


FORM OF ORDER SHEET

Court of _____

Appeal No. 1573/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/09/2024	<p>The appeal of Mr. Wahid Shah resubmitted today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 27.09.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Wahid Ali Shah received today i.e on 09.09.2024 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Affidavit is not attested by the Oath Commissioner.
- 3- Memorandum of appeal is not signed by the appellatant.
- 4- All annexures attached with the appeal are illegible.
- 5- Four copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 738 /Inst./2024/KPST,

Dt. 12/9 /2024.

Amirullah
OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Taimur Ali Khan Adv.
High Court Peshawar.

Respected Sir,

1- Removed

2- Removed

3- Removed

4- Better copies of illegible annexure are prepared

5- Removed

Resubmitted after compliance

Ali

23/09/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 1573 /2024

Wahid Ali Shah

VS

Police Department

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APPELLANT

THROUGH:

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
Cell No.03339390916

&

(SHAKIR ULLAH TORANI)
ADVOCATE

2

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 1573 /2024

Wahid Ali Shah, Ex-Constable No.115,
Traffic Warden Hangu.

(APPELLANT)

VERSUS :

1. The Regional Police Officer, Kohat Region Kohat.
2. The District Police Officer, Hangu.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 07.05.2024, WHEREBY THE APPELLANT HAS BEEN DISMISSED FROM THE SERVICE FROM THE DATE OF SUSPENSION I.E 05.04.2024 AND AGAINST THE ORDER DATED 13.08.2024, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED FOR NO GOOD GROUND.

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 07.05.2024 AND ORDER DATED 13.08.2024 MAY PLEASE BE SET ASIDE AND THE APPELLANT MAY KINDLY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

(2)

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was appointed as constable in respondent Department in the year 2008 and since his appointment the appellant was performing his duty with devotion and honesty, whatsoever, assigned to him and no complaint has been filed by his superiors regarding his performance.
2. That the appellant as Traffic Warden was performing his duty at Shahi Chock and on dated 04.04.2024, he was on routine duty and stopped his Motorcycle at Shahi Chock on road side when shopkeeper namely Sharif Ullah started quarreling with the appellant on the issue of parking of motorcycle and in this respect, Sharif Ullah also filed application/complaint against the appellant from which DD No.30 dated 04.04.2024 prepared in which it was mentioned that the occurrence was took place in the presence of Shaoib Ali and Ghulam Rasool which is evident from the Naqal Mad No.30 dated 04.04.2024. **(Copy of DD No.30 is attached as Annexure-A)**
3. That charge sheet /statement of allegation was issued to the appellant in which the following charges were leveled against the appellant whereas, *you constable Wahid Ali Shah No.115 of this district has engaged with a private shopkeeper namely Sharif Ullah S/O Rehman Ullah r/o Thall Road Hangu and also allegedly used derogatory remarks regarding the Kalma vide DD No.30 dated 04.04.2024 P.S City Hangu.* The appellant submitted detail reply to charge sheet/statement of allegations in which he denied the allegations and gave the real facts about the issue and clearly mentioned in his reply about the derogatory remarks regarding Kalma that he is Muslim and being a Muslim he cannot even think of derogatory remarks about Kalma and complainant made against him on baseless allegations just to harm him. **(Copies of charge sheet along with statement of allegations and reply are attached as Annexure-B&C)**
4. That inquiry was conducted against the appellant in the above allegations in which no opportunity of defense was provided to the appellant as neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination. Even the inquiry report was not provided to the appellant despite the appellant has filed application to provide him the inquiry report. **(Copy of application is attached as Annexure-D)**
5. That final show cause notice was issued to the appellant. The appellant submitted his reply to final show cause and stated that he has already given his stance in reply to charge sheet in which he denied the allegations. **(Copies of show cause notice and order dated 07.05.2024 are attached as Annexure-E&F)**

6. That on the basis of above baseless allegations and without conducting proper inquiry, the appellant was dismissed from service vide order dated 07.05.2024. The appellant filed departmental on 20.05.2024 against the order dated 07.05.2024, which was rejected on 13.08.2024 for no good grounds. **(Copies of order dated 07.05.2024, departmental appeal and rejection order dated 13.08.2024 are attached as Annexure-G,H&I)**
7. That the appellant now wants to file the instant appeal in this Honorable Tribunal for redressal of his grievance on the following grounds amongst others.

