


FORM OF ORDER SHEET

Court of _____

Appeal No. 1385/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27-Aug-24	<p>The appeal of Mr. IKRAM ULLAH presented today by Mr. MUHAMMAD ABDULLAH BALOCH Advocate. It is fixed for preliminary hearing before Single Bench at D.I.Khan on 16-Sep-24. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST

Case Title: Tkramullah vs Regional Police Officers etc

S#	CONTENTS	(ASC)	YES	NO
1	This Appeal has been presented by: <u>Muhammad Abdullah Baloch</u>		Yes	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?		Yes	
3	Whether appeal is within time?		Yes	
4	Whether the enactment under which the appeal is filed mentioned?		Yes	
5	Whether the enactment under which the appeal is filed is correct?		Yes	
6	Whether affidavit is appended?		Yes	
7	Whether affidavit is duly attested by competent Oath Commissioner?		Yes	
8	Whether appeal/annexures are properly paged?		Yes	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?			
10	Whether annexures are legible?		Yes	
11	Whether annexures are attested?		Yes	
12	Whether copies of annexures are readable/clear?		Yes	
13	Whether copy of appeal is delivered to AG/DAG?			
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?			
15	Whether numbers of referred cases given are correct?			
16	Whether appeal contains cutting/overwriting?			
17	Whether list of books has been provided at the end of the appeal?			
18	Whether case relate to this court?		Yes	
19	Whether requisite number of spare copies attached?			
20	Whether complete spare copy is filed in separate file cover?		Yes	
21	Whether addresses of parties given are complete?			
22	Whether index filed?		Yes	
23	Whether index is correct?		Yes	
24	Whether Security and Process Fee deposited? On			
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On			
26	Whether copies of comments/reply/rejoinder submitted? On			
27	Whether copies of comments/reply/rejoinder provided to opposite party? On			

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Muhammad Abdullah Baloch
(ASC)
Signature: [Signature]
Dated: 26/08/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR AT CAMP DERA ISMAIL KHAN.

Service Appeal No. 1385 /2024

Ikram Ullah
(Appellant)

Versus

Regional Police officer etc
(Respondents)

Service Appeal

INDEX

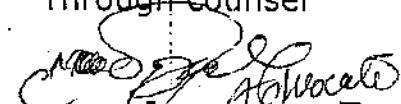
S.No.	Description of documents	Annexure	Pages
1.	Memorandum of Appeal and affidavit	--	1-6
2.	Copies of CNIC and Service Card	A & A/1	7, 8
3.	Copies of charge sheet and statement of allegations	B & B/1	9, 10
4.	Copy of corrigendum and reply of charge sheet	C & C/1	11 - 13
5.	Copy of impugned order	D	14, 15
6.	Copy of the departmental appeal	E	16, 17
7.	Copy of the impugned order of appellate authority	F	18
8.	Copy of the revision	G	19-21
9.	Miscellaneous		
10.	Vakalatnama	--	

Dated: ___/08/2024

Your humble appellant


(Ikram Ullah)

Through counsel


MUHAMMAD ABDULLAH BALOCH
Advocate Supreme Court

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR AT CAMP DERA ISMAIL KHAN.**

Service Appeal No. 1385 /2024

Ikram Ullah s/o Muhammad Saleem caste Gandapur r/o Zafrabad Colony, Dera Ismail Khan, Ex-Head Constable Belt No. 1015 last posted at Police line D.I.Khan.

Appellant

VERSUES

1. Regional Police Officer, Dera Ismail Khan region.
2. District Police Officer, Dera Ismail Khan.

Respondents

**SERVICE APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED OFFICE ORDER NO. 2380/EC DATED
25/04/2024 (OB No. 7461 DATED 25/04/2024) WHEREBY THE
APPELLANT HAS BEEN AWARDED "MAJOR PUNISHMENT OF DISMISSAL
FROM SERVICE WITH IMMEDIATE EFFECT" AND APPEAL AGAINST OFFICE
ORDER NO.5188/ES dated 01/08/2024 D.I.Khan (OB NO. 1396 DATED
07/08/2024) OF THE APPELLATE AUTHORITY WHEREBY APPEAL WAS
REJECTED.**

Note: That the addresses of the Parties given in the heading of the Petition are true and correct for the purpose of service.

Respected Sir;

1. That the appellant was initially appointed in Police Department on 27/07/2007. Later on, due to the appraisal efficiency of the appellant, he

(2)

was promoted as Head constable. Before the infliction of punishment by the District Police Officer, DIKhan (dated 25/04/2024), the appellant had been performing his duties as I/C check post, darazinda, D.I.Khan. Copies of CNIC and Service Card of the appellant are annexed as Annexure-A & A/1.

