

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1894/2023.

Abdul Rauf , S/o Zareef Khan, Ex-Constable No.9051/FRP, office of SP/FRP DI Khan Range R/O Village Kiri Marwati , Tehsil and District TankAppellant.

VERSUS

Provincial Police Officer , Khyber Pakhtunkhwa , Peshawar & others.....Respondents.

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Dated: ___ / 03 / 2024

Deponent

Inspector Javed Khan

NIC No.12103-7159785-3

①

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1894/2023.

**Abdul Rauf , S/o Zareef Khan, Ex-Constable No.9051/FRP, office of SP/FRP DI Khan Range
R/O Village Kiri Marwati , Tehsil and District TankAppellant.**

VERSUS

**Provincial Police Officer , Khyber Pakhtunkhwa , Peshawar &
others.....Respondents.**

PARAWISE REPLY BY RESPONDENTS 01 to 03.

RESPECTFULLY SHEWETH .

PRELIMINARY OBJECTIONS:-

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 12470

Dated 30-04-2024

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
3. That the appellant has no cause of action and locus stand to file the instant appeal.
4. That the appellant has not come to this Honorable Tribunal with clean hands.
5. That the appellant is estopped due to his own conduct to file the instant Service Appeal.
6. That the appellant is trying to conceal the material facts from this Honorable Tribunal.

FACTS:-

1. Pertain to the appellant service record **needs no comments.**
2. Admitted as correct.
3. Incorrect. The appellant is found inefficient, irresponsible and a habitual absentee as perusal of his service record reveals that he was remained absent from lawful duty on different occasions for a long period of 66 days, which he was awarded different punishment i.e confinement to quarter guard, extra drill, and censure.(copy of previous punishment order attached herewith as annexure "A"). Besides , the appellant being a member of disciplined force involved himself in moral turpitude nature offence in the smuggling of heroin, for which he was arrested from the spot vide FIR No. 815, dated 24.05.2019 U/S 9-CNSA/15AA, Police Station MRS, District Kohat. (Copy of FIR attached herewith as annexure "B").
4. Incorrect. The appellant being involved in the above stated criminal case was proceeded against proper departmentally as he was placed under suspension and closed to line. He was issued Charge Sheet alongwith Summary of Allegations and DSP Zahoor Ud Din of FRP DI Khan Range was nominated as enquiry officer to conduct proper enquiry into the matter. The Charge Sheet was served upon him on 19.06.2019 in Central Jail Kohat through Jail Superintendent vide office memo No.966/FRP, dated 17.06.2019, but he failed to submit his reply within stipulated period of 07 days of its receipt. (Copy of office letter dated 17.06.2019 is attached as annexure "C"). After completion of enquiry, the enquiry officer submitted his finding report, wherein he reported that the appellant is found a drug peddler, having no

good reputation in the department vis-à-vis in the society. Upon the finding of enquiry officer, the appellant was served with Final Show Cause Notice to which he again failed to submit his reply within stipulated period. However, the enquiry file was again entrusted to the above named enquiry officer for further enquiry and report. In this regard, the enquiry officer reported that the Show Cause Notice was served upon him in person, but he deliberately failed to submit his reply despite that he was already released on bail from the judicial lockup. The enquiry officer further reported that the appellant was also remained absent from duty with effect from 24.05.2019 to 06.08.2019 and 13.8.2019 to 21.08.2019 for a total period of 82 days, without any leave or prior permission of his seniors. Finally the enquiry Officer found him guilty of the charges leveled against him and recommended for major punishment. Thereafter, he was called in orderly room and heard in person but he failed to present any justification before the competent authority. (Copies of enquiry reports, Final Show Cause Notice & orderly room proceedings are attached as annexure "D, E, F & G").

