

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.887/2024
Sajjad Iqbal Ex-Head Constable No.450

..... Appellant

VERSUS

Regional Police Officer,
Kohat Region Kohat & others

..... Respondents

INDEX

S.NO	DESCRIPTION	ANNEXURE	PAGE NO.
1.	Para Wise Comments	-	1-3
2.	Copy of Charge Sheet & Statement of Allegations & FIR No.742	A-B-C	4-6
3.	Copy of Finding report & Final Show Cause Notice	D-E	7-9
4.	Copy of Dig Rejection Order	F	10
5.	Affidavit	-	11

~~Respondents
Through
Representative~~

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

Service Appeal No.887/2024
Sajjad Iqbal Ex-Head Constable No.450

Appellant

**Khyber Pakhtunkhwa
Service Tribunal**
VERSUS

Regional Police Officer,
Kohat Region Kohat & others

No. 15726
dated 12-09-24
Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1& 2

Respectfully Sheweth:-

Preliminary Objections:-

- i. That the appellant has got no cause of action to file the instant appeal.
- ii. The appellant has got no locus standi to file the instant appeal.
- iii. That the appellant is estopped by his own conduct to file the instant appeal.
- iv. That the appeal is bad in eyes of law and not maintainable.
- v. That the appellant has not approached the honorable Tribunal with clean hands.
- vi. That the appeal is barred by law and limitation.

REPLY ON FACTS

1. Correct to the extent of appointment however, during service he proved himself inefficient and non professional official.
2. Correct to the extent that disciplinary proceeding against appellant was initiated for which he was served with the charge sheet on account of his carelessness, non-professionalism and misconduct in discharge of his official obligations. Accused Ahmad Nawaz s/o Tehsil Zaman r/o Wanki Siraj Khel Tehsil Takht-e-Nasrat District Karak was charged in case FIR No.742 dated 08.03.2023 u/s 302,34 PPC Police station Yaqoob Khan Shaheed was confined in central Jail Karak. On 25.11.2023 he was referred to DHQ Hospital Karak by Jail Medical Officer and admitted in MLC ward at DHQ Hospital Karak on the same date by Dr. Jamil Anwar, General Surgeon. On 27.11.2023 at 1430 hrs the above named accused made escape from appellant's custody. On account of such negligence proper case vide FIR No.742 dated 27.11.2023 u/s 223,224 PPC Police station City Karak was registered against appellant. Copy of charge Sheet, Statement of Allegation & FIR No.742 as **Annexure-A,B & C.**
3. That on account of such misconduct, after service of charge sheet proper departmental enquiry was initiated against the appellant through Mr. Nazeer Hussain DSP Hqrs, Karak, who conducted proper enquiry by fulfilling all codal formalities. After concluding the enquiry proceedings, the enquiry officer submitted his finding report wherein the appellant was found guilty for his carelessness, non-professionalism and misconduct and recommended him for major punishment. Consequent upon receipt of enquiry report Final Show Cause

Notice was issued to appellant but his reply was found unsatisfactory. Copy of enquiry reports & Final Show Cause Notice as **Annexure-D & E**.


- 4. Incorrect, during departmental enquiry, the allegations against appellant stands proved and enquiry officer clearly mentioned in his finding report that the appellant was found guilty for his carelessness, negligence and non-professionalism in discharge of his official obligations, hence after personal hearing, appellant was dismissed from service.
- 5. Correct to the extent of filing of departmental appeal, however, the appellate authority rejected the appeal of appellant being devoid of merit, through speaking order. Copy of rejection order as **Annexure-F**.
- 6. That appellant has got no cause of action and the instant appeal being devoid of merit is liable to be dismissed with cost.

