


## Form- A

## FORM OF ORDER SHEET

Court of \_\_\_\_\_

Implementation Petition No. 337/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2.	3
1	03.05.2024	<p>The implementation petition of Mr. Shafi ur Rehman received today by registered post through Mr. Hmayun Khan Advocate. It is fixed for implementation report before touring Single Bench at A.Abad on _____</p> <p>Original file be requisitioned. AAG has noted the next date. The counsel for petitioner has been informed telephonically.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

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

E.P No. 337 /2024

IN

Appeal No. 525/2020

Shafi ur Rehman son of Sarfaraz(Ex-Head Constable), resident of Malkot  
Cum Gejbori, Tehsil & District Battagram.

...PETITIONER

**VERSUS**

Inspector General of Police Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

**APPLICATION FOR IMPLEMENTATION**

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4.	Copy of order	15	"C"
5.	Wakalatnama		

  
...PETITIONER

Through

Dated: 29/4/2024

  
(HAMAYUN KHAN)

&

  
(FAZLULLAH KHAN)  
Advocates High Court, Abbottabad

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

E.P No. 337 /2024

IN

Appeal No. 525/2020

Shafi ur Rehman son of Sarfaraz(Ex-Head Constable), resident of Malkot  
Cum Gejbori, Tehsil & District Battagram.

**...PETITIONER**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 12523

Dated 3/5/24

**VERSUS**

1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer/DIG Hazara Region at Abbottabad.
3. District Police Officer Battagram.

**...RESPONDENTS**

**APPLICATION FOR IMPLEMENTATION OF  
ORDER DATED 24/10/2023 PASSED BY THIS  
HONOURABLE TRIBUNAL IN APPEAL NO.  
525/2020 TITLED "SHAFI UR REHMAN V/S IGP &  
OTHERS".**

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Respectfully Sheweth:-

1. That petitioner filed service appeal No. 525/2020  
against the impugned order dated 13/03/2015

passed by respondent No. 3. Copy of appeal is attached as Annexure "A".

2. That on 24/10/2023 after hearing of arguments this Honourable tribunal accepted appeal of the appellant and set-aside impugned order dated 15/03/2015. Copy of order dated 24/10/2023 is attached as annexure "B".
3. That thereafter, petitioner submitted order passed by this Honourable court in the office of respondent No. 3 for implementation.
4. That thereafter respondent No.3 issued conditional re-instatement order on 28/11/2023. Copy of order is attached as Annexure "C".
5. That after laps of more than 06 months respondents had not implemented order dated 24/10/2023 of this Honourable tribunal till date and refuse proper implementation of the order for the sake of salary and posting for duty.
6. That respondent No. 3 instead of complying with the direction of this Honourable Tribunal,

straightaway refused to comply with the direction of this Honourable Tribunal.

7. That other point would be raised at the time of arguments kind permission of this Honourable Tribunal.

It is therefore, humbly prayed that on acceptance of instant application respondents be kindly be directed forthwith implement the order dated 24/10/2023 passed by this Honourable Tribunal in its true letter and spirit.

  
...PETITIONER

Through

Dated: 29/4/2024

  
(HAMAYUN KHAN)

  
(FAZLULLAH KHAN)  
Advocates High Court, Abbottabad

1 ANNEXURE 'A' 4

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

Service Appeal No. 525 /2020

Shafi ur Rehman son of Sarfaraz (Ex-Head Constable), resident of Malkot  
Cum Gijbori, Tehsil & District Battagram.

...APPELLANT

**VERSUS**

1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer/ DIG Hazara Region at Abbottabad.
3. District Police Officer Battagram.

...RESPONDENTS

**APPEAL** AGAINST THE IMPUGNED ORDER  
DATED 09/07/2020 PASSED BY RESPONDENT NO.  
1 AND ORDER DATED 13/03/2015 PASSED BY  
RESPONDENT NO. 3 ARE AGAINST THE LAW,  
FACTS CIRCUMSTANCES AND NATURAL  
JUSTICE AND LIABLE TO BE SET-ASIDE.

=====

**PRAYER:-** ON ACCEPTANCE OF INSTANT  
APPEAL ORDER DATED 09/01/2020 PASSED BY

RESPONDENT NO. 1 AND ORDER DATED  
13/03/2015 PASSED RESPONDENT NO. 3 BE  
DECLARED NULL AND VOID-AB-INITIO AND  
APPELLANT BE RE-INSTATED IN SERVICE WITH  
ALL BACK BENEFITS.