2. That to utmost surprise, one fine morning, the Worthy RPO DIKhan issued statement of allegations of “**involvement in smuggling of Iranian Oil**”, suspended the appellant along with other officials.
3. That consequent upon suspension, the District Police Officer, DIKhan issued charge sheet and statement of allegations, wherein, allegations were leveled that while posted at Darazinda Check Post DIKhan, appellant was involved in the smuggling of Iranian oil. Copies of charge sheet and statement of allegations is annexed as “Annexure B & B/1”.
4. That, SP city D.I.Khan was appointed as an inquiry officer to conduct inquiry in accordance with the provisions of Police Rules, 1975. A corrigendum vide No. 2215/EC dated D.I.Khan 19/04/2024 was issued and period of posting of appellant was mentioned w.e.f. 23/02/2024 to 07/03/2024 as I/C Check Post Darazinda. Though, the appellant properly replied the charge sheet. Copy of corrigendum and reply of charge sheet is annexed as Annexure C & C/1”.
5. That competent authority, district police officer (DPO D.I.Khan) issued **impugned Office order No. 2380/EC Dated 25/04/2024 (OB No. 7461 Dated 25/04/2024) whereby appellant was awarded “MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE WITH IMMEDIATE EFFECT”** Copy of impugned order is annexed as “Annexure D”.
6. That impugned order was received to the appellant on 06/05/2024. Appellant filed departmental appeal to the appellate authority (Regional police officer, D.I.khan region) on 20/05/2024. Copy of the departmental appeal is annexed as “Annexure- E”.
7. That the appellate authority, worthy Regional police officer, vides its impugned order NO.5188/ES dated D.I.Khan 01/08/2024 (OB NO. 1396 Dated 07/08/2024) rejected the appeal and thereby upheld the order.

M. S. Khan

passed by DPO D.I.khan. Copy of the impugned order of appellate authority is annexed as "Annexure-F".

- 8. That copy of the impugned office order of appellate authority was received on 09/08/2024. The appellant has, however, moved a revision under rule 11-A of the rules, 1975, which has not been decided by the worthy Inspector general of Police, KP. Copy of the revision is annexed as "Annexure -G".
- 9. That after the issuance of original and appellate authority order, cause of action has been accrued to the appellant for instant service appeal; hence, the instant service appeal is being filed, inter alia on the following grounds.

GROUND

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- 1. That the impugned office orders of the respondents **order No. 2380/EC Dated 25/04/2024 (OB No. 7461 Dated 25/04/2024)** and order NO. 5188/ES dated D.I.Khan 01/08/2024 (OB NO. 1396 Dated 07/08/2024) are against law, against service rules, void and are in sheer violation of KP Police rules, 1975 (amended 2014) and KP Government Servant (E&D) rules 2020.
- 2. That not a single iota of evidence is available on the record to prove any nexuses of the appellant with the allegations. The allegations are based on surmises and conjunctures. Allegations against the appellant are false, erroneous, illegal void ab-initio, hence, the impugned orders are liable to be set aside.
- 3. That after submission of reply of allegations, the appellant was not taken on-board by the enquiry officer. Appellant is entirely unaware about enquiry proceedings. Besides, enquiry was conducted in such a haste manner that copy of enquiry report was not provided to the appellant. The appellant was not dealt with according to the law and rules.

4. That the impugned order is patently illegal, void ab-initio, unwarranted and legally not sustainable in the eyes of law on the ground that appellant was not given an opportunity of being heard. The impugned order infringing the valuable vested rights, thus liable to be set aside on this score alone.
5. That the Inquiry officer was under the mandate to dig out the real facts of the allegations and appellant has a right that evidence (oral or documentary) be confronted to him. So, he must have an opportunity to rebut the same. Thus, enquiry officer sheerly committed illegality and violated article 10-A of the constitution of Islamic Republic of Pakistan, 1973 by not conducting fair trial.
6. That the appellant was not given an opportunity to confront the evidence collected against him by the inquiry officer, even the appellant did not know that what evidence was collected by the inquiry officer against the appellant. Moreover, the appellant was not given any opportunity to cross examine any witnesses against him, even the appellant did not know whether any witness was examined or has given any statement against the appellant.
7. That appellant was awarded major punishment but competent authority did not issue any final show cause notice, which is a grass illegality. The impugned order itself showing that rules has not been followed and fundamental rights of appellant has been violated.
8. That corrigendum was issued vide No. 2215/EC dated D.I.Khan 19.04.2024 qua charge sheet No. 1977-9/EC dated 09.04.2024, wherein dates of period of postings were rectified. Corrigendum showing period of posting of appellant at Darazinda check post from 23/02/2024 to 07/03/2024. However, that was actually till 05/04/2024. Total days come as approximately 15. The appellant has very clearly put forth true facts and events before enquiry officer. In this regard, reference can be made to the reply submitted by the appellant. The appellant took charge on 24/04/2024. Darazinda check post has very sad history being multiple times attacked by terrorists. During posting of appellant, check post was

Muhammad Qasim

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once attacked by terrorists at night. Besides, due to flood and land sliding, the road often remained closed. Particularly, from 01/03/2024 to 04/03/2024, dera-yyob road remained closed for any kind of traffic due to flood and land sliding and this fact was disclosed in media also. Enquiry officer was under the mandate to bring this fact on record but appellant remain victim of partiality.

9. That there is neither a single complaint nor any application was submitted against the present appellant throughout his services.
10. That this Hon'ble Tribunal is competent and has ample powers to adjudge the matter under Appeal.
11. That the counsel for Appellant may be allowed to argue additional grounds at the time of arguments.

