

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

Appeal No. 221/2024

HAQ NAWAZ

(Appellant)

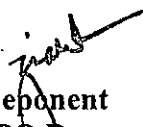
VERSUS

IGP etc.

(Respondents)

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Deponent
DPO Bannu
Zia-ud-Din Ahmed (PSP)

(1)

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

Appeal No. 221/2024

HAQ NAWAZ

(Appellant)

VERSUS

IGP etc.

(Respondents)

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, however during his service while performing official duty the appellant service record is found tainted.
2. Correct to the extent, that the appellant was dismissed from service due to absence from duty without permission or any cogent reason. His appeal was dismissed being devoid of merit.
3. Correct hence no comments.
4. The revision petition was accepted due to his long service i.e 15 years.
5. Incorrect, his appeal was partially accepted, he was reinstated but without back benefit. The competent authority has power to take any kind of action in the parameter of law.
6. Pertains to record.
7. Respondents might be providing sufficient evidence on his part.

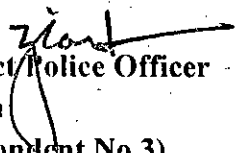
GROUND:

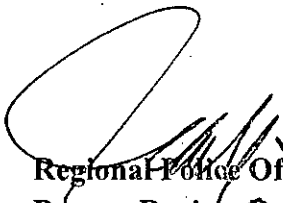
- A. Incorrect, respondent No.1 has the power, after previewing the service record and enquiry file of the appellant; he was reinstated instead of back benefits being habitual absentees were found on his part.

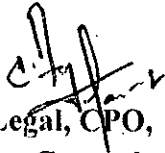
- B. Incorrect, he was reinstated by respondent No.1 on sympathetic considerations, besides; the appellant was habitual absentee and did not perform his duty efficiently as per service record.
- C. Pertains to record, hence no comments.
- D. The proceedings were carried out in according to Police Rules 1975 being special laws for the said purpose i.e Enquiry proceedings. The competent authority has power to reinstate with back benefit or without back benefit. Keeping the facts of each case.
- E. Incorrect, the appellant having a colorful service record, being habitual absentee therefore, was not entitled for back benefit.
- F. The appellant left the Police post without any leave, permission or cogent reason. The fault is on his part "Appellant" instead of department.
- G. The respondents department seek permission of this Honorable Tribunal for further/ 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)
 (Zia -ud- Din Ahmed (PSP))
 Incumbent


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


 DIG/Legal, CPO,
 For Inspector General of Police,
 Khyber Pakhtunkhwa, Peshawar.
 (Respondent No.1)
 (DR. Muhammad Akhtar Abbas) PSP
 Incumbent

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

Appeal No. 221/2024

HAQ NAWAZ

(Appellant)

VERSUS


IGP etc.

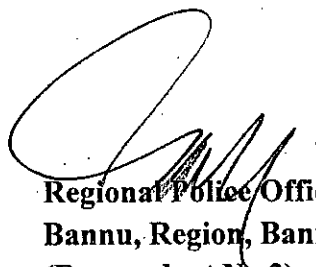
(Respondents)


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)
(Zia ud-Din Ahmed (PSP)
Incumbent**


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


**DIG/Legal, CPO,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.1)
(DR. Muhammad Akhtar Abbas) PSP
Incumbent**

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

Appeal No. 221/2024

HAQ NAWAZ

(Appellant)

VERSUS

IGP etc.

(Respondents)

AFFIDAVIT.

I, Mr. **Zia -ud- Din Ahmed (PSP) 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.

Ziaud
**Deponent
DPO Bannu
Zia-ud-Din Ahmed (PSP)**





OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

ORDER

Amx "D"

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted Ex-FC Haq Nawaz No. 157. The petitioner was dismissed by DPO Bannu vide OB No. 58 dated 18.01.2023 on the allegations that as reported by SDFO Rural-I, Bannu, the appellant was 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 mend his way. He is habitual absentee. He had recruited an "Iwazi" at a rate of Rs: 10,000/- per month to perform duties at his place while he was doing private business. RPO Bannu Rejected his instant appeal vide order Endst: No. 1218/EC, dated 20.04.2023.

Meeting of Appellate Board was held on 17.08.2023 wherein petitioner was heard in person. Petitioner contended that that he was on light duty and also had heart bypass surgery.

Perusal of the record revealed that no proper departmental enquiry was conducted. The petitioner also has a long service of 15 years and 17 days. The Board is of the opinion that the penalty imposed on the petitioner is harsh therefore his revision petition is hereby accepted. He is reinstated into service with immediate effect. The out of service period & absence period is treated as leave without pay.