5. Incorrect. As explained in the preceding para above the appellant was proceeded against proper departmentally under relevant law/rules. The Charge Sheet was served upon him Jail through Superintendent Jail, which his thumb impression was obtained as token of it receipt, but he deliberately failed to submit his reply within stipulated period. (Copy of Charge Sheet attached herewith as annexure "H"). It is worth to mention here that the appellant submitted an application on 08.08.2019 for obtaining of the copies of enquiry proceedings, which was allowed by the competent authority accordingly. (Copy of his application is attached as annexure "I").
6. Incorrect. The allegations are false and baseless. In fact the appellant was absolutely treated in accordance to law/rules within the meaning of constitution by giving him sufficient and proper opportunity at every level of defense and that the entire proceedings were carried out with existing law/rules. After fulfillment of all codal formalities the appellant was awarded major punishment of removal from service as per law/rules.
7. Incorrect. As the appellant was heard in person in orderly room, which he failed to convince the competent authority, hence the order of punishment was announced in the presence of appellant accordingly. Moreover, the judicial and departmental proceedings are two different entities and can run side by side. Furthermore, prior to involvement in criminal case the appellant has also been remained absent from lawful duty with effect from 24.05.2019 to 06.08.2019 and 13.08.2019 to 21.08.2019 for a total period of 82 days, without any valid leave or prior permission of his seniors, which he failed to present any justification before the appellate authority. Hence, departmental appeal submitted by the appellant was entertained and examined by the appellate authority in accordance to law/rules and rejected on merit. The copy of rejection order has already been conveyed to the appellant on his home address vide

order Endst; No. 1173/EC, dated 09.12.2019, hence the instant service appeal is barred by law and limitation.

8. Incorrect. The revision petition submitted by the appellant before the respondent No. 01 was examined and rejected on the ground of time barred. Hence, the appellant has no cause of action to file the instant appeal.


GROUND:-

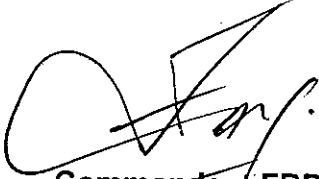
- 1) Incorrect. The orders passed by the respondent in the case of appellant are legally justified and in accordance with law/rules.
- 2) Incorrect. The appellant being a member of disciplined force involved himself in illegal business of the smuggling of heroin, which he arrested with red handed from the spot by local police vide FIR quoted above. On the allegations of his involvement in the above criminal case, proper departmental enquiry was initiated against him under the relevant law/rules and the allegations leveled against him were fully established by the enquiry officer during the course of enquiry. Besides, it has also been pointed out that the appellant has also remained absent from his lawful duty for a long period of 82 days without any leave or prior permission of the competent authority. A proper and sufficient opportunity of defense in the shape of personal hearing has already been offered to the appellant, which he avail too, but he failed to prove himself innocent.
- 3) Incorrect. The allegations are false and baseless. In fact, during the course of enquiry, the appellant was found guilty of the charges leveled against him otherwise the respondents have no any personal grudges with him. However, on departmental appeal the appellant was called in orderly room and heard in person by the appellate authority i.e respondent No. 02, but he failed to advance any cogent reason regarding his innocence.
- 4) Incorrect. As explained in the preceding Paras above, that the appellant being involved in a moral turpitude nature offence was proceeded against proper departmentally in accordance to law/rules and the allegations leveled against him were fully established. Besides, during the course of enquiry a sufficient and proper opportunity at every level of defense in the light of natural justice has also been provided to the appellant, but he failed to present any justification regarding his innocence. The departmental appeal and mercy petition submitted by the appellant were thoroughly examined and rejected on sound grounds.
- 5) Incorrect. The appellant being a member of disciplined force was found an irresponsible and indiscipline person as he involved himself in a moral turpitude nature activities i.e in the smuggling of drugs. However, he was proceeded against proper departmentally under the existence/relevant law/rules and awarded the penalty of removal from service in accordance to law/rules otherwise the respondents have no personal grudges with him.

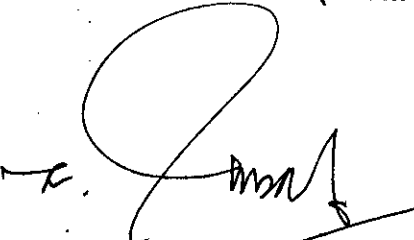
- 6) Incorrect. As explained in the preceding paras above the competent authority i.e respondent No. 03 was absolutely treated the appellant in accordance to law/rules as he was issued Charge Sheet alongwith Summary of Allegations and Enquiry Officer was nominated to probe into the matter, and after completion of enquiry a suitable and speaking order was passed by the competent authority in accordance with law/rules. Moreover, the departmental appeal and revision petition submitted by the appellant were thoroughly examined and rejected on sound grounds. Hence, the respondents did not deprive the appellant from his legal rights.
- 7) Incorrect. The Para has already been explained in the preceding Para 06 above. However, all the orders passed by the respondents in the case of appellant are legally justified and in accordance with law/rules. Hence, the instant appeal may kindly be dismissed being devoid of merits.
- 8) Incorrect. The appellant is not come to this Honorable Tribunal with clean hands.
- 9) Incorrect. Each are decided on its own facts and merits.
- 10) The respondents may also be permitted to raise additional grounds at the time of arguments.