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Respectfully Sheweth;-

This appeal mainly proceeds on bellow stated factual and  
legal grounds.

1. That appellant was appointed as Constable on  
24/01/1995.
2. That due to good progress and performance in the  
year 2007 passed the lower course and similarly in  
2014 passed intermediate.
3. That due to personal grudges on the direction of  
SHO Police Station Battagram firstly SHO P.S  
Cantt. Abbottabad lodged FIR NO. 553 under  
Section 9C-CNSA dated 27/05/2013 P.S Cantt.  
Abbottabad and thereafter on 31/10/2014 SHO P.S  
Shinkiari lodged another FIR No. 392 dated

*Abbottabad*  
*H.S.*

31/10/2014 under Section 9C-CNSA P.S Shinkhari  
Mansehra. Copy of FIR is annexed as Annexure  
"A".

4. That on 12/11/2014 Superintendent of police CTD Hazara Region Abbottabad issued charge sheet alongwith statement of allegation. Copy of charge sheet is annexed as Annexure "B".
5. That on 18/11/2014 appellant submitted reply of the same. Copy of reply is annexed as Annexure "C".
6. That after lodging of FIRs respondents conducted inquiry against the appellant in respect of offences mentioned in FIR, in consequence of the inquiry report and statement of witness appellant was declared innocent by the inquiry officer. Copy of inquiry report is annexed as Annexure "D".
7. That after lodging FIR I.Os of both the police station filed challan for trial before the learned Additional Sessions Judge-II, Abbottabad and Additional Sessions Judge-II, Mansehra.

Attested  
11/11/14  
S  
San



8. That on 27/02/2015 respondent No. 3 issued final show cause notice against the appellant and on 05/03/2015 appellant submitted reply of the same. Copies of show cause notice is annexed as Annexure "E".
9. That on 12/03/2015 respondent No. 3 issued impugned order, whereby appellant was dismissed from service. Copy of order is annexed as Annexure "F".
10. That on 17/01/2018 after recording of evidence of the prosecution, but during trial prosecution fail to prove allegation and on 17/01/2018 learned Additional Sessions Judge-II, Abbottabad announce judgment and appellant was acquitted and similarly on 22/12/2018 learned Additional Sessions Judge-II, Mansehra passed judgment and appellant was acquitted from the charges leveled against him by the local police. Copy of judgment is annexed as Annexure "G".
11. That on 20/03/2015 appellant filed departmental appeal against the impugned order dated 13/03/2015 before the respondent No. 2 and

Attested  
H. S. [Signature]

similarly on 21/06/2019 filed another appeal before the respondent No. 1. Copy of appeal is annexed as Annexure "H".

12. That on 09/01/2019 respondent No. 1 passed impugned order on the appeal of the appellant whereby respondent No. 1 modified order dated 13/03/2015 and punishment was converted from dismissed to compulsory retirement. Copy of order is annexed as Annexure "I".

13. That feeling aggrieved from the above said impugned orders appellant filed this appeal on the following grounds;-

**GROUND:-**

- a. That both the impugned orders are against the law fact, have liable to be set-aside.
- b. That all proceeding were conducted with malafide intention; against the principle of natural justice.

*Attested*  
*[Signature]*

- c. That respondents are miserably failed to proved allegation against the appellant.
- d. That respondent No. 1 passed impugned order dated 13/03/2015 before the final judgments of courts of competent jurisdiction.
- e. That after acquittal from charges leveled against the accused in the FIR, thereafter respondents have no power to issued impugned order, whereas it come to classically example of misuse of authority and power.
- f. That at the time of passing impugned orders respondents ignored all basic principle of natural justice and equity.
- g. That respondent ignored the finding of inquiry committee and evidence of the record, and issued impugned order, hence both orders are liable to be set-aside.

*A. H. S. S. S.*  
*H.*  
*S. S. S.*

- h. That respondent No. 3 adopted his own procedure and passed impugned order against the E&D Rules.
- i. That the other points would be urge at the time of Arguments with the kind permission of this Honourable Court Tribunal.

It is, therefore, humbly prayed that on acceptance of instant appeal order dated 09/01/2020 passed by respondent No. 1 and order dated 13/03/2015 passed respondent No. 3 be declared null and void-ab-initio and appellant be re-instated in service with all back benefits. Any other relief which this Honourable Tribunal deems fit and proper in the circumstances of the case may also be granted to the appellant.




