

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

In service Appeal No. _____/2024

Sabir Hussain VERSUS The Inspector General of Police

(Appellant)


(Respondents)

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Dated: 20/06/2024

Your Humble Petitioner



Sabir Hussain

Through Counsel


Muhammad Abdullah Baloch
Advocate Supreme Court,
District Bar Dera Ismail Khan

0314-6932557

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Transfer Petition No. _____/2024

In Service Appeal No. 2204/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 13714

Dated 24-06-24

Sabir Hussain No. D/51, Sub Inspector presently posted at
Investigation Wing Police Station Cantt Dera Ismail Khan.

.... Petitioner

VaERSUS

1. The Inspector General of Police, Central Police Office, IGP,
Peshawar.
2. The Additional Inspector General of Police Head Quarters,
CPO, Peshawar.
3. Regional Police Officer D.I.Khan Range Dera Ismail Khan.
4. District Police Officer Dera Ismail Khan.

..... Respondents

**MISC. APPLICATION FOR TRANSFER OF THE ABOVE TITLED
SERVICE APPEAL FROM KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL CAMP AT DERA ISMAIL KHAN TO THE KPK
SERVICE TRIBUNAL PRINCIPAL SEAT AT PESHAWAR.**

Respectfully Sheweth:-

The petitioner humbly submits and states as under,

1. That the above titled service appeal is pending adjudication
before the learned Khyber Pakhtunkhwa Service Tribunal Camp
Court Dera Ismail Khan. Copy of the appeal is annexed as "**A**".
2. That the instant service appeal had become ripe and was fixed
on 19/03/2024 for final arguments. The tour of the Honourable
Tribunal at Dera Ismail Khan was scheduled to be cancelled for
two consecutive months i.e. March and April 2024. In the month
of May, 2024 the camp tour of the Honourable Tribunal was held
but case of petitioner/appellant was not fixed.

Handwritten signature and date: 29/06


②

3. That appeal of the appellant/petitioner is of urgent nature and is fixed for final arguments. Therefore, may kindly be fixed before the principal seat at Peshawar.
4. That this Honourable Tribunal has got vast powers and competent jurisdiction to accept the instant application.

In wake of the submissions made above, this Honourable Tribunal is humbly requested to transfer the subject service appeal from the KPK Service Tribunal Camp Court Dera Ismail Khan to KPK Service Tribunal Peshawar to meet the ends of justice.

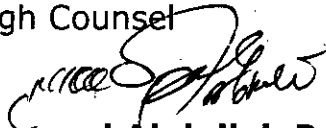
Dated: 20/06/2024

Your Humble Petitioner



Sabir Hussain

Through Counsel



Muhammad Abdullah Baloch
Advocate Supreme Court,
District Bar Dera Ismail Khan

0314-6932557

AFFIDAVIT

I, **Sabir Hussain**, the petitioner, do hereby solemnly affirm and declare on oath that the contents of this application are true and correct and that nothing has been concealed from this Honourable Tribunal.

Dated: 20/06/2024



DEPONENT



Colic-12101-0949026-5

Mob-0346-7845080

2A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR CAMP DIKHAN.

In Service Appeal No. _____/2023

Sabir Hussain
(Appellant)

Versus

Govt; of KPK etc
(Respondents)

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S.No.	Description of documents	Annexure	Pages
1.	Memorandum of Appeal and affidavit	--	
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3.	Copy of RPO order No. 3709/ES dated 27/05/2023	B	
4.	Copy of written reply	C	
5.	Copy of impugn order, dated 22/06/2023	D	
6.	Copy of departmental appeal	E	
7.	Vakalatnama	--	

Dated: ___/10/2023

Your humble appellant

Sabir Hussain

Through counsel

Muhammad Abdullah Baloch
Advocate Supreme Court

(1) (3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR, CAMP DIKHAN.

SERVICE APPEAL No. _____/2023

Sabir Hussain No. D/51, Sub-inspector presently posted as SHO/MKh District police Bannu.

