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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

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Manzoor Khan


VS

Home Department

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Muharir Compilation


Incharge Judicial Branch

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No.7634/2021

Engr. Abdul Sattar
Superintending Engineer (Retired)

Appellant

Versus

Govt of Khyber Pakhtunkhwa
through Chief Secretary Khyber Pakhtunkhwa
and others

Respondents

I N D E X

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Deponent



Zahid Ullah
Section Officer (Litigation)
C&W Department, Peshawar

Service Appeal No.1060/2022 titled "Muhammad Manzoor Khan -vs-The Secretary, Home Department Khyber Pakhtunkhwa Peshawar and others". decided on 21.02.2024 by Division Bench comprising Kalim Arshad Khan, Chairman, and Miss. Fareeha Paul, Member, Executive, Khyber Pakhtunkhwa Service Tribunal Peshawar.

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

BEFORE: **KALIM ARSHAD KHAN ...CHAIRMAN**
FAREEHA PAUL ...MEMBER (Executive)

Service Appeal No.1060/2022

Date of presentation of appeal.....27.06.2022
Dates of Hearing.....21.02.2024
Date of Decision.....21.02.2024

Muhammad Manzoor Khan (Ex-Constable/HC T.O Traffic Police Peshawar) resident of Village Qasim (Toru) District Mardan(*Appellant*)

Versus

1. **The Secretary** Home Department, Khyber Pakhtunkhwa, Peshawar.
2. **The Chief Traffic Officer**, Police Department, Peshawar.
3. **The Chief Capital Police Officer**, Peshawar.....(*Respondents*)

Present:

Mr. Muhammad Adam Khan, Advocate.....For appellant
Mr. Muhammad Jan, District Attorney.....For respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 THE ORDER OF THE CTO/RESPONDENT NO.2, WHEREBY THE APPELLANT IS AWARDED THE PUNISHMENT OF DISMISSAL FROM SERVICE AND THE PERIOD OF ALLEGED ABSENCE PERIOD IS TREATED WITHOUT PAY.

JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: According to the memorandum and grounds of appeal, the appellant was appointed as Constable (BPS-05) in the Police Department. That respondent No.2 vide endorsement No.1703/PA dated 03.12.2021 served the appellant with charge sheet and summary of allegations of misconduct. That the appellant submitted reply in his defense and denied the allegations. That vide order dated 14.02.2022, the appellant was dismissed from service by treating the period w.e.f 01.12.2021 till 03.12.2021 as leave without pay. Feeling aggrieved,

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Khyber Pakhtunkhwa
Peshawar

he filed departmental appeal on 07.03.2022, which was not responded, hence, the instant service appeal.

2. On receipt of the appeal and its admission to full hearing, the respondents were issued notices. They put appearance and submitted reply.

3. We have heard learned counsel for the appellant and learned Deputy District Attorney for the respondents.

4. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Deputy District Attorney controverted the same by supporting the impugned order.

5. From the record, it is evident that the appellant was serving in the Police Department and was on duty at Shimali Market, Hayatabad, Peshawar. He was issued charge sheet on the following allegations:

- i. *That you have stolen the wallet contained of cash amount of Rs.12000/-, CNIC, Service Card, ATM Card of ASI Nusrat Khan which was lying under his pillow at P.P Industrial Hayatabad.*
- ii. *That you were also seen in CCTV Cameras of the bank while drawing the amount of Rs.1000/- through ATM from his (ASI Nusrat Khan) account.*
- iii. *That your this act has badly tarnished the image of police department.*
- iv. *That you have also absented yourself from 01.12.2021 till date, from your duty point Shimali Market.*
- v. *All this amounts to gross misconduct on your part."*

The said charge sheet was replied by the appellant, wherein, he had denied the charges of theft. As regards the charge of absence, the appellant had stated that being indisposed, he was unable to attend the duties. The appellant has annexed medical prescriptions regarding his illness. After issuance of the said charge sheet, the appellant was dismissed from service vide order dated 14.02.2022. File shows that inquiry had been conducted and the Inquiry Officer had not tried to record statement of any witness including the statement of (ASI Nusrat Khan) whose

(3)

Service Appeal No.1060/2022 titled "Muhammad Manzoor Khan -vs-The Secretary, Home Department Khyber Pakhtunkhwa Peshawar and others", decided on 21.02.2024 by Division Bench comprising Kalim Arshad Khan, Chairman, and Miss. Fareeha Paul, Member, Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

wallet was allegedly stolen by the appellant. He had also not been not asked to prove his innocence regarding his illness. Even admittedly no show cause notice was issued after the alleged inquiry. The record is silent in respect of proper inquiry, show cause notice which shows that no proper inquiry was conducted and all the proceedings were done against the rules. Appellant was not afforded an opportunity of cross examination or even personal hearing as is required under rules rendering the entire departmental action fruitless and enabling the Tribunal to remit the matter back to the Competent Authority to conduct de-novo inquiry.

6. Keeping in view the entire record, we are left with no option but to accept this appeal by setting aside the impugned orders and reinstating the appellant for the purpose of de-novo inquiry to be conducted within 60 days of the receipt of this judgment. Needless to mention here that the appellant shall be dully associated with the inquiry proceedings, providing him opportunity of cross examination and then proceeding and concluding the same in accordance with law and rules. The issue of back benefits shall be subject to the outcome of de-novo inquiry. Consign.

7. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 21st day of February, 2024.*



KALIM ARSHAD KHAN
Chairman



FAREEHA PAUL
Member (Executive)

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Peshawar

15.12.2023 1. Appellant in person present. Mr. Muhammad Jan learned District Attorney for the respondents present.

2. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for argument on 21.02.2024 before D.B. P.P given to the parties.

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Peshawar

(Muhammad Akbar Khan)
Member (E)

(Rashida Bano)
Member (J)

*KaleemUllah

ORDER

21st Feb. 2024 1. Learned counsel for the appellant and Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Aamir Sayyaf, DSP (Legal) for the respondents present.

2. Vide our detailed judgment of today placed on file, we are left with no option but to accept this appeal by setting aside the impugned orders and reinstating the appellant for the purpose of de-novo inquiry to be conducted within 60 days of the receipt of this judgment. Needless to mention here that the appellant shall be dully associated with the inquiry proceedings, providing him opportunity of cross examination and then proceeding and concluding the same in accordance with law and rules. The issue of back benefits shall be subject to the outcome of de-novo inquiry. Consign.

3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 21st day of February, 2024.*

(Fareeha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

Mutazem Shah

(5)

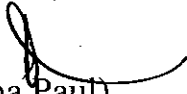
30.05.2023

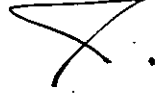
Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Inquiry record on behalf of respondents has already been submitted in office. Copy of the same is handed over to learned counsel for the appellant, who sought adjournment for preparation of arguments. Adjourned. To come up for arguments on 30.08.2023 before the D.B. Parcha Peshi given to the parties.

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Peshawar

Naeem Amin


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)


30th August, 2023


1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Learned counsel for the appellant seeks adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 15.12.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar

Naeem Amin


(Salah-ud-Din)
Member (Judicial)


(Kalim Arshad Khan)
Chairman


(6)


08th Mar, 2023

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Amir Sayaf DSP (Legal) for respondents present.

Former requested for adjournment. Adjourned to 10.04.2023 as other cases of learned counsel for appellant have also been fixed on the said date. To come up for arguments on 10.04.2023 before D.B. PP given to the parties.

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Peshawar

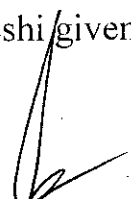

(Salah Ud Din)
Member (J)



(Kalim Arshad Khan)
Chairman

10.04.2023

Learned counsel for the appellant present. Nobody is present on behalf of the respondents. Mr. Fazal Shah Mohmand, Additional Advocate General is however present who is directed to produce complete inquiry report in this matter within 07 days and ensure a well conversant officer not below Grade-17. Copy of the same be also provided to the appellant. Adjourned. To come up on 30.05.2023 before D.B. Parcha Peshi given to the parties.

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Peshawar


(Muhammad Akbar Khan)
Member (E)


(Kalim Arshad Khan)
Chairman

(7)

13.09.2022

The worthy Chairman is on leave, therefore, the case is adjourned to 01.11.2022 for the same.

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Peshawar


Reader

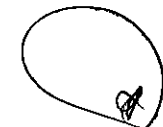
01.11.2022

Appellant in person present.

Naseer Ud Din Shah, learned Assistant Advocate General alongwith Habib Khan DSP for respondents present.

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KPST
Peshawar


Reply submitted. Copy of the same was handed over to the appellant. To come up for rejoinder, if any, and arguments on 15.12.2022 before D.B.



(Rozina Rehman)
Member (J)

15.12.2022

Due to general strike of the Bar, case is adjourned to 08.03.2023 before D.B. Office is directed to notify the next date on notice board as well as the website of the Tribunal.