GROUND:

- a) Incorrect, the order of the respondents are quite legal and strictly in accordance with the law.
- b) Incorrect, the order of the respondents are quite legal and strictly in accordance with the principle of natural justice.
- c) Incorrect, during enquiry appellant failed to prove his innocence and the charges against him stands proved beyond any shadow of doubt.
- d) Incorrect, reply already submitted in paras above.
- e) Incorrect, the allegations against appellant already stands proved during departmental enquiry; however, departmental and criminal proceedings are two different entities having no effects on each other.
- f) Incorrect, there is no malafide on part of respondents and the orders passed are strictly in accordance with law / rules.
- g) Incorrect, the order of respondent No.1 is quite legal and the appellant has been treated in accordance with the law / rules.
- h) Incorrect, enquiry officer by fulfilling of all codal formalities recommended the appellant for major punishment.
- i) Incorrect. Reply already given vide paras above.
- j) Incorrect, the order of respondents are quite legal and in accordance with law.
- k) Incorrect, Reply already given vide paras above.
- l) Incorrect, the respondent No.2 has rightly rejected the appeal of appellant being devoid of merit.
- m) Incorrect, the appellant has been duly provided an opportunity of personal hearing.
- n) Incorrect. Reply already given vide paras above.
- o) The respondents will also agitate additional grounds at the time of hearing before this Hon'ble Tribunal.

Prayer:-

In the light of above facts and circumstances, it is therefore requested that the appeal of the appellant, being devoid of merits, may kindly be dismissed with costs, please.



District Police Officer,
Karak
(Respondent No.2)
(KHAN KHAIL KHAN)Provl:
Incumbent



Regional Police Officer,
Kohat
(Respondent No.1)
(SHER AKBAR) PSP, S.ST)
Incumbent

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.887/2024

Sajjad Iqbal Ex-Head Constable No.450

..... Appellant

VERSUS

Regional Police Officer,
Kohat Region Kohat & others

..... Respondents

AUTHORITY LETTER

Mr. Habib Ur Rehman Inspector Legal Karak, is hereby authorized/nominated to submit para-wise comments/reply in the instant service appeal in the Hon'ble Khyber Pakhtunkhwa Service Tribunal Peshawar and also to defend instant service appeal on behalf of Respondent's No.1 to 2.



District Police Officer
Karak
(Respondent No. 2)
(KHAN KHIAL KHAN) Provl:



Regional Police Officer
Kohat
(Respondent No. 1)
(SHER AKBER) PSP, S.St

(4)

DSP HQ/13 Karak

No. 161 /Enq:

Dated 28/11 /2023

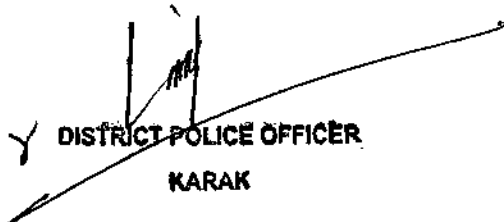
CHARGE SHEET

I, **Mr. SAJJAD AHMAD, DPO KARAK** as competent authority, hereby charge you **HC Muhammad Sajjad No. 450, (under suspension Police Lines, Karak)** committed the following irregularities: -

"It has been noticed with grave concerned that accused Ahmad Nawaz s/o Tehsil Zaman r/o Wanki Siraj Khel Tehsil Takht-e-Nasrati District Karak who was charged in case FIR No. 742 dated 08.03.2023 u/s 302,34 PPC Police station Yaqoob Khan Shaheed and was confined in Central Jail Karak. On 25.11.2023 he was referred to DHO Hospital Karak by Jail Medical officer and admitted in MLC ward at DHO Hospital Karak on the same date by Dr. Jamil Anwar, General Surgeon. On 27.11.2023 at 1430 hrs the above named accused made his escape from your custody. In this regard proper case vide FIR No. 742 dated 27.11.2023 u/s 223,224 PPC Police station City Karak has been registered against you. Your above act shows your malafide intension, carelessness, non-professionalism and also amount to gross misconduct on your part in the discharge of official obligations"

2. By reasons of the above, you appear to be guilty of misconduct Under Police Disciplinary Rules, 1975 (amended 2014) and have rendered yourself liable to all or any of the penalties specified in the above rules.
3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Enquiry Officer/Committees, as the case may be.
4. Your written defence, if any, should reach to the Enquiry Officer/Committees within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
5. Intimate whether you desire to be heard in person.
6. A statement of allegation is enclosed.

