

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

Service Appeal No. 2572/2023

Ex- Constable Naseer Ullah Belt No. 509 S/O Abdur Rauf R/o Shawa Malik Shahi Qabal Khel,
Tehsil Shawa NWTD..... (Appellant)

VERSUS

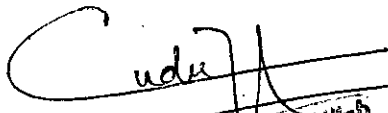
1. District Police Officer North Waziristan.
2. Regional Police Officer Bannu Region Bannu.

.....(Respondents)

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Attested


SDPO Naseer Ullah,
LIF
CPIC, Shawa, NWTD-2572/2023

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

Service Appeal No. 2572/2023

Ex- Constable Naseer Ullah Belt No. 509 S/O Abdur Rauf R/o Shawa Malik Shahi Qabal Khel,
Tehsil ShawaNWTD..... (Appellant)

VERSUS

1. District Police Officer North Waziristan.
2. Regional Police Officer Bannu Region Bannu.

.....(Respondents)

PARA-WISE COMMENTS BY RESPONDENTS NO. 1 TO 2

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS:-

- a) That the appeal is not maintainable in the present form.
- b) That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
- c) That the appellant is estopped to file the instant Appeal by his own conduct.
- d) That the appellant has not come to this Honorable Tribunal with clean hands.
- e) That the appellant has got no cause of action and locus standi to file instant Appeal.
- f) That the appeal is barred by law & limitation.

ON FACTS

1. Para to extent of initial appointment pertains to record needs no comments while rest of the para is not plausible because every police officer is under obligation to perform his duties to the best of his abilities.
2. Pertains to record. Hence, need no comments.
3. Correct to the extent that the appellant was Charge Sheeted on the allegation of willful absence as he was abroad without proper leave or prior permission from the competent authority.
4. Correct to the extent that appellant was issued Charge Sheet along with statement of allegation because the appellant had gone abroad i.e. United Arab Emirates without availing proper leave or prior permission from the competent authority. The enquiry was entrusted to Superintendent of Police Investigation, North Waziristan. Charge sheet and statement of Allegation were served upon the cousin of appellant as he (appellant) was not available rather went abroad. This fact has also categorically been admitted by cousin of the appellant while submitting reply to the Charge Sheet. More so, the issue of appellants going abroad has also been admitted by the appellant in reply to the Charge Sheet submitted by cousin of the appellant (**Copies of Charge Sheet, Statement of Allegation & reply are annexed as Annexure 'A' 'B' & 'C'**).
5. Correct to the extent that enquiry into the matter was initialed while rest of the para is not plausible because the appellant was abroad and documentary proofs regarding his going abroad (**Copies are annexed as Annexure 'D' 'E' 'F' & 'G'**) in shapes of travel history and passport copies. These fact have also been admitted in black & white. It is added that it is a settled principle that fact admitted needs not to be proved. Moreover, the enquiry officer after fulfillment of all legal and codal formalities recommended the appellant for awarding major punishment. Hence, after fulfilling all legal process, the appellant was awarded appropriate punishment which does compensate with the gravity of misconduct of appellant.

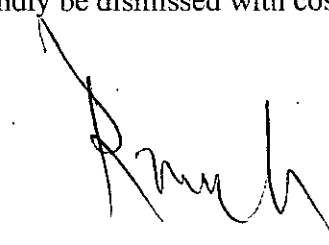
6. Correct to the extent that the appellant was issued Final Show Cause Notice which was duly received by his cousin by signing the copy of its receipt because the appellant was abroad and this fact has already been admitted by the cousin of appellant as well as the appellant in the instant para of facts.
7. Due to his absence from service for a long period as well as travelling abroad without the approval of competent authority, he was proceeded against departmentally after fulfillment of all legal and codal formalities.
8. Correct to the extent that departmental appeal was filed but it is pertinent to mention here that the appellant even after dismissal of service, did not bother to come and file appeal. Moreover, after proper scrutiny of record and materials available on record, the appellate authority dismissed appeal of the appellant being devoid of merit.
9. Incorrect. Plea taken by the appellant is for him to prove.
10. The office of Appellate Authority has no personal grudges with any serving or Ex-police officials. Departmental appeals are decided by the Appellate Authority on merits purely. Moreover, every case has its own facts and circumstance, hence, stance of the appellant is totally bereft of any substance.