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(Fareeha Paul)
Member (E)

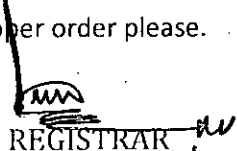

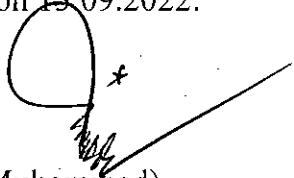

(Rozina Rehman)
Member (J)

Form- A

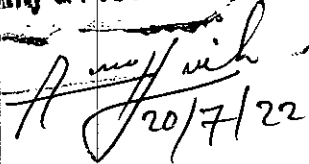
FORM OF ORDER SHEET

Court of _____

Case No.- 1010/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/06/2022	<p>The appeal of Mr. Muhammad Manzoor Khan presented today by Mr. Muhammad Adam Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	4/7/22	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>13-7-22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>
	13.07.2022	<p>Mr. Adam Khan, Advocate for the appellant present. Preliminary arguments heard.</p> <p>Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 13.09.2022.</p> <p style="text-align: right;"> (Mian Muhammad) Member (E)</p>

Rs-500/-
Appellant Deposited
Security & Process Fee


20/7/22

KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR**CHECK LIST**

Muhammad Manzoor Khan **Versus** *The Secretary Home Deptt; etc;*
 Appellant Respondents

S NO	CONTENTS	YES	NO
1.	This petition has been presented by: <u>Muhammad Adam Khan Advocate High Court</u>	√	
2.	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	√	
3.	Whether appeal is within time?	√	
4.	Whether the enactment under which the appeal is filed mentioned?	√	
5.	Whether the enactment under which the appeal is filed is correct?	√	
6.	Whether affidavit is appended?	√	
7.	Whether affidavit is duly attested by competent Oath Commissioner?	√	
8.	Whether appeal/annexures are properly paged?	√	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	√	
10.	Whether annexures are legible?	√	
11.	Whether annexures are attested?	√	
12.	Whether copies of annexures are readable/clear?	√	
13.	Whether copy of appeal is delivered to AG/DAG?	√	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	√	
15.	Whether numbers of referred cases given are correct?	√	
16.	Whether appeal contains cutting/overwriting?		x
17.	Whether list of books has been provided at the end of the appeal?	√	
18.	Whether case relate to this court?	√	
19.	Whether requisite number of spare copies attached?	√	
20.	Whether complete spare copy is filed in separate file cover?	√	
21.	Whether addresses of parties given are complete?	√	
22.	Whether index filed?	√	
23.	Whether index is correct?	√	
24.	Whether Security and Process Fee deposited? On _____		x
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	√	
26.	Whether copies of comments/reply/rejoinder submitted? On _____		x
27.	Whether copies of comments/reply/rejoinder provided to opposite party? On _____		x

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:- Muhammad Adam Khan

Signature:- *Adam Khan*

Dated:- 22.09.2022

Before The Service Tribunal Peshawar.

Service Appeal No. 10,691 / 2022.

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Peshawar

Muhammad Manzoor Khan V/S The Secretary Home Deptt' etc;

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Total:- 17

Dated:- 21-06-2022.

Appellant

Muhammad Manzoor Khan

(Muhammad Manzoor Khan)

Through:-

Adam Khan
Muhammad Adam Khan
Advocate, Mardan.

Before The Service Tribunal Peshawar

Service Appeal No. 1060 / 2022.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 546

Dated 27-6-2022

Muhammad Manzoor Khan (Ex-Constable/H.C.(T.O)
Traffic Police Peshawar) resident of Village
Qasim (Toru) District Mardan. **Appellant.**

Versus

1. The Secretary, Home Department, K.P,
Peshawar.
2. The Chief Traffic officer, Police Deptt;
Peshawar.
3. The Chief Capital Police officer,
Peshawar. **Respondents.**

Filed to-day
27/6/22
Registrar

Appeal Under Section-4 of the Service Tribunal
Act, 1974 against the order of The C.T.O/Respondent
No.2 contained in Letter No.146-51/PA dated
14.02.2022, whereby the Appellant is awarded the
punishment of dismissal from Service and the period
of alleged absence period is treated without pay.

FACTS:-

1. that the Appellant was appointed as constable (BPs-5) in the Police Deptt on 07.09.2009.
2. that the CTO/Respondent No.2 served the Appellant with charge-sheet and summary of allegations vide endorsement No.1703/PA dated 03.12.2021, leveling the charge of misconduct against him.

(Copy Annexure-"A & B").

3. That the Appellant submitted defence reply there-to, refuting the allegations, levelled against him. The copy thereof is not retained.
4. That the CTO/Respondent No.2 vide order as contained in letter No.146-57/PA dated 14-02-2022, awarded the Appellant with the punishment of dismissal from service and also directed the leave period from 01-12-2021 till date i.e; 03-12-2021 as leave without pay.

(Copies are Annexure-"C").

5. that grieved there-from, the Appellant preferred departmental Appeal dated 07-03-2022 to the CCPO/Respondent No.3, which is not responded.

(Copies are Annexure-"D to F").

That impugned order and relevant the proceedings are illegal and the same is liable to be set-aside, re-instating the Appellant into service with back service benefits, on the following amongst many other grounds:-

GROUND:-

(I) that the Appellant had never committed the alleged offence of stealing the relevant wallet or anything else there-from. He is innocent in this respect. In fact, the relevant wallet was found lying on ground & on search the same was learnt to belong to Asi Nusrat Khan. Hence, returned to him along with all the items & emoluments there-of.

(II) that the Appellant had never absented him-self from duty illegally. He was ailing and medically advised bed rest. Copies of all the medical certificates are Annexed as Annexure-"G to J".

(III) that the impugned order, as well as, the relevent proceedings are carried-out in utter disregard to the relevant rules.

(IV) that the Appellant is condemned unheard and he was not provided the opportunity of proper defence under the law.

(V) that the Appellant was never called to participate in the alleged inquiry proceedings.

(VI) that no wittiness was called and examined in presence of Appellant during the alleged inquiry proceedings.

- (VII) that the copies of the relevant documents, were never supplied to Appellant.
- (VIII) that the Appellant was never served with final show cause notice.
- (IX) that even the copy of alleged inquiry report was not supplied to Appellant.
- (X) that the twelve years long standing service of Appellant is clean and unblemished through-out.
- (XI) that the impugned order is too harsh in nature.
- (XII) that Appellant seeks leave of this Hon,ble Tribunal to claim further grounds, if need arises.
- (XIII) that Appellant is jobless through-out.

It is prayed that on acceptance of this Appeal, setting-aside the impugned order, the Appellant may be re-instated into service with all back service benefits.

The costs of this Appeal may also be awarded in favour of Appellant against the Respondents.

Dated:- 21-06-2022.

Appellant

Manzoor Khan

(Muhammad Manzoor Khan)

Through:-

Ahmad
Muhammad Adam Khan
Advocate, Mardan.

AFFIDAVIT

I, Muhammad Manzoor Khan/the Appellant, do hereby stated on solemn affirmation that the contents of the above Appeal are true and correct to the best of my knowledge and belief and nothing is concealed from this Honourable Tribunal.

Deponent: Manzoor Khan
(Muhammad Manzoor Khan)

0346-9360167

CERTIFICATE:

This is to certify that as per the Appellant, he has not instituted any other Appeal/case of the nature or suit on the same cause of action.

Manzoor Khan

M. LUQMANI, ADVOCATE
Oath Commissioner
No. _____
Distt Court, Mardan

25/06/2022

18

CHARGE SHEET

P/7

Annexure "A"

ATTESTED
Adam
ADAM KHAN

1. WHEREAS I am satisfied that a formal enquiry as contemplated by Police Rules 1975 is necessary and expedient.
2. AND whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule-3 of the aforesaid Rules.
3. Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I, **ABBAS MAJEED KHAN MARWAT**, PSP, Chief Traffic Officer, Peshawar hereby charge you **Constable Muhammad Manzoor Khan No.57** (HC on acting charge basis) while on duty at Shimali Market, Hayatabad, under Rules 5 (4) of the Police Rules 1975 on the basis of following allegations:-

- i. That you have stolen the wallet contained of cash amount Rs.12000/-, CNIC, Service Card, ATM Card of ASI Nusrat Khan which was lying under his pillow at P.P Industrial Hayatabad.
- ii. That you were also seen in CCTV Cameras of the Bank while drawing the amount Rs.1000/- through ATM from his (ASI Nusrat Khan) Account.
- iii. That your this act has badly tarnished the image of police department.
- iv. That you have also absented yourself from 01.12.2021 till date from your duty point Shimali Market.
- v. All this amounts to gross misconduct on your part.

4. AND I hereby direct you further under Rule 6 (I) (b) of the said Rules to put-in written defence within 07-days of the receipt of this Charge Sheet as to why the proposed action should not taken against you and also state whether you desire to be heard in person.
5. AND in case your reply is not received within the stipulated period to the enquiry officer, it shall be presumed that you have no defence to offer and in that case, ex-parte action will be taken against you.

my
(**ABBAS MAJEED KHAN MARWAT**) PSP
CHIEF TRAFFIC OFFICER,
PESHAWAR.
(Competent Authority)

No. 1703 /PA

Dated: 03/12/2021

K
7

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Annexure

"B"

DISCIPLINARY ACTION

ATTESTED
Adam Khan
ADAM KHAN

1. I, **ABBAS MAJEED KHAN MARWAT**, Chief Traffic Officer, Peshawar as competent authority, am of the opinion that you **Constable Muhammad Manzoor Khan No.57** (HC on acting charge basis) while on duty at Shimali Market, Hayatabad has rendered himself liable to be proceeded against, as he committed the following acts/omission within the meaning of section 03 of Police Rules 1975.

SUMMARY OF ALLEGATIONS

- i. That he has stolen away the wallet contained of cash amount Rs.12000/-, CNIC, Service Card, ATM Card of ASI Nusrat Khan which was lying under his pillow at P.P Industrial, Hayatabad.
- ii. That he was also seen in CCTV Cameras of the Bank while drawing the amount Rs.1000/- through ATM from his (ASI Nusrat Khan) Account.
- iii. That his this act has badly tarnished the image of police department.
- iv. That he has also absented himself from 01.12.2021 till date from his duty point Shimali Market.
- v. All this amounts to gross misconduct on his part.

2. For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, an Enquiry Committee comprising of the following officer(s) is constituted:-

- a. Mr. FAZAL AHMAD JAN, SP/HQrs: Traffic, Peshawar.
- b. _____

3. The enquiry committee/officer shall in accordance with the provision of the Police Rules 1975 provide reasonable opportunity of hearing to the accused officer/official and make recommendations as to punishment or any other appropriate action against the accused.

my
(ABBAS MAJEED KHAN MARWAT) PSP
CHIEF TRAFFIC OFFICER,
PESHAWAR.

