

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 303/2024

Muhammad Tahir, Ex- Constable No. 960,

.....Petitioner

VERSUS

1. The Regional Police Officer, Kohat Region, Kohat.
2. The District Police Officer, Kohat.

.....Respondents

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Deponent

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

p-1)

Service Appeal No. 303/2024

Muhammad Tahir, Ex- Constable No. 960,

.....Petitioner

Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 13482

Dated 13-06-2024

1. The Regional Police Officer, Kohat Region, Kohat.
2. The District Police Officer, Kohat.

.....Respondents

COMMENTS ON BEHALF OF RESPONDENTS NO. 1 & 2.

Respectfully Sheweth:-

The Para -Wise comments are submitted as under:

Preliminary Objections:-

- i. That the appellant has got no cause of action.
- ii. That the appellant has got no locus standi to file the Instant appeal.
- iii. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
- iv. That the appellant is stopped to file the instant appeal due to his own act/conduct.
- v. That the appeal is bad in eyes of law and not maintainable.
- vi. That the appellant has not approached the honorable Tribunal with clean hands.
- vii. That the appeal is barred by law and limitation.

Facts.

1. Pertains to Service Record.
2. Incorrect: The appellant, namely Muhammad Tahir, who was accused of murdering his wife and was charged with vide FIR No. 686 dated 04.06.2023 U/S 302 PPC, PS MRS. The pistol and its empties, which were recovered near the deceased on the spot along with the license of said pistol, were also in the name of Muhammad Tahir. The appellant, who had performed his duty in PP Khushal Garh on the day of occurrence, was absent from his official duty. (Copy of FIR No. 686 dated 04.06.2023 is attached as Annex "A").
3. Pertains to Court records.
4. Incorrect: Reply already given in the above vide para-2 that the appellant was absent from his official duty as posted in PP Khushal Garh on the same day the murder occurred in his house. The FIR mentioned in the above proceeding para was lodged against the appellant. The charge sheet, along with the statement of allegations, was issued to the appellant on 28.08.2023.

(Copy Charge sheet, statement of allegation dated 08.06.2023 & reply of charge sheet are attached as Annex "B & C"). The appellant was placed under suspension and close to Police Lines Kohat owing to his involvement/charged vide above cited FIR. (Copy of Suspension Order OB No. 518 dated 08.06.2023 is attached as Annex "D").

The appellant's previous service record shows that he was absent several times, as indicated in several Daily Diaries from his official duties. (Copies of DD No. 09 dated 19.01.2021 No. 49 dated 09.06.2021, and No. 13 dated 29.06.2021 are attached as Annex "E, F, & G"). The appellant was served with Show Cause Notice No. 3061/PA dated 05.07.2021 and was given a minor punishment in OB No. 509 dated 13.07.2021. (Copies of the Show Cause Notice dated 05.07.2021 and Order dated 13.07.2021 are attached as Annex "H" & "I").

5. Incorrect, the SP Investigation Kohat was nominated as enquiry Officer for conducting proper departmental inquiry against him. The Enquiry Officer after fulfilling all codal formalities, submitted findings, wherein the Enquiry Officer reported that the appellant is involved in the murder of his wife and found guilty. The Enquiry Officer submitted Enquiry Report wherein appellant was recommended for major punishment. Consequent upon receipt of findings and recommendation of Enquiry Officer appellant was served with Final Show Cause Notice. (Copies of Enquiry Report, Final Show Cause Notice No. 4968/PA dated 28.08.2023 and Dismissal Order OB No. 801 dated 21.09.2023 are attached as "J", "K" & "L").
6. Incorrect: The appellant was summoned and heard in person in Orderly Room by the competent authority on 09.01.2024, but failed to produce any cogent evidence in support of his innocence. Correct to the extent that the appellant filed departmental appeal, however he failed to provide cogent justification against allegations hence, his appeal was rejected on solid grounds by the appellate authority through speaking order dated 16.01.2024. (Copy of rejection of appeal dated 16.01.2024 is attached as Annex "M").


