


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

1762/2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/10/2024	<p>The appeal of Mr. Ameer Sultan resubmitted today by Mr. Qamar Zaman Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 09.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Ameer Sultan received today i.e on 02.10.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Appeal has not been flagged/marked with annexures marks.
- 2- Memorandum of appeal has not been signed by the appellant.
- 3- Annexures of the appeal are unattested.


No. 861 /Inst./2024/KPST,

Dt. 02/10 /2024.


ADDITIONAL REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Qamar Zaman Khattak Adv.
High Court at Peshawar.

Sir,
All objections being removed, kindly be
fixed before this Hon'ble Tribunal please.

Thanks.
7-10
2024/10

Qamar Zaman Khattak
ASC

**BEFORE THE LEARNED KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL, PESHAWAR**

Service Appeal No. 1762/2024

Ameer Sultan

.....APPELLANT

VERSUS

Inspector General of Police & others

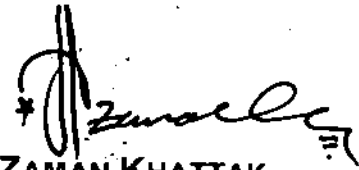
.....RESPONDENTS

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Appellant

Through



QAMAR ZAMAN KHATTAK
LLM UK

Advocate Supreme Court of Pakistan
Cell: 0348-0105985

①

**BEFORE THE LEARNED KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL, PESHAWAR**

Service Appeal No. 1762/2024

Ameer Sultan S/o Muhammad Hassan
R/o Laghri Rajab Khel, Tehsil Tahkhte Nasrati District
Karrak, Ex-Sub-Inspector at Police Station Latambar
District Karrak.

.....**APPELLANT**

VERSUS

1. Inspector General of Police Khyber - Pakhtunkhwa, at Khyber Road, Peshawar.
2. Regional Police Officer at Kohat Region, Kohat
3. District Police Officer Karrak.

.....**RESPONDENTS**

**SERVICE APPEAL UNDER SECTION 4 OF THE KP
SERVICE TRIBUNAL ACT 1974 AGAINST THE
IMPUGNED ORDERS/FINDINGS OF RESPONDENT
NO. 2&3 RESPECTIVELY DATED 09.05.2024 &
27.03.2024 PASSED IN SUBSEQUENT MANNER, BY
INITIALIZING THE INITIAL IMPUGNED ORDER DATED
27.03.2024, ARRIVED IN CONCLUSION OF THE
DEPARTMENTAL PROCEEDINGS INITIATIVES AND
THE OTHER ONE DATED 09.05.2024 ARRIVED IN
DECLINE OF THE APPEAL OF THE APPELLANT,
HENCE BOTH THE ORDERS ARE REQUIRED TO BE
DECLARE AS ILLEGAL, UNLAWFUL,
UNPRECEDENTED, RESULT OF CONFRONTED
FACTS AVAILABLE IN THE CASE, THEREFORE HAS
NO LEGAL EFFECT.**

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PRAYER:

ON ACCEPTANCE OF PRESENT SERVICE APPEAL, BOTH THE IMPUGNED ORDERS/FINDINGS OF RESPONDENT NO. 2&3 RESPECTIVELY DATED 09.05.2024 & 27.03.2024 PASSED IN SUBSEQUENT MANNER MAY KINDLY BE SET ASIDE AND THE PUNISHMENT OF REDUCTION FROM THE SUBSTANTIVE RANK OF INSPECTOR TO THE SUBSTANTIVE RANK OF SUB-INSPECTOR WITH IMMEDIATE EFFECT, MAY ALSO PLEASE BE ORDERED TO REVERSE AND FURTHER ORDER MAY KINDLY PLEASE BE PASSED BY DIRECTING TO THE RESPONDENT TO CONSIDER THE STATUS OF THE APPELLANT AS SUBSTANTIVE RANK OF INSPECTOR, WHILE CONSIDERING PENSION MATTER OF THE APPELLANT BEING RETIRED EMPLOYEE AS SUB-INSPECTOR INSTEAD OF INSPECTOR.

Respected Sheweth:-

BRIEF FACTS:-

The appellant through counsel respectfully submits as under:-

1. That the appellant served over and above comparatively more life in the service of the respondent department & lastly hold inspector rank as substantive rank and got his recently retirement on superannuation on 25.05.2024 while performing 41 years of his service throughout.
2. That appellant was performing his duty in the police station Latambar District Karrak since 2014, when on 04.02.2024 the

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PTI convention was held in Ambari Kalay Takhte Nasrati District Karrak, was schedule when to counter any unpleasant activities of the convention, the competent authority of respondent department was also ordered as Police contingent deputed for security duty out there in Ambari Kalay Takhte Nasrati District Karrak, thus appellant also proceeded to perform his duty, to keep cheque upon any illegality of the schedule convention of the PTI.