(Competent Authority)

B

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P/9

ATTESTED Annexure C
ATTESTED

ORDER

Adam Khan
ADAM KHAN

1. Constable Muhammad Manzoor Khan No.57 was issued Charge Sheet alongwith Summary of Allegations vide this office No.1703/PA, dated 03.12.2021, on the charge that he has stolen away the wallet contained of cash amount Rs.12000/-, CNIC, Service Card, ATM Card of ASI Nusrat Khan which was lying under his pillow at P.P Industrial, Hayatabad. He was also seen in CCTV cameras of the Bank while drawing the amount Rs.1000/- through ATM from his (ASI Nusrat Khan) Account. This act has badly tarnished the image of City Traffic Police, Peshawar. He has also absented himself from 01.12.2021 to 13.12.2021 and 31.01.2022 to 07.01.2022 (Total 20-days) from his duty point Shimali Market.
2. Mr. Asif Bahader SP/HQrs: Traffic Peshawar was appointed as the Enquiry Officer. He carried out a detailed inquiry and submitted his report and found him guilty of the charges levelled against him. Besides, his absence period from 01.12.2021 to 13.12.2021 and 31.01.2022 to 07.01.2022 (Total 20-days) may be treated as leave without pay. Besides, it also came to light that he also remained absent from duty w.e.f 10.01.2022 vide D.D No.41, dated 10.01.2022 and reported back on 04.02.2022 (Total 26-days).
3. He was called in O.R. on 10.02.2022. The inquiry file was thoroughly examined alongwith his past record which reveals that he remained absent for 115-days on different occasions for which he was awarded punishments.
4. Keeping in view of the above explained position the undersigned has arrived to the conclusion that the allegation levelled against him stand proved. He is an incorrigible police official. His retention in police force is not justifiable. Therefore, he is awarded the major punishment of **Dismissal from Service** under the Khyber Pakhtunkhwa Police Rules 1975. The absence period from 01.12.2021 to 13.12.2021, 31.01.2022 to 07.01.2022 & from 10.01.2022 to 04.02.2022 is treated without pay.

Abbasi
(ABBAS MAJED KHAN MARWAT) PSP.
CHIEF TRAFFIC OFFICER,
PESHAWAR.

No. 146-51 /PA, Dated Peshawar the 14/02/2022.

Copies to the:-

1. SP/HQrs: Traffic, Peshawar. O.B No. 179
2. SP/Cantt: Traffic, Peshawar. Date. 14/02/2022
3. DDIT, Traffic, Peshawar.
4. Accountant, Traffic, Peshawar.
5. SRC-II, (along-with complete enquiry file consisting of 32- pages
6. OASI/Reader to CTO, Peshawar.

c

21

Regd/A-D

P/10

To

The Chief Capital Police Officer

Peshawar.

Annexure **D**
ATTESTED
Adam Khan
ADAM KHAN

Through Proper Channel.

SUBJECT: REPRESENTATION AGAINST THE ORDER OF THE CHIEF TRAFFIC OFFICER CONTAINED IN LETTER NO. 146-51/PA (OB NO. 179) DATED 14/02/2022 DISMISSING THE APPELLANT FROM SERVICE AND TREATING THE PERIOD OF MEDICAL LEAVE IN AS ABSENCE.

Respected sir,

With reference to the above captioned order it is submitted that the allegation as levelled against me are incorrect.

Infact, I had picked the wallet in question lying on ground, and on checking the same it revealed that the same belonged to ASI Nusrat Khan, I returned the same to him, as it was.

I had never been absent from duty during the mentioned period but infact I had been ill and submitted leave applications supported with medical certificates. (Copies are attached)

Moreover I am condemned unheard and without providing me proper chance of defence.

The mentioned inquiry proceedings were carried out in my absence, I was never summoned to participate in the inquiry proceedings nor any witness was examined in presence.

While the witness not subjected to the test of cross-examination his evidence has no legal effect.

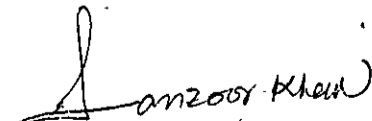
I was not served with final show-cause Notice, nor the copy of the inquiry report was supplied to me before the impugned order

The impugned punishment is too harsh.

It is requested that setting aside the impugned order, I may kindly be reinstated into service back service benefits.

Dated: 07.03.22

Address, Village Gasim
Teh. & Distt
Mardam.


Yours Obediently

Muhammad Manzoor Khan

Constable No. 57 (TO)

03159766330

1/10

25

Psychiatrist

Dr. Junaid Khan

MBBS (KMC),
MCPS (Psychiatry)
FCPS (Psychiatry)
(Khyber Teaching Hospital)

P/13

Annexure

6

ATTESTED
Adam Khan
ADAM KHAN

بی ایس (سائیکاٹری)، ایم سی (ایم سی)، ایم سی پی ایس (سائیکاٹری)
بی ایس (سائیکاٹری) خیبر ٹیچنگ ہسپتال

مراض: دماغ، سردرد، ڈپریشن، خشک شبہ، غصہ، وہم، برویہ کی خرابی، دورہ، مرگی گیس پریشانی، گھبراہٹ، سائیکوس، اعصاب، نفسیات، جنسیات کردار میں تبدیلی، یادداشت کی کمزوری، ہشیات، پریشانی
"حمل کے دوران پریشانی، خودکشی کے خیالات، اعصابی کمزوری، ذہنی کمزوری، مردانہ زنانہ کمزوری، کھانوں میں آوازیں آنا اور غیر معمولی چیزوں کا دکھائی دینا وغیرہ۔"

P. Name Manzoor Khan Age 30 Sex M Date 14/6/2024 Address: Mardan

Clinical Record

Rx

Respectfully,

Mr. Manzoor Khan working

HC/TO with No. 57, under

SSP, Traffic Warden's superv.

It is stated that he is
my patient and he is for
treatment under my guide
and monitored prescription.

I have requested one month
leave (sick leave) for the patient
courtesy of Dr. Junaid Khan



NOT VALID FOR COURT

اوقات کار: بروز ہفتہ صبح تا شام

دوبارہ معائنہ کے لیے دن بعد تشریف لائیں

☎ 0340-6589334
0335-1502478 موبائل

Psychiatrist
DR. JUNAID KHAN
MBBS (KMC), MCPS (P)
FCPS (Psychiatry), Khyber Teac

ف میڈیکل یوز منور کمال مارکیٹ نزد شہید بابا مین بازار پشی

CHIEF TRAFFIC OFFICER,
PESHAWAR.

4/13

Psychiatrist
Dr. Junaid Khan
 MBBS (KMC),
 MCPS (Psychiatry)
 FCPS (Psychiatry)
 (Khyber Teaching Hospital)

Annexure

ATTESTED
 [Signature] ADAM KHAN

پست بنی ایس (سائیکلری) خیر پبچگ ہسپتال
 ایس بی ایس کے ایم سی (سائیکلری)

Name: Dr. Junaid Khan Age: 31 Sex: M Date: 7/7/2024 Address: Mardan

Medical Record *Rr*

through pills
insomniac sleep
Double on head
Posttremor
Death wish
Intense depression

Lab. Burek 150mg XL
(3) Cap Eviden 10
وہاں 30
Cap Clonidine 5mg
30 کا 30

Note. kindly give sick leave with pay to the patient for period of one month.

Psychiatrist
DR. JUNAID KHAN
 MBBS (KMC) MCPS (Psychiatry)
 FCPS (Psychiatry)

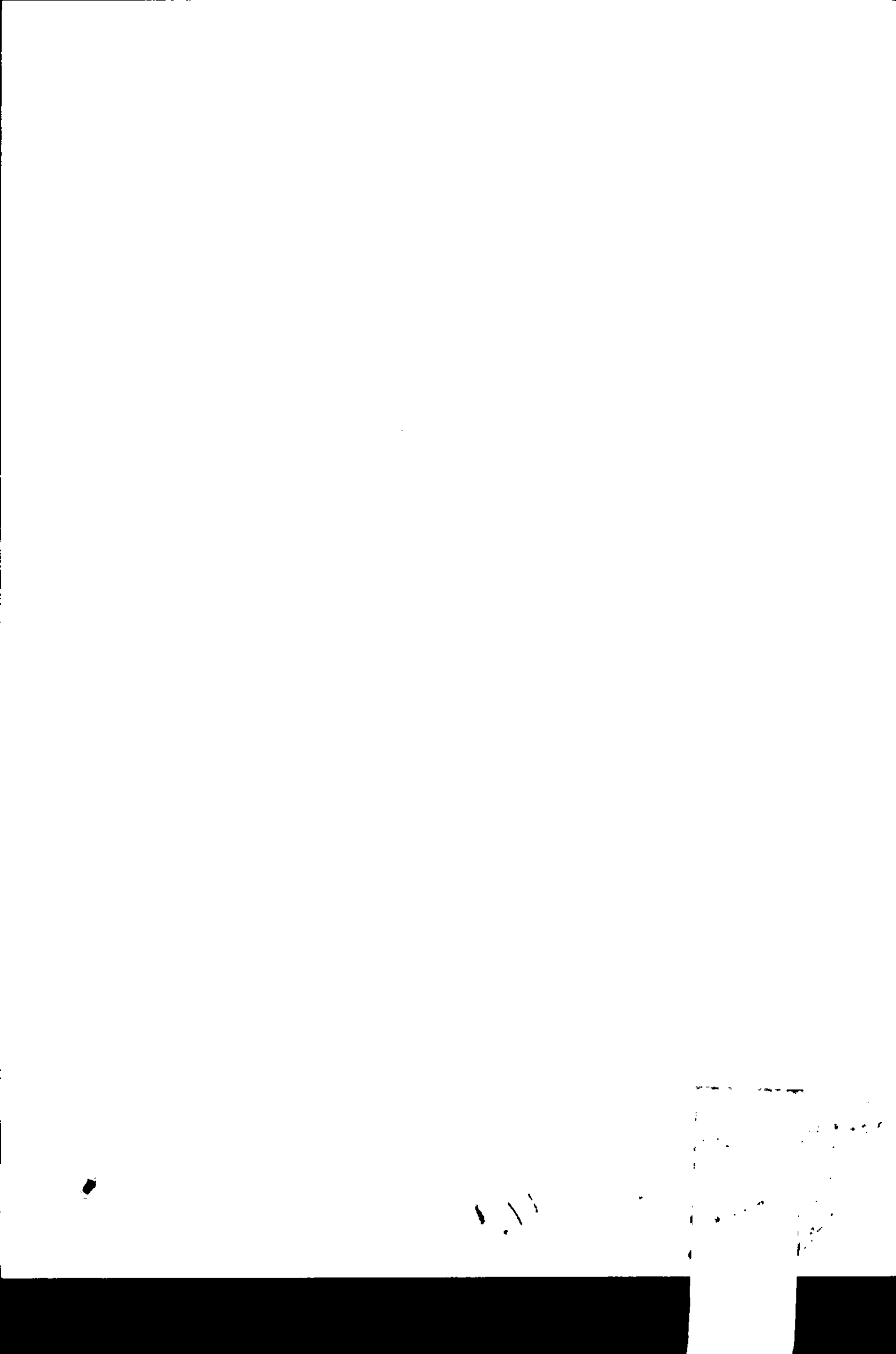
patient needs
Send your feedback for the period of one month (6th July 2024 - 1st August 2024)
Dr. Junaid Khan