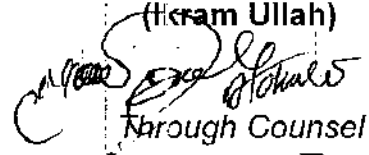
It is, therefore, respectfully prayed that on acceptance of this appeal, IMPUGNED OFFICE ORDER NO. 2380/EC DATED 25/04/2024 (OB No. 7461 DATED 25/04/2024) WHEREBY THE APPELLANT HAS BEEN AWARDED "MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE WITH IMMEDIATE EFFECT" AND ORDER NO.5188/ES dated D.I.Khan 01/08/2024 (OB NO. 1396 DATED 07/08/2024) may kindly be set aside. The appellant may kindly be re-instated into service with all back benefits.

Any other relief deemed appropriate in circumstances of the case may also be allowed in favour of appellant in the large interest of justice.

Dated: 26/08/2024


Yours Humble Appellant

(Hiram Ullah)


Through Counsel

MUHAMMAD ABDULLAH BALOCH

Advocate Supreme Court

Dera Ismail Khan

(0314693255)

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR AT CAMP DERA ISMAIL KHAN.

Service Appeal No. _____/2024

Ikram Ullah
(Appellant)

Versus

Regional Police officer etc
(Respondents)

Service Appeal

VERIFICATION

Verified on oath at D.I.Khan, this 26th day of August, 2024, that all contents of the above appeal are true and correct and appellant have not filed an appeal regarding the subject controversy, earlier in this august Tribunal.

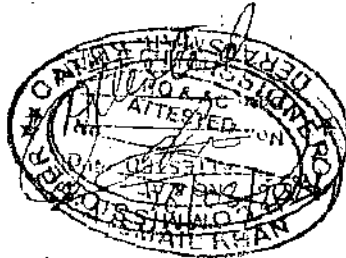
Dated: 26/08/2024

Ikram Ullah
Appellant

AFFIDAVIT

I, **Ikram Ullah**, appellant herein, do hereby solemnly affirm on oath that all parawise contents of the accompanying appeal are true and correct to the best of my knowledge, belief and information; that nothing has been concealed or kept secret from this worthy Tribunal.

26/08/2024



Ikram Ullah
Deponent

12101-1314060.3

Annexure 'A'

(E)

National Identity Card

PAKISTAN

ISSUED BY THE FEDERAL GOVERNMENT OF PAKISTAN

Muhammad Ibrahim Khan



Father Name: Muhammad Salim Khan

DOB: 10/04/1988

Gender	MI
Country of Stay	Pakistan
Identity Number	12101-1314060-3
Date of Birth	10.04.1988
Date of Issue	12.10.2020
Date of Expiry	12.10.2030

Holder's Signature

Muhammad Ibrahim Khan



محمد ابراهيم خان، ولد: 10/04/1988، رقم شناختي: 12101-1314060-3

محمد ابراهيم خان، ولد: 10/04/1988، رقم شناختي: 12101-1314060-3

Ministry of National Identity
Federal Government of Pakistan

5087410174665



Attested to be a True Copy

محمد ابراهيم خان، ولد: 10/04/1988، رقم شناختي: 12101-1314060-3

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Annexure - A/1

Khyber Pakhtunkhwa Police

Card No. 00122260



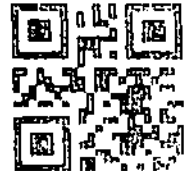
HIRAM KHAN
Head Constable



Issuing Authority

District Police Office D.I. Khan

CNIC /	1210113140603
Date of Birth	10-04-1988
Date of Issue	13-06-2022
Date of Expiry	12-06-2025
Emergency Contact#	03459829335
Address	Zafar abad Colony D.I. Khan



1. In the event of loss the card holder should report to the nearest police station.
2. If found, please drop into the nearest letter box.
3. Contact us. 091-9210457

Abdullah
**Attested to be
a True Copy**



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Annexure - 'B'

C/S No. 157/2023

OFFICE OF THE
DISTRICT POLICE OFFICER
DERA ISMAIL KHAN

11/11/23

Dated

11/11/2023

CHARGE SHEET

I, NASIR MSHAYKOO, DISTRICT POLICE OFFICER, DIKHAN, as competent authority under the Khyber Pakhtunkhwa Police Rules (amended 2014) 1975, am of the opinion that you are liable to be proceeded against departmentally under the provisions of the Khyber Pakhtunkhwa Police Rules (amended 2014) 1975, in connection with the following allegations:

You while posted at Dara:inda Check Post DIKhan, you being reported to be involved in smuggling of Iranian Oil vide W/RPO DIKhan Order Enost: No.2249-51/ES, dated 08/04/2023. Above commission/omission falls in the purview of gross misconduct and renders you liable to be punished under Khyber Pakhtunkhwa Police Rules 1975 amended-2014.

In respect of the above you appear to be guilty of misconduct under Rule 2 of the Khyber Pakhtunkhwa Police Rules (amended 2014) 1975 and you have not shown yourself liable to all or any of the penalties specified in the Rule 4 of the Khyber Pakhtunkhwa Police Rules (amended 2014) 1975.