GROUNDS:

- A) That the dismissal order dated 07.05.2024 and rejection order dated 13.08.2024 are against the law, rules, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
- B) That no opportunity of defense was provided to the appellant during the inquiry proceeding as neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination, but despite that without conducting proper and regular inquiry the appellant was dismissed from service, which is violation of law and rules and as such the impugned orders are liable to be set aside.
- C) That the allegation of derogatory remarks regarding the Kalma leveled against the appellant is of very serious nature in which proper and regular inquiry was needed to be conducted by recording the statements of person present at the time of occurrence and also given proper opportunity of cross examination to the appellant to dig out the reality about the allegation of such nature, but in the instant case no proper procedure was adopted by the inquiry officer by recording statements in the presence of the appellant and gave him opportunity of cross examination which is no permissible under the law and rules.
- D) That whole action was taken against the appellant on the application/complaint of Sharif Ullah, but even his statement was not recorded in the presence of appellant during the inquiry proceeding, if so recorded by the inquiry officer, nor the appellant has given opportunity to cross him, which means that the appellant has been punished on baseless allegations without conducting regular inquiry which is against the law and rules.

- 4/10/24
- E) That the complainant namely Sharif Ullah mentioned in his complaint that Shoaib Ali and Ghulam Rasool were present at the time occurrence, but their statements were not recorded in the presence of the appellant, if so recorded by the inquiry officer, which means that no proper procedure was adopted by the inquiry officer during the inquiry proceeding in order to dig out the reality about the allegations, which is against the law and rules.
- F) That the appellant clearly denied the allegations in his reply to charge sheet and show cause notice and gave the real facts about the issue, but without observing the reply to charge sheet and without conducting proper inquiry about the allegation, the appellant was dismissed from service on baseless allegations which is against the norms of justice and fair play.
- G) That the appellant has legal right to give him proper opportunity of defense under Article-10-A of the Constitution of Pakistan, but no proper opportunity of defense was provided to the appellant, which is against the spirit of Article 10-A of the Constitution.
- H) That the appellant has been condemned unheard and has not been treated according to law and rules and has been punished on baseless allegations and as such the impugned orders are liable to be set aside.
- I) That the appellant seeks permission of this Honorable Tribunal to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the acceptance of this appeal, the order dated 07.05.2024 and order dated 13.08.2024 may please be set aside and the appellant may kindly be reinstated into service with all back and consequential benefits. Any other remedy which this Honorable Tribunal deems fit and appropriate that may also be awarded in favour of appellant.

THROUGH:

Wahid Ali
APPELLANT
Wahid Ali Shah

Shakir Ullah Torani
(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
&

SHAKIR ULLAH TORANI)
ADVOCATE

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. _____/2024

Wahid Ali Shah

VS

Police Department

AFFIDAVIT

I, Wahid Ali Shah, Ex-Constable, No.115, Traffic Warden Hangu, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honorable Tribunal.