NOT VALID FOR COURT
 اوقات کار سے باہر ہفت روزہ تا شام

0310-9589334
 0335-1502478

دیسف میڈیکل گروپ ڈیوار کمال ماریت نزد شہید بابا مین بازار رہی





مدینہ میڈیکل سنٹر

Annexure

I

ATTESTED

ADAM KHAN

Dr. M. Zubair Khan

(General Physician)

هوالتشانی

(جزل فزیشن)

ڈاکٹر محمد زبیر خان

M.B.B.S, R.M.P
Reg. No#29613-N

ایم بی بی ایس، آر ایم پی

Name M. Manzook

Age 30y

Sex M

Date 01.12.2021

40
fever

associated body aches

Nausea

Constipation

Abd pain

fever is rising in Depladed

Rectum

Rx

Tab Coproxin-300mg

14

1-1

Tab Paradol

1/1/1

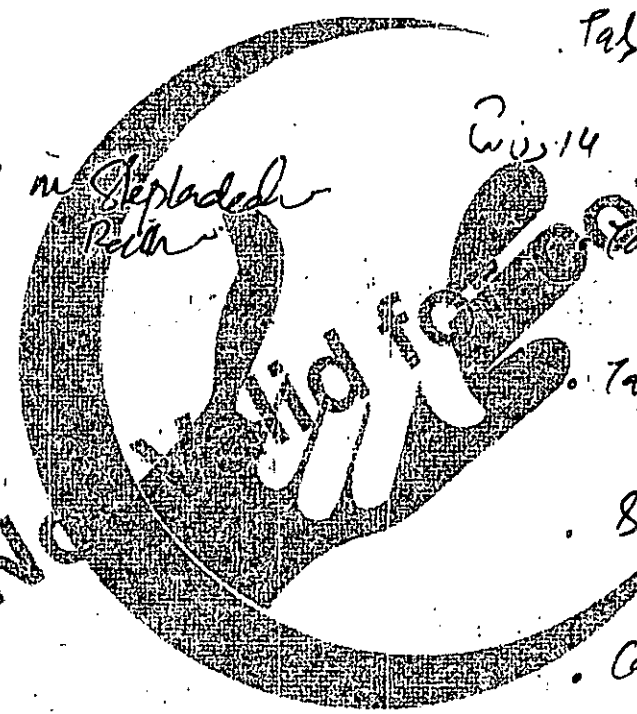
Tab Colofac-BSuf

Syp Jusout

Cap ESSA 500mg

1-1-1

07
Temp 101.2°F
B.P 100/60
Chest clear
Tender RHC



Adv
Lidol
CSC
urine RE
Typhidot

14 روز مکمل آرا کریں
طویل رہنا چاہنا ہے کہ سب سے پہلے

Medical Office
Madina Medical Center
Akora Khattak

0332-0633033

معاہدہ روزانہ 8 سے 2 بجے تک
چھٹی بروز اتوار

پتہ: چوکی شاپ نزد خیبر بینک اکوڑہ خٹک



مدینہ میڈیکل سنٹر

Annexure

ج

ATTESTED

Adam Khan
ADAM KHAN

Dr. M. Zubair Khan
(General Physician)

هوالتشانی

(جنرل فزیشن)

ڈاکٹر محمد زبیر خان

M.B.B.S, R.M.P
Reg. No#29613-N

ایم بی بی ایس، آر ایم پی

Name - Manzoor Age 30 y Sex M Date 07-01-2022

40
Headache

Fatigue

Asthenia

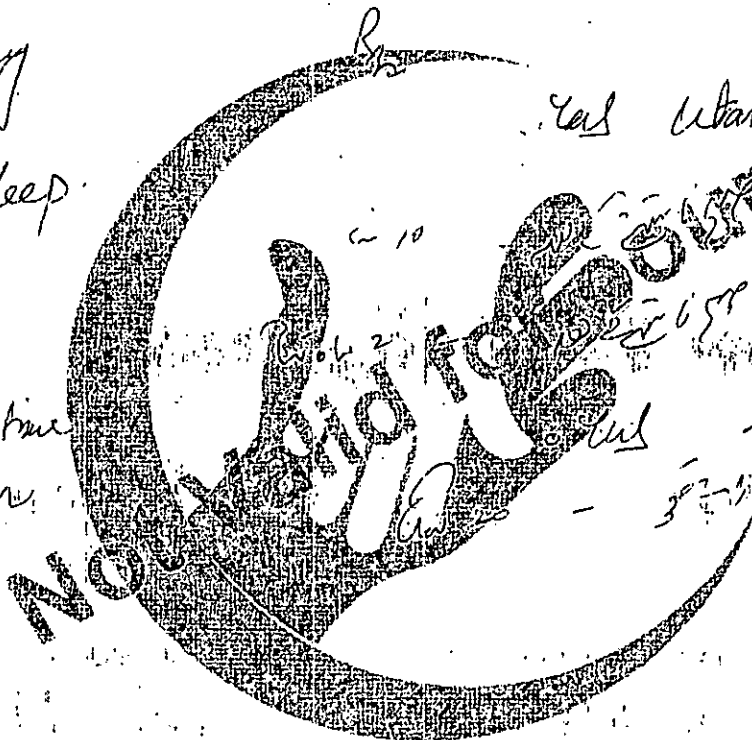
wants to cry

زیر تنہا
Disturbed Sleep

oriented to time
Place & person

Optimale

B.P 110/70



Year when new - coming

10

30

30

30

30

Mild depressive illness

Adv.

one month Bed rest

Medical Officer
Madina Medical Centre
Akora Khattak

0332-0633033 چھٹی بروز اتوار معائنہ روزانہ 8 سے 2 بجے تک پتہ: چوکی شاہ نژد خیبر بینک اکوڑہ خٹاک

29

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR

**SCANNED
KPST
Peshawar**

Service Appeal No. 1060/2022

Muhammad Manzoor Khan (Constable No. 57)

(Appellant)

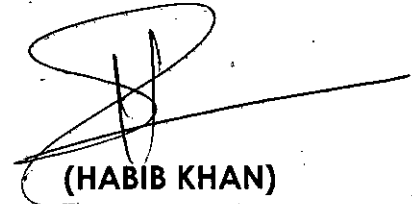
VERSUS

The Secretary Home Department K.P, Peshawar & others,

(Respondents)

INDEX

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5.	Annexure "C"	11



(HABIB KHAN)
DSP Legal,
City Traffic Police,
Peshawar

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**PESHAWAR**Khyber Pakhtunkhwa
Service Tribunal**Service Appeal No. 1060/2022**Diary No. 1820Muhammad Manzoor Khan (Constable No. 57) 01-10-2022**(Appellant)**

VERSUS

The Secretary Home Department K.P, Peshawar & others,

(Respondents)SCANNED
KPST
Peshawar**PARA WISE COMMENTS BY RESPONDENTS NO. 1, 2 & 3****RESPECTFULLY SHEWETH:****PRELIMINARY OBJECTIONS.**

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for miss-joinder and non-joinder of necessary and proper parties.
3. That the appellant has not come to this Hon'able Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi to file the instant appeal.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from this Honorable Tribunal.
7. That this tribunal lacks jurisdiction to adjudicate upon the matter.

FACTS:

1. Pertains to record.
2. Incorrect, appellant was issued charge sheet based upon 5 points i.e.
 - a) appellant has stolen the wallet containing Rs.12000/-, CNIC, Service Card, ATM Card of ASI Nusrat Khan.
 - b) Appellant was seen in CCTV Camera of the bank while drawing the amount Rs.1000/- Through ATM from (ASI Nusrat account).
 - c) This act of the appellant has badly tarnished the image of Police department.
 - d) That the appellant has absented himself from official duty point Shimali Market from 01.12.2021 till date.
 - e) All of this amount to gross misconduct on the part of the appellant.