PRAYERS:-

Keeping in view the above facts and circumstances, it is most humbly prayed that the instant service appeal being not maintainable may kindly be dismissed with costs please.


Superintendent of Police FRP,
 DI Khan Range, DI Khan.
 Respondent No.03
(AZMAT ALI KHAN)
 Incumbent


Commandant FRP,
 Khyber Pakhtunkhwa, Peshawar.
 Respondent No.02
(TAHIR AYUB KHAN PSP)
 Incumbent


DIG/Legal, CPO
For Inspector General of Police,
 Khyber Pakhtunkhwa, Peshawar.
 Respondent No.01
(DR. MUHAMMAD AKHTAR ABBAS)
 Incumbent

"A" 05

FRP D.I.KHAN RANGE

DEPARTMENT

*Arrested
Culprit*

ORDER:-

This Order will dispose off departmental enquiry conducted against Constable Abdul Rauf No.717/SPL of FRP DIKhan, on the Charges that according to daily diary reports No.10 dated 01.04.2015 and No.10 dated 02.04.2015 of Police Post Hachala, he alongwith Constables Ghulam Abbas No.802/SPL, Juma Khan No.924/SPL and Haq Nawaz No.782/SPL were deputed for Polio duty in the jurisdiction of PS/Kulachi DIKhan, while he performing Polio duty it has comes to the notice of under signed through sources that he have seen the movement of militants/miscreants but he did not try to arrest them not informed the high ups, due to which constable Haq Nawaz No.782/SPL became injured by the firing of nllitants/miscreants on which case FIR No.22 dated 02.04.2015 U/S 324-353/34-120B PPC/7ATA of PS/CTD DIKhan has been registered against unknown accused.

On the basis of above, he was serve with show cause notice. His reply received which was found unsatisfactory. He was also heard in person but failed to convince the under-signed about his innocence.

Keeping in view the facts stated above, I MR. SANA ULLAH KHAN MARWAT Superintendent of Police FRP D.I.Khan in exercise of powers conferred upon me under NWFP Police Rules 1975 hereby awared Constable Abdul Rauf No.717/SPL minor Punishment of "CENSURE" He is given last chance and be careful in future.

ORDER ANNOUNCED.

Dated 28.04.2015.

OB No. 407 /FRP

Dated 28 /04/2015.

(Signature)
(SANA ULLAH KHAN MARWAT)
Superintendent of Police;
FRP, D.I.Khan Range, D.I.Khan.

28/4/15

15. CENSURES AND PUNISHMENTS.

Affected
Cul

Charges: Absent from duty w.e. from 3¹²/₀₁₂ To 4¹²/₀₁₂

Total (1 days)

Punishment was ne to re case full in future

vide This office OB NO. 1083/FRP dt: 14¹²/₀₁₂

SP/FRP
Dik

Charges: Absent from duty w.e. from 16⁰⁹/₂₀₁₅ To 18⁰⁹/₂₀₁₅

Total (02 days)

Punishment confinement to Coaches General Acc (02 days)

vide This office OB NO. 949/FRP dt: 23-09-2015

SP/FRP
Dik

Charges: Absent from duty w.e. from 27⁰¹/₂₀₁₆ To 25⁰¹/₂₀₁₆

Total (03 days)

Punishment Awarded: (0 day) EXCESS DUTY vide This

office OB NO. 115/FRP dt: 03-02-2016

SP/FRP
Dik

ORDER:-

Suspended and closed to
FRP Police line Dikhan with Immediate
effect vide This office OB no 535
30-5-2016

SP/FRP
Dik

ORDER.

Re-Instal in service from the
date of suspension vide This office OB NO. 231/FRP

SP/FRP
Dik

date of suspension
dt. 14/3/2017.

14. COMMENDATORY ENTRIES - conclud.

Serial No.

