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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**Service Appeal No. 1711/2023**

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

Mr. Niaz Ali Khan S/O Khan Wali Khan Ex-IIC now IIC/2023,  
Police Station Dadi Wala Unit Investigation, District Lakki Marwat,  
R/O Mohallah Sari Khen, Serai Naurang, District Lakki Marwat.  
..... (Appellant)

Versus

1. Additional Inspector General of Police Headquarters, Khyber Pakhtunkhwa  
Peshawar.  
2. Regional Police Officer, Bannu Region, Bannu.  
..... (Respondents)

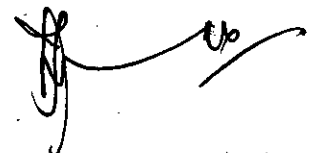
Mr. Arshad Ali Nowsherawi,  
Advocate ... For appellant

Mr. Muhammad Jan,  
District Attorney ... For respondents

Date of Institution..... 11.08.2023  
Date of Hearing..... 29.02.2024  
Date of Decision..... 29.02.2024

**JUDGEMENT**

**FAREEHA PAUL, MEMBER (E)**: The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 21.07.2023 of respondent No. 1 in pursuance of an earlier departmental order dated 27.03.2023 passed by respondent No. 2, vide which the appellant was awarded punishment of reversion to lower rank with immediate effect. It has been prayed that on acceptance of the appeal, orders dated 27.03.2023 and 21.07.2023 might be set aside and the appellant might be restored to the rank of IIC with all consequential benefits, along with any other relief which the Tribunal deemed appropriate.



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2. Brief facts of the case, as given in the memorandum of appeal, are that

the appellant joined the respondent department as Constable on 10.07.2002. On 05.10.2022, he was deployed at Police Station Kaki as IHC/MHC. He was served upon a show cause notice dated 12.01.2023 with the allegations that he was hand and glove with Cook Constable Ihsanullah, who had hired a private person for performing his duties in his place, while he himself was running a private business. The show cause further stated that he did not bring the matter in the notice of his seniors. On 19.01.2023, in reply to the show cause notice, the appellant categorically denied the allegations leveled against him. Departmental proceedings were initiated against him and was reversed to a lower rank vide impugned order dated 27.03.2023. Feeling aggrieved, he preferred departmental appeal on 11.04.2023 which was rejected on 21.07.2023; hence the instant service appeal.

3. Respondents were put on notice who submitted their joint parawise comments on the appeal. We heard the learned counsel for the appellant as well as learned District Attorney for the respondents and perused the case file with connected documents in detail.

4. Learned counsel for the appellant, after presenting the case in detail,

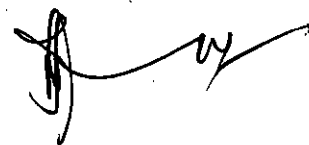
argued that the appellant had nothing to do with the working priorities of any such rank official as it was the prerogative of the Incharge of the concerned Police Station. He further argued that no proper inquiry was conducted in the matter and no opportunity was provided to the appellant to defend himself and he was penalized in a shipshod manner. He further argued that the order was violative of Article 10-A of the Constitution of Islamic Republic of Pakistan. He requested that the appeal might be accepted as prayed for.

5. Learned District Attorney, while rebutting the arguments of learned counsel for the appellant, argued that the appellant, being Moharrir of the Police Station, was responsible to issue duty roster of the staff of Police Station but he failed to discharge his official duty in a proper manner. He further argued that proper departmental enquiry was conducted against the appellant and he was afforded opportunity to defend himself. He failed to prove his innocence and the punishment awarded to him was in accordance with law and rules. He requested that the appeal might be dismissed.

6. The appellant was proceeded against departmentally and a show cause notice was issued to him that he, while posted as MHC at Police Station Kakki, District Bannu, committed the following misconduct:-

- *That as per reliable source you while posted MHC PS Kaki were hand and glove with Cook Constable Ihsanullah No. 53 who had hired a private person for performing his duties in his place while he himself was running a private business*
- *That you did not bring the matter in the notice of your seniors and reportedly might have referred the same in your successor for extending undue favor in the said cook constable.*


The show cause notice was responded by him but the same was not accepted and he was reverted to a lower rank, with immediate effect, vide an order of the Regional Police Officer, Bannu. His departmental appeal and revision petition was also rejected. A mere perusal of the show cause notice shows that the RPO Bannu came to know about the misconduct of the appellant through a "reliable source". That reliable source has not been named or disclosed at any




stage in the departmental proceedings. It is felt that it should have been the SHO of that Police Station to report any such misconduct, but it is not so in this case. Another connected question with this point is that the SHO is the incharge of the Police Station and he is the one to keep a check that the right person is performing duty at the specific position. If any private person was performing duty in place of the cook constable, then how can one believe that the SHO of the P.S was unaware and it was some un-named reliable source which identified the matter and brought it to the notice of RPO, Bannu? Moreover, the allegations against the appellant were factual in nature and required proper inquiry, which has not been done in this case. The source had to be identified and then proper opportunity of personal hearing, defence and cross-examination had to be provided to the appellant. As the requirements of law had not been fulfilled, hence the impugned orders are not sustainable in the eyes of law and are liable to be set aside. It was further identified by the learned counsel for the appellant that the cook constable, who was allegedly involved in this entire matter and was removed from service, had already been reinstated by this Tribunal vide a judgment dated 13.11.2023.

7. In view of the above discussion, the appeal in hand is allowed as prayed for. Cost shall follow the event. Consign.

8. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 29<sup>th</sup> day of February, 2024.*

  
(FAREEHA PAUL)  
Member (I)

  
(RASHIDA BANO)  
Member(J)

SCANNED  
BY  
T-151  
Peshawar

SA 1711/2023

29<sup>th</sup> Feb. 2024 01. Mr. Arshad Ali Nowsherawi, Advocate for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Aamir Siyab, DSP (Legal) for the respondents present. Arguments heard and record perused.

02. Vide our detailed judgment consisting of 04 pages, the appeal in hand is allowed as prayed for. Cost shall follow the event. Consign.

03. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 29<sup>th</sup> day of February, 2024.*

SCANNED  
KPST  
Peshawar



(FAREEHA PAUL)  
Member (E)



(RASHIDA BANO)  
Member(J)

\*Fazal Subhan PS\*


3<sup>rd</sup> Oct., 2023

1. Learned Counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. Reply/comments on behalf of respondents not submitted.

Learned Deputy District Attorney seeks time to contact the respondents for submission of reply/comments. Granted. To come up for reply/comments on 10.11.2023 before S.B. P.P is given to the parties.


SCANNED  
KPST  
Peshawar

  
(FAREEHA PAUL)  
Member (E)

10<sup>th</sup> Nov, 2023  
\*Kamran\*

1. Learned counsel for the appellant present. Mr. Habib Anwar, Additional Advocate General for the respondents present.

2. Written reply/comments on behalf of the respondents have not been submitted. Learned AAG seeks time to submit the same on the next date. Last chance is given. To come up for written reply/comments on 13.12.2023 before S.B. P.P given to the parties.


  
(Kalim Arshad Khan)  
Chairman

\*Adnan Shah\*

13<sup>th</sup> Dec. 2023

1. Junior to counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Aamir Sayyaf DSP (Legal) for the respondents present.

2. Reply on behalf of the respondents has been submitted through office. To come up for arguments on 16.04.2024 before D.B. P.P given to the parties.

  
(Kalim Arshad Khan)  
Chairman


\*Mutazem Shah\*

SCANNED  
KPST  
Peshawar

FORM OF ORDER SHEET

Court of

Appeal No. 1711/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/08/2023	<p>The appeal of Mr. Niaz Ali Khan is re-submitted today by Mr. Arshad Ali Nowsherwi Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 24-08-2023.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>
24 <sup>th</sup> Aug, 2023		<ol style="list-style-type: none"> <li>Learned counsel for the appellant present and heard.</li> <li>Against the impugned order of reversion passed on 27.03.2023 by the Regional Police Officer, Bannu Region, the appellant filed departmental appeal on 11.04.2023 which was rejected by the Inspector General of Police, Khyber Pakhtunkhwa on 21.07.2023. The appellant then filed appeal on 11.08.2023, which is within time. Therefore, this appeal is admitted to full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security fee within 10 days. The respondents be summoned through TCS/LCS, the expenses of which be deposited by the appellant within three days. To come up for written reply/comments on 03.10.2023 before S.B.</li> </ol> <p>(Kalim Arshad Khan) Chairman</p>


SCANNED  
KPST  
Peshawar

The appeal of Mr. Niaz Ali Khan son of Khan Wali Khan Ex-FHC District Lakki Marwat received today i.e on 11.08.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures-A, C & D are illegible which may be replaced by legible/better one.
- 2- Necessary party be made in the heading of the appeal.

No. 3047 /S.T.

Dt. 15/8 /2023.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Arshad Ali Nowsherwi Adv.  
High Court Peshawar.


Sir,  
As per your office direction I have removed all the objections in the instant case and may kindly be filed within

Two days.

  
19/8/2023.

Sir as for objection no 2 is concerned  
No need of necessary party.

Please file before the court

  
21/8/23



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**  
**CHECK LIST**

Case Title: Niaz Ali Khan v/s Police Deptt.

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: <u>Amjad Niaz Ali Khan</u>	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
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?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
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: Amjad Niaz Ali Khan  
Signature: [Signature]  
Dated: 11/8/25

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR**

Service Appeal No. 1711 /2023

**SCANNED  
KPST  
Peshawar**


Niaz Ali Khan . . . . . APPELLANT

**VERSUS**

Additional IGP & others. . . . . RESPONDENTS

**I N D E X**

S.No.	Description of Documents	Annex	Pages
1.	Service Appeal		1-6
2.	Affidavit		7
3.	Addresses of the Parties		8
4.	Copy of the Show Cause Notice	A	9
5.	Copy of the reply of Show Cause Notice	B	10
6.	Copy of the initially passed impugned order of respondent No.2	C	11
7.	Copy of the impugned order of respondent No.1 <i>and appeal (Dapil)</i>	D	12-14
8.	wakalatnama +CNIC		15-16

Through Appellant 

**Arshad Ali Nowsherwi**  
Advocate Supreme Court  
of Pakistan  
0300-5924992 - 0311 9972660

& 

**Amjad Nawaz**  
Advocate, Peshawar.

*Tahir Shah Advocate*  
*Tahir Shah*

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 6998

Dated 11/08/23

Service Appeal No. 1711 /2023

Niaz Ali Khan S/o Khan Wali Khan *Ex. IHC Now*  
LHC/2013 Police Station Dadi Wala Unit Investigation  
District Lakki Marwat.  
R/o Mohalla Sari Khel, Sarai Naurang,  
District Lakki Marwat.

..... APPELLANT

**VERSUS**

1. Additional Inspector General of Police,  
Headquarters, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Bannu Region, Bannu. ✓

..... RESPONDENTS

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT,**  
**1974 AGAINST THE IMPUGNED ORDER DATED**  
**21.07.2023, OF RESPONDENT NO.1, IN BACKING**  
**OF THE EARLIER DEPARTMENTAL ORDER**  
**DATED: 27.03.2023 PASSED BY RESPONDENT**  
**NO.2, THE APPELLANT WAS AWARDED**  
**PUNISHMENT OF REVERTED TO A LOWER RANK**  
**WITH IMMEDIATE EFFECT, HENCE BOTH THE**  
**ABOVE IMPUGNED ORDERS OF RESPONDENT**  
**NO.1 & 2 RESPECTIVELY, ARE ILLEGAL IN**  
**NATURE, UNLAWFUL, AGAINST THE FACTS AND**  
**CIRCUMSTANCES OF THE CASE OF APPELLANT,**  
**THEREFORE LIABLE TO BE SET AT NAUGHT.**

**Respectfully Sheweth:**

1. That appellant joined the respondents' Department as a Constable on 10.07.2002, performing his duties with zeal & zest, with utmost satisfaction of his superior authorities throughout comprising of the over & above 21 years.
2. That on 05.10.2022, appellant was deployed at police station Kaki as IHC/MHC, whereby just to avoid any unpleasant situation, due to the reasons of refreshment and food of the official of police station, the arrangement of the cook, is acquired by the SHO concern, and Mr. Ihsanullah FC 53, appointed by the office of RPO Bannu as Cook Constable.
3. The alleged allegation surprisingly firstly reveal to the appellant vide served Show Cause Notice dated: 12.01.2023, according to which, allegation leveled against the appellant in the alleged manner, about specifying the hand on glove with the above appointed Cook Constable, as the said Cook left his duty without intimation to his superior officers by replacing his substitute named "Tabidar" Private Person, the alternate Cook, so in this very strange contention, appellant was proceeded accordingly rather departmentally. (COPY OF THE SHOW CAUSE NOTICE IS ANNEXED)
4. That on 19.01.2023, In reply of the initially served Show Cause Notice, appellant categorically denied the contention raised in the Show Cause Notice,

with the special stance that since appellant is a constable rank police official, having nothing to do with the working priorities of any such rank official, as it is the progrative as priority of the incharge police station, and in this respect it is believed in factual as well as in legal form that the services of the appellant cannot be held liable for the same.

**(COPY OF THE REPLY OF SHOW CAUSE NOTICE IS ANNEXED)**

5. That the thereafter taken departmentally, under the flow of departmental proceedings against the appellant, and consequently the respondent No.2 vide his impugned order dated: 27.03.2023 punished to the appellant for reverted to a Lower Rank. **(COPY OF THE INITIALLY PASSED IMPUGNED ORDER OF RESPONDENT NO.2 IS ANNEXED HEREWITH)**

6. Aggrieved with the above initial order of respondent No.2, appellant preferred an appeal dated: 11.04.2023 before the respondent No.1, which was also with the same result vide impugned order dated: 21.07.2023. **(COPY OF THE IMPUGNED ORDER OF RESPONDENT NO.1 IS ALSO ANNEXED HEREWITH)**

7. That dissatisfied with both the impugned orders of respondent No.1 & 2 respectively, appellant is invoking appellate jurisdiction of this learned fora within the meaning of section 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1975 inter alia on the following grounds;

**GROUNDS:**

- A. That the impugned order of Reverted into Lower Rank passed by both the respondents No.1 & 2 respectively is not in accordance with law, rules and the principles of natural justice, hence it is liable to be set aside.
- B. That both the impugned orders of respondent No.1 & 2 are unspeaking, therefore unwarranted, unsustainable in the eye of the law, due to the reasons that the specification of the period of Revert to the Lower Rank of the appellant, is not unveiled, hence on this score alone the impugned orders has no foundation, as per dictum set by superior courts of Pakistan inn such like cases.
- C. No doubt, appellant remained PTC instructor from 2007 to 2009 and law instructor from 2015 to 2017 by extending his extra ordinary services to the department in the special circumstances, asked to advance by the department, which comprehensively been advanced and even thereafter too, by retaining the IHC rank, appellant never go against the procedural superiority of any nature in any mean whatsoever, therefore, the allegations leveled against the appellant are nothings but categorical discrimination.
- D. It is a simple case of discriminatively treatment to the appellant by respondent No.1 & 2, whereby no personal hearing or proper course of investigation <sup>inquiry</sup> through appointed officer concern or committee

whatsoever, is conducted, therefore, in this special case all of the basic ingredients of inquiry is not complied with by the respondent and with the stroke of pronouncement, the above impugned order has been passed in coercive manner.

- E. That due process of law has not been followed which is mandatory in the eyes of law.
- F. That the order is also in violation of Article 10-A of the constitution, the said provision has envisaged. Hence the fundamental right of the appellant was violated which alone has made the enquiry and the impugned order legally questionable and of no legal consequences upon the rights of the appellant.
- G. That the appellant has completely innocent and he didn't commit any excessive, beyond his mandate act to hand on glove to any other of such rank, and it even cannot be, so required to be treated accordingly.
- H. That total liability as well as responsibility was the incharge of the police station and not of the appellant, so in this respect it is unfortunate to say that no departmental proceedings in any means is taken against incharge police station, but against the appellant solely, so this act of the respondent department is sheer violation of equal treatment.
- I. That any other ground with the permission of this Hon'ble Tribunal, will be raised at the time of arguments.