You are, therefore, required to submit your written statement within 07 days of the date of this Charge Sheet to the enquiry officer.

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

A statement of allegation is enclosed.

N. Mshaykoo
Attested to be
a True Copy

Nasir Mshaykoo
DISTRICT POLICE OFFICER
DERA ISMAIL KHAN



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DISTRICT POLICE OFFICER
DERA ISMAIL KHAN

Annexure-B/2

No. 1977 /EC

26-50-city
16/4/2024

Dated

09/10/2024

DISCIPLINARY ACTION

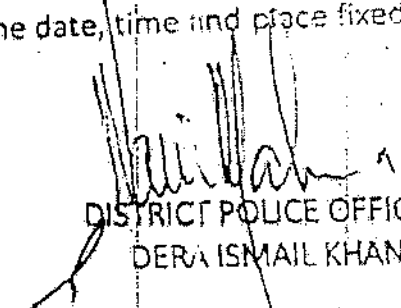
I, NASIR MEHMOOD, DISTRICT POLICE OFFICER, DIKHAN as competent authority, under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) am of the opinion that you Head Constable Ikram Ullah No.1015, rendered yourself liable to be proceeded against departmentally as you have committed the following acts/omissions.

STATEMENT OF ALLEGATIONS

You while posted at Darazinda Check Post DIKHAN, you being reported to be involved in smuggling of Iranian Oil vide W/RPO DIKHAN Order Endst: No.22:9-51/ES, dated 08.04.2023. Above commission/omission falls in the purview of gross misconduct and renders you liable to be punished under Khyber Pakhtunkhwa Police Rules 1975 amended-2014.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations Sp City DIKHAN is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.


DISTRICT POLICE OFFICER
DERA ISMAIL KHAN

No. 1978-79 /EC,

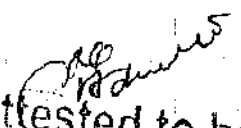
dated

09/14/2024.

Copy of above to:-

The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975 with the direction to submit his finding report within 03-days positively.

The Accused officer, with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the purpose of enquiry proceedings.

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a True Copy

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Annexure - 'C'



OFFICE OF THE
DISTRICT POLICE OFFICER
DERA ISMAIL KHAN
(PHONE 9210067 Fax # 9210070)

No. 2215 /EC

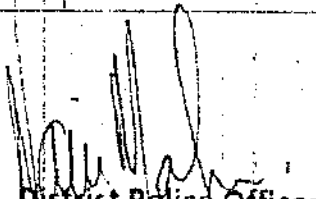
dated D.I.Khan the

19/04/2024

CORRIGENDUM

Reference this office charge sheet Nos notes against each their names so far it relates to the posting of the said Upper/Lower subordinates may be read as per given in Column No.03, of the below mentioned table:

01 S#	02 Name & No.	03 Posting	04 Charge Sheet No.
1	SI Atta Ullah No.86/D	SHO PS Daraban DIKhan w.e from 11.06.2020 to 23.04.2021 & w.e from 05.09.2023 to 26.11.2023	No.1971-73/EC, dated 09.04.24
2	SI Rehmat Ullah No.113/D	DSP Office Darazinda w.e from 30.11.2023 to 07.04.2024	No.1974-76/EC, dated 09.04.24
3	HC Ikram Ullah No.1015	Incharge Darazinda Check Post PS Daraban w.e from 23.02.2024 to 07.03.2024	No.1977-79/EC, dated 09.04.24
4	HC Ijaz Khan No.2076/L	I/C Check Post Mughal Kot w.e from 25.10.2023 to 15.12.2023	No.1980-82/EC, dated 09.04.24


District Police Officer
Dera Ismail Khan


No. 2216-21 /EC

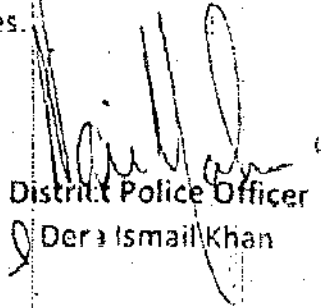
dated

19/04/2024

Copy of above is submitted to:-

1. The Regional Police Officer DIKhan for favor of information w/r to his office letter No.2249-51/ES, dated 08.04.2023.
2. The Superintendent of Police, City DIKhan with the direction to finalize the enquiries in stipulated period of time.
3. All above mention accused Upper/Lower Subordinates.


