

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

Appeal No. 2353/2024

Anwar Zeb

(Appellant)

VERSUS

IGP etc.

(Respondents)

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Deponent
DPO *Bannu*
Syed Iftikhar Shah

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PARA WISE COMMENTS OF RESPONDENTS NO. 1 to 3

Respectfully Sheweth

The respondents respectfully submit as under: -

PRELIMINARY OBJECTIONS.

1. That the Appellant has got no cause of action.
2. That the Appeal is not maintainable under the law.
3. That the Appeal is barred by law & limitation.
4. That the Appellant has not been discriminated in any way.
5. That the Appeal is bad due to mis-joinder and non-joinder of necessary parties.
6. That the Appellant has approached the Honorable Tribunal with unclean hands.
7. That the Appellant has got no cause of action and locus-standi to file the instant Appeal.
8. That the Appellant has been estopped by his own conduct.

ON FACTS

1. Pertains to record, hence needs no comments.
2. Incorrect, the appellant was appointed as a constable in the year 2004 but he did not perform his duty with zeal and zest being a habitual absentee, having a tainted reputation and colorful service record.
3. Incorrect, the appellant deliberately absented from official duty without prior permission from the competent authority for a period of 4 months approximately. Therefore, charge sheet and statement of allegations were issued and the matter was inquired by an Enquiry officer, but he did not bother to join the enquiry proceedings, final show cause notice was issued and the appellant summoned for personal hearing but he did not appear, and hence ex-parte action was taken against him and major punishment of dismissal from service was imposed upon him. (copies A,B,C are annexed)
4. Incorrect. Detail reply has already been given in above para No.3.
5. Correct to the extent, that appeal of the appellant was rejected being devoid of merits and there was no plausible and convincible grounds to interfere in the order of Respondent No.3 (DPO-Bannu).

6. Correct to the extent, that the appellant approached to the respondent No. 1 in the shape of revision petition but the same was turn down being badly time barred.
7. Reply has already been given in the above para.
8. The respondent department seeks permission to raise additional grounds at the time of arguments.

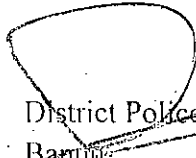
GROUND:

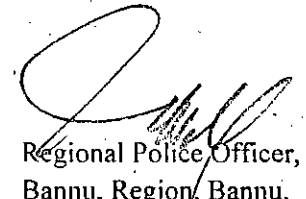
- A. Pertains to record.
- B. Incorrect, the competent authority already adjudged the absence of the appellant, the matter was properly probed through inquiry officer and it was found that the appellant was habitual absentee time and again was called through concerned SHOs to join the enquiry proceedings but he did not bother to join the proceedings therefore, was no other option but to take Ex. parte action against him.
- C. Incorrect, the appellant is habitual absentee. allegations leveled against the appellant were proved/established during enquiry proceedings and all the excuses of the appellant is baseless and there is no cogent reason to prove him innocence.
- D. Incorrect, the impugned order are not very harsh/arbitrary and against the norms of law/justice but was issued after establishment of charges.
- E. Pertains to record.
- F. Incorrect, detail reply has already been given in the above paras.
- G. Incorrect, a full fledge enquiry was conducted under Police Rules 1975 but he did not bother to join the enquiry proceedings. Therefore, was no other option but to take Ex. Parte action against the appellant.
- H. Incorrect, the absence period i.e 4 months approximately is intentional and the last excuse of the appellant that his mother is ill. in this respect he did not provide or submit any kind of documents for consideration, nor he did not join the enquiry proceedings and the punishment awarded to him after thorough probe by the enquiry officer.
- I. Incorrect, the appellant is habitual absentee having a tainted reputation and colorful service record.
- J. Pertains to record.
- K. Incorrect, all the proceedings were carried out according to land laws specified for the purpose and no irregularity/illegality was committed during enquiry proceedings.
- L. Incorrect, no fundamental rights of the appellant has been violated which was granted by the Islamic Republic of Pakistan 1973.
- M. Reply has already been given in the above para.
- N. Incorrect, the appellant is habitual absentee and did not take interest in official duty, no vested right have been belatedly violated.


O. The respondents department seeks permission of this Honorable Tribunal for further/ additional grounds at the time of arguments.

PRAYER:

In view of the above Para wise comments, it is most humbly prayed that the Appeal of the Appellant may kindly be dismissed with cost.


District Police Officer,
Bannu
(Respondent No.3)
(Syed Iftikhar Shah)
Incumbent


Regional Police Officer,
Bannu, Region, Bannu.
(Respondent No.2)
(Qasim Ali Khan) PSP
Incumbent


DIG/Legal, CPO,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.1)
(DR. Muhammad Akhtar Abbas) PSP
Incumbent

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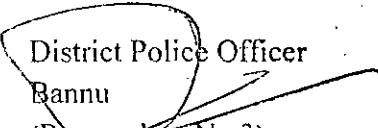
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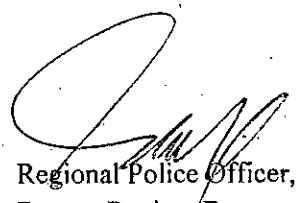
(Respondents)

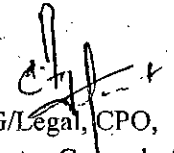
AUTHORITY LETTER.

Mr. Muhammad Farooq Khan DSP Legal Bannu, is hereby authorized to appear before Honorable Tribunal on behalf of the undersigned in the above cited Appeal.

He is authorized to submit and sign all documents pertaining to the present Appeal.