Attested
Jula

Charges: According to D.P. No. 10, dt. 01/04/15 and D.P. No. 10, dt. 2/4/15 of P.P. Mathala S. Mangalathu and Const. G. Abbas, nos. 802/15, Jammu and Kashmir and Mag. No. 18, dt. 28/12/15 were deputed for police duty in the jurisdiction of P.S. Kaulach, while he performing police duty it has come to the notice of undersigned through sources that he have seen the movement of militants/miscreants but he did not try to arrest them nor informed the high up due to which Const. (Mag) No. 782 became injured by firing of militants/miscreant on which case FIR no. 22 dt. 21/11/15 U.S. 304-352/15-1208 P.P., TATA of P.S. CTD Ditch has been registered against unknown accused.

"PUNISHMENT" Awarded minor punishment of "CENSURE" and case put in future vide order 407/FIR dt. 29/4/15,

[Signature]
NSP/AM
DL

Charges: Absent from duty w.e.f. from 03/06/15 to 06/06/15 & 18/06/2015 to 19/06/2015 Total (04 days)

Punishment: Confinement to Quarters Guard for (04 days)
Absence Period is treated as C/Leave vide
This office order no. 747/FRP dt. 31-07-2015

[Signature]
SP/FRP
DL

"A-08"

15. CENSURES AND PUNISHMENTS - contd.

Serial No.

Chaggar Absent from duty w.e. from
09/06/2016 to 10/06/2016 & 11/06/2016 to 12/06/2016
19/06/2016 to 21/06/2016

Punishment confinement to Quarters Guard
for (3 days) vide this office
OR NO. 706/FRP-DIC dt 03-08-2016

Attested
Date

SP/FRP
DK

Val-11
R 54

Drawn Rs 6000/- on
A/c of Add & Att of House
vide no # 33

11/11/2018

19/11
DHO

Chinn Absent from duty w.e. from 27/03/2019 to 28/03/2019, 31/03/2019 to 04/04/2019
09/04/2019 to 12/04/2019 total 06 days
Punishment period is treated as in which
leave was taken & 3 days leave and
1 day without pay vide this office OR NO. 284/FRP
dt 15-04-2019

ORDER
Suspended and closed to FRP Police line
Bikhan for departmental proceeding due
to his involvement/protested in case vide
FIR NO. 815 dt 24-05-2019 U/S 9CCNSA/ISA
PS, Mrs District Keral with immediate effect
vide this office OR NO. 421/FRP dt 03-06-2019

915

OFFICE OR

suspensio
to his
9CCNS

He is
per

SP/FRP
DK

SP/FRP
DK

"C" - 10

*Arrested
Cul.*

From: - The Superintendent of Police
FRP D.I.Khan Range D.I.Khan.

To: - The Superintendent,
Central Prison Kohat.

No. 966 /FRP Dated D.I.Khan the 17 /06/2019.

Subject: CHARGE SHEET.

Memo:

Kindly refer to the case noted above in the subject.

Enclosed please find herewith Charge Sheet and Statement of allegation in respect of Constable Abdur Rauf No.9051/FRP of this FRP Range, now in judicial lock up being involved in Case FIR No.815, dated 24.05.2019 U/S 9CCNSA/15AA PS MRS District Kohat, for delivered upon him.

Duplicate copy dully signed by him may please be return to this office as a token of its receipt.

[Signature]
Superintendent of Police,
FRP, D.I.Khan Range D.I.Khan.

del
J
13

از دفتر اے ڈی
PRP Dil

جانبیاتی

جولاء ۱۹۱۵ء میں لائسنس نمبر PRP-20-919 جاری کیا گیا۔ جس کی کاپی اس کے ساتھ
اپنی کاپی دی گئی۔ تاریخ 03-6-19

پہلے دن 185 متعلقہ ڈسٹرکٹ لائسنس ڈائری میں لائسنس نمبر PRP
9051 کے تحت درج ہے۔

۳۰ جولاء ۱۹۱۵ء میں حوالہ دی گئی ہے تاکہ مذکورہ لائسنس
ڈسٹرکٹ لائسنس ڈسٹرکٹ فورم 24³ سے منسوخ ہو سکے اور
۱۹