3. Incorrect, the appellant in his written statement accepted the fact, that he took the wallet of ASI Nusrat Khan and also use the ATM Card to withdraw money from the bank. This incident is also testified by SI Pervez Khan No.116 through Roznamcha report, vide D.D No. 8 dated 03.12.2021, written statements of Imran Khan No. 335/T & ASI Nusrat Khan. (All the written statements are attached as annexure "A").
4. Incorrect, CTO/Respondent No. 2 awarded the punishment of dismissal to the appellant based upon the recommendation of Enquiry officer and considering the facts and circumstances of the scenario. While the direction of leave without pay was based upon the absence of appellant from official duty point without permission from the competent authority (DD report of absence is annexed as "B").
5. Incorrect, departmental appeal of the appellant is still under process and appellant will be heard in person in the coming orderly room of CCPO/respondent No. 3.

The order of respondent and all the other relevant proceeding of the enquiry are based upon law and facts, therefore this appeal should be sit a side on the following amongst other grounds:-

GROUND:

- I) Incorrect, as explained in fact No. 3.
- II) Incorrect, the appellant did not provide the medical rest from government sanctioned medical officer as mentioned in police rules 1934.
- III) Incorrect, the order was based upon the recommendations of the enquiry officer, while the proceedings of the enquiry were carried out as per law and rules.
- IV) Incorrect, the appellant was heard in orderly room on dated 10.02.2022 but failed to satisfy his innocence before CTO/respondent No.03.
- V) Incorrect, the appellant was given full opportunity to defend the allegations leveled against him but he failed to provide proper evidence to satisfy the enquiry officer.
- VI) Incorrect, act of the appellant was caught on CCTV Camera of the bank. While written statements of all the relevant officials were recorded and considered during the proceeding of the enquiry.
- VII) Incorrect, all the relevant record of the enquiry was provided to the appellant.

- VIII) Incorrect, the appellant was given proper opportunity to defend himself but he failed to prove his innocence.
- IX) Incorrect, the appellant was provided with all the relevant documents of the enquiry report.
- X) Incorrect, during the course of service, performance of the appellant was not up to the mark. (Bad entries are annexed as "C").
- XI) Incorrect, the order is based upon the recommendation of the enquiry officer as per facts and law.
- XII) That the respondents also seek permission to raise further points at the time of arguments.
- XIII) Pertains to record.

PRAYER:

In view of the above, it is therefore, requested that the titled appeal being barred by law and devoid of merits, and may kindly be dismissed being meritless.

SECRETARY HOME & TRIBAL AFFAIRS,
KHYBER PAKHTUNKHWA.

CAPITAL CITY POLICE, OFFICER
PESHAWAR

CHIEF TRAFFIC OFFICER,
PESHAWAR

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**PESHAWAR****Service Appeal No. 1060/2022**

Muhammad Manzoor Khan (Constable No. 57)

(Appellant)

VERSUS

The Secretary Home Department K.P, Peshawar & others,

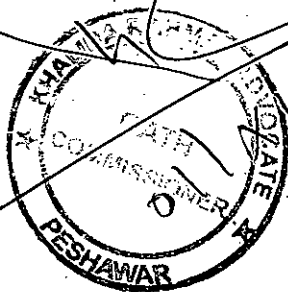
(Respondents)**AFFIDAVIT**

We respondents 1, 2 & 3 do hereby solemnly affirm on oath that the contents of written comments are true and correct to the best of our knowledge and belief. Nothing has been concealed from this Honorable tribunal.

SECRETARY HOME & TRIBAL AFFAIRS,
KHYBER PAKHTUNKHWA.

CAPITAL CITY POLICE, OFFICER
PESHAWAR

CHIEF TRAFFIC OFFICER,
PESHAWAR

ATTESTED

بیانہ اذیت: To/Hc منظور 57 سٹی ٹریفک پولیس لیٹار

(A)

ضاب عالی:

(5)

حوالہ خارج شبہ جاریہ جسٹس ٹریفک آفیسر لیٹار PA نمبر 1703

خودم 312 معدوم خدمت میں کہ مطابق ڈیوٹی پرچم من To کی

ڈیوٹی سٹیٹہ حیات آباد شمال مارکیٹ میں لگائی گئی ہے اور من To آئی ڈیوٹی

آسن لہجے سے سرانجام دینا ہے نسبت من To نے غلطی کی بنیاد پر حوالہ

انڈسٹریل ایسٹے میں بیٹا سوار ایک پرس (بیٹو) جوڑ میں بیٹا

سوار پا کر ساتھ اٹھا کر گھر خود لے گیا۔ اور جب گھر خود جا کر دیکھا تو وہ

انڈسٹریل ایسٹے میں بیٹا سوار کا تھا۔ من To سے لیا ایک

غلط سرزد ہوئی ہے کہ من To نے ATM چیک کرنے سے پہلے اس کا

اکاونٹ سے پیسے نکالنے وقت تک کے کمپ میں من To کو دیکھا گیا ہے

لیکن من To نے انڈسٹریل ایسٹے کو اپنا سارا سامان 200 روپے جوڑ میں

میں موجود تھے 100 روپے ATM والے آؤ دیگر سامان سروس کارڈ شناختی کلڈ

ATM کارڈ درست طور پر حوالہ انڈسٹریل ایسٹے میں من To کے پاس

اور اس نے من To کو معاف کیا ہے اور میرے خلاف کوئی قانونی کارروائی نہیں

کرنا چاہتا ہے جو کہ میں سوا ہے سب غلطی کی بنیاد پر سوا ہے جس پر

لکھنا ہوں۔ اور یہ غلطی میرے لئے ایسا سبق بن گیا ہے جو تکمیل انسان عاجز ہے

خلیوں کا پتلا ہے خلیوں سے سیکھا ہے لیس این غلطی پر سے سارا عمر لکھنا

ریونگا۔ سٹل کے چھوٹے چھوٹے بچے ہے جو ڈیر لقمہ ہے اس کی رزق کو حوالہ

رہنے کی خاطر من To کو معاف کیا ہے لیس لیس لیس بیان ہے جو حضرت

پر منی ہے آئین ہلا صاباں سے معافی کا طلبگار ہوں

Attested by



انڈسٹریل ایسٹے

To/Hc منظور 57 سٹی ٹریفک لاٹ

0315-9766330

13-12-2021


(6)

سوال ازاں کی پرویز انجارج حیات آباد ٹرنک پولیس

خواب عالی

تحریر کے وقت 12/21 کو من انجارج کو مذکورہ واقعہ کے متعلق حیدرآباد
پولیس ایجنسی نے فوری طور پر ایک ایس آر ایف جاری کیا جس میں 7 ماہ
اور حسب پدایت مذکورہ 75 فنڈ 57 کی دفعہ کو آندہ 8 رپورٹ درج اور
کے کلوریشن رپورٹ انڈر نا اصابہ کے تحت میں ارسال کی۔ درجہ
کف بیال ہے یہی میرا سوال ہے۔

11c Hagar
28/01/2022

Attested by

Dy. Superintendent of Police
Legal City Traffic, Rawalpindi

انڈسٹریل ڈیپارٹمنٹ

تقریباً 8 روزہ 3/12/2021

منامیہ

سہ ماہیہ 8 - 23-24/11/2021 کو 116 گھنٹے 09:45 بجے 3/12/2021 کو 15 بجے شروع ہوئے۔

پہلے دن کے دوران پریس میں 70 منظر 57 شمالی مارگ کے سین لائنات کے دوران 23-24/11/2021 کو 70 منظر 57 کی انڈسٹریل لائنات میں کسی کام کی سرگرمی سے جا کر وہاں پر لائنات کی تعمیرات میں کسی کام کی سرگرمی سے جا کر اس کے سامنے کے پتے سے بیٹھ (پریس) چوری کر کے لے گئے تھے جس میں مبلغ 12,000 روپے سمروں کا کارڈ ATM کارڈ شناختی کارڈ موجود تھے جو انڈسٹریل ڈیپارٹمنٹ کے پاس تھے۔

بات کو جان کر اس کے ساتھ پریس جاری کی گئی اور کل طور پر 2/12/2021 کو ATM سے ایسے لے کر بیچ آئے پریس کے ATM میں سے ایسے لے کر بیچ آئے۔


دوسرے دن 70 منظر 57 کے سامنے بیٹھ (پریس) ایسے 13,000 روپے ATM کارڈ کے علاوہ کسی دوسرے شے کے ساتھ پریس میں 335 کو لے کر آئے جو پریس میں آئے۔

اس واقعے کے متعلق باخبر کیا 70 منظر 57 کی خدمت بیٹھ (پریس) چوری کر کے پریس میں 335 کو لے کر آئے۔

سبیل رپورٹ انٹرنیٹ پر بلا مبالغہ حقائق کے تحت میں ارسال کیا گیا ہے۔

جی ایم ای
 نقل و پتہ
 MM-TL
 3-12-2021

Sir,
 forwarded
 MMSI
 3.12.2021

Attested by

 Dy. Superintendent of Police
 Local Crime Traffic Section

حساب عالی! زرارہ میں بیجاتی ہے کہ سائل شمالی ضلع کے پیر
 ڈیوٹی پر مارا تھا اور وہاں انڈسٹریل جونی میں
 ASI نھر شاخان سے بیٹوا تم ہو گیا تھا دو تین دن سے
 اس بیٹو 2 میں تقریباً 8 ہزار روپے اور سروس کارڈ
 موٹر کارڈ 2 کارڈ ATM کارڈ موجود تھا اور اس
 بیٹو 2 کو TO منظور 2 وہاں جونی انڈسٹریل
 سے اٹھا یا تھا اور ATM سے پیسے بھی نکلوا 2 تھے
 جس بینک سے پیسے نکلوا 2 اس ATM میں اس کی
 ویڈیو نظر آئی اس 2 بعد منظور TO 2
 بیٹوا واپس آیا اور ASI نھر شاخان اور TO منظور
 آپس میں راہی ناصر کیا اس دوران DSP
 سیفٹ بھی موجود تھا۔

بس یہی میرا بیان ہے

FC عمران خان 335 قصبہ شمالی ہائیڈرو پوائنٹ میں 1



Attested by

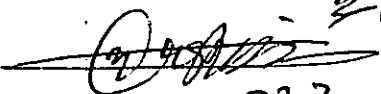
Dy. Superintendent of Police
 Lega City, Traffic, Shawal

بیان امدی گفت خان

(9)

جناب عالی!