GROUNDS:-

- A. Incorrect: The order of respondents are quite legal and in accordance with law/rules.
- B. Incorrect: The enquiry Officer conducted enquiry proceedings strictly in accordance with Law, during which appellant was found guilty and awarded for major punishment.
- C. Incorrect: The allegations against appellant have already been proved on the enquiry.

- D. Incorrect: Reply already given vide para above. The appellant was placed under suspension and close to Police Lines Kohat owing to his involvement/charged vide above cited FIR and the copy of suspension order is already annexed (D) which never violated the said rules and articles.
- E. Reply already given vide para above.
- F. Incorrect: As already explained in above proceeding para.
- G. Incorrect: already explained in proceeding paras and answering respondents never violated Art. 10-A of the constitution of Pakistan nor deprived the appellant from his fundamental rights.
- H. The appellant has been treated in accordance with law/rules and the orders of respondents are quite legal as well.
- I. The Respondents also seek leave to raise additional grounds at the time of hearing.

Prayers:-

In view of the above, it is prayed that the appeal being not maintainable may graciously be dismissed with costs, please.


 District Police Officer,
 Kohat
 (Respondent No. 2)
(MUHAMMAD OMER KHAN) PSP


 Regional Police Officer,
 Kohat
 (Respondent No. 1)
(SHER AKBAR) PSP, S.St

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 303/2024
Muhammad Tahir, Ex- Constable No. 960,

.....Petitioner

VERSUS

1. The Regional Police Officer, Kohat Region, Kohat.
2. The District Police Officer, Kohat.

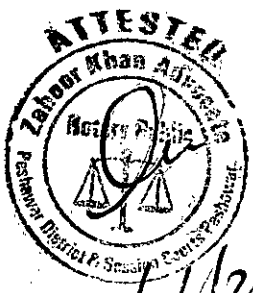
.....Respondents

AFFIDAVIT

I, Muhammad Omer Khan, District Police Officer, Kohat Respondent No. 2 do hereby solemnly affirm and declare on oath that the contents of objection petition are true and correct to the best of my knowledge and belief and nothing has been concealed from the Honorable Tribunal.

The answering respondents neither been placed on oath nor their defense stated at least.

Muhammad Omer Khan
District Police Officer,
Kohat
(Respondent No. 2)
(MUHAMMAD OMER KHAN) PSP



13/06/24

ابتدائی اطلاع رپورٹ

کنٹر

(فائل) ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردستی ۱۵۴ مجموعہ ضابطہ فوجداری

MRS

مختار

686

تاریخ و وقت وقوع 023 4:30 بجے

1	تاریخ و وقت رپورٹ 023 04:40 بجے	ایچ جیکب گپا پریس رومز 04:30 بجے
2	نام و سکونت اطلاع دہندہ و مشفق	اقبال خان ولد نیاز بت خان سکونت نانج آباد پشاور 0300 9333721
3	مختصر کیفیت جرم (موردہ) حال اگر کچھ بیا گیا ہو	302
4	جائے وقوعہ فاصلہ تھانہ سے اور ہیبت	گمراہ راسٹھا اذان طاہر واقع ڈھل پناو کا
5	نام و سکونت ملزم	طاہر ولد حوالدار خان سکونت ڈھل پناو کا
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو۔	برسید گمراہ ریلوے سٹیشن رپورٹ پر چہ دیا جاتا ہے
7	تھانہ سے روانگی کی تاریخ و وقت	رپورٹ سٹیشن رپورٹ