Wahid Ali

DEPONENT

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A 6

ضلع ہنگو

نقلمد 30 روز نامچہ 04.04.2024

تھانہ سٹی

مد 30 آمد درخواست واندراج روز نامچہ ASHO مورخہ 04.04.2024 وقت 15:05 بجے اس وقت ایک تحریری درخواست ازاں شریف اللہ ولد رحمان اللہ سکنہ ٹل روڈ ہنگو تھانہ میں پیش کر کے متن ذیل ہے۔ بخد مت جناب ایس ایچ او صاحب ہنگو جناب عالی گزارش ہے کہ سائل کا شاماد چونگ میں انصاف موبائل کا دکان ہے۔ جس کا میں مالک ہوں مورخہ 01.04.2024 کو بوقت قریب 08:00 بجے ٹریفک کنسٹیبل واحد علی شاہ جو کہ ہنگو ٹریفک میں ڈیوٹی سرانجام دے رہا تھا ہمارے دکان کے سامنے موٹر سائیکل کھڑا کی۔ میں نے ان کو نہایت خوش اسلوبی کے ساتھ کہا کہ بھائی جان آپ نے جو دکان کے ساتھ موٹر سائیکل کھڑا کی۔ ہمارے گاہک کے آمد و رفت کا راستہ بند کیا ہے۔ تھوڑا موٹر سائیکل سائڈ پر کرے تاکہ راستہ کھول جائے۔ جس پر میرا کوئی اعتراض نہیں ہے۔ واحد علی شاہ نے مزید کہا کہ اگر کسی نے اس موٹر سائیکل کو ہاتھ لگایا تو ہاتھ توڑ دو نگا سرکاری وردی کی عزت کا خیال رکھ کر کچھ نہ کہا مورخہ 02.04.2024 کو بمذکورہ واحد علی شاہ آکر موٹر سائیکل کے پلگ کا بہانہ بنا کر مجھے کہا کہ مورخہ 01.04.2024 کو میں نے جو موٹر سائیکل کھڑا کی تھی۔ آپ نے موٹر سائیکل سے پلگ نکالی ہے۔ میں نے کہا کہ ہم نے پلگ نہیں نکالا ہے۔ اس پر اس نے فوراً گالی گلوچ بازی الفاظ اور دھمکی دے کر موٹر سائیکل پر روانہ ہوا اور مورخہ 04.04.2024 کو مذکورہ واحد علی شاہ باوردی دکان آکر بہ موجودگی شعیب علی چوکی سٹی محرر غلام رسول ابراہیم کے سامنے دوبارہ مجھے کہا کہ آپ نے میرے موٹر سائیکل کی پلگ بددیانتی پر نکالی ہے۔ میں نے کلمہ پڑھ کر بحیثیت مسلمان میں نے پلگ نہیں نکالی ہے متذکرہ کسان کی موجودگی میں چاقو نکال کر طرح طرح کی دھمکیاں اور گالی گلوچ شروع کی۔ اور ساتھ ہی مذکورہ واحد علی شاہ نے کلمہ کی توہین بھی کی قانونی کارروائی اٹکواڑی کے لیے درخواست پیش کرتا ہوں۔ مذکورہ واحد علی شاہ کو نوکری سے برخاست کرانے کی استدعا کرتا ہوں۔ تاکہ کوئی بھی سرکاری اہلکار آئندہ کے لیے کوئی حرکت نہ کرے سائل شریف اللہ ولد رحمان اللہ سکنہ ٹل ہنگو دستخط انگریزی درخواست کی تائید کی دستخط انگریزی کارروائی پولیس درخواست ہذا حرف بہ حرف درج بالا ہو کر ٹریفک کنسٹیبل واحد علی شاہ 115 درخواست کنندہ سہی شریف اللہ کو گالی گلوچ طرح طرح کی دھمکیاں دینے اور کلمہ طیبہ کی توہین کے متعلق درخواست بغرض قانونی کارروائی برخلاف مذکورہ کنسٹیبل پیش کر کے جو بحوالہ مذکورہ روز نامچہ میں درج ہو کر حالات واقعات کے متعلق افسران بالا کے نوٹس میں لائی جا کر افسران نے مذکورہ کنسٹیبل کو فوراً کوارٹر گارڈ میں بند کر کے اور بعد از معطل کرنے کا حکم صادر فرمایا ہے نقلمد بوساطت افسران ڈیپارٹمنٹ اٹکواڑی کے لیے DPO صاحب کی خدمت میں پیش کیا جائے گا جناب DPO صاحب کے احکام پر قانونی کارروائی باقاعدہ عمل میں لائی جائیگی۔ درخواست درج روز نامچہ کی گئی۔

جناب عالی
نقل بمطابق اصل ہے

ATTIST



B 7

OFFICE OF THE
DISTRICT POLICE OFFICER,
HANGU

Tel No. 0925-423878 & Fax No. 0925-420135
Email: dpo@hangu.gov.pk

DISCIPLINARY ACTION

MR. MUHAMMAD KHALIL, PSP, DISTRICT POLICE OFFICER, HANGU, in exercise of authority under Khyber Pakhtunkhwa Police Rules, 1975, in the opinion that you, **Constable Wahid Ali Shah No. 115** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment) for having committed the following acts/omissions.