بہتر طریقے سے منسوخ ہو سکے۔ 815 فورم 24³ پر 9 censa
۱۹

۱۵ AA کے تحت لائسنس ڈسٹرکٹ کو حوالہ دینے میں
ہو کر گرفتار ہو کر لائسنس ڈسٹرکٹ کو حوالہ دینے میں ہے۔

اندر میں لائسنس جاری شدہ متذکرہ بارڈر کے خلاف
سیکرٹری لائسنس ڈسٹرکٹ کو حوالہ دینے کے الزام علیہ بالا پر حسب مناسبت
تعمیر کروائی گئی ہے جو کہ الزام علیہ بالا نے بذات خود

فورم 19-6 کو حوالہ دیا ہے۔ جبکہ مذکورہ نے ایسا
۱۹

تعمیر کروا کر اب انڈیا میں 7 یوم بھجوانا ہے۔ جس کے تحت
مذکورہ نے ایسا تعمیر کروا کر اب نہیں بھجوانا ہے۔

مذکورہ بالا فورم 3 کے تحت لائسنس ڈسٹرکٹ لائسنس سے
بہتر طریقے سے منسوخ ہو سکے۔ 19

کسی مذکورہ کی طرف سے عام شہرت اور ایسے نہیں ہے
مذکورہ منشیات فروشوں میں سے ہے۔ مذکورہ کے خلاف

تعمیر کروائی گئی ہے۔ لائسنس ڈسٹرکٹ لائسنس سے
مذکورہ کے خلاف لائسنس ڈسٹرکٹ لائسنس سے
03-7-19 PRP-20-919

Attached
کاپی

اردو متر کتب

صاف علی

PRP. کتب

9091- کنسٹبل عبدالعزیز المروف
PRP

فونڈ نمبر 24⁵/₁₉ کیس لائن ڈسٹریکٹ D-12

سے سرسید ٹیڈا لائبریری اور والدہ مقدمہ 815

Attested
بکس

فونڈ نمبر 24⁵/₁₉ 9CCNSA 17-RS-174

15 AA کنسٹبل عبدالعزیز المروف

مذکورہ کے خلاف تین ایس فائل رپورٹ تیار

کی گئی ہے۔ اب مذکورہ نے فونڈ 10⁶/₁₉ کو اس

تیار کردہ اب ذرا بعد کنسٹبل عبدالعزیز المروف

کو ہراہ لف انوائس کیا گیا ہے

کنسٹبل مذکورہ نے مقدمہ عدالت میں اپنے آئی

ڈگنا بیان کرتا ہے

کنسٹبل مذکورہ کو ایس فائل میں

ہوتے ہوئے منشیات سے متعلق ایس فائل میں

فلوٹ ہونے پر گر فٹنار ٹیڈا کنسٹبل عبدالعزیز المروف

میں ہے۔ اور ایس فائل منشیات کی

سزا دہائی ہوئی۔ ایس فائل میں ہوتے ہوئے

سٹین سرگم میں ملوث ہے۔ اور فونڈ 24⁵/₁₉

سے ڈسٹریکٹ لائبریری ہے

مذکورہ کو سزا سے سزا دہائی کے بعد

کی طرف سے حیدرآباد ایس فائل ہوئی
19-7-18 PRP

از دفتر DSP

حوالہ بشمول انتوائری بر خلاف کمیشن علیہ الوقت 9051 / FRP 115

FRP. Dik

جناب عالی!