Requested to be
True Copy


District Police Officer
Dera Ismail Khan

جناب عالی۔

مشمولہ چارج شیٹ نمبر EC/1977 مورخہ 09.04.2024 معہ CORRIGENDUM نمبر EC/2215 مورخہ 19.04.2024 مجاریہ جناب DPO صاحب ضلع ڈیرہ اسماعیل خان معروض خدمت ہوئے کہ من ہیڈ کا فٹنل پر الزام ہیکہ بحیثیت انچارج درازندہ چیک پوسٹ مورخہ 23.02.2024 تا 07.03.2024 تک ایرانی ڈیزل کی سٹکلنگ میں ملوث رہا ہوں۔

جو اب معروض خدمت ہوئے کہ من ہیڈ کا فٹنل کی پوسٹنگ حسب الحکم افسران بالا انچارج درازندہ چیک پوسٹنگ کی گئی تھی جس کی تعمیل کے لیے من HC نے مورخہ 24.02.2024 کو چارج سنبھالا اور نہایت ہی احسن طریقے سے اپنے فرائض سرانجام دینا شروع کر دیئے۔ چونکہ علاوہ ہذا دستگردی کا گڑھ ہے اور شب و روز پولیس فورس، سیکورٹی فورسز، تھانہ جات اور چوکیات پر حملہ ہوتے رہتے ہیں اور میری ایام میں تعیناتی میں 2/3 مرتبہ حملہ کرنے کو کوشش کی گئی جسکو بفضل خدا ناکام کیا گیا اور فلفور افسران بالا کے نوٹس میں دیا گیا تھا۔ جسکی وجہ سے یہاں کی ڈیوٹی سیکورٹی پوائنٹ آف دوپو سے انتہائی اہمیت کی حالت ہے۔ جسکے پیش نظر وہاں پر تعینات عملہ کی تمام تر توجہ دہشت گردی کے کنٹرول، سدباب، اپنی و عملہ کی ذاتی سیکورٹی اور چیک پوسٹ پر حملہ سے بچاؤ کی احتیاطی تدابیر پر ہی گزر جاتی ہے۔

جہاں تک میری عرصہ تعیناتی صرف دس (10) یوم کے دوران ڈیزل کی سٹکلنگ میں ملوث ہونے کا الزام لگایا گیا ہے وہ بلکل بے بنیاد ہے جسکا حقیقت اور سچائی سے دور دور تک کوئی تعلق واسطہ نہیں ہے۔ سراسر غلط اور بے بنیاد الزام لگایا گیا ہے۔ آج دن تک میرے خلاف افسران بالا کو کسی بھی ذرائع سے کوئی شکایات، تحریری یا زبانی موصول نہیں ہوئی اور نہ ہی کبھی ایسے غیر قانونی فعل میں ملوث رہنے کا افسران بالا کو موقع فراہم کیا ہے۔ علاوہ ازیں مورخہ 01.03.2024 تا 04.03.2024 تک بوجہ سیلابی طغیانی، لینڈ سلائڈنگ اور بارشوں کی وجہ سے ڈوب ڈیرہ اسماعیل خان روڈ مکمل بند رہا جس میں کسی قسم کی کوئی ٹریفک کا گزر بربتک نہیں ہوا تھا۔ اور مورخہ 05.03.2024 کو حسب الحکم افسران بالا میرا تبادلہ انچارج چیک پوسٹ درازندہ سے پولیس لائن ڈیرہ اسماعیل خان ہو گیا۔

Attested to be
a True Copy

Attested to be
a True Copy

1015 نمبر 1015 مجوزہ کے تحت جاری کی گئی ہے۔
HHC

[Handwritten Signature]

مجھے اپنی شناخت کے لیے اس پر دستخط کرنے کی اجازت ہے۔

مجھے اس پر دستخط کرنے کی اجازت ہے۔

مجھے اس پر دستخط کرنے کی اجازت ہے۔

مجھے اس پر دستخط کرنے کی اجازت ہے۔

مجھے اس پر دستخط کرنے کی اجازت ہے۔

-



14
1015

Annexure - 'D'
OFFICE OF THE
DISTRICT POLICE OFFICER
DERA ISMAIL KHAN

No. 2380 /EC

Dated: 25/10/2024

ORDER

This order is aimed to dispose-off the departmental proceedings conducted against Head Constable Ikram Ullah No.1015, of this district Police, under the Kyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014) vide this office C/S No.157/2024 on the following allegations:-

He while posted as Incharge at Darazinda Check Post D.I.Khan, he being reported to be involved in smuggling of kerosin Oil vide P/IRPO D.I.Khan Order No. Hk.2249-51/ES, dated 08.04.2023. Above commission/omission falls in the purview of gross misconduct and renders him liable to be punished under Kyber Pakhtunkhwa Police Rules 1975 amended-2014.

Mohammad Ishaq Acting Superintendent of Police City D.I.Khan was appointed as Enquiry Officer with the directions to conduct proper Departmental Enquiry against him and submit finding report in which he stated that the delinquent Head Constable is found guilty of the charges leveled against him. Enquiry officer, recommended to award him Major Punishment.

Keeping in view of findings report of the Enquiry Officer and conduct of the delinquent Head Constable, the undersigned came to the conclusion that the charges leveled against him have been proved beyond any shadow of doubt.

Therefore, in exercise of powers vested upon undersigned, I. NASIR MAHMOOD, PSP District Police Officer D.I.Khan, hereby awarded him "Major Punishment of Dismissal from Service" with immediate effect.