گزارشی معنی میں ہے کہ جی پی اینڈ سٹریٹ سٹیٹ میں کاروبار سرکاری
 دہلی میں ہے۔ اس سے عورہ میں کوئی کوئی پر جائے وقت (بہو)
 باندھ کر کھینچنے میں لگا کر کر بیسی و بیسی کو چھاتا جس
 کے بابت بحوالہ درج ذیل ہے۔ پورے اندر سٹریٹ سٹیٹ میں
 درج کرائی ہے۔ یہاں تک کہ ایک دن بعد میں اس کے
 حوالہ فرم پر ATM استعمال ہونے کا کارڈ یا کارڈ
 میں استعمال ہوا تھا۔ جس سلسلے میں مردان HBL سٹیٹ میں
 ہا کر وہ لو ڈیپازٹنگ چیک کیا تو معلوم ہوا کہ منظور
 نے فرم ATM کارڈ استعمال کیا۔ مردان سے واپس یہ اپنے افسران
 میں انچارج حیات آباد و پرویز آباد DSP صاحب حیات آباد
 صاحب لیفٹ خان کیسے رابطہ کر کے اس کیس سے آگاہ
 کیا۔ 4/3 دن بعد DSP صاحب لیفٹ خان نے مجھے اور منظور
 کو دفتر طلب کیا۔ DSP صاحب نے ہمارے مابین رابطی نامہ
 لکھ منظور نے مجھے اپنا بیوا اور شناختی کارڈ سرکاری کارڈ
 گاڑی رجسٹریشن کارڈ وغیرہ سامان اور مبلغ 13000 روپے
 جوئے بیٹوں میں تھے۔ دست خوردیہ حوالہ کیے۔ بعد منظور نے
 اپنے کچھ بیٹے گاڑی شرفندہ ہے۔ مذکورہ To نے چھوٹے چھوٹے
 کچھے۔ اور مالک کے ساتھ ہی کھڑے ہیں۔ اسی خاطر سے میں نے
 منظور To کچھ ان کی قسم کا قانونی کارروائی نہیں کرنا چاہتا
 ہوں۔ اور آپ افسران بالا سے جی گزارشی حکم مذکورہ بالا To
 کو معافی دے کر میں اور منظور To عمر ہر دئی گوارا ہے۔
 یہی سران بیان ہے۔ ہر حقیقت پر مبنی ہے۔


 10-01-022

گفت خان

Attested by

0333-9701370

By Superintendent of Police
 Urban Civil Station

از دفتر سرپرست ٹریفک لائٹ

نمبر 17 روزنامہ (B)

31 12 2021

ضلع پشاور

17 ایئر ٹریفک لائٹ کی اصلاح دینا 12:00 4 نومبر 2021 31 ایئر ٹریفک لائٹ کی اصلاح دینا منظور ہے۔
ٹریفک لائٹ کی اصلاح دینا کے لئے ایئر ٹریفک لائٹ کے لئے ایئر ٹریفک لائٹ لائٹ
روزنامہ پشاور

غیر حاضر

57 To منظور

جناب عالی

ذات بحال کے

Q12

MM — TL

31 - 12 - 2021

Six
Forwarded
18
Ca
Pi — TL
01-01-2022

Attested by

Dy. Superintendent
Legal City Traffic Shawar

CHIEF TRAFFIC OFFICER,
PESHAWAR.

10

40

(C) (11)

BIO DATA

1. Name FC Muhammad Manzoor Khan No.57/T
2. D.O.B 10.04.1990
3. D.O.E 08.09.2009
4. Edu: BA'
5. Courses passed Basic Recruit Course, Traffic Course
6. Total Qualifying Service 12 Years, 05 Months
7. Good Entries 01

Bad Entries (L.W.O pay, E/Drill & Warning) 80

Minor punishment

Censure 15
Fine 11
Quarter Guard 07
Approved Service Nil

Major punishment 01

8. Punishments (Previous) 113

9. Punishments (Current)

He is awarded major punishment of dismissal from services under the KPK, Police Rules 1975 vide CTO Peshawar Order No.146-51/PA, Dated: 14.02.2022 and OB No.179, dated: 14.02.2022.

10. Leave Account

<u>Total Leave at his credit</u>	<u>Availed Leave</u>	<u>Balance</u>
596 Days	30	566Days

Attested by


Dy. Superintendent of Police
Leban City Traffic Peshawar

41

BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No. 1060/2022

Muhammad Manzoor Khan (Constable No. 57) (Appellant)


VERSUS

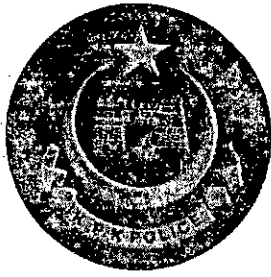
The Secretary Home Department KP and others (Respondents)

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30-5-2023


DSP Legal,
City Traffic Police,
Peshawar



OFFICE OF THE
CHIEF TRAFFIC OFFICER,
PESHAWAR

☎ 091-9225361

No. 1100 /GC, dated Peshawar, the 03/04/2023

AUTHORITY LETTER

I, Qamar Hayat, Chief Traffic Officer (CTO), Peshawar hereby Authorize Mr. Noor Ullah, DSP Legal City Traffic Police, Peshawar to attend all the cases and submission of Para-wise comments pertaining to this office in Supreme Court of Pakistan, Peshawar High Court Peshawar, Khyber Pakhtunkhwa Service Tribunal, Session Courts and Lower Courts on behalf of the undersigned.


**CHIEF TRAFFIC OFFICER,
PESHAWAR.**

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No. 1060/2022

Muhammad Manzoor Khan (Constable No. 57) (Appellant)

VERSUS

The Secretary Home Department KP and others (Respondents)

Complete inquiry file on behalf of Respondents:

RESPECTFULLY SHEWETH:

1. That the above titled Service Appeal is pending adjudication before Honorable Khyber Pakhtunkhwa Service Tribunal, which was fixed for hearing on 10.04.2023.
2. That the Honorable Khyber Pakhtunkhwa Service Tribunal directed the respondents to produce complete inquiry file for further court proceedings.
3. That the above titled service appeal is fix for hearing on 30.05.2023.
4. That the complete inquiry file is hereby submitted in the honor of Khyber Pakhtunkhwa Service Tribunal for further necessary court proceedings.

PRAYER:

It is therefore, most humbly prayed that complete inquiry file be placed on record for further necessary court proceedings; please.


DSP Legal,
City Traffic Police,
Peshawar

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No. 1060/2022

Muhammad Manzoor Khan (Constable No. 57) (Appellant)

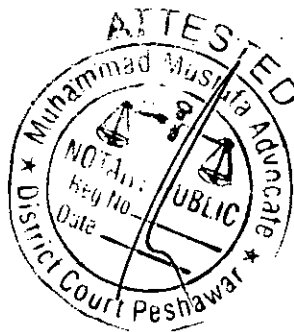
VERSUS

The Secretary Home Department KP and others (Respondents)

AFFIDAVIT

I, DSP Legal City Traffic Police, Peshawar do hereby solemnly affirm on Oath that the contents of written comments/inquiry file are true and correct to the best of my knowledge and belief. Nothing has been concealed from this Honorable Tribunal.

**DSP Legal,
City Traffic Police,
Peshawar**



03 MAY 2023

بیانہ آڈیو: To/Hc منظور 57 سٹریٹنگ پولیس لیشاہ

ضابطہ عالیہ

جوالہ خارج شبہ جاریہ جینے ٹرننگ آفس لیشاہ P.A. نمبر 1703

(9)

حرم 312 3 عروین خدمت میں کہ مطابق ڈیوٹی پرچم من To کی

ڈیوٹی سٹیٹ حیات آباد شمال مارکیٹ میں لگائی گئی ہے آدر من To آفس ڈیوٹی

آسن لکڑی سے سرانجام ڈیٹا ہے لکھتے من To نے غلطی کی بہار ہر حوالہ

انڈسٹریل ایسٹے میں بیٹا سوار ایک پرس (بیٹو) جوڑ میں ہر ہر

ہوا۔ پاکر ساتھ اگنا کر گھر خود لے گیا۔ اور جب گھر خود جا کر دیکھا تو وہ

Asi لکڑی خان ایٹریج انڈسٹریل ایسٹے کا تھا۔ من To سے لیا ایک

غلط سرور ہوئی ہے کہ من To نے Asm چیک کرنے سے اس کا

اکاونٹ سے پیسے لکھائے وقت تک کے کہ میں من To کو دیکھا گیا ہے

لیکن من To نے Asi لکڑی خان کو اپنا سارا سامان 200 روپے جو پرس

میں موجود تھے 100 روپے Asm والے آڈیو ساساں پرسوں کارڈ شناختی کلڈ

ATM کارڈ درست طور پر حوالہ Asi لکڑی خان کی ہے ایٹریج 7 جس کی انڈسٹریل

آدر اس نے من To کو معاف کیا ہے آدر قید خلاف کوئی قانونی کارروائی نہیں

کرنا چاہتا ہے جو کہ میں ہوا ہے سب غلط لکھی کے بنیاد پر ہوا ہے جس پر

لشیاہ میں۔ آدر یہ غلطی میرا لکھی ایسا نہیں بن گیا ہے چونکہ انسان عاجز ہے

خلیوں کا پیلا ہے خلیوں سے سکھایا ہے لیس این غلطی پر میں سارا محنت لکھی

ریونگا۔ سائل کے چھوٹے چھوٹے لکھے ہے جو ڈیر لکھی ہے اس کی رزرو کو جار

رہنے کی خاطر من To کو معاف کیا ہے لیس لی سپر بیان ہے جو قصہ

پر میں ہے آفسن ہلا صافیاں سے معافی کا طلبگار ہوں

Attested by

Deputy Superintendent of Police
City Traffic Police, Peshawar

انور خان

To/Hc منظور 57 سٹریٹنگ لکھی

0315-9766330

13-12-2021

Attested by
Deputy Superintendent of Police Legal
City Traffic Police,
Peshawar.