میں خدمت ہوں کہ کمیشن مذکورہ کے خلاف

قبل ازیں انتوائری کر چکا ہوں۔ جس میں کمیشن مذکورہ قصور وار

قصراً یا گیا جن پر مذکورہ کے خلاف فائنل شوکارڈ نوٹس

دیکھو کیا گیا جو کہ مذکورہ نے اپنے خلاف فائنل شوکارڈ نوٹس

روزہ 27⁰⁷ / 19 کو بذات خود وصول کر چکا ہے۔ جس کا قریبی جواب

مذکورہ نے اندر عباد (15) یوم دینا تھا۔ لیکن تاحال جواب

اپنا قریبی جواب نہیں دیا ہے۔ حالانکہ مذکورہ 1۔ مقدمہ ہذا

میں ضمانت پر رہا ہو کر نوٹس لائن FRP میں 14 جنوری ہی

کر چکا ہے۔ اس سے یہ بات عیاں ہوتی ہے کہ مذکورہ

جس کو وجہ کہ اپنا قریبی جواب نہیں دینا چاہتا

مذکورہ کمیشن کا فائنل شوکارڈ نوٹس وصول کر کے

قریبی جواب نہ دینا اور مقدمہ ہذا روزہ 26⁰⁸ / 19 تا 27⁰⁸ / 19

19⁰⁸ / 19 کو وصول کر چکا ہے۔ اس سے یہ بات عیاں ہوتی ہے کہ مذکورہ

میں ضمانت پر رہا ہو کر نوٹس لائن FRP میں 14 جنوری ہی

کر چکا ہے۔ اس سے یہ بات عیاں ہوتی ہے کہ مذکورہ

FRP. FRP. Dik
28-8-19

Order

17/08/19
28/08/19

Remove from Service from
the date of absence. Absence Period treated
as with out pay.

"E" - 14

*Attested
Cul:*

FINAL SHOW CAUSE NOTICE.

WHEREAS YOU, Constable Abdul Rauf No.9051/FRP found guilty of following misconduct in violation of Khyber Pakhtunkhwa Police Disciplinary Rules 1975 with amendment 2014.

You have been directly involved/arrested in case vide FIR No.815 dated 24.05.2019 U/S 9CCNSA/15AA PS MRS District Kohat. Similarly according to daily diary report No.87 dated 24.05.2019 of District Police Lines D.I.Khan, you remained absent from law full duties with effect from 24.05.2019 to till date without any leave or permission from the competent authority.

After completion the enquiry the Enquiry Officer submitted his finding in which the charges leveled against you were proved without any shadow of doubt.

As a result thereof, I AMAN ULLAH KHAN, Superintendent of Police, FRP, D.I.Khan Range D.I.Khan as competent authority have tentatively decided to impose upon you the penalty of Major/ Minor punishment Under Section 3 of the said ordinance.

1. You are, therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you.
2. If no reply to this notice is received within 15-days of its delivery in the normal course of circumstances, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

Attested - 9051/185P
27/07/2019

Amanullah
Superintendent of Police,
FRP D.I.Khan Range D.I.Khan.

Affected
File

"F" - 15

REFERENCE ATTACHED.

Constable Abdul Rauf No.9051/FRP was proceeded against departmentally on the charges that he has been directly involved/arrested in case vide FIR No.815 dated 24.05.2019 U/S 9CCNSA/15AA PS MRS District Kohat. Similarly according to daily diary report No.87 dated 24.05.2019 of District Police Lines DIKhan, he remained absent from law full duties with effect from 24.05.2019 to till date without any leave or permission from the competent authority.

He was called in orderly room on 17.07.2019 through message but Muharrar FRP Police Lines DIKhan has produced a daily diary report No.05 dated 17.07.2019 of FRP Police Lines DIKhan wherein he stated that the defaulter constable has prison in Central Jail District Kohat.

Submitted for kind perusal and further order please.

[Signature]
H.C.
18/07/19

[Signature]
S.R.C/FRP, D.I.Khan.

W/S.P/FRP, D.I.Khan.

8⁰¹/₂₀₁₉ عری

التمیز کا نام: (66) لوم
ڈیپٹی سرائس: (7) لوم کو اڈر کاڈ
(8) لوم ڈیپٹی سرائس

SRe

Issue final show case

Notar

[Signature]
SP/FRP/
18/07/19

"BENSURE"
FIR No: 815 Dt: 24.5.19
U/S 9CCNSA/15AA
PS: MRS Kohat

من ملاحظہ ہوئے اور عملدرستی کے لئے فرپ
ڈیپٹی سرائس کو لکھا گیا ہے

[Signature]
18-7-2019

"G" - 16

REFERENCE ATTACHED.

Constable Abdul Rauf No.9051/FRP was proceeded against departmentally on the charges that he has been directly involved/arrested in case vide FIR No.815 dated 24.05.2019 U/S 9CCNSA/15AA PS-MRS District Kohat. Similarly according to daily diary report No.87 dated 24.05.2019 of District Police Lines DIKhan, he remained absent from law full duties with effect from 24.05.2019 to till date without any leave or permission from the competent authority.

Zahoor Ud Din Khan DSP/FRP DIKhan Range was nominated as enquiry officer, now the finding report of enquiry officer received vides F/A, which is submitted for kind perusal and further order please.