It is humbly prayed that on acceptance of the instant appeal, orders dated: 27.3.2023 & 21.07.2023 of the both the respondents may be set aside and appellant be restored to rank of <sup>IHC</sup> ~~SCS~~ ~~inspector~~ with all consequential benefits, with such other relief as may be deemed proper and must in circumstances of the case.

Any other relief deems fit and appropriate in the circumstances of the case may also be granted.

Through

Appellant

**Arshad Ali Nowsherwi**  
Advocate Supreme Court  
of Pakistan

0300-5924992 - 03119972660.

&

**Amjad Nawaz**  
Advocate, Peshawar.

**Tahir Shah Advocate**  
Tahir Shah



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

Service Appeal No. \_\_\_\_\_/2023

Niaz Ali Khan . . . . . **APPELLANT**

**VERSUS**

Additional IGP & others. . . . . **RESPONDENTS**

**AFFIDAVIT**

I, Niaz Ali Khan S/o Khan Wali Khan LHC/2013 Police Station Dadi Wala Unit Investigation District Lakki Marwat, R/o Mohalla Sari Khel, Sarai Naurang, District Lakki Marwat, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



*Niaz*  
**DEPONENT**

CNIC # 11201-0374884-9  
Cell # 0331-9194176

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

Service Appeal No. \_\_\_\_\_/2023

Niaz Ali Khan ..... **APPELLANT**

**VERSUS**

Additional IGP & others. .... **RESPONDENTS**

**ADDRESSES OF THE PARTIES**

**APPELLANT:**

Niaz Ali Khan S/o Khan Wali Khan  
LHC/2013 Police Station Dadi Wala Unit Investigation  
District Lakki Marwat.  
R/o Mohalla Sari Khel, Sarai Naurang,  
District Lakki Marwat.

**RESPONDENTS:**

1. Additional Inspector General of Police,  
Headquarters, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Bannu Region, Bannu.

Through

Appellant's

**Arshad Ali Nowsherwi**  
Advocate Supreme Court  
of Pakistan

&

**Amjad Nawaz**  
Advocate, Peshawar.

Amrta - A (9)

SHOW CAUSE NOTICE

You, IIC Niaz Ali No.213/905 while posted as MIIC PS Kaki, District Bannu have rendered yourself liable to be proceeded under rule 5(3) of the Khyber Pakhtunkhwa, Police Rules, 1975 (amended in 2014) for committing the following misconduct:-

- That as per reliable source you while posted as MIIC PS Kaki were hand and glove with Cook-Constable Ihsanullah No.53 who had hired a private person for performing his duties in his place while he himself was running a private business.
- That you did not bring the matter in the notice of your seniors and reportedly might have referred the same to your successor for extending undue favour to the said cook constable.

Ali

That by taking cognizance of the matter, the undersigned as competent authority under the said rules, propose stern action against you by awarding one of the major punishments as provided in the rules.

You are, therefore called upon to show cause as to why you should not be imposed upon one of the major punishments for the said deviant misconduct under Khyber Pakhtunkhwa, Police Rules 1975 (amended in 2014).

You should submit reply to this show cause notice within seven (07) days of the receipt of this notice, failing which an ex parte action shall be taken against you.

You are further directed to inform the undersigned that as to whether you wish to be heard in person or not.

*[Handwritten signature and scribbles]*

Regional Police Officer,  
Bannu Region  
Bannu

IIC-Niaz Ali No.213/905  
The then MIIC PS Kaki, Bannu  
Now at PS Lakki.  
No. 05 /PA, Dated: 12/01/2023.  
CC:

DPO Lakki for information, please.

*[Handwritten initials]*

*[Handwritten signature]*  
**ATTESTED**  
to be true Copy

Regional Police Officer,  
Bannu Region  
Bannu

**SHOW CAUSE NOTICE**

Your, IHC Niaz Ali No.213/905 while posted as MHC PS Kaki, District Bannu have rendered yourself liable to be proceeded under rule 5(3) of the Khyber Pakhtunkhwa, Police Rules, 1975 (amended in 2014) for committing the following misconduct:

- That as per reliable source you while posted MHC PS Kaki were hand and glove with Cook. Constable Ihsanullah No.53 who had hired a private person for performing his duties in his place while he himself was running a private business.
- That you did not bring the matter in the notice of your seniors and reportedly might have referred the same in your successor for extending undue favor in the said cook constable.

That by taking cognizance of the matter, the undersigned as competent authority under the said rules, propose stern action against you by awarding one of the major punishment as provided in the rules.

You are, therefore called upon in show cause as in why you should not be imposed upon one of the major punishments for the said deviant misconduct under Khyber Pakhtunkhwa, Police Rules 1975 (amended in 2014).

You should submit reply to this Show Cause Notice within seven (07) days of the receipt of this notice, failing which an ex-parte action shall be taken against you.

You are further directed to inform the undersigned that as to whether you wish to be heard in person or not.

Sd/-  
Regional Police Officer  
Bannu Region  
Bannu

IHC-Niaz Ali No.213/905  
The then MHC PS Kaki, Bannu  
Now at PS Lakki.  
No.05/PA, Dated: 12.1.2023

Sd/-  
Regional Police Officer  
Bannu Region  
Bannu



بنیالیہ۔ مشعل شوکار ٹولس نمبر 18/23 کہ فرما 12 جاریہ ضابطہ 116 صاحب برون میں

سروکاروں میں بہ پیشل اہسان نمبر 53 جوہر لکے کسٹل کی ڈیوٹی تمام نذر میں  
سروکار تمام دیتا ہے۔ اپنی ڈیوٹی اہل اندرون سے سروکار تمام دیتا ہے۔ سرکار ملاوہ اسٹیل  
یو ایس ڈی ڈیوٹی میں باقاعدہ سروکار تمام دیتا ہے۔ بطور ہیبت سے نذرنا غیر نذرنا کیوں کر  
میرہ لکھے ہے۔ جو تمام تمام میں مذکورہ کسٹل کے ملکہ کو سروکار لکے کسٹل میں  
نذرہ کسٹل کی گھر یو ایس ڈی ڈیوٹی اور ریکسٹر داروں کے غیر فوری میں سرکار  
کلیجے میں نذرہ کسٹل اہسان نمبر 53 کو ضابطہ 116 صاحب کے راجرتے میں  
پر آج بھی خود سے چھوڑا تھا۔ جس کے بدلے میں ضابطہ 116 صاحب خود

آغا نذری کے بیس منتظام کلیجے کو سروکار لکے حیا مالہ دار نامی شخص کو آغا نذری  
دن کلیجے طلب کرتے۔ تاکہ لوہے نذری کو رکھنا باہر نہ جانا پڑے۔ کیونکہ موجود  
حالات میں لوہے نذری کا جو ٹکڑے میں جتنا اور جمع ہونا ہے وہی خطہ میں  
ہیسا ہے۔ بس یہ ضابطہ 116 صاحب نہ تھا یا جو دن کلیجے کو سروکار لکے کا نذرہ  
کرتا۔ اس میں MHe کوئی غلطی نہیں ہے۔ کیونکہ میں MHe کا سٹر  
لوہے نذری خود تمام میں موجود تھا۔ شوکار ٹولس میں MHe سے سروکار لکے گیا  
گیا ہے۔ وہ سروکار غلط اور میں گھڑے لار ہیبت سے رہتی ہے۔ جس کا  
حقیقت سے کوئی لینا دینا نہیں ہے۔

ایگز آرٹو سکیم شوکار ٹولس بلہر نذرہ رسالہ درج ذیل دفتر ضابطہ 116

MHe  
He P.S. Lal Bahar. Mandwa  
19-01-023

Amex  
Attested  
to be true Copy

ORDER:

This order will dispose of Show Cause Notice served upon IHC Niaz Ali No.213, while posted as MHC PS Kaki, District Bannu has rendered himself liable to be proceeded under rule 5(3) of the Khyber Pakhtunkhwa, Police Rules, 1975 (amended in 2014) for committing the following misconduct conveyed to him vide this office No.05/PA dated 12.01.2023:-

- That as per credible information, he was hand in glove with Cook constable Husanullah No.53 as the said cook constable had hired a private person for performing his duties in his place while he himself was running private business.
- That IHC Niaz Ali (then MHC Kaki) did not bring the matter in the notice of his seniors and extended undue favour to the said cook constable.

Reply to the Show Cause Notice was received and he was heard in person during orderly room held in RPO Office Bannu on 16.02.2023. His plea was not found convincing, as he, above named cook constable and other colleagues categorically admitted that one "Tabidar Uncle" had been performing as Cook in P.S Kaki. The said cook constable further added that he was suffering from allergy; therefore he had hired the above mentioned person. IHC Niaz Ali (then MHC Kaki) and the above named cook constable cheated their superior officers. The cook constable was taking full pay from the government and hiring a private person for performing duties in his place @ of Rs:8000/- per month while the cook constable himself was running a private business. It is not only against discipline but also punishable.

Therefore, I, Syed Ashfaq Anwar, PSP, Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules, 1975 (amended in 2014) am constrained to disagree with his plea. He is hereby reverted to a lower rank with immediate effect.

ORDER ANNOUNCED

OB No. 58  
Dated: 27/03/2023.

Regional Police Officer,  
Bannu Region,  
Bannu

No. 907 /EC, dated Bannu the 27/03/2023  
Cc:

- > DPO-Bannu for information and necessary.
- > DAO Bannu for information and necessary.
- > OS/EC RPO Office Bannu.

Regional Police Officer,  
Bannu Region,  
Bannu

ATTESTED  
to be true copy

**ORDER:**

This order will dispose of Show Cause Notice served upon IHC Niaz Ali No.213, while posted as MHC PS Kaki, District Bannu has rendered himself liable to be proceeded under rule 5(3) of the Khyber Pakhtunkhwa, Police Rules, 1975 amended in 2014) for coming the following misconduct conveyed to him vide his office No.05/PA dated 12.01.2023:

- That as per credible information, he was hand in glove with Cook constable Ihsanullah No.53 as the said cook constable had hired a private for performing his duties in his place while he himself was running private business.
- That IHC Niaz Ali (then MHC Kaki) did not bring the matter in the notice of his seniors and extended undue favors to the said cook constable.

Reply in Show Cause Notice was received and he was heard in person during orderly room held in RPO Office Bannu on 16.02.2023. His plea was not found convincing, as he, above named cook constable and other colleagues categorically admitted that one "Tabidar Uncle" had been performing as Cook in P.S Kaki. The said cook constable further added that he was suffering from allergy; therefore he had hired the above mentioned person. IHC Niaz Ali (then MHC Kaki) and the above named cook constable cheated their superior officers. The cook constable was taking full pay from the government and hiring a private person for performing duties in his place @ of Rs.8000/- per month while the cook constable himself was running a private business. It is not only against discipline but also (sic)

Therefore, I, Syed Ashfaq Anwar, PSP Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules, 1975 (amended in 2014) am constrained to disagree with his plea. He is hereby reverted to a lower rank with immediate effect.


Order announced  
Ob No.58  
Dated:27.03.2023

Sd/-  
**Regional Police Officer**  
Bannu region,  
Bannu

No.907/EC, dated Bannu the 27.03.2023

Cc:

- DPO-Bannu for information and necessary.
- DAO Bannu for information and necessary.
- OS/EC RPO Office Bannu.

*Att-As*  


1

131



بخدمت جناب پروڈیشنل پولیس آفیسر صاحب خیبر پختونخواہ پشاور

موانع اہل برکات آباد نمبر 58-001-2023 / 907-11C / 27-03-2023 مورخہ 27-03-2023

جناب عالی

معروض خدمت ہوں کہ من سائل مورد 10/07/2002 کو بطور کانسٹیبل محکمہ پولیس میں آسٹران ہالا صاحبان نے بھرتی فرمایا۔ من سائل کا نقلی معیار ایف اے تھا۔ پولیس ٹریننگ کالج ہنگو سے پاس کیا ہے۔ وقتاً فوقتاً تلف کر سز ATS سکی اسلام آباد سے کیس کورس، سیکشن کورس، لور کورس، انٹرمیڈیٹ کورس، PTC ہنگو سے گئے ہیں۔ سال 2009-2007 انسٹرکٹر PTC ہنگو میں رہ چکے ہیں۔ RTW 2017-2015 کوہاٹ میں لاء انسٹرکٹر، 2022-2020 تک پولیس ٹریننگ سکول کوہاٹ میں لاء انسٹرکٹر کے خدمات سرانجام دے چکے ہیں۔ ضلع بنوں کے مختلف قتلوں میں بطور MHC مختلف چوکیات میں بطور امپانچ کی ذیولٹی سرانجام دے چکے ہیں۔ سال 2008 میں PTC ہنگو سے ضلع بنوں کے آپریشن میں حصہ لیا تھا۔ سال 2006 اور 2007 میں ضلع کئی مرآت سے سوات آپریشن میں شامل تھا۔ حال ہی میں ضلع کئی مرآت میں جاری شدہ آپریشن میں بھی سائل آرمی کے ساتھ فرنٹ لائن پر شامل حال رہا۔

سائل کے والد صاحب خان ولی خان محکمہ پولیس ٹریننگ کالج ہنگو میں بطور ڈول انسٹرکٹر اور چیف ڈول انسٹرکٹر کے عہدے پر کئی عرصہ رہ کر پولیس آسٹران میں رہ چکے ہیں۔ جس کی قابلیت محکمہ پولیس کے سینئر اور کافی سبب بھی قدر کی نگاہ سے دیکھتے ہیں۔

جناب والا من سائل آسٹران ہالا صاحبان کے حکم پر بطور محرز 5 اکتوبر 2022 کو تعینات فرمایا۔ جو کہ صرف 1/2 بطور محرز تھا۔ کئی روچکا ہوں۔ مجھ سے قبل احسان اللہ 53/FC بنوں جو کہ جناب ای بی او صاحب بنوں نے تعینات کئی میں بطور کانسٹیبل تعینات کیا تھا۔ موصوفات میں SHO صاحب اپنے ماتحت ملہ کو نمبر شاہاشی دیتا تھا۔ جو کہ 2/ارات کے لئے محرز چھوڑتے ہیں۔ اسی طرح جب کانسٹیبل احسان اللہ 53 کو SHO صاحب شاہاشی دیتا تھا وہ اپنے تعینات نئی روٹی کے لئے ایک پرائیویٹ شخص نامی تاجدار کو بجلا کر احسان اللہ 53/FC کی جگہ میں کام کرواتا تھا۔ اس میں من سائل کی کوئی کوئی یا تصور نہیں ہے۔

ATTESTED  
ATTESTED  
to be true copy



جناب (P.P.O) صاحب بنوں نے مجھے اس پر رپورٹ فرمائی ہے۔ جس کا نوٹو کاپی آرڈر مراٹھ ہے۔ ایک ہیڈ کانسٹیبل کا اس میں کیا قصور ہے۔ جناب SHO صاحب نے خود تفتیشی پر جناب DIO صاحب کو بتایا کہ کانسٹیبل احسان اللہ 53 کو میں SHO صاحب نے شاباشی پر چھوڑا ہے۔ اور دوسرا شخص تا بعد اسے میں کا کام لیتا رہا۔ جناب DIO صاحب کو کسی نے گناہ لائی کر کے مجھے سزا دی ہے۔ حالانکہ گناہ شکایات پر کسی کے خلاف کارروائی کرنا جو الٹا سوال سرورق PLG No 1043 سال 2012 طرز کارروائی ہے۔ اس کے بارے میں جناب 2008 میں بابت گناہ لائی کرنا جو کارروائی ہے۔ لیٹر انگریزی نمبر 251-58 OGY Dated 25/04/2008

