

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

Appeal No. 131/2024

Rizwan Khan

(Appellant)

VERSUS

IGP etc.

(Respondents)

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DEPONENT

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
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PARA WISE COMMENTS OF RESPONDENTS NO. 1 to 3

Respectfully Sheweth

The respondents respectfully submit as under: -

PRELIMINARY OBJECTIONS.

1. That the Appellant has got no cause of action.
2. That the Appeal is not maintainable under the law.
3. That the Appeal is barred by law & limitation.
4. That the Appellant has not been discriminated in any way.
5. That the Appeal is bad due to mis-joinder and non-joinder of necessary parties.
6. That the Appellant has approached the Honorable Tribunal with unclean hands.
7. That the Appellant has got no cause of action and locus-standi to file the instant Appeal.
8. That the Appellant has been estopped by his own conduct.

ON FACTS


1. Pertains to record hence needs no comments.
2. Incorrect, the supervisory officer (SDPO) Rural : Mr. Imran Ullah Khan on 11.12.2023 at 11:00 PM to 5AM visited the said PP Mazanga , checked the strength of Police Nafri , it was found that in total strength 16 individuals in PP Mazanga 5 were on leave and 5 officials were absent including Rizwan Ullah No.229.
3. Incorrect, show cause notice was issued under Police Rules 1975. Reply was found unconvenceble hence the impugned order was issued.
4. Incorrect, the appeal of the appellant was turn down being devoid of merit and rest of the para is also incorrect, the dismissal order vide OB No.55 dated 15.01.2023 was issued after show cause notice.
5. Pertains to record, hence no comments.

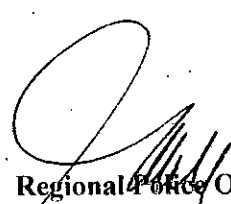
GROUND:

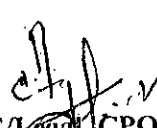
- A. Incorrect, the orders were issued according to law and Rules.
- B. Incorrect, the order issued by respondent No.3 on 18.01.2023 is according to law.
- C. Incorrect, the appellant was dealt as per Police Rules.
- D. Incorrect, the act of respondent No 2 & 3 were according to law and rules, no violation of Article 10A of the Constitution of Islamic Republic of Pakistan 1973.
- E. Pertains to record hence needs no comments.
- F. Incorrect, both the impugned orders are according to land laws specified for the purpose.
- G. The respondents departments seek permission to raise additional grounds at the time of arguments.

PRAYER:

In view of the above Para wise comments, it is most humbly prayed that the Appeal of the Appellant may kindly be dismissed with cost.


District Police Officer,
Bannu
Respondent No. 3
(Syed Hthikhar Shah)
Incumbent


Regional Police Officer
Bannu, Region Bannu
Respondent No. 2
(Qasim Ali Khan PSP)
Incumbent


DIG/Legal, CPO
For Inspector General of Police,
KP, Peshawar
Respondent No. 1
(Dr. Muhammad Akhtar Abbas)
Incumbent

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(Respondents)


AUTHORITY LETTER.

Mr. Muhammad Farooq Khan DSP Legal Bannu, is hereby authorized to appear before Honorable Tribunal on behalf of the undersigned in the above cited Appeal.

He is authorized to submit and sign all documents pertaining to the present Appeal.


**District Police Officer
Bannu
Respondent No.3
(Syed Ifthikhar Shah)
Incumbent**


**Regional Police Officer
Bannu, Region Bannu
Respondent No. 2
(Qasim Ali Khan PSP)
Incumbent**


**DIG Legal, CPO
For Inspector General of Police,
KP, Peshawar
Respondent No. 1
(Dr. Muhammad Akhtar Abbas)
Incumbent**

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

I Mr. Syed Iftikhar Shah DPO Bannu, representative for Respondent Nos.1 to 3, do hereby solemnly affirm and declare that the contents of the accompanying comments submitted by us are true and correct to the best of our knowledge and belief and that nothing has been concealed from this Honorable Tribunal.

It is further stated on oath that in this appeal, the answering respondents have neither been placed ex. Parte nor their defense has been struck off.



