BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 2573/2023

VERSUS

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

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Attested S.D.P.O.Qudrat Ullah. S.D.P.O Qudital Ullan. S.D.P.O Qudital Ullan. Litigation Officer. D.P.O Office. North Waziristan D.P.O Office. North Waziristan D.P.O Office. North Waziristan

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 -(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 brother of appellant as he (appellant) was not available rather went abroad. This fact has also categorically been admitted by brother 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, Statement of Allegation & reply are annexed as Annexure 'A' 'B' & 'C').
- 5. Correct to the extent that inquiry into the matter was initialed while rest of the para is not plausible because the appellant was abroad and documentary proofs regarding has 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 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 brother by signing the copy of its receipt because the appellant was abroad and this fact has already been admitted by the brother 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 Appealate Authority has no personal grudges with any serving or Ex-police officials. Departmental appeals are decided by the Appealate Authority on merits purely. Moreover, every case has its own facts and circumstance, hence, stance of the appellant is totally bereft of any substance.

GROUNDS:

- 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 and his renewal of passport in United Arab Emirates on dated 15.07.2014 and 10.08.2017(Copies annexures 'H' & 'I').
- 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 Appealate Authority has no personal grudges with any serving or Ex-police officials. Department appeals are decided by the Appealate 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 ase is in accordance with law.

PRAYER:

In view of the above, it is most humbly prayed that the instant Service Appeal 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,

Respondent/No.2 Qasim Ali Khan (PSP) Incumbent

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- 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 aut brized to appear Before the Honorable Khyber Pakhtunkhwa Services Tribunal Peshawar on Be alf 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.

ww District Police Officer,

North Waziristan Respondent No.1 **RoKhanZeb** Incumbent

Regional Police Officer,

Respondent No.2 Qasim Ali Khan (PSP) Incumbent

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICES TRI BUNAL PESHAWAR

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- 1. District Police Officer North Waziristan.
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(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 OF FICER, North Waziristan CNIC No. 16201-4321 719-7 Contact No. 0928313 700



CHARGE SHEET:

I, Farhan Khan (PSP), District Police Officer, North Waziristan, as competent authority, hereby charge you, FC Wali Roshan No.513 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 Waxiristan

P-6)

Attested TELEVISE MILLION SOUND O'd' 1991110 noihean niend render of A.S.

SUMMARY OF ALLEGATIONS:

I, Farhan Khan (PSP), District Police Officer, North Waziristan as competent authority, am of the opinion that FC Wali Roshan No.513, 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 Zaman S P Mary 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 Khàn) PSP District Police officer, North Waziristan

No. 136 -87 /SRC dated

2 /06/2022.

Copies to:

1. The Enquiry Officer

2. The Accused Officer/Official.

Attested Ullah. S.D.P.O Qudit Litigation Bricer, LINGGOUT AND WATE- 131. CHIC # 210000000000000

بال 1, 1 ن ع والى روستان بل SI3 1. 23-06-200 E. 1- 186-87/5/CC 6 2 m 20/9, 1/g-14 -مار خرون ولمرائل مان مارتور مان عروان مان مروان مرد مارخ مروان ولمرائل مان مارتور مان مروان مروان مردان مرار المرازين مراكل مراكز از از المروان مروان كولا بم مرد بور ما در بوناران كارو اب جونكم في سرولا م الوادي قوادي مخلف - اور في لو من مال الم الم الم المراس مرج $N_{1,2} = \frac{1}{2} N_{1,2} N$ بالم نارب والبرى رخاندات تياري به اور تو بياريل ما کالا ر نیزر باکستان دادی آگر این سرطاری تو ترکی مو غیر جمل سیجو تر ال الم دوماره السي الانها الاز في المرام الي المرام الي وسك تا موقع دون - وري دي بي روار س واقف کې لو روار س · 6 6 to we we we god 2 is بمراستها فيلى ساكل ك والا يشي والحل وفتر فرال مزير كاردوال المراح ما وكامات مادر فرما فرستور فرمافة Attested 14 The Up 13 ve Eles Level Colling S13 Court OF COLL State 21508.