جناب انسپیکٹر جنرل آف پولیس ملک ٹویڈ صاحب لیٹر سال 2011 میں لیٹر انگریزی نمبر 951-90 B&I / Dated 11/06/2011 جناب انگریزی ایڈا نسیکشن آفیسر جناب سلطان حفیظ صاحب اور کڑی جاری کیا ہے۔ مراٹھ ہے۔ انڈیز سلسلہ بابت گناہ درخواست / لائبریری پر کسی قسم کی کارروائی نہ کرنے کے ہاتھ ہائی کورٹ اسلام آباد سے (C.S) سال 2023 کی جاری کیا ہے اس طرح سپریم کورٹ آف پاکستان نے بھی بابت گناہ لائی پر کسی قسم کی کارروائی نہ کرنے پر سال 2012 میں جاری کیا ہے۔ تمام کاپیاں مراٹھ اہل ہوا کی ہے۔ پولیس آفیسر کو معمولی خلاف ڈسپلن پر بڑی سزا دینے سے پولیس آفیسر کی دل لائبریری ہوتی ہے۔ جس پر پٹی PLD جاری ہو چکا ہے۔

لہذا استدعا ہے کہ میرے چھوٹے بچوں پر رحم کیا جائے۔ جملہ حالات و واقعات بالا کو مدنظر رکھ کر مجھے اپنے عہدے پر رپورٹیشن سے بحال فرمائے۔ کیونکہ سائل کا اس میں کوئی قصور نہیں ہے۔ سائل دعا گو رہے گا۔

نوٹ: ڈسٹریکٹ لیٹر سائٹ بلا ہومہ لائن ہے۔

موری: 04/2023

العارض

3264  
11/6

SRC  
for n/a & settlement  
Process

نیاز علی خان LHC/213/2023 حقیقہ قمانہ جانی محیل صلح بنوں

Niaz  
0331-91941176

11201-0374834-9

District Police Officer  
BATTULU

ACCEPTED

ATTESTED  
to be true copy



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

144  
7-16/023

781  
2/8/23

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted LHC Noz Ali No. 213. The petitioner was awarded punishment of reversion from the rank of HIC to LHC by IPO Hamu vide OIB No. 58 dated 27.03.2023 on the allegations that he was found in glove with cook constable Jaseen Ullah No.53 as the said cook constable had hired a private person for performing his duties in his place while he himself was running private business. File/dtd and bring this matter into the notice of his seniors and extended undue favour to the said cook constable. The cook constable was getting full salary from the Govt. while the private person was paid 5000/- to perform duties at his place.

Meeting of Appellate Board was held on 02.06.2023 wherein petitioner was heard in person. Petitioner contended that he is innocent.

Perusal of enquiry papers reveals that the allegations leveled against the petitioner have been proved. During hearing, petitioner failed to advance any plausible explanation in rebuttal of the charges. The Board sees no ground and reasons for acceptance of his petition; therefore, the Board decided that his petition is hereby rejected.

S/-

**RIZWAN MANZOR, PSP**  
Additional Inspector General of Police,  
HQs: Khyber Pakhtunkhwa, Peshawar

No. S/ 1916-21 23 dated Peshawar, the 21/07/2023.

Copy of the above is forwarded to the:

1. Regional Police Officer, Hamu. One Service Roll alongwith Uqi Missal containing inquiry filed, of the above named HIC received vide your office Memo No. 162790 dated 26.05.2023 is returned herewith for your office record.
2. District Police Officer, Hamu.
3. AIC/Regional, Khyber Pakhtunkhwa, Peshawar.
4. PA to Adtl: IC/HQs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DICE/HQs: Khyber Pakhtunkhwa, Peshawar.
6. PA to Registrar (PPO) Peshawar.
7. Office Supdt: Es-IV (PPO) Peshawar.

No. 2491  
16c  
018/023 DPO/Bamw  
FK

(DR. AHMAD TILAI) PSP  
AIC/Regional,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar

*Procto*  
**ATTESTED**  
[Signature]  
[Signature]

**OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR**

**ORDER**

This order is hereby passed in dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted LHC Niaz Ali No.213. The petitioner was awarded punishment of reversion from the rank of IHC to LHC by RPO Bannu vide OB No.58, dated: 07.03.2023 on the allegations that he was hand in glove with cook constable Ihsan Ullah No.53 as the said cook constable had hired as private person for performing his duties in his place while he himself was running private business. He did not bring this matter into the notice of his seniors and extended undue favor to the said cook constable. The cook constable was guiding full salary from the (sic) while the private person was paid 8000/- to perform duties at his place.

Meeting of Appellate Board was held on 02.06.2023 wherein petitioner was heard in person. Petitioner contended that he is innocent.

Perusal of enquiry papers reveals that the allegations leveled against the petitioner have been proved during hearing. Petitioner failed to advance any plausible explanation in rebuttal of the charges. The Board sees no granted and reasons for acceptance of his petition; therefore, the Board decided that his petition is hereby Rejected.

Sd/-

**Rizwan Manzoor, PSP**

Additional Inspector General of Police  
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/1916-21/23, dated Peshawar the 21.07.2023

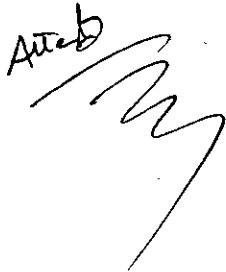
Copy of the above is forwarded to the:

1. Regional Police Officer, Bannu. One Service Roll alongwith Fuji Missal (Containing Enquiry File), of the above named LHC received vide your office Memo: No.1622/FC dated 26.05.2023 is returned herewith for your office record.
2. District Police Officer, Bannu.
3. AIH/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Adl: LIP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to Registrar CPO Peshawar.
7. Office Supdt: E-IV CPO, Peshawar.

Sd/-

**Rizwan Manzoor, PSP**

Additional Inspector General of Police  
HQrs: Khyber Pakhtunkhwa, Peshawar.

*Atiq*  


# POWER OF ATTORNEY

BEFORE THE ~~COURT OF~~ HONORABLE SERVICE TRIBUNAL CP Peshawar

بیاز علی خان

Versus

کورٹ

SCANNED  
KPST  
Peshawar

I/We, Appellant the above named Petitioner do hereby appoint & constitute **ARSHAD ALI NOSHERWI, ADVOCATE SUPREME COURT OF PAKISTAN,** as counsel in the above mentioned case, to do all or any of the following acts, deeds and things:-

1. To appear, act and plead for me, as in the above mentioned case in this Court/Tribunal or any other court/tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file Plaintiff/Written Statement or withdraw all proceedings, petitions, suit appeals, revision, review, affidavits and applications for compromise or withdrawal, or for submission to arbitration of the said case, or any other document, as may be deemed necessary or advisable by him for proper conduct, prosecution or defence of the said case at any stage.
3. To do and perform all other acts which may be deemed necessary or advisable during the course of the proceedings.

## AND HEREBY AGREE:-

- a) To ratify whatever the said Advocate may do in the proceedings in my interest
- b) Not to hold the Advocate responsible if the said case be proceeded ex-parte or dismissed in default in consequence of their absence from the Court/Tribunal when it is called for hearing or is decided against me/us.
- c) That the Advocate shall be entitled to withdraw from the prosecution of the said case if the whole OR any part of the agreed fee remains unpaid.

In witness whereof I/we have signed this Power of Attorney/Wakalat Nama hereunder the contents of which have been read/explained to me/us and fully understood by me/us this \_\_\_\_\_ day of \_\_\_\_\_ at Peshawar.

Signature of Executant(s)

بیاز علی خان

Attested & Accepted

Arshad Ali Nosherwi

**ARSHAD ALI NOSHERWI (BC-10-7834)**

ADVOCATE SUPREME COURT OF PAKISTAN.

Cell: +92-300-5924992 - 0311-9972660

CNIC: 17201-22215819

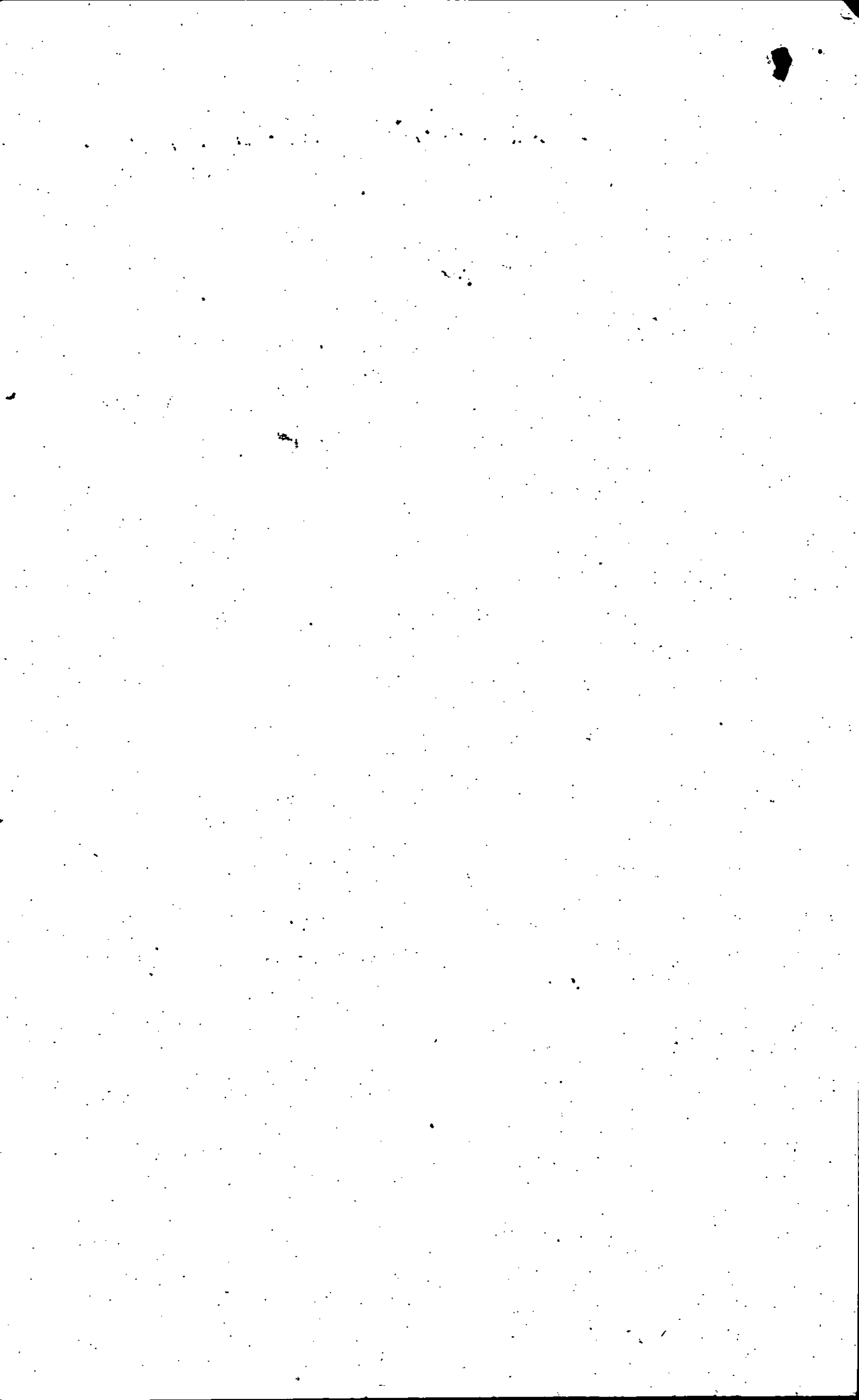
**Nowsherwi Law Associates,**

212, Second Floor, New Qatar Hotel, Sikandar Town,

G.T. Road, Peshawar City.

Amjad Nawaz

9 TAMM SHARAH  
ADVOCATES



3613

prov-

Treasury / Sub-Treasury

Chalan of Cash paid into the Peshawar

State Bank of Pakistan

CHALAN No.

Peshawar

To be filled in by the remitter			To be filled in by the Departmental officer of the Treasury		
By whom tendered	Name or Designation and address of the person on whose behalf money is paid.	Full particulars of the remittance and of authority (if any).	Amount	Gr-11215 Head of Account 3501001	Order to the Bank

Name Security fee (Refundable) Date \_\_\_\_\_  
Rs-100- One hundred only  
in appeal No. 1711

Correct  
 Received and grant  
 receipts.  
 Signature and full  
 designation of the  
 officer ordering the  
 money to be paid in

Signature Muz H Khan Total (A) 100/-  
 (a) (in words) Rupees One hundred only

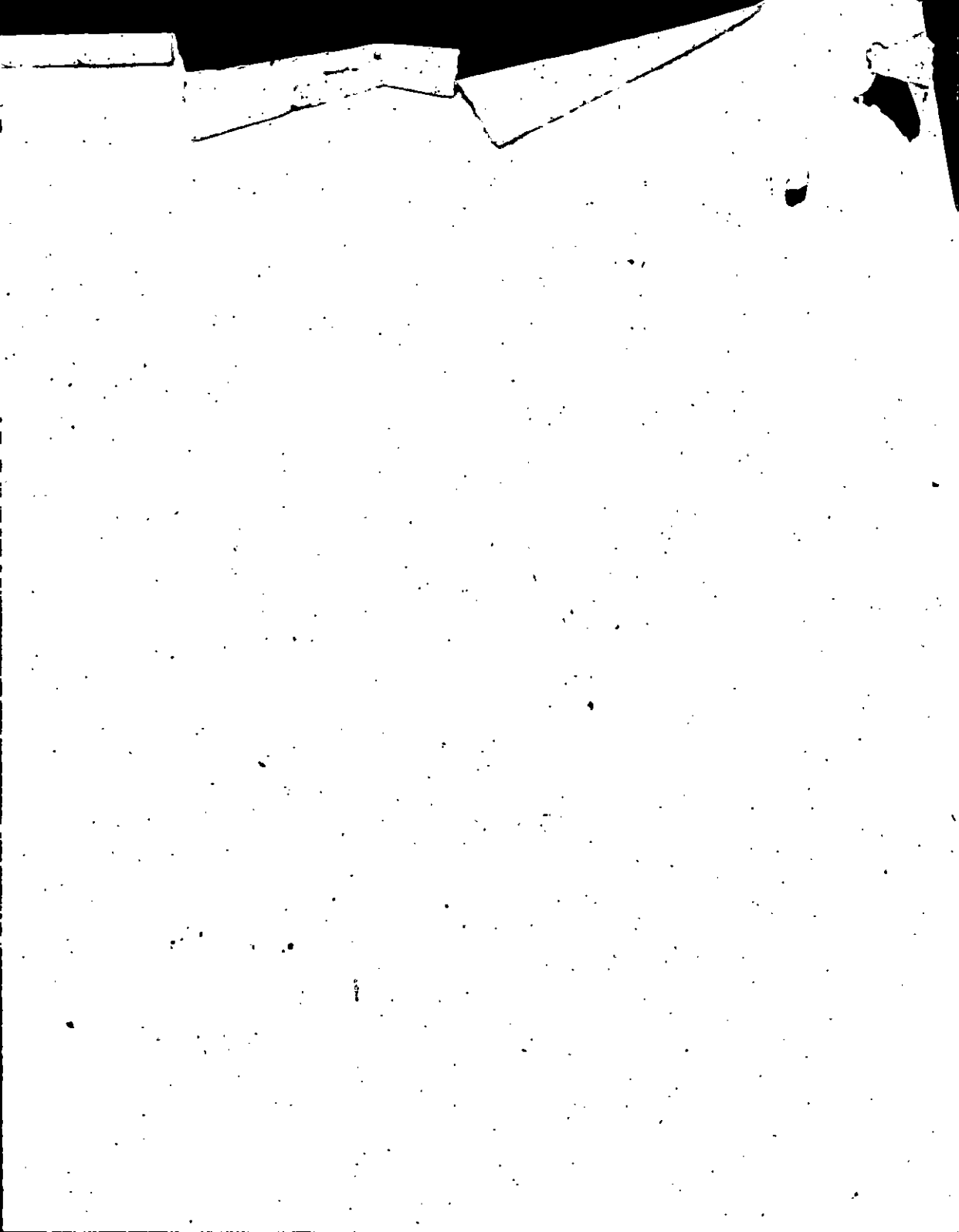
\*To be used only in the  
 case of remittances to  
 Bank through an officer  
 of the Government.

