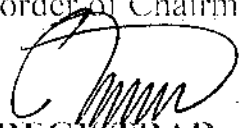


FORM OF ORDER SHEET

Court of _____

Appeal No. 1132/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/08/2024	<p>The appeal of Mr. Ebad Wazir resubmitted today by Mr. Mir Zaman Safi Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 13.08.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

The appeal of Mr. Ebad Wazir received today i.e on 05.08.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Page Nos. 12 to 14 of the appeal are illegible be replaced by legible/better one.

No. 507 /Inst./2024/KPST,

Dt. 6/8 /2024.

Amalullah
OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mir Zaman Safi Adv.
High Court at Peshawar.

S/-

Re-submitted after compliance

as per
09/08/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal NO. 1139 12024
Ehad Wazir VS

APPLICATION FOR FIXATION OF THE ABOVE TITLED Appeal AT
PRINCIPAL SEAT, PESHAWAR

Respectfully Sheweth:

1. That the above mentioned Appeal is pending adjudication before this Hon'ble Tribunal in which no date has been fixed so far.
2. That according to Rule 5 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974, a Tribunal may hold its sittings at any place in Khyber Pakhtunkhwa which would be convenient to the parties whose matters are to be heard.
3. That it is worth mentioning that the offices of all the respondents concerned are at Peshawar and Peshawar is also convenient to the appellant/applicant meaning thereby that Principal Seat would be convenient to the parties concerned.
4. That any other ground will be raised at the time of arguments with the permission of this Hon'ble tribunal.

Appeal It is therefore prayed that on acceptance of this application the may please be fixed at Principal Seat, Peshawar for the Convenience of parties and best interest of justice.

Appellant/Applicant

Dated: _____

Through

MIR ZAMANT SAFI
Advocate.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 1132/2024

EBAD.WAZIR

VS

POLICE DEPTT:

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4	Naqalmad	B	11.
5	Charge sheet & statement of allegations alongwith reply	C & D	12- 14.
6	Letter dated 29.04.2024	E	15.
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10	Departmental appeal	I	21- 22.
11	Rejection order	J	23.
12	Wakalat Nama	24.

APPELLANT

THROUGH:


**MIR ZAMAN SAFI
ADVOCATE**

Office: Room No. 6-E, 5th Floor,
Rahim Medical Centre, Hashtnagri,
Peshawar.
Cell: 0333-9991564

17

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 1132/2024

Mr. Ebad Wazir, Sub Inspector No.D/11,
Police Lines, Lakki Marwat.....APPELLANT

VERSUS

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar,
- 2- The Regional Police Officer, Bannu Range, Bannu.

.....RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 10.05.2024 WHEREBY THE APPELLANT HAS BEEN DEMOTED FROM THE RANK OF INSPECTOR TO SUB-INSPECTOR AND AGAINST THE IMPUGNED APPELLATE ORDER DATED 09.07.2024 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS.

PRAYER:

That on acceptance of this service appeal the impugned orders dated 10.05.2024 and 09.07.2024 may very kindly be set aside and be restored the original Rank of Inspector of the appellant w.e.f 10.05.2024 with all back benefits. Any other relief which this august tribunal deems appropriate that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts of the present appeal are as under:-

- 1- That the appellant enlisted in the Police Department as PASI in the year 2009 and till then the appellant is performing his duty quite efficiently and upto the entire satisfaction of his superiors.
- 2- That the appellant remained posted to various branches of the department and various police stations and has served in any place with dedication and honesty and has never committed any illegality during his entire service.

2

Naurang was affected by serious illness and as such the appellant was unable to perform his duty in such condition, therefore, the appellant left his duty on the proper permission of his high ups and approached the doctor concerned for his better treatment at Services Hospital besides other hospital at Peshawar. Copies of the medical prescriptions and Naqalmaid No.4 are attached as annexure.....A & B.

- 4- That the appellant while posted as SHO Police Station Serai Naurang, Lakki Marwat was suspended and was charge sheeted alongwith summary of allegations with the allegation of seizing a truck carrying edible goods alongwith NCP cloths, handing over the said NCP cloths to the custom authorities without any written statement of witnesses, about which custom authorities are oblivious, the seized cloth was kept in secret location at Serai Naurang area, whereas wheeling and dealing is done by and police. That in response to the charge sheet and summary of allegations the appellant submitted detailed reply alongwith documentary proofs and denied all the allegations leveled against him. Copies of the charge sheet, summary of allegations and reply are attached as annexure.....C & D.
- 5- That a fact finding inquiry in the said matter was conducted by the DIG Internal Accountability Branch, against the appellant including other officials. That it is pertinent to mention that on source report, an illegal inquiry was also conducted by the District Police Officer, Baran who recorded statements of the accused officials and as per the inquiry report also contacted the then DPO Lakki Marwat on 29.4.2024 wherein the appellant alongwith others were recommended for suitable punishments. Copies of the letter dated 29.04.2024 and inquiry report are attached as annexure.....E & F.
- 6- That as the appellant had left for Peshawar in connection with his treatment vide Naqalmaid vide written application with the permission of District Police Officer, Lakki Marwat, instead for reasons other than fair and legal, the appellant was also charge sheeted on the allegations of absence from duty vide dated 14.05.2024, which he replied that he had left treatment with the permission of DPO, Lakki Marwat, the appellant was provided copies of medical chits after which departmental proceedings were filed. Copy of application is attached as annexure.....G.
- 7- That astonishingly the respondent No.2 issued the impugned order dated 10.05.2024 whereby major penalty of demotion from the rank of Inspection to the rank of Sub Inspector, has been awarded to the appellant

8- That the appellant feeling aggrieved from the impugned order dated 10.05.2024 preferred departmental appeal before the respondent No.1 but the same was rejected vide order dated 09.07.2024 on no good grounds. Hence the present appeal on the following grounds amongst the others. Copies of the departmental appeal and rejection order is attached as annexure.....I & J.


