

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

**Service Appeal No. 2574/2023**

Ex- Constable Nawar Khan Belt No. 440 S/O Gul Sanat Khan R/o Shawa Malik Shah Qabal  
Khel, Tehsil Shawa NWTD..... (Appellant)

**VERSUS**

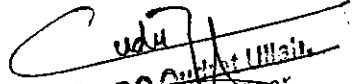
1. District Police Officer North Waziristan.
2. Regional Police Officer Bannu Region Bannu.

.....(Respondents)

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Attested

  
S.D.P.O. Qudus Ullah  
Litigation Officer  
D.P.O Office, North Waziristan  
CNIC #: 21906-6438162-7

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**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 gone abroad. This fact has also categorically been admitted by brother of the appellant while submitting reply to the Charge Sheet (**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 Final Show Cause Notice was issued to the appellant, and call time and again to appear in person, but the appellant failed and Final Show Cause Notice received by the appellant's brother namely Shah Noor s/o Gul Sanat Khan. These facts 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.

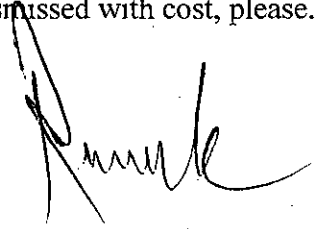
6. Correct to the extent that the appellant was issued Final Show Cause Notice which was duly received by his brother by signing the copy of its receipt because the appellant was abroad and this fact has already been admitted by the father of appellant as well as the appellant in the instant para of facts (**Copy annexed as Annexure 'D'**).
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 (**Copy annexed as Annexure 'E'**).
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.
- 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

(P-4)

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

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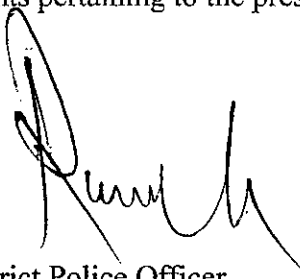
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2. Regional Police Officer Bannu Region Bannu.

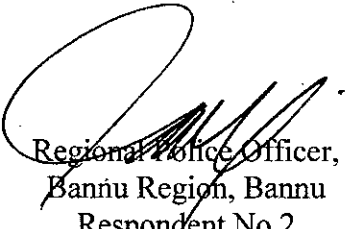
.....(Respondents)

**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

(P-5)

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

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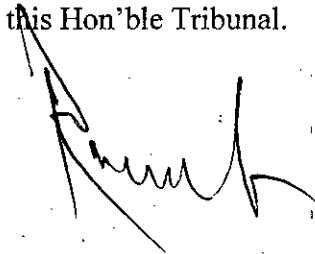
**VERSUS**

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



(P-6) "A"

"B"

**CHARGE SHEET:**

I, Farhan Khan (PSP), District Police Officer, North Waziristan, as competent authority, hereby charge you, FC Nawar No.440 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.27<sup>th</sup> 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

سید نور ولد علی سادات خان سید علی باجوہ کو

MIC:- 2150857415299

MOB:- 03329837117

03-08-22

Attested

Cudiy

S.D.P.O. Quetta  
Litigation  
D.P.O. Office North Waziristan  
CNIC No. 41036-6489152


**SUMMARY OF ALLEGATIONS:**

I, **Farhan Khan (PSP)**, District Police Officer, North Waziristan as competent authority, am of the opinion that **FC Nawar No.440**, 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.27<sup>th</sup> 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:**

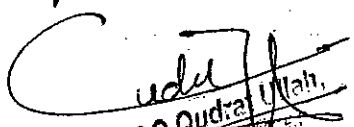
- That you have absented yourself intentionally from your official duties. It has been learnt through reliable sources that you have been gone abroad without permission.
- This all speaks at gross misconduct on your part and you are liable to be punished under Police Rules-1975.
- Such act on your part 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 Muzamir SP (inv) 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. 8082-83/SRC dated 27 /06/2022.

- Copies to:
1. The Enquiry Officer
  2. The Accused Officer/Official.

Attested  
  
 S.D.P.O Qudratullah,  
 Litigation Officer,  
 D.P.O Office, North Waziristan  
 CNIC #: 2150000489162-7



بہت صاف ہے۔ ڈی. پی او صاحب کے سامنے

جناب۔ عالی!

