

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Misc. Application No. _____/2024

In

Service Appeal No. 284/2023

Khyber Pakhtunkhwa
Service Tribunal

Case No. 16894

Dated 17-10-24

Arshad Iqbal,
Ex-Constable No.173,
Police Force, Karak.....Applicant / Appellant.

Versus

The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar & others..... Respondents.

APPLICATION FOR SETTING ASIDE ORDER OF RESPONDENT No.1 BEARING NO.505-511/24 DATED 22-03-2024 ALONG WITH IMPUGNED ORDERS OF RESPONDENT No.3 VIDE OB No.630 DATED 29-11-2022 AND ORDER PASSED BY RESPONDENT No.2 BEARING NO.321/EC, DATED KOHAT THE 06-01-20223 WHEREBY HE REJECTED THE DEPARTMENTAL APPEAL OF THE APPELLANT.

Respectfully Sheweth,

1. That the titled service appeal is pending before this Hon'ble Tribunal and is fixed for 15-11-2024 for final decision.
2. That vide order sheet dated 18-07-2024, this Hon'ble Tribunal directed the respondents to produce complete background based on which Inquiry was conducted as well as complete record of the inquiry with further direction to provide the Tribunal, the source of secret information through which appellant had shared / leaked departmental secret and the person to whom he had leaked.
3. That appeal was fixed for hearing on 15-10-2024 but unfortunately was not heard because of strike of KP- BAR Council however, respondents submitted somewhat record which admittedly not in compliance of the order of this Hon'ble Tribunal dated 18-07-2024.
4. That the answering respondents has attached order of the respondent No.1 bearing No.505-511/24 dated Peshawar, the 22-03-2024 wherein respondent


(2)

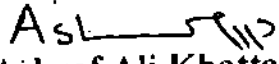
No.1 has rejected the revision petition of the appellant without any legal reason or legal support.

5. That respondent No.1 is already on the panel of respondents and in the humble submission would be that there is no further need to further requiring the respondents to submit reply regarding the present impugned order dated 22-03-2024. The impugned order is already on file and need perusal and required to be set aside on the score of facts and grounds already elaborated in the main service appeal.
6. That the facts and grounds taken in the main service appeal may also be considered as part and parcel of the instant application.

It is therefore, very humbly prayed that the questioned order bearing No.505-511/24 dated Peshawar, the 22-03-2024 may also be considered as part and parcel of the main appeal and be set aside accordingly and the appellant may be reinstated in service with all back benefits.

Through


Appellant / Applicant


Ashraf Ali Khattak
Advocate,
Supreme Court of Pakistan

Dated 16 / 10 / 2024

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Misc. Application No. _____/2024

In

Service Appeal No. 384/2023

Arshad Iqbal,
Ex-Constable No.173,
Police Force. Karak.....Applicant / Appellant.

Versus

The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar & others..... Respondents.

AFFIDAVIT

I, Arshad Iqbal, Ex-Constable No.173, Police Force, Karak do hereby solemnly affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.


DEPONENT

Hon'ble Judge
Oath Commissioner
16/01/24
3370-75



Diary No. 17/2024
 Dated: 22/03/2024
 OFFICE OF THE
 INSPECTOR GENERAL OF POLICE
 KHYBER PAKHTUNKHWA
 PESHAWAR

9

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police, Rule-1975 (amended 2014), submitted by Ex-FC Arshid Iqbal No. 173. The Applicant was dismissed from service by DPO Kurak vide OI No. 630 date 29.11.2022 on the allegations of having link with Criminals and leaking secret information to private individuals/Criminals for his personal gains.

The Appellate Authority i.e. RPO Kohat rejected his appeal vide Order Enlist No 221/EC, dated 06.01.2023.

Meeting of Appellate Board was held on 01.03.2024 wherein petitioner was heard in person. The petitioner denied the allegations leveled against him.

Perusal of enquiry papers revealed that the allegations leveled against the petitioner has been proved. The petitioner failed to submit any cogent reason in his self-defense. The Board sees no ground and reasons for acceptance of his petition, therefore, his petition is hereby rejected.