ابتدائی اطلاع نیچے درج کوفہ ہوتی ایک گمراہ ریلوے سٹیشن پر واقعہ
 نواز ASI بدست فائل نمبر 023 04:40 بجے رپورٹ سٹیشن رپورٹ پر موصول ہوئی ہے آفسیسر ایچ جیکب
 اطلاع KDA سٹیشن ایچ جیکب گپا پریس روم میں پیش اٹل مقولہ مسماہ مائیکر لایا زبرد طاہر خان ڈھل
 سکندر لغز قریب 29 سال بھرا چھا اس اقبل خان ولد نیاز بت خان سکونت نانج آباد پشاور
 کارڈ نمبر 6-3212613-17301-3333721 نمبر پر رپورٹ کرنا ہے کہ
 بھتیجی ام مسماہ مقولہ مسماہ لایا کی شادا قریب 3 ماہ قبل مسماہ ولد حوالدار خان سے ہونے لگا
 جتا کے مابین چند دنوں سے تعلقات صحیح نہیں تھے اور جمع اطلاع دل کہ بھتیجی ام مسماہ مائیکر لایا
 کو وقت محکم بلا خواہد اس طاہر نے زبرد اس کو آئین سے قتل کیا ہے اس اطلاع پر KDA سٹیشن
 آتا دیکھا کہ بھتیجی ام واقعی زبرد اس کو آئین قتل شدہ ہو رہے تھے لیکن یقین نہیں تھا کہ زبرد
 اس طاہر نے بھتیجی ام مسماہ مائیکر لایا کو نامعلوم جوتاس کی بنا پر قتل کیا ہے میں بھتیجی ام
 مسماہ مائیکر لایا کو قتل کرنے کا خلاف طاہر ولد حوالدار خان سکونت ڈھل پناو کا ڈھل پناو سٹیشن
 اردو اقبال خان رپورٹ بلو کی تائید پر ایچ جیکب طاہر ولد سید گمراہ پشاور پشاور پشاور پشاور
 ڈھل پناو سٹیشن ایچ جیکب طاہر ولد حوالدار خان سکونت ڈھل پناو کا ڈھل پناو سٹیشن ایچ جیکب
 کیا دست تسلیم کے زبرد اس کو خط اردو نمبر 023 04:40 بجے رپورٹ ملا کی تائید پر ایچ جیکب طاہر ولد حوالدار خان
 جس میں یقین تھا کہ تاہم مقولہ ہوا مائیکر لایا کا نقشہ ضرور موجود تھا اس وقت کے رپورٹ
 سٹیشن طاہر ولد حوالدار خان سکونت ڈھل پناو کا ڈھل پناو سٹیشن ایچ جیکب طاہر ولد حوالدار خان سکونت ڈھل پناو کا
 نواز ASI ارسال کیا ہے بعد 24 گھنٹہ کے بعد رپورٹ کے بعد RAI سٹیشن کیا جائے رپورٹ
 خالق نواز ASI سٹیشن ایچ جیکب طاہر ولد حوالدار خان سکونت ڈھل پناو کا ڈھل پناو سٹیشن ایچ جیکب
 رپورٹ سٹیشن ایچ جیکب طاہر ولد حوالدار خان سکونت ڈھل پناو کا ڈھل پناو سٹیشن ایچ جیکب
 RAI سٹیشن ایچ جیکب طاہر ولد حوالدار خان سکونت ڈھل پناو کا ڈھل پناو سٹیشن ایچ جیکب
 Sd/- PS: MRS 4-6-023

Attestd
MRS

MRS c/65 Pp-302 RD 688^o Ene Annex - "B"
04/06/2023 P. 6



Office of the
District Police Officer,
Kohat

No. 3029-30/PA

Dated 08-6-2023

CHARGE SHEET

I, MR. FARHAN KHAN PSP DISTRICT POLICE OFFICER, KOHAT, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you Constable Muhammad Tahir No. 960 rendered yourself liable to be proceeded against, as you have omitted the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.

0332-9629598

- i. You while posted at Police Post Khushal Garh were found involved / charged vide in case FIR No. 686 dated 04.06.2023 u/s 302 PPC PS MRS.
- ii. You were absented yourself from official duty vide Daily Diary Report No. 08 dated 29.05.2023 to till date.
- iii. Your above act shows in-efficiency, irresponsibility and professional gross misconduct on your part.

1226 (18/11/23)
6536-9661305

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.

3. You are, therefore, required to submit your written statement within 07 days of the receipt of this Charge Sheet to the enquiry officer.

Your written defense if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and ex-parte action shall be taken against you.