GROUND:


- A- That the impugned order dated 10.05.2024 is against the law, facts, norms of natural justice and materials on the record, not tenable and liable to be set aside.
- B- That the appellant has not been treated in accordance with law and rules on the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- C- That the entire allegations leveled against the appellant are totally false, baseless and unfounded, which are based upon source report which is not known to the law on the subject.
- D- That no proper inquiry has been conducted in the matter nor were the allegations substantiated, as no evidence was collected in support of the same.
- E- That according to the inquiry report, the inquiry officer, contacted the then DPO Lakki Marwat about the allegations on 29.04.2024 on his Cell Phone and on the same date, the inquiry report was forwarded to the Regional Police Officer which speaks of anything but not fair and bonafide.
- F- That no show cause notice was issued to the appellant in violation of law on the subject.
- G- That no regular inquiry has been conducted in the matter which is mandatory as per judgment of the Apex Court before taking punitive actions against any civil servant.
- H- That malafide on the part of respondents further proved from the proceedings conducted against the appellant on the allegations of absence from duty, which were conducted despite the fact the appellant had proceeded for treatment vide Naqalmad.

9

J- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of appellant may be accepted as prayed for.

APPELLANT

EBAD WAZIR

THROUGH: 
MIR ZAMAN SAFI
ADVOCATE

CERTIFICATE:

It is, certified that no other earlier appeal was filed between the parties.


DEPONENT

LIST OF BOOKS:

- 1- CONSTITUTION OF PAKISTAN, 1973
- 2- SERVICES LAWS BOOKS
- 3- ANY OTHER CASE LAW AS PER NEED

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____ /2024

EBAD WAZIR

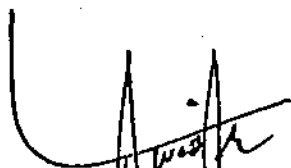
VS

POLICE DEPTT:

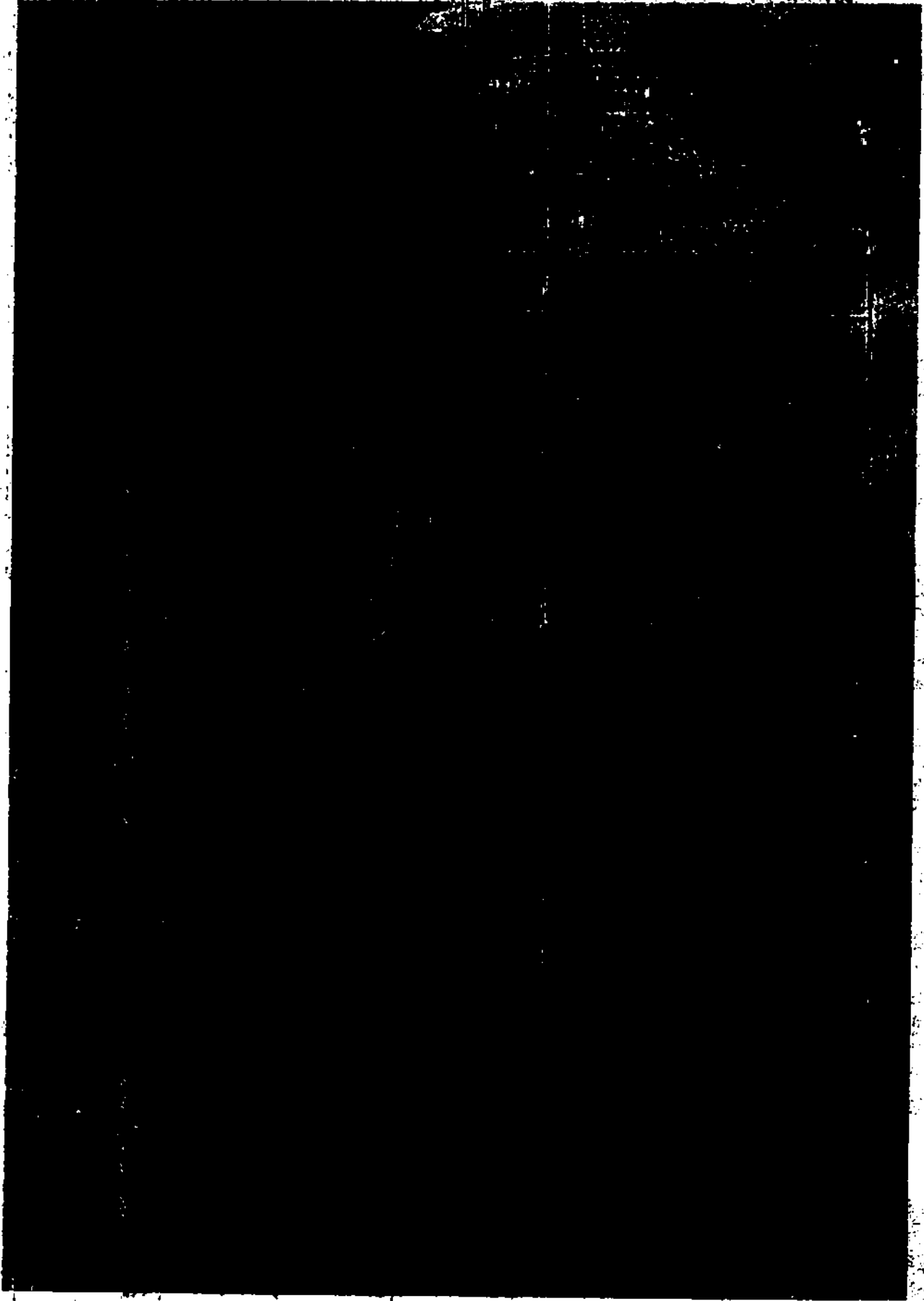
AFFIDAVIT

I Ebad Wazir, Sub-Inspector, No.D/11, Police Lines, Lakki Marwat, do hereby solemnly affirm and declare that that the contents of this service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



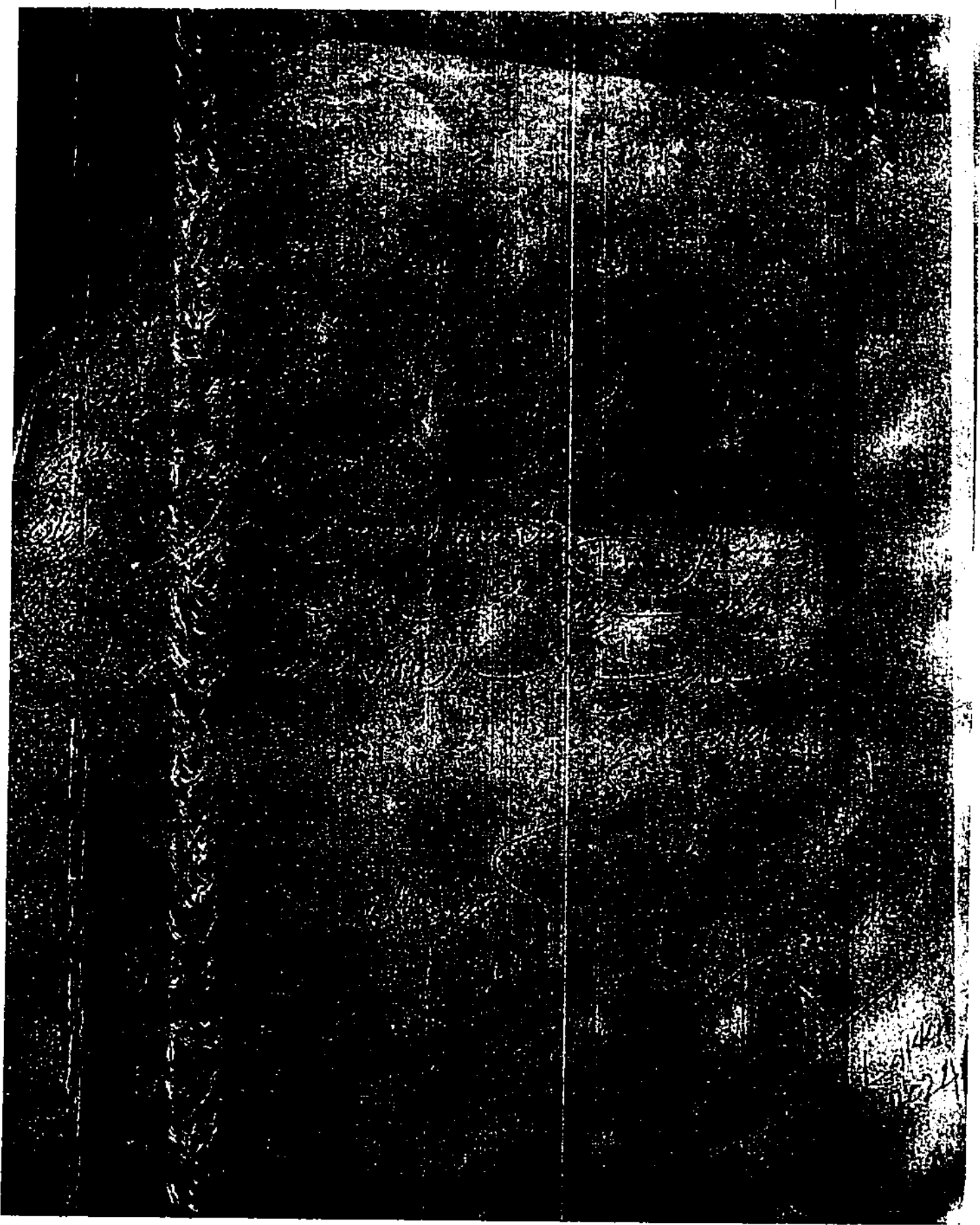

EBAD WAZIR, Sub Inspector,
Police Lines, Lakki Marwat

10



"B"

①



"C"

12

CHARGE SHEET

WHEREAS, I am satisfied that a formal inquiry as contemplated in the KP Police Rules 1975 (with amendments 2014) is necessary and expedient.