Received \_\_\_\_\_ Date \_\_\_\_\_

Treasury Officer  
 Manager

Treasurer \_\_\_\_\_  
 Accountant \_\_\_\_\_  
 Particulars \_\_\_\_\_ Amount \_\_\_\_\_  
 Rs. Paise.

Coins \_\_\_\_\_  
 Notes (with details) \_\_\_\_\_  
 Cheques (with details) \_\_\_\_\_  
 Total: \_\_\_\_\_



BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR.

Appeal No. 1711/2023

Niaz Ali Khan

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 9876 (Appellant)

VERSUS

Dated 13/12/23 (Respondents)

Addl. IGP etc.

SCANNED  
KPST  
Peshawar

13/12/23

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4	<i>Annexure</i>	<i>5-20</i>	<i>(5)</i>
5	-		
6			

*[Signature]*  
DEPONENT



①

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR.**

**Appeal No. 1711/2023**

**Niaz Ali Khan**

(Appellant)

SCANNED  
KPST  
Peshawar  
13/12/23

**VERSUS**

**Addl. IGP etc.**

(Respondents)

**PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 & 2**

Respectfully Sheweth

The respondents respectfully submit as under: -

**PRELIMINARY OBJECTIONS.**

1. That the Appellant has got no cause of action.
2. That the Appeal is not maintainable under the law.
3. That the Appeal is barred by law & limitation.
4. That the Appellant has not been discriminated in any way.
5. That the Appeal is bad due to mis-joinder and non-joinder of necessary parties.
6. That the Appellant has approached the Honorable Tribunal with unclean hands.
7. That the Appellant has got no cause of action and locus-standi to file the instant Appeal.
8. That the Appellant has been estopped by his own conduct.

**BRIEF FACTS:**

1. Pertain to record.
2. Correct to the extent, that the appellant was deployed as IHC/MHC in PS Kakki Bannu, but rest of para is incorrect. On papers/record FC Ihsan Ullah No.53 was appointed as cook constable but in real, a Tabedaar uncle was hired on Rs.8000/ salary per month by FC Ihsan Ullah for performing duty as cook of the concern Police Station.( show cause notice is annexed)
3. Pertain to record.
4. Incorrect, his reply to the show cause was found un-satisfactory. Muharrar is a responsible officer of a Police Station. It is the duty of Muharrar to issue duty roaster in concerned Police station.
5. Incorrect, when the charges leveled against the appellant were proved, thus the order of reversion from the Rank of IHC to LHC was issued. ( Reversion order is annexed)
6. Correct to the extent, that the appellant submitted a departmental Appeal before W/RPO Bannu but it was rejected being devoid of merit.
7. Pertain to record.


**GROUND:**

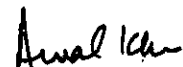
- A. Incorrect, the impugned order of reversion into Lower Rank was issued according to law, rules and policy and cannot be set aside.
- B. Incorrect, both the impugned orders are sustainable in the eye of law.
- C. Pertain to record.
- D. Incorrect, proper and departmental enquiry was conducted in which all the charges leveled against the appellant were proved. Nothing has been done unfair to the appellant. He was treated in accordance with law, rules and Policy.( Departmental Enquiry is annexed)
- E. Incorrect, all process of law has been followed and no discrimination has been committed by the respondents.
- F. Incorrect, no violation of Article 10 (A) has been committed. Every step taken against the appellant was according to law, rules and policy.

- G. Incorrect, departmental enquiry was conducted in which all the charges against the appellant were proved. Moreover, the appellant was heard in person during hearing appellant failed to advance any plausible in rebuttal of the charges. (Department enquiry is annexed)
- H. Incorrect, in charge of the police station was unaware of the instant matter and it is the responsibility of Muharrar to bring such matter in the notice of his high-ups.
- I. The Respondent Department may kindly be allowed to raise additional Grounds at the time of arguments.

**PRAYER:**

In view of the above Para wise comments, it is most humbly prayed that the Petition of the Petitioner may kindly be dismissed with cost.

  
(QASIM ALI KHAN)  
Regional Police officer  
Bannu Region, Bannu  
(Respondent No.2)

  
(AWAL KHAN) PSP  
Addl. IGP of Police HQrs,  
KP Peshawar.  
(Respondent No.1)

(13)

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR.**

**Appeal No. 1711/2023**

Niaz Ali Khan

(Appellant)

**VERSUS**


(Respondents)

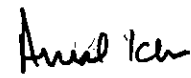
Addl. IGP etc.

**AUTHORITY LETTER.**

Mr. Muhammad Farooq Khan DSP Legal Bannu, is hereby authorized to appear before Honorable Tribunal on behalf of the undersigned in the above cited Appeal.

He is authorized to submit and sign all documents pertaining to the present Appeal.

  
(QASIM ALI KHAN) PSP  
Regional Police officer  
Bannu Region, Bannu  
(Respondent No.2)

  
(AWAL KHAN) PSP  
Addl. IGP of Police HQrs,  
KP Peshawar.  
(Respondent No.1)

4

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR.

Appeal No. 1711/2023

Niaz Ali Khan

(Appellant)

VERSUS

Addl. IGP etc.

(Respondents)

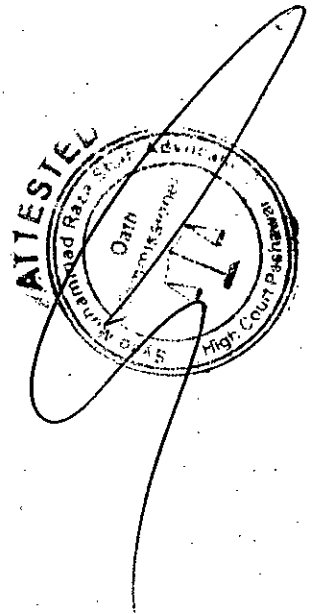
AFFIDAVIT.

I MR. Muhammad Farooq Khan DSP Legal Bannu, representative for Respondent Nos.1 to 2 , do hereby solemnly affirm and declare that the contents of the accompanying comments submitted by us are true and correct to the best of our knowledge and belief and that nothing has been concealed from this Honorable Tribunal.

*It is further submitted on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defence has been struck off/cost.*

*Awal Khan PSP  
Addl. IGP of Police HQ  
KP. Peshawar*

*[Signature]*  
DEPONENT



*Awal Khan PSP  
Ad*

5

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR**

Service Appeal No. 1711 /2023

Niaz Ali Khan . . . . . APPELLANT

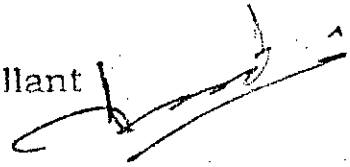
VERSUS

Additional IGP & others. . . . . RESPONDENTS

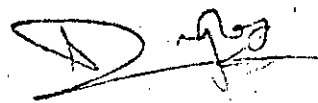
**I N D E X**

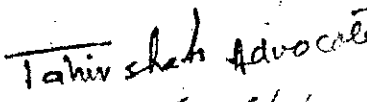
S.No.	Description of Documents	Annex	Pages
1.	Service Appeal		1-6
2.	Affidavit		7
3.	Addresses of the Parties		8
4.	Copy of the Show Cause Notice	A	9
5.	Copy of the reply of Show Cause Notice	B	10
6.	Copy of the initially passed impugned order of respondent No.2	C	11
7.	Copy of the impugned order of respondent No.1 and appeal (copy)	D	12-14
8.	wakalatnama + CNIC		15-16

Through Appellant

  
**Arshad Ali Nowsherwi**  
Advocate Supreme Court  
of Pakistan

&

  
**Amjad Nawaz**  
Advocate, Peshawar.

  
**Tahir Shah Advocate**  
Tahir Shah

1

(D)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. \_\_\_\_\_/2023

Niaz Ali Khan S/o Khan Wali Khan *Ex. IHC No. 1*  
LHC/2013 Police Station Dadi Wala Unit Investigation  
District Lakki Marwat.  
R/o Mohalla Sari Khel, Sarai Naurang,  
District Lakki Marwat.

..... APPELLANT

VERSUS

1. Additional Inspector General of Police,  
Headquarters, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Bannu Region, Bannu.

..... RESPONDENTS

APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT,  
1974 AGAINST THE IMPUGNED ORDER DATED  
21.07.2023, OF RESPONDENT NO.1, IN BACKING  
OF THE EARLIER DEPARTMENTAL ORDER  
DATED: 27.03.2023 PASSED BY RESPONDENT  
NO.2, THE APPELLANT WAS AWARDED  
PUNISHMENT OF REVERTED TO A LOWER RANK  
WITH IMMEDIATE EFFECT, HENCE BOTH THE  
ABOVE IMPUGNED ORDERS OF RESPONDENT  
NO.1 & 2 RESPECTIVELY, ARE ILLEGAL IN  
NATURE, UNLAWFUL, AGAINST THE FACTS AND  
CIRCUMSTANCES OF THE CASE OF APPELLANT,  
THEREFORE LIABLE TO BE SET AT NAUGHT.

(7)

Respectfully Sheweth:

1. That appellant joined the respondents' Department as a Constable on 10.07.2002, performing his duties with zeal & zest, with utmost satisfaction of his superior authorities throughout comprising of the over & above 21 years.
2. That on 05.10.2022, appellant was deployed at police station Kaki as IHC/MHC, whereby just to avoid any unpleasant situation, due to the reasons of refreshment and food of the official of police station, the arrangement of the cook, is acquired by the SHO concern, and Mr. Ihsanullah FC 53. appointed by the office of RPO Bannu as Cook Constable.
3. The alleged allegation surprisingly firstly reveal to the appellant vide served Show Cause Notice dated: 12.01.2023, according to which, allegation leveled against the appellant in the alleged manner, about specifying the hand on glove with the above appointed Cook Constable, as the said Cook left his duty without intimation to his superior officers by replacing his substitute named "Tabidar" Private Person, the alternate Cook, so in this very strange contention, appellant was proceeded accordingly rather departmentally. (COPY OF THE SHOW CAUSE NOTICE IS ANNEXED)
4. That on 19.01.2023, In reply of the initially served Show Cause Notice, appellant categorically denied the contention raised in the Show Cause Notice.

(8)

with the special stance that since appellant is a constable rank police official, having nothing to do with the working priorities of any such rank official, as it is the prerogative as priority of the incharge police station, and in this respect it is believed in factual as well as in legal form that the services of the appellant cannot be held liable for the same.  
(COPY OF THE REPLY OF SHOW CAUSE NOTICE IS ANNEXED)

5. That the thereafter taken departmentally, under the flow of departmental proceedings against the appellant, and consequently the respondent No.2 vide his impugned order dated: 27.03.2023 punished to the appellant for reverted to a Lower Rank. (COPY OF THE INITIALLY PASSED IMPUGNED ORDER OF RESPONDENT NO.2 IS ANNEXED HEREWITH)
6. Aggrieved with the above initial order of respondent No.2, appellant preferred an appeal dated: 11.04.2023 before the respondent No.1, which was also with the same result vide impugned order dated: 21.07.2023. (COPY OF THE IMPUGNED ORDER OF RESPONDENT NO.1 IS ALSO ANNEXED HEREWITH)
7. That dissatisfied with both the impugned orders of respondent No.1 & 2 respectively, appellant is invoking appellate jurisdiction of this learned fora within the meaning of section 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1975 inter alia on the following grounds;



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GROUNDS:

- A. That the impugned order of Reverted into Lower Rank passed by both the respondents No.1 & 2 respectively is not in accordance with law, rules and the principles of natural justice, hence it is liable to be set aside.
- B. That both the impugned orders of respondent No.1 & 2 are unspeaking, therefore unwarranted, unsustainable in the eye of the law, due to the reasons that the specification of the period of Revert to the Lower Rank of the appellant, is not unveiled, hence on this score alone the impugned orders has no foundation, as per dictum set by superior courts of Pakistan inn such like cases.
- C. No doubt, appellant remained PTC instructor from 2007 to 2009 and law instructor from 2015 to 2017 by extending his extra ordinary services to the department in the special circumstances, asked to advance by the department, which comprehensively been advanced and even thereafter too, by retaining the IHC rank, appellant never go against the procedural superiority of any nature in any mean whatsoever, therefore, the allegations leveled against the appellant are nothings but categorical discrimination.
- D. It is a simple case of discriminatively treatment to the appellant by respondent No.1 & 2, whereby no personal hearing or proper course of investigation <sup>inquiry</sup> through appointed officer concern or committee

(10)

whatsoever, is conducted, therefore, in this special case all of the basic ingredients of inquiry is not complied with by the respondent and with the stroke of pronouncement, the above impugned order has been passed in coercive manner.

- E. That due process of law has not been followed which is mandatory in the eyes of law.
- F. That the order is also in violation of Article 10-A of the constitution, the said provision has envisaged. Hence the fundamental right of the appellant was violated which alone has made the enquiry and the impugned order legally questionable and of no legal consequences upon the rights of the appellant.
- G. That the appellant has completely innocent and he didn't commit any excessive, beyond his mandate act to hand on glove to any other of such rank, and it even cannot be, so required to be treated accordingly.
- H. That total liability as well as responsibility was the incharge of the police station and not of the appellant, so in this respect it is unfortunate to say that no departmental proceedings in any means is taken against incharge police station, but against the appellant solely, so this act of the respondent department is sheer violation of equal treatment.
- I. That any other ground with the permission of this Hon'ble Tribunal, will be raised at the time of arguments.

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. \_\_\_\_\_/2023

Niaz Ali Khan ..... APPELLANT

VERSUS

Additional IGP & others. .... RESPONDENTS

AFFIDAVIT

I, Niaz Ali Khan S/o Khan Wali Khan LHC/2013 Police Station Dadl Wala Unit Investigation District Lakki Marwat, R/o Mohalla Sari Khel, Sarai Naurang, District Lakki Marwat, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

*Handwritten signature*  
10-8-23

*Handwritten signature*

DEPONENT

CNIC # 11201-0374884-9

Cell # 0331-9194176



(12)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. \_\_\_\_\_/2023

Niaz Ali Khan ..... APPELLANT

VERSUS

Additional IGP & others. .... RESPONDENTS

ADDRESSES OF THE PARTIES

APPELLANT:

Niaz Ali Khan S/o Khan Wali Khan  
LHC/2013 Police Station Dadi Wala Unit Investigation  
District Lakki Marwat.  
R/o Mohalla Sari Khel, Sarai Naurang,  
District Lakki Marwat.

RESPONDENTS:

1. Additional Inspector General of Police,  
Headquarters, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Bannu Region, Bannu.

Through

Appellant

Arshad Ali Nowsherwi  
Advocate Supreme Court  
of Pakistan

&

Amjad Nawaz  
Advocate, Peshawar.

(13)

Amra - A (9)

**SHOW CAUSE NOTICE**

You, IIC Niaz Ali No.213/905 while posted as MIIC PS Kaki, District Bannu have rendered yourself liable to be proceeded under rule 5(3) of the Khyber Pakhtunkhwa, Police Rules, 1975 (amended in 2014) for committing the following misconduct:-

- That as per reliable source you while posted as MIIC PS Kaki were hand and glove with Cook Constable Ihsanullah No.53 who had hired a private person for performing his duties in his place while he himself was running a private business.
- That you did not bring the matter in the notice of your seniors and reportedly might have referred the same to your successor for extending undue favour to the said cook constable.