Sd/-

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

No. S/ 2162-67 /23, dated Peshawar, the 22-08 /2023.

Copy of the above is forwarded to the:

1. Regional Police Officer, Bannu. One Service Roll & One Fuji Missal of the above named Ex-FC received vide your office Memo: No. 1709/EC, dated 01.06.2023 is returned herewith for your office record.
- ✓ 2. District Police Officer, Bannu.
3. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: E-IV CPO Peshawar.

80/SRC/0151

For Mgr & Justice Process

District Police Office
BANNU

04/09/2023.

Attested to be true
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(DR. ZAHID ULLAH) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Dr. Zahid Ullah
AIG/Establishment

7637
04-09-2023
A-1552
04-09-2023

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 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: 15/11/2023

(Dr. MUHAMMAD IQBAL)PSP
District Police Officer,
Bannu.
Tel: 0928-9270038
Fax :0928-9270035
Email: dpobannu2@gmail.com

Attested to be true
Copy

Dr. Muhammad Iqbal
08-10-2023

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 way. They are habitual absentee.

1. Constable Wasim Ullah No. 1562
2. Constable Rizwan Khan No. 2291
3. Constable Haq Nawaz No: 187
4. Constable Sair Ullah No. 566
5. Constable Nayab Khan No. 971
6. Constable Parmez Khan No. 662

PP Mazanga
PP Mazanga
PP Mazanga
Cook PP Mazanga
Cool PP Sheikh Landak
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 27h 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

Attested to be true
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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

ORDER

This order is hereby passed to degree of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted Fs-FC Haq Nawaz No. 157. The petitioner was dismissed by DPO Bannu vide OB No. 58 dated __.01.2023 on the allegations that as reported by SDPO Rural-I, Bannu. The appellant was absent without any sanctioned leave or prior permission from the competent authority. The appellant did not performs his duty efficiency. He did not pay attention to the directions _____ by the DPO Bannu and did not _____ his way. He is habitual absentee. He had re _____ in a rate of Rs. 10,000/- per month to perform duties at his place while he was doing private _____. RPO Bannu Rejected his instant appeal vide order Endst No. 121_/EC. Dated 20. 1. 2023.

Meeting of Appellate Board was held on 17.01.2023 wherein petitioner was heard in person. Petitioner _____ that he was on night duty and also had bypass surgery.

Perusal of the record revealed that no proper departmental enquiry was conducted. The petitioner also has a long service of 15 years and 17 days. The Board is of the opinion that the penalty imposed on the petitioner is hereby therefore his revision petition is hereby accepted. He is reinstated into service with immediate effect. The out of service period & absence is treated as leave without pay.

Sd/-

Additional Inspector General of Police,
HQts: Khyber Pakhtunkhwa, Peshawar.

No. 8 ___-2162—67----/23 dated Peshawar the 22-09/2023

Copy of the above is forwarded to the:

1. Regional Police Officer, Bannu. One service Roll & One Fuji Missal of above named Ex-FC received vide your office Memo No 1709/EC, dated 01.06.2023 is returned herewith for your office record.
2. District Police Officer, Bannu.
3. AIG/legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Addl. IGP/HQrs Khyber Pakhtunkhwa Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: E-IV CPO, Peshawar.

(DR ZAHID ULLAH) PSP
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Attested to be true
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(Signature)

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This order will dispose of departmental appeal, preferred by Ex-Cook constable of Navaz Khan No.157 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 the 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 the 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.972/SRC, dated 21.02.2023 and perused in detail. The DPO Bannu has reported that the appellant was issued Show Cause Notice vide No.25/SRC dated 19.01.2023 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 at his place while he himself was doing private business. The introduction of this 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 (amended in 2014) hereby reject his appeal and endorse the punishment awarded to him by DPO Bannu vide OB No. 58 dated 18.01.2023.

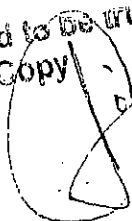
ORDER ANNOUNCED
OB No. 84
Dated 20/04/2023.

Regional Police Officer,
Bannu Region,
Bannu

No. 1218 /EC, dated Bannu the 20/04/2023

Cc: DPO-Bannu for necessary action w/r to his office letter No. cited above. Complete Service Roll and other relevant papers of Ex-FC Haq Nawaz Khan No.157 of District Bannu are sent herewith for record in your office which may be acknowledged, please.

Attested to be true
Copy



Regional Police Officer,
Bannu Region,
Bannu

DPO Bannu
08-10-2023