GROUND:

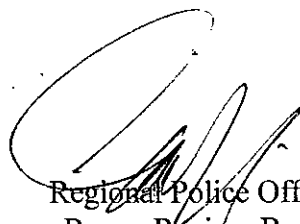
- a) He was appointed in 2007. However, he proceeded abroad which was revealed later on by reliable source. His departure and stay at United Arab Emirates is evident from the travel report of Federal Investigation Agency/Airport Authorities.
- b) Incorrect. Plea taken by the appellant is totally ill based hence, denied.
- c) Incorrect. At the time of dismissal, he was abroad as per record available with this office and enclosures above as well as admitted by him also.
- d) He was called time and again to appear in person, however, he was abroad due to which he failed to appear either to join the duty and receive the Charge Sheet/Final Show Cause or attend the departmental proceedings.
- e) Plea taken by the appellant is totally ill based and he has tailored the story just to conceal the reality.
- f) Incorrect. Stance taken by the appellant is totally devoid of merit.
- g) The office of Appellate Authority has no personal grudges with any serving or Ex-police officials. Department appeals are decided by the Appellate Authority on merits purely. Furthermore, the said office has reinstated many police officials but on the other hand, has dismissed numerous appeals. It varies from appeal to appeal, not all appeals are having same grounds and penalties.
- h) Incorrect. The stance taken by the appellant is totally bereft of any substance rather a concocted one. He tailored the instant story just to save his skin.
- i) All the proceedings initiated and completed as per Police Rules 1975.
- j) The codal formalities were observed and the proceeding carried out in this case is in accordance with law.

PRAYER:

In view of the above, it is most humbly prayed that the instant Service Appeal is barred by law and limitation, having no legal force kindly be dismissed with cost, please.



District Police Officer,
North Waziristan
Respondent No.1
RoKhanZeb
Incumbent



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

Service Appeal No. 2572/2023

Ex- Constable Naseer Ullah Belt No. 509 S/O Abdur Rauf R/o Shawa Malik Shahi Qabal Khel,
Tehsil Shawa NWTD..... (Appellant)

VERSUS

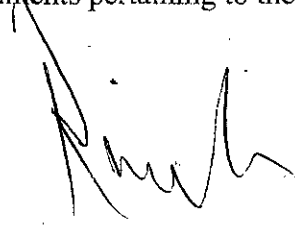
1. District Police Officer North Waziristan.
2. Regional Police Officer Bannu Region Bannu.

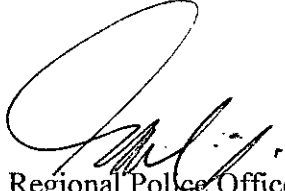
.....(Respondents)

AUTHORITY LETTER

Mr. **Qudrat Ullah Khan**, DSP Legal North Waziristan, is hereby authorized to appear
Before the Honorable Khyber Pakhtunkhwa Services Tribunal Peshawar on Behalf of the
respondents in the above cited Service Appeal.

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


District Police Officer,
North Waziristan
Respondent No.1
RoKhanZeb
Incumbent


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

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

Service Appeal No. 2572/2023

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Tehsil Shawa NWTD..... (Appellant)

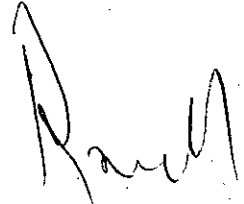
VERSUS

1. District Police Officer North Waziristan.
2. Regional Police Officer Bannu Region Bannu.

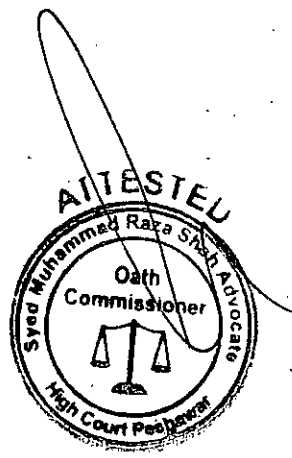
.....(Respondents)

AFFIDAVIT

I, **Rokhan Zeb**, District Police Officer, North Waziristan, do hereby solemnly affirm on oath that the contents of Para-wise comments on behalf of respondents are correct to the best of my knowledge and belief. Nothing has been concealed from this Hon'ble Tribunal.