3. The unfortunate incident was taken place, according to which almost 14 official vehicles of police department damaged, which require proper legal course of interrogation to set the liability of any negligence, accrued on the part of any official.
4. In this respect inquiry was conducted vide office order dated 04.02.2024 by the office of respondent No.3 & eventually the Show Cause Notice and Final Show Cause Notice were declared to be served upon the appellant, on behalf of the respondent.
5. That Charge Sheet dated 04.02.2024 was also served which was duly replied and defence by the appellant, while recording his statement. (COPIES OF THE CHARGE SHEET ALONG WITH STATEMENT ARE ATTACHED AS ANNEXURE A&B).
6. That thereafter the inquiry conducted by the inquiry office & its findings, the respondent No.3 pronounced impugned order dated 27.03.2024 according to which the appellant was punished with Reduce & Rank from the substantive rank of Inspector to the substantive rank of Sub-Inspector with the immediate effect. (COPY OF THE IMPUGNED ORDER RESPONDENT No.3 IS ATTACHED AS ANNEXURE C).

(4)

7. That appellant preferred appeal to respondent No.2. (COPY OF THE PREFERRED APPEAL IS ATTACHED AS ANNEXURE D).
8. That the respondent No.2 vide further impugned order dated 09.05.2024, decline the appeal of the appellant by maintaining the initial order of respondent No.3. (COPY OF THE IMPUGNED ORDER OF RESPONDENT NO.2 IS ATTACHED AS ANNEXURE E).
9. Seriously aggrieved with the both impugned orders/findings of respondent No. 2&3 respectively dated 27.03.2024 & 09.05.2024, appellant also invoke further cognizance under departmental resolved, within the meaning of rule 11-A of Police Rules 1975, by filing of Revision Petition against the above impugned order, which revision filed before the respondent No.1. (COPY OF THE REVISION PETITION IS ATTACHED AS ANNEXURE F).
10. That since no reply whatsoever is expressed by the respondent No.1 on the Revision Petition of the appellant, therefore it is presumed that the very second impugned order of the respondent No.2, dated 09.05.2024 is intact, against which when appellant is seriously aggrieved, as not satisfied at all, then this appeal is hereby preferred, which grounds are inter alia as follows:

GROUND:

- A. That both the impugned orders/findings of respondent NO. 2&3 respectively dated 27.3.2024 & 09.05.2024 are illegal, unlawful, and unprecedented; result of miscalculation of the facts & circumstances in the case, unsustainable, unwarranted by the applied laws therefore has no legal value in the eye of law, hence require appellate intervention of this learned tribunal.

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- B. That appellant has been discriminated and his rights secured under the constitution of Islamic republic of Pakistan 1973 has been violated.
- C. That the negligence of the appellant is wrongly being set by the respondent, and the inquiry officer did not comply with the necessary requirements and without taking stance of the appellant, expressed its verdict, which sustain by the respondents in their subsequent impugned orders.
- D. That the acts and omissions of respondents are illegal, unlawful void ab initio and in effective upon the rights of appellant.
- E. That the acts of respondents are in violation of article, 25,27 and other provisions of constitution of Islamic republic of Pakistan, hence needs to be declared illegal, void, wrong, of no legal effect and ineffective upon the rights of petitioner.
- F. That it is well established on the face of the record that the violence on the part of the PTI workers in the convention is accrued, in which the huge workers were get together and badly violating the piece of atmosphere therefore if any damage otherwise did accrue then the affixation of the liability upon the appellant specifically would not be justified at all.
- G. That the punishment and penalty of reducing rank from inspector to sub-inspector is harsh & hard punishment which is not quantum to the story displayed in the Explanation Letter and so called Show Cause & Final Show Cause.
- H: That other grounds will be raised at the time of arguments with the permission of this Hon,ble court.

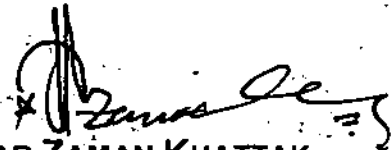
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Prayer:

It is therefore most humbly prayed that on the acceptance of present service appeal, both the impugned orders/findings of respondent no. 2&3 respectively dated 09.05.2024 & 27.03.2024 passed in subsequent manner may kindly be set aside and the punishment of reduction from the substantive rank of inspector to the substantive rank of sub-inspector with immediate effect, may also please be ordered to reverse and further order may kindly please be passed by directing to the respondent to consider the status of the appellant as substantive rank of inspector, while considering pension matter of the appellant being retired employee as sub-inspector instead of inspector.