[Signature]
H. Khan
16/07/19

W/S.P/FRP, D.I.Khan.

[Signature]
15/7

Affected
Zule

[Signature]
S.R.C/FRP, D.I.Khan.

مصری ر 08/01/2011
القنصلی (66) نوم
مصری ریش (7) نوم
مصری ریش (8) نوم
CENSURE
کے معزز مسطل بہرہ دو بارہ عالی ہوئے
FIR NO. 815 dt 24/05/2019
U/S 9CCNSA/15AA
P/S MRS District Kohat
مصری ریش کے معزز مسطل بہرہ
FRP نوٹس لیں مگر وہ کیس ہے

Affected
Cul

"G" - 17

REFERENCE ATTACHED.

Constable Abdul Rauf No.9051/FRP was served with Show Cause Notice on 27.07.2019 for the misconduct that he has been directly involved/arrested in case vide FIR No.815 dated 24.05.2019 U/S 9CCNSA/15AA PS MRS District Kohat. Similarly according to daily diary report No.87 dated 24.05.2019 of District Police Lines DIKhan, he remained absent from law full duties with effect from 24.05.2019 without any leave or permission from the competent authority. Now he reported back his arrival on 06.08.2019 vide daily diary report No.88 dated 06.08.2019 of District Police Lines DIKhan, total absence period comes (74) days.

He was required to submit his reply of said Final Show Cause Notice with in stipulated period of 15 days but he failed to do so.

Submitted for kind perusal and further order please.

[Signature]
H.C/FRP, D.I.Khan.
17/08/19

[Signature]
S.R.C/FRP, D.I.Khan.
17/8/19

W/SP/FRP, D.I.Khan Range.

OR
[Signature]

17/8

DSP/FRP
Report to days
[Signature]
08/02/19

8/2011
سابقہ غیر جانبداری (66) کی
ریکارڈ میں اس کی (7) کی رپورٹ کا
101 کی رپورٹ میں اس کی
ایک مرتبہ خط میں اس کی رپورٹ کا حال ہے
G CENSURE
FIR No: 815 dt: 24/5/2019
U/S 9CCNSA/15AA
P/S MRS District Kohat
اس کی رپورٹ میں اس کی رپورٹ کا حال ہے
اس کی رپورٹ میں اس کی رپورٹ کا حال ہے

Affestad
Jul 2

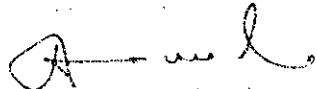
"H" - 18

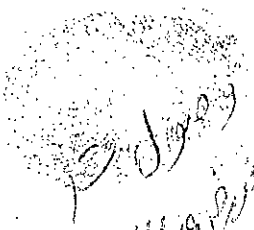
No. 919-20 /FRP

dated: 10-06 /2019

CHARGE SHEET

- I. I, Aman Ullah Khan, SP FRP DIKhan as competent authority, am of the opinion that you Constable Abdul Rauf No.9051/FRP of FRP DIKhan Range have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.
- II. You have been directly involved/arrested in case vide FIR No.815 dated 24.05.2019 U/S 9CCNSA/15AA PS MRS District Kohat. It is a gross "Misconduct" on your part as defined in Rule 2 (iii) of Police Rules 1975 and has rendered yourself liable to be proceeded against departmentally.
- III. By reason of the above, you seem to be guilty as sufficient materials is placed before the undersigned; therefore it is decided to proceed against you in general police proceeding.
- IV. You are; therefore, required to submit your written reply within 07 days of the receipt of this charges sheet to the Enquiry Officer.
- V. Your written reply, if any, should reach the Enquiry Officer within specific period, failing which it shall be presumed that you have no defense to offer and in that case ex-parte action shall follow against you.
- VI. Intimate as to whether you desire to be heard in person or not?
- VII. A statement of allegation is enclosed.