- i. WHEREAS, you, Constable Wahid Ali Shah No. 115 of this district had engaged in quarrel with a private shopkeeper namely Sharif Ullah s/o Rehman Ullah r/o Thall Road Hangu and also abusively used derogatory remarks regarding the Kaama vide DD No. 30, dated 04.04.2024 P.S City Hangu.
- ii. Resultantly, you were placed under suspension and closed to Police Lines Hangu for initiating a proper departmental enquiry against you vide this office OB No. 167, dated 05.04.2024
- iii. Your above act shows in indisciplined manner, irregularly, negligence and professional gross misconduct on your part which cannot be ignored.

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

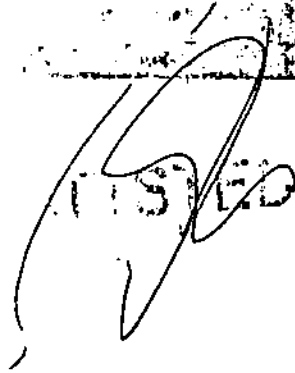
The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.


**DISTRICT POLICE OFFICER,
HANGU**

No. 17 /EC, dated 08 / 04 / 2024.

Copy of above to:-

- 1. **Mr. Falak Nawaz, - DSP City Hangu:-** The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
- 2. **The Accused official:-** with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him for the purpose of enquiry proceedings.



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OFFICE OF THE DISTRICT POLICE OFFICER HANGU

Tel No. 0925-422878 & Fax No. 0925-620135.

MR. MUHAMMAD KHALID PSP, DISTRICT POLICE OFFICER

Rules (amendment 2014) 1975 am of the opinion that you constable Wahid Shah No. 115 have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkwa Police Rules 1975 amendment 2014) as you have committed the following acts/omissions.

- i. Whereas, as you, constable Wahid Ali Shah No. 115 of District had engaged in quarrel with a private shopkeeper Sharif Ullah S/o Rehman Ullah r/o Thall Road Hangu and also allegedly used derogatory remarks regarding the Kalma vide DD No. 30 dated 04.04.2024 P.S city Hangu.
- ii. Your above act shows in indisciplined manner irregularly, negligence and professional misconduct on your part which cannot be ignored.

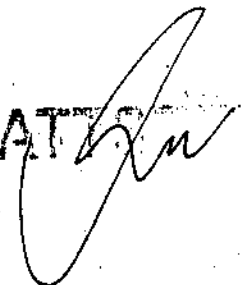
For the purpose of scrutinizing the conduct of said accused with reference to the above allegations Mr. Falak Nawaz DSP City Hangu is appointed as inquiry officer. The inquiry officer shall in according with provision of the Police Rule 1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendation, as to punishment or other appropriate action against the accused officials.

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

DISTRICT POLICE OFFICER
No. 17/EC, dated 08.04.2024.

Copy of the above to

1. Mr. Falak Nawaz, DSP Hangu:- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rules 1975.
2. The accused official:- with the directions to appear before the Enquiry Officer on the date, time and place fixed by him, for the purpose of enquiry proceedings.

AT


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F.C. 1924

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ہونا ہے۔ یہ سب سے پہلے ہے۔

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یہ سب سے پہلے ہے۔ یہ سب سے پہلے ہے۔ یہ سب سے پہلے ہے۔ یہ سب سے پہلے ہے۔ یہ سب سے پہلے ہے۔

جانب سے:

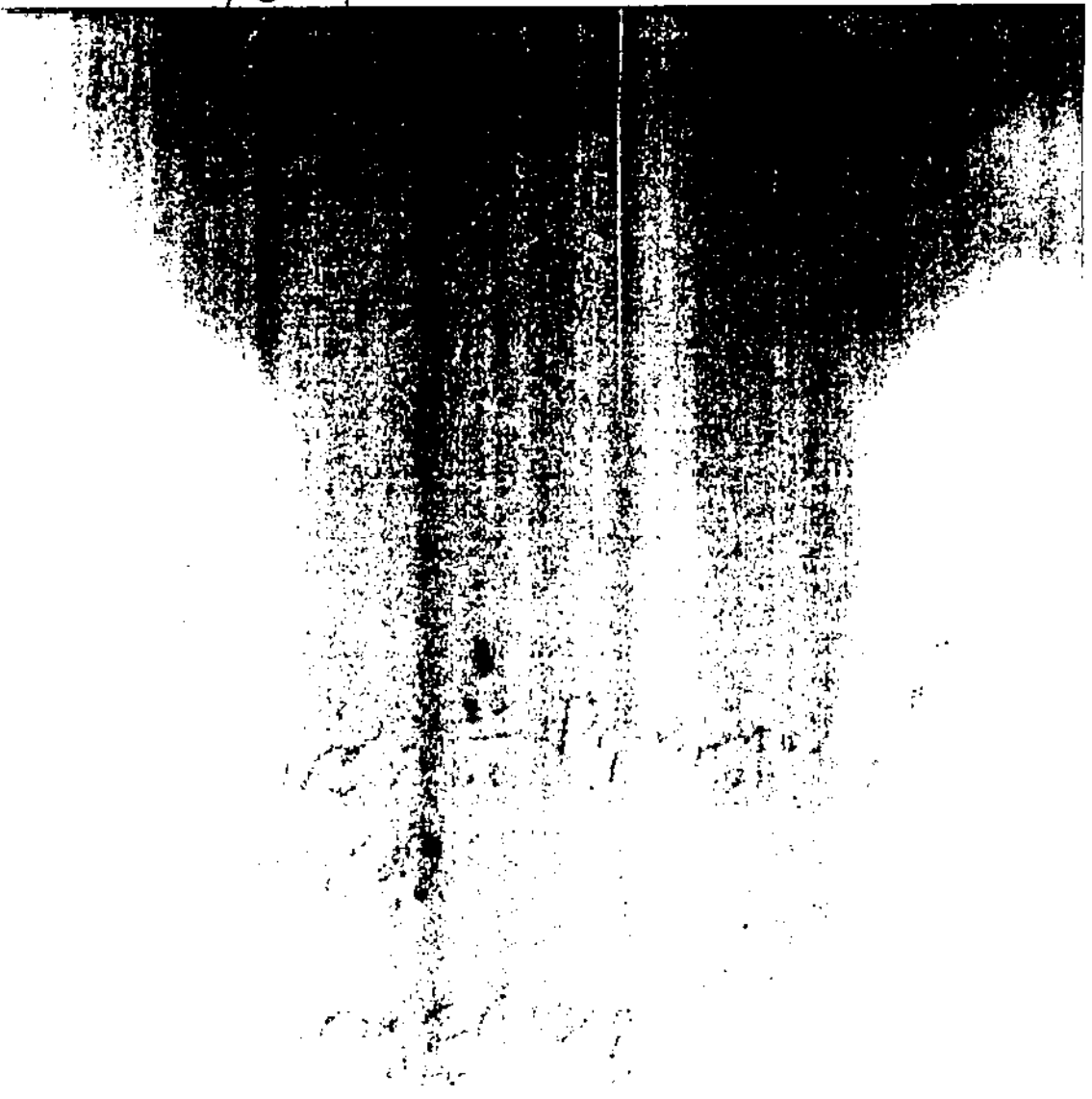
پانچواں حصہ، سیکشن 115، عدالت عالیہ، لاہور

(8)

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04.04.2024

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جناب عالی:

گزارش ہے کہ سائل بوجہ جائز عذر کے لیے سروس ٹریبونل میں اپنی برخواستگی کے سلسلہ میں اپیل کا خواہشمند ہے۔

لہذا بذریعہ درخواست استدعا ہے کہ سائل کو برخواستگی آرڈر ریجیکٹ و دیگر انکوائری کاغذات کی فوٹو کاپی دینے کا حکم صادر فرمایا جائے۔

نین نوازش ہوگی

العارض آپکا تابعدار سابقہ کنسٹیبل واحد علیشاہ نمبر 115

ACCEPTED



OFFICE OF THE
DISTRICT POLICE OFFICER,
HANGU

Tel: 0925-623878 Fax 0925-620135

No. 70 /EC, dated Hangu the 22/04/2024

10

FINAL SHOW CAUSE NOTICE

1. **MUHAMMAD KHALID, PSP, DISTRICT POLICE OFFICER, HANGU** as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) is hereby serve you, **Constable Wahid Ali Shah No. 115, while posted at Traffic Warden, Hangu** as follow:-

i. That consequent upon the completion of inquiry conducted against you by the inquiry officer in which you have given full opportunity of hearing, but you failed to submit any reasonable response in your self defence and thus, held you guilty for the charges leveled against you and recommended for awarding you major punishment vide findings No. 520/SDFO, dated 22.04.2024.

