


**ORDER**


24.07.20241

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, learned Deputy District Attorney alongwith Mr. Muhammad Tanvir, DSP (Legal) for respondents present.

2. For what has been discussed above, we are unison to dismiss the service appeal in hand being devoid of merits. Costs shall follow the events. Consign.

3. *Pronounced in camp court at Abbottabad and given under our hands and seal of the Tribunal on this 24<sup>th</sup> day of July, 2024.*


  
(FAREEHA PAUL)  
Member (M)  
Camp Court, Abbottabad


  
(RASHIDA BANO)  
Member (J)  
Camp Court, Abbottabad

Similarly inquiry officer recorded statement of additional Moharar Muhammad Niaz who also support the statement of Nadeem Qadir. Appellant was provided with proper chance of cross examination upon the witnesses but nothing favorable to appellant could be brought on record from their mouth from statement of both the Moharars it was established that appellant delayed the matter of writing of daily dairy and also of FIR to make sure the factum of arrival of the accused Hazrat Gul to his jurisdiction for creating plea of alibai for him in a murder case registered at Bannu against him. So, direction given by this Tribunal, appellant was provided with opportunity of cross examination and all the formalities and procedure provided in the rules were complied with by the inquiry officer and respondent department. Moreover, punishment awarded to the appellant is just having regard to the nature of misconduct committed by him and need no interference by this court.

8. For what has been discussed above, we are unison to dismiss the service appeal in hand being devoid of merits. Costs shall follow the events. Consign.

9. *Pronounced in camp court at Abbottabad and given under our hands and seal of the Tribunal on this 24<sup>th</sup> day of July, 2024.*

  
(FAREEHA PAUL)  
Member (M)  
Camp Court, Abbottabad

  
(RASHIDA BANO)  
Member (J)  
Camp Court, Abbottabad

7. After regretal of departmental appeal, appellant filed service appeal bearing No. 7393/2021 which was partially accepted vide order dated 22.09.2022 by setting aside impugned order with direction to conduct de-novo inquiry with respect to daily dairies No. 33, 38, 39 and 47 genuineness and authenticity. Respondent after receipt of copy of judgement conducted detail inquiry and recorded statement of all concern i.e Muharar of Police Station who stated that;

*“On 07.03.2021 he alongwith Additional Moharir HC Muhammad Niaz was present in the Moharrir Office. SHO ordered him to keep pending the Roznamcha as he has to register a FIR due to which he kept the Roznamcha pending. Next morning on 08.03.2021 at about 4: 30 A.M or 05 A.M while he was sleeping SHO gave him Murasila and directed to make entry of accused and also register the FIR. He brought into the notice of SHO that control room does not write daily progress after 12 O'clock. On this SHO personally informed the control room through his mobile phone that he has to register a FIR u/s 15 AA and asked him to add the said case in morning report. Operator Gulfam posted at Control Room informed the SHO that operator Nazar Shah has been slept, he will brought into his notice and he will add the said case in morning. On the order of SHO, he has chalked the case vide FIR No. 139 dated 07.03.2021 u/s 15-AA KPK PS Nawansher. He was properly cross examined by the accused official.”*

6. Perusal of record reveals that disciplinary action was started against the appellant on the allegations that in a preliminary enquiry, conducted by the Addl: Superintendent of Police Abbottabad, vide his office memo. No. 1317/PA dated 01.04.2021, a fake and bogus FIR, No. 139 dated 07.03.2021, under Section 15-AA, was registered at Police Station Nawansher, wherein the time of the occurrence was shown as 1935 hrs, while on the same date at 1715 hrs the same accused named Hazrat Gul S/O Bahadar Gul resident of Kotka Sokari, Bannu was charged in a murder case registered vide FIR No. 178 dated 07.03.2021 under Section 302/324/34 PPC Police Station, Bannu Cantt, how was it possible that the accused was charged in 2 FIRs at the same time and date in two very faraway districts. After conducting the preliminary enquiry, a departmental enquiry was conducted. It was also alleged in the statement of allegations that the appellant reached Khokhar Maira Interchange to receive the accused in protocol under the direction of SHO while the interchange was out of the jurisdiction of Police Station Nawansher. It was also alleged that preplanning and registering bogus case and obtaining illegal gratification/bribe had been proved against the appellant which shows their malafide intention, severe violation, a serious professional dishonesty and gross misconduct in terms of police E&D Rules, 1975. The appellant submitted their reply to the charge sheet where after final show cause notice was issued to them, which were also responded. The District Police Officer, Abbottabad relied on the departmental inquiry and after hearing the appellant, awarded them major punishment of dismissal from service on 10.06.2021.



**kind of leave due be granted with all consequential service back benefits.**

2. Brief facts of the case that earlier appellant aggrieved of the order of departmental authorities filed a service appeal No. 7392/21 dated 10-09-2021 before this Tribunal, which was partially accepted vide judgment dated 22.09.2022 and the appellant was reinstated into service and respondents were directed to conduct de-novo inquiry within sixty days; that DPO Abbottabad started de-novo inquiry and served appellant with a charge sheet, which was replied and denied the allegations, thereafter, he was served with a Final Show Cause Notice which was duly replied denying the allegations being incorrect and baseless. Respondents vide impugned order dated 21-12-2022 imposed penalty of reduction in pay for 02 years upon the appellant. Feeling aggrieved, he filed departmental appeal, which was not responded, hence the instant service appeal.

3. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

4. We have heard learned counsel for the appellant and learned Deputy District Attorney for the respondents.

5. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Deputy District Attorney controverted the same by supporting the impugned order(s).



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL AT CAMP COURT ABBOTTABAD**

**Service Appeal No.1050/2023**

**BEFORE: MRS. RASHIDA BANO ... MEMBER (J)**  
**MISS FAREEHA PAUL ... MEMBER (E)**

**Mr. Faisal Ali Shah, Sub Inspector No. 273/H Presently Posted At Police Station Bakot, Abbottabad.**

*.... (Appellant)*

**VERSUS**

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

*.... (Respondents)*

Muhammad Aslam Tanoli  
Advocate

... For appellant

Mr. Asif Masood Ali Shah,  
Deputy District Attorney

... For respondents

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Date of Institution.....08.05.2023  
Date of Hearing.....24.07.2024  
Date of Decision.....24.07.2024

**JUDGMENT**

**RASHIDA BANO, MEMBER (J):** The instant appeal instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as below:

“On acceptance of this appeal order dated 21.12.2022 of the respondent no. 3/DPO Abbottabad may graciously be set aside and appellant be restored his reduction in pay for 2 years” and the period remained out of service be treated as on duty or at least the