4. A statement of allegation is enclosed.

P.A

Attested
[Signature]

DISTRICT POLICE OFFICER,
KOHAT

Superintendent of Police
Investigation Kohat
14/6/23

737
14-6-2023

14/06/23

جناب عالی!



تقریریں ہے کہ میں کسی طاہرہ فرغانہ پولیس کنسٹیبل بیلڈ نمبر
542 ہوں اور کنسٹیبل و طاہرہ فرغانہ بیلڈ نمبر 960 میرا
سکہ بھائی ہے جو کہ فعلی طور پر مفروز ہے۔

طاہرہ فرغانہ بیلڈ نمبر

موبائل نمبر: 0316-5465692

0334-828206



Office of the
District Police Officer,
Kohat

No 3029-30/PA

Dated 08-6-/2023

DISCIPLINARY ACTION

I, **MR. FARHAN KHAN PSP, DISTRICT POLICE OFFICER, KOHAT** as competent authority, am of the opinion that you **Constable Muhammad Tahir No. 960** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

STATEMENT OF ALLEGATIONS

- i. ***You while posted at Police Post Khushal Garh were found involved / charged vide in case FIR No. 686 dated 04.06.2023 u/s 302 PPC PS MRS.***
- ii. ***You were absented yourself from official duty vide Daily Diary Report No. 08 dated 29.05.2023 to till date.***
- iii. ***Your above act shows in-efficiency, irresponsibility and professional gross misconduct on your part.***

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations SP / INVI 101 is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

**DISTRICT POLICE OFFICER,
KOHAT**

No 3029-30/PA, dated 08-6-/2023.

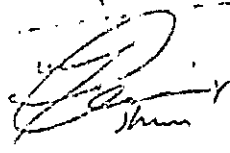
Copy of above to:-

1. SP / INVI 101 :- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
2. The **Accused official**:- with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the purpose of enquiry proceedings.

جناب عالی!

مزارش ہے کہ میں جس طاہرہ زان ہوں اس کے لئے پوری رقم
542 ہوں اور تین سبیل بر طاہرہ زان ہوں۔ پندرہ کا عہدہ
سنگہ جو ابھی ہے جو کہ ذیل حال مضمرہ رہے۔

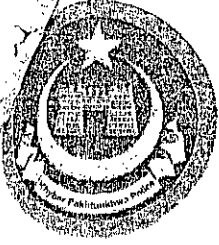
طاہرہ زان



Attested
M. A. Khan

موبائل نمبر 546569-0316

0534-8281206



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Tel: 0922-920116 Fax 920125

Annex - "D"

P-09

ORDER

Constable Muhammad Tahir No. 960 is hereby placed under suspension and closed to Police Lines Kohat due to his involvement / charged vide in case FIR No 686 dated 04.06.2023 u/s 302 PPC PS MRS.

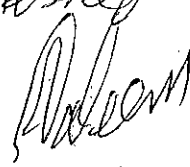

DISTRICT POLICE OFFICER,
KOHAT

OB No. 512 /
Dated, 03-06 /2023

No. 3015-16 /PA, dated 08-6 /2023

Copy of above to the:

1. Reader, SRC, OHC for necessary action

Attested


صالح کوٹھالی

تقلیہ ۵۹ روزانہ ۱۹/۰۱/۲۰۲۱

یو ایچ ایس ایف

۵۹ = حاضری از عمر حاضری حسب الرضی ۱۹/۰۱/۲۰۲۱

وقت ۵-۸ بجے اس وقت راکٹ کسٹنڈن ~~۹۶۰~~

اعجاز الحق ۴۵۱، عسکر ۵۰۵، عمر حاضری ۵۸ بجہ ۵۸

روزانہ ۱۸/۰۱/۲۰۲۱ سے حاضری آئے وہ عمر حاضری بیان کیے

کہہ دوران شبھی استمران بالہ صاحبان کو خود جواب دیں گے۔

مذکورہ مالہ کسٹنڈن کی حاضری از عمر حاضری دو بجہ روزانہ

آئے تقلیہ مع لفظیں مناسب کاروائی استمران بالہ صاحبان کو

ارسال ہوئی۔ جا۔ عالی

تقلیہ مطابق ایل او

Sit, Forwarded

CCe

تعلیمی

MM-line: 101

Lo-line: KT

19-01-2021

19-01-2021

Attested
Alam

D - H - M
01 : 0 : 05

Sio
forwarded

Sub Divisional Police
HQs: Kohat

صالح و صالح

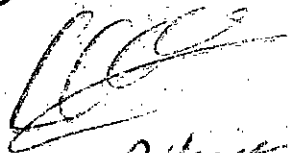
تاریخ 13 مورخہ 29-6-2021

تولیس کلکتہ

مر 13 حاضری ادر علیہ حاضری صا 29-6-21 مورخہ 15-09-21 اس وقت تک
 علیہ حاضری 960 مورخہ 15-09-21 مورخہ 1038 حاضری مورخہ
 مورخہ 49 مورخہ 15-09-21 حاضری مورخہ 15-09-21 حاضری مورخہ
 حاضری مورخہ 15-09-21 حاضری مورخہ 15-09-21 حاضری مورخہ
 حاضری مورخہ 15-09-21 حاضری مورخہ 15-09-21 حاضری مورخہ

محمد علی احمد

Attested
Mehm


 M.M.D. Dine
 29-06-2021

P-13
Annex - H²

OFFICE OF THE DISTRICT POLICE OFFICER KOHAT

SHOW CAUSE NOTICE

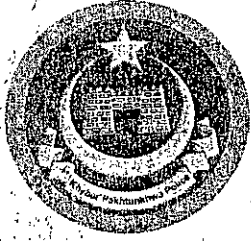
(Under Rule 5(2) KPK Police Rules, 1975)

1. That You Const. No 960 U/K/16 have rendered yourself liable to be proceeded under Rule 5 (2) of the Khyber Pakhtunkhwa Police Rules 1975 (Amendment 2014) for following misconduct;
 - i. ***As reported by Line Officer Police Lines Kohat vide DD No. 49 dated 29.06.2021 that you were deputed for Polio Special Duty at district Bannu, but you were found absent from official duty without any leave or permission from the competent authority, which is gross misconduct on your part.***
2. 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.
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the Police force will amount to encourage inefficient and unbecoming of good Police officers.
5. That by taking cognizance of the matter under enquiry, 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.
6. 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 (Amendment 2014) for the misconduct referred to above.
7. 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.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

No. 3061 /PA

Dated 05-7-2021


DISTRICT POLICE OFFICER,
KOHAT



P-14
Annex-17

OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Tel: 0922-9260116 Fax 9260125

ORDER

This order is passed on the departmental enquiry against Constable Tahir Khan No. 960 under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that as reported by Line Officer Police Lines Kohat that he were deputed for Polio Special Duty at district Bannu and found absent from Special duty vide DD No. 49 dated 29.06.2021 and make his arrival vide DD No. 13 dated 29.06.2021 (**absence period i.e only 07 hours**) without any leave or permission from the competent authority, which is gross misconduct on his part.

He was served with Show Cause Notice, reply of the Show Cause Notice was received and found unsatisfactory. He was called in OR and heard in person.

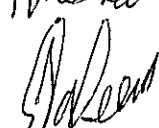
In view of above I, Sohail Khalid, District Police Officer, Kohat in exercise of the powers conferred upon me, award him a minor punishment of **fine of only Hundred rupees (Rs:100/-)** on accused official Constable Tahir Khan No. 960 with immediate effect.


DISTRICT POLICE OFFICER,
KOHAT

OB No. 509
Date 13-07-2021
No 4137-39 /PA dated Kohat the 13-07-2021.