That by taking cognizance of the matter, the undersigned as competent authority under the said rules, propose stern action against you by awarding one of the major punishments as provided in the rules.

You are, therefore called upon to show cause as to why you should not be imposed upon one of the major punishments for the said deviant misconduct under Khyber Pakhtunkhwa, Police Rules 1975 (amended in 2014).

You should submit reply to this show cause notice within seven (07) days of the receipt of this notice, failing which an ex parte action shall be taken against you.

You are further directed to inform the undersigned that as to whether you wish to be heard in person or not.

*[Handwritten signature]*

Regional Police Officer,  
Bannu Region  
Bannu

IIC-Niaz Ali No.213/905  
The then MIIC PS Kaki, Bannu  
Now at PS Lakki.  
No. 05 /PA, Dated: 12/01/2023.  
CC:

DPO Lakki for information, please.

*[Handwritten mark]*

*[Handwritten signature]*

*[Handwritten mark]*

Regional Police Officer,  
Bannu Region  
Bannu

۱۹ ۱/۲۳

Amr. B - (10)

سندھ کے لیے: جسکی شوکار ٹوٹوں نے ۱۸/۵۵ مہینہ ۱۲/۲۳ جاری طلب ۱۱۱۵ مہاسب ہوں اور  
 سرکاری ہوں کہہ پھیل رہا ہے نہ ۵۳ جو کہ لگے کھیل کے ڈیڑھ گھنٹہ بعد میں  
 سر انجام دیا ہے۔ اپنی ڈیڑھ گھنٹہ کے اندر ہی سے سر انجام دیا ہے۔ اس کے علاوہ اسٹیل  
 کیلئے ڈیڑھ گھنٹہ کا نام نہ سر انجام دیا ہے۔ بلکہ صرف سے دفنانا ہی کے طور پر لکھ دیا گیا  
 یہ کہ کہ ہے۔ جو کہ تمام میں مذکورہ کھیل کے مکمل دوسرا لگے کھیل نہیں  
 ضرورہ کھیل ہی گھر طور پر ضرور لکھ کر رہا ہے اور رشتہ داروں کے غیر فونی میں شرکت  
 کیلئے ہوتا ہے کہ کھیل کے دوران ۵۳ کو طلبہ ۱۱۱۵ مہاسب کے اجازت سے  
 ہر آدھے گھنٹہ میں چھوڑنا تھا۔ جس کے بدلے میں طلبہ کو طلبہ کے خود  
 آتا ہے پھر کے میں اسٹیل کیلئے دوسرا لگے جیسا کہ بعد از نامی شخص کو آدھا کر  
 دن کیلئے طلبہ کرتے۔ تاکہ کھیل نہیں کر سکیا جائے۔ کیونکہ یہ وہ  
 حالات میں کھیل نہیں کیا ہو سکتا ہے۔ جیسا کہ جمع ہوا ہے کہ یہ خطوں کے  
 ہیں۔ یہ ۱۱۱۵ مہاسب نہ تھا یا جو دن کیلئے دوسرا لگے کا ضرورہ  
 کرتا۔ اس میں ۱۱۱۵ کی کوئی غلطی نہیں ہے۔ کیونکہ میں ۱۱۱۵ کا سٹیڈ  
 لوگ اس میں خود تھانہ میں خود تھا۔ شوکار ٹوٹوں میں میں ۱۱۱۵ میں اور انہوں نے  
 لکھا ہے۔ وہ سرکار غلطی کے لئے اور فونہ میں ہے۔ جس کا  
 صحت سے کوئی لینا دینا نہیں ہے۔

ایسٹریٹ سکیم شوکار ٹوٹوں بلڈ ہائیڈرو اسٹیل دراصل دفتر خواجہ صاحب  
 ۱۱۱۵  
 The P.S. Lal Bahar Mandawat  
 19-01-023

*Amr B*

18

Amr C 11

~~27/03/2023~~  
27/03/2023

**ORDER:**

This order will dispose of Show Cause Notice served upon IIC Niaz Ali No.213, while posted as MHC PS Kaki, District Bannu has rendered himself liable to be proceeded under rule 5(3) of the Khyber Pakhtunkhwa, Police Rules, 1975 (amended in 2014) for committing the following misconduct conveyed to him vide this office No.05/PA dated 12.01.2023:-

- That as per credible information, he was hand in glove with Cook constable Ihsanullah No.53 as the said cook constable had hired a private person for performing his duties in his place while he himself was running private business.
- That IIC Niaz Ali (then MHC Kaki) did not bring the matter to the notice of his seniors and extended undue favour to the said cook constable.

Reply to the Show Cause Notice was received and he was heard in person during orderly room held in RPO Office Bannu on 16.02.2023. His plea was not found convincing, as he, above named cook constable and other colleagues categorically admitted that one "Tabidar Uncle" had been performing as Cook in P.S Kaki. The said cook constable further added that he was suffering from allergy; therefore he had hired the above mentioned person. IIC Niaz Ali (then MHC Kaki) and the above named cook constable cheated their superior officers. The cook constable was taking full pay from the government and hiring a private person for performing duties in his place @ of Rs.8000/- per month while the cook constable himself was running a private business. It is not only against discipline but also ignoble.

Therefore, I, Syed Ashfaq Anwar, PSP, Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules, 1975 (amended in 2014) am constrained to disagree with his plea. He is hereby reverted to a lower rank with immediate effect.

**ORDER ANNOUNCED**

OB No. 58  
Dated: 27/03/2023

Regional Police Officer,  
Bannu Region,  
Bannu

No. 907 /EC, dated Bannu the 27/03/2023

- Cc:
- > DPO-Bannu for information and necessary.
  - > DAO Bannu for information and necessary.
  - > OS/EC RPO Office Bannu.

Regional Police Officer,  
Bannu Region,  
Bannu

**ORDER:**

This order will dispose of Show Cause Notice served upon IHC Niaz Ali No.213, while posted as MHC PS Kaki, District Bannu has rendered himself liable to be proceeded under rule 5(3) of the Khyber Pakhtunkhwa, Police Rules, 1975 (amended in 2014) for coming the following misconduct conveyed to him vide his office No.05/PA dated 12.01.2023:

- That as per credible information, he was hand in glove with Cook constable Ihsanullah No.53 as the said cook constable had hired a private <sup>person</sup> for performing his duties in his place while he himself was running private business.
- That IHC Niaz Ali (then MHC Kaki) did not bring the matter in the notice of his seniors and extended undue favors to the said cook constable.

Reply in Show Cause Notice was received and he was heard in person during orderly room held in RPO Office Bannu on 16.02.2023. His plea was not found convincing, as he, above named cook constable and other colleagues categorically admitted that one "Tabidar Uncle" had been performing as Cook in P.S Kaki. The said cook constable further added that he was suffering from allergy; therefore he had hired the above mentioned person. IHC Niaz Ali (then MHC Kaki) and the above named cook constable cheated their superior officers. The cook constable was taking full pay from the government and hiring a private person for performing duties in his place @ of Rs.8000/- per month while the cook constable himself was running a private business. It is not only against discipline but also <sup>is</sup> ignorable.

Therefore, I, Syed Ashfaq Anwar, PSP Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules, 1975 (amended in 2014) am constrained to disagree with his plea. He is hereby reverted to a lower rank with immediate effect.

Order announced  
Ob No.58  
Dated:27.03.2023

Sd/-  
Regional Police Officer  
Bannu region,  
Bannu

No.907/EC, dated Bannu the 27.03.2023

Cc:

- DPO-Bannu for information and necessary.
- DAO Bannu for information and necessary.
- OS/EC RPO Office Bannu.



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بخدمت جناب پرویشنل پولیس آفیسر صاحب خیر پختونخواہ پشاور

موضوع: پولیس آرمی آرڈر نمبر 58-08 مورخہ 27-03-2023 / EC-907 مورخہ 27-03-2023۔ صاحب پولیس آفیسر صاحب خیر

جناب عالی

معروض خدمت ہوں کہ من سائل مورخہ 10/07/2002 کو بلور کا تحصیل محکمہ پولیس میں آسٹریان ہالا صاحبان نے بھرتی فرمایا۔ من سائل کا تعلیمی معیار ایف اے ہے۔ پولیس ٹریننگ کالج، بنگلور سے پاس کیا ہے۔ وکالتو کا تلف کورسز ATS کئی اسام آباد سے تیس کورس، سیکشن کورس، انور کورس، انٹر میڈیٹ کورسز PTC بنگلور سے کئے ہیں۔ سال 2007-2009 انسٹرکٹر PTC بنگلور میں رہ چکا ہے۔ RTW 2015-2017 کورس میں لا، انسٹرکٹر 2020-2022 تک پولیس ٹریننگ سکول کورٹ میں لا، انسٹرکٹر کے خدمات سرانجام دے چکا ہوں۔ ضلع بنوں کے تلف تھانوں میں بطور MHC و تلف چوکیات میں بطور ایڈج کی ڈیوٹی سرانجام دے چکا ہوں۔ سال 2008 میں PTC بنگلور سے ضلع بنوں کے ایڈیشن میں حصہ لیا تھا۔ سال 2006 اور 2007 میں ضلع کئی مروت سے موات ایڈیشن میں شامل تھا۔ حال ہی میں ضلع کئی مروت میں جاری شدہ ایڈیشن میں بھی سائل آرمی کے ساتھ فرنٹ لائن پہ شامل مال رہا۔

سائل کے والد صاحب خان ولی خان محکمہ پولیس ٹریننگ کالج، بنگلور میں بطور ڈول انسٹرکٹر اور چیف ڈول انسٹرکٹر کے عہدے پر کافی عرصہ رہ کر پولیس آسٹریان جین کر چکے ہیں۔ جس کی قابلیت محکمہ پولیس کے سینئر اور کالیہ سنسٹریٹ بھی قدر کی نگاہ سے دیکھتے ہیں۔

جناب والا من سائل آسٹریان ہالا صاحبان کے حکم پر بلور محضہ 15 اکتوبر 2022 کو تعینات فرمایا۔ جو کہ صرف 1/2 بلور محضہ تھانہ کئی رہ چکا ہوں۔ مجھ سے قبل احسان اللہ 53/FC بنوں جو کہ جناب ڈی پی او صاحب بنوں نے تھانہ کئی میں بطور لگ کا تحصیل تعینات کیا تھا۔ موات تھانہ میں SHO صاحب اپنے ماتحت ملا کو نمبر بر شاہی دیا تھا۔ جو کہ 2/ارات کے لئے مگر چھوڑتے ہیں۔ اسی طرح جب کاشیمل احسان اللہ 53 کو SHO صاحب شاہی دیا تھا تو وہ اپنے تھانہ نغری روٹی کے لئے ایک پرائیویٹ شخص نامی تاجدار کو بھلا کر احسان اللہ 53/FC کی جگہ میں کام کروا دیا تھا۔ اس میں من سائل کی کوئی کوئی یا تصور نہیں ہے۔

APR 18

جناب PPO صاحب غنوں نے مجھے اس پر رولڈ فرمایا ہے۔ جس کا ٹرنو کاپی آرڈر ہوا ہے۔ ایک ہیڈ کانسٹیبل کا اس میں کیا قصور ہے۔ جناب SHO صاحب نے خود قومی پر جناب DIG صاحب کو بتایا کہ کانسٹیبل احسان اللہ 53 کو من SHO صاحب نے شاباشی پر چھوڑا ہے۔ اور دوسرا شخص تاجدار سے میں کا کام لینا ہے۔ جناب DIG صاحب کو کسی نے کام لائی کر کے مجھے سزا دی ہے۔ حالانکہ کام شکایات پر کسی کے خلاف کارروائی کرنا محال سول سروس PLC 1043 سال 2012 لیزر کا دہلی ہے۔ اس کے ساتھ ساتھ 2008 میں بات کام لائی پر کارروائی نہ کرنے لیزر انگریزی نمبری 251-58 OCY Dated 25/04/2008 اور 951-90 E&I / Dated 11/06/2011 میں لیزر انگریزی نمبری جناب انسپکٹر جنرل آف پولیس ملک ذویہ صاحبہ لیزر سال 2011 میں لیزر انگریزی نمبری جناب ایڈیشنل انسپکشن آفیسر جناب سلطان حفیظ صاحب اور کزنی جاری کیا ہے۔ ہوا ہے۔ جناب اندریس سلسلہ بات کام درخواست / لائی پر کسی قسم کی کارروائی نہ کرنے کے بارے میں کورٹ اسلام آباد سے (C.S) PLC Note 4 سال 2023 میں جاری کیا ہے اس طرح سپریم کورٹ آف پاکستان نے بھی بات کام لائی پر کسی قسم کی کارروائی نہ کرنے پر SC MR 181 سال 2012 میں جاری کیا ہے۔ کام کامیاب ہوا ہے۔ پولیس آفیسر کو معمولی خلاف؛ سب سے بڑی سزا دینے سے پولیس آفیسر کی دل اندری ہوئی ہے۔ جس پر بھی PLD جاری ہو چکا ہے۔

لہذا اسے مانا جائے کہ میرے چھوٹے بچوں پر کام لیا جائے جملہ حالات و واقعات ہاں کو نظر رکھ کر مجھے اپنے مفدے پر درجہ وارشن سے ہمراہ فرمادے۔ کیونکہ ساکن گا اس میں کوئی قصور نہیں ہے۔ ساکن دعا گو ہے گا۔  
نوٹ:۔ انگریزی لیسٹریٹس بلا پیمبرہ لفظ ہے۔

موری: 04/2023

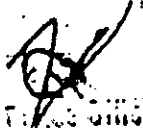
العارض



3264  
114

سری  
Formula for  
Process:

باز مل خان LHC/213 حیدر خانہ جانی محل ضلع بنوں

Niaz  
0331-91941176  
NIC: 11201-0374834-9

  
DISTRICT POLICE OFFICER  
BANILW



INSPEC  
KH

GENERAL OF POLICE  
KHYBERPAKHTUNKHWA  
PAWAR.

2/8/23  
(M)

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted LHC No/ All No. 213. The petitioner was awarded punishment of reversion from the rank of IIC to LHC by RPO Hannu vide OI No. 58, dated 27.03.2023 on the allegations that he was hand in glove with cook constable Ihsan Ullah No.53 as the said cook constable had hired a private person for performing his duties in his place while he himself was running private business. He did not bring this matter into the notice of his seniors and extended undue favor to the said cook constable. The cook constable was getting full salary from the Govt. while the private person was paid 8000/- to perform duties at his place.

Meeting of Appellate Board was held on 02.06.2023 wherein petitioner was heard in person. Petitioner contended that he is innocent.

Perusal of enquiry papers reveals that the allegations leveled against the petitioner have been proved. During hearing, petitioner failed to advance any plausible explanation in rebuttal of the charges. The Board sees no ground and reasons for acceptance of his petition; therefore, the Board decided that his petition is hereby Rejected.

Sd/-

RIZWAN MANZOOQI, PSP  
Additional Inspector General of Police  
HQs: Khyber Pakhtunkhwa, Peshawar

No. SI 1916-21/23 dated Peshawar, the 21-07-2023.

Copy of the above is forwarded to the:

1. Regional Police Officer, Hannu. One Service Roll alongwith Fuji Missal (Containing Enquiry File), of the above named LHC received vide your office Memo No. 1622/EC dated 26.05.2023 is returned herewith for your office record.
2. District Police Officer, Hannu.
3. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Addl: IGP/HQs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIO/HQs: Khyber Pakhtunkhwa, Peshawar.
6. PA to Registrar CPO Peshawar.
7. Office Supdt: I-IV CPO Peshawar.

No. 2491-160  
01/8/23 DPO/Bannu  
FK

Attard

(DR. ZAHID ULLAH) PSP  
AIG/L- establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR

ORDER

This order is hereby passed in dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted LHC Niiaz Ali No.213. The petitioner was awarded punishment of reversion from the rank of IHC to LHC by RPO Bannu vide OB No.58, dated: 07.03.2023 on the allegations that he was hand in glove with cook constable Ihsan Ullah No.53 as the said cook constable had hired as private person for performing his duties in his place while he himself was running private business. He did not bring this matter into the notice of his seniors and extended undue favor to the said cook constable. The cook constable was guiding full salary from the (sic) while the private person was paid 8000/- to perform duties at his place.

