


FORM OF ORDER SHEET

Court of _____

Appeal No. 1940/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/10/2024	<p>The appeal of Mr. Sohail Ahmad resubmitted today by Syed Mudassir Pirzada Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 17.10.2024. Parcha Peshi given to the counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Sohail Ahmad received today i.e on 27.09.2024 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- Annexures of the appeal are unattested.
- 3- Annexures of the appeal are not in sequence.
- 4- Appeal has not been signed by the counsel.
- 5- Copies of final show cause notice and charge sheet are illegible.
- 6- Four copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 841 /Inst./2024/KPST,

Dt. 27/9 /2024.

M. Atiq
ADDITIONAL REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR

Syed Mudasar Pirzada Adv.
High Court at Kohat.

Note
14-10-2024
Re. Submitted after removal all
objections, please put up to the court.
Advocate: J

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal 1940 2024

Sohail Ahmed LHC-1271 Police Line Kohat

(Appellant)

VERSUS

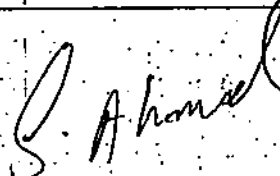
1. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT

2. DISTRICT POLICE OFFICER KOHAT

(Respondent)

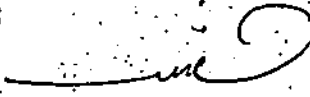
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Appellant

Through:

Date 27/9/2024


Syed Mudasir Pirzada
Advocate HC
0345-9845854

①

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal 1940 2024

Sohail Ahmed LHC-1271 Police Line Kohat

(Appellant)

VERSUS

Khyber Pakhtunkhwa
Service Tribunal

1. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT Duty No. 16/03

2. DISTRICT POLICE OFFICER KOHAT

Dated 27/9/2021

(Respondent)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 24-05-24 VIDE OB NO.513 IN WHICH THE APPELLANT HAS BEEN AWARDED PUNISHMENT OF REDUCTION IN PAY BY THREE STAGES IN THE SAME TIME SCALE FOR THE PERIOD OF THREE YEARS WITH IMMEDIATE EFFECT FEELING AGGRIEVED PREFER DEPARTMENTL APPEAL WHICH WAS TOO REJECTED..

Respectfully Sheweth,

With great veneration the instant appeal is preferred by the appellant on the following facts and grounds:-

Facts:

Briefly facts as per impugned order are that as per preliminary enquiry conducted by SDPO Lachi Kohat against the appellant for the allegation that he has issued Driving License No 108000083234 in shortest time to a person, who is out of country besides misplace the record of 1157 Driving Licenses and issue 79 driving license without the signature of MLA which is professional gross misconduct on his part and bring bad name to the entire police department in the eyes of General public. (Copy of impugned order is annexed as annexure A)

That the appellant duly submitted the reply of charge sheet and final show cause notice but the same was not perused and directly issued the impugned order (Copy of Charge Sheet and FCN along with reply is annexed as annexure B)

That the appellant feeling aggrieved from the impugned order prefer departmental representation on dated 19-06-2024 which was too rejected on dated 29-08-2024 without personal hearing. (Copy of departmental representation along with rejection order is annexed as annexure C)

That according to perwana dated 02-07-2021 which is self explanatory which reveals that the duty of appellant is just to print the license card of candidate nor to issue neither having any authority to obtain or any document in respect of license processing but this factum has been ignored.

Filed on 27/9/2021
Registrar

That the appellant since his deployment in concern branch no single complaint has ever been preferred against the appellant till to date but upon the complaint in which the name of the appellant has not been mentioned nor any role attributed to the appellant and during enquiry the relevant person in respect of issuing the license has not been examine by the enquiry officer which show the deliberately indulge the appellant in to enquiry which is against to the rules and regulation .

That there is no single evidence available on record which speaks that appellant had committed any misconduct or earned a bad name to entire police department .

That again an unjust has been done with the appellant by not giving ample opportunity of cross examination as well as not heard in person nor properly enquired the allegation. Just on the basis of false allegation the appellant was awarded major punishment and held guilty the appellant without following the prescribed rules relating to enquiry proceedings as per Police Rules 1975 (amended 2014).

That there is nothing on record which connects the appellant with the allegation.

That nothing has been proved beyond any shadow of doubt that the appellant has committed any misconduct or tarnished the image of Police department.

That there are numerous good entries in the service record of the appellant which could be verified but this fact has not been taken in consideration while awarding the major punishment which is against to the canon of justice.

That the appellant was neither provided an opportunity to cross examine the witnesses nor to produce defense evidence and the enquiry proceedings accordingly defective.

That the appellant dragged unnecessarily into litigation which is clearly mentioned in 2008 SCMR 725.

That while awarding the impugned major punishment the relevant testimonial were not provided to the appellant and in this regard time and again repeated request were made by the appellant but in vain which is very much necessary as per 1991 PLC CS 706 & PLC 1991 584.

Grounds:

- a. That during enquiry none from the general public was examined in support of the charges leveled against the appellant. No allegation mentioned above are practiced by the appellant nor proved against any cogent reason against the appellant despite of repeated requests tender by

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the appellant to call the concern witnesses for probing the facts but the said was not considered by enquiry officer of the committee.

- b. That the appellant was neither intimated nor informed by any source of medium regarding enquiry proceedings for any disciplinary action which shows bias on the part of quarter concern.
- c. That the appellant is honest and dedicated one and leave no stone unturned to discharge his duties.
- d. That as per universal declaration of human rights 1948 prohibits the arbitral / discretion.
- e. That the impugned order whimsically and arbitrary, which is apparent from the impugned order on the basis that there is serious contradiction in enquiry proceedings provided that the appellant was suppose to make witness against the wrong doer but in vain.
- f. That the impugned order is not based on sound reasons and same is not sustainable in the eyes of law. The same is based on wrong assumption of facts.
- g. That the departmental enquiry was not conducted according to the rules.
- h. That the impugned order js outcome of surmises and conjecture.

Pray:

In the view of above circumstances it is humbly prayed that the impugned order of mentioned above may graciously be set aside for the end of justice and restored the pay with all back benefits .

Date: 27/9/2024

S. Ahmed
(Appellant)

Sohail Ahmed
(LHC-1271) Police Lines Kohat

Syed Mudasir Pitzada
Advocate HC

Certificate:-

Certified that no such like appeal has earlier been filed in this Hon able Service tribunal as per instruction of my client .

List of Books

- 1:- Constitution of Pakistan 1973
- 2:- Police Rules
- 3:- Case Law according to need.

Syed Mudasir Pitzada
Advocate HC

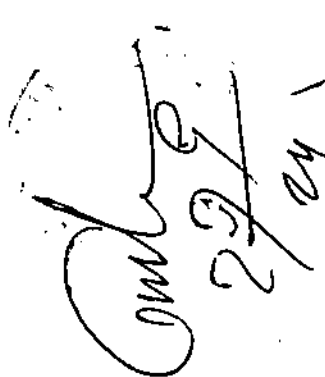
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BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal _____ 2024

AFFIDAVIT

I, Syed Mudasir Pirzada Advocate, as per instruction of my client do here by solemnly affirm and declare that all the contents of accompanying service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable Tribunal


Advocate
Syed Mudasir Pirzada
Advocate HC

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BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal : _____ 2024

Sohail Ahmed LHC-1271 Police Line Kohat

(Appellant)

VERSUS

1. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
2. DISTRICT POLICE OFFICER KOHAT

(Respondent)

ADDRESS OF THE PARTIES

APPELLANT :-

Sohail Ahmed LHC-1271 Police Line Kohat

RESPONDENTS

1. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
2. DISTRICT POLICE OFFICER KOHAT

S. Ahmed

Appellant

Through

Syed Mudassir Pirzada

Syed Mudassir Pirzada
Advocate HC
0345-9645854

Date 27/9/2024



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OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Tel: 0922-920116 Fax 920125

ORDER

This order is passed on the departmental enquiry against LHC Sohail No 1271 under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that as per preliminary enquiry conducted by SDPO Lachi, Kohat against LHC Sohail No. 1271 for the allegations that he has issued Driving License No. 108000083234 in shortest time to a person, who is out of country, besides misplace the record of 1157 Driving Licenses and issue 79 driving license without the signature of MLA which is professional gross misconduct on his part and using bad name to the entire police department in the eyes of General public.

He was served with charge sheet and statement of allegations. SP Investigation Kohat was appointed as enquiry officer to proceed against him departmentally. The enquiry officer submit finding report and found him guilty of the charges and recommended for major punishment

He was issued Final Show Cause Notice, reply of Final Show cause Notice received and found un-satisfactory. Hence, the defaulter official was called in OR on 22.05.2024, heard in person, but he failed to advance any plausible explanation in his defense.

In view of above and available record, I agree with the findings of enquiry officer, therefore, in exercise of the powers conferred upon me, under the rules ibid I Muhammad Omer Khan, District Police Officer, Kohat is hereby impose a major punishment of reduction in pay by three stages in the same time scale for the period of three years with immediate effect.


DISTRICT POLICE OFFICER,
KOHAT

OB No. 513
Date 24-5-2024
No. 3815-16 IPA dated Kohat the 24-5-2024.

Copy of above to the:-

1. Reader/SRC/OHC/ Pay officer for necessary action.


ATTESTED

7



4962/63/PA

Office of the
District Police Officer,
Kohat

Dated 25/8/2023

CHARGE SHEET

1. **MR. FARHAN KHAN PSP, DISTRICT POLICE OFFICER, KOHAT**, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you **LHC Sohail No. 1271** rendered yourself liable to be proceeded against, as you have omitted the following act, omissions within the meaning of Rule 3 of the Police Rules 1975:

1. *As per preliminary enquiry conducted by SDPO Lacht, Kohat against you LHC Sohail No. 1271 for the allegations that you have issued Driving License No. 108000083234 in shortest time to a person, who is out of country, besides misplace the record of 1157 Driving Licenses and issue 79 driving license without the signature of MLA which is professional gross misconduct on your part and bring bad name to the entire police department in the eyes of General public.*

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules and have rendered yourself liable to all or any of the penalties specified in the Rule-4 of the Rules ibid.

3. You are, therefore, required to submit your written statement within 07 days of the receipt of this Charge Sheet to the enquiry officer.

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

A statement of allegation is enclosed.

PA

Farhan Khan
Superintendent of Police
Investigation Kohat
25/8/2023

DISTRICT POLICE OFFICER
KOHAT

ATTESTED

(8)

**Office of the
District Police Officer,
Kohat**

No.4962-63/PA

Dated 25-8-2023

CHARGE SHEET

I, **MR. FARHAN KHAN, PSP, DISTRICT POLICE OFFICER, KOHAT**, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you **LHC Sohail No. 1271** rendered yourself liable to be proceeded against as you have omitted the following acts/omissions within the meaning of Rule-3 of the Police Rules 1975.

1. *As per preliminary enquiry conducted by SDPO Lachi, Kohat against you LHC Sohail No. 1271 for the allegations that you have issued Driving License No. 108000083234 I shortest time to a person, who is out of country, besides misplace the record of 1157 Driving Licenses and issue 79 driving license without the signature of MLA which is professional gross misconduct on your part and bring bad name to the entire police department in the eyes of General public.*

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.

3. You are, therefore, required to submit your written statement within 07 days of the receipt of this Charge Sheet to the enquiry officer.

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

4. A statement of allegation is enclosed.

ATTESTED

Sd/-
**DISTRICT POLICE OFFICER
KOHAT**

DISTRICT POLICE OFFICER, KOHAT

Handwritten signature

The copy of the finding of inquiry officer is enclosed.

As a result thereof, I, as competent authority, have tentatively decided to impose upon you major penalty provided under the Rules 1975. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you also intimate whether you desire to be heard in person.

As per preliminary enquiry conducted by SDPO Lachl, Kohat against LHC Sohail No. 1271 for the allegations that you have issued Driving License No. 10800083234 in shortest time to a person, who is out of country, besides misplace the record of 157 Driving Licenses and issue 79 driving license without the signature of MIA which is professional gross misconduct on your part and bring bad name to the entire police department in the eyes of General public.

I am satisfied that you have committed the following acts/omissions, specified in section 3 of the said ordinance: papers including your defense before the inquiry officer (in going, through the finding and recommendations of the inquiry officer, the material on record and other connected

That case report upon the completion of inquiry - return to you by the inquiry officer for which you were given opportunity of hearing vide office No. 4912-G3/PA dated 25.08.2023.

Mr. Farhan Khan SSP, District Police Officer, Kohat as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975, (amended 2014) is hereby serve you LHC Sohail No. 1271 as follows

FINAL SHOW CAUSE NOTICE

No. 1775
Date: 22/08/2023
SP, District Kohat

DISTRICT POLICE OFFICER, KOHAT



(10)

**OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT**

Tel: 0922-920116 Fax 920125
No.1675/PA dated Kohat the 06/3/2024

FINAL SHOW CAUSE NOTICE

1. I, **Mr. Farhan Khan, PSP, District Police Officer, Kohat**, as competent authority, under Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014) is hereby serve you **LHC Sohail No. 1271** as follows:-

- i. That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide office No. 4962-63 /PA dated 25.08.2023.
- ii. On going, through the finding and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the inquiry officer.

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

As per preliminary enquiry conducted by SDPO Lachi, Kohat against you LHC Sohail No. 1271 for the allegations that you have issued Driving License No. 108000083234 in shortest time to a person, who is out of country, besides misplace the record of 1157 Driving Licenses and issue 79 driving license without the signature of MLA which is professional gross misconduct on your part and bring bad name to the entire police department in the eyes of General public.

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 show cause as to why the aforesaid penalty should not be imposed upon you also intimate whether you desire to 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 ex-parte action shall be taken against you.

5. The copy of the finding of inquiry officer is enclosed.

ATTESTED

Sd/-
**DISTRICT POLICE OFFICER,
KOHAT**

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بخدمت جناب ڈسٹرکٹ پولیس آفیسر کوہاٹ

بحوالہ چارج شیٹ مجاریہ منجانب DPO صاحب کوہاٹ نمبری PA-63-4962 مورخہ 25.08.2023

موصولہ 28.08.2023 کی بابت معروض خدمت ہوں۔

جناب عالی!

- 1- برطانیہ مجاریہ چارج شیٹ جو الزامات من سائل ادنا المکار کینٹاف تحریر کیے گئے ہیں۔ سر اسر غلط ہے بنیاد اور محتاج ثبوت ہیں۔
 - 2- یہ کہ برطانیہ حکم نامہ بابت تعیناتی من المکار کو لائسنس برانچ میں صرف اور صرف کارڈ پرنٹنگ کا کام ذمہ دیا گیا تھا۔ اور دیگر لائسنس کی انٹریاں، بائیو میٹرک اور دیگر دستاویزات برائے اجراء ذرا نیوٹک لائسنس من المکار کے فرائض منصبی میں شامل ہی نہیں تھا۔ اور من المکار کا تمام انٹری بابت ریکارڈ جو کہ دیگر سٹاف کا کام تھا۔ جس سے من المکار کا کوئی واسطہ نہ تھا اور نا ہی تعلق رکھتا تھا۔ اور تمام تر اندراجات کے بعد من المکار کا کام صرف اور صرف کارڈ پرنٹنگ تھا۔ دیگر الزامات سے بالکل لاعلم ہوں۔ البتہ جن المکاران نے انٹریاں کی ہیں ان ہی سے اصل حقائق کی تصدیق ہو سکتی ہے۔ جس سے من المکار کا کوئی واسطہ نہیں ہے۔
- نقل حکم نامہ منجانب DPO صاحب کوہاٹ بابت پرنٹنگ ڈیسک لف ہے۔
- لہذا استدعا ہے کہ حسب ضابطہ مجاریہ چارج شیٹ کو مذید کسی حکامہ کاروائی کے بغیر داخل دفتر کر کے فائل کرنے کا حکم در دفتر جاری جائے۔ اور من المکار کو ذالی شنوائی کیلئے موقع فراہم کیا جائے تاکہ اصل حقائق جناب والہ کے روبرو پیش کر سکوں۔

تحریر: 30.08.2023

ATTESTED

سہیل احمد LHC/1271



No. 4962-63 PA

13

Office of the
District Police Officer,
Kohat

Dated 25-8-2023

DISCIPLINARY ACTION

1. **MR. FARHAN KHAN PSP, DISTRICT POLICE OFFICER, KOHAT** as competent authority am of the opinion that you **LHC Sohail No. 1271** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions:

STATEMENT OF ALLEGATIONS

1. As per preliminary enquiry conducted by SDPO Lachi, Kohat against you LHC Sohail No. 1271 for the allegations that you have issued Driving License No. 108000083234 in shortest time to a person, who is out of country, besides misplace the record of 1157 Driving Licenses and issue 79 driving license without the signature of MLA which is professional gross misconduct on your part and bring bad name to the entire police department in the eyes of General public.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations SP/Inv: 151 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,
KOHAT**

No. 4962-63 PA, dated 25-8-2023

Copy of above to -

1. SP/Inv: 151 :- 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.

ATTESTED

14

BEFORE DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT,
Through Proper Channel

SUBJECT: APPEAL AGAINST THE IMPUGNED ORDER DATED 24-05-24
VIDE OB NO.513 IN WHICH THE APPELLANT HAS BEEN AWARDED
PUNISHMENT OF REDUCTION IN PAY BY THREE STAGES IN THE
SAME TIME SCALE FOR THE PERIOD OF THREE YEARS WITH
IMMEDIATE EFFECT.

Respectfully Sheweth,

With great veneration the instant review appeal is preferred by the appellant on the following grounds:-

Facts:

Briefly facts as per Impugned order are that as per preliminary enquiry conducted by SDPO Lachi Kohat against the appellant for the allegation that he has issued Driving License No 108000083234 in shortest time to a person, who is out of country besides misplace the record of 1157 Driving Licenses and issue 79 driving license without the signature of MLA which is professional gross misconduct on his part and bring bad name to the entire police department in the eyes of General public. (Copy of impugned order is annexed as annexure A)

That the appellant duly submitted the reply of charge sheet and final show cause notice but the same was not perused and directly issued the Impugned order (Copy of Charge Sheet and FCN along with reply is annexed as annexure B)

That according to perwana dated 02-07-2021 which is self explanatory which reveals that the duty of appellant is just to print the license card of candidate nor to issue neither having any authority to obtain or any document in respect of license processing but this factum has been ignored.

That the appellant since his deployment in concern branch no single complaint has ever been preferred against the appellant till to date but upon the complaint in which the name of the appellant has not been mentioned nor any role attributed to the appellant and during enquiry the relevant person in respect of issuing the license has not been examine by the enquiry officer which show the deliberately Indulge the appellant in to enquiry which is against to the rules and regulation.

That there is no single evidence available on record which speaks that appellant had committed any misconduct or earned a bad name to entire police department.

ATTESTED

(15)

ORDER.

This order will dispose of the departmental appeal preferred by Constable Sohail Ahmed No.1271 of district Kohat against the order of District Police Officer, Kohat whereby he was awarded major punishment of reduction in pay by three stages in the same time scale for the period of three years vide OB No. 513, dated 24.05.2024.

Brief facts of the case are that as per preliminary enquiry conducted by Sub Divisional Police Officer, Lachi Kohat, the appellant had issued driving license No.108000083224 in a shortest time to a person, who was out of country. Besides, he had misplace the record of 1157 driving licenses and had issued 79 driving licenses without the signature of MLA, which is professional gross misconduct on his part and had brought a bad name for the entire Police department in eyes of general public.

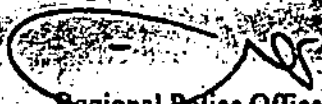
Proper departmental enquiry proceedings were initiated against him and Superintendent of Police Investigation, Kohat was appointed as Enquiry Officer. The Enquiry Officer, after fulfillment of codal formalities, submitted his findings wherein the appellant was found guilty of the charges leveled against him. He was, therefore, recommended for major punishment under the relevant rules.

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 reduction in pay by three stages in the same time scale for the period of three years vide OB No. 513, dated 24.05.2024.

Feeling aggrieved 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. 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 the considered opinion that the charges leveled against him have been fully established. The punishment of reduction in pay by three stages in the same time scale for the period of three years awarded by the District Police Officer, Kohat is justified and, therefore, warrants no interference. Hence, appeal of Constable Sohail Ahmed No.1271 is hereby rejected, being devoid of substance and merit.

Order Announced
20.08.2024


Regional Police Officer,
Kohat Region

No. 6993 /EC, Dated Kohat the 29/8 /2024
Copy forwarded to District Police Officer, Kohat for information and necessary
wrt to his office Memo: No- 4340/1.11, dated 08.07.2024. Service Record and Fuji Missal are
returned herewith.

ATTESTED

ATTESTED

- (16)
1. That again an unjust has been done with the appellant by not giving ample opportunity of cross examination as well as not heard in person nor properly enquired the allegation. Just on the basis of false allegation the appellant was awarded major punishment and held guilty the appellant without following the prescribed rules relating to enquiry proceedings as per Police Rules 1975 (amended 2014).
 2. That there is nothing on record which connects the appellant with the allegation.
 3. That nothing has been proved beyond any shadow of doubt that the appellant has committed any misconduct or tarnished the image of Police department.
 4. That there are numerous good entries in the service record of the appellant which could be verified but this fact has not been taken in consideration while awarding the major punishment which is against to the canon of justice.
 5. That the appellant was neither provided an opportunity to cross examine the witnesses nor to produce defense evidence and the enquiry proceedings accordingly defective.
 6. That the appellant dragged unnecessarily into litigation which is clearly mentioned in 2008 SCMR 725.
 7. That while awarding the impugned major punishment the relevant testimonial were not provided to the appellant and in this regard time and again repeated request were made by the appellant but in vain which is very much necessary as per 1991 PLC CS 706 & PLC 1991 584.

Grounds:

- a. That during enquiry none from the general public was examined in support of the charges leveled against the appellant. No allegation mentioned above are practiced by the appellant nor proved against any cogent reason against the appellant despite of repeated requests tender by the appellant to call the concern witnesses for probing the facts but the said was not considered by enquiry officer of the committee.
- b. That the appellant was neither intimated nor informed by any source of medium regarding enquiry proceedings for any disciplinary action which shows bias on the part of quarter concern.
- c. That the appellant is honest and dedicated one and leave no stone unturned to discharge his duties.

ATTESTED

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- d. That as per universal declaration of human rights 1948 prohibits the arbitral discretion.
- e. That the impugned order whimsically and arbitrary, which is apparent from the impugned order on the basis that there is serious contradiction in enquiry proceedings provided that the appellant was suppose to make witness against the wrong doer but in vain.
- f. That the impugned order is not based on sound reasons and same is not sustainable in the eyes of law. The same is based on wrong assumption of facts.
- g. That the departmental enquiry was not conducted according to the rules.
- h. That the impugned order is outcome of surmises and conjecture.

Pray:

In the view of above circumstances It is humbly prayed that the impugned order of mentioned above may graciously be set aside for the end of justice.

Date: 19/06/2024

(Appellant)



Sohail Ahmed

(LHC-1271) Police Lines Kohat

ATTESTED