Appellant

VERSUES

1. The Inspector General of Police, Central Police Office, IGP, Peshawar.
2. The Addl: Inspector General of Police, Head Quarters, CPO, Peshawar.
3. Regional Police Officer, DIKhan Range Dera Ismail Khan.
4. District Police Officer Dera Ismail Khan.

Respondents

SERVICE APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED ORDER NO. 4497-99/ES DATED 22/06/2023 WHEREBY
THE APPELLANT HAS BEEN AWARDED "MAJOR PUNISHMENT OF REDUCTION
IN RANK FROM INSPECTOR TO SUB-INSPECTOR WITH IMMEDIATE EFFECT"
AND SERVICE APPEAL AGAINST INDISICION OF THE DEPARTMENTAL APPEAL
OF THE APPELANT.

Note: That the addresses of the Parties given in the heading of the Petition are true and correct for the purpose of service.

Respected Sir;

1. That the appellant is serving as Sub-inspector in district Police DIKhan and is currently posted as SHO/MKh District police Bannu.
2. That the appellant was appointed as Assistant Sub Inspector in KPK Police Department on the recommendation of KPK Public Service Commission on 17/03/2010. The appellant was promoted as Inspector on 16/04/2020.
3. That during the entire service record the appellant have served in Kohat range, Charsada range, Bannu range, in CTD and as SHO in multiple police stations and even served at extremely hard areas. Due to the meritorious services of the appellant has been awarded reward of CC-1 with cash by the PPO, several times and similarly has been awarded multiple certificates and award from the department.

(4)

4. That due to the appraisable efficiency of the appellant, was appointed as SDPO on 09/05/2023. On 25/05/2023 while performing other duties, also issued various directions to the Incharge Khutti check post namely Riaz Hussain IHC. The official communication which is regarded as internal secret communication, was mistakenly or intentionally shared in social media by the said IHC Riaz Hussain. The Worthy RPO DIKhan region issued charge sheet and statement of allegations vide letter No. 3711/ES dated 27/05/2023. Copies are annexed as Annexure A. The appellant was also suspended vide RPO order No. 3709/ES dated 27/05/2023. Copy is annexed as Annexure B. The appellant duly submitted his written reply. Copy of reply of the appellant is annexed as Annexure C. During the inquiry proceeding, the inquiry officer held the present appellant also responsible for that and RPO DIKhan issued impugned Order No.4497/ES dated 22/06/2023 and awarded major punishment of reduction in rank from inspector to Sub-inspector with immediate effect. Copy of Impugn order dated 22/06/2023 is annexed as "Annexure-D".

5. That after the issuance of impugned order, the appellant preferred a departmental appeal/representation on 26/06/2023. Copy of a departmental appeal is annexed as "Annexure-E".

6. That uptill now no response has been shown from the respondents and after the laps of statutory limitation of departmental appeal, cause of action has been accrued to the appellant for instant appeal hence, the instant service appeal, inter alia on the following grounds.

GROUND

1. That the impugn order is against Law and facts and against service rules, void and is in sheer violation of Police rules, 1975 amended 2014.
2. That charge sheet and statement of allegation are patently illegal, void ab-initio, unwarranted and legally not sustainable in the eye of law. The same were issued by respondent No. 3 (RPO DIKhan region), who was not a competent authority under KP Police rules, 1975 amended 2014, thus the impugn order is liable to be set aside on this score alone.
3. That as the record reflects that respondent No. 03's grievances were involved in the present inquiry. Therefore, the element of anger and partiality could not be ruled out in the present case. Thus, in the present eventuality respondent No. 03 was not justified to issue the impugn order.
4. That the appellant was not treated in accordance with law and the actions of the respondents are mala-fide being discriminatory and harsh. That appellant has been made scape goat in the instant inquiry proceeding and in the case.