Order Announced

On No. 746/1

Dated: 25/10/2024

I. NASIR MAHMOOD PSP
District Police Officer
Dera Ismail Khan

27

- (a) Application No. 1015/2024
- (c) Copies 3
- (d) Incharge IC
- (e) No. of 1015
- (f) Name of Ikram Ullah
- (g) Service 1015
- (h) Name of IC
- (i) Copy 25/10/24
- (j) Copy 25/10/24
- (k) Name of Approved

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a True Copy

15

Better Copy

OFFICE OF THE
DISTRICT POLICE OFFICER
DERA ISMAIL KHAN

Tel (0966) 9280062 Fax (0966) 9280293

Dated. 25/04/2024

No. 2380 / EC

ORDER

This order is aimed to disposed-off the departmental proceedings conducted against Head Constable Ikram Ullah No.1015, of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amended 2014) vide this office C/S 157/2024 on the following allegations.

He while posted as Incharge at Darazinda Check Post, D.I.Khan, he being reported to be involved in smuggling of Iranian Oil vide N/PRO DIKhan Order Endst; No 2249-51/ES, dated 08/04/2023. Above Commission/Omission falls in the purview of gross misconduct and renders him liable to be punished under Khyber Pakhtunkhwa police Rule, 1975 amended-2014.

Muhammad Ishfaq Acting Superintendent of Police City DIKhan was appointed as Enquiry Officer with the directions to conduct proper Departmental Enquiry against him and submit finding report in which he stated that the delinquent Head Constable is found guilty of the charges leveled against him. Enquiry Officer, recommended to award him Major Punishment.

Keeping in view of findings report of the Enquiry Officer and conduct of the delinquent Head Constable, the undersigned case to the conclusion that the charges leveled against him have been proved beyond the shadow of doubt.

Therefore, in exercise of powers vested upon undersigned, I, NASIR MEHMOOD, PSP district Police Officer DIKhan, hereby awarded him "Major Punishment of Dismissal from Service" with immediate effect.

Order Announced

OB No. 7461

Dated: 25/04/2024

Nasir Mehmood
District Police Officer
Dera Ismail Khan

NASIR MEHMOOD, DSP
District Police Officer
Dera Ismail Khan

16

1767
Dated 20.5.2024
Annexure - E

To,

The Regional Police Officer,
District Dera Ismail Khan.

SUBJECT:- DEPARTMENTAL APPEAL AGAINST ORDER NO. 2380/EC DATED 25/04/2024 BEARING OB NO. 7461 DATED 25/04/2024 PASSED BY DISTRICT POLICE OFFICER, DERA ISMAIL KHAN VIDE WHICH APPELLANT HAS BEEN DISMISSED FROM SERVICE FOR NO GOOD REASONS.

Respected Sir,

The appellant aggrieved from the impugned order of dismissal submits following for yours kind and sympathetic consideration:-

1. That the appellant was enlisted in Police Department on 27-7-2007 and always worked hardly to the satisfaction of superior officers.
2. That while posted as I/C check post, the appellant showed record recovery of Iranian oil and other NCP goods which was handed over the custom intelligence as per rules / instructions.
3. That in the meanwhile no complaint was received against the appellant.
4. That to the utmost surprise, appellant was suspended alongwith other officers / officials by the RPO DIKhan vide order bearing No. 2249/ES dated 08/04/2024. Copy enclosed.
5. That consequent upon suspension, the District Police Officer, Dera Ismail Khan issued charge sheet alongwith statement of allegations bearing No. 157/EC dated 09/04/2024. Copy enclosed.
6. In the charge sheet allegations were leveled that while posted at Darazinda Check post DIKhan, were involved in the smuggling of Iranian oil.
7. That SP City DIKhan was appointed as inquiry officer to conduct inquiry in accordance with provisions of Police Rules, 1975.
8. That a corrigendum vide No. 2215/EC dated 19/04/2024 was issued and period of posting of appellant was mentioned w.e.from 23/02/2024 to 07/03/2024 as I/C Check Post, Darazinda.
9. That appellant submitted comprehensive reply to the charge sheet rebutting the allegations leveled and explaining all the good performances and recoveries of Iranian oil / NCP worth billions of rupees.

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a True Copy
[Signature]

10. That in sheer violation of Police Rules, ESTA Code and principles of natural justice, appellant was condemned unheard and dismissal from service vide impugned order dated 25/04/2024.
11. That no codal formalities of proper inquiry were complied with.
12. That no statement of any witness was recorded in the presence of appellant.
13. That no opportunity of defense / cross examination was provided to appellant.
14. That a copy of finding report was also not provided to the appellant.
15. That no final show cause was issued nor opportunity of personal hearing was provided which as per kind verdicts of superior Courts and Honourable Tribunal are mandatory.
16. That the allegations are general in nature and vague and ambiguous.
17. That during inquiry the good performance and recoveries of NCP goods / Iranian Oil worth billion rupees has been overlooked.
18. That allegations are based on mis-information / disinformation.
19. That the allegations pertains to only period of posting for about 14 days, whereas the appellant good performance for the rest of posting as Incharge other check posts have not been appreciated.
20. That appellant has been made scapegoat to save the blue eyed officers / officials.
21. That appellant also request for personal hearing. At the time of hearing appellant may be allowed to submit good performances / commendation certificate etc before your good-self.