...APPELLANT

Through

Dated: 20/1 /2020

  
(HAMAYUN KHAN)

Advocate High Court, Abbottabad

Attested  


**VERIFICATION:-**

*Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.*



...APPELLANT

ANNEXURE "B" 11

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR



Service Appeal No. 525 /2020

Shafi ur Rehman son of Sarfaraz (Ex-Head Constable), resident of Malkot Cum Gijbori, Tehsil & District Battagram.

...APPELLANT  
Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 686

Dated 22/01/2020

VERSUS

1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer/ DIG Hazara Region at Abbottabad.
3. District Police Officer Battagram.

...RESPONDENTS

Admitted  
Registrar  
22/01/2020

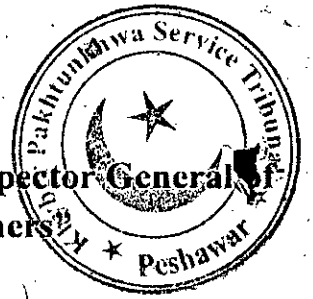
APPEAL AGAINST THE IMPUGNED ORDER DATED 09/01/2020 PASSED BY RESPONDENT NO. 1 AND ORDER DATED 13/03/2015 PASSED BY RESPONDENT NO. 3 ARE AGAINST THE LAW, FACTS CIRCUMSTANCES AND NATURAL JUSTICE AND LIABLE TO BE SET-ASIDE.

ATTESTED

REGISTRAR  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

PRAYER:- ON ACCEPTANCE OF INSTANT APPEAL ORDER DATED 09/01/2020 PASSED BY

12



Service Appeal No.525/2020 titled "Shafi Ur Rehman Vs. Inspector General Police, Khyber Pakhtunkhwa, Peshawar and others"

**ORDER**

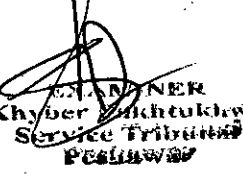
24<sup>th</sup> Oct. 2023

**Kalim Arshad Khan, Chairman:** Learned counsel for the appellant present. Mr. Asif Masood Ali Shah learned Deputy District Attorney for the respondents present.

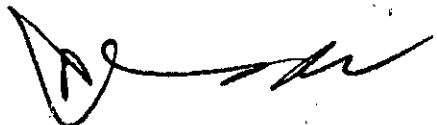
2. Learned counsel for the appellant pointed out that the appellant was serving under the District Police Officer, Battagram but the initial departmental proceedings were initiated by the SP CTD, Abbottabad, who was not the authority of the appellant, while the final impugned order was passed by the DPO Battagram. He disputed the proceedings by saying that those were not conducted in the proper manner by proper authorities. There is a letter bearing endorsement No.122-25/E&I dated 13.01.2015 on the file issued by the office of Inspector General of Police. Paragraphs No.2, 3 & 4 of the same are reproduced as under:

"2. It has reliably reported that on 30.10.2014 during Nakabandi local Police of Police Station Shinkiari has recovered 03 Kg Chars and 01 Pistol 30 bore from the possession of Zaib Ur Rehman and Shafi ur Rehman (an employee of CTD Battagram). During interrogation, accused Shafi Ur Rehman disclosed that he is serving in CTD and has earlier remained in another case of smuggling vide case Fir No.553 datd 02.05.2014 u/s 9C-CNSA Police Station Cantt: Abbottabad.

**ATTESTED**

  
CHAIRMAN  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

3. On receiving these information DIG CTD directed SP CTD Hazarata to initiate departmental enquiry against Head Constable for his direct involvement in two different heinous nature cases. As per direction of DIG CTD, proper departmental enquiry was conducted after fulfillment of all



codal formalities Head Constable Shafi Ur Rehman was found guilty of the allegations leveled against him and the enquiry officer recommended him for major punishment. During enquiry Head Constable Shafi Ur Rehman is found guilty of gross misconduct and he is recommended for major penalty but Head Constable Shafi Ur Rehman is serving on deputation basis in CTD and FRP is his parent department.

