

Service Appeal No.4531/2021 titled "Aamir Shehzad Vs. Police Department"

ORDER

19th July. 2024

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

2. Appellant's case in brief is that he was serving as Constable in the Police Department; that he was charged in FIR No.191 dated 28.12.2018 U/S 302/34 PPC Police Station Nizam Pur, Nowshera; that vide impugned order dated 02.04.2019, he was dismissed from service; that feeling aggrieved, he filed departmental appeal followed by revision petition under Rule-11A of the Police Rules, 1975, which were dismissed, hence, the instant service appeal.

3. Arguments heard. Record perused.

4. Perusal of record reveals that FIR No.191 dated 28.12.2018 U/S 302/34 PPC Police Station Nizampur, Nowshera was lodged against the appellant, due to which, he was proceeded disciplinarily and was dismissed from service vide order dated 02.04.2019 by the District Police Officer, Nowshera. He was proceeded departmentally before the outcome of criminal case.

5. Although the appellant approached the respondents through filing departmental appeal as well as Revision Petition under Rule-11A of the Police Rules, 1975, but the representations of the appellant show that he was not fugitive rather he had approached the respondents and the respondents

ought to have considered the request of the appellant instead of straight away dismissing the representations of the appellant.

6. Besides, in the impugned order dated 02.04.2019, there is mention of final show cause notice which has been served through Nazim Village Council, Khan Kohi, who had nothing to do with the case of the appellant, nor was he (the Nazim of Village Council) responsible for service of notice upon appellant.

7. Keeping in view the above situation, the impugned order dated 02.04.2019 is set-aside, appellant is reinstated into service and the matter is remitted back to the respondents for the purpose of proper inquiry, which is to be conducted within 60 days of the receipt of this order. The issue of back benefits shall be subject to the outcome of de-novo inquiry. Costs shall follow the event. Consign.

8. *Pronounced in open Court at Peshawar given under our hands and seal of the Tribunal on this 19th day of July, 2024.*



(Rashida Bano)
Member (J)



(Kalim Arshad Khan)
Chairman

Mutazem Shah