I am satisfied that you have committed the following acts/omissions, specified in section 3 of the said ordinance.

i. **WHEREAS** you, **Constable Wahid Ali Shah No.115** of this district had engaged in quarrel with a private shopkeeper namely **Sharif Ullah s/o Rehman Ullah r/o Thall Road Hangu** and also allegedly used derogatory remarks regarding the **Kalma vide DD No. 30, dated 04.04.2024 P.S City Hangu.**

ii. Resultantly, you were placed under suspension and closed to Police Lines Hangu for initiating a proper departmental inquiry again. you vide this office OB No. 167, dated 15.04.2024.

Your actions are shown in indisciplined manner, irregularly, negligent and professional gross misconduct on your part which can not be ignored.

2. As a result thereof, I, competent authority, have tentatively decided to impose upon you major penalty as provided in the Rules.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you. You are also intimated that you may be heard in person.

4. If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as expected action shall be taken.

5. The copy of the findings and penalty is enclosed.

DISTRICT POLICE OFFICER,
HANGU

Better Copy -10

OFFICE OF THE DISTRICT EDUCATION OFFICER HANGU

Tel No. 0925-623878, Fax No. 0925-620135
No. 70/EC, dated 22.04.2024

FINAL SHOW CAUSE NOTICE

MUHAMMAD KHALID PSP, OFFICER HANGU as competent authority under the Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) is hereby serve you constable Wahid Ali Shah No. 115 while posted at Traffic Warden, Hangu as follow.

1. That consequent upon the completion of inquiry conducted against you by the inquiry officer in which you have given full opportunity of hearing, but you failed to submit any reasonable response to your self defense and thus, held you guilty for the charges level against you and recommended for awarded you Major punishment vide findings No. 531/SDPO dated 22.04.2024.

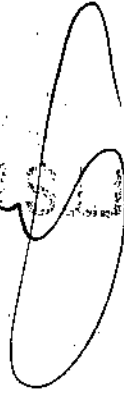
I am satisfied that you have committed the following acts/omissions specified in section 3 of the said ordinance.

- I. Where as you Constable No Wahid Ali Shah No 115 of this district had engaged in quarrel with a private shopkeeper namely Sharif Ullah S/o Rehman Ullah R/o Thall Road Hangu and also allegedly the Kalma vide DD No.30 dated 04.04.2024 P.S City Hangu.
 - II. Resultantly, you were placed under suspension and closed to Police Line Hangu for initiating a proper department inquiry against you vide this office OB No. 167, dated 05.04.2024.
 - III. You above act shows in disciplined manner, irregularly, negligence and professional gross misconduct on your part which cannot be ignored.
2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you major penalty provided under the rules ibid.
 3. You are therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you also intimate whether to desire to be heard in person.
 4. If no reply to this notice is received within 07 days of it's delivery in the normal course of circumstances, it shall be presumed that you have no defense to put in and in that cases exparte action shall be taken against you
 5. The copy of the findings of inquiry officer is enclosed.

ATTSTED

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Handwritten text in a cursive script, likely a letter or document. The text is written in a dark ink and is somewhat difficult to decipher due to the cursive style and some fading. It appears to be a multi-line document, possibly a letter or a set of instructions. The text is written in a language that is not clearly identifiable, but it appears to be a form of cursive script.

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OFFICE OF THE
DISTRICT POLICE OFFICER,
HANGU

Tel: 0925-623878 Fax 0925-620135

ORDER

This order is passed on the departmental enquiry initiated against Constable Wahid Ali Shah No. 115 while posted at Traffic Warden, Hangu under the Khyber Pakhtunkhwa Police Rules 1975 (Amendment 2014).

Brief facts of the case are as under:-

- i. Whereas, Constable Wahid Ali Shah No.115 of this district had engaged in quarrel with a private shopkeeper namely Sharif Ullah s/o Rehman Ullah r/o Thall Road Hangu and also allegedly used derogatory remarks regarding the Kalma vide DD No. 30, dated 04.04.2024 P.S City Hangu.
- ii. Resultantly, he was placed under suspension and closed to Police Lines Hangu for initiating a proper departmental enquiry against him vide this office OB No. 167, dated 05.04.2024.
- iii. His above act shows in indisciplined manner, irregularly, negligence and professional gross misconduct on his part which cannot be ignored.