TRAVEL HISTORY

Sr.	Name	Father/ Husband.Namer	CNICING	Passport No	Site	Entry	Travel Date et a	Flight No	Destination	\vec{Q}
	Irfan	.Sanabat_Khan	_2150274991423_	BM1981421, BM1981422, BM1981423	_Peshawar_	_Departing_	_27Sep_ 2021_07:25 AM	PK283	ARE United Arab Emirates	AHebHe
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	3
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	I

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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.:	CJ9849021	CNIC No.:	21508-748	5902-9		
Token ID:	11301115337	Token Date:	16-Jul-200	9		
Decision Date:	17-Jul-2009	Status:	INACTIVE	3		
Passport Type:	ORDINARY	Token Type:	NEW			
Issue Date:	22-Jul-2009	Expiry Date:	21-Jul-201	4		
Religion:	ISLAM	Profession:	OTHER			
Qualification:	NONE	Date of Birth:	01-Jan-198	8		
Old Passport:		Booklet No.:	A9289629			
Gender:	MALE	Marital Status:	MARRIED) .	-	
Place of Birth:	NORTH WAZIRISTAN	AGENCY			_	1
First Name	WALI		Last Name:	ROSHAN	-	.' 1
Father Name:	RASIL GUL					1
Spouse Name:	MALIKA			<u> </u>		
Contact No .:			Email Address:	:		
Present Address:	MALIK SHAHI KABAI	L KHEL P/O SHEW	A			
•	DISTRICT	•				ii
	NORTH WAZIRISTAN	AGENCY				1
Permanent Address	: MALIK SHAHI KABAI	L KHEL P/O SHEW	A ·			
	DISTRICT		,		<u> </u>	1 1'
	NORTH WAZIRISTAN	AGENCY				··
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Requested by:

Name: Designation: Organization: Letter ref No.:

District Police Officer	
North Waziristan	
POLICE	
6397/PA/F-12	

Usman Nawaz Assistant Director

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ONLINE KB-9/195976/08262022

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S.D.P.O Quellat tyllall, Litigation Officer, D.P.O Office, North Waziriston CNIC #: 2150545489162-7



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:



RPO/FM Name:	Abu Dhabi		<u> </u>		· 	
Passport No.:	CJ9849022	CNIC No.:	21508-74859) 02-9	_	
Token ID:	30201346185	Token Date:	15-Jul-2014		-	
Decision Date:	15-Jul-2014	Status:	INACTIVE		_	
Passport Type:	ORDINARY	Token Type:	RENEW			
Issue Date:	15-Jul-2014	Expiry Date:	14-Jul-2019			
Religion:	ISLAM	Profession:	OTHER			
Qualification:	OTHER	Date of Birth:	01-Jan-1988	•	_	
Old Passport:	CJ9849021	Booklet No.:	C4889319			
Gender:	MALE	Marital Status:	MARRIED			
Place of Birth:	NORTH WAZIRISTAN	AGENCY				
First Name	WALI		Last Name:	ROSHAN		· ·
Father Name:	RASIL GUL					
Spouse Name:	MALIKA					<u> </u>
Contact No.:	0507987425		Email Address:	<u></u>		
Present Address:	MUSAFFAH					
	ABU DHABI					
Permanent Addres	S: MALIK SHAHI KABA	L KHEL P/O SHEW	Α			1
	DISTRICT NORTH WAZIRISTAN	N AGENCY				<u> </u>
Requested by:		3				•
Name:	District Police Officer				Usman Nawaz	
Designation:	North Waziristan				Usman Nawaz	

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Organization: Letter ref No .:

District Police Officer	
North Waziristan	
POLICE	
6397/PA/F-12	

Assistant Director

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ONLINE KB-9/195975/08262022 Attest S.D.P.O Que Milest. Litigation Officer, D.P.O Office, North Waziristan. C. VC H: 21530-04394527