Meeting of Appellate Board was held on 02.06.2023 wherein petitioner was heard in person. Petitioner contended that he is innocent.

Perusal of enquiry papers reveals that the allegations leveled against the petitioner have been proved during hearing. Petitioner failed to advance any plausible explanation in rebuttal of the charges. The Board sees no granted and reasons for acceptance of his petition; therefore, the Board decided that his petition is hereby Rejected.

Sd/-

Rizwan Manzoor, PSP  
Additional Inspector General of Police  
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/1916-21/23, dated Peshawar the 21.07.2023

Copy of the above is forwarded to the:

1. Regional Police Officer, Bannu. One Service Roll alongwith Fuji Missal (Containing Enquiry File), of the above named LHC received vide your office Memo: No.1622/FC dated 26.05.2023 is returned herewith for your office record.
2. District Police Officer, Bannu.
3. AIH/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Adl: LIP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to Registrar CPO Peshawar.
7. Office Supdt: E-IV CPO, Peshawar.

Sd/-

Rizwan Manzoor, PSP  
Additional Inspector General of Police  
HQrs: Khyber Pakhtunkhwa, Peshawar.

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR.

Appeal No. 1711/2023

Niaz Ali Khan

(Appellant)

VERSUS

(Respondents)

Addl. IGP etc.

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DEPONENT

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR.**

**Appeal No. 1711/2023**

**Niaz Ali Khan**

**(Appellant)**

**VERSUS**

**Addl. IGP etc.**

**(Respondents)**

**PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 & 2**

Respectfully Sheweth

The respondents respectfully submit as under: -

**PRELIMINARY OBJECTIONS.**

1. That the Appellant has got no cause of action.
2. That the Appeal is not maintainable under the law.
3. That the Appeal is barred by law & limitation.
4. That the Appellant has not been discriminated in any way.
5. That the Appeal is bad due to mis-joinder and non-joinder of necessary parties.
6. That the Appellant has approached the Honorable Tribunal with unclean hands.
7. That the Appellant has got no cause of action and locus-standi to file the instant Appeal.
8. That the Appellant has been estopped by his own conduct.

**BRIEF FACTS:**

1. Pertain to record.
2. Correct to the extent, that the appellant was deployed as IHC/MHC in PS Kakki Bannu, but rest of para is incorrect. On papers/record FC Ihsan Ullah No.53 was appointed as cook constable but in real, a Tabedaar uncle was hired on Rs.8000/ salary per month by FC Ihsan Ullah for performing duty as cook of the concern Police Station.( show cause notice is annexed)
3. Pertain to record.
4. Incorrect, his reply to the show cause was found un-satisfactory. Muharrar is a responsible officer of a Police Station. It is the duty of Muharrar to issue duty roaster in concerned Police station.
5. Incorrect, when the charges leveled against the appellant were proved, thus the order of reversion from the Rank of IHC to LHC was issued.( Reversion order is annexed)
6. Correct to the extent, that the appellant submitted a departmental Appeal before W/RPO Bannu but it was rejected being devoid of merit.
7. Pertain to record.


**GROUND:**

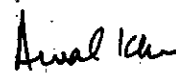
- A. Incorrect, the impugned order of reversion into Lower Rank was issued according to law, rules and policy and cannot be set aside.
- B. Incorrect, both the impugned orders are sustainable in the eye of law.
- C. Pertain to record.
- D. Incorrect, proper and departmental enquiry was conducted in which all the charges leveled against the appellant were proved. Nothing has been done unfair to the appellant. He was treated in accordance with law, rules and Policy.( Departmental Enquiry is annexed)
- E. Incorrect, all process of law has been followed and no discrimination has been committed by the respondents.
- F. Incorrect, no violation of Article 19 (A) has been committed. Every step taken against the appellant was according to law, rules and policy.

- G. Incorrect, departmental enquiry was conducted in which all the charges against the appellant were proved. Moreover, the appellant was heard in person during hearing appellant failed to advance any plausible in rebuttal of the charges. (Department enquiry is annexed)
- H. Incorrect, in charge of the police station was unaware of the instant matter and it is the responsibility of Muharrar to bring such matter in the notice of his high-ups.
- I. The Respondent Department may kindly be allowed to raise additional Grounds at the time of arguments.

**PRAYER:**

In view of the above Para wise comments, it is most humbly prayed that the Petition of the Petitioner may kindly be dismissed with cost.

  
(QASIM ALI KHAN)  
Regional Police officer  
Bannu Region, Bannu  
(Respondent No.2)

  
(AWAL KHAN) PSP  
Addl. IGP of Police HQrs,  
KP Peshawar.  
(Respondent No.1)

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR.**

**Appeal No. 1711/2023**

**Niaz Ali Khan**

**(Appellant)**

**VERSUS**


**Addl. IGP etc.**

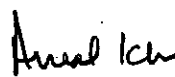
**(Respondents)**

**AUTHORITY LETTER.**

Mr. Muhammad Farooq Khan DSP Legal Bannu, is hereby authorized to appear before Honorable Tribunal on behalf of the undersigned in the above cited Appeal.

He is authorized to submit and sign all documents pertaining to the present Appeal.

  
**(QASIM ALI KHAN) PSP**  
**Regional Police officer**  
**Bannu Region, Bannu**  
**(Respondent No.2)**

  
**(AWAL KHAN) PSP**  
**Addl. IGP of Police HQrs,**  
**KP Peshawar.**  
**(Respondent No.1)**



BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR.

Appeal No. 1711/2023

Niaz Ali Khan

(Appellant)

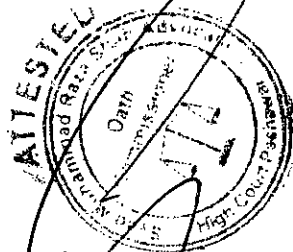
VERSUS

Addl. IGP etc.

(Respondents)

AFFIDAVIT.

I MR. Muhammad Farooq Khan DSP Legal Bannu, representative for Respondent Nos.1 to 2, do hereby solemnly affirm and declare that the contents of the accompanying comments submitted by us are true and correct to the best of our knowledge and belief and that nothing has been concealed from this Honorable Tribunal.



  
DEPONENT

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR.

Appeal No. 1711/2023

Niaz Ali Khan

(Appellant)

VERSUS

(Respondents)

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DEPONENT

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR.**

**Appeal No. 1711/2023**

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**VERSUS**

**Addl. IGP etc.**

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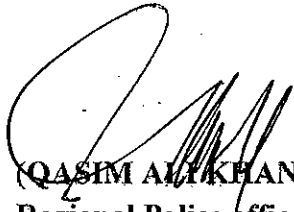
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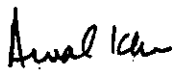
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- C. Pertain to record.
- D. Incorrect, proper and departmental enquiry was conducted in which all the charges leveled against the appellant were proved. Nothing has been done unfair to the appellant. He was treated in accordance with law, rules and Policy.( Departmental Enquiry is annexed)
- E. Incorrect, all process of law has been followed and no discrimination has been committed by the respondents.
- F. Incorrect, no violation of Article 10 (A) has been committed. Every step taken against the appellant was in accordance to law, rules and policy.

- G. Incorrect, departmental enquiry was conducted in which all the charges against the appellant were proved. Moreover, the appellant was heard in person during hearing appellant failed to advance any plausible in rebuttal of the charges. (Department enquiry is annexed)
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(QASIM ALI KHAN)  
Regional Police officer  
Bannu Region, Bannu  
(Respondent No.2)

  
(AWAL KHAN) PSP  
Addl. IGP of Police HQrs,  
KP Peshawar.  
(Respondent No.1)

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR.**

**Appeal No. 1711/2023**

Niaz Ali Khan

(Appellant)

**VERSUS**


Addl. IGP etc.

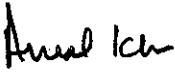
(Respondents)

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(QASIM ALI KHAN) PSP  
Regional Police officer  
Bannu Region, Bannu  
(Respondent No.2)

  
(AWAL KHAN) PSP  
Addl. IGP of Police HQrs,  
KP Peshawar.  
(Respondent No.1)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR.

Appeal No. 1711/2023

Niaz Ali Khan

(Appellant)

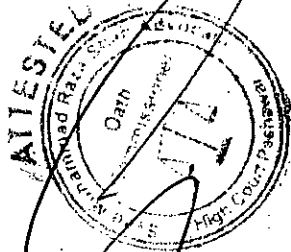
VERSUS

Addl. IGP etc.

(Respondents)

AFFIDAVIT.

I MR. Muhammad Farooq Khan DSP Legal Bannu, representative for Respondent Nos.1 to 2 , do hereby solemnly affirm and declare that the contents of the accompanying comments submitted by us are true and correct to the best of our knowledge and belief and that nothing has been concealed from this Honorable Tribunal.



  
DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. 1711 /2023

Niaz Ali Khan . . . . . APPELLANT

VERSUS

Additional IGP & others. . . . . RESPONDENTS

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Through Appellant

*[Signature]*  
Arshad Ali Nowsherwi  
Advocate Supreme Court  
of Pakistan

&

*[Signature]*  
Amjad Nawaz  
Advocate, Peshawar.

*Tahir Shah Advocate*  
*Tahir Shah*

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. \_\_\_\_\_/2023

Niaz Ali Khan S/o Khan Wali Khan *Ex. iHC Now*  
LHC/2013 Police Station Dadi Wala Unit Investigation  
District Lakki Marwat.  
R/o Mohalla Sari Khel, Sarai Naurang,  
District Lakki Marwat.

..... APPELLANT

VERSUS

1. Additional Inspector General of Police,  
Headquarters, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Bannu Region, Bannu.

..... RESPONDENTS

APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT,  
1974 AGAINST THE IMPUGNED ORDER DATED  
21.07.2023, OF RESPONDENT NO.1, IN BACKING  
OF THE EARLIER DEPARTMENTAL ORDER  
DATED: 27.03.2023 PASSED BY RESPONDENT  
NO.2, THE APPELLANT WAS AWARDED  
PUNISHMENT OF REVERTED TO A LOWER RANK  
WITH IMMEDIATE EFFECT, HENCE BOTH THE  
ABOVE IMPUGNED ORDERS OF RESPONDENT  
NO.1 & 2 RESPECTIVELY, ARE ILLEGAL IN  
NATURE, UNLAWFUL, AGAINST THE FACTS AND  
CIRCUMSTANCES OF THE CASE OF APPELLANT,  
THEREFORE LIABLE TO BE SET AT NAUGHT.



Respectfully Sheweth:

1. That appellant joined the respondents' Department as a Constable on 10.07.2002, performing his duties with zeal & zest, with utmost satisfaction of his superior authorities throughout comprising of the over & above 21 years.
2. That on 05.10.2022, appellant was deployed at police station Kaki as IHC/MHC, whereby just to avoid any unpleasant situation, due to the reasons of refreshment and food of the official of police station, the arrangement of the cook, is acquired by the SHO concern, and Mr. Ihsanullah FC 53, appointed by the office of RPO Bannu as Cook Constable.
3. The alleged allegation surprisingly firstly reveal to the appellant vide served Show Cause Notice dated: 12.01.2023, according to which, allegation leveled against the appellant in the alleged manner, about specifying the hand on glove with the above appointed Cook Constable, as the said Cook left his duty without intimation to his superior officers by replacing his substitute named "Tabidar" Private Person, the alternate Cook, so in this very strange contention, appellant was proceeded accordingly rather departmentally. (COPY OF THE SHOW CAUSE NOTICE IS ANNEXED)
4. That on 19.01.2023, In reply of the initially served Show Cause Notice, appellant categorically denied the contention raised in the Show Cause Notice.

with the special stance that since appellant is a constable rank police official, having nothing to do with the working priorities of any such rank official. as it is the progrative as priority of the incharge police station, and in this respect it is believed in factual as well as in legal form that the services of the appellant cannot be held liable for the same. (COPY OF THE REPLY OF SHOW CAUSE NOTICE IS ANNEXED)

5. That the thereafter taken departmentally, under the flow of departmental proceedings against the appellant, and consequently the respondent No.2 vide his impugned order dated: 27.03.2023 punished to the appellant for reverted to a Lower Rank. (COPY OF THE INITIALLY PASSED IMPUGNED ORDER OF RESPONDENT NO.2 IS ANNEXED HEREWITH)
6. Aggrieved with the above initial order of respondent No.2, appellant preferred an appeal dated: 11.04.2023 before the respondent No.1, which was also with the same result vide impugned order dated: 21.07.2023. (COPY OF THE IMPUGNED ORDER OF RESPONDENT NO.1 IS ALSO ANNEXED HEREWITH)
7. That dissatisfied with both the impugned orders of respondent No.1 & 2 respectively, appellant is invoking appellate jurisdiction of this learned fora within the meaning of section 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1975 inter alia on the following grounds;

G R O U N D S:

- A. That the impugned order of Reverted into Lower Rank passed by both the respondents No.1 & 2 respectively is not in accordance with law, rules and the principles of natural justice, hence it is liable to be set aside.
- B. That both the impugned orders of respondent No.1 & 2 are unspeaking, therefore unwarranted, unsustainable in the eye of the law, due to the reasons that the specification of the period of Revert to the Lower Rank of the appellant, is not unveiled, hence on this score alone the impugned orders has no foundation, as per dictum set by superior courts of Pakistan inn such like cases.
- C. No doubt, appellant remained PTC instructor from 2007 to 2009 and law instructor from 2015 to 2017 by extending his extra ordinary services to the department in the special circumstances, asked to advance by the department, which comprehensively been advanced and even thereafter too, by retaining the IHC rank, appellant never go against the procedural superiority of any nature in any mean whatsoever, therefore, the allegations leveled against the appellant are nothings but categorical discrimination.
- D. It is a simple case of discriminatively treatment to the appellant by respondent No.1 & 2, whereby no personal hearing or proper course of investigation <sup>inquiry</sup> through appointed officer concern or committee

whatsoever, is conducted, therefore, in this special case all of the basic ingredients of inquiry is not complied with by the respondent and with the stroke of pronouncement, the above impugned order has been passed in coercive manner.

- E. That due process of law has not been followed which is mandatory in the eyes of law.
- F. That the order is also in violation of Article 10-A of the constitution, the said provision has envisaged. Hence the fundamental right of the appellant was violated which alone has made the enquiry and the impugned order legally questionable and of no legal consequences upon the rights of the appellant.
- G. That the appellant has completely innocent and he didn't commit any excessive, beyond his mandate act to hand on glove to any other of such rank, and it even cannot be, so required to be treated accordingly.
- H. That total liability as well as responsibility was the incharge of the police station and not of the appellant, so in this respect it is unfortunate to say that no departmental proceedings in any means is taken against incharge police station, but against the appellant solely, so this act of the respondent department is sheer violation of equal treatment.
- I. That any other ground with the permission of this Hon'ble Tribunal, will be raised at the time of arguments.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. \_\_\_\_\_/2023

Niaz Ali Khan . . . . . APPELLANT

VERSUS

Additional IGP & others. . . . . RESPONDENTS

AFFIDAVIT

I, Niaz Ali Khan S/o Khan Wali Khan LHC/2013 Police Station Dadl Wala Unit Investigation District Lakki Marwat, R/o Mohalla Sari Khel, Sarai Naurang, District Lakki Marwat, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

*[Handwritten signature]*  
10-8-23

*[Handwritten signature]*

DEPONENT

CNIC # 11201-0374884-9

Cell # 0331-9194176

ATTESTED  
*[Signature]*

13 DEC 2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. \_\_\_\_\_/2023

Niaz Ali Khan ..... APPELLANT

VERSUS

Additional IGP & others. .... RESPONDENTS

ADDRESSES OF THE PARTIES

APPELLANT:

Niaz Ali Khan S/o Khan Wali Khan  
LHC/2013 Police Station Dadi Wala Unit Investigation  
District Lakki Marwat.  
R/o Mohalla Sari Khel, Sarai Naurang,  
District Lakki Marwat.