DISTRICT POLICE OFFICER,
North Waziristan
CNIC No.16201-4321719-7
Contact No. 0928313700



CHARGE SHEET:

I, **Farhan Khan (PSP)**, District Police Officer, North Waziristan, as competent authority, hereby charge you, **FC Naseer Ullah No.509** for the purpose of departmental enquiry proceedings as follows:-

- That you have absented yourself intentionally from your official duties. It has been learnt through reliable sources that you have been gone abroad without permission.
- This all speaks at gross misconduct on your part and you are liable to be punished under Police Rules-1975.
- Such act on your part is against the service rules/discipline and amounts to misconduct and negligence.

1. By reason of the above you appear to be guilty of misconduct under the Police Rules 1975 (As amended vide Khyber Pakhtunkhwa Gazette Notification No.27th of August 2014) and have rendered yourself liable to all or any of the penalties specified in the said rules, and under section 77 of the Khyber Pakhtunkhwa Act, 2017.

2. You are therefore, directed to submit your defense/reply within 07 days of the receipt of this Charge Sheet to the enquiry officer.

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

4. You are directed to intimate whether you desire to be heard in person or otherwise?

5. A statement of allegation is enclosed.

(Farhan Khan) PSP
District Police officer,
North Waziristan

Attested

Cuduf
S.O. Qudus
Litigation Officer
D.P.O Office
C.M.C No: 21000-0088152
North Waziristan

FC Naseer Ullah No. 509
2008-17045 0-1
23.11.2022
10/2022

FC Naseer Ullah No. 509
23.11.2022


SUMMARY OF ALLEGATIONS:

I, **Farhan Khan (PSP)**, District Police Officer, North Waziristan as competent authority, am of the opinion that **FC Naseer Ullah No.509**, has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Police Rules (As amended vide Khyber Pakhtunkhwa Gazette Notification, No.27th of August 2014) and have rendered yourself liable to all or any of the penalties specified in the said rules, and under section 77 of the Khyber Pakhtunkhwa Act, 2017.

SUMMARY OF ALLEGATIONS:

- That you have absented yourself intentionally from your official duties. It has been learnt through reliable sources that you have been gone abroad without permission.
- This all speaks at gross misconduct on your part and you are liable to be punished under Police Rules-1975.
- Such act on your part is against the service rules/discipline and amounts to misconduct and negligence.

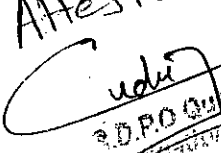
1. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations M. Zamir S.D. Murad is appointed as Enquiry Officer.
2. The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within the targeted days after the receipt of this order.
3. The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

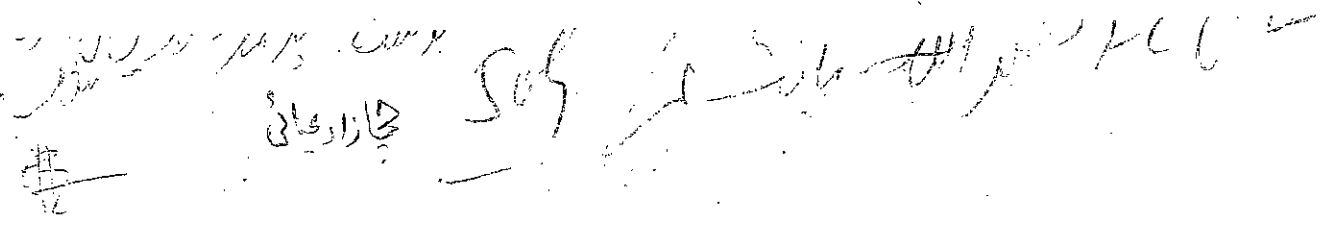

(Farhan Khan) PSP
 District Police officer,
 North Waziristan

No. 190-91 /SRC dated 23 /06/2022.