Attested


DISTRICT POLICE OFFICER
KARAK


DISTRICT POLICE OFFICER,
KARAK

(5)

DISCIPLINARY ACTION

1. Mr. SAJJAD AHMAD, DPO KARAK as competent authority, am of the opinion that HC Muhammad Sajjad No. 450, (under suspension Police Lines, Karak) has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning Under Police Disciplinary Rules, 1975 (amended 2014).

STATEMENT OF ALLEGATIONS

"It has been noticed with grave concerned that accused Ahmad Nawaz s/o Tehsil Zaman r/o Wanki Siraj Khel Tehsil Takht-e-Nasrati District Karak who was charged in case FIR No. 742 dated 08.03.2023 u/s 302,34 PPC Police station Yaqoob Khan Shaheed and was confined in Central Jail Karak. On 25.11.2023 he was referred to DHQ Hospital Karak by Jail Medical officer and admitted in MLC ward at DHQ Hospital Karak on the same date by Dr. Jamil Anwar, General Surgeon. On 27.11.2023 at 1430 hrs the above named accused made his escape from his custody. In this regard proper case vide FIR No. 742 dated 27.11.2023 u/s 223,224 PPC Police station City Karak has been registered against him. His above act shows his malafide intension, carelessness, non-professionalism and also amount to gross misconduct on his part in the discharge of official obligations".

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Enquiry Officer will conduct enquiry in the above rules: -

DSP HQ: Karak

3. The Enquiry Officer shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make, within twenty-five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.


4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Enquiry Officer.


DISTRICT POLICE OFFICER,
KARAK

A copy of the above is forwarded to:-

1. The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Disciplinary Rules, (1975 amended 2014).
2. HC Muhammad Sajjad No. 450. The concerned officer with the directions to appear before the Enquiry Officer, on the date, time and place fixed by the Officer, for the purpose of the enquiry proceedings.

Attested


DISTRICT POLICE OFFICER
KARAK



ابتدائی اطلاعی رپورٹ نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردفعہ 154 مجموعہ ضابطہ فوجداری

نمبر: 742/23 تھانہ: کرک ضلع: کرک ای ٹیک نمبر: 00000000 تاریخ و وقت وقوع: 27-11-2023 02:30 PM چاکیڈگی پرچہ 27/11/23 وقت 17:40

1	تاریخ و وقت رپورٹ	عوارض نمبر (742) 27-11-2023 04:55 PM	6	تھانہ سے رداگی کی تاریخ و وقت	پرسنیل ڈاک
2	نام و سکونت اطلاع دہندہ مستفیث	طارق خان SHO پتہ: تھانہ کرک			
3	مختصر کیفیت جرم (معددہ) و مال اگر کچھ کھو گیا ہے	جرم:			
		223 تپ 224 تپ			
4	جائے وقوعہ و مواصلہ تھانہ سے اور دست	MLC وارڈ KDA ہسپتال کرک			
5	کارروائی متعلقہ تفتیش اگر اطلاع درج کرنے میں کچھ توقف ہوا ہو تو اس کی وجہ بیان کی جاوے	برسیدگی مر اسلحہ پرچہ دیا جاتا ہے			

03479662791

ٹیلی فون نمبر:

ASİ عہدہ:

ASİ بیلک نمبر:

ISLAM NISAR


(ابتدائی اطلاع نیچے درج کریں)