RESPONDENTS:

1. Additional Inspector General of Police,  
Headquarters, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Bannu Region, Bannu.

Through

Appellant's

Arshad Ali Nowsherwi  
Advocate Supreme Court  
of Pakistan

&

Amjad Nawaz  
Advocate, Peshawar.

Amra - A (9)

**SHOW CAUSE NOTICE**

You, IIC Niaz Ali No.213/905 while posted as MIIC PS Kaki, District Bannu have rendered yourself liable to be proceeded under rule 5(3) of the Khyber Pakhtunkhwa, Police Rules, 1975 (amended in 2014) for committing the following misconduct:-

- That as per reliable source you while posted as MIIC PS Kaki were hand and glove with Cook Constable Ihsanullah No.53 who had hired a private person for performing his duties in his place while he himself was running a private business.
- That you did not bring the matter in the notice of your seniors and reportedly might have referred the same to your successor for extending undue favour to the said cook constable.

That by taking cognizance of the matter, the undersigned as competent authority under the said rules, propose stern action against you by awarding one of the major punishments as provided in the rules.

You are, therefore called upon to show cause as to why you should not be imposed upon one of the major punishments for the said deviant misconduct under Khyber Pakhtunkhwa, Police Rules 1975 (amended in 2014).

You should submit reply to this show cause notice within seven (07) days of the receipt of this notice, failing which an ex parte action shall be taken against you.

You are further directed to inform the undersigned that as to whether you wish to be heard in person or not.

IIC-Niaz Ali No.213/905  
The then MIIC PS Kaki, Bannu  
Now at PS Lakki.  
No. 05 /PA, Dated: 12/01/2023.  
CC:

DPO Lakki for information, please.

Regional Police Officer,  
Bannu Region  
Bannu

Regional Police Officer,  
Bannu Region  
Bannu

19/1/23

(10) - 8 - 1923

بند بیاں :- مشعل شوکار ٹولش نمبر 19/1/23 جاریہ صلب 1923 صاحب بون بون  
 معروف بون بہرہ پیش اسات نمبر 53 جوہر کے کسٹل آن ڈالنے کے لئے  
 سر انجام دیا ہے۔ اس ڈالنے اور اسٹوری سے سر انجام دیا ہے۔ اس کے علاوہ اسٹیل  
 لوہے ڈالنے کا باقاعدہ سر انجام دیا ہے۔ بلکہ یہ وقت دیکھا گیا ہے کہ اسٹیل  
 بہرہ لے رہا ہے۔ چونکہ تمام میں مذکورہ کسٹل کے ساتھ دوسرا لکے کسٹل بہرہ  
 ڈالنے کسٹل کی گھر لوہے اور اسٹوری اور اسٹوری کے غیر فوٹی میں کسٹل  
 لکھے ہوئے ہزاروں کسٹل اسات نمبر 53 کو صلب 1923 صاحب کے اجازت سے  
 بہرہ لے رہا ہے جو کسٹل چھوڑا تھا۔ جس کے بدلے میں صلب 1923 صاحب خود  
 آگاہی کے لئے اسے انتظام لکھے دوسرا لکے چھوڑا گیا ہے جو اسٹیل کو آگاہی  
 دن لکھے لکے کرتے۔ تاکہ لوہے کسٹل کر گھانا باہر نہ جانا پڑے۔ کیونکہ یہ وہ  
 حالات میں لوہے کسٹل کا جو لوہے میں چھوڑا گیا ہے اس کے خلاف ہے  
 پتہ ہے۔ جس کے بارے میں 1923 صاحب نے کہا ہے جو دن لکھے دوسرا لکے کا بہرہ  
 کرتا۔ اسے اسٹیل کوئی غلطی نہیں ہے۔ کیونکہ میں 1923 صاحب کا سٹیل  
 لوہے اسٹوری خود تمام میں چھوڑا تھا۔ شوکار ٹولش میں 1923 صاحب نے اسٹوری  
 لکھے۔ وہ اسٹیل کے لئے اسٹوری اور اسٹوری میں ہے۔ جس کا  
 حقیقہ اسٹیل لکھا دینا ہے۔

ایزا رستو سکیم شوکار ٹولش بلڈن ہڈی اسٹیل ڈرول ڈسٹر شوکار ٹولش

1923  
 He P.S. Lahtal. Mandrest  
 19-01-23

Au de



Amr C 11 ~~11~~ 7-16/02  
ORDER:

This order will dispose of Show Cause Notice served upon IHC Niaz Ali No.213, while posted as MHC PS Kaki, District Bannu has rendered himself liable to be proceeded under rule 5(3) of the Khyber Pakhtunkhwa, Police Rules, 1975 (amended in 2014) for committing the following misconduct conveyed to him vide this office No.05/PA dated 12.01.2023:-

- That as per credible information, he was hand in glove with Cook constable Ihsanullah No.53 as the said cook constable had hired a private person for performing his duties in his place while he himself was running private business.
- That IHC Niaz Ali (then MHC Kaki) did not bring the matter to the notice of his seniors and extended undue favour to the said cook constable.

Reply to the Show Cause Notice was received and he was heard in person during orderly room held in RPO Office Bannu on 16.02.2023. His plea was not found convincing, as he, above named cook constable and other colleagues categorically admitted that one "Tabidar Uncle" had been performing as Cook in P.S Kaki. The said cook constable further added that he was suffering from allergy; therefore he had hired the above mentioned person. IHC Niaz Ali (then MHC Kaki) and the above named cook constable cheated their superior officers. The cook constable was taking full pay from the government and hiring a private person for performing duties in his place @ of Rs:8000/- per month while the cook constable himself was running a private business. It is not only against discipline but also ignoble.

Therefore, I, Syed Ashfaq Anwar, PSP, Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules, 1975 (amended in 2014) am constrained to disagree with his plea. He is hereby reverted to a lower rank with immediate effect.

ORDER ANNOUNCED

OB No. 58  
Date: 27/03/2023.

Regional Police Officer,  
Bannu Region,  
Bannu

No. 907 /EC, dated Bannu the 27/03/2023  
Cc:

- > DPO-Bannu for information and necessary.
- > DAO Bannu for information and necessary.
- > OS/EC RPO Office Bannu.

Regional Police Officer,  
Bannu Region,  
Bannu

ORDER:

This order will dispose of Show Cause Notice served upon IHC Niaz Ali No.213, while posted as MHC PS Kaki, District Bannu has rendered himself liable to be proceeded under rule 5(3) of the Khyber Pakhtunkhwa, Police Rules, 1975 (amended in 2014) for coming the following misconduct conveyed to him vide his office No.05/PA dated 12.01.2023:

- That as per credible information, he was hand in glove with Cook constable Ihsanullah No.53 as the said cook constable had hired a private <sup>Person</sup> for performing his duties in his place while he himself was running private business.
- That IHC Niaz Ali (then MHC Kaki) did not bring the matter in the notice of his seniors and extended undue favors to the said cook constable.

Reply in Show Cause Notice was received and he was heard in person during orderly room held in RPO Office Bannu on 16.02.2023. His plea was not found convincing, as he, above named cook constable and other colleagues categorically admitted that one "Tabidar Uncle" had been performing as Cook in P.S Kaki. The said cook constable further added that he was suffering from allergy; therefore he had hired the above mentioned person. IHC Niaz Ali (then MHC Kaki) and the above named cook constable cheated their superior officers. The cook constable was taking full pay from the government and hiring a private person for performing duties in his place @ of Rs.8000/- per month while the cook constable himself was running a private business. It is not only against discipline but also ~~is~~ *ignorable*

Therefore, I, Syed Ashfaq Anwar, PSP Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules, 1975 (amended in 2014) am constrained to disagree with his plea. He is hereby reverted to a lower rank with immediate effect.

Order announced  
Ob No.58  
Dated:27.03.2023

Sd/-  
Regional Police Officer  
Bannu region,  
Bannu

No.907/EC, dated Bannu the 27.03.2023.

Cc:

- DPO-Bannu for information and necessary.
- DAO Bannu for information and necessary.
- OS/EC RPO Office Bannu.

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بخدمت جناب پرو فیشنل پولیس آفیسر صاحب خیر پختونخواہ پشاور

موضوع: اہل و عیال آزار لہر 58-000 مورہ 27-03-2023 / EC-907 مورہ 27-03-2023 یہ چاہیے کہ پولیس آفیسر صاحب

جناب مال

معروضہ ندرت ہوں کہ من ساگل مورہ 10/07/2002 کو بلور کا تحصیل ملکہ پولیس میں آسٹریا والا صاحبان نے برقی فریاء من ساگل کا تعلق معیار ایف اے ہیں۔ پولیس ٹریکنگ کالج ہنگو سے پاس کیا ہے۔ وکٹوریہ کالج کورسز ATS سکی اسلام آباد سے تیس کورس، سیکشن کورس، لور کورس، انٹر میڈیٹ کورسز PTC ہنگو سے کئے ہیں۔ سال 2007-2009 انٹر کٹر PTC ہنگو میں ارد چکا ہے۔ RTW 2017-2015 کورس میں لاہور انٹر کٹر 2020-2022 تک پولیس ٹریکنگ سکول کورس میں لاہور انٹر کٹر کے خدمات سر انجام دے چکا ہوں۔ ضلع بنوں کے مختلف قعاتوں میں بطور MHC مختلف چوکیات میں بطور اہلکار کی ڈیوٹی سر انجام دے چکا ہوں۔ سال 2008 میں PTC ہنگو سے ضلع بنوں کے ایڈیشن میں حصہ لیا تھا۔ سال 2006 اور 2007 میں ضلع کی مرآت سے سوات ایڈیشن میں شامل تھا۔ حال ہی میں ضلع کی مرآت میں جادی شدہ ایڈیشن میں بھی ساگل آرمی کے ساتھ فرنٹ لائن پہ شامل حال رہا۔

ساگل کے والد صاحب خان ولی خان ملکہ پولیس ٹریکنگ کالج ہنگو میں بطور اول انٹر کٹر اور چیف اول انٹر کٹر کے عہدے پر کافی عرصہ رہ کر پولیس آسٹریا میں جین کر چکے ہیں۔ جس کی قابلیت ملکہ پولیس کے سینئر اور کافی سینسٹراب بھی قدر کی نگاہ سے دیکھتے ہیں۔

جناب والا من ساگل آسٹریا والا صاحبان کے حکم پر بلور مورہ 5 اکتوبر 2022 کو تعینات فرمایا۔ جو کہ صرف 1/2 بلور مورہ قعات کی رو چکا ہوں۔ مجھ سے قبل احسان اللہ 53/FC ہوں جو کہ جناب ای پی او صاحب بنوں نے قعات کی میں بطور لگ کاشی تعینات کیا تھا۔ موما قعات میں SHO صاحب اپنے ماتحت ملا کو نمبر پر شاہی دیا تھا۔ جو کہ 2/ارات کے لئے گھر چھوڑتے ہیں۔ اس طرح جب کاشی احسان اللہ 53/FC صاحب شاہی دیا تھا وہ اپنے قعات نمبری روٹی کے لئے ایک پرائیویٹ فیشن نامی پتھار کو بھلا کر احسان اللہ 53/FC کی جگہ میں کام کر دیا تھا۔ اس میں من ساگل کی کوئی کوئی یا قصور نہیں ہے۔

ATL 184

جناب PPII صاحب غنوں نے مجھے اس پر رپورٹ ڈفرنڈ کیا ہے۔ جس کا نوٹو کاپی آرڈر مہراؤف ہے۔ ایک ہیڈ کانسٹیبل کا اس میں کیا قصور ہے۔ جناب SHIO صاحب نے خود قسٹی پر جناب DIO صاحب کو بتایا کہ کانسٹیبل احسان اللہ 53 کو من SHIO صاحب نے شاباشی پر چھوڑا ہے۔ اور دوسرا شخص تاہد ار سے میں کا کام لینا۔ جناب DIO صاحب کو کسی نے گناہ ازری کر کے مجھے سزا دی ہے۔ حالانکہ گناہ شکایات پر کسی کے خلاف کارروائی کرنا محالہ سول سروس 1043 PEC سال 2012 میں 6 نوٹی ہے۔ اس کے علاوہ سال 2008 میں بابت گناہ ازری پر کارروائی نہ کرنے کیلئے انگریزی فیوری 25/04/2008 OCY Dated 251-58 جاری جناب انسپکٹر جنرل آف پولیس ملک کو یہ شکایت دینے کے بعد سال 2011 میں لیٹر انگریزی فیوری 951-90 E&I /Dated 11/06/2011 جاری جناب انگریزی ایڈمنسٹریشن آفیسر جناب سلطان مخیف صاحب اور کرنل کی جاری کیا ہے۔ مہراؤف ہے۔ اندر میں سلسلہ بابت گناہ درخواست / ازری پر کسی قسم کی کارروائی نہ کرنے کے بارے ہائی کورٹ اسلام آباد سے (C.S) 4 PEC Note سال 2012 میں جاری کیا ہے اس طرح سپریم کورٹ آف پاکستان نے بھی بابت گناہ ازری پر کسی قسم کی کارروائی نہ کرنے پر S C M R 181 سال 2012 میں جاری کیا ہے۔ گناہ کا یہاں مہراؤف اپیل ہذا کی ہے۔ پولیس آفیسر کو معمولی خلاف واپس پر بڑی سزا دینے سے پولیس آفیسر کی دل ازری ہوتی ہے۔ جس پر بھی PLD جاری ہو چکا ہے۔

لہذا اصرار ہے کہ میرے چھوٹے بچوں پر راجم کیا جائے جملہ حالات درالفاظ ہلا کوہ نظر رکھا کر مجھے اپنے چھوٹے پردہ دارش سے بحال فرمادے۔ کیونکہ سائل کا اس میں کوئی قصور نہیں ہے۔ سائل دعا گو ہے۔

نوٹ: آفیسر جناب کوٹہ کے لئے ہے۔

موری: 04/2023

الغرض

3264  
11/11

مبارک علی خان LHC/213 حیدر آباد جانی میں صلح بنوں  
S.R.C  
for a further  
process.

Niaz  
0331-9194176  
NIC: 11201-0374834-9

District Judge  
BAMINA

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INSPEX  
KH

GOVERNMENT OF THE  
KHYBER PAKHTUNKHWA  
ISLAMABAD

2/8/23

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted LHC No. 213. The petitioner was awarded punishment of reversion from the rank of IIC to LHC by RPO Hannu vide OI No. 58, dated 27.03.2023 on the allegations that he was hand in glove with cook constable Ihsan Ullah No.53 as the said cook constable had hired a private person for performing his duties in his place while he himself was running private business. He did not bring this matter into the notice of his seniors and extended undue favor to the said cook constable. The cook constable was getting full salary from the Govt. while the private person was paid 8000/- to perform duties at his place.

Meeting of Appellate Board was held on 02.06.2023 wherein petitioner was heard in person. Petitioner contended that he is innocent.

Perusal of enquiry papers reveals that the allegations leveled against the petitioner have been proved. During hearing, petitioner failed to advance any plausible explanation in rebuttal of the charges. The Board sees no ground and reasons for acceptance of his petition; therefore, the Board decided that his petition is hereby Rejected.

Sd/-

**RIZWAN MANZOOR, PSP**  
Additional Inspector General of Police  
HQs: Khyber Pakhtunkhwa, Peshawar

No. SI 1916-21 dated Peshawar, the 21-07-2023.