بیان اذنی حضرت خانی آبی (B)

19

جناب عالی!

گزارشی معین من آبی جی اذنی سرپل سید میں لکھی گئی ہے۔
 دیکھا کہ میں آبی سے مورخہ کوڈ پوٹی پر جاتے وقت (بتوا)
 یاد رکھنے والی سی ٹی ٹی گر گر بیسیا و بیسیا یعنی جھانٹا جیسی
 کہ باہت جو المرد روز ناچ دیورے اللہ سرپل سید جیسی میں
 درج کرائی تھی۔ بتوا کم پورے آبی وی لہ من آبی کے
 جو بال فرخ پر ATM استعمال یعنی گا کارڈ DSP یا جی ایم سردی
 میں استعمال ہوا تھا۔ جی سلسلے میں سردی HBL بینک میں
 جا کر وہ لو دھکارڈنگ چیب کیا تو معلوم ہوا کہ منظور
 نہ تھا ATM کارڈ استعمال کیا۔ سردی سے و ایسی یہ ایڈیشن
 بلکہ نے نوٹس میں دیا جا کر حسب یہاں افسران بالا اس سلسلے
 میں ایجاد جیات آبی و پرووڈ اور DSP صاحب جیات آباد
 جناب ہاؤس خانی کیسہ لاکھ کر کے اسی کیسی سے آگاہ
 کیا۔ 3/4 وی لہ DSP صاحب ہاؤس خانی نے مجھے اور منظور
 To کر دفتر طلب کیا۔ DSP صاحب نے ہمارے مابین رابطی نامہ
 لکھ منظور To نے مجھے اپنا بتوا اور شناختی کارڈ سرورس کارڈ
 گاڑی رجسٹریشن کارڈ وغیرہ سامان اور مبلغ 13000 روپے
 جوئے بیٹوے میں تھے۔ دست محدود ہوا لکھی۔ لہذا منظور To
 اپنے کچھ بیوے کام پر شرفندہ ہے۔ مذکورہ To نے بیٹوے بیٹوے
 کچھے ہے۔ اور مالکی لکھا سے جی کنوور ہے۔ اسی کا طر سے من آبی
 منظور To کچھان کسی علی قسم کا قانونی کارروائی میں کرنا چاہتا
 ہے۔ اور آپ افسران بالا سے جی گزارشیں ہوئے مذکورہ بالا To
 کو معافی دے کر میں اور منظور To عمر ہر دلی نوآر رہے۔
 یہی سران بیان ہے۔ ہر حقیت پر مبنی ہے۔

حضرت خانی آبی

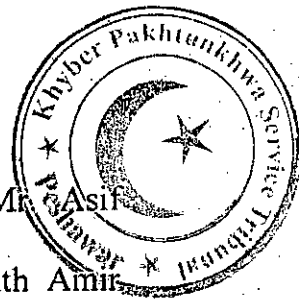
Attested by
Deputy Superintendent of Police
City Traffic Police
Peshawar

Attested by
Deputy Superintendent of Police
City Traffic Police
Peshawar

0333-9701370

01-022

Appeal No. 1060/22
Mansoor vs Govt



08th Mar, 2023

Learned counsel for the appellant present. Mr. Masood Ali Shah, Deputy District Attorney alongwith Amir Sayaf DSP (Legal) for respondents present.

Former requested for adjournment. Adjourned to 10.04.2023 as other cases of learned counsel for appellant have also been fixed on the said date. To come up for arguments on 10.04.2023 before D.B. PP given to the parties.

SCANNED
K.P.S.T
Peshawar

(Salah Ud Din)
Member (J)

(Kalim Arshad Khan)
Chairman

10.04.2023

Learned counsel for the appellant present. Nobody is present on behalf of the respondents. Mr. Fazal Shah Mohmand, Additional Advocate General is however present who is directed to produce complete inquiry report in this matter within 07 days and ensure a well conversant officer not below Grade-17. Copy of the same be also provided to the appellant. Adjourned. To come up on 30.05.2023 before D.B. Parcha Peshi given to the parties.

(Muhammad Akbar Khan)
Member (E)

(Kalim Arshad Khan)
Chairman

Verified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 28/4/23
Number of Words 142
Copying Fee 5/-
Urgent 5/-
Total 10/-
Name of Copyist _____
Date of Completion of Copy 28/4/23
Date of Delivery of Copy 28/4/23

1/23
28/4/23

SHORT BRIEF OF INQUIRY FILE

(9)

Sir,

1. Constable Muhammad Manzoor Khan No.57 was issued Charge Sheet alongwith summary of allegations.Vide No.1703/PA, dated 03.12.2021 on the charge that:-
 - i. That he has stolen away the wallet contained of cash amount Rs.12000/-, CNIC, Service Card, ATM Card of ASI Nusrat Khan which was lying under his pillow at P.P Industrial, Hayatabad.
 - ii. That he was also seen in CCTV Cameras of the Bank while drawing the amount Rs.1000/- through ATM from his (ASI Nusrat Khan) Account.
 - iii. That his this act has badly tarnished the image of police department.
 - iv. That he has also absented himself from 01.12.2021 to 13.12.2021 and 31.01.2022 to 07.01.2022 **(Total 20-days)** from his duty point Shimali Market.
 - v. All this amounts to gross misconduct on his part.
2. Mr. Asif Bahader SP/HQrs: Traffic Peshawar was appointed as the Enquiry Officer. He carried out a detailed inquiry and submitted his report and found him guilty of the charges levelled against him and recommended that suitable punishment may be awarded to him. Besides, his absence period from 01.12.2021 to 13.12.2021 and 31.01.2022 to 07.01.2022 (Total 20-days) may be treated as leave without pay.
3. His bio-data is attached.

OS (G)

4.

WICTO

OR

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Attested by
Deputy Superintendent of Police Legal
City Traffic Police,
Peshawar.

→

REFERENCE ATTACHED

5

The contents of the charge sheet issued to Constable Manzoor Khan No. 57 of this unit reveals that he had stolen wallet of ASI Nusrat Khan containing cash amount of Rs. 12000/-, CNIC, Service card, ATM Card. He also made a transaction from the ATM card of ASI Nusrat Khan of Rs. 1000/-.

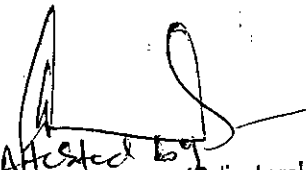
In order to probe into the matter and dig out the real facts the enquiry process was initiated and the accused official and the respondent were summoned, heard in person. Besides, their written statements were also recorded as under:-

CONSTABLE MUHAMMAD MANZOOR KHAN NO. 57 stated that he had found and unattended wallet in Police Post, industrial estate and when he checked the wallet at his home he came to know that the wallet belonged to ASI Nusrat Khan, Incharge Industrial Estate Hayatabad. The alleged official also stated in his written statement that he returned the wallet along with its belongings to the owner and also sought pardon from him and was pardoned by ASI Nusrat Khan. His statement is attached herewith at "**Annexure A**".

ASI Nusrat Khan stated that he lost his wallet while he was enroute to his duty point. On the next day he received a Bank system generated SMS that Rs.1000/- has been debited from his account via an ATM located in district Mardan. Upon investigation of CCTV footage it was revealed that Constable Manzoor Khan No. 57 has stolen his wallet. He further stated that as he had received back his wallet along with all the belongings now he holds no grudges against FC Manzoor Khan No. 57 and he doesn't want any further action against the defendant. His statement is attached herewith at "**Annexure B**".

FINDINGS

The alleged official FC Muhammad Manzoor Khan No. 57 was cross examined by the undersigned. The alleged official confessed his guilt and sought pardon for his offence. Similarly, it is evident from the CCTV footage of ATM that he used the ATM of ASI Nusrat Khan which is a heinous offence. Being a govt. servant the official must have returned the wallet to its original owner rather keeping it deliberately.



Attested by
Deputy Superintendent of Police Legal
City Traffic Police,
Peshawar.

Besides, it came to light during the enquiry process that after being suspended, FC Muhammad Manzoor Khan has absented himself for 20 days i.e. w.e.f 01.12.2021 to 13.12.2021 and 31.01.2022 to 07.01.2022.

Moreover, the official was directed to deposit the challan amount of Rs. 14393 pending against him instantly. Upon this, he assured the undersigned that he will deposit the said amount as soon as his pay is released.

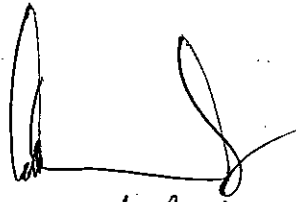
CONCLUSION

Keeping in view the above facts and confession of the guilt by FC Manzoor Khan No. 57 this act of stealing tantamount to gross misconduct on his part hence FC Manzoor Khan No. 57 is hereby recommended to be awarded with suitable punishment. The absentee period of 20 days w.e.f 01.12.2021 to 13.12.2021 and 31.01.2022 to 07.01.2022 is recommended to be treated as leave without pay.


ASIF BAIDAR (PSP)
Superintendent of Police, HQrs
City Traffic Police, Peshawar

No. 85 /R, dated Peshawar the 04/02/2022

W/CTO PESHAWAR


Attested by
Deputy Superintendent of Police Legal
City Traffic Police,
Peshawar.