In view of above submissions, it is humbly prayed that on acceptance of instant appeal, the impugned order of dismissal may graciously be set aside and appellant reinstated into service from date of suspension, with all back benefits.

Your's faithfully,

Dated: 15/05/2024

Attested to be a True Copy

Ex.HC Ikram Ullah
Ex.HC Ikram Ullah
No. 1015
Mobile# 03018093111

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Annexure - 'F'



OFFICE OF THE
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN
REGION

ESTABLISHMENT BRANCH
By: No. 22-16 / EC
Dated 06.08.2024
DPO OF ICE D.KHAN

No. 5188 / ES dated D.I.Khan the 01/03/2024
ORDER

1. This order disposes off departmental appeal filed by Ex-Head Constable Iqram Ullah No. 1015 of District Police D.I.Khan, against the order of Major Punishment of (Dismissal from Service), passed by the DPO D.I.Khan, vide his office OB No. 746 dated 25.04.2024 on the following allegations:

2. "He while posted as I/C at Darazinda Check pos. Dikhan, he being reported to involved in smuggling of Motor Oil vide RPO D.I.Khan Order Endst No. 2248-51/ES dated 08.04.2024. Above commission/omission fall in the purview of gross misconduct and renders him liable to be punished under Khyber Pakhtunkhwa Police, Rule 1975 amended 2014."

3. DPO D.I.Khan served the appellant with the charge sheet. Enquiry into the matter was got conducted into through Mr. Muhammad Ishaq Acting Superintendent of Police, City D.I.Khan who in his finding, report in which he stated that appellant HC is found guilty of the charges levelled against him and recommended to award him Major Punishment.

4. On the recommendation of the inquiry officer the appellant was awarded Major Punishment of "Dismissal from service" by the DPO D.I.Khan vide his office OB No. 746 dated 25.04.2024.

5. Heard in person on 01.08.2024, in orderly room by undersigned and his service record & finding of the inquiry officer are also perused. He was given ample opportunity of due process and natural justice against the charges under which DPO D.I.Khan has awarded him, Major Punishment "Dismissal from Service". His written as well as verbal response is found to be unsatisfactory and not plausible. Undersigned fully agreed with the recommendations of inquiry officer.

6. Keeping in view the above, I, NASIR MEHMOOD SATTI, PSP, Regional Police Officer, Dera Ismail Khan, in exercise of the powers conferred upon me under Rule-11, clause-3 (a), of the Police Rules 1975, Amended 2014, do not intend to take a lenient view, therefore REJECT his appeal being meritless and uphold the order of Major Punishment of (Dismissal from Service), passed by District Police Officer D.I.Khan vide his OB No. 746 dated 25.04.2024, with immediate effect.

7. Order Announced.

(Signature)
(NASIR MEHMOOD SATTI) PSP
Regional Police Officer
Dera Ismail Khan

No. 5189 / ES.
Copy of above is sent to the DPO D.I.Khan with reference to his office letter No. 376S/EC dated 20.06.2024, (Encl: Service Roll & Panji Missal).

(Signature)
(NASIR MEHMOOD SATTI) PSP
Regional Police Officer
Dera Ismail Khan

OB 1396
07-8-24

OB/EC/OTC
for copy in action

District Police Officer
Dera Ismail Khan

(Signature)
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7-8-2024
9-8-2024
For approval

To,

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Annexure - 'G'

The Inspector General of Police (IGP),
Khyber Pakhtunkhwa,
Peshawar

SUBJECT:-

**REVIEW / REVISION PETITION UNDER RULE 11-A
POLICE RULES 1975, AMENDED 2014, AGAINST
REGIONAL POLICE OFFICER (RPO) ORDER BEARING
NO. 5188/ES DATED 01/08/2024 / OB NO. 1396
DATED 07/08/2024 WHEREBY DEPARTMENTAL
APPEAL OF PETITIONER HAS BEEN REJECTED AND
DISTRICT POLICE OFFICER, DIKHAN ORIGINAL
ORDER DATED 25/04/2024 HAS BEEN UPHELD,
VIDE WHICH PETITIONER WAS DISMISSAL FROM
SERVICE.**

Respected Sir,

Aggrieved from the original order dated 25/04/2024 and departmental appeal order dated 01/08/2024, the petitioner submits the following for yours favourable and sympathetic consideration:-

1. That the appellant was enlisted in Police Department on 17.7.2007 and always worked hardly to the satisfaction of superior officers.
2. That while posted as I/C check post, the appellant showed record recovery of Iranian oil and other NCP goods which was handed over the custom intelligence as per rules / instructions.
3. That in the meanwhile no complaint was received against the appellant.
4. That to the utmost surprise, appellant was suspended alongwith other officers / officials by the RPO DIKhan vide order bearing No. 2249/ES dated 08/04/2024. Copy enclosed.
5. That consequent upon suspension, the District Police Officer, Dera Ismail Khan issued charge sheet alongwith statement of allegations bearing No. 157/EC dated 09/04/2024. Copy enclosed.
6. In the charge sheet allegations were leveled that while posted at Darazinda Check post DIKhan, were involved in the smuggling of Iranian oil.
7. That SP City DIKhan was appointed as inquiry officer to conduct inquiry in accordance with provisions of Police Rules, 1975.
8. That a corrigendum vide No. 2215/EC dated 19/04/2024 was issued and period of posting of

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a True Copy**

appellant was mentioned w.e.from 23/02/2024 to 07/03/2024 as I/C Check Post, Darazinda.