Copies to:

1. The Enquiry Officer
2. The Accused Officer/Official.


Attested

 S.D. PO Gujranwala
 District Police Officer,
 North Waziristan
 CNIC No. 22052-85177

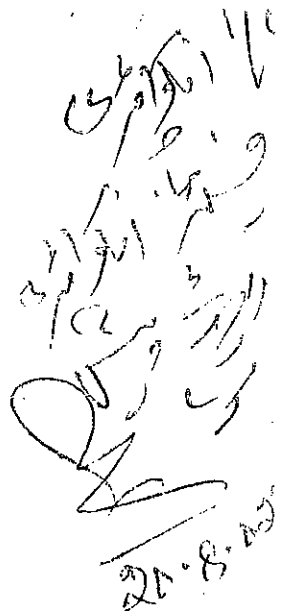


TRAVEL HISTORY

Sr.	Name	Father / Husband Name	CNIC No	Passport No	Site	Entry Status	Travel Date	Flight No	Destination
1.	Irfan	Sanabat Khan	2150274991423	BM1981421, BM1981422, BM1981423	Peshawar	Departing	27 Sep 2021 07:25 AM	PK283	ARE - United Arab Emirates
2.	Noor Zada	Shahbaz Khan	2150510027771	CP5497772	Peshawar	Departing	03 Jun 2022 11:09 AM	PA630	ARE - United Arab Emirates
3.	Munir Ahmad	Muhammad Shafi	2150555530839	FJ1170831	Peshawar	Departing	21 Jan 2022 01:19 PM	PK217	ARE - United Arab Emirates
4.	Syed Kamal	Badshah Jan	2150568188003	AY4208001	Peshawar	Departing	03 Jun 2022 11:34 AM	PA630	ARE - United Arab Emirates
5.	Taj Muhammad	Abdul Jalil	2150594160087	KD535509, LA0150082, LA0150081, LA0150083	Islamabad	Departing	10 Oct 2021 01:10 PM	ED230	ARE - United Arab Emirates
6.	Naseer Ullah	Abdur Rauf	2150839652385	AQ2742381, AQ2742382, AQ2742383	Peshawar	Departing	11 Feb 2022 01:22 PM	PK217	ARE - United Arab Emirates
7.	Bakhmal	Mir Zali	2150867892475	AP3342471, AP3342472, AP3342473	Lahore	Arriving	06 Aug 2022 10:47 PM	PA411	
8.	Noor Muhammad	Shamir Khan	2150869006047	CE0156041, CE0156042, CE0156043, CE0156044	Peshawar	Arriving	13 Aug 2022 08:50 AM	PK218	
9.	Wali Roshan	Rasil Gul	2150874859029	CJ9849021, CJ9849022, CJ9849023	Peshawar	Departing	26 Nov 2021 07:15 PM	PK255	ARE - United Arab Emirates
10.	Alamgir	Eid Muhammad	2150882411561	AX1751563, AX1751561, AX1751564, AX1751562	Peshawar	Departing	12 Sep 2021 04:29 PM	PK221	ARE - United Arab Emirates
11.	Sadam hussain	Muzamil	2150889530853	PH6890851, PH6890852	Peshawar	Departing	06 Feb 2020 04:38 AM	PK727	SAU - Saudi Arabia

Attested


 S.P.O. Chitral
 District Office
 P.O. Office, North Waziristan
 CNIC # 41003 400 400


 21-8-22



Directorate General Immigration & Passports
G-8/1, Mauve Area, Islamabad



Web: <http://www.dgip.gov.pk/>, E-mail: info@dgip.gov.pk
Tel: 0800-34477, Fax:

(P-10) "E"

ONLINE KB-9

RPO/FM Name:	Bannu		
Passport No.:	AQ2742381	CNIC No.:	21508-3965238-5
Token ID:	11301055983	Token Date:	04-Sep-2007
Decision Date:	04-Sep-2007	Status:	INACTIVE
Passport Type:	ORDINARY	Token Type:	NEW
Issue Date:	04-Sep-2007	Expiry Date:	02-Sep-2012
Religion:	ISLAM	Profession:	OTHER
Qualification:	NONE	Date of Birth:	01-Jan-1988
Old Passport:		Booklet No.:	A4968734
Gender:	MALE	Marital Status:	UN-MARRIED
Place of Birth:	N W AGENCY		
First Name	NASEER	Last Name:	ULLAH
Father Name:	ABDUR RAUF		
Spouse Name:			
Contact No.:		Email Address:	
Present Address:	MALIK SHAHI KABAL KHEL, P.O. & TEHSIL SHEWA N W AGENCY		
Permanent Address:	MALIK SHAHI KABAL KHEL, P.O. & TEHSIL SHEWA N W AGENCY		



