

بعدالت جناب: *سید سجاد حسین کٹر ایڈووکیٹ*

مخائب:	دعویٰ:
Appellant	علت نمبر:
شاہد اللہ بنام انجی جی جی دعویٰ	مورخہ:
	جرم:
	قضانہ:

بابت تحریر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام کے لیے *شاہد اللہ بنام انجی جی جی* کے لیے *شاہد اللہ بنام انجی جی جی* کے لیے
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوفہ کو مقدمہ وکیل کاروائی کا کمال لقمہ کا مفروضہ وکیل صاحب کو
 راضی نامہ کرنے وقت رسیدہ فیصلہ برحلاف اپنے جواب دعویٰ اقبال دعویٰ اور درجہ اس سے انہر قسم کی تصدیق
 زریں پر دستخط کر رہے ہیں اور ہر صورت عدم یہ صورت یا ڈگری یا طرفہ یا اپیل کی صورت منسوخ، نیز
 دائر کرنے اپیل اور وکیل و بیرون ملک کا مختار ہوگا اور بصورت مقدمہ وکیل کے کل یا جزوی
 کاروائی کے واسطے وکیل یا مختار کو اپنے ہمراہ یا اپنے جگہ کے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ امور والا اختیار حاصل ہوں گے اور اس کے ساتھ منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جملہ امور کے سبب سے ہوگا وہی کاروائی پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب کے لیے پیروی و جواب دہی کاروائی کا کمال لقمہ دیا تاکہ سند رہے



المرقوم: 1/20

Accepted by *Shah. Hussain Nasapi*

مقام
 Advocate High Court Peshawar.

نائب اللہ ولد علی عدت جان سکندہ عمر ضیل باڈہ نمبر