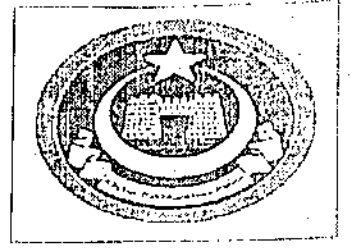
ایک تحریری مر اسلحہ منجانب طارق خان SHO بدست کنسٹیبل ارسلان 400 موصول ہو کر جو کہ درج ذیل ہے محرر تھانہ دوران گشت اطلاع موصول ہوئی کہ ملزم احمد نواز ولد تحصیل زمان سکندہ ونگی سرخ خیل بحوالہ مقدمہ علت 126 مورخہ 08-03-23 جرم PPC302,34 تھانہ YKS گرفتار شدہ جو KDA ہسپتال کرک میں مورخہ 23-11-25 بروز ہفتہ سے MLC کرک میں زیر علاج تھا امر و ڈاکٹر صاحب نے ڈسپانچ کر کے پولیس کی حراست سے بھاگ چکا ہے حسب اطلاع فوراً KDA ہسپتال کرک ایما معلوم ہوا کہ ملزم بالا ذیوی پر مامور گارڈ انچارج سجاد HC450 کنسٹیبلان عارف جاوید 218 حمزہ 907 کی حراست سے اس کی نظمت اور لاپرواہی کی وجہ سے بھاگ چکا ہے جس کی گرفتاری درپیش ہے ذیوی پر مامور اہلکاران بالا اور ملزم فرار شدہ کو مر تکب جرائم ہالا کے پائے جا کر مر اسلحہ مقدمہ بدست کنسٹیبل ارسلان 400 ارسال تھانہ ہے بعد اندراج مقدمہ نقول FIR مقدمہ مر اسلحہ بغرض تفتیش حوالہ اسلام ٹار خان ASI کیا جائے وقوعہ کی بابت افسران بالا صاحبان کو اطلاع دی جاتی ہے میں معذرت نوری کے بسلسلہ گرفتاری ملزم روانہ علاقہ ہوں دستخط انگریزی طارق خان SHO تھانہ کرک مورخہ 27-11-23 کارروائی تھانہ آمدہ مر اسلحہ حرف بحرف درج ہالا ہو کر پرچہ جرائم ہالا چاک ہو کر میں مصروف تفتیش ہوں

ASİ ISLAM NISAR

27-11-2023

Attested


DISTRICT POLICE OFFICER
KARAK



از دفتر

ڈیپٹی سپرنٹنڈنٹ آف پولیس ہیڈ کوارٹرز ضلع کرک

ای میل dsphqrskarak@gmail.com فون نمبر 291127-0927

Dated: 29 / 12 / 2023

No. 581 / HQ/PA

منجانب:

جناب ڈسٹرکٹ پولیس آفیسر کرک

عنوان:

محکمہ انکوائری بر خلاف محمد سجاد HC/450 متعینہ MLC داروڈ عالی معطل

جناب عالی!

الزامات:

بتوال مشمولہ چارج شیٹ نمبر 161 مورخہ 28.11.2023 بجاریہ جناب ڈسٹرکٹ پولیس آفیسر صاحب کرک میں الزامات لگانے گئے ہیں۔ کہ الزام علیہ محمد سجاد ڈسٹرکٹ ہیڈ کوارٹرز ہسپتال کرک کے MLC داروڈ میں کاپی چارج تعینات تھا۔ ملزم احمد نواز ولد تھمسٹیل زمان سکند وگنی سراج ہیل تحت نسر قی ضلع کرک جو مقدمہ عدلت 742 مورخہ 20.03.2023 PPC 302,34 پولیس سٹیشن یعقوب خان شہید نامزد ہو کر گرفتاری کے بعد سنٹرل جیل کرک میں بند تھا۔ مورخہ 25.11.2023 کو ملزم احمد نواز جیل سے بغرض علاج معالجے ہسپتال رلیف ہو کر MLC داروڈ میں زیر علاج تھا۔ مورخہ 27.11.2023 کو ہسپتال سے ڈسچارج ہو کر الزام علیہ کی حراست سے نکل کر روپوش ہوا ہے۔ اس سلسلہ میں الزام علیہ کے خلاف بحوالہ عدلت 742 مورخہ 27.11.2023 جرم 223,224 تھا کہ کرک سٹی میں مقدمہ درج ہو کر گرفتار ہو چکا ہے۔ کہ الزام علیہ کا یہ فعل بد نتیجہ اپرا دہی اور بد عنوانی کے ذمے میں آتا ہے۔ جس کے لیے زیر دستخطی کو انکوائری آفیسر مقرر کیا گیا ہے۔

کی مہنی انکوائری:

انکوائری کے سلسلے میں الزام علیہ محمد سجاد HC/450 کو دفتر طلب کر کے جس کو سنایا۔ اور تحریری بیان لیا گیا۔ جس نے بیان کیا۔ ملزم احمد نواز ولد تھمسٹیل زمان سکند وگنی سراج ہیل تحت نسر قی ضلع کرک جو مقدمہ عدلت 742 مورخہ 20.03.2023 PPC 302,34 پولیس سٹیشن یعقوب خان شہید نامزد ہو کر گرفتاری کے بعد سنٹرل جیل کرک میں بند تھا۔ مورخہ 25.11.2023 کو ملزم احمد نواز جیل سے بغرض علاج معالجے ہسپتال رلیف ہو کر MLC داروڈ میں زیر علاج تھا۔ ملزم کو ہتھکڑی لگا کر چارپائی کے ساتھ باندھ لیا تھا۔ ملزم دو (02) دن تک ہسپتال میں داخل رہا۔ مورخہ 27.11.2023 کو اس نے MLC داروڈ میں آن ڈیوٹی پولیس کنستیبلمان کو بدایات جاری کر کے چند گھنٹوں کے لیے ہسپتال سے باہر گیا۔ اسی دوران ملزم پولیس کی حراست سے فرار ہونے میں کامیاب ہوا۔ جو نہیں اس کو ملزم کے فرار ہونے کی اطلاع ملی اس نے اپنے والدین اور رشتہ داروں کی مدد سے ملزم کے اہل خانہ پر پریشر ڈال کر ملزم کو پولیس کو حوالہ کرنے پر مجبور کیا۔ مورخہ 28.11.2023 کو فرار شدہ ملزم کو اس نے (الزام علیہ) نے گرفتار کر کے تفتیشی آفیسر اسلام نواز کے حوالہ کیا۔

یہ درست ہے کہ ملزم ان کے حراست سے فرار ہوا تھا۔ اور یہ بھی حقیقت ہے۔ کہ اس نے ملزم کو 20 گھنٹوں کے بعد دوبارہ گرفتار کیا ہے۔ اگر ملزم کی فراری میں اس کی کوئی بد نتیجہ شامل ہوتی تو وہ ملزم کو دوبارہ گرفتار نہ کرتے۔ جس سے یہ ظاہر ہوتا ہے۔ کہ یہ ایک حادثہ تھا۔

ان کے اور ان کے ہمراہ دو کنستیبلمان کے خلاف فوجداری مقدمہ عدلت 742 مورخہ 28.11.2023 جرم 223,224 تھا کہ کرک سٹی میں درج رجسٹر ہوا ہے۔ اور عدالت مجاز نے مقدمہ میں الزام علیہ کی ضمانت پر رہائی کا حکم صادر کیا ہے۔ چونکہ مقدمہ میں

Attested

DISTRICT POLICE OFFICER KARAK

نوجداری الزامات لگائے گئے ہیں لہذا عدالت فیصلہ سے پہلے حکمانہ کارروائی اسی الزام کی بنیاد پر درست نہ ہے۔ اور آئین کے تقاضاؤں کو مدنظر رکھتے ہوئے اگر عدالت مجازت سے اسے کوئی سزا دی تو حکمانہ کارروائی کی بھی جواز ہوگی۔ لہذا حکمانہ کارروائی الزام میں رکھی جائے۔

الزام علیہ سجاد اقبال نے اپنی تحریری بیان میں ظاہر کیا کہ الزام علیہ کا سابقہ ریکارڈ بالکل صاف اور شفاف ہے اور اسی حکمانہ الزام میں ناکرہ گناہ پر ملوث کیا گیا ہے۔ اسی مرحلہ میں نوجداری مقدمہ کے فیصلہ سے پہلے سزا دینا درست نہ ہے۔ وہ یعنی الزام علیہ فرار شدہ ملزم کے خلاف ایک ذمہ دار گواہ ہے۔ اور الزام علیہ کو مقدمہ بالا میں ملزم بنانا ملزم احمد نواز کو ناکرہ دینے کے مترادف ہے۔

مزید انکوائری کے سلسلے میں الزام علیہ محمد سجاد کو سروس ریکارڈ چیک کیا گیا۔ ریکارڈ کے مطابق الزام علیہ مورخہ 01.01.2006 کو نکلر اپولیس میں بھرتی ہوا ہے۔ جس کی کل سروس 18 سال بنتی ہے۔ 18 سال کی سروس میں اس کی بارہ Good Entries (12) چار Bad Entries شامل ہیں، مورخہ 18.06.2021 کو اس کی ضلع بنگلہ سے ضلع کرک تبادلہ ہوا۔ دو بار MLC وارڈ KDA ہسپتال میں تعینات