4. On perusal of the above report the Worthy IGP has passed the following remarks:-

- ❖ *Orders be issued for repatriation to district Battagram with direction to DPO Battagram to issue him Show Cause Notice and to remove him from service in the light of findings of enquiry officer.*
- ❖ *He is placed under suspension "*

According to this letter, the stance of the learned counsel for the appellant holds some field because the letter tells us that the appellant was employee of CTD Battagram and was serving on deputation basis with CTD, whereas, FRP was his parent department but the directions were issued to the DPO to issue show cause notice and remove the appellant from service in the light of findings of the inquiry officer. It was then the DPO Battagram issued the original dismissal order, which was assailed by the appellant before the Inspector General of Police in revision petition under Rule 11-A of the Police Rules, 1975. The IGP, on acceptance of the revision petition, converted the punishment of dismissal from service into compulsory retirement. The appellant is aggrieved of the same but as learned counsel has pointed out certain irregularities in the conduct of the departmental

**ATTESTED**

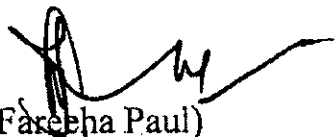
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

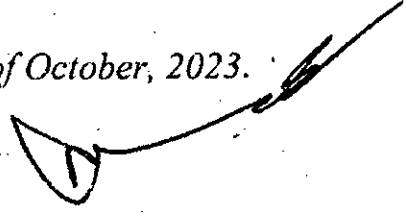
24/5/22

proceedings by different authorities, the competency of which was also questioned, whereas, according to learned counsel, the departmental proceedings could have been initiated only by the competent authority of the appellant, who according to him is the DPO Battagram.

3. Therefore, we allow this appeal, set aside the impugned orders and remit the matter back to the DPO Battagram for conducting de-novo inquiry in accordance with law and rules within 60 days from the date of receipt of judgment. The issue of back benefits shall be subject to the outcome of de-novo inquiry. Consign.

4. Pronounced in open Court at Abbottabad and given under our hands and seal of the Tribunal on this 24<sup>th</sup> day of October, 2023.

  
(Fareeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*

**Certified to be true copy**  
  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 30-10-2023  
Number of Words page 4  
Copying Fee 20/-  
Urgent 5/-  
Total 25/-  
Name of Copyist Shahzad  
Date of Completion of Copy 30-10-2023  
Date of Delivery of Copy 30-10-2023





ANNEXURE C

**OFFICE OF THE DISTRICT POLICE OFFICER, BATTAGRAM**  
Phone No. 0997-310636 & Fax No. 0997-311616

**ORDER**

Ex-Head Constable Shafi ur Rehman No. 237 of Battagram District, while posted in Counter Terrorism Department Khyber Pakhtunkhwa Peshawar on deputation basis got involved in case vide FIR No. 553 dated: 27.05.2013 U/S 9CCNSA PS Cant Abbottabad. Similarly, on 30.10.2014 alongwith a co-accused he again got involved in case FIR No. 392 U/S 9CCNSA / 15AAKP PS Shinkhari Mansehra. As the said Head Constable was serving in CTD on deputation basis, therefore the Worthy Inspector General of Police Khyber Pakhtunkhwa Peshawar repatriated him to District Battagram with the direction to issue him Show Cause Notice and remove him from service in the light of findings of enquiry officer. As per directions of Worthy Provincial Police Officer Khyber Pakhtunkhwa Peshawar Final Show Cause Notice was issued to him vide this office No. 136/PA, dated: 27.02.2015. His reply was found unsatisfactory. Hence, he was dismissed from service vide this office OB No. 13 dated: 13.03.2015.

The said Head Constable filed an appeal before the Worthy Provincial Police Officer Khyber Pakhtunkhwa Peshawar, against the above said dismissal order and the Worthy Provincial Police Officer Khyber Pakhtunkhwa on his appeal, converted his dismissal into compulsory retirement keeping in view his prolong service. Later on the said Head Constable filed an appeal vide No. 525/2020 before the Honorable Court of Service Tribunal Peshawar Abbottabad bench. The Honorable court of Service Tribunal Peshawar Abbottabad bench vide judgment dated: 24.10.2023, allow his appeal, set aside the impugned orders and remit the matter back to this office for conducting of de-novo inquiry in accordance with law and rules within 60-days and Assistant Inspector General of Police Legal CPO Peshawar office Letter No. 6626/Legal dated: 14.11.2023.

Therefore, Ex-Head Constable Shafi ur Rehman No. 237 is hereby conditionally re-instated in service for the purpose of de-novo enquiry with immediate effect:

  
District Police Officer,  
Battagram.

OB No. 29  
28-11-2023

کورٹ فیس

# وکالت نامہ

BEFORE THE KPK SERVICE TRIBUNAL بعدالت

SHAFI-UR-REHMAN نام: LUP & OIA عنوان:

Petition

منجانب:

Implementation Petition

نوعیت مقدمہ:

ATD

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام  
#0312086/681

Hanayun Khan, Fazlullah Khan

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل

صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساخنتہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہوا

حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد

استجارت ناش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

المرقوم: 29-2-24

بمقام:

Sept 24