He was served with charge sheet and statement of allegations under Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (Amendment 2014) vide this office No. 17/EC, dated 08.04.2024, to which he submitted his reply to DSP, City Hangu who was appointed as Enquiry Officer to conduct departmental enquiry against him. After completion of enquiry, the enquiry officer submitted his findings vide No. 531/SDPO, dated 22.04.2024 wherein the defaulter Constable Wahid Ali Shah No. 115 was held guilty for the charges leveled against him and recommended for awarding him major punishment. Consequently, he was heard in person in orderly room on 22.04.2024, but no reasonable response could be offered in his self defence. Subsequently, Final Show Cause Notice was issued to him vide this office No. 70/EC, dated 22.04.2024 and he submitted his reply on 26.04.2024 which was found unsatisfactory as well.

Keeping in view of the above and having gone through available record, the undersigned has arrived at the conclusion that Constable Wahid Ali Shah No. 115 has committed gross misconduct being a member of disciplined force such as per recommendation of the enquiry officer, which indicates that he was not interested to serve further. Moreover, in these circumstances his retention in Police Department is burden on public exchequer, therefore, I, Muhammad Khalid, PSP, District Police Officer, Hangu in exercise of the powers conferred upon me under the Rules ibid; dispense with general proceedings, he is hereby dismissed from service from the date of his suspension i.e. 05.04.2024

Order Announced.

OB No. 212

Dated 7/5/2024

No. 2270/EC, dated Hangu, the 08/05/2024

Copy of above is submitted to the Regional Police Officer, Kohat Region, Kohat for favour of information, please.

2. DSP HQrs Hangu to collect his official kit immediately.
3. Pay Officer, EC, Reader & OHC for necessary action.


DISTRICT POLICE OFFICER,
HANGU


DISTRICT POLICE OFFICER,
HANGU

ATTACHED

BEFORE THE WORTHY DEPUTY INSPECTOR GENERAL
OF POLICE KOHAT REGION KOHAT

H/13

Subject: APPEAL AGAINST THE ORDER OF DPO HANGU
BEARING OB NO. 212 DATED 07-05-2024 WHEREBY THE
APPELLANT EX. CONSTABLE WAHID ALI SHAH NO. 115
WAS DISMISSED FROM SERVICE W.E.F. 05-04-2024

Respected Sir,

With veneration, the appellant presents the instant appeal for your kind and judicious consideration on the basis of the following facts and grounds:

FACTS:

1. Briefly stated the facts are that one Sharifullah S/o Rahmanullah R/o Hangu through a written application dated 04-04-2024 alleged that the appellant on 01-04-2024 had parked his motor cycle in front of his shop blocking the way to his shop for the customers to which he i.e. applicant objected. On 04-04-2024, the appellant came to his shop with the complaint that he (applicant) had removed the plug from his motor cycle which fact the applicant denied by reciting Kalma. Further alleged that the appellant draw a knife, threatened and abused him and at the same time used derogatory remarks regarding the Kalma.
2. With reference to the above allegations, the appellant was served with charge sheet to which he submitted his reply DPO Hnagu depute Mr. Falak Nawaz DSP City Hnagu as enquiry officer to scrutinize the conduct of the appellant with reference to the above allegations.

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On completion of departmental proceedings, the enquiry officer submitted his findings report to DPO Hangu. Thereafter final show cause notice was issued to the appellant to which he submitted his reply.

The DPO Hangu then passed the impugned order of dismissal of the appellant from service w.e.f. 05-04-2024. Hence the instant appeal by the appellant.

GROUND OF APPEAL:

a) That the allegations leveled by the applicant are not only false, exaggerated but are completely contrary to the actual facts and far away from truth. The applicant under the influence of few miscreants had attempted to create a law and order situation by falsely alleging that the appellant had used derogatory remarks with regard to Kalma. He failed to quote the derogatory words allegedly uttered by the appellant. This showed malafide intention on the part of the applicant to create unrest in the area at the instance of the miscreants. It is worth consideration that the appellant is not only a member of a disciplined force but a true Muslim as well and he firmly believes in Kalma Tayyaba like other Muslims. The appellant could not even think of showing disrespect either to Kalma Tayyaba or any other religious feelings of any class of citizens of Pakistan. If any one did so, such a person could not be in sound mental health. A sane person would not do any act as alleged. The truth is that except exchange of hot words between the applicant and the appellant, nothing else had taken place.

b) As far as departmental proceedings are concerned, allow me to say that it had not been conducted fairly and in accordance with rules and procedure. The witnesses were examined by

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the enquiry officer in the absence of the appellant which course had deprived the appellant of his legal right to cross-examine such witnesses.