AND WHEREAS, I am of the view that the allegation, if established would call for a major penalty as confined in Rules 4-1(b) of the aforesaid rules.

NOW THEREFORE, as required by Rule 6-1(a) of the aforesaid Rules, I charge you Qasim Ali Khan (PSP) Regional Police Officer, Bannu Region, Bannu charge you FC Alamgir No. 642 (Gunnec) & Ebad Wazir, PS Serai Naurahil) Catch Marwat for misconduct on the basis of summary of allegations appended herewith.

AND WHEREAS, I direct you further under the Rule 6-1(b) of the aforesaid Rules to submit a written report within 07 days of the receipt of this charge sheet as to why a major penalty should not be awarded to you. Also you are directed to submit a written report if you are aggrieved by the charges against you. If you do not submit a written report within the stipulated time, it would be deemed that you have no objection to the charges against you.

M. J.
ATTESTED

BETTER COPY OF PAGE-12

CHARGE SHEET

Whereas, I am satisfied that a formal inquiry as contemplated in the KP Police Rules 1975 (with amendments 2014) is necessary and expedient.

AND WHEREAS, I am of the view that the allegation, if established would call for a major penalty as confined in Rules.4-1(b) of the aforesaid rules.

NOW THEREFORE, as required by Rule 6-1(a) of the aforesaid Rules, I, Qasim Ali Khan (PSP) Regional Police Officer, Bannu Region charge you FC Alamgir No.642 (Gunner Ebad Wazir, PS Serai Naurang), Lakki Marwat for misconduct on the basis of summary of allegations appended herewith.

AND WHEREAS, I direct you further under the Rule-6-1(b) of the aforesaid rules submit in a written defense within 07 days of the receipt of this charge sheet as to why a major punishment should not be awarded to you.

Your written defence, if any, should reach to the enquiry officer/committee within the specified period, failing which it shall be presumed that have no defence to put in and in that case ex-parte action shall follow against you.

Intimate whether you desire to be heard in person.

Regional Police Officer,
Bannu Region, Bannu
Dated: 08/08/2024

(13)

STATEMENT OF ALLEGATIONS

In Qasbi Ali Khan (PSP) Regional Police Officer, Bannu Region, Bannu is competent authority, in of the opinion that Individual ASI No. 145 (PS Serai Naorang, Lakkh Marwat) is not responsible to be proceeded against as he committed the following misconduct within the meaning of disciplinary Rules, 1975 (with amendments 2014).

SUMMARY OF ALLEGATION

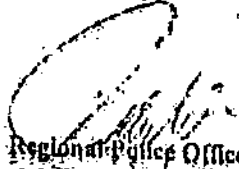
- Reportedly on 12.03.2024 Naurang Police seized a truck carrying edible goods along with NCP cloth.
- The NCP cloth was handed over to custom authorities without any written evidence, however, custom authorities are oblivious to the case.
- All the seized cloth is kept in a secret location at Serai Naorang area, whereas wheeling and dealing is done by police.
- An inquiry into the subject matter was conducted by the office of DPO Internal Accountability Branch K.P. Peshawar and recommended that "In light of the above mentioned circumstances and available records the inquiry committee has reached to the conclusion that the following police officials were found guilty."

S.No.	Name and Designation
1	Inspector Ebad Wazir, SHO PS Serai Naorang
2	ASI Ghulam Dittah No. 145 PS Serai Naorang
3	Constable Zahid, No. 1002, Gunner to Ebad Wazir
4	Constable Atangir, No. 42, Gunner to Ebad Wazir

In the interest of the conduct of the said accused w/r to the above allegations, proper inquiry should be initiated. Mr. Zia-ud-Din Ahmed (PSP), DPO Bannu is nominated as

The inquiry officer shall provide reasonable opportunity of hearing to the accused, record statements and findings within 25 days after the receipt of this order.

The accused shall join the proceedings on the date, time and place fixed by the inquiry officer.


 Regional Police Officer,
 Bannu Region,
 Bannu
 Dated: 08/04/2024

No. 62-3/PA
Copies to:

- The District Police Officer, Bannu - Enquiry Officer for necessary action with the direction that "an intelligence report as well as DPO Lakkh Marwat report/statement cannot be wished away" as desired by the worthy Police Chief, Khyber Pakhtunkhwa. Please complete the enquiry within stipulated period and submit findings.
- The District Police Officer, Lakkh Marwat for information.

BETTER COPY OF PAGE-13

STATEMENT ALLEGATIONS

I, Qasim Ali Khan (PSP) Regional Police Officer, Bannu Region, Bannu as the competent authority, am of the opinion that Inam Ullah ASI No. 145 (PS Serai Naurang), Lakki Marwat has rendered himself liable to be proceeded against as he committed the following misconduct within the meaning of disciplinary Rules, 1975 (with amendments, 2014).

SUMMARY OF ALLEGATION

- Reportedly on 12.03.2024 Naurang Police seized a truck carrying edible goods alongwith NCP cloth.
- The NCP cloth was handed over to custom authorities without any written evidence; however, custom authorities are oblivious to the case.
- All the seized cloth is kept in a secret location at Serai Naurang area, whereas wheeling and dealing is done by police.
- An enquiry into the subject matter was conducted by the office of the DIG Internal Accountability Branch K.P Peshawar and concluded/recommended that "In light of the above mentioned circumstances and available record the inquiry committee has reached to the conclusion that the following police officials were found guilty."