DEPONENT
DPO Bannu
Syed Iftikhar Shah

(5)

B

PUNISHMENT ORDER

The following Constables posted to sensitive Police Posts: However, it has been reported that they remain absent most of the time and do not perform their duty efficiently. They pay no attention to the directions issued by the undersigned and do not mend their ways. They are habitual absentee.

- | | |
|-----------------------------------|-----------------------|
| 1. Constable Wasim Ullah No. 1562 | PP Mazanga |
| 2. Constable Rizvan Khan No. 2291 | PP Mazanga |
| 3. Constable Haq Nawaz No. 157 | PP Mazanga |
| 4. Constable Sair Ullah No. 566 | Cook PP Mazanga |
| 5. Constable Nayab Khan No. 971 | Cook PP Sheikh Landak |
| 6. Constable Parmez Khan No. 662 | Cook PS Haved |

Keeping in view of the above, the undersigned meticulously perused all the relevant record. Being habitual absentee their further retention in service would be detrimental and burden over shoulders of the Department. In the current situation of terrorism, their absence have put other officials of the concerned Police Posts at risk, therefore, I, Dr. Muhammad Iqbal, District Police Officer, Bannu, in exercise of the power vested in me under Police Rule 1975(As amended vide Govt. of Khyber Pakhtunkhwa Gazette Notification of even No: dated 27th of August 2014) hereby awarded them Major Punishment of "Dismissal from Service" with immediate effect.

OR No. 55

Dated: 15.10.2023

(Dr. MUHAMMAD IQBAL)PSP
 District Police Officer,
 Bannu.
 Tel: 0928-9270038
 Fax: 0928-9270045
 Email: dpobannu2@gmail.com

Better copy "B"

PUNISHMENT ORDER

The following Constables posted to sensitive Police Posts: However. It has been reported that they remain absent most of the time and do not perform their duty efficiently. They pay no attention to the directions issued, by, the undersigned and do not mend their ways. They are habitual absentee.

- | | |
|-----------------------------------|------------------------|
| 1. Constable Wasim Ullah No, 1562 | PP Mazanga |
| 2. Constable Rizwan Khan No. 2291 | PP Mazanga |
| 3. Constable Haq Nawaz No. 157 | PP Mazanga |
| 4. Constable Sair Ullah No. 566 | Cook PP Mazanga |
| 5. Constable Nayab Khan No. 971 | Cook PP. Sheikh Landak |
| 6. Constable Parmez Khan No. 662 | Cook PS Haved |

Keeping in view of the above, the undersigned meticulously perused all the relevant record. Being habitual absentee their further retention in service would be detrimental and burden over shoulders of the Department. In the current situation of terrorism, their absence have put other officials of the concerned Police Posts at risk, therefore, I. Dr. Muhammad Iqbal, District Police Officer, Bannu, in exercise of the power vested in me under Police Rule 1975(As amended vide Govt: of Khyber Pakhtunkhwa Gazette Notification of even No: dated 27th of August 2014) hereby awarded them Major Punishment of "Dismissal from Service" with immediate effect.

OB No. 55

Dated: 15-01-2023

(Dr. MUHAMMAD IQBAL)

PSP District Police Officer, Bannu.

Tel: 0928-9270038

Fax:0928-9270045

Email: dpobannu2@gmail.com



This order will dispose of departmental appeal, preferred by Ex-Cook constable Nizwan Khan No.2291 of District Bannu, wherein he has prayed for setting aside the order of major punishment of "Dismissal from service", imposed upon him by DPO Bannu vide OH No.58 dated 18.01.2023 for committing the following misconduct:-

That as reported by SDPO Bannu, Bannu, the appellant was found absent without any sanctioned leave or prior permission from the competent authority. The appellant did not perform his duty efficiently. He did not pay attention to the directions issued by the DPO Bannu and did not meet his way. He is habitual absentee.