رہا ہے۔

بدوران انکوائری معلوم ہوا ہے۔ کہ ملزم احمد نواز کو ان پولیس اہلکاران نے دوبارہ گرفتار کر کے انوسٹی گیشن آفیسر کے حوالے کیا۔ جن پولیس پولیس اہلکاران کی حراست سے روپوش ہوا تھا۔ (یعنی الزام علیہ سجاد محمد حمزہ اور عارف جاوید نے ملزم احمد نواز کو دوبارہ گرفتار کیا ہے)

نتیجہ انکوائری: دوران انکوائری جملہ بیانات، متعلقہ ریکارڈ، Interrogation report اور الزام علیہ محمد سجاد نمبر HC/450 پر زیر بحث چارج شیٹ میں لگائے گئے الزامات کو باریک بینی سے جانچا گیا اور حقائق معلوم کرنے کی بھرپور کوشش کی گئی۔ جس سے زیر دستخطی اس نتیجے پر پہنچا۔ ملزم کی فراری میں الزام علیہ کنسٹیبل محمد سجاد نمبر HC/450 کی غفلت و لاپرواہی شامل ہے۔ جس کے لیے "بڑی سزا" کی سفارش کی جاتی ہے۔ انکوائری رپورٹ مرتب ہو کر گزارش ہے۔

نتیجہ انکوائری
ڈپٹی سپرنٹنڈنٹ آف پولیس ایڈ کوارٹر
کرک

Attested

DISTRICT POLICE OFFICER
KARAK

9

پور کا نیسل محمد سجاد فریڈ کوٹس لاٹس کرکی

No. 01 / Enq.

Dated: 05 / 01 / 2024

FINAL SHOW CAUSE NOTICE
(UNDER RULE 5(3) KPK DISCIPLINARY RULES, 1975 (AS AMENDED 2014))

WHEREAS, "You HC Muhammad Sajjad No. 450 proceeded against departmentally on the basis of allegations that it has been noticed with grave concern that accused Ahmad Nawaz s/o Tehsil Zaman r/o Wanki Siraj Khel Tehsil Takht-e-Nasrati District Karak who was charged in case FIR No. 742 dated 08.03.2023 u/s 302, 34 PPC Police station Yaqoob Khan Shaheed and was confined in Central Jail Karak. On 25.11.2023 he was referred to DHQ Hospital Karak by Jail Medical officer and admitted in MLC ward at DHQ Hospital Karak on the same date by Dr. Jamil Anwar, General Surgeon. On 27.11.2023 at 1430 hrs the above named accused made his escape from your custody. In this regard proper case vide FIR No. 742 dated 27.11.2023 u/s 223, 224 PPC Police station City Karak has been registered against you. Your above act shows your malafide intension, carelessness, non-professionalism and also amount to gross misconduct on your part in the discharge of official obligations".

THEREFORE, you were served with Charge Sheet and statements of allegations under Police Disciplinary Rules 1975 (as amended 2014) vide No. 161/Enq., dated 28.11.2023. Mr. Naazer Hussain DSP HQrs is appointed as Enquiry Officer to conduct departmental enquiry against you, to which you submit your reply. After completion of enquiry, the Enquiry Officer submitted findings vide No. 581/HQ/PA dated 29.12.2023, in which the allegations against you HC were proved and recommended for Major Punishment.

NOW, THEREFORE, I, Muhammad Waqas Khan (PSP), District Police Officer, Karak have vested the power under Police Disciplinary Rules 1975 (as amended 2014) liable to take action against you, which will render you.

Your reply to this Final Show Cause Notice must reach to the office of the undersigned within (7 days) of the receipt of this Final Show Cause Notice. In case your reply is not received within the stipulated period, it shall be presumed that you have no defence and ex-parte action will be taken against you. Also state, whether you desire to be heard in person?