خود بخود اور کسی کے کہنے سے نہ

31/8 RC Show Cause

میں نے اس کی طرف سے کوئی بھی اقدام نہیں کیا ہے۔ اس کی توثیق کے لئے اس کی کاپی اور ڈیوٹی پر نہیں آ

میں نے اس کی طرف سے کوئی بھی اقدام نہیں کیا ہے۔ اس کی توثیق کے لئے اس کی کاپی اور ڈیوٹی پر نہیں آ

Attested  
S.D.P.O. Qudus  
Litigation Officer,  
D.P.O. Office, North Nazimabad,  
CHC #: 21520

ناظرین

سلطنت شاہ نور جاگتو کی

**OFFICE OF THE DISTRICT POLICE OFFICER, NORTH WAZIRISTAN.**  
**FINAL SHOW CAUSE NOTICE UNDER POLICE RULES 1975.**  
(Under rules 5 (03) KPK Police Rules, 1975)

That you **FC Nawar No.440** have rendered yourself liable to be proceeded under Rule 5(3) of the Khyber Pakhtunkhwa Police Rules, 1975 (As amended vide Khyber Pakhtunkhwa gazette Notification No.27<sup>th</sup> of August 2014) for the following misconduct:

- > 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 of gross misconduct on your part and liable to be punished under Police Rules-1975/ service rules & discipline.

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 and discipline in Police Force.

That your further service in the Police Force will amount to encourage misconducts and this will be a halt in becoming a good Police officer.

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 said rules.

You are, therefore called to show cause as why you did not strictly follow the orders in accordance with the Khyber Pakhtunkhwa Police Rules, 1975.

Now you are intimated to submit reply to show-cause notice within 07 days of the receipt of the notice, failing an ex parte action will be taken against you.

You are further directed to inform the undersigned of your will that wish to be heard in person.

On account of the above reasons you have rendered yourself liable to be proceeded against you under Khyber Pakhtunkhwa Police Rules 1975, (As amended vide Khyber Pakhtunkhwa gazette Notification No.27<sup>th</sup> of August 2014), hence these ground will be sufficient to take an ex-parte action.

(Farhan Khan) PSP  
District Police Officer,  
North Waziristan

No.10531 /SRC/ Show cause dated the 08/09/2022.

Attested

*[Signature]*  
S.D.P.O. General  
Litigation Officer  
D.P.O. Office, North Waziristan  
C.M. No. 21506-6489152-7

*[Handwritten Urdu text]*

MIC, 215085741529-9  
MMD 03329837117  
10-09-22

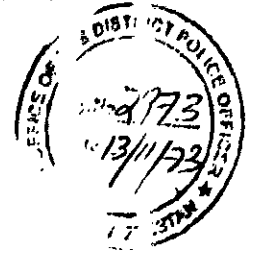
POLICE DEPARTMENT

BANNU REGION

ORDER

This order will dispose of the departmental appeals, preferred by the following Ex-FCs of District Police North Waziristan, when in, they have prayed for setting aside the order of major punishment of "Dismissal from service" imposed upon them by DPO North Waziristan for committing the following omissions.

1. Ex-FC Wali Roshan No. 513
2. Ex-FC Nawar Khan No. 440
3. Ex-FC Nasser Ullah No. 509
4. Ex-FC Alampir No. 529
5. Ex-FC Saddam Hussain No. 776



➤ That the above mentioned ex-police officials intentionally absented themselves from their official duty and had gone abroad without seeking any NOC/permission of the competent authority, which shows their negligence, lack of interest and irresponsibility in performing of their official duty.

They were proceeded against departmentally by issuance proper charge-sheets based upon statement of allegation and SP Investigation NW was appointed an enquiry officer. The Enquiry Officer submitted his findings reporting that they have not attended the enquiry proceedings so far and their travel record was placed on file. Besides they were also final show cause notices received by their relatives. Hence they were recommended for major punishment and the aforementioned punishment of dismissal was imposed upon them.

Record received, comments perused and they were heard in person in orderly room dated 02.11.2023 and they declared before the undersigned that they all were abroad.

Therefore, I, Qasim Ali Khan, Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules, 1975 (with amendments 2014) hereby filed the above mentioned appeals, for the orders of dismissal, imposed/passed by District Police North Waziristan are the ones, in consonance with law.

Regional Police Officer  
Bannu Region, Bannu

No. 3924/RC, dated Bannu the 08 /11/2023

Copy to District Police officer, North Waziristan for information and necessary action, with reference to his Memo: No. 6268/SRC dated 22.08.2023.

SRC  
For M/achon  
DPO NW  
13/11

Regional Police Officer  
Bannu Region, Bannu

Attested  
S.D.P.O. Qudrat Ullah  
Litigation Officer  
D.P.O. Office  
North Waziristan  
0102-81327