


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No.** \_\_\_\_\_

**2029/2024**


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/10/2024	<p>The appeal of Mr: Inam Ullah resubmitted today by him. It is fixed for preliminary hearing before Single Bench at Peshawar on 01.11.2024. Parcha Peshi given to the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Inamullah received today i.e on 07.10.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ① According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no. 1, 4 & 5 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.
- 2- Copy of charge sheet in respect of appellant mentioned in the memo of appeal is not attached with the appeal.
- ③ Address of appellant is incomplete be completed according to rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 4- Three more 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. 879 /Inst./2024/KPST,

Dt. 07/10 /2024.

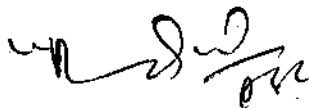
  
ADDITIONAL REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Muhammad Mohsin Ali Adv.  
High Court at D.I.Khan.

Respected Sir,

Resubmitted after removing the  
objection nos. 1, 3 & 4.

To the extent of objection no. 2, it is submitted  
that the appellant is not provided the copy of charge  
sheet, hence the same is not annexed.  
It is therefore, humbly submitted that the appeal  
may kindly be fixed before Honourable Tribunal  
with objection.



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Appeal No. 2029 /2024

Iqam Ullah Khan ..... APPELLANT

VERSUS


Govt. of K.P.K and others ..... RESPONDENTS

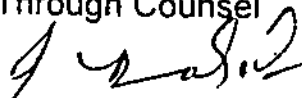
INDEX

S #	Description of Documents	Annexure	Page #
1	Grounds of Appeal alongwith Memo of addresses of the parties	-----	1-6
2	Copy of Statement of Allegations <i>better copy.</i>	A	7-8
3	Reply submitted by present Appellant and <i>better copy.</i>	B	9-11
4	Copy of Impugned order dated 10.05.2024	C	12-13
5	Copy of Departmental Appeal	D	14-16
6	Vakalatnama	-----	15

Dated: \_\_\_/\_\_\_/2024

Humble Appellant

  
Iqam Ullah Khan  
Through Counsel

  
Muhammad Mohsin Ali  
Advocate Supreme Court.

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

S.A No. 2029 /2024

Inam Ullah Khan Constable Belt No.145 District  
Police Lakki Marwat.

Cell No.0333-9244412 + 0311-1538260

Appellant

***VERSUS***

1. Inspector General of Police, Khyber Pakhtunkhwa,  
Peshawar.
2. Regional Police Officer/ D.I.G Bannue Region, Bannu.

Respondents

**APPEAL U/S-4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICES TRIBUNAL ACT**  
**1974 TO AGAINST THE IMPUGNED OFFICE**  
**ORDER BEARING NO.321-25/PA DATED**  
**10.05.2024 ISSUED BY RESPONDENT NO.2**  
**VIDE WHICH HE AWARDED MAJOR**  
**PUNISHMENT TO APPELLANT OF**  
**"DEMOTION FROM THE RANK OF IHC TO**  
**CONSTABLE"**

.....

**PRAYER;** On acceptance of instant appeal this Honourable Tribunal may be pleased to declared the impugned office order bearing No.321-25 /PA dated 10.05.2024 issued by respondent No.2 as illegal, without lawful authority, without jurisdiction, void ab initio and ineffective upon the rights of the appellant and is liable to be set aside and to reinstate the

②

appellant to the subject post of "IHC" alongwith all back benefits on the grounds appearing hereinafter;

OR

GRANT any other relief considered just and appropriate under the given circumstances of the case.

Respectfully sheweth;

1. That the appellant joined the police force on 26.07.2007 and is serving as IHC (No.145) in the District Police Lakki Marwat.
2. That the appellant performed his duties diligently and with great zeal and zest. The appellant has been awarded with commendations certificates.
3. That during the service at Police Station Serai Naurang, Lakki Marwat, an inquiry was initiated against the appellant and 2 other police officials and to that effect Mr. Zia-ud-Din Ahmed (PSP), DPO Bannu was nominated Enquiry Officer. The appellant received charge sheet and statement of allegations vide Ends: No. 62-63 dated 08.04.2024, the detail of allegations are mentioned in the statement of allegations. The appellant submitted his reply regarding charge sheet and Statement of allegations. The respondent No. 2 did not provide an opportunity of personal hearing and without issuing the final show cause notice, he issued the impugned order dated 10.05.2024 vide which he awarded Major Punishment to appellant of Demotion from the rank of IHC to Constable. Copies of statement of allegations, reply and impugned order dated 10.05.2024 are enclosed as Mark-A to C respectively.
4. That, the appellant, filed the departmental appeal on 07.06.2024 to Worthy IGP, Khyber Pakhtunkhwa, Peshawar. But, the appeal of the appellant is not decided. Copy of departmental appeal is enclosed as Mark-D.