Attested


DISTRICT POLICE OFFICER
KARAK


DISTRICT POLICE OFFICER,
KARAK

ORDER

District Police Officer, Karak
Date: 23.06.2024
14/06/2024

This order will dispose of the departmental appeal preferred by Ex- Head Constable Muhammad Sajjad No.450 of Operation staff Karak against the order of District Police No. 44 dated 25.01.2024. Brief facts of the case are that on 25.11.2023 accused Ahmad Nawaz S/O Tehsil Zaman R/O Wanki Siraj Khel Takht-e-Nasrati district Karak, who was charged in case FIR No.742 dated 08.03.2023 U/S 302/34 PPC police station Yaqoob Khan Shaheed and confined in Central Jail Karak, was referred to DHQ Hospital Karak by Jail Medical Officer. He was admitted in Medico-Legal Ward Karak for treatment. Ex: Head Constable Muhammad Sajjad No.450 and other Police Officers were deployed for security of the undertrial prison. On 27.11.2023, the accused namely Ahmad Nawaz escaped from police custody. Proper case was registered against the Ex: HC Muhammad Sajjad No.450 vide FIR No.742 dated 27.11.2023 U/S 223/224 PPC PS City Karak.

District Police Officer, Karak initiated proper departmental enquiry proceedings against him and Sub Divisional Police Officer, Headquarters, Karak was appointed as Enquiry Officer. The Enquiry Officer after fulfillment of codal formalities, submitted his findings wherein the appellant was found guilty of the charges leveled against him. On recommendation of the enquiry officer the District Police Officer, Karak issued Final Show Cause Notice to him vide No.01/Enq dated 05.01.2024 but his reply to the Final Show Cause Notice was found unsatisfactory.

Keeping in view the recommendations of the Enquiry Officer and the above cited circumstances of the case, the delinquent officer was awarded major punishment of dismissal from service vide District Police Officer, Karak OB No. 44 dated 25.01.2024.

Feeling aggrieved from the order of District Police Officer, Karak, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in the office of the undersigned on 29.05.2024. During personal hearing the appellant did not advance any plausible explanation in his defense.

Foregoing in view, I, Sher Akbar, PSP, S.St, Regional Police Officer, Kohat, being the appellate authority, am of considered opinion that the charges leveled against the delinquent officer have been fully established. The punishment of dismissal from service awarded to the delinquent officer is justified and, therefore, warrants no interference. Hence appeal of the Ex Head Constable Muhammad Sajjad No.450 is hereby rejected; being devoid of substance and merit.

Order Announced
29.05.2024

Regional Police Officer,
Kohat Region

No. 4911 /EC, Dated Kohat the 05/06 /2024

Copy forwarded to District Police Officer, Karak for information and necessary w/r to his office Memo: No.839/EC, dated 28.02.2024. His Service Record and Fauji Misal are returned herewith.

SRE/OHC
***** For n/a action along with
Service record and P/Misal

DISTRICT POLICE OFFICER
14/6 KARAK

Attested

[Signature]
DISTRICT POLICE OFFICER
KARAK

(11)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.887/2024

Sajjad Iqbal Ex-Head Constable No.450

..... Appellant

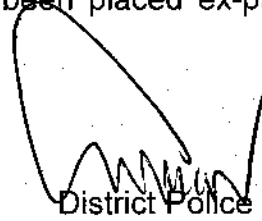
VERSUS

Regional Police Officer,
Kohat Region Kohat & others

..... Respondents

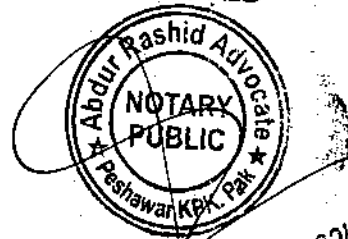
AFFIDAVIT

I, Khan Khail Khan District Police Officer, Karak do hereby solemnly affirm on oath that the contents of Para-wise comments on behalf of respondent's No. 1 & 2 are correct to the best of my knowledge/ belief. Nothing has been concealed from this Hon'ble Service Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off/ lost.



District Police Officer,
Karak
(Respondent No.2)
(KHAN KHAIL KHAN)Provl:
Incumbent

ATTESTED



12 SEP 2024