Appellant

Through



QAMAR ZAMAN KHATTAK
LLM UK

Advocate Supreme Court of Pakistan
Cell: 0348-0105985

7

**BEFORE THE LEARNED KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

Service Appeal No. _____/2024

Ameer Sultan

.....APPELLANT

VERSUS

Inspector General of Police & others

.....RESPONDENTS

AFFIDAVIT

I, Ameer Sultan S/o Muhammad Hassan R/o Laghri Rajab Khel, Tehsil Tahkhte Nasrati District Karrak, Ex. Sub-Inspector at Police Station Latambar District Karrak, do hereby solemnly affirm and declare on oath that the contents of the instant **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Identified by



QAMAR ZAMAN KHATTAK
LLM UK
Advocate Supreme Court of Pakistan

Deponent



CNIC: 14203-2058407-5
Cell: 0346-9264553



(3)

**BEFORE THE LEARNED KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL, PESHAWAR**

Ameer Sultan

.....APPELLANT

VERSUS

Inspector General of Police & others

.....RESPONDENTS

**APPLICATION FOR CONDONATION
OF DELAY**

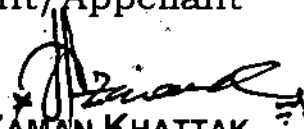
Respectfully Sheweth:

1. That the above noted case is pending before this Hon'ble Court which is fixed for today i.e. _____.
2. That the ambiguity so far create as per detail mentioned in the Para No.9 of the facts of appeal, according to which revision under the applied police rules, 1975 when preferred and when not answered by the respondent, the certainly delay is accrued, therefore the appeal is not filed within a time hence seeks condonation.

It is, therefore, most humbly prayed that on acceptance of this application, the delay whatever is accrued in filing of instant appeal, may very kindly please be condoned in the best interest of administration of justice.

Applicant/Appellant

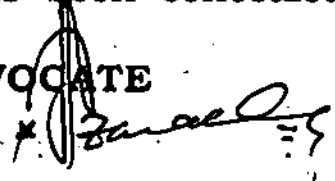
Through


QAMAR ZAMAN KHATTAK
LLM UK
Advocate
Supreme Court of Pakistan
Cell: 0348-0105985

AFFIDAVIT

As per instructions of my client the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

ADVOCATE



SP Inv 1015

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No. 13 (Enq)
Dated 04/03/2024

"A"

CHARGE SHEET

I, MUHAMMAD WAQAS KHAN, District Police Officer, Karak as a competent authority, hereby charge you Inspector Ameer Sultan, SHO PS Latamber follow:-


It has been noticed with grave concern that PTI convention was held at Ambiri Kala on 04.02.2024 at 1400 hours wherein you SHO PS Latamber alongwith Police contingent were deputed for security duty but you Inspector failed to do so as a result of which 14 Govt. vehicles were badly damaged by the PTI workers which shows your loose command/supervision over your subordinates although sufficient Police strength were provided. Moreover, you Inspector Ameer Sultan, being a responsible Police officer failed to park the Govt. Vehicles at safe zone away from the venue but in vain. This is quite adverse on your part and shows your negligence, carelessness and non-professionalism in the discharge of your official obligations. This act on your part is against service discipline and amounts to gross misconduct.

1. This act on your part is against the service discipline and amounts to gross misconduct. By the reason of your commission/omission, constitute miss-conduct under Police disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt. of Khyber Pakhtunkhwa, Police Department, you have rendered your-self liable to all or any of the penalties specified in Police Rule-1975 ibid.

2. You are, therefore, required to submit your written defense within 07-days of the receipt of this charge sheet to the Enquiry Officer SP Inv Karak is hereby appointed for the purpose of conducting enquiry.

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

3. Intimate whether you desire to be heard in person.
4. A statement of allegation is enclosed.


District Police Officer, Karak

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DISCIPLINARY ACTION

I, MUHAMMAD WAQAS KHAN, District Police Officer, Karak as a competent authority, is of the opinion that Inspector Ameer Sultan, SHO PS Latamber has rendered himself liable to be proceeded against on committing the following act/commission within the meaning of Police Disciplinary Rule-1975 (as amendment in 2014) Vide Notification No. 3859/Legal dated 27.08.2014 Govt. of Khyber Pakhtunkhwa, Police Department.

STATEMENT OF ALLEGATIONS

It has been noticed with grave concern that PTI convention was held at Ambiri Kala on 04.02.2024 at 1400 hours wherein Inspector Ameer Sultan, SHO PS Latamber along with Police contingent were deputed for security duty but Inspector failed to do so as a result of which 14 Govt. vehicles were badly damaged by the PTI workers which shows his loose command/supervision over his subordinates although sufficient Police strength were provided. Moreover, Inspector Ameer Sultan, being a responsible Police officer failed to park the Govt. vehicles at safe zone away from the venue but in vain. This is quite adverse on his part and shows his negligence, carelessness and non-professionalism in the discharge of his official obligations. This act on his part is against service discipline and amounts to gross misconduct.