S#	Name and designation
1.	Inspector Ebad Wazir, SHO PS Serai Naurang
2.	ASI Inam Ullah No.145 PS Serai Naurang
3.	Constable Zahid No.1002, Gunner to Ebad Wazir
4.	Constable Alamgir No.642, Gunner to Ebad Wazir

In Circumstances containing the conduct of the said accused w/r to the above allegations, proper inquiries are initiated Mr. Zia Ud Din Ahmad (PSP), DPO Bannu is nominated as Enquiry Officer.

The inquiry officer shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within 25 days after the receipt of this order.

The accused shall join the proceedings on the date, time and place fixed by the inquiry officer.

Regional Police Officer,
Bannu Region, Bannu
Dated: 08/04/2024

"D"

(14)



Better Copy

جناب عالی!

بچوالہ چارج شیٹ معروض خدمت یوں کہ مورف $15 \frac{02}{24}$ کو بطور بحیثیت
SHO قفانہ ٹوڈلٹ حسب الحکم چارج سنبالا مورف $12 \frac{03}{24}$ کو ٹرک روکنے
اور NCP کپڑا چھوڑنے کا الزام لگایا گیا ہے۔ جو سراسر جھوٹ اور
بد بیٹی سپر جنسی ہے۔

من انسپکٹر نے نہ ہی کوئی ٹرک مورف $12 \frac{03}{24}$ کو پکڑا اور نہ ہی کوئی ڈیل
کی ہے اگر ایسا کچھ ثابت ہو تو یہ قسم کی کارروائی کے لیے تیار ہوں۔

من انسپکٹر پر الزام ایک نامعلوم مسورس رپورٹ کی بنیاد پر لگایا گیا ہے۔
جس میں نہ کوئی کھٹلٹ / مدعی ہے اور نہ ہی کوئی گورہ بلکہ ایک
نامعلوم سازش کا بنیاد پر بدنام اور سزا دلوانے کی کوشش کی
جاری ہے۔

قفانہ ٹوڈلٹ کے علاقہ میں بہ دوران ڈیوٹی فح کوئی غفیم حکم رکھی تھی اور نہ
کی کوئی غیر قانونی سامان فحید رکھا ہے اور اگر مسورس اکتے سارے
الزامات لگایا ہے تو کم از کم کوئی ایک خبر تو پیش کریں۔

یہی ملہا بیان ہے الزام مکمل جھوٹا اور بے بنیاد ہے بہرے عدالتی
قابل کیا جائے۔

مورف 25-4-24

آپ کا مخلص
انسان

انسپکٹر عباد روزنگر
مسورس کوئی مورف
545

"F"

(16)

ENQUIRY REPORT VIDE CHARGE SHEETS No. 60-61/PA No. 62-63/PA
No. 64-65/PA AND No. 66-67/PA DATED 08-04-2024 ISSUED BY THE REGIONAL
POLICE OFFICER BANNU REGION, BANNU, AGAINST INSPECTOR EBAD
WAZIR, ASINAM ULLAH, CONSTABLE ZAHID No. 1002 AND CONSTABLE
FAZLIMGIR No. 612 OF DIST. POLICE LAKKEMARWAT

ALLEGATIONS:

- Reported on 12.03.2024 Serai Naurang Police seized a truck carrying edible goods along with NOP cloth.
- The NOP cloth was handed over to custom authorities without any written evidence; however, custom authorities are oblivious to the case.
- All the seized cloth kept in a secret location at Serai Naurang area, whereas wheeling and dealing is done by Police.
- An enquiry into the subject matter was conducted by the office of DIG Internal Accountability Branch KP Peshawar and conclude/recommended the above named personnel for departmental proceeding.

PROCEEDINGS

Following signed, enquired into the matter, contacted the then DPO Fakki Marwat on 12.03.2024 at 11:10 hours on cell phone, who stated that it was brought into his notice by Asim Wazir, then SHO Naurang regarding seizure of NOP cloth, who in turn was directed to handover the items to Customs authorities. Statements of the delinquent officials were also recorded and they were heard in person as well.

1. STATEMENT OF INSPECTOR EBAD WAZIR

The above named Inspector in his statement denied the allegations regarding seizure of NOP Cloth. He also denied the location of secret location in area of Serai Naurang (R/A).

2. STATEMENT OF ASINAM ULLAH

The above named ASI has stated in his statement that he along with Police Staff of PS Serai Naurang were on routine patrolling duty with SHO Serai Naurang (Inspector Ebad Wazir). He denied the allegations regarding seizure of NOP Cloth on 12.03.2024 during his duty. (R/B)

3. STATEMENT OF CONSTABLE ZAHID No. 1002 (GUNNER TO EBAD WAZIR)

The above named constable has stated in his statement that he along with Police

STATEMENT OF CONSTABLE ALAMGIR No. 642 (GUNNER TO EBAD WAZIR)

The above named constable has stated in his statement that he along with Police Staff of P/S Serai Naurang were on routine patrolling duty with SHO Serai Naurang (Inspector Ebad Wazir). He denied the allegations regarding seizure of NCP Cloth on 12.03.2024 during his duty. (F/D)

FINDINGS:-

After going through the relevant record as well reliable sources it was noticed that:-

- > The involved personnel have denied all the allegations leveled against them.
- > The then DPO Lakki Marwat was informed telephonically by the then SHO Naurang Ebad Wazir regarding seizure of NCP cloth and was directed by the DPO to handover the said item to Customs authorities but the same was not done.
- > The said owner of NCP items however could not be contacted as no information regarding him could be obtained.
- > As per Statement of Customs authorities, they did not taken over any NCP cloth from the Police Staff of P/S Serai Naurang.
- > The Police Officer/official neither maintained any record in Police Station's registers regarding seizure of NCP cloth nor adopted the procedure of required legal / codal; formalities.