Comments, service record and other relevant papers were received from DPO Bannu vide his office letter No.968/SRC, dated 21.02.2023 and perused in detail. The DPO Bannu has reported that the appellant was issued Show Cause Notice vide No.1835/SC dated 17.01.2023, but his reply was found unsatisfactory. The appellant being habitual absentee, has further retention in service would be detrimental and burden over the shoulder of the department. Post an enquiry, therefore, the competent authority (DPO Bannu) has awarded the appellant major punishment of "Dismissal from service" vide OH No. 58 dated 18.01.2023. The plea was not found convincing. He had recruited an "award" at a rate of Rs.10,000/- per month to perform duties in his place while he himself was doing private business. The introduction of this duty culture is extremely dangerous in police department and cannot be allowed to go unchecked.

Therefore, I, Syed Ashfaq Ahmad, PST, Regional Police Officer, Bannu Region (appointed in 2014) hereby reject his appeal and endorse the punishment awarded to him by DPO Bannu vide OH No. 58 dated 18.01.2023.

ORDER ANNOUNCED
OH No. 1817/SC
Dated 26.01.2023

No. 1817/SC, dated Bannu the 26/01/2023

DPO-Bannu for necessary action with the office letter No. cited above. Complete Service Roll and other relevant papers of Ex-FC Nizwan Khan No.2291 of District Bannu are sent herewith for record in your office which may be acknowledged, please.

Regional Police Officer,
Bannu Region,
Bannu

Regional Police Officer,
Bannu Region,
Bannu

Amir



CHIEF



BETTER COPY "D"

ORDER:

This order will dispose of departmental appeal, preferred by Ex-Cook constable Rizwan Khan No. 2291 of District Bannu, wherein he has prayed for setting aside the order of major punishment of "Dismissal from service", imposed upon him by DPO Bannu vide OB No. 58 dated 18.01.2023 for committing of following misconduct:

- That as reported by SDPO Rural-I, Bannu, the appellant was found absent without any sanctioned leave or prior permission from the competent authority. The appellant did not perform his duty efficiently. He did not pay attention to the directions issued by he DPO Bannu and did not mend his way. He is habitual absentee.

Comments, service record and other relevant papers were received from DPO Bannu vide his office letter No. 968/SRC, dated 21.02.2023 and perused in detail. The DPO Bannu has reported that the appellant was issued Show Cause Notice vide No. 18/SRC dated 17.01.2023 but his reply was found unsatisfactory. The appellant being habitual absentee, his further retention in service would be detrimental and burden over the shoulder of the department. In the current situation of terrorism his absence has put other officials of the concerned Police Post at risk. Therefore, the competent authority (DPO Bannu) has awarded the appellant major punishment of "Dismissal From Service" vide OB No. 58 dated 18.01.2023. the appellant was heard in person in orderly room held in RPO Office Bannu on 06/04/2023. His plea was not found convincing. He had recruited an "Iwazi" at a rate of Rs; 10,000/- per month to perform duties in his place while he himself was doing private business. The introduction of his dirty culture is extremely dangerous in police department and cannot be allowed to go unchecked.

Therefore, I Syed Ashfaq Anwar PSP, Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules, 1975 (amended in 2014) hereby reject his appeal and endorse the punishment awarded to him by DPO Bannu vide OB No. 58 date 18.01.2023.

ORDER ANNOUNCED

OB No. 23

Dated: 20-04-2023

Regional Police Officer,
Bannu Region,
Bannu

No. 1217 / EC, dated Bannu the 20/04/2023

Cc:

DPO Bannu for necessary action ___ his office letter No. cited above. Complete Service Roll and other relevant papers of Ex-FC Rizwan Khan No. 2291 of District Bannu are sent herewith for record in your office, which may be acknowledged, please.



Regional Police Officer,
Bannu Region,
Bannu

Received by:

No. 12 /SRG, dated 12/1/2023.

(Dr. MUHAMMAD IQBAL) PSP
District Police Officer,
Bannu.

You should submit reply to this show cause notice within 07 days of the receipt of the notice falling which an ex parte act on will be taken against you. You are further directed to info in the undersigned that with to be heard in person or by reason of absence you have rendered yourself liable to be proceeded under rule 5(1) of the Khyber Pakhtunkhwa Police Rules (as amended vide Khyber Pakhtunkhwa Gazette Notification No. 27 of August 2014), hence these round of action.

You are therefore called upon to show cause as to why you should not be dealt with in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred above.