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		<u> </u>		_ .
Passport No.:	CJ9849023	CNIC No.:	21508-748	5902-9	
Token ID:	11301418789	Token Date:	10-Apr-201	7	
Decision Date:	10-Apr-2017	Status:	ACTIVE		
Passport Type:	ORDINARY	Token Type:	RENEW		
Issue Date:	10-Apr-2017	Expiry Date:	09-Apr-202	22	
Religion:	ISLAM	Profession:	OTHER		
Qualification:	OTHER	Date of Birth:	01-Jan-198	8	_
Old Passport:	CJ9849022	Booklet No.:	E6992726		
Gender:	MALE	Marital Status:	MARRIED)	- 1
Place of Birth:	NORTH WAZIRISTAN	AGENCY			_ !
First Name	WALI		Last Name:	ROSHAN	
Father Name:	RASIL GUL			••••••••••••••••••••••••••••••••••••••	
Spouse Name:	MALIKA			-	· · · · · · · · · · · · · · · · · · ·
Contact No.;	0507987425		Email Address:		;;
Present Address:	MUSAFFAH				
	ABU DHABI				· · · ·
Permanent Address	S: MALIK SHAHI KABA	L KHEL P/O SHEW	A		ſ
	DISTRICT				······
	NORTH WAZIRISTAN	AGENCY			
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Requested by:

Name: Designation: Organization: Letter ref No.:

District Police Officer	
North Waziristan	
POLICE	
6397/PA/F-12	

Usman Nawaz Assistant Director

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Page 1/3

ONLINE KB-9/195974/03262022

Attested S.D.P.O Officer, Litigation Officer, D.P.O Office Florth Waziriston CHIC 11 - 1609-5480152-7



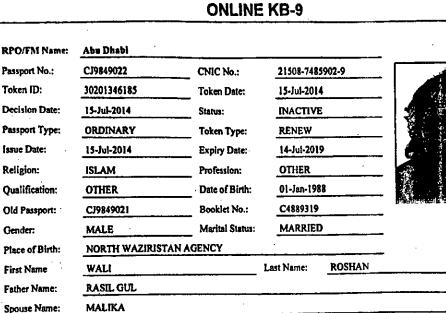
Passport No.:

Decision Date:

Token ID:

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

Web: http://www.dglp.gov.pk/, E-mail: Info@dglp.gov.pk Tel: 0800-34477, Fax:



Email Address:



Present Address:

MUSAFFAH ABU DHABI

0507987425

Permanent Address: MALIK SHAHI KABAL KHEL P/O SHEWA DISTRICT

NORTH WAZIRISTAN AGENCY

Requested by:

Name: Designation: Organization: Letter ref No .:

District Police Officer	
North Waziristan	
POLICE	
6397/PA/F-12	•

Page 2/3

ONLINE KB-9/195975/08262022

Attested S.D.P. - Oudrat What

Usman Nawaz

Assistant Director

L Justion Off B.P.O Offica, North Waziristen. CNIC #: 21506-5489152-1

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



(P-14)

Web: http://www.dglp.gov.pk/, E-mail: Info@dglp.gov.pk Tel: 0800-34477, Fax:

ONLINE KB-9

Banau **RPO/FM Name:** 21508-7485902-9 CJ9849023 CNIC No.: Passport No.: 10-Apr-2017 Token Date: Token ID: 11301418789 ACTIVE 10-Apr-2017 Status: **Decision Date:** RENEW ORDINARY Token Type: Passport Type: 10-Apr-2017 Explry Date: 09-Apr-2022 Issue Date: OTHER Religion: ISLAM Profession: 01-Jon-1988 Date of Birth: OTHER Qualification: E6992726 Booklet No.: CJ9849022 Old Passport: MALE Marital Status: MARRIED Gender: NORTH WAZIRISTAN AGENCY Place of Birth: Last Name: ROSHAN WALL First Name RASIL GUL Father Name: Spouse Name: MALIKA Email Address: 0507987425 Contact No.: Present Address: MUSAFFAH ABU DHABI Permanent Address: MALIK SHAHI KABAL KHEL P/O SHEWA DISTRICT NORTH WAZIRISTAN AGENCY

Requested by:

Name: Designation: Organization: Letter ref No.:

Page 1/3

ONLINE KB-9/195974/03262022

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Usman Nawaz

Assistant Director

CS CamScanner