

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Misc. Application No. ~~1033~~ /2024

In

Service Appeal No.1033 /2024

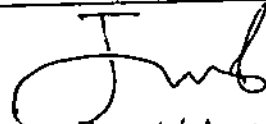
Javid Muhammad  
Sub-Inspector,  
Police Force, Kohat.....Applicant /Appellant.

Versus

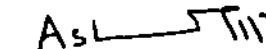
The Inspector General of Police,  
Govt. of Khyber Pakhtunkhwa & others.....Respondents.


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Applicant / Appellant

Through

  
Ashraf Ali Khattak  
Advocate,  
Supreme Court of Pakistan

  
Ali Bakht Mughal  
Advocate,  
High Court, Peshawar

Dated: 27 / 9 /2024

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

Misc. Application No. \_\_\_\_\_/2024

In

Service Appeal No.1033 /2024

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 16162

Dated 27/9/2024

Javid Muhammad

Sub-Inspector,

Police Force, Kohat.....

**Applicant /Appellant.**

Versus

The Inspector General of Police,

Govt. of Khyber Pakhtunkhwa & others.....**Respondents.**

**APPLICATION FOR PLACING ON FILE ORDER Endst. No.6994/EC DATED 29-08-2024 OF THE RESPONDNET NO.1 WHEREBY HE REJECTED THEDEPARTMNETAL APPEAL OF THE APPELLANT PREFERRED AGAINST THE IMPUGNED ORDER OB. No.209 Endst. No.1877-79/PA DATED 08-03-2024 AND CONSIDERING THE SAME AS PART AND PARCEL OF THE MAIN APPEAL WITH THE PRAYER TO SET ASIDE THE SAME BEING PASSED WITHOUT LEGAL GROUND AND BEING UNJUST, UNFAIR AND AGAINST SETTLED PRINCIPLES OF LAW LAID DOWN BY THIS HON'BLE TRIBUNAL AND HON'BLE SUPREME COURT OF PAKISTAN.**

Respectfully Sheweth,

1. That the titled appeal is pending before this Hon'ble Tribunal.
2. That as per Rule 19 of the Government servants (Efficiency and Discipline) Rules, 2011 "Once the appellate authority failed to dispose / decide departmental appeal within a period of 90 days, the authority with whom the departmental or review petition is pending, shall not take any further action

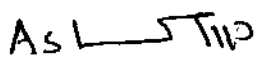
being legally not competent to decide as he in circumstances, become ex-officio".


3. That the appellate authority after lapse of statutory period, provided in the statute and statutory rules, failed to dispose / decide the departmental appeal of the appellant and now during the pendency of the titled service appeal and after requisitioning comments from the respondents, the appellate authority has rejected / dismissed the departmental appeal vide order dated 29-08-2024 which is against the provisions of law, rules and policy on the subject and therefore, needs interference of this Hon'ble Tribunal to set aside the same along with original impugned penal order of the respondent No.2 dated 18-10-2023. Copy of impugned order is attached as **Annexure-A.**

**In view of the above explained positions,** this Hon'ble Tribunal may graciously be pleased to allow the instant application as prayed for in the heading of this application.

  
**Applicant / Appellant**

**Through**

  
**Ashraf Ali Khattak**  
Advocate,  
*Supreme Court of Pakistan*

  
**Ali Bakht Mughal**  
Advocate,  
*High Court, Peshawar*

**Dated: 27 / 9 / 2024**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

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Misc. Application No. \_\_\_\_\_/2024

In

Service Appeal No.1033/2024

Javid Muhammad  
Sub-Inspector,  
Police Force, Kohat.....Applicant /Appellant.

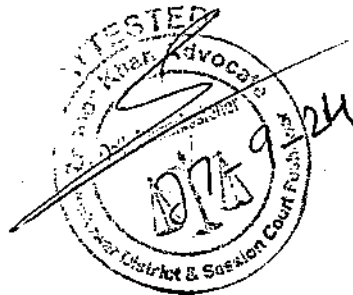
Versus

The Inspector General of Police,  
Govt. of Khyber Pakhtunkhwa & others.....Respondents.

**AFFIDAVIT**

I, Javid Muhammad, Sub Inspector, Police Force, Kohat do hereby solemnly affirm on Oath that the contents of the instant application are true and Correct to the best of my knowledge and belief and nothing has been concealed from the notice of this Hon'ble Tribunal.

  
DEPONENT



ORDER.

ANNA

(4)

This order will dispose of the departmental appeal preferred by Sub Inspector Javed Muhammad No. 88/K of district Kohat against the order of District Police Officer, Kohat whereby he was awarded major punishment of reduction in pay to initial stage in the same time scale for the period of two years vide OB No. 209, dated 08.03.2024. Brief facts of the case are that the appellant while posted as SHO PS Shakar Dara was alleged to have supported / aided the criminals involved in the theft of OGDCL pipelines at Shakar Dara district Kohat.

Proper departmental enquiry proceedings were initiated against him and Superintendent of Police Investigation, Kohat was nominated 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. He was recommended for major punishment under the relevant rules.

Keeping in view, the recommendations of the Enquiry Officer and circumstances of the case, the delinquent officer was awarded major punishment of reduction from Officiating Sub Inspector to the substantive rank of Assistant Sub Inspector vide OB No. 877 dated 18.10.2023.

Feeling aggrieved from the order of District Police Officer, Kohat, the appellant preferred appeal before the undersigned. He was summoned and heard in person in Orderly Room held in the office of the undersigned on 19.12.2023. From the perusal of record, it transpired that the appellant was promoted as Officiating Sub Inspector on 01.01.2021. He had not yet been confirmed as Sub Inspector. Consequently, he was holding the substantive rank of Assistant Sub Inspector. Section 4 (2)(b) of the Khyber Pakhtunkhwa Police Rules 1975 (as amended in 2014) provides that reversion from an Officiating rank is not a punishment.

Based on the above, the order of punishment from the rank of Offg: Sub Inspector to the substantive rank of Assistant Sub Inspector issued by District Police Officer Kohat vide OB No.877, dated 18.10.2023 was set aside vide this office order No. 174/EC, dated 04.01.2024. District Police Officer Kohat was directed to pass a speaking order on the departmental enquiry conducted against the appellant strictly in accordance with Khyber Pakhtunkhwa Police Rules 1975 (as amended in 2014).

Consequent upon the above directions, District Police Officer Kohat awarded him major punishment of reduction in pay to initial stage in the same time scale for the period of two years vide OB No.209 dated 08.03.2024.

Being dissatisfied from the order of District Police Officer, Kohat, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in the office of the undersigned on 20.08.2024. However he could not present any plausible grounds to justify his misconduct.

TESTED

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Foregoing in view, I, **Sher Akbar, PSP, S.St, Regional Police Officer, Kohat**, being the appellate authority, am of the considered opinion that the charges leveled against him have been fully established. The punishment of reduction in pay to initial stage in the same time scale for the period of two years awarded by the District Police Officer, Kohat is justified and, therefore, warrants no interference. Hence, appeal of Sub Inspector Javed Muhammad No.88/K is hereby **rejected**, being devoid of substance and merit.


**Order Announced**  
**20.08.2024**

  
Regional Police Officer,  
Kohat Region

No. 6894 /EC, Dated Kohat the 29/8 /2024

Copy forwarded to District Police Officer, Kohat for information and necessary w/r to his office Memo: No. 4339/LB, dated 08.07.2024. Service Record and Fuaji Missal are returned herewith.

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TS/ED