1. The Enquiry Officer in accordance with provision of the Police Disciplinary Rules-1975 (amendment 2014 vide Notification No. 3859/Legal, dated 27.08.2014) Govt. of Khyber Pakhtunkhwa, Police Department may provide reasonable opportunity of hearing to the accused official, record his finding and make within 10-days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.
2. The accused official shall join the proceeding 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 (as amended in 2014).
2. Inspector Ameer Sultan, SHO PS Latamber. 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.

(11)

FINDING REPORT

Kindly this is an response to your good office No.13/Enq. dated 04-02-2024 whereas the undersigned was asked to conduct departmental enquiry against delinquent Inspector Ameer Sultan SHO PS Latamber on the allegations and proceeding mentioned below.

ALLEGATIONS:

It has been noticed with grave concerned that PTI convention was held at Amber Killa on 04-02-2024 at 14:00 hours wherein Inspector Ameer Sultan along with police contingent were deputed for security duty but failed to do so as a result of which 14 Govt. Vehicles were badly damaged by the PTI workers which shows his loo command/supervision over his subordinate staff although sufficient police strength were provided. Moreover, Inspector Ameer Sultan, being a responsible police officer failed to park the Govt. Vehicles at safe zone away from the venue but in vain. This is quite adverse on his part and shows his negligence, carelessness and non-professionalism in the discharge of his official obligations. This act on his part is against service discipline and amounts to gross misconduct.

ENQUIRY PROCEEDING:

During the course of enquiry the defaulter officer was summoned his statement recorded. As per his statement it was learnt that at the day of occurrence the said inspector was doing his official duty in the PTI convention at Krappi ground Amber Killa. At about 350/400 police strength was deployed in the said ground where the convention scheduled in order to prohibit the PTI leaders and workers from the convention which was already refrained their request by the District Govt. administration. It was come to light during enquiry that total 14 Govt. vehicles were deputed for bringing of deployment and gas gun equipment etc in the convention ground. As political party demonstrated a clear intention of resistance, the Govt. vehicles were parked at the ground where political gathering was scheduled, ignoring available parking space in a secure parking area beyond the location of planned political gathering. The gathering took place near the main road but the said inspector has not given any instruction to the drivers for parking their vehicles in a safe place which cause damaged to the Govt. vehicles. Detail given below.

S.No.	Vehicle No.	Vehicle Type	Name of Driver	Place of Posting
1.	CH-70350	Truck	Muhammed Ilyas No. 238	Kohat
2.	A-9092	Truck	Muhammed Ilyas No. 788	Kohat
3.	A-1355	Truck	Teng Nawaz No. 1513	Kohat
4.	A-4805	Prisoner Van	Ahmad Nawaz No. 681	Kohat
5.	A-3534	Truck	Muhammad Afiaz No. 347	Police line Karak
6.	A-5799	Pick-Up	Zameer Jali No. 251	KBI PS Sabir Abad
7.	A-4794	Pick-Up	Muhammad Irfan No. 474	Police Lines Karak
8.	CH-8311	APC	Yasir Iqbal No. 544	Circle Takht-e-Nasrati
9.	A-1363	Truck	Hazrat Usman No. 318	Police Lines Karak
10.	A-3538	Truck	Muhammad Riaz No. 582	Police Lines Karak
11.	A-8427	Pick-Up	Sadik Ayaz No. 365	PS YKS
12.	A-3092	Pick-Up	Amir Abbas No. 381	RRS MKS
13.	A-9679	Pick-Up	Muhammad Shoaib No. 160	RR Ahmad Abad
14.	AB-1327	Pick-Up	Qaiser Ali No. 250	RR Circle N

(12)

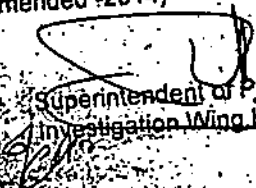
Since the P.T.I. convention was scheduled but due to the absence of comprehensive briefing to the driver staff of the Govt. vehicle were unaware of safety protocols during unfavorable situations. During the said incident, the failure to identify safe parking spots for Govt. vehicle and safe exit in case of emergency posed a significant concern and led to huge loss. The vehicles were parked at the same location which was designated for the political gathering. Being upper subordinate and posted as Inspector displayed weak command and inadequate planning during the incident resulting in severe damages to Govt. vehicle. This highlights the critical importance of competent leadership and meticulous planning in crisis situations to safeguard Govt. assets. In this effect case FIR No. 04/02/2024 of S. 324/353/120-B/124-A/109/392/427/148/149 PPC/TATA at PS CTD Kohat Region has been registered. It was also possible that if the said Inspector being 2nd in command after the SDPO TN was required to remove and kept sufficient distance from the protestors in order to avoid damages to the Govt. vehicles. The lack of supervision and his mismanagement contributed to the escalation of such situation.