(Aman Ullah Khan)
Superintendent of Police, FRP
DIKhan Range DIKha
10/6


19/6/2019

"4" 19

DISCIPLINARY ACTION

I, Aman Ullah Khan, SP FRP DIKhan as competent authority, am of the opinion that you Constable Abdul Rauf No.9051/FRP of FRP DIKhan Range of FRP have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

*Affected
Zub*

STATEMENT OF ALLEGATION

1. You have been directly involved/arrested in case vide FIR No.815 dated 24.05.2019 U/S 9CCNSA/15AA PS MRS District Kohat. It is a gross "Misconduct" on your part as defined in Rule 2 (iii) of Police Rules 1975 and has rendered yourself liable to be proceeded against departmentally.
2. For the purpose of scrutinize the conduct of said Constable with reference to the above allegation, Zahoor Ud Din DSP/FRP DIKhan is appointed as Enquiry Officer.
3. The Enquiry Officer shall conduct proceeding in accordance with provision of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record it is finding and make with twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused official.
4. The delinquent official shall join the proceeding on the date, time and place fixed by the officer.

*ASD
19/6/19*

(Aman Ullah Khan)
Superintendent of Police, FRP
DIKhan Range DIKhan
19/6/19

خدمت جناب SP/FRP صاحبہ اس میں فریق

عنوان: درخواست براد خطاف ہائے جائے ذیل نقول
جو من سائل کے انکوائری فائل میں لکھیں

جاری حالاً یہ سائل حسب ذیل اضریات

Affected
Part

① یہ کہ میں سائل نمبر FRP میں لکھ کر کاپی کرواؤں

② یہ کہ میں سائل کو نمبر 815 سے 24/19 کا نمبر کرنا

کے تحت (suspend) کیا گیا ہے

اور ایسی انکوائری بھی جاری ہے

اور ایسی انکوائری کے ذیل کا غدرت کی نقول کہ

ضرورت ہے

(Delegations)

① نیشنل شوکار نوٹس ② نیشنل جاریہ شیڈول آف

③ نیشنل انکوائری رپورٹ ④ نیشنل اسس

کہہ ڈا انڈیا یہ کہ میں سائل کو کاپی کروا کر لکھیں یا نہ کا غدرت کہ

نیشنل انکوائری رپورٹ کے تحت غدرت کی نقول کے ذریعے جاری ہوئے ہیں یا نہ سائل کے اسباب

Yes
per rules
818

فوق سے 808/2019

سائل نمبر 9051 کے تحت غدرت کی نقول کے ذریعے جاری ہے
FRP FRP

"J - 21"

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1894/2023.

Abdul Rauf , S/o Zareef Khan, Ex-Constable No.9051/FRP, office of SP/FRP DI Khan Range R/O Village Kiri Marwati , Tehsil and District TankAppellant.

VERSUS

Provincial Police Officer , Khyber Pakhtunkhwa , Peshawar & others.....Respondents.

AUTHORITY LETTER

Respectfully Sheweth:-

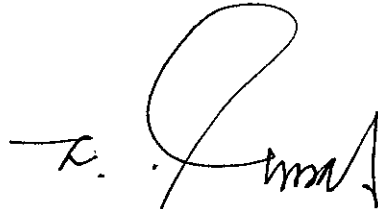
We respondents No.01 to 03 do hereby solemnly authorize Mr. Javed Khan Inspector of FRP Dikhan range to attend the honorable tribunal and submit affidavit /Para-wise comments required for the defense of above service appeal on our behalf.



**Superintendent of Police FRP,
DI Khan Range, DI Khan.
Respondent No.03
(AZMAT ALI KHAN)
Incumbent**



**Commandant FRP,
Khyber Pakhtunkhwa, Peshawar.
Respondent No.02
(TAHIR AYUB KHAN PSP)
Incumbent**



**DIG/Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
Respondent No.01
(DR. MUHAMMAD AKHTAR ABBAS)
Incumbent**



"K-22"

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1894/2023.

Abdul Rauf, S/o Zareef Khan, Ex-Constable No.9051/FRP, office of SP/FRP DI Khan Range R/O Village Kiri Marwati, Tehsil and District TankAppellant.

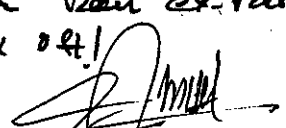
VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar & others.....Respondents.

AFFIDAVIT

We respondent's hereby solemnly affirm and declare on oath that the contents of the accompanying Para-wise comments is correct to the best of our knowledge and belief that nothing has been concealed from this Honorable Court.

It is further stated on oath that in this appeal, the answering Respondents have neither been ex-parte nor their defense has been struck off!


Superintendent of Police FRP,
DI Khan Range, DI Khan.
Respondent No.03
(AZMAT ALI KHAN)
Incumbent

