

5. We have before us two inquiry reports of the same officer and are unable to reach a conclusion as in both the reports, there are two different recommendations.

6. Therefore, we set aside the impugned orders as well as the inquiry reports and remit the matter back to the authority for proper de-novo inquiry duly associating the appellant with the same and also providing him chance of hearing in his defense. Appellant is reinstated into service for the purpose of inquiry. The issue of back benefits shall be subject to the outcome of inquiry.

7. Before parting with, we would direct the Inspector General of Police to conduct inquiry as to why and how two inquiry reports were submitted by the DSP and why two different numbers were given? The result of inquiry be communicated to the Tribunal through its Registrar within 30 days of receipt of this order. Copy of this order be sent to the IGP for conducting inquiry. Costs shall follow the event. Consign.

8. *Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 11<sup>th</sup> day of July, 2024.*



(Rashida Bano)  
Member (J)



(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*

ORDER

11<sup>th</sup> July, 2024

**Kalim Arshad Khan, Chairman:** Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Appellant's case in brief, as per averments of appeal, are that he was appointed as Constable on 31.12.2019 in the Police Department; that vide order dated 08.11.2020, he was discharged from service under Rule-12.21 of Police Rules, 1934; that his departmental appeal (undated) was entertained and he was reinstated in service for the purpose of de-novo inquiry; that after submission of the de-novo inquiry report, he was again discharged on the ground of absence vide order dated 10.02.2021; that feeling aggrieved, he filed departmental appeal but the same was rejected on 12.07.2021, hence, the instant service appeal.

3. Arguments heard. Record perused.

4. There are two inquiry reports. One produced by the appellant and other by the respondents. The inquiry report produced by the appellant bearing No.80 dated 11.01.2021, wherein, recommendation was made for extending warning to the appellant, whereas, the other produced by the respondents is bearing No.79 of 11.01.2021 by the same DSP, wherein, suitable punishment was recommended.