Due to his lack interest in official duty, the tear Gas Guns was used in the ground at wrong time when the wind was towards police deployment due to which the police was also badly affected and make hindrance in rendering of official obligations effectively. It was evident in the enquiry conducted against the said Inspector that due to his negligence and inefficiency the Govt. vehicle has also not only been taken a huge damages but also the Gas guns, Helmets, Sticks were broken/ took away by the protesters. Detail tabulated as under.

S. No.	Name of items which taken away by the mob	Quantity
01	Helmets	15
02	Shield	30
03	Stick	50
04	Gas Gun	05
05	12 Bore shotgun (Repitor)	01
06	Gas Gun shells carry bag	06
07	Gas Gun Mask	06

The incident which taken place due to the negligence being an Inspector performing duty 2nd in command show 2nd in command his inefficiency in doing official duty. The video of the angry mob was preserved in the USB which clearly substantiate his inefficiency, non professionalism and gross misconduct on his part.

In view of the above the allegations leveled against Inspector Amir Sultan has been proved and he is recommended for suitable punishment as per the standing order No. 03/02023 and Police Rules 1975(amended -2014)


 Superintendent of Police
 Investigation Wing Karak

JHO. Rs. ER
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13. Eng. ...
 04.02.24
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ORDER

"C"

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This order will dispose off the departmental enquiry initiated against Inspector Ameer Sultan SHO PS Latamberi.

It has been noticed with grave concern that PTI convention was held at Ambur kala on 04.02.2024 at 1:00 hours wherein Inspector Ameer Sultan SHO PS Latamberi alongwith Police contingent were deputed for security duty but Inspector failed to do so as a result of which 14 Govt. vehicles were badly damaged by the PTI workers which shows his loose command/supervision over his subordinates although sufficient Police strength were provided. Moreover, Inspector Ameer Sultan, being a responsible Police officer failed to park the Govt. Vehicles at safe zone away from the venue but in van. This is quite adverse on his part and shows his negligence, carelessness and non-professionalism in the discharge of his official obligations. This act on his part is against service discipline and also amounts to gross misconduct. He was served with Charge Sheet together with statement of allegations under Police Disciplinary Rules 1975 (amended 2014) vide No. 13/Enq: dated 04.02.2024. Mr. Zahid Khan SP Investigation Wing Karak was appointed as Enquiry Officers to conduct departmental enquiry against him. After the completion of enquiry, the Enquiry Officer submitted his findings whereas the allegations leveled against the defaulter police official have been proved.

It is to be mentioned here that on the starting of PTI Jalsa, the undersigned called the defaulter Inspector alongwith other concerned police officers regarding the subject duty, deployment and rule of engagement. Being a senior and experienced rank officer he was specifically task to assist and help SDPO/T.N and SHO YKS. He was directed to inspect the venue and lay out a deployment and evacuation plan. Furthermore, he was also directed that incase of emerging law and order situation he shall command his team and shall respond in a professional manner. Sadly, Inspector Ameer Sultan, SHO PS Latamberi failed to perform his duties on ground. It was his utmost duty to collect the information about the area, apprise the other officers about the emerging situation. Being a responsible officer he failed to assist in placing of the vehicles in safe parking which not only caused damage to the fourteen (14) official vehicles of police department but also carried bad repute on the part of the department as the videos of the instant incident were also on aired on social media and other platforms.

Thereafter, Final Show Cause Notice was issued to him vide this office No. 34/Enq: dated 20.03.2024. He submitted his reply to this effect and his reply was found unsatisfactory.

Keeping in view of above facts and circumstances, the undersigned come to the conclusion that he being a member of disciplined force, have acted in Indiscipline and irresponsible manner and also shown non-professionalism in the discharge of his officials obligations. Therefore, I, Muhammad Waqas Khan (PSP) District Police Officer, Karak in exercise of the powers conferred upon me under Police rules 1975 (as amended in 2014), he is awarded major punishment of reduction in rank from the substantive rank of Inspector to the substantive rank of sub-Inspector with immediate effect.

OB No. 143

Dated 27 10 2024

DISTRICT POLICE OFFICER,
KARAK

To,

The Regional Police Officer,
Kohat Region, Kohat

"D"

(15)

Through: PROPER CHANNEL

Subject: DEPARTMENTAL APPEAL

Respected Sir,

With due respect, appellant submits departmental appeal against the order of learned District Police Officer, Karak dated 17.03.2024, bearing OB No. 143 vide which penalty of reduction from the rank of Inspector to the rank of Sub Inspector was imposed on appellant.