The Police Officials *have not handed over* any NCP item to Customs authorities rather have *dealt the manner of NCP cloth* in a private manner for reasons better known to them.

The Police officials *have* *handed* *thus* a bad name for the department.

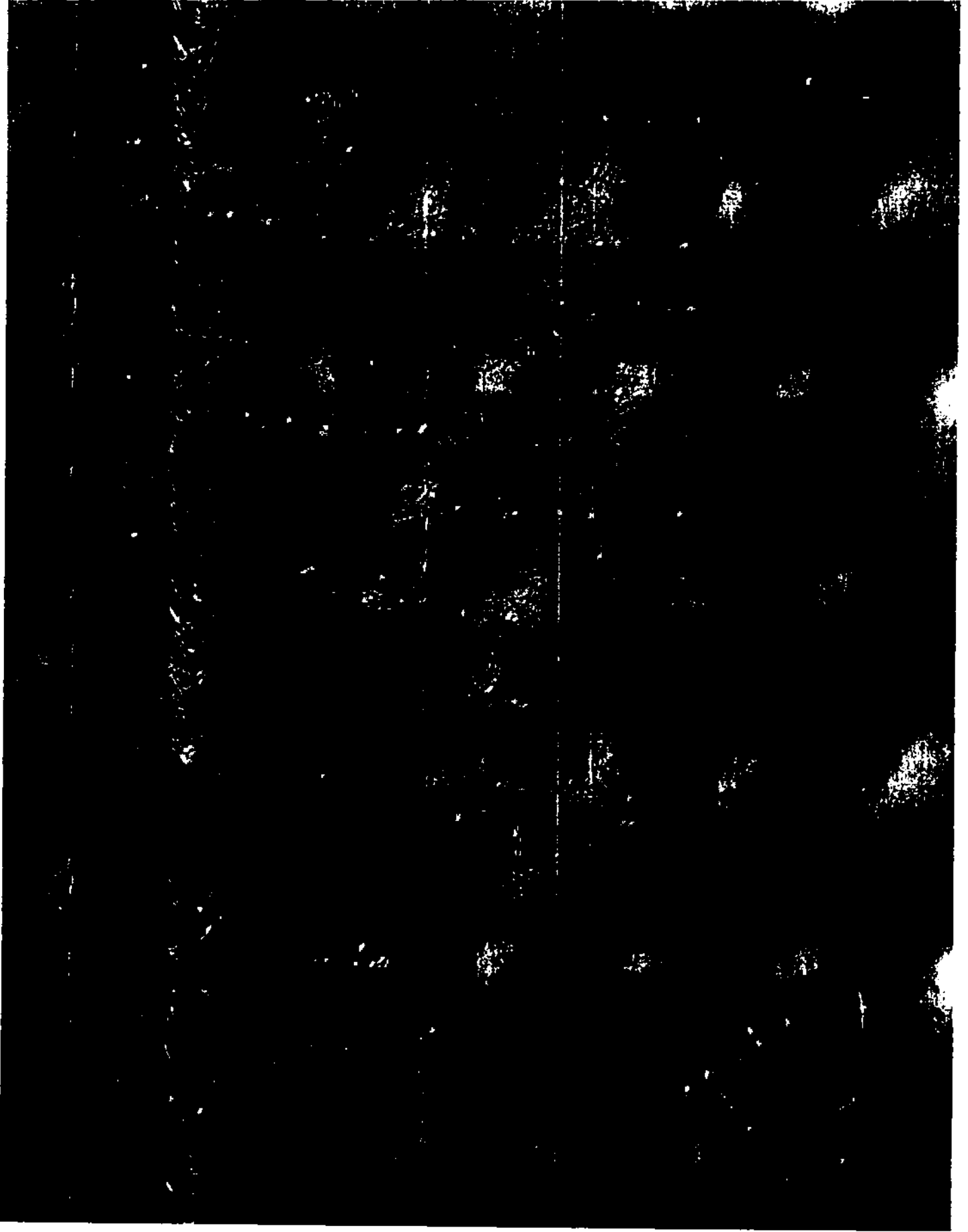
RECOMMENDATIONS:-

In view of above facts & circumstances, the above named officials are recommended to be awarded with *suited* punishment please.

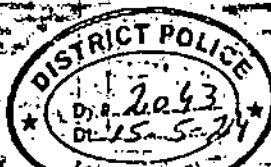
Zia-ud-Din Ahmed
(ZIA-UD-DIN AHMED)
PSP,
District Police Officer,
Bannu.