Copy of above to the:-

1. Reader/SRC/OHC/Pay officer for necessary action.

Attested


ENQUIRY FINDINGS REPORT AGAINST CONSTABLE MUHAMMAD TAHIR Amm J
P-15

Charge sheet based on statement of allegation with documents received from, DPO Kohat vide No.3029-30/PA dated 08.06.2023, wherein in the following allegation were filed against Constable Muhammad Tahir. Content of allegation is as under:-

- I. "YOU WHILE POSTED AT POLICE POST KHUSHAL GARH WERE FOUND INVOLVED/CHARGED VIDE IN CASE FIR NO.686 DATED 04.06.2023 PPC PS MRS "
- II. "YOU WERE ABSENTED YOURSELF FROM OFFICIAL DUTY VIDE DAILY DIARY REPORT NO.08 DATED 29.05.2023 TO TILL DATED"
- III. "YOUR ABOVE ACT SHOWS IN-EFFICIENCY, IRRESPONSIBILITY AND PROFESSIONAL GROSS MISCONDUCT ON YOUR PART."

The undersigned was appointed as enquiry officer and above quoted charge sheet based on statement of allegation was served upon the defaulter against Constable Muhammad Tahir with the direction to submit his written statement before the undersigned within stipulated period.

Reply of the defaulter official was received, placed on file and found un-satisfactory. In order to dig out the real facts the following witnesses were examined and their statements duly signed were placed on file.

1. ACCORDING TO THE DAILY DIARY

According to the Daily Dairy No.08 dated 29.05.2023 at time of 18:00 hrs Muharar has counted of Police officials in PP Khushal Garh in which constable Muhammad Tahir No.960 found absent and his cell phone is switch off whom against absentee filed in D.D.

2. STATEMENT OF MUHARAR HUSSAIN SHAH

He stated that constable Muhammad Tahir No.960 is absent vide D.D No.29.05.2023 and not possible to come in post for duty.

3. STATEMENT OF OII AMAN ULLAH

He stated that he started investigation of case FIR No.686 dated 04.06.2023, pistol was lying near the deceased and empties was recovered from the spot as well as license of pistol on the name of Muhammad Tahir. The FSL result to came out positive. Constable Muhammad Tahir who was performed duty in PP Khushal Garh on the day of occurrence he was absent from official duty. There are no charring marks on the postmortem report which contradicts the statement of the accused as well as all members of his house father, brother etc they did not give statement against the accused. The occurrence has happened in his house of the accused. In the said case gave challan against the accused. Accused has confined in Kohat Jail.

FINDING

Keeping in view all the statements/available record that Constable Muhammad Tahir No.960 has murder her wife in his own house of their pistol. He was absconder from the day of occurrence after which he confined in Kohat jail..

CONCLUSION

From the enquiry conducted so far, the undersigned has reached to the conclusion that the Constable Muhammad Tahir No.960 is **found guilty** on account of murder her wife. Therefore he is recommended **Major Punishment**.

Submitted for perusal please

Attested
Noor Beem


Superintendent of Police,
Investigation Kohat



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-920116 Fax 920125
No 4468 /PA dated Kohat the 28/8 /2023

FINAL SHOW CAUSE NOTICE

1. I, **Mr. Farhan Khan PSP, District Police Officer, Kohat** as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975, (amended 2014) is hereby serve you **Constable Muhammad Tahir No. 960** as follow:-

- i. That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide office No. 3029-30/PA dated 08.06.2023.
- ii. On going, through the finding and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the inquiry officer.

I am satisfied that you have committed the following acts/omissions, specified in section 3 of the said ordinance.

- a. **You while posted at Police Post Khushal Garh were found involved / charged vide in case FIR No. 686 dated 04.06.2023 u/s 302 PPC PS MRS.**
- b. **You were absented yourself from official duty vide Daily Diary Report No. 08 dated 29.05.2023 to till date.**
- c. **Your above act shows in-efficiency, irresponsibility and professional gross misconduct on your part.**

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you major penalty provided under the Rules **ibid**.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

5. The copy of the finding of inquiry officer is enclosed.

Attested
Muhammad

**DISTRICT POLICE OFFICER,
KOHAT**

Prima facie
order.

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Annex- "L"



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

ORDER

This order is passed on the departmental enquiry against Constable Muhammad Tahir No. 960 under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that he while posted at Police Post Khushal Garh was found involved / charged vide in case FIR No. 686 dated 04.06.2023 u/s 302 PPC PS MRS.