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7



EMPLOYEE BIO-DATA

Human Resource Management System City Traffic Police, Peshawar

PERSONAL INFORMATION

Status (Regular/On Loan/Pay Attach)	Regular		
Category	Executive		
DHO	SSP Traffic		
Belt No	57		
Name	Muhammad Manzoor Khan		
Father Name	Siraj Hussain		
Gender	Male	CNIC	1610189016475
Mobile No	03469360167	Personal No	789456
Passport No		Blood Group	
Date of Birth	10-04-1990	Religion	Islam
Maslak	Sunni	Caste	AFGHANI
Present Address	Toru Mardan		
Permanent Address	Toru Mardan		
Police Station	Toru	District (Domicile)	Mardan
Appointment District	Mardan	Appointment Date	07-09-2009

QUALIFICATION

Qualification	Institute	Year	Remarks
PSc	BOARD OF INTERMEDIATE AND SECONDARY EDUCATION	2008	

POSTING

Circle/Section	Sector/Sub Section	Place of Posting	Order Number	From Date	To Date	Remarks
Hayat Abad	Hayatabad	Shimlali Market	2346/2405-OASI	11-11-2021	28-02-2022	
Cantt	VIP	CHIPS RIDER VIP	989-1011/OSI	02-09-2020		
Cantt	Cantt	JANS CHOCK	623-36 / OASI	18-06-2020		
Town	Tahkal	SHERAZ CROSS	479-500 / OASI	15-04-2020		
Cantt	Cantt	CHIPS RIDER CANTT	131-145/OASI	03-02-2020		
City	Circular Road	Chips rider	1275-1290	15-11-2019		
Reserve	Dalazak Road	peshawar	9860-70/E-4	12-08-2015		

PROMOTION

From Rank	From BPS	To Rank	To BPS	Order Number	Order Date	Promotion Type
Constable	7	Head Constable	9	593	15-09-2015	Shoulder

TRAINING

Training Name	Institute	From	To	Result	Remarks
Recruite Course	PTC Hangu	01-06-2010	22-11-2010	Pass	DECLARED PASSED

REWARD

Type	Details	OB Number	Date	Remarks

PUNISHMENT

Type	Details	OB Number	Date	Remarks
	Punishment charge from; 27-02-2019 one day absent from duty	87	11-03-2019	
	Punishment charge from; 23-FEB-2019 one day absent from duty	115	25-03-2019	
	Punishment charge from; 06-march-2019 one day absent from duty	141	16-04-2019	

Attested By
 Deputy Superintendent of Police Legal
 City Traffic Police,
 Peshawar.

Punishment charge from 02-11-2016 01 day absent from duty awarded minor punishment of censure	266	11-11-2016
Punishment charge from 03-12-2016 01 day absent from duty awarded minor punishment of censure	288	13-12-2016
Punishment charge from 14-12-2016 01 day absent from duty awarded minor punishment of censure	300	20-12-2016
Punishment charge from 19-01-2017 01 day absent from duty awarded minor punishment of censure	20	25-01-2017
Punishment charge from 22-02-2017 01 day absent from duty awarded minor punishment of censure	54	02-03-2017
Punishment charge from 27-03-2017 01 day absent from duty awarded minor punishment of censure	73	03-04-2017
Punishment charge from 28-04-2017 01 day absent from duty awarded minor punishment of censure	108	03-05-2017
Punishment charge from 01 day absent from duty awarded minor punishment of censure	117	11-05-2017
Punishment charge from 01 day absent from duty leave w/o pay	164	26-06-2017
Punishment charge from 08-06-2017 01 day absent from duty leave w/o pay	152	14-06-2017
Punishment charge from 10-07-2017 01 day absent from duty leave w/o pay	184	17-07-2017
Punishment charge from 27-08-2017 01 day absent from duty leave w/o pay	256	07-09-2017
Punishment charge from 31-07-2017 01 day absent from duty leave w/o pay	209	09-08-2017
Punishment charge from 20-09-2017 01 day absent from duty leave w/o pay	01	27-09-2017
Punishment charge from 16-10-2017 01 day absent from duty leave w/o pay	345	27-10-2017
Punishment charge from 21 to 23-08-2017 02 days absent from duty leave w/o pay	235	29-08-2017
Punishment charge from 24-06-2018 01 day absent from duty 01 day quarter guard and 01 day Extra drill	327	09-07-2018
Punishment charge from 09-07-2018 01 day absent from duty 01 day quarter guard and 01 day Extra drill	343	17-07-2018
Punishment charge from 23-08-2018 01 day absent from duty 01 day quarter guard and 01 day Extra drill	417	03-09-2018
Punishment charge from 20-09-2018 01 day absent from duty leave w/o pay	458	04-10-2018
Punishment charge from 24-09-2018 01 day absent from duty leave w/o pay	460	04-10-2018
Punishment charge from 16-10-2018 01 day absent from duty leave w/o pay	477	23-10-2018
Punishment charge from 25-10-2018 01 day absent from duty leave w/o pay	489	05-11-2018
Punishment charge from 02,10-03-2019 02 days absent from duty leave w/o pay	119	01-04-

City of Police
 Department of Police
 10000

Punishment	Charge from 10,11-09-2020 02 days absent from duty leave w/o pay	507	09-2020 21-09-2020	
Punishment	Departmental enquiry initiate against To Manzoor Khan 57 for beating a civilian he is hereby awarded minor punishment of Censure	170	22-02-2021	
Punishment	Charge From 09,10-08-2021 02 days absent from duty Leave w/o pay and Rs 500/ fine	661	23-08-2021	
Punishment	Charge From 01-09-2021 01 day absent from duty Leave w/o pay and Rs 250/ fine	767	13-09-2021	
Punishment	Charge From 12-09-2021 01 day absent from duty Leave w/o pay and Rs 250/ fine	818	24-09-2021	
Punishment	awarded punishment 01 day w/o pay & 01 day incentive money deducted Rs 250 fine	934	11-10-2021	punishment
Punishment	Charge from 01 to 06-11-2021-05 days absent from duty leave w/o pay, 05-days incentive money deducted Rs. 1250/- fine	1190	12-11-2021	
Punishment	Charge from 17-11-2021 01 day absent from duty punishment absent period as W/O pay Rs. 250/- Fine.	1255	01-12-2021	
Punishment	Charge from 20-11-2021 01 day absent from duty punishment absent period as W/O pay Rs. 250/- Fine	1256	01-12-2021	
Punishment	Charge from 22-11-2021 01 day absent from duty punishment absent period as W/O pay Rs. 250/- Fine	1257	01-12-2021	
Punishment	Charge from 22-11-2021 01 day absent from duty punishment absent period as W/O pay Rs. 250/- Fine	1257	01-12-2021	
Punishment	Charge From 29 to 30-12-2022, 02 Days Period of Absent's L/W/P and Incentive Money deducted Rs. 150/- Fine.	43	11-01-2022	

LEAVE

Leave Type	From	To	OB Number	Date
Casual	30-11-2020	01-12-2020	01	30-11-2020
Medical	07-06-2021	06-07-2021	441	17-06-2021

FAMILY

Name	Relation	Occupation	Age	Address
Siraj Hussain	Father	Nil	67	Toru Mardan
Muhammad Usman	Brother	Forest Dept	36	Toru Mardan
Taimor Khan	Brother	Advocate	34	Toru Mardan

Designed & Developed by IT Wing, City Traffic Police, Peshawar.

Attested by
Deputy Superintendent of Police Legal
City Traffic Police,
Peshawar.

7 مارچ 2022 کو لاہور میں واقع سیکشن 57 کے تحت جاری کیے گئے
 نوٹس نمبر 4/2022 کے تحت جاری کیے گئے اور ان کے خلاف کارروائی کے لیے
 درخواستیں جمع کرائی گئیں۔

جانب عدالت

Six

(26) یوم غیر حاضری

57 منظر 10 (1) HL

تک بحالت اسکی ہے

Forwarded

9/15

19/11/22

MM ——— TL

07-02-2022 TL

4-2-2022

Attested
 Deputy Superintendent of Police Legal
 City Traffic Police,
 Peshawar.

54

Handwritten signature/initials

CHIEF TRAFFIC OFFICER,
PESHAWAR.

VAKALAT NAMAIn the Court of Service Tribunal Peshawar.Appeal No. _____ of 2022Muhammad Manzoor Khan

(Petitioner)

(Plaintiff)

(Appellant) ✓

VERSUSThe Secretary Home Deptt,
etc;

(Respondent)

(Defendant)

I/we Muhammad Manzoor Khan the
above noted Appellant dohereby appoint and constitute **Muhammad Adam Khan, Advocate Mardan** as
Counsel in subject proceedings and authorize him to appear, plead etc., compromise, withdraw or
refer to arbitration for me/us, as my/our Advocate in the above noted matter, without any liability
for his default and with the authority to engage/appoint any other Advocate/Counsel at my/our
behalf all sums and amounts payable or deposited on my/our account in the above noted matter.Dated: 21.06.2022**N.W.F.P. Bar Council****ADVOCATE**
High Court

ADAM KHAN

No. BC-09-0600

Secretary's Signature

Father's Name:	BADSHAH GUL	C.E. 118
Address:	VILL. GOJAR GARHI DISTT. MARDAN	
Office Tel:	0931-63013	Res. Tel: 0931-63450
Enrolment Date L.C.	03/08/1978	
Enrolment Date H.C.	31/05/1990	
Place of Practice:	MARDAN	
Date of Birth:	04/04/1945	
Blood Group:	AB+VE	
N.I.C.No.	16102-46(2619-5)	
N.W.F.P. BAR COUNCIL		

Mansoor Khan

(Signature of Client)

Adam KhanAccepted
Muhammad
ADAM KHAN
B.A LLB Advocate
HIGH COURT MARDAN