- c) Copy of the findings report of the enquiry officer was not supplied to the appellant before issuance of final show-cause notice and imposition of punishment upon the appellant by DPO Hangu, which fact was evident from the contents of the impugned order. Such failure had caused miscarriage of justice and prejudice to the appellant to defend himself properly.

In order to ensure the elementary and essential principles of fairness, the person sought to be affected must at least be made aware of the adverse findings of the enquiry officer against him and he should be given a fair opportunity to make any relevant statement putting forward his own case.

- d) The impugned order of DPO Hangu based on the findings report of the enquiry officer is not sustainable under the law and is liable to be set aside as the departmental enquiry conducted by the enquiry officer itself was unfair and defective.

PRAYER:

In view of the above submission, it is prayed that by accepting the instant appeal, the impugned order of DPO Hangu may kindly be set aside and the appellant re-instated in service with all back benefits w.e.f. the date of his dismissal from service.

I may also be heard in person please.

Dated 20-05-2024

Yours Obediently

Wahid Ali Shah

Ex. Constable Wahid Ali Shah

No. 115

Mobile: 0333-9709933

ATTORNEY

MP

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This order will appeal preferred by Ex-Constable Wahid Ali Shah No 115 District Bannu against the order of District Police officer Hangu whereby he was awarded major punishment of dismissal from service vide OB No. 212, dated 01.05.2024. brief facts of the case are that he, while posted in Traffic Warden Hangu, had with a private Shopkeeper name Sharif Ullah S/o Rehman ullah R/o Thall Hangu and had also alleged use the Kalma vide DD No. 30, dated 04.04.2024 PS City Hangu.

Proper Departmental enquiry proceedings were initiated him and sub Division Police Officer Hangu was appointed as Enquiry officer. The Enquiry Officer fulfillment of codal formalities submitted his findings wherein the appellant was found guilty of the charges level against him. He was therefore recommended for major punishment under the relevant rules.

Keeping in view the recommendation of the Enquiry officer and the above cited circumstances of the case the delinquent officer was awarded major punishment of dismissal from service vide DPO Hangu OB No.212 dated 01.05.2024.

Feeling aggrieved from the order of District Police officer Hangu, the appellant preferred the instant appeal. He was submitted and heard in person in orderly room held in the office of undersigned on 06.08.2024. During personal hearing the appellant did not advance any plausible explanation in his defense.

Foregoing, in view, I Sher Akbar PSP, Regional Police Officer, Kohat being the appellate authority, am of considered opinion that charges leveled against him have been fully established. The punishment dismissed from service awarded the appellant by the District Police Officer, Hangu is justified and, therefore, warrants no interference. Hence, appeal of Ex-Constable Wahid Ali Shah No. 115 is hereby rejected.

Order Announced
06.08.2024

Regional Police officer
Kohat Region

No. 523 EC, da 10.08.2024

Copy forwarded to District Police officer, Hangu for information and necessary w/r to his office memo No. 2874/LB dated 12.06.2024 services record and Fauji Misal are returned herewith.

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VAKALAT NAMA

NO. _____/2024

IN THE COURT OF KP Service Tribunal, Peshawar

Wahid Ali Shah

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Department

(Respondent)
(Defendant)

I/We, _____

Do hereby appoint and constitute **TAIMUR ALI KHAN, ADVOCATE HIGH COURT AND SHAKIR ULLAH TORANI ADVOCATE**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/2024

Wahid Ali
(CLIENT)

ACCEPTED

Taimur Ali Khan
TAIMUR ALI KHAN
Advocate High Court

BC-10-4240
CNIC: 17101-7395544-5
Cell No. 03339390916

&

SHAKIR ULLAH TORANI
Advocate Peshawar
BC-22-4994
03409146056