Copy of the above is forwarded to the:

1. Regional Police Officer, Hannu. One Service Roll alongwith Fuji Miscal (Containing Enquiry File), of the above named LHC received vide your office Memo No. 16744-C dated 26.05.2023 is returned herewith for your office record.
2. District Police Officer, Hannu.
3. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Addl. IG/HQs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQs: Khyber Pakhtunkhwa, Peshawar.
6. PA to Registrar CPO Peshawar.
7. Office Supdt. I-IV CPO Peshawar.

No. 2491-16C  
dt 01/8/23 DPO/Bannu  
F/K

Atto

**(DR. ZAHID ULLAH) PSP**  
AIG/L-stationment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR

ORDER

This order is hereby passed in dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted LHC Niaz Ali No.213. The petitioner was awarded punishment of reversion from the rank of IHC to LHC by RPO Bannu vide OB No.58, dated: 07.03.2023 on the allegations that he was hand in glove with cook constable Ihsan Ullah No.53 as the said cook constable had hired as private person for performing his duties in his place while he himself was running private business. He did not bring this matter into the notice of his seniors and extended undue favor to the said cook constable. The cook constable was guiding full salary from the (sic) while the private person was paid 8000/- to perform duties at his place.

Meeting of Appellate Board was held on 02.06.2023 wherein petitioner was heard in person. Petitioner contended that he is innocent.

Perusal of enquiry papers reveals that the allegations leveled against the petitioner have been proved during hearing. Petitioner failed to advance any plausible explanation in rebuttal of the charges. The Board sees no granted and reasons for acceptance of his petition; therefore, the Board decided that his petition is hereby Rejected.

Sd/-

Rizwan Manzoor, PSP  
Additional Inspector General of Police  
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/1916-21/23, dated Peshawar the 21.07.2023

Copy of the above is forwarded to the:

1. Regional Police Officer, Bannu. One Service Roll alongwith Fuji Missal (Containing Enquiry File), of the above named LHC received vide your office Memo: No.1622/FC dated 26.05.2023 is returned herewith for your office record.
2. District Police Officer, Bannu.
3. AIH/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Adl: LIP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to Registrar CPO Peshawar.
7. Office Supdt: E-IV CPO, Peshawar.

Sd/-

Rizwan Manzoor, PSP  
Additional Inspector General of Police  
HQrs: Khyber Pakhtunkhwa, Peshawar.

①

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**



BEFORE: **SALAH UD-DIN** ..... MEMBER (Judicial)  
**FARREHA PAUL** ..... MEMBER (Executive)

*Service Appeal No. 1418/2023*

**Ullah S/O Fazal Rehman caste Khattak, P.O. Village Kotka Sara  
All Khan Tehsil Saray Naurang District Lakki Marwat  
Ex-Cook/Constable Bell No 53 District Police Bannu. (Appellant)**

Versus

Provincial Police Officer (GPI), Khyber Pakhtunkhwa, Peshawar and  
03 others (Respondents)

Present

Mr. Sheikh Iftikhar-ul-Haq, Advocate ..... For the appellant  
Mr. Muhammad Jan, District Attorney ..... For the respondents

Date of presentation of Appeal ..... 27.06.2023  
Date of Hearing ..... 13.11.2023  
Date of Decision ..... 13.11.2023

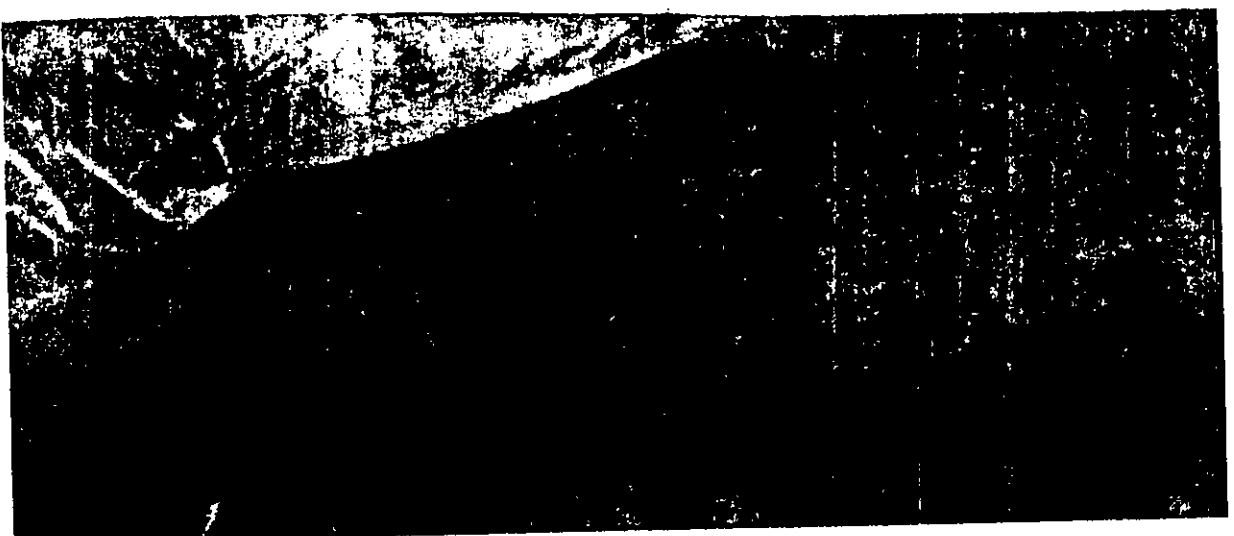
**JUDGMENT**

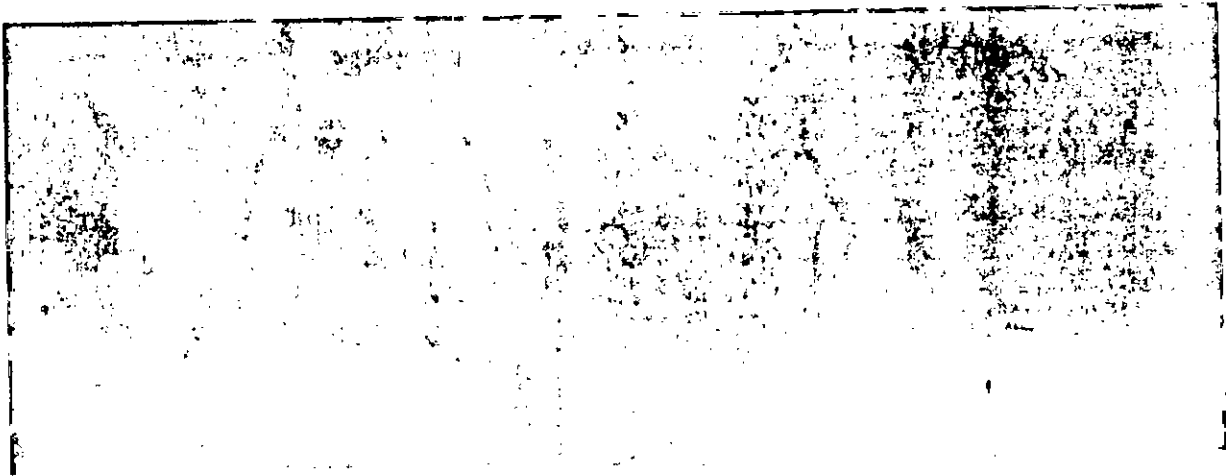
SALAH UD-DIN, MEMBER: Proceeding from the records to  
understand the instant appeal, it is noted that the appellant while posted as  
Cook at Police Station Kani District Bannu, was proceeded  
against departmentally on the allegations that he had hired a  
private person for performing his duty, while he himself was  
running his private business. The appellant was awarded major  
penalty of dismissal from service vide order bearing OB No. 73  
dated 19.01.2023 passed by the District Police Officer Bannu.  
The penalty so awarded to him, was challenged by the appellant

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Page

SALAH UD-DIN  
MEMBER (JUDICIAL)





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Page 2

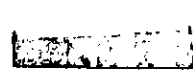
... void ab-initio, wrong and illegal in the fact he requested that  
the appellant and the said fact has received the impugned orders  
... will not the Appellate Court seem to have how-cause notice to  
... Affiliated Regional Police Officer, Bannu Region, Bannu who  
... to the ... of the ... to the  
... will be ...  
... of ...  
... by ...  
... in a  
... but the  
... conducting  
... the appellations  
... without  
... the appellant

Handwritten signature or initials.

... this written reply taking various numbers legal as well as  
... and contact the appeal by way of  
... were summoned, who put appearance  
... receipt of the appeal and its admission to regular  
... appeal

... bearing OB No. 87 dated 20.04.2023, hence the initial service  
... by Regional Police Officer Bannu Region, Bannu vide  
... through filing of department appeal, however the same was

(2)





the impugned orders may be set-aside and the appellant may be reinstated in service with all back benefits.

4. On the other hand, learned District Attorney for the respondents contended that the appellant while serving as Cook at Police Station Kaki District Bannu, had hired a private person for performing his duty as cook, while he himself was running his private business, which amounted to gross misconduct. He next contended that the appellant was provided opportunity of personal hearing but he failed to rebut the allegations leveled against him. He further contended that the appellant was dealt with in summary police proceedings as provided in Khyber Pakhtunkhwa Police Rules, 1975 and as the allegations against him stood proved, therefore, he has rightly been dismissed from service. He also argued that all the legal and procedural formalities were fulfilled before passing of the impugned orders, therefore, the appeal in hand may be dismissed with cost.

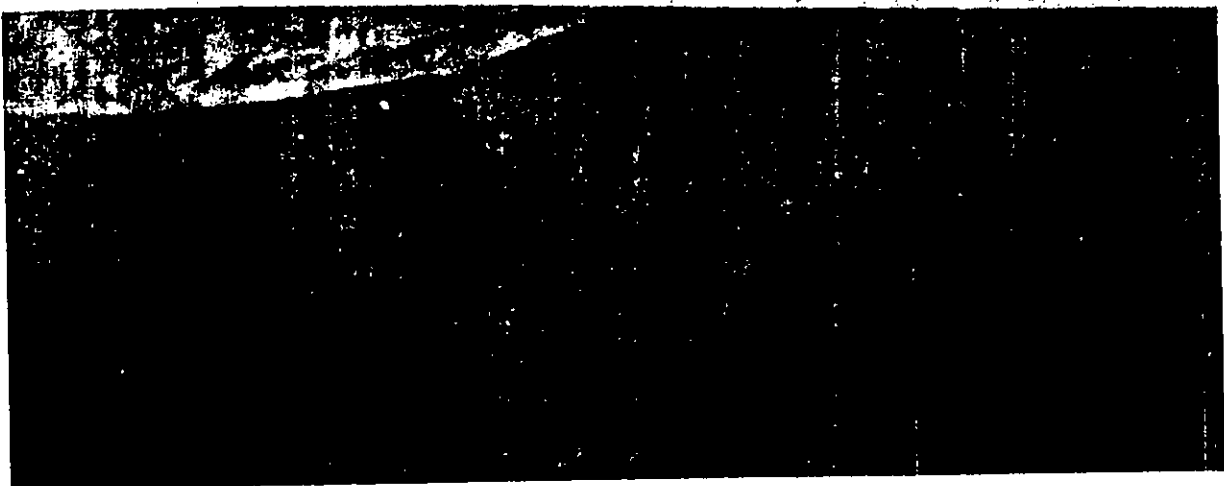


5. We have heard the arguments of learned counsel for the parties and have perused the record.

6. A perusal of the record would show that disciplinary action was taken against the appellant on the allegations that he while posted as Cook at Police Station Kaki District Bannu, had hired a private person for his duty, while he was running his private business. According to the copy of service card of the appellant as available on the record, he was appointed as Constable on 15.05.2008, therefore, the District Police Officer Bannu was the

Page

  
District Police Officer Bannu







(5)

in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
13.11.2023

  
(FARZETA PAUL)  
MEMBER (EXECUTIVE)

  
(SALIM-UD-DIN)  
MEMBER (JUDICIAL)

  
Clerk  
Khyat...  
Services Tribunal  
Peshawar

Page 1 of 1

Date of Presentation of Application 01-12-23  
Number of Words 5-8  
Copy Fee 30/-  
Date of Decision 01-12-23  
Date of Disposal 01-12-23

16/4 DBSP SCANNED KPST Peshawar 16/1/24

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA, PESHAWAR**

CM No. \_\_\_\_\_/2024  
IN  
Service Appeal No. 1711/2023

Khyber Pakhtunkhwa  
Service Tribunal  
Diary No. 10576  
Dated 16-1-2024

Niaz Ali Khan..... **Petitioner**  
**Versus**  
Addl. IGP and others ..... **Respondents**

**APPLICATION FOR EARLY  
FIXATION OF THE INSTANT  
SERVICE APPEAL**

**Respectfully Sheweth:-**

Applicant submits as under:-

1. That the captioned case is subjudice in this Hon'ble Court and was fixed on 16/04/2024 for arguments as the respondents already submitted their comments.
2. That the instant case is pertains to the promotion of the appellant and the Departmental Promotion Committee Meeting will be held shortly to be expected in mid of February 2024.
3. That the applicant is placed at Serial No. 126 in the promotion list for consideration.

*Application accepted  
The appeal is  
accelerated. Notices  
be issued to the  
respondents by  
29/12/2024*

*[Signature]*  
22/1/24

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

**PROFORMA FOR EARLY HEARING**

**FORM 'B'**

Inst#

Early Hearing \_\_\_\_\_/2024  
Service Appeal No. 1711/2023.

Niaz Ali Khan..... **Petitioner**

**Versus**

Addl. IGP and others ..... **Respondents**

Presented by **Arshad Ali Nowsherwei Advocate Supreme Court of Pakistan,** on behalf of Applicant/Appellant. Entered in the Relevant Register.

Put up along with main case \_\_\_\_\_

**REGISTRAR**

Last Date fixed	
Reason(s) for last adjournment, if any by the Branch Incharge	
Date(s) fixed in the similar matter by the Branch Incharge	
Available dates Reader/Assistant Registrar Branch	

**ASSISTANT REGISTRAR**

**REGISTRAR**

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

**PROFORMA FOR EARLY HEARING**

**FORM 'A'**

**To be filled by the counsel**

Case Number	Service Appeal No. 1711/2023					
Case Title	<b><u>Niaz Ali Khan..Versus...Addl. IGP etc</u></b>					
Date of Institution	<b><u>2023</u></b>					
Bench	SB		DB			
Case Status	Fresh		Pending		√	
Stage	Notice	√	Motion		PAN	
Urgency to be clearly stated	<b><u>That the instant case is pertains to the promotion of the appellant and the Departmental Promotion Committee Meeting will be held shortly to be expected in mid of February 2024.</u></b>					
Nature of the relief sought	<b><u>That the instant appeal is not fixed before the meeting of departmental promotion committee then the petitioner would sustain irreparable loss and will be deprived from his due legal promotion right.</u></b>					
Next date of hearing	<b><u>16/04/2024</u></b>					
Alleged target date	<b><u>Before 2<sup>nd</sup> week of February 2024.</u></b>					
Counsel for	Petitioner	√	Respondent		In person	

Signature of Counsel/party :-



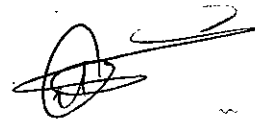
**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA, PESHAWAR**

CM No. \_\_\_\_\_/2024  
IN  
Service Appeal No. 1711/2023

Niaz Ali Khan..... **Petitioner**  
**Versus**  
Addl. IGP and others ..... **Respondents**

**AFFIDAVIT**

I, Niaz Ali Khan S/o Khan Wali Khan LHC/2013  
Police Station Dadi Wala Unit Investigation District  
Lakki Marwat, R/o Mohallah Sari Khel, Sarai  
Naurang District Lakki Marwat, do hereby solemnly  
affirm and declare on oath that the contents of this  
accompanying **Application** are true and correct to the  
best of my knowledge and belief and nothing has been  
concealed from this Honourable Court.



**DEPONENT**

CNIC: 11201-0374884-9  
Cell: 0331-9194176