M. J. S. T. E. D.

"G" (18)



'H' (19)



ORDER:

This order will dispose of delinquent inquiry, conducted against Inspector Ebad Wazir (the then SHO PS Serai Naurang), Dist: Lakki Marwat - received on transfer from CCI Peshawar vide CPO Peshawar's Notification No.CPO/E-I/Transfer/Posting/832 dated 31/03/2023

on the following allegations:-

- > As per source report - pertaining to some information regarding seizure of Truck full of contraband items by Lakki Marwat Police. DPO Lakki was called telephonically who stated that on 12.03.2024, SHO PS Serai Naurang Ebad Wazir called him and told regarding seizure of truck having smuggled cloth and other edible items. Reportedly the smuggled cloth was handed over to customs authorities without any written evidence, on the verbal orders from DPO Lakki. However, Customs Authorities denies receipt of the smuggled cloth from Naurang Police.
- > It was further learnt that seized cloth was kept in a secret location at Serai Naurang area; whereas wheeling and dealing was done by the SHO.
- > An enquiry into the subject matter was conducted by the office of DIG Internal Accountability Branch K.P Peshawar and concluded/recommended that "In light of the above mentioned circumstances and available record the inquiry committee has reached to the conclusion that the following police officer/officials were found guilty."

S.No.	Name and Designation
1.	Inspector Ebad Wazir, SHO PS Serai Naurang
2.	ASI/HC Inani Ullah No.145 PS Serai Naurang
3.	Constable Zahid, No.1002, Gunner to Ebad Wazir
4.	Constable Alamgir, No.642, Gunner to Ebad Wazir.

Proper charge sheet and statement of allegation were issued to the delinquent officer/officials on the above allegations and DPO Bannu was appointed as Enquiry Officer to scrutinize the conduct of the delinquent officer/officials. The Enquiry Officer submitted his finding report vide his covering letter No.1869/HC dated 29.04.2024 and recommended to be awarded with suitable punishment.

Finding report was perused. The delinquent officer was also heard in person on 10.05.2024. The explanation of the delinquent officer has not been found plausible and noticed that:-

- > The then DPO Lakki Marwat Mr. Tariq Habib was informed telephonically by the then SHO Naurang Ebad Wazir regarding seizure of smuggled cloth and was directed by the DPO to hand over the said item to Customs authorities but the same was not done.
- > As per statement of custom authorities, they did not take over the smuggled cloth from the Police staff of PS Serai Naurang.
- > The Police Officer Inspector Ebad Wazir (the then SHO PS Serai Naurang) neither maintained any record in Police stations' registers regarding seizure of the smuggled cloth nor adopted the procedure of required legal / codal formalities.

They have not handed over the smuggled cloth to Customs authorities as required by law.

20

Keeping in view the above, I Qasim Ali Khan, PSP, Regional Police Officer, Bannu Region Bannu am of the firm opinion that the officer has knowingly concealed facts and hoodwinked his seniors.

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 (amended in 2014) hereby award him major punishment of Demotion from the rank of Inspector to Sub Inspector with immediate effect. He is reinstated into service and directed to report to DPO Lakki Marwat.

ORDER ANNOUNCED

Dated: 10/05/2024.

Regional Police Officer,
Bannu Region,
Bannu

No. 3114-20/PA, dated Bannu the 10/05/2024

Cc:

- > The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- > The Additional Inspector General of Police, Headquarters, Khyber Pakhtunkhwa, Peshawar.
- > The Deputy Inspector General of Police, Headquarters, Khyber Pakhtunkhwa, Peshawar.
- > The Asstt: Inspector General of Police/Establishment, Khyber Pakhtunkhwa, Peshawar.
- > The DPO-Lakki Marwat for information and necessary action.
- > The District Accounts Officer, Lakki Marwat for information and necessary action.
- > Office Supdt:/E.C RPO Office, Bannu.

PO + SAC ✓
RCP

For information
D:
M:
M:
15/5

Regional Police Officer,
Bannu Region,
Bannu

M. Ali
ATTACHED

'I'

21

**BEFORE THE PROVINCIAL POLICE OFFICER, KHYBER
PAKHTUNKHWA, PESHAWAR**

**Subject:- Appeal against the Order dated 10-05-2024 of the
Regional Police Officer, Bannu whereby the appellant has
been demoted from the rank of Inspector to Sub Inspector**

Respectfully Submitted:-

1. That the appellant was enlisted in Police department as PASI in the year 2009, then promoted as Sub Inspector and was lastly promoted as Inspector and since enlistment the appellant performed his duties with honesty and full devotion and to the entire satisfaction of his high ups.
2. That the appellant remained posted to various branches of the department and various Police Stations. The appellant was transferred to District Police Lakki Marwat where he was posted as SHO Police Station Serai Naurang on 15-02-2024.
3. That the appellant being seriously ill, left Lakki Marwat for Peshawar for treatment vide Naqalmad No 4 dated 03-04-2024, where he remained under treatment at Services Hospital besides other hospitals. **(Copy of Naqalmad No 4 dated 03-04-2024 & Medical prescriptions are enclosed as Annexure A & B).**
4. That the appellant while lastly posted as SHO, Police Station Serai Naurang, was suspended and was issued Charge Sheet with Statement of Allegations on the allegations of seizing a truck carrying edible goods along with NCP cloth, handing over the NCP cloth to the custom authorities without any written evidence, about which custom authorities are oblivious, the seized cloth was kept in secret location at Serai Naurang area, whereas wheeling and dealing is done by Police and that inquiry in the matter was conducted by the DIG Internal Accountability Branch KP, wherein he along with other Police officials including Inam Ullah ASI, Constable Zahid No 1002, and Constable Alamgir No 642 was recommended for departmental proceedings, the Charge Sheet was replied in details refuting the allegations. **(Copy of Charge Sheet & reply therein is enclosed as Annexure C & D).**
5. That thereafter on source report, an illegal inquiry was conducted, by the District Police Officer, Bannu, who recorded the statements of the accused officials and as per the Inquiry report also contacted the then DPO Lakkai Marwat on 29-04-2024 and forwarded the Inquiry

Inquiry Report & Letter dated 29-04-2024 is enclosed as Annexure E).