9. That appellant submitted comprehensive reply to the charge sheet rebutting the allegations leveled and explaining all the good performances and recoveries of Iranian oil / NCP worth billions of rupees.
10. That in sheer violation of Police Rules, ESTA Code and principles of natural justice, appellant was condemned unheard and dismissal from service vide impugned order dated 25/04/2024.
11. That petitioner lodged departmental appeal to Regional Police Officer (RPO), DIKhan on 15/05/2024.
12. That RPO, DIKhan vide impugned order dated 01/08/2024 has rejected the departmental appeal of petitioner and upheld the punishment of dismissal from service passed by, DPO, DIKhan vide order dated 25/04/2024.
13. That the impugned order of RPO, DIKhan dated 01/08/2024 and of DPO, DIKhan dated 25/04/2024 are against law, rules and facts on record and not maintainable on the following grounds:-

GROUND FOR REVIEW / REVISION:-

1. That as per allegations, petitioner while posted at Darazzinda Check post was involved in the smuggling of Iranian oil, the vehicles have crossed the borderline from Iran as well as through province of Balochistan, but departmental inquiry is silent as to how it was made possible to ply the vehicles unchecked.
2. That the allegations are hearsay, general in nature and no such vehicle reported to be checked and recovered at downward districts, check posts or any security agency.
3. That the entire proceedings were completed in haphazard, without following rules and procedure and harsh punishment was inflicted upon petitioner.
4. That no solid evidence / proof of involvement was produced during inquiry.
5. That inquiry proceeding was not transparent and petitioner was made a scapegoat.
6. That competent authority has not appreciated the good performance and recoveries of NCP goods as well as Iranian oils during petitioner posting.
7. That prior to issue of charge sheet, no notice, explanation or advise was served upon petitioner regarding any complaint of such smuggling.

All details
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 a True Copy**

8. That no codal formalities of proper inquiry were complied with.
14. That no statement of any witness was recorded in the presence of appellatant.
15. That no opportunity of defense / cross examination was provided to appellatant.
16. That a copy of finding report was also not provided to the appellatant.
17. That no final show cause was issued nor opportunity of personal hearing was provided which as per kind verdicts of superior Courts and Honourable Tribunal are mandatory.
18. That the allegations are general in nature and vague and ambiguous.
19. That during inquiry the good performance and recoveries of NCP goods / Iranian Oil worth billion rupees has been overlooked.
20. That allegations are based on mis-information / disinformation.
21. That the allegations pertains to only period of posting for about 14 days, whereas the appellatant good performance for the rest of posting as Incharge other check posts have not been appreciated.
22. That appellatant has been made scapegoat to save the blue eyed officers / officials.
23. That appellatant also request for personal hearing. At the time of hearing appellatant may be allowed to submit good performances / commendation certificate etc before your good-self.

In view of above submissions, it is humbly prayed that on acceptance of instant Review / Revision Petition, both the impugned orders of DPO, DIKhan and RPO, DIKhan may very graciously be set aside and petitioner reinstated into service from date of dismissal, with all back benefits.

*Attested to be
a True Copy*

Your's faithfully,

Dated: 2/08/2024

Ikram Ullah
Ex.HC Ikram Ullah
No. 1015
Mobile#0301-8093111

Supreme Court of Pakistan
Barrett Advocates
Muhammad Abdullah

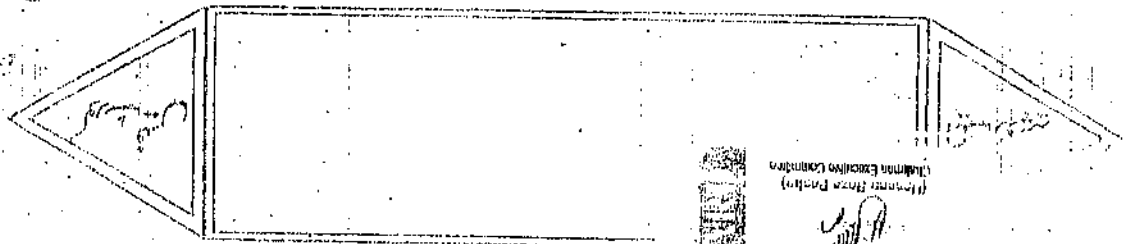
26/8/24
[Signature]

Ikram Ullah
Appeal

2024 08 26
[Arabic text]

Muhammad Abd. Malik Babak (ASC)
D2K Camp

Service Tribunal Peshawar Camp
Appeal
Ikram Ullah
Service Appeal
Peshawar



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MR. MUHAMMAD ABDULLAH
Advocate
Surgano Court of Peshawar (ASC)
Date of issue: 18-10-2023
[Signature]
[Stamp: Peshawar Bar Council]

PAKISTAN BAR COUNCIL