Sd/-
 AWAL KHAN, PSP
 Additional Inspector General of Police,
 HQrs: Khyber Pakhtunkhwa, Peshawar.

No. SI 505-511/24, dated Peshawar, the 22-03-2024.

Copy of the above is forwarded to the:

1. Regional Police Officer Kohat.
2. District Police Officer, Kurak.
3. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Addl: IG/PHQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: E-IV CPO Peshawar.

Sd/-
 Pawan Singh
 District Police Officer

DISTRICT POLICE OFFICER
 Kurak

(PARIYAN KHAN) PSP, QPM
 AIG/Establishment,
 For Inspector General of Police,
 Khyber Pakhtunkhwa, Peshawar.

Attested

Inspector Legal
 Kurak

Anx-F

5

This Order will dispose off the departmental enquiry against Constable Arshad Iqbal No. 173 of this district Police.

As per letter vide No. 308/HQ/PA, dated 28.10.2021 received from SDPO Karak that Constable Arshad Iqbal No. 173 has share/leak Police secrete informatich to private individuals/criminals which affect the Police performance and also tarnish the image of Police in general public. This is quite adverse on his part and shows his malafide intention, willful breach and non-professionalism in the discharge of his official obligations. Such act on his part is against the service discipline and amounts to gross misconduct.

Higher office - SDPO sub-division district

He was issued Charge Sheet and Statement of Allegations. Mr. Abid Khan Afridi, the then SDPO Takhte Nasrati was appointed as Enquiry Officer to conduct proper departmental enquiry against him and he was directed to submit findings in the stipulated time.

statements (نام موجود ہیں) بقید داد

The Enquiry Officer reported that besides the statement of accused Constable Arshad Iqbal No. 173, the matter was also enquired through DSB Staff Circle Takhte Nasrati wherein it was reported that he has good character at local and residential levels but from the perusal of his mobile CDR data, service roll and general characteristics carefully which was not satisfactory. He was a complainer against respected officers several times during his service. Furthermore, the most important thing is to provide information about important dealings in such a most important case to an unrelated person or to criminals and elements connected with it whereas the Gazetted officer writes a complaint against him and submit request for departmental proceedings which proves that he has links with criminals and shared/leaked them secret information. Therefore, the E.O recommended him for harsh punishment.

Not part of charge sheet content

statements (نام موجود ہیں) بقید داد

and enquiry officer

For further probe and for transparent enquiry, the said enquiry was re-entrusted to Mr. Bashir Dad, SP Investigation Wing Karak for review comments. The Enquiry Officer reported that it has become very crystal clear that the transportation of accused from Police Post Amjad Shaheed to PS Shah Salim was made through delinquent official Arshad Iqbal No. 173 accompanied with his Incharge HC Najeeb Ullah No. 290 and FC Umar Sawab No. 807 upon the directions of his immediate seniors. As far as, the allegations pertaining to share/leakage of Police secret information to private individuals/criminals are concerned, the available record/circumstantial evidence and secret probe reveal that he definitely extends every possible help to accused remained in Police custody. The accused in custody also managed cell phone to his relative in presence of the aforementioned officials due to which said delinquent FC proceeded departmentally. Therefore, the allegations leveled against him are proved.

بابت سی

اور بات کر رہے - کوئی Evidence نام پر موجود ہے

discrimination - FC - عنایت سے بیانات

7

21

He was issued Final Show Cause Notice. In response to the Final Show Cause Notice, accused official submitted his reply, which was found unsatisfactory.

Keeping in view above available record and facts on file, perusal of enquiry papers, and recommendations of the Enquiry Officers, he is found guilty of the charges. He is a stigma on the Police Force. Being a member of the discipline Force, his involvement with criminals and leaking secret information, and providing every possible help to them, stigmatizes the Police department. His further retention in Police Force is no more required. Therefore, in the exercise of the power conferred upon me, I, KHAN ZEB, District Police Officer, Karak, as competent authority under Police Rules 1975 (amended in 2014), hereby impose major punishment of dismissal from service upon defaulter Constable Arshad Iqbal No. 173 with immediate effect.

OB No 630
Dated 29/11/2022


District Police Officer, Karak