Requested by:

Name: District Police Officer
Designation: North Waziristan
Organization: POLICE
Letter ref No.: 6397/PA/F-12

Usman Nawaz
Assistant Director

Attested

S.D.P.O. Quetta, Balochistan
Litigation Officer,
D.P.O. Office, North Waziristan
0112-2111111



Directorate General Immigration & Passports
G-8/1, Mauve Area, Islamabad

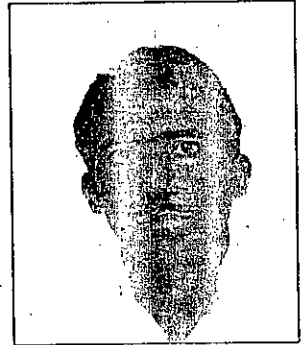


Web: <http://www.dgip.gov.pk/>, E-mail: info@dgip.gov.pk
Tel: 0800-34477, Fax:

(P-11) "F"

ONLINE KB-9

RPO/FM Name:	Bannu		
Passport No.:	AQ2742382	CNIC No.:	21508-3965238-5
Token ID:	11301224513	Token Date:	15-Oct-2012
Decision Date:	15-Oct-2012	Status:	INACTIVE
Passport Type:	ORDINARY	Token Type:	RENEW
Issue Date:	15-Oct-2012	Expiry Date:	14-Oct-2017
Religion:	ISLAM	Profession:	OTHER
Qualification:	MATRICULATION	Date of Birth:	01-Jan-1988
Old Passport:	AQ2742381	Booklet No.:	B8858206
Gender:	MALE	Marital Status:	MARRIED
Place of Birth:	N W AGENCY		
First Name	NASEER	Last Name:	ULLAH
Father Name:	ABDUR RAUF		
Spouse Name:	NIOZMALA		
Contact No.:		Email Address:	
Present Address:	MALIK SHAHI KABAL KHEL, P.O. & TEH SHEWA: N W AGENCY		
Permanent Address:	MALIK SHAHI KABAL KHEL, P.O. & TEH SHEWA: N W AGENCY		



Requested by:

Name:	District Police Officer
Designation:	North Waziristan
Organization:	POLICE
Letter ref No.:	6397/PA/F-12

Usman Nawaz
Assistant Director

Attested
Usman Nawaz
Liaison Officer
DPO Office, North Waziristan
2012-10-15



Directorate General Immigration & Passports
G-8/1, Mauve Area, Islamabad



Web: <http://www.dgip.gov.pk>, E-mail: info@dgip.gov.pk
Tel: 0800-34477, Fax:

ONLINE KB-9

RPO/FM Name:	Bannu		
Passport No.:	AQ2742383	CNIC No.:	21508-3965238-5
Token ID:	11301433113	Token Date:	10-Oct-2017
Decision Date:	10-Oct-2017	Status:	ACTIVE
Passport Type:	ORDINARY	Token Type:	RENEW
Issue Date:	10-Oct-2017	Expiry Date:	09-Oct-2027
Religion:	ISLAM	Profession:	OTHER
Qualification:	MATRICULATION	Date of Birth:	01-Jan-1988
Old Passport:	AQ2742382	Booklet No.:	E8686955
Gender:	MALE	Marital Status:	MARRIED
Place of Birth:	N W AGENCY		
First Name	NASEER	Last Name:	ULLAH
Father Name:	ABDUR RAUF		
Spouse Name:	NIOZMALA		
Contact No.:		Email Address:	
Present Address:	MALIK SHAHI KABAL KHEL, P.O. & TEH SHEWA: N W AGENCY		
Permanent Address:	MALIK SHAHI KABAL KHEL, P.O. & TEH SHEWA: N W AGENCY		



Requested by:

Name: District Police Officer
Designation: North Waziristan
Organization: POLICE
Letter ref No.: 6397/PA/F-12

Usman Nawaz
Assistant Director

Attested
[Signature]
SD/DC North Waziristan
10/10/2017