FACTS

1. That appellant was posted as Station House Officer Police Station Latamber. On 04.02.2014, a meeting of "Pakistan Tehrik Insaf" (PTI) workers was scheduled at "Kapopi: ground (Ambiri Killa) situated within the jurisdiction of Sub-Division Takht-e-Nasrati, Police Station Yaqoob Khan Shaheed (YKS).
2. That in addition to Police strength of Sub-Division Takht-e-Nasrati, the district administration requisitioned and deputed the Police strength of other Sub-Divisions for the security duty of the meeting. Appellant along with Police strength of Police of Police Station Latamber (Sub-Division HQ Karak) was also detailed for the security duty.
3. That appellant along with Police strength joined the assigned duties. Local Sub-Divisional Police Officer Takht-e-Nasrati and SHO Police Station Yaqoob Khan Shaheed were already present on the spot. Sub-Divisional Police Officer Banda Daud Shah (BDS) was also present.

- (16)
4. That all the official vehicles of Police were parked in the ground of the meeting. No sooner did the worker of PTI numbered in thousands reached the spot in shape of huge procession resort to violence against Police by way of making firing and pelting stones.
 5. That Police strength started lawful retaliation of controlling and dispersing the mob by way of throwing tear gas shells towards the mob. Police made every effort to avoid human losses but the members of the huge mob were adamant on causing loss to the lives and properties of Police.
 6. That appellant made all efforts for dispersing the mob and remained in touch with local Sub-Divisional Police Officer but the ugly incident of losses to Police vehicles took place. Actually two members of the mob sustained fire arm injuries which further infuriated the members of the mob and forced the Police for passive action to avoid losses to the lives of members of the mob and also protect their own lives.
 7. That appellant was proceeded against departmentally as appellant failed to perform security duty of the PTI public meeting (Convention) diligently and professionally which led to losses to the Police properties and vehicles. Appellant submitted detailed and plausible reply in response to the charge sheet but the Inquiry Officer without considering the defense of appellant carried out one sided inquiry proceedings and eventually learned District Police Officer awarded the impugned punishment to appellant hence is departmental appeal on the following grounds.

GROUNDS:

- a) That appellant will attain the age of superannuation on 25.05.2024, therefore the impugned penalty of reduction in rank will greatly affect the pension benefits of the appellant. The

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penalty of reduction in rank at the last stage of mature retiring pension amounts to award of punishment to all the members of the appellants.

- b) That major penalty of reduction in rank has been imposed on appellants but the findings report of Inquiry Officer was not supplied to appellants along with final show cause notice. Appellants is unaware about the evidence collected by Inquiry Officer in support of the charges leveled against appellants. No witness was examined by Inquiry Officer in presence of appellants. The entire proceedings were carried out at the back of appellants. Therefore the impugned penalty based on defective inquiry proceeding is void and worth set aside.
- c) That appellants was detailed for security of the meeting at jurisdiction of Sub Division Takht-e-Nasrati. Preparation of the contingency plan and deployment of strength of Police was the job of local Sub-Divisional Police Officer. Therefore appellants has wrongly been held for security arrangement. Actually the local Police had not assessed the number and violent conduct of the workers which led to the ugly incident.
- d) That venue of parking of Police vehicles and placing logistics was selected by local Police therefore appellants has wrongly been held responsible for the inaction of others. Actually none had predicted the violent conduct of the members of the procession led by PTI workers.
- e) That the situation which arose on the spot forced the Police to avoid loss of the lives of the members of the mob and loss of their own lives. Actually cause of injury to two members of the mob further enhanced huge blood shed between Police and the public

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but Police defuse the blood shed by not making direct firing on the mob.

f) That appellant was never confronted with any evidence which may prove any kind of commission of misconduct and negligence in duty on the part of appellant. The occurrence was totally accidental and members of the mob committed an offence of assault on Police force and caused damage to its properties therefore award of major punishment on the basis of accidental occurrence is not justified.

g) That long unblemished service of 41 years at the credit of appellant therefore at this stage the award of major penalty is against the principles of natural justice and equity. Again the charges are hallowed and have been leveled without any direct evidence.

h) That appellant wishes and desires to be heard in person because appellant is avoiding to mention certain facts in appeal as it will affect the prosecution case registered against the members of the mob.

It is therefore requested that the impugned penalty may be set

aside with back benefits.

Enclosure: Copy of order.