District Police Officer
Bannu
(Respondent No.3)
(Syed Iftikhar Shah)
Incumbent


Regional Police Officer,
Bannu, Region, Bannu.
(Respondent No.2)
(Qasim Ali Khan) PSP
Incumbent


DIG/Legal, CPO,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
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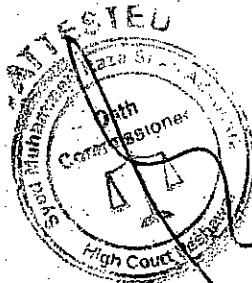
(Respondents)

AFFIDAVIT.

I, Mr. Syed Iftikhar Shah DPO Bannu representative for Respondent Nos.1 to 3, do hereby solemnly affirm and declare that the contents of the accompanying comments submitted by us are true and correct to the best of our knowledge and belief and that nothing has been concealed from this Honorable Tribunal.

It is further stated on oath that in this appeal, the answering respondents have neither been placed ex. Parte nor their defense has been struck off.

**Deponent
DPO Bannu
Syed Iftikhar Shah**



(6)

11 A

PUNISHMENT ORDER

This order of the undersigned will dispose of the departmental proceedings against accused Constable Anwar Zeb No. 152, under Police Rule 1975 (As amended vide Govt. of Khyber Pakhtunkhwa Gazette Notification of even No: dated 27th of August 2014) by issuing charge sheet and statement of allegations to him for committing the following commissions/omissions:-

➤ That reportedly Constable Anwar Zeb No. 152 while posted to PS Saddar deliberately absented himself from official duty without any sanctioned leave or prior permission of the competent authority w.e.f 04.07.2022 to 23.11.2022 (Total 04 Months, 21-days) vide DD No. 23, dated 23.11.2022 PS Saddar.

Charge sheet and statement of allegation were issued to him and DSP/HQrs, Bannu was appointed as Enquiry Officer to hold a regular departmental enquiry under Police Rule 1975 (As amended vide Govt. of Khyber Pakhtunkhwa Gazette Notification of even No: dated 27th of August 2014). The Enquiry Officer submitted findings reports vide letters No. 03/HQ dated 20.01.2023 and reported that the said official has been called/summoned time and again through SHO PS Basia Khel and also through his personal contact number 0336-7261450 to submit the reply of Charge-Sheet but failed to do so till date and intentionally does not submit the reply to Charge Sheet. Therefore, the allegations leveled against the accused official have been proved and he is recommended for "Major Punishment, placed at file.

Keeping in view of the above, the undersigned meticulously perused all the relevant record, enquiry report and other circumstances of the case come to the conclusion that allegations leveled against the said official have been proved. He is a habitual absentee and did not take interest in duty. Therefore, Ex-parte action has been taken against him. Hence, I, Dr. Muhammad Iqbal, District Police Officer, Bannu, in exercise of the power vested in me under Police Rule 1975 (As amended vide Govt. of Khyber Pakhtunkhwa Gazette Notification of even No: dated 27th of August 2014) hereby awarded him Major Punishment of "Dismissal from Service" with immediate effect.

OB No. 108
Dated: 26 / 10 / 2023

ATTESTED
Bashir Khan Wazir B/09-2053
ADVOCATE
High Court Peshawar

(Dr. MUHAMMAD IQBAL)PSP
District Police Officer,
Bannu.
Tel: 0928-9270038
Fax :0928-9270045
Email: dpobannu2@gmail.com

No. 278 /SRC dated Bannu, the 26 / 11 / 2023.

Copy of above for necessary action to:

1. Pny Officer, SRC. OHC
2. Fauji Missal Clerk along with enquiry file for placing it in the Fauji Missal of the concerned official.

OFFICE OF THE DISTRICT POLICE OFFICER, BANNU.

SHOW CAUSE NOTICE

(Under rules 5 (03) KPK Police Rules, 1975

That you FC Rizwan No. 2291, FC Waseem Khan No. 1592, FC Sairullah No. 566, FC Wali Nawaz No. 677, FC Haq Nawaz No. 157 have rendered yourselves liable to be proceeded under Rule 5(3) of the Khyber Pakhtunkhwa Police Rules (As amended vide Khyber Pakhtunkhwa gazette Notification No.27th of August 2014) for the following misconduct:

- The perusal of supervision report of SDPO/Rural-I, Mr Imran Ullah Khan, dated 11.12.01.2023, time 11PM to 05 AM depicts that out of total strength of 16 individuals in PP Mazanga, PS Haved, 05 were on leave while you the above named 05 officials were absent from your place of duty without any leave or prior permission from the competent authority. Thus only 06 personnel were present in the PP whose lives were at stake because of your absence. It means that you are not taking interest in your official duty and are not obeying the orders of your seniors which amounts to gross misconduct and make you liable to be punished departmentally.
- That you were issued Explanation Notices vide this office No. 12/SRC, dated 13.01.2023 but your replies have been found illogical, irrational, irrelevant and unsatisfactory.
- Such an act on your part is against service discipline and amounts to gross misconduct/negligence in duty.

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.

That the misconduct on your part is prejudicial to good order of discipline in the police force

That your retention in the police force will amount to encourage in efficient and unbecoming of good police officers:

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.

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 for the misconduct referred to above.

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.

You are further directed to inform the undersigned that wish to be heard in person or not.

By reason of above you have rendered yourself liable to be proceeded under Khyber Pakhtunkhwa Police Rules (As amended vide Khyber Pakhtunkhwa gazette Notification No.27th of August 2014), hence these ground of action.

(Dr. MUHAMMAD IQBAL) PSP
District Police Officer,
Bannu.

No. 18 /SRC, dated 17 / 01 / 2023.

Received by: _____

Dated: / /2023