*Handwritten signature/initials*  
ASL

GROUNDS:

- I. That prior to issuance of impugned order, final show cause notice was not issued to the appellant.
- II. No opportunity of audience was afforded to the appellant.
- III. The inquiry was not conducted in a transparent manner.
- IV. No proper opportunity of defense and cross examining the record/evidence, so collected by the inquiry officer, was afforded to appellant.
- V. The inquiry report was not communicated to the appellant for placing defense thereof before the authority.
- VI. The RPO / respondent No. 2 was not competent authority to issue the impugned order; hence the appellant was not proceeded as per law. According to Police Rules, 1975 (amended in 201), the Authority for awarding punishment to the appellant is vested to DPO but the appellant has been awarded Major Punishment by RPO, Bannu Region, who is an appellate Authority as declared by the Rules *ibid*.
- VII. That the allegations given in statement of allegations and charge sheet were not proved and the contents of statement of allegations and charge sheet are contradictory to the facts.
- VIII. No material, except self-assumed decision of the inquiry officer, could be collected in the support of charge sheet and summary of allegations
- IX. "Fair Trial" is the constitutional right of every person, held accused of certain charges; but in this case a fair trial has not been conducted. Thus, legal sanctity cannot be attached to the office orders in question.
- X. That the impugned order is legally unwarranted and without any solid proof.
- XI. That the respondent No. 2 not properly appreciated the material available on record and facts and erroneously awarded the major punishment to

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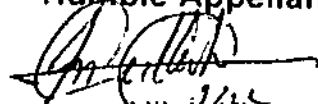
appellant. Moreover, the respondent No. 2 failed to decide the appeal of the appellant within statutory period; hence the appellant is filing the instant appeal.

- XII. The impugned order of respondent No. 2 is based on malafide, arbitrary, against the canon of justice, equity and fair play. Thus the same is liable to be set aside.
- XIII. That the grounds of departmental appeal may kindly be considered as integral part of the instant appeal and the counsel for the appellant may kindly be allowed to argue the additional grounds at the time of arguments.

It is, therefore, prayed that on acceptance of this appeal this Honourable Tribunal may be pleased to pass orders as prayed for in the heading of this appeal.

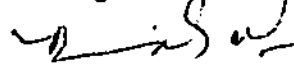
Dated: \_\_\_/\_\_\_/2024

Humble Appellant



Inam Ullah Khan

Through Counsel



Muhammad Mohsin Ali  
Advocate Supreme Court.

**BEFORE THE KHYEBR PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

S.A No. \_\_\_\_\_/2024

Inam Ullah Khan Constable Belt No.145 District  
Police Lakki Marwat.

**Appellant**

***VERSUS***

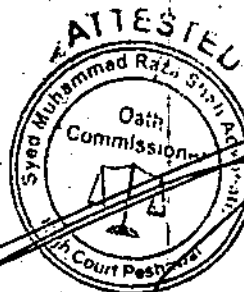
1. Inspector-General of Police, Khyber Pakhtunkhwa,  
Peshawar.
2. Regional Police Officer/ D.I.G Bannue Region, Bannu.

**Respondents**

**AFFIDAVIT**

I, Inam Ullah Khan Constable Belt No.145 District  
Police Lakki Marwat, do hereby solemnly affirm and  
declare on Oath that the contents of the service appeal  
are true and correct to the best of my knowledge and  
belief and nothing has been concealed or withheld from  
this Hon'ble Tribunal.

*[Signature]*  
Identified by Counsel



*[Signature]*  
**DEPONENT**  
CNIC:11201-9076954-5  
Cell: 0311-1538260

18 OCT 2024



**BEFORE THE KHYEBR PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

S.A No. \_\_\_\_\_/2024

Inam Ullah Khan

***VERSUS***

Inspector General of Police, Khyber Pakhtunkhwa,  
Peshawar & Others

**ADDRESSES OF PARTIES**

***PETITIONER.***

Inam Ullah Khan Constable Belt No.145 District  
Police Lakki Marwat.

**ADDRESSES OF RESPONDENTS**