Yours Obediently



Ameer Sultan

Sub-Inspector District Karak

Order Amended
 07/03/2024
 No. 4061/EC
 Dated Karak (the
 Regional Police Officer,
 Kohat Region
 19/05/24
 1928
 13/05/24

For approval
SAC

Copy forwarded to District Police Officer, Karak for information and necessary action w.r.t. to his office Memo: No. 1626/EC, dated 18.04.2024. Service Record and Enquiry File are returned herewith.

Sulim is hereby ~~being~~ being devoid of substance and merit.

Karak is justified and therefore, warrants no interference. Hence appeal of Sub Inspector Amner rank of Inspector to the substantive rank of Sub Inspector awarded by District Police Officer, delinquent officer have been fully established. The punishment of reduction from the substantive being 2x appellate authority, an of considered opinion that the charges leveled against the Forgoing in view of, I, Saad Akbar, PSP, SAC, Regional Police Officer, Karak, any phrasic expression in his defense.

office of the underigned on 07.03.2024. During personal hearing the appellant did not advance preferred the instant appeal. He was summoned and heard in person in Orderly Room held in the 143, dated 27.03.2024.

Feeling aggrieved from the order of District Police Officer, Karak, the appellant rank from the substantive rank of Inspector to substantive rank of Sub Inspector vide OB No. 143, dated 27.03.2024.

Keeping in view of the recommendations of the Enquiry Officer and circumstances of the case, the delinquent officer was awarded major punishment of reduction in rank from the substantive rank of Inspector to substantive rank of Sub Inspector vide OB No. 143, dated 27.03.2024 but his reply to the Final Show Cause Notice was found unsatisfactory.

The Enquiry Officer, after fulfillment of code of procedure, submitted his findings wherein the appellant was found guilty of the charges leveled against him. On recommendations of the Enquiry Officer, the District Police Officer, Karak issued Final Show Cause Notice to him vide No. 135/Eng, dated 20.03.2024.

District Police Officer, Karak initiated proper departmental enquiry proceedings against him and Superintendent of Police, Investigation, Karak was appointed as Enquiry Officer. The Enquiry Officer, after fulfillment of code of procedure, submitted his findings wherein the appellant was found guilty of the charges leveled against him. On recommendations of the Enquiry Officer, the District Police Officer, Karak issued Final Show Cause Notice to him vide No. 135/Eng, dated 20.03.2024.

But facts of the case are that on 04.02.2024, a PTI Convention was held at Amner Kaley, Tehsil Tarda-Nasir, Karak wherein Amner Sulim SHO Police Station Lander along with a Police contingent had been deployed for security duty. However, he failed to adopt a professional strategy to control the unruly mob. Moreover, being a responsible Police Officer, he also failed to park the government vehicles at safe place. Consequently, the unruly mob entered government vehicles and caused a huge damage to fourteen Police vehicles. This reflects his loose command, lack of supervision over his subordinates, negligence and non professional attitude in the discharge of his official obligations.

This order will dispose of the departmental appeal preferred by Sub Inspector Amner Sulim No. 7/76 of Operation Staff Karak against the order of District Police Officer, Karak whereby he was awarded major punishment of reduction in rank from the substantive rank of Inspector to the substantive rank of Sub Inspector by District Police Officer, Karak vide OB No. 143, dated 27.03.2024.

ORDER

(19)

To,

The Inspector General of Police,
Khyber Pakhtunkhwa Peshawar

Through:

PROPER CHANNEL

Subject:

REVISION PETITION UNDER RULES 11-A POLICE RULES, 1975

Respected Sir,

With due respect, petitioner submits revision petition against the order of learned District Police Officer, Karak dated 17.03.2024, bearing OB No. 143 vide which penalty of reduction from the rank of Inspector to the rank of Sub Inspector was imposed on appellant and order dated 09.04.2024 of Regional Police Officer, Kohat Region Kohat vide which departmental appeal of petitioner was rejected.

FACTS

1. That petitioner was posted as Station House Officer Police Station Latamber. On 04.02.2014, a meeting of "Pakistan Tehrik Insaf" (PTI) workers was scheduled at "Karoppi ground (Ambiri Killa) situated within the jurisdiction of Sub-Division Takht-e-Nasrati, Police Station Yaqoob Khan Shaheed (YKS).
2. That in addition to Police strength of Sub Division Takht-e-Nasrati, the district administration requisitioned the Police strength of other Sub-Divisions for the security duty of the meeting. Petitioner along with Police strength of Police of Police Station Latamber (Sub-Division HQ Karak) was also detailed for the security duty of the scheduled meeting.
3. That petitioner along with Police strength joined the assigned duties. Sub-Divisional Police Officer Takht-e-Nasrati and SHO Police Station Yaqoob Khan Shaheed were already present on the spot.

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Sub-Divisional Police Officer Banda Daud Shah (BDS) was also joined the said duties.

4. That all the officials vehicles of Police were parked in the ground of the meeting. No sooner did the workers of PTI numbered in thousands reached the spot in shape of huge procession resort to violence against Police by way of making firing and pelting stones.
5. That Police strength started lawful retaliation of controlling and dispersing the mob by way of throwing tear gas shells towards the mob. Police made every effort to avoid human losses but the members of the huge mob were adamant on causing loss to the lives and properties of Police.
6. That petitioner made all efforts for dispersing the mob and remained in touch with Sub-Divisional Police Officer but the ugly incident of losses to Police vehicles took place. Actually two members of the mob sustained fire arm injuries which further infuriated the members of the mob and forced the Police for passive action to avoid losses to the lives of members of the mob and also protect their own lives.
7. That petitioner was proceeded against departmentally on the charges of failing to perform security duty of the PTI public meeting diligently and professionally which led to losses to the Police properties and vehicles. Petitioner submitted detailed and plausible reply in response to the charge sheet but the Inquiry Officer without considering the defense of petitioner carried out one sided inquiry proceedings and eventually learned District Police Officer awarded the impugned punishment to petitioner and appellate authority rejected his departmental appeal, hence this petition on the following grounds.
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GROUNDS:


- a) That petitioner will attain the age of superannuation on 25.05.2024, therefore the impugned penalty of reduction in rank will greatly affect the pension benefits of the petitioner. The penalty of reduction in rank at the last stage of mature retiring pension amounts to award of punishment to all the members of the family of petitioner.
- b) That major penalty of reduction in rank has been imposed on petitioner but the findings report of Inquiry Officer was not supplied to petitioner along with final show cause notice. Petitioner is unaware about the evidence collected by Inquiry Officer in support of the charges leveled against petitioner. No witness was examined by Inquiry Officer in presence of petitioner. The entire proceedings were carried out at the back of petitioner. Therefore the impugned penalty based on defective inquiry proceeding is void and worth set aside.
- c) That petitioner was detailed for security duty of the public meeting at the jurisdiction of Sub Division Takht-e-Nasrati. Preparation of the contingency plan and deployment of strength of Police was the job of local Sub-Divisional Police Officer. Therefore petitioner has wrongly been held responsible for security arrangement. Actually the local Police had not assessed the number and violent conduct of the workers which led to the ugly incident.
- d) That venue of parking of Police vehicles and placing logistics was selected by local Police therefore petitioner has wrongly been held responsible for the inaction of others. Actually none had predicted the violent conduct of the members of the procession led by PTI workers.

- e) That the situation which arose on the spot forced the Police to avoid losses of the lives of the members of the mob and losses of their own lives. Actually cause of injury to two members of the mob further enhanced chances of huge bloodshed between Police and the public but Police defused the bloodshed by not making direct firing on the mob.
- f) That petitioner was never confronted with any evidence which may prove any kind of commission of misconduct and negligence in duty on the part of petitioner. The occurrence was totally accidental and members of the mob committed an offence of assault on Police force and caused damage to its properties therefore award of major punishment on the basis of accidental occurrence is not justified.
- g) That long unblemished service of 41 years is at the credit of petitioner therefore at this stage the award of major penalty is against the principles of natural justice and equity. Again the charges are hallowed and have been leveled without any direct evidence.
- h) That petitioner wishes and desires to be heard in person because petitioner is avoiding to mention certain facts in petition as it will affect the prosecution case registered against the members of the mob.




It is therefore requested that the impugned penalty order may be set aside with back benefits.

- Enclosure: 1. Copy of order of District Police Officer, Karak
2. Copy of order of Regional Police Officer, Kohat Region Kohat

Yours Obediently


Ameer Sultan

Sub-Inspector District Karak

قیمت 50 روپے	55528	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈوکیٹ: <u>محمد زمان</u>	PESHAWAR BAR ASSOCIATION	
بار کونسل ایسوسی ایشن نمبر: <u>PC-10-9973</u>		
رابطہ نمبر: <u>03480105985</u>		

بعدالت جناب: سروس ریسٹریکٹڈ جنرل منسٹر پشاور

مخانب: <u>ایڈووکیٹ</u>	دعویٰ: <u>سروس ریسٹریکٹڈ</u>
<u>احمد سلطان</u>	علت نمبر: <u>X</u>
<u>بنام</u>	مورخہ:
<u>انسٹیٹوٹ جنرل آف پولیس و غیرہ</u>	جرم: <u>X</u>
	تھانہ: <u>X</u>

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
آن مقام پشاور کے محمد زمان کو وکیل مقرر
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقریر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا ایپل کی برآمدگی اور منسوخی، نیز
دائر کرنے ایپل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختر منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 1/20

و ا ش د الع بد

مقام احمد سلطان (ایڈووکیٹ)