That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes to take action against you by awarding one or more of the kind and punishments as provided in the rules.

That your attention in the police force will amount to encourage a spirit of efficiency and becoming a good police officer.

That the misconduct on your part is a judicial order of discipline and not a police enquiry officer.

That by reason of above, as sufficient material is placed before the undersigned, therefore it is decided to proceed against you in general police proceeding with a view to the misconduct, negligence in duty.

Such an act on your part is against service discipline and amount to gross misconduct, unbecomingly, 13.01.2023 but your appeal have been found illogical, irrational, irrelevant and departmentally. which amounts to gross misconduct and make you liable to be punished taking interest in your official duty and are not obeying the orders of your superior. The PP who are lives were at stake because of your absence. If mean the PP are not permission from the competent authority. Thus only 06 personnel were present in 05 officers were absent from your place of duty without any leave or prior individuals in PP Mazang, P5 Haved, 05 were on leave while you the above named 11.12.01.2021, time 11:10 to 05 AM depicts that out of total strength of 16 The pursuit of supervision report of SPO/Rural, Mirman Ullah Khan, dated

That you FC Rizwan No. 2291, FC Waqar Khan No. 1592, FC Sarullah No. 550, FC Wazir Nawaz No. 672, FC Haq Nawaz No. 157 have rendered yourselves liable to be proceeded under Rule 5(1) of the Khyber Pakhtunkhwa Police Rules (as amended vide Khyber Pakhtunkhwa Gazette Notification No. 27 of August 2014) for the following misconduct:

OFFICE OF THE DISTRICT POLICE OFFICER, BANNU.
SHOW CAUSE NOTICE
(Under rule 5 (1) KPR Police Rules, 1975)

(E)

(B)

Handwritten signatures and initials.

BETTER COPY "E"

OFFICE OF THE DISTRICT POLICE OFFICER, BANNU
SHOW CAUSE NOTICE

(Under Rules 5(03) KPK Police Rules, 1975)

That you FC Rizwan No. 2291, FC Waseem Khan No. 1592, FC Sairullah No. 566, FC Wali Nawaz No. 677, FC Haq Nawaz No. 157 have rendered yourselves liable to be proceeded under Rule 5(3) of the Khyber Pakhtunkhwa Police Rules (As amended vide Khyber Pakhtunkhwa gazette Notification No. 27th of August 2014) for the following misconduct:

- The perusal of supervision report of SDPO/Rural-1, Mr Imran Ullah Khan, dated 11.12.2023, time 11PM to 05 AM, depicts that out of total strength of 16 individuals in PP Mazanga, PS Haved, 05 were on leave while you the above named 05 officials were absent from your place of duty without any leave or prior permission from the competent authority. Thus only 06 personnel were present in the PP whose lives were at stake because of your absence. It means that you are not taking interest in your official duty and are not obeying the orders of your seniors which amounts to gross misconduct and make you liable to be punished departmentally.
- That you were issued Explanation Notices vide this office No. 12/SRC, dated 13.01.2023 but your replies have been found illogical, irrational, irrelevant and unsatisfactory.
- Such an act on your part is against service discipline and amounts to gross misconduct / negligence in duty.

That by reason of above, as sufficient material is placed before the undersigned; therefore it is decided to proceed against you in general police proceeding without aid of enquiry officer.

That the misconduct on your part is prejudicial to good order of discipline in the police force.

That your retention in the police force will amount to encourage in efficient and unbecoming of good police officers:

That by taking cognizance of the matter under inquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.

You are, therefore called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules 1975 for the misconduct referred to above.

You should submit reply to this show cause notice within 07 days of the receipt of the notice failing which an ex-parte action shall be taken against you.

You are further directed to inform the undersigned that wish to be heard in person or not. By reason of above you have rendered yourself liable to be proceeded under Khyber Pakhtunkhwa Police Rules (As amended vide Khyber Pakhtunkhwa gazette Notification No. 27th of August 2014), hence these ground of action.

(Dr. MUHAMMAD IQBAL) PSP
District Police Officer
Bannu

No. 18 /SRC, dated 17/01/2023.

Received by : _____