- 6. That as the appellant had left for Peshawar in connection with his treatment vide Naqal mad vide written application with the permission of the District Police Officer Lakki Marwat, however, instead, for reasons other than fair and legal, the appellant was also issued Charge Sheet on the allegations of absence from duty, which he replied that he had left for treatment with the permission of District Police Officer, the appellant also provided copies of medical chits after which departmental proceedings were filed. **(Copy of Charge Sheet is enclosed as Annexure dated 14-05-2024 is enclosed as Annexure F).**
- 7. That the appellant was awarded the penalty of demotion from the rank of Inspector to Sub Inspector by the Regional Police Officer, Bannu, Regiona Bannu, vide Order dated 10-05-2024, copy of which was kept in the office of District Police Officer, Lakki Marwat, and was issued vide Diary No 2024 dated 15-05-2024 and about which the appellant came to know through Social Media Group, where after the appellant requested for the copy of order vide written application dated 29-05-2024, however the appellant copy of same through his own efforts on 05-06-2024. **(Copy of Order dated 10-05-2024 & TCS Receipt is enclosed as Annexure G & H).**
- 8. That the impugned Order dated 10-05-2024 of the Regional Police Officer, Bannu Region, Bannu, is against the law, facts and principles of justice on grounds inter-alia as follows:

GROUND:


- A. That the impugned Order is illegal, unlawful, without lawful authority and of no legal effect.
- B. That mandatory provisions of law and rules have been badly violated by the respondents and the appellant has not been treated according to law and rules in violation of Article 4, 10-A and 25 of the Constitution.
- C. That the entire allegations are totally false, baseless and unfounded, which are based upon source report which is not known to the law on the subject.
- D. That no proper inquiry has been conducted in the matter nor were the allegations substantiated, as no evidence was collected in support of the same.

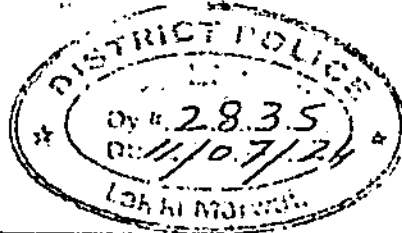
(22/A)

- E. That according to the inquiry report, the Inquiry Officer, contacted the then DPO Lakki Marwat about the allegations on 29-04-2024 on his Cell phone and on the same day, the inquiry report was forwarded to the Regional Police Officer which speaks of anything but not fair and bonafide.
- F. That no Show cause Notice was issued to the appellant in violation of law on the subject.
- G. That the impugned Order is also in violation of Rule 29 of the Fundamental Rules and on this score alone the same is liable to be set at naught.
- H. That no regular inquiry was conducted in the matter to have found out the true facts and circumstances.
- I. That the malafide is further proved from the proceedings conducted against the appellant on the allegations of absence from duty, which were conducted despite the fact that the appellant had proceeded for treatment vide Naqalmad.
- J. That the appellant has been discriminated, as only the appellant was punished while all others were absolved, hence too the impugned order is not tenable in the eyes of law.
- K. That the appellant did nothing that amounts to misconduct, thus he has been punished for no omission or commission on his part.
- L. That the appellant was not afforded opportunity of personal hearing.
- M. That the appellant has more than about 15 years of service with unblemished service record.

It is therefore prayed that on acceptance of this appeal, the impugned Order of Regional Police Officer Bannu, Regiona Bannu, dated 10-05-2024 may kindly be set aside and the appellant may kindly be ordered to be restored as inspector from the date of his demotion, with all back benefits.

Dated:-12-06-2024


Ebad Wazir, No B/11, Sub Inspector,
Police Lines lakki Marwat
Cell# 0345 94440220



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar.
Phone: 021-9210227

No. SI 1679 /24,

dated Peshawar the 01/07/2024.

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To: The Regional Police Officer,
Bannu.

Subject: - REVISION PETITION

Memo:

The Competent Authority has examined and filed the revision petition submitted by SI Ebad-Wazir (the then Inspector) No. D/11 of Lakki Marwat district police against the punishment of rank reversion awarded by Regional Police Officer, Bannu vide Order Endst: No. 314-20/PA, dated 10.05.2024 being time-barred.

The applicant may please be informed accordingly.

M. C.

2750

18 dt 09/7/24

M. J. 28106

DPO LAKKI

(AFSAR JAN)

Registrar,

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

For g. m. a

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

OF 2024

Ebad Wajir

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Police Department

(RESPONDENT)
(DEFENDANT)

I/We *Ebad Wajir*

Do hereby appoint and constitute **MIR ZAMAN SAFI, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ___ / ___ /2024

[Signature]

CLIENT

[Signature]

ACCEPTED

MIR ZAMAN SAFI
ADVOCATE

[Signature]

NAILA JAN
ADVOCATE

[Signature]

OFFICE:

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0317-9743003