5. That the Appellant has been subjected to injustice and the case of Appellant has not been dealt with under the principle of the fair play.
6. That statement of allegation contains the allegation of making viral a conversation on social media. The same allegations were also issued to those police officials who either, mistakenly or intentionally made the video viral. Thus the present appellant had no role with/in this allegation. But the Learned Inquiry officer held the present appellant responsible even for this allegation.
7. That the impugned order is against the settled laws and rules of KP Police Rules. Hence, ineffective upon the rights of appellant. The learned inquiry officer did not follow the prescribe procedure and failed to distinguish the case of appellant with rest of the delinquent police officials.
8. That this Hon'ble Tribunal is competent and has ample powers to adjudge the matter under Appeal.
9. That the counsel for Appellant may be allowed to argue additional grounds at the time of arguments.

It is, therefore, respectfully prayed that on acceptance of this appeal, the impugned order No. 4497-99/ES dated 22/06/2023 whereby the appellant has been awarded "major punishment of reduction in rank from Inspector to Sub-Inspector with immediate effect", being void, illegal may please be set aside and appellant may kindly be restored to his actual post/position as Inspector along with all back benefits.

Any other relief deems fit and appropriate in given circumstances may also be granted in larger interest of justice.

Yours Humble Appellant

 (Sabir Hussain)
 Through Counsel

Mohammad Abdullah Baloch
 (Advocate Supreme Court)

Dated: /10/2023

VERIFICATION

Verified on oath at DIKhan, this th day of October, 2023, that all contents of the above appeal are true and correct and appellant have not filed an appeal regarding the subject controversy, earlier in this august Tribunal.

6

Appellant

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR, CAMP DIKHAN,

In Service Appeal No. _____/2023

Sabir Hussain
(Appellant)

Versus

Govt; of KPK etc
(Respondents)

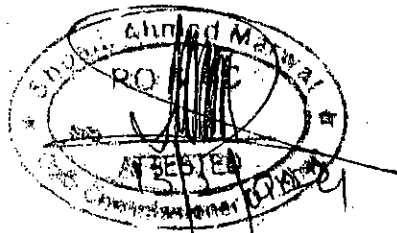
SERVICE APPEAL

AFFIDAVIT

I, **Sabir Hussain**, appellant herein, do hereby solemnly affirm on oath that all parawise contents of the accompanying appeal are true and correct to the best of my knowledge, belief and information; that nothing has been concealed or kept secret from this worthy Tribunal.

Dated /10/2023

Deponent



(7)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR, CAMP DIKHAN.**

In Service Appeal No. _____/2023

Sabir Hussain
(Appellant)

Versus

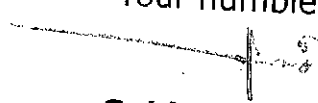
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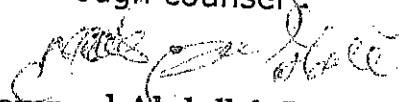
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6.	Copy of departmental appeal	E	13 - 16
7.	Vakalatnama	--	17 - 17

Dated: ___/10/2023

Your humble appellant


Sabir Hussain

Through counsel


Muhammad Abdullah Baloch
Advocate Supreme Court

8

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Yours Humble Appellant

(Sabir Hussain)
Through Counsel



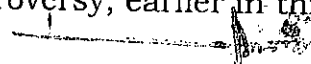
Mohammad Abdullah Baloch
(Advocate Supreme Court)

Dated: /10/2023

VERIFICATION

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Dated; /10/2023



Appellant

11

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
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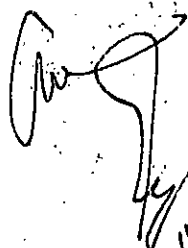
SERVICE APPEAL

AFFIDAVIT

I, **Sabir Hussain**, appellant herein, do hereby solemnly affirm on oath that all parawise contents of the accompanying appeal are true and correct to the best of my knowledge, belief and information; that nothing has been concealed or kept secret from this worthy Tribunal.

Dated /10/2023

Deponent


14/10/23

To

The Registrar KPK

Service Tribunal Peshawar

old (De) Peshawar. Khayman

Road opposite Sarena hotel

Peshawar. 091-9212281