- ii. He was absented himself from official duty vide Daily Diary Report No. 08 dated 29.05.2023 to 28.08.2023 (**absence period 90 days**)
- iii. His above act shows in-efficiency, irresponsibility and professional gross misconduct on his part.

He was served with charge sheet & statement of allegations. SP Investigation Kohat was appointed as enquiry officer to conducted proper departmental enquiry and to submit his finding within stipulated period. The accused official was associated with the proceedings and afforded ample opportunity of defense by E.O. The accused official was held guilty of the charges vide finding of the enquiry officer and recommended for major punishment.

He was served with Final Show Cause Notice, reply of Final Show Cause Notice received and found unsatisfactory. He was called in O.R held in this office on 20.09.2023, heard in person, but he did not submit plausible explanation in his defense.

In view of the above and available record, I agree with the findings of enquiry officer, therefore, in exercise of powers conferred upon me under the rules ibid I, Farhan Khan, District Police Officer, Kohat is hereby awarded a **major punishment of dismissal from service**. The absence period is treated as leave without pay. Kit etc issued be collected.

DISTRICT POLICE OFFICER,
KOHAT

Attested
Farhan

OB No. 801

Dated 21-9-2023

No. 5534-35 /PA dated Kohat the 24-9-2023.

Copy of above to the:-

1. Reader/Pay officer/SRC/OHC for necessary action.

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ORDER.

This order will dispose of the departmental appeal preferred by Ex-Constable Muhammad Tahir No. 960 of district Kohat against the order of District Police Officer, Kohat whereby he was awarded major penalty of dismissal from service vide OB No. 807 dated 21.09.2023. Brief facts of the case are that the accused official while posted at PP Khushal Garh was found involved in criminal case vide FIR No. 686 dated 04.06.2023 u/s 302 PPC PS-MRS Kohat. He absented himself from his lawful duty vide DD No. 08 dated 29.05.2023 to 28.08.2023 (absence period 90 days).


Proper departmental enquiry proceedings were initiated against him and SP Inv: Kohat was nominated as Enquiry Officer. The Enquiry Officer after fulfillment of codal formalities submitted his findings wherein the appellant was found guilty of the charges leveled against him. He was, therefore, recommended for major penalty under the relevant rules.

Keeping in view the recommendations of the Enquiry Officer and the above cited circumstances, the delinquent official was awarded major punishment of dismissal from service under the relevant rules by the District Police Officer, Kohat vide OB No. 807 dated 21.09.2023.

Feeling aggrieved from the order of District Police Officer, Kohat, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in the office of the undersigned on 09.01.2024. During personal hearing the appellant could not advance any plausible explanation in his defense.


Foregoing in view, I, Sher Akbar, PSP, S.St, Regional Police Officer, Kohat, being the appellate authority, am of the considered opinion that the allegations leveled against him have been fully established. The punishment of Dismissal from Service awarded by District Police Officer, Kohat to the appellant is justified and, therefore warrants no interference. Hence, appeal of Ex-Constable Muhammad Tahir No. 960 is hereby rejected, being devoid of substance and merit.

Order Announced
09.01.2024


Regional Police Officer,
Kohat Region

No. 508 /EC, Dated Kohat the 16/01/2024

Copy forwarded to District Police Officer, Kohat for information and necessary w/r to his office Memo: No. 7897/LB, dated 06.12.2023. His Service Record and Fauji Misal are returned herewith.

Attested


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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 303/2024
Muhammad Tahir, Ex- Constable No. 960,

.....Petitioner

VERSUS

3. The Regional Police Officer, Kohat Region, Kohat.
4. The District Police Officer, Kohat.

.....Respondents

AUTHORITY LETTER

Mr. Usman Ali Khan, DSP Legal Kohat is hereby authorized to file the parawise comments and any other registered documents in the Honorable Tribunal on behalf of respondents / defendant and pursue the appeal as well.


District Police Officer,
Kohat

(Respondent No. 2)
(MUHAMMAD OMER KHAN) PSP