


FORM OF ORDER SHEET

Court of _____

Appeal No. 1866 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/10/2024	<p>The appeal of Malik Muhammad Naveed received today by registered post. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on 22.10.2024. Appellant has been informed telephonically.</p> <p style="text-align: right;">By order of the Chairman  REGISTRAR</p>

بخدمت جناب چیئرمین صاحب سروس ٹریبونل خیبر پختونخواہ پشاور

عنوان: درخواست برائے حکم صادر فرمائے جانے برائے اپیل دائری من سائل

جناب عالی!

یہ کہ من سائل نے اپیل نمبر 595/INST/2024/KPST مورخہ: 15-08-2024 کو سروس ٹریبونل میں دائر کی جس اپیل کو اعتراضی واپس قیصرر حیم ایڈووکیٹ ہائی کورٹ ڈیرہ کو بھیجا گیا۔ تمام اعتراضات کو ختم کر کے من سائل نے اپیل واپس سروس ٹریبونل جمع کروائی۔ جس اپیل کو دوبارہ 1st بیج جس پر سروس ٹریبونل کا مہر ثبت تھا Page Missing ہونے کی وجہ سے واپس اعتراض لگا کر بھجوا یا گیا ہے۔

یہ کہ من سائل نے بے انتہا اس بیج کو تلاش کرنے کی کوشش کی جو کہ وہ صفحہ وکیل صاحب کے دفتر میں سابقہ اعتراضات مکمل کرنے کے دوران پس و پیش ہو گیا ہے۔ کافی پتہ براری و تلاش کی گئی لیکن صفحہ نہ مل سکا۔

یہ کہ من سائل کی اپیل ٹائم بانڈ ہونے کا خطرہ ہے جس وجہ سے من سائل کی اپیل دائری کرنا اشد ضروری ہے۔

لہذا بذریعہ درخواست استدعا ہے من سائل کی اپیل کو جمع کرنے کی احکامات صادر فرمائے جائیں۔

آپ کی عین نوازش ہوگی

مورخہ: 19-09-2024

العارض


محمد نوید ولد عبد الحمید سکنہ عید گاہ کلاں ڈیرہ اسماعیل خان


موبائل نمبر: 0348-8856051

The present appeal was received in 15-08-2024 and was returned to the counsel for the appellant on same day for completion and resubmission within 15 days. Today i.e 26-08-2024 he resubmitted the same without removing the object no. 3, 4, 5, 6 & 7.

Furthermore, the learned counsel removed the first page of appeal bearing the diary/institution stamp of this Tribunal and also removed the objection slip.

Report submitted for perusal please.

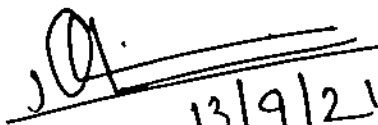

Assistant
Institution Section
26/8/24

Objections sustained. Be return
for removing the objections and
production of first page of appeal
with in ten days. 
29/8/24.

No: 649

Dated: 02/09/2024

Honable Sis/Chairman Tribunal
All objections removed and application/appeal
regarding first page is submitted.
Sis please instant appeal may kindly
be accepted for hearing.
Submitted for order please.


13/9/24
Qaiser-Rahim
Advocate High Court.

The appeal of Malik Muhammad Naveed received today i.e. on 15.08.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

✓ According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent nos. 3 & 4 are un-necessary/improper parties, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondent.

✓ Check list is not attached with the appeal.

3. Appeal has not been flagged/marked with annexures marks.

4. Annexures of the appeal are unattested.

5. Address of appellant is incomplete be completed according to rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974.

6. Copy of impugned order dated 17.05.2023 mentioned in the memo of appeal is not attached with the appeal be placed on it.

7. Annexures-B, C & E of the appeal are illegible be replaced by legible/better one.

✓ Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent be submitted with the appeal.

No. 595 /Inst./2024/KPST.

Dt. 15/8 /2024.


OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR

Mr. Qaiser Rahim Adv.
High Court D.I.Khan

BEFORE THE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. ¹⁸⁶⁶ of 2024

Malik Muhammad Naveed Appellant

Versus

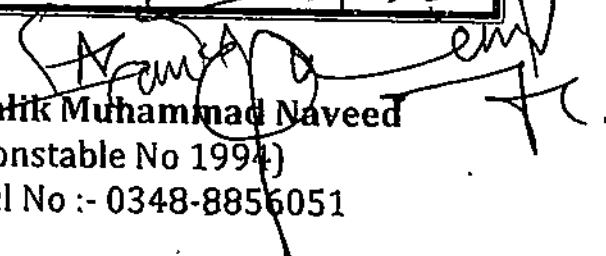
Inspector General of Police Khyber Pakhtunkhwa Peshawar
and Others

Respondents

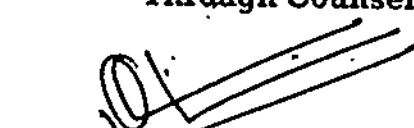
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S #	Particulars	Annexure	Pages
1.	Copy of Service Appeal	—	1 — 9
2.	Memo of addresses of the parties	—	10
3.	Affidavit & Certificate	—	11
3.	Copy of Suspension Letter, Charge Sheet and Statement of Allegations	<u>A & B & C</u>	12 - 14
4.	Copy of Written Defense/reply Dated 08 th December 2023	<u>D</u>	15
5.	Copy of the Order Dated 26.03-24	<u>E</u>	16
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Dated:- .08.2024


Malik Muhammad Naveed
(Constable No 1994)
Cell No :- 0348-8856051

Through Counsel


Qaiser Rahim
Advocate High Court
Dera Ismail Khan &


Sareer M-Ehsan
Advocate High Court
Dera Ismail Khan

①

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 1866 /2024

Malik Muhammad Naveed (Constable No. 1994)
Son of Abdul Hammed Khan. Address: - Eid Gah Kalan In
front of Hafiz Khair Muhammad Grave Yard, Dera Ismail
Khan.
Cell No: - 0348-8856051

Appellant

VERSUS

1. Inspector General of police Khyber Pakhtunkhwa,
Peshawar.
2. Regional Police Officer, Dera Ismail Khan.

Respondent

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AIMED
AGAINST THE IMPUGNED IMPOSITION OF MINOR
PENALTY OF STOPPAGE OF INCREMENT FOR A
PERIOD OF 02 YEARS WITH CUMULATIVE EFFECT
VIDE ORDER BEARING ENDST: NO. 2003/ES, DATED:
26/03/2024 ISSUED BY REGIONAL POLICE OFFICER
DERA ISMAIL KHAN.**

PRAYER IN SERVICE APPEAL

2

- a) On acceptance of instant service appeal, this Tribunal may be pleased to direct the respondents to set aside the impugned Order Dated 26/3/2024 against the appellant and to allow all consequential benefits to the appellant after setting aside the impugned Order of RPO Dera Ismail Khan.
- b) To grant any other relief *ex debito justitiae* due to the Appellant may please be extended in his favour as against the Respondents.

Note:- Addresses given above shall suffice the object of service

Respectfully Sheweth,

Respectfully Sheweth,

The Appellant humbly submits as under:-

1. That the Appellant is a regular employee of KP Police Department/Force and working as Constable in the Dera Ismail Khan Range.
2. That the appellant has at his credit an unblemished service record of almost 05 years. During this entire long service career, the appellant performed his duties with zeal and zest and never gave any occasion of complaint to his Worthy high ups.
3. That as stated earlier the appellant served in the esteemed Range of Dera Ismail Khan Police Khyber Pakhtunkhwa with an unblemished and spotless career and there is no adverse

entry/proceedings during this long period in his service record.

4. That Vide Letter No 9445/ES Dated 29/11/2023 from Regional Police Officer Dera Ismail Khan, the undersigned was place under Suspension and received a Charge Sheet along with Statement of Allegations issued by the Regional Police Officer Dera Ismail Khan as an Authority. Copy of Suspension Letter, Charge Sheet and Statement of Allegations are enclosed as Annexure-A,B & C.
5. That in the said Charge Sheet the undersigned has been accused of "During the posting having nexus with criminal/drug dealers and well known experts in earning money".
6. That vide the above said Charge Sheet the Regional Police Officer Dera Ismail Khan as an "Authority" appointed Mr Farmanullah District Police Officer SW Lower as an inquiry Officer and the appellant/was directed to submit my written defense to the above named inquiry Officer within 07 days of Charge Sheet.
7. That the appellant as directed replied in detail to the show cause notice and statement of allegations to inquiry Officer vide Written defense Dated 08th December 2023 and confirmed that undersigned has done nothing wrong while performing my duties since appointment. Copy of Written Defense/reply Dated 08th December 2023 is enclosed as Annexure-"D".
8. That in the reply of the appellant requested to be exonerated from the frivolous charge, before the "Authority" embarks upon any action which may damage my long standing service of 05 years.

- (4)
9. That the appellant was directed to personally appear before Regional Police Officer Dera Ismail Khan as an "Authority" on 25/3/2024 in his Office which was duly complied with.
10. That later on, vide Order bearing Endst:No.2003/ES :Dated.26/3/2024 issued by Regional Police Officer Dera Ismail Khan as an "Authority", minor penalty of stoppage of increment for a Period of 02 years with cumulative effect was imposed upon the appellant . Copy of the Order Dated 17.05.2023 is enclosed as Annexure "E".
11. That the appellant has at his credit an unblemished service record. During this entire long service career, the appellant performed his duties with zeal and zest and never gave any occasion of complaint to his Worthy high ups.
12. That as stated earlier the appellant served the esteemed Office with an unblemished and spotless career and there is no adverse entry during this long period in his service record.
13. That the appellant requested several time verbally and at last, the appellant assailed/question the same by filing departmental appeal vide appeal Dated 17.04.2024, however, the same has not been responded. Copy of the Departmental Appeal Dated 17.04.2024 is enclosed as Annexure F.
14. That now the appellant wants to assail/question the act of the Respondents by filing instant departmental appeal on the following grounds: -

G R O U N D S

- a. That impugned Order bearing Endst:No.2003/ES :Dated.26/3/2024 issued by Regional Police Officer Dera Ismail Khan as an "Authority", imposing minor penalty of stoppage of increment for a Period of 02 years with


(5)

cumulative effect upon the appellant is against law, facts of the case and material available on the record, hence, not tenable in the eyes of law. Thus, the same needs to be set aside on this score alone.

- b. **That** the impugned Order Dated 26-3-2024 clearly shows that due to flimsy accusations and in a hurriedly manner, the unblemished and spotless career of appellant at its peak was damaged without any solid grounds.
- c. **That** in the charge sheet, statement of allegations and in the impugned Order Dated 26-3-2024 imposing Minor penalty upon the appellant, the posting Period for which the appellant was charge sheeted was not mentioned.
- d. **That** impugned disciplinary action against the Appellant is inherently flawed right from its inception to finalization in the shape of passing the impugned Order Dated 26-3-2024 because the Appellant has mainly been held liable for nexus with criminals /drug dealers however no details were mentioned and neither the appellant was confronted with any such instances/cases rather illegally punished for vague statement. Therefore, the impugned action is liable to be quashed and the minor penalty imposed upon the Appellant needs to be removed.
- e. **That** the Inquiry Officer has not made any efforts nor adopted proper procedure to know that under which tenure and where there were any nexus of the appellant with the criminals/drug dealers and where and in which case the appellant earned any illegal money and from whom? There is no Complainant against the appellant and similarly the appellant has never been posted to any position since appointment in which such illegal activities the appellant can adopt. The inquiry Officer instead of adopting proper procedure to procure any evidence has recommended the above mentioned minor penalty

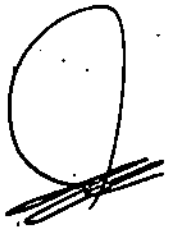
6

without any proof and evidence and therefore, the impugned disciplinary action in the shape of passing Order for imposing minor penalty on the Appellant is void ab-initio and needs to be set aside.

- f. **That** the very initiation of disciplinary proceedings in the shape of issuing the show cause notice and statement of allegation to the Appellant directly shows that the matter was hurriedly disposed of without reaching the ends of Justice and passing of impugned Order in terms of Khyber Pakhtunkhwa Police Rules 1975 with amendments of 2014 is patently illegal, against the settled principles of law suggesting pre-determined penalties to the Appellant thus, having no legal sanctity and liable to be set aside.
- g. **That** the appellant has never been directed to associate with any inquiry by the Inquiry Officer rather the inquiry Officer has unilaterally moved without associating the appellant with the inquiry. 
- h. **That** after insertion of Article-10(A) through 19th Amendment of the Constitution of Islamic Republic of Pakistan, 1973, it was inalienable fundamental rights of the undersigned to be dealt with in accordance with law and due process along with fair treatment be given to the Appellant.
- i. **That**, the inquiry shown as base against imposing minor penalty upon the appellant was based on heresay allegations with no proof and no Complainant. This clearly depicts that the minor Penalty was imposed upon the appellant without any reason.
- j. **That** in spite of this fact as mentioned unfortunately the appellant was awarded minor punishment negating all the

facts and record of the fact finding inquiry conducted without any proof and Complainant.

- k. That the authority instead of exoneration from the charge has imposed minor penalty and thus has vexed the appellant long unblemished career without any proof and evidence, for the conduct the appellant which he has never committed.
- l. That the non-mentioning of the place of posting, no instance of any case, no mention of any complainant against the appellant clearly depicts that the appellant is innocent and has nothing to do with any such frivolous charge.
- m. That, in the said fact finding report and AGIT report no recommendations of imposing any kind of major or minor penalty against appellant has been made to the "Authority" by the concerned Officers but the inquiry Officer in his instant inquiry report has proposed a major penalty upon the appellant only negating the record and fact finding report before him and not touching the conduct of other DAOs in whom tenures these irregular payments were made.
- n. That, in the said fact finding report it is very much clear that no where the appellant has been held liable for any corruption nor held beneficiary for any illegal money from criminals and drugdealers.
- o. That, the appellant is earning his halal Salary and living on that Salary and has also availed Bank loan from the Bank to meet his livelihood for his family.
- p. That after insertion of Article-10(A) through 19th Amendment of the Constitution of Islamic Republic of Pakistan, 1973, it was inalienable fundamental rights of the undersigned to be dealt with in accordance with law and due process along with fair trial/inquiry be given to the Appellant.



q. That the Appellant rendered almost 05 years of service with unblemished service record and it is great injustice to damage the services of the Appellant in such like summary and cursory manner. The impugned action amounts to convict a person without evidence and trial which is against the spirit of fundamental rights guaranteed in Chapter-1 by the Constitution of Islamic Republic of Pakistan, thus the impugned action needs to be reversed with all back benefits.

r. That the instant departmental appeal is being preferred within statutory period after knowledge of the impugned Order as envisaged under the law, thus needs acceptance having sound and legal footings.

s. Counsel for Appellant may please be allowed to urge additional grounds at the time of final hearing.

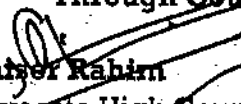
It is, therefore, most humbly prayed that on acceptance of instant departmental appeal, the impugned minor penalty of stoppage of increment for a Period of 02 years with cumulative effect upon the appellant vide Order bearing Endst:No.2003/ES :Dated.26/3/2024 may please be struck down/set aside with all back benefits.

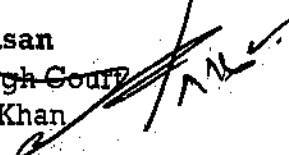
Dated:- ____ .08.2024


Malik Muhammad Naveed

(Constable No 1994)
Cell No :- 0348-8856051

Through Counsel


Qaiser Rabim
Advocate High Court
Dera Ismail Khan &


Saree-ul-Ehsan
Advocate High Court
Dera Ismail Khan

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. of 2024

Malik Muhammad Naveed **Appellant**

Versus

**Inspector General of Police Khyber Pakhtunkhwa Peshawar
and Others**

Respondents

AFFIDAVIT

I, Malik Muhammad Naveed (Constable No 1994) Son of Abdul Hameed

Khan the Appellant, do hereby solemnly affirm and declare on Oath:-

- 1. That accompanying service appeal has been drafted by my Counsel following my instructions
- 2. That all Para wise contents of the service appeal are true and correct to the best of my knowledge, belief and information;
- 3. That nothing has been deliberately concealed from this August Tribunal nor anything contained therein is based on exaggeration or distortion of facts.

Dated:- ____ .06.2023

(Handwritten signature)
Deponent

10

BEFORE THE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. of 2024

Malik Muhammad Naveed **Appellant**

Versus

**Inspector General of Police Khyber Pakhtunkhwa Peshawar
and Others**

Respondents

SERVICE APPEAL

MEMO OF ADDRESSES OF THE PARTIES

APPELLANT

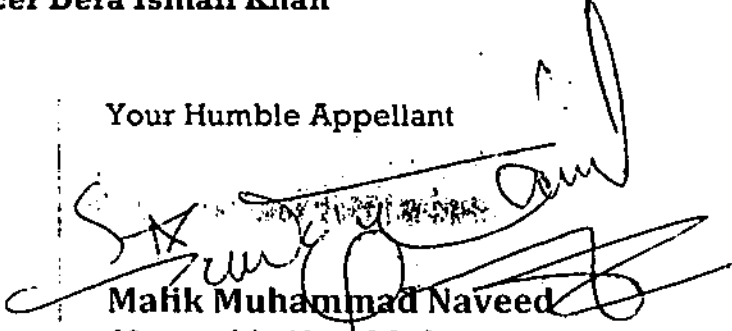
Malik Muhammad Naveed (Constable No 1994)
Son of Abdul Hameed Khan Address:- Eid Gah Kalan In front of Hafiz
Khair Muhammad Grave Yard Dera Ismail Khan
Cell No :- 0348-8856051

RESPONDENTS

- 1. Inspector General of Police Khyber Pakhtunkhwa
Peshawar**
- 2. Regional Police Officer Dera Ismail Khan**

Your Humble Appellant

Dated:- 15.08.2024


Malik Muhammad Naveed
(Constable No 1994)
Cell No :- 0348-8856051

(11)

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

Service Appeal No. of 2024

Malik Muhammad Naveed Appellant

Versus

**Inspector General of Police Khyber Pakhtunkhwa Peshawar
and Others**

Respondents

SERVICE APPEAL

CERTIFICATE

Certified that this is first ever service appeal involving the instant subject matter and that the Petitioner has not filed any other petition or service appeal earlier in this tribunal regarding the above stated controversy.

Appellant

Note:-

Service Appeal with annexures along with Six sets thereof are being presented in Six separate enclosed covers.


Counsel for Appellant



OFFICE OF THE
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN REGION

(12)
Ann "A"

No. 9445 RES.

Dated

DI Khan the

29/11/2023

ORDER

Following Police officials of District Police D.I.Khan are hereby placed under suspension and closed to Police Lines D.I.Khan with immediate effect for the omission/commission w/s 03 of KP Police Rules 1975, Amended 2014.

- i. Head Constable Ashfaq Shah No. 756
- ii. Constable Juma Khan No. 1058/LHC
- iii. Constable John Haider No. 1058/LHC
- iv. Constable Riaz Anjam No. 1779
- v. Constable Farman Kundi No. 635
- vi. Constable Malik Naveed No. 1994

Charge sheets will be issued separately.

(Signature)
(NASIR MEHMOOD SATTI)PSP
Regional Police Officer,
Dera Ismail Khan.

1446-47
No. RES

Copy for information and necessary action to the:-

- 1. Deputy Inspector General of Police HQrs Khyber Pakhtunkhwa Peshawar.
- 2. District Police Officer, D.I.Khan.

EC/OB/OHL

For Muztoun

DPO/D.I.Khan

29/11

(Signature)
(NASIR MEHMOOD SATTI)PSP
Regional Police Officer,
Dera Ismail Khan.

29/11

(09)

(13)

Annexure B

CHARGE SHEET

I, Nasir Mahmood Satti, Regional Police Officer, Dera Ismail Khan, as competent authority, under rule 2 of the Police Rules, 1975 hereby charge you Constable Malik Naveed No.1994, during the posting your committed the following acts of commission and omission:


1. "During the posting, you were found to have nexus with criminal/drug dealers and well known experts in earning money".

2. In view of above, you (Constable Malik Naveed No.1994) has rendered yourself liable for strict departmental action under the relevant law/article which may entail imposition of one or more of the penalties including "dismissal from service" as envisaged in section 3 of the Police Rules, 1975.

3. In the exercise of powers conferred on me under section 3 of the Police Rules, 1975, I, Nasir Mahmood Satti, Regional Police Officer, Dera Ismail Khan Charge Constable Malik Naveed No.1994 of District Police D.I.Khan, with the charges stated at Para-No.1 (i) of this charge sheet.

4. In the exercise of powers conferred on me under section 6 (b) of Police Rules, 1975, I, Nasir Mahmood Satti, Regional Police Officer, Dera Ismail Khan, appoint Mr. Farman Ullah District Police Officer SY Lower as enquiry officer with the direction to conduct enquiry into the charges stated above. Para 1(i)

5. You are therefore called upon to submit your written defence to the enquiry officer within seven days of the receipt of this charge sheet failing which, it shall be presumed that you have nothing to offer in your defence or have declined to offer the same. In that eventually, further action will be taken as per law on this behalf.


(Nasir Mahmood Satti) PSP
Regional Police Officer,
Dera Ismail Khan

Ans B. (a)
Better copy

CHARGE SHEET

1. I, NasirMehmoodSatti, Regional Police officer, Dera Ismail Khan, as competent authority, under rule 3 of the police rules, 1975 hereby charge you Constable Malik Naveed No. 1994, during the posting your committed the following acts of commission and omission:

“During the posting you were found to have nexus with criminal/drug dealers and well known experts in earning money”
2. In review of above you (Constable Malik Naveed No. 1994) has rendered yourself liable for strict departmental action under the relevant law/rule which may entail imposition of one or more of the penalties mellowing “dismissal from service” as envisaged in section 3 of the police rules 1975.
3. In the exercise of powers conferred on me under section 6(i) of police rules, 1975 I: Nasir Muhammad Satti, Regional Police Officer, Dera Ismail Khan appoint Mr. Farman Ullah District Police officer SW Lower as enquiry officer with the direction of conduct enquiry into the charges stated above Para 1(i).
4. You are, therefore called upon to submit your written defense to the enquiry officer within seven day of the receipt of this charge sheet failing which, it shall be presumed that you have nothing to say in your defense or have declined to offer the same. In that eventually, further action will be taken against you as e-parte.

**(Nasir Mehmood Satti PSP)
Regional Police Officer
Dera Ismail Khan**

14

ANNEXURE-C

(10)

STATEMENT OF ALLEGATIONS

1. Nasir Mehmood Satti, Regional Police Officer, Dera Ismail Khan, as competent authority, under rule 3 of the Police Rules, 1975 hereby charge you Constable Malik Naveed No.1994 during the posting you committed the following acts of commission and omission:-


a. "During the posting, you were found to have nexus with criminal/drug dealers and well known experts in earning money".

2. In view of above, you (Constable Malik Naveed No.1994) has rendered yourself liable for strict departmental action under the relevant law/rule which may entail imposition of one or more of the penalties including "dismissal from service" as envisaged in section 4 of the Police Rules, 1975.

3. In the exercise of powers conferred on me under section 5 clauses (2 & 3) of the Police Rules, 1975, I, Nasir Mehmood Satti, Regional Police Officer, Dera Ismail Khan Charge Constable Malik Naveed No.1994, with the charges stated at Para-No.1(i) of this charge sheet.

4. In the exercise of powers conferred on me under section 6 (i) of Police Rules, 1975, I, Nasir Mehmood Satti, Regional Police Officer, Dera Ismail Khan, appoint Mr. Farman Ullah District Police Officer SW Lower as enquiry officer with the direction to conduct enquiry into the charges stated above Para 1(i).

5. You are therefore called upon to submit your written defence to the enquiry officer within seven days of the receipt of this charge sheet failing which, it shall be presumed that you have nothing to say in your defence or have declined to offer the same. In that eventuality, further action will be taken against you ex-parte.


(Nasir Mehmood Satti) PSP
Regional Police Officer,
Dera Ismail Khan

7-

Ant C'c
Better Co

STATEMENT OF ALLEGATIONS

1. I, Nasir Mehmood Satti, Regional Police officer, Dera Ismail Khan, as competent authority, under rule 3 of the police rules, 1975 hereby charge you Constable Malik Naveed No. 1994, during the posting your committed the following acts of commission and omission:

“During the posting you were found to have nexus with criminal/drug dealers and well known experts in earning money”
2. In review of above, you (Constable Malik Naveed No. 1994) has rendered yourself liable for strict departmental action under the relevant law/rule which may entail imposition of one or more of the penalties Including “dismissal from service” as envisaged in section 4 of the police rules 1975.
3. In the exercise of powers conferred on me under section 5 Clauses (2 & 3) of police rules, 1975 I: Nasir Muhammad Satti, Regional Police Officer, Dera Ismail Khan charge Constable Malik Naveed No. 1994 with the charges stated at Para No. 1(i) of this charge sheet.
4. in the exercise of powers conferred on me under section 6(i) of Police rules, 1975, I, Nasir Mehmood Satti, Regional Police Officer, Dera Ismail Khan appoint Mr. Farman Ullah District Police officer SW Lower as enquiry officer with the direction of conduct enquiry into the charges stated above Para 1(i).
5. You are, therefore called upon to submit your written defense to the enquiry officer within seven days of the receipt of this charge sheet failing which, it shall be presumed that you have nothing to say in your defense or have declined to offer the same. In that eventually, further action will be taken against you ex-parte.

**(Nasir Mehmood Satti PSP)
Regional Police Officer
Dera Ismail Khan**

11 15 Annexure D

Before the Inquiry Officer,

DPO, SWTD Lower
South Waziristan.

REPLY TO THE CHARGE SHEET AND STATEMENT OF ALLEGATIONS

For :- Malik Muhammad Naveed Constable No. 1994

I Malik Muhammad Naveed Constable No. 1994, (herein after the undersigned responding official) do hereby respectfully submits reply to the Charge sheet and statement of allegations furnished upon him with allegations mentioned therein, as under

1. That the undersigned responding constable having been accused for making relationships /nexus with drug dealers and criminals known experts in money earning is probably an accusation which may not fall in nexus of truth against the responding constable, as the responding constable is one of the personnel having very good repute with no such history, hence accusation leveled against the undersigned are not appreciable at all.
2. That the undersigned was an orphan and has got his job on merit and after getting trained the undersigned official performed his duties in investigation side at Defta Ismail Khan station, while during such period as mentioned below, the undersigned responding official has been awarded with certificates, cash prizes and Safarhi Naqsha alongwith shoulder promotion, which are annexed to the reply for ready reference.

Period of duty as mentioned against department and station are here under,

S.No	Designation	Period from	To	P/Station	Unit/Dept
1	Constable	11/11/22	29/01/23	Cantt Dikhan	Investigation
2	Constable	30/01/23	14/06/23	Sp Inv Rec/Branch	Investigation
3	Constable	15/06/23	03/07/23	Cantt Dikhan	INV
4	Constable	04/07/23	15/08/23	Saddar Dikhan	INV
5	Constable	15/08/23	02/12/23	CTD Dikhan	CTD
6	Constable	02/12/23	Till Now	Police Line	Operations

3. That from the perusal of the above period it is crystal clear that the undersigned responding official has never been in the operation staff who may have nexus with the drug dealers, but the undersigned being a well of gentleman can never think about such a cheap conduct by a official of the force.
4. That in this regard any spy information against the responding official is based on malafide as the undersigned official may be a victim of the departmental politics due to his appreciative background and credit history.

5. Moreover sir, the undersigned official is leaving his life in hand to mouth position and has availed a bank loan of PKR 6.000(M) for construction and re habilitation of his old house wherein he is residing with his sole old mother, and having very short necessities but a burden of his mother medication, the undersigned responding official is spending with his own resources, and if he had ever any nexus with the drug dealers or criminals, he shall not ever avail such a costly loan facility from the bank.
6. As the undersigned employee had a very good career history, hence CTD has specifically requisitioned for his services, and In vice versa if his credit history had any stigma, he may not had been requisitioned to such sensitive duties. Copies of the bank loan and requisitioning order by CTD, Dikhan are amnnexed to the reply.
7. That the complaint is anonymous without having any material or circumstantial proof, and is being always used as a tool against the persons who considers their duties as worship. Hence are Ignorable in nature.

In view of the submissions made above, it is humbly prayed that by accepting reply of the responding official in hand, the under signed responding official may graciously be exonerated from the charges leveled against him.

December 08, 2023

Malk Muhammad Naveed

Constable No. 1994

Police Line, Dikhan

سپر انٹرنٹ افسر

(10)

ANNEXURE C

OFFICE OF THE

REGIONAL POLICE OFFICER

DERA ISMAIL KHAN
REGION

27/03/24



0966-9280201 Fax: 0280209

No 2003

ORDER

Date: 19/03/2024

26/03/24

This order disposes off departmental proceedings conducted against Consistable Moina Magsid No. 1994 on the following allegations:

During the posting, you were found to have nexus with criminalizing doctors and well known experts in writing names.

On account of above allegations, he was suspended and properly charge sheeted. DIKO SYI Lawyer was appointed as an enquiry officer to further probe the matter. The enquiry officer has submitted his findings report stating therein that the allegations levelled against him has been proved beyond any shadow of doubt and found guilty of wilful and prejudicial. He stands as a black sheep and a disreputable stain on the Honorable force of Shikohabad & Chowkot's and recommended for Major Punishment.

He was served with Final Show Cause Notice vide this office letter No 947/24 dated 02.02.2024, and also heard him in person on 26.03.2024. Another opportunity was given to him to ensure due process and natural justice. His written reply, enquiry conducted by inquiry officer as well as his verbal response is well heard and perused, considering the evidence of guilt available on the record against him. The verdict given is as under for long of the inquiry officer.

Keeping in view, I, Nasir Mahmood Sattar, PSP, Regional Police Officer, Dera Ismail Khan, in exercise of the powers conferred upon me under (By) Govt. Pakistan (No. 12345/19) with amendments 2014, is hereby awarded Minor Punishment "Stoppage of increment for a period of 02 years with cumulative effect" and "Removal" from the list of names from the date of suspension.

Order Announced.

(Signature)
NASIR MAHMOOD SATTAR
Regional Police Officer
Dera Ismail Khan

No 2004 of 24
Copy of above is sent for information and necessary action to the District Police Officer Dera Ismail Khan.

EC/OHC/PO/AB
For n/a action

(Signature)
Regional Police Officer
Dera Ismail Khan

585-1
58
28-3-24

(Signature)
Regional Police Officer

25 Mar 2024 3:01PM PST FROM: RPO Dera Ismail Khan

- 1) ~~Application~~
- 2) ~~Copy of above~~
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Amx f

To:

The Worthy Inspector General of Police
Khyber Pakhtunkhwa
Central Police Office
Peshawar

THROUGH PROPER CHANNEL

Subject:- DEPARTMENTAL APPEAL AIMED AGAINST THE
IMPUGNED IMPOSITION OF MINOR PENALTY OF STOPPAGE OF
INCREMENT FOR A PERIOD OF 02 YEARS WITH CUMULATIVE
EFFECT VIDE ORDER BEARING ENDST: NO.2003/ES :DATED
26/3/2024 ISSUED BY REGIONAL POLICE OFFICER DERA
ISMAIL KHAN

THROUGH REGISTERED A.D, TCS/BY HAND

Respectfully Sheweth,

The Appellant humbly submits as under:-

1. That Appellant is a regular employee of KP Police Department/Force and working as Constable in the Dera Ismail Khan Range.
2. That appellant has at his credit an unblemished service record of almost 05 years. During this entire long service career, the appellant performed his duties with zeal and zest and never gave any occasion of complaint to his Worthy high ups.
3. That as stated earlier the appellant served in the esteemed Range of Dera Ismail Khan Police Khyber Pakhtunkhwa with

an unblemished and spotless career and there is no adverse entry/proceedings during this long period in his service record.

4. That Vide Letter No 9445/ES Dated 29/11/2023 from Regional Police Officer Dera Ismail Khan, the undersigned was place under Suspension and received a Charge Sheet along with Statement of Allegations issued by the Regional Police Officer Dera Ismail Khan as an Authority. Copy of Suspension Letter, Charge Sheet and Statement of Allegations are enclosed as Annexure-A,B & C.
5. That in the said Charge Sheet the undersigned has been accused of "During the posting having nexus with criminal/drug dealers and well known experts in earning money".
6. That vide the above said Charge Sheet the Regional Police Officer Dera Ismail Khan as an "Authority" appointed Mr Farmanullah District Police Officer SW Lower as an inquiry Officer and the appellant was directed to submit my written defense to the above named inquiry Officer within 07 days of Charge Sheet.
7. That the appellant as directed replied in detail to the show cause notice and statement of allegations to inquiry Officer vide Written defense Dated 08th December 2023 and confirmed that undersigned has done nothing wrong while performing my duties since appointment. Copy of Written Defense/reply Dated 08th December 2023 is enclosed as Annexure-"D".
8. That in the reply of the appellant requested to be exonerated from the frivolous charge, before the "Authority" embarks upon any action which may damage my long standing service of 05 years.

9. That the appellant was directed to personally appear before Regional Police Officer Dera Ismail Khan as an "Authority" on 25/3/2024 in his Office which was duly complied with.

10. That later on, vide Order bearing Endst:No.2003/ES :Dated.26/3/2024 issued by Regional Police Officer Dera Ismail Khan as an "Authority", minor penalty of stoppage of increment for a Period of 02 years with cumulative effect was imposed upon the appellant . Copy of the Order Dated 17.05.2023 is enclosed as Annexure "E".

11. That now the appellant wants to assail/question the same by filing instant departmental appeal on the following grounds: -

G R O U N D S

a. That impugned Order bearing Endst:No.2003/ES :Dated.26/3/2024 issued by Regional Police Officer Dera Ismail Khan as an "Authority", imposing minor penalty of stoppage of increment for a Period of 02 years with cumulative effect upon the appellant is against law, facts of the case and material available on the record, hence, not tenable in the eyes of law. Thus, the same needs to be set aside on this score alone.

b. That the impugned Order Dated 26-3-2024 clearly shows that due to flimsy accusations and in a hurriedly manner, the unblemished and spotless career of appellant at its peak was damaged without any solid grounds.

c. That in the charge sheet, statement of allegations and in the impugned Order Dated ,26-3-2024 imposing Minor penalty upon the appellant, the posting Period for which the appellant was charge sheeted was not mentioned.



d. That impugned disciplinary action against the Appellant is inherently flawed right from its inception to finalization in the shape of passing the impugned Order Dated 26-3-2021 because the Appellant has mainly been held liable for nexus with criminals /drug dealers however no details were mentioned and neither the appellant was confronted with any such instances/cases rather illegally punished for vague statement. Therefore, the impugned action is liable to be quashed and the minor penalty imposed upon the Appellant needs to be removed.

e. That the Inquiry Officer has not made any efforts nor adopted proper procedure to know that under which tenure and where there were any nexus of the appellant with the criminals/drug dealers and where and in which case the appellant earned any illegal money and from whom? There is no Complainant against the appellant and similarly the appellant has never been posted to any position since appointment in which such illegal activities the appellant can adopt. The inquiry Officer instead of adopting proper procedure to procure any evidence has recommended the above mentioned minor penalty without any proof and evidence and therefore, the impugned disciplinary action in the shape of passing Order for imposing minor penalty on the Appellant is void ab-initio and needs to be set aside.

f. That the very initiation of disciplinary proceedings in the shape of issuing the show cause notice and statement of allegation to the Appellant directly shows that the matter was hurriedly disposed of without reaching the ends of justice and passing of impugned Order in terms of Khyber Pakhtunkhwa Police Rules 1975 with amendments of 2014 is patently illegal,

(21)

(5)

against the settled principles of law suggesting pre-determined penalties to the Appellant thus, having no legal sanctity and liable to be set aside.

- g. That the appellant has never been directed to associate with any inquiry by the Inquiry Officer rather the inquiry Officer has unilaterally moved without associating the appellant with the inquiry.
- h. That, the inquiry shown as base against imposing minor penalty upon the appellant was based on heresay allegations with no proof and no Complainant. This clearly depicts that the minor Penalty was imposed upon the appellant without any reason.
- i. That in spite of this fact as mentioned unfortunately the appellant was awarded minor punishment negating all the facts and record of the fact finding inquiry conducted without any proof and Complainant.
- j. That the authority instead of exoneration from the charge has imposed minor penalty and thus has vexed the appellant long unblemished career without any proof and evidence, for the conduct the appellant which he has never committed.
- k. That the non-mentioning of the place of posting, no instance of any case, no mention of any complainant against the appellant clearly depicts that the appellant is innocent and has nothing to do with any such frivolous charge.
- l. That, in the said fact finding report and AGIT report no recommendations of imposing any kind of major or minor penalty against appellant has been made to the "Authority" by the concerned Officers but the inquiry Officer in his instant inquiry report has proposed a major penalty upon the

(22)

appellant only negating the record and fact finding report before him and not touching the conduct of other DAOs whom tenures these irregular payments were made.

- m. That, in the said fact finding report it is very much clear that no where the appellant has been held liable for any corruption nor held beneficiary for any illegal money from criminals and drug dealers.
- n. That, the appellant is earning his halal Salary and living on that Salary and has also availed Bank loan from the Bank to meet his livelihood for his family.
- o. That after insertion of Article-10(A) through 19th Amendment of the Constitution of Islamic Republic of Pakistan, 1973, it was inalienable fundamental rights of the undersigned to be dealt with in accordance with law and due process along with fair trial/inquiry be given to the Appellant.
- p. That the Appellant rendered almost 05 years of service with unblemished service record and it is great injustice to damage the services of the Appellant in such like summary and cursory manner. The impugned action amounts to convict a person without evidence and trial which is against the spirit of fundamental rights guaranteed in Chapter-1 by the Constitution of Islamic Republic of Pakistan, thus the impugned action needs to be reversed with all back benefits.
- q. That the instant departmental appeal is being preferred within statutory period after knowledge of the impugned Order as envisaged under the law, thus needs acceptance having sound and legal footings.

(23)

It is, therefore, most humbly prayed that on acceptance of instant departmental appeal, the impugned minor penalty of stoppage of increment for a Period of 02 years with cumulative effect upon the appellant vide Order bearing Endst:No.2003/ES :Dated.26/3/2024 may please be struck down/set aside with all back benefits.

Handwritten signature and date: 17/4/2024

Dated: 17.04.2024 Malik Muhammad Naveed
(Constable No 1994)
Cell No :- 0348-8856051

Received
with Enc-20 pages
dated 17-4-2024
By Malik Jamil
SRC - DP, office Dik
17/4/24.



OFFICE OF THE
DISTRICT POLICE OFFICER,
DERA ISMAIL KHAN
Phone No. 0966-9280062
Fax No. 0966-9280293

24

No. 2119/BC.

Dated DIKhan the

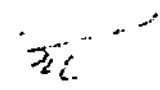
23/04/2024

To: The Regional Police Officer,
Dera Ismail Khan, Region.

Subject: APPLICATION / APPEAL
Memo:

It is submitted that Constable Malik Navced No. 1994, of this district police has preferred an application/appeal against your good office order No. 2003-04/ES, dated 26.03.2024 and this office order Book No. 585, dated 28.03.2024.

His application along with attested copy of order are enclosed herewith for onward submission to quarter concerned, please


District Police Officer
Dera Ismail Khan

3. That as stated earlier the appellant served in the esteemed Range of Dera Ismail Khan Police Khyber Pakhtunkhwa with

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KHYBER PAKHTUNKHWA BAR COUNCIL

ADVOCATE HIGH COURT

QAISER RAHIM
Advocate
No-10-8743
Date of Issue: April 2023
Valid upto: April 2024



WAKALAT NAMA

In the court of Service Tribunal Khyber PAKHTUNKHWA Peshawar

In the Matter of: Malik Naveed Petitioner/Plaintiff

Malik Muhammad Naveed Accused/Appellant/Applicant

Versus

Inspector General of Police KPK Peshawar & Other
Respondent/Defendant

QAISER RAHIM & Saree ul Ehsan
Advocate High Court Advocate High Court

To be the advocate for the Petitioner in the above mentioned case: to do all following acts, deeds and things of them that is to say :

1. To act, appear and plead in the above mentioned case in this court or any other Court or Tribunal. Authority or Election Commission of Pakistan in which the same may be tried or heard in the first instance or in appeal or review or execution or in any other stage of its progress until its final decision.
2. To present pleadings, appeals, cross objection or petitions for execution, review, revision withdrawal, compromise or other petitions or affidavits, or other documents as shall be arise touching or in any manner relating to the said case.
3. To withdraw or compromise the said case or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
4. To receive money and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
5. To employ any other legal practitioner authorizing him to exercise the power and authorities hereby conferred on the advocate whenever he may think fit to do so.

AND I hereby agree to ratify whatever the advocate or his substitute shall do in the premises:
AND I hereby agree to ratify the result of the said case in consequence of his absence from the court when the said case is called upon for hearing.

AND I hereby agree that in the event of the whole or any part of the fee agreed by me to be paid to the advocate remaining unpaid the shall be entitled to withdraw from the precaution/pursue as council of the said until the same is paid.

In witness whereof, I hereby set my hand to these presents the contents of which have been explained to and understood by me on this _____ day of _____ 2024

[Handwritten signature]



Accepted by Council

[Handwritten signature]
Accepted by *[Handwritten signature]*