KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,PESHAWAR

BEFORE: **KALIM ARSHAD KHAN** ... **CHAIRMAN**
MUHAMMAD AKBAR KHAN ... **MEMBER(Executive)**

Service Appeal No.4951/2021

Date of presentation of Appeal.....13.04.2021
Date of Hearing.....10.07.2024
Date of Decision.....10.07.2024

Sawar Khan S/O Roshan Khan, R/o Chaghr Matti, Peshawar, Constable No.1866/428, FRP Hqr: Peshawar.....***(Appellant)***

Versus

1. **Superintendent of Police,** Hqrs: Peshawar.
2. **Capital City Police Officer,** Peshawar.....(***Respondents***)

Service Appeal No.4952/2021

Date of presentation of Appeal.....13.04.2021
Date of Hearing.....10.07.2024
Date of Decision.....10.07.2024

Qazi Fazal Dad S/O Qazi Zahir Shah, R/o Badaber, Peshawar Constable No.3751, Police Line, Peshawar.....***(Appellant)***

Versus

1. **Superintendent of Police,** Hqrs: Peshawar.
2. **Capital City Police Officer,** Peshawar.....(***Respondents***)

Service Appeal No.4953/2021

Date of presentation of Appeal.....13.04.2021
Date of Hearing.....10.07.2024
Date of Decision.....10.07.2024

Fasih Ud Din S/O Muhammad Yousaf, R/o Musazai, Peshawar, Constable No.2612, Police Line Peshawar.....***(Appellant)***

Versus

1. **Superintendent of Police,** Hqrs: Peshawar.
2. **Capital City Police Officer,** Peshawar.....(***Respondents***)

Service Appeal No.4954/2021

Date of presentation of Appeal.....13.04.2021
Date of Hearing.....10.07.2024

Date of Decision.....10.07.2024

Rooh Ullah S/O Sultan Muhammad, R/o Chaghr Matti, Peshawar, Constable No.1924, Police Line, Peshawar .....***(Appellant)***

Versus

1. **Superintendent of Police,** Hqrs: Peshawar.
2. **Capital City Police Officer,** Peshawar.....***(Respondents)***

Service Appeal No.4955/2021

Date of presentation of Appeal.....09.04.2021
Date of Hearing.....10.07.2024
Date of Decision.....10.07.2024

Naveed Ullah S/O Muhshtaq Ahmad, R/o Regi, Peshawar Constable No.5449, Police Line, Peshawar.....***(Appellant)***

Versus

1. **Superintendent of Police,** Hqrs: Peshawar.
2. **Capital City Police Officer,** Peshawar.....***(Respondents)***

Present:

Mr. Arbab Saiful Kamal, Advocate.....For the appellant
Mr. Muhammad Jan, District Attorney .....For respondents

APPEALS UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST ORDER DATED 20.01.2021 OF RESPONDENT NO.1, WHEREBY, APPELLANT WAS AWARDED MAJOR PUNISHMENT IN REDUCTION TO LOWER STAGE OF TIME SCALE FOR A PERIOD OF ONE YEAR, CANCELLATION OF PASSING OF LOWER COLLEGE COURSE AND WITHDRAWAL OF ENTRY OF A1 IN SERVICE ROLL OR OFFICE ORDER DATED 18.03.2021 OF R. NO.02, WHEREBY APPEAL OF APPELLANT WAS REJECTED/FILED FOR NO LEGAL REASON.

CONSOLIDATED JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Through this single judgment, the above five appeals, are jointly taken up, as all are similar in nature and almost with the same contentions, therefore, can be conveniently decided together.

2. Brief facts of the cases as per averments of the appeals, are that appellants were serving in the Police Department as Constables; that on 25.09.2020, they were issued charge sheets on the allegations of fake entries in the A1 and B1 Examinations; that they submitted replies to the charge sheets and an inquiry was conducted to probe into the matter; that as a result of the above proceedings, they were given penalty of reduction to lower stage of time scale for a period of one year and cancelled their Lower College Courses vide impugned orders dated 20.01.2021.

3. Feeling aggrieved, they filed departmental appeals but the same were rejected, therefore, they filed the instant service appeals.

4. On receipt of the appeals and their admission to full hearing, the respondents were summoned, who put appearance and filed written replies to the instant service appeals. The defense setup was a total denial of the claim of the appellants.

5. We have heard learned counsel for the appellants and learned District Attorney for respondents.

6. The learned counsel for the appellants reiterated the facts and grounds detailed in the memo and grounds of the appeals while the learned District Attorney controverted the same by supporting the impugned order(s).

7. The reply of the respondents shows that the appellants were found having unlawful managing and manipulating to make fake entry of A1 and B1 Examinations, and for the purpose, the respondents conducted inquiry. We have perused the inquiry report, which is bereft of the details regarding anything unearthing the facts as to how unlawful management and manipulation were made by the appellants to make fake entry, especially, when nobody from the concerned school/training center was examined, which issued result, nor any record was sought to be produced by the concerned who issued the results and so much so, there is nothing pointed out in the inquiry report as to how the alleged acts of omission or commission were brought in the knowledge of the authorities. All these factors render the inquiry report of no avail.

8. Therefore, we allow these appeals and set aside the impugned orders by remitting the matters back to the respondents for conducting proper inquiry, answering the above points. Copy

of this order be placed on files of all the connected cases. Costs shall follow the event. Consign.

9. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 10th day of July, 2024.*

KALIM ARSHAD KHAN
Chairman

MUHAMMAD AKBAR KHAN
Member (Executive)

Mutazem Shah

S.A #.4951/2021

ORDER

10th July. 2024

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

2. Vide our consolidated judgment of today placed on file, we allow the instant appeal and set aside the impugned order by remitting the matter back to the respondents for conducting proper inquiry. Costs shall follow the event. Copy of the judgment be placed on files of connected cases. Consign.

3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 10th day of July, 2024.*

(Muhammad Akbar Khan)
Member (E)

(Kalim Arshad Khan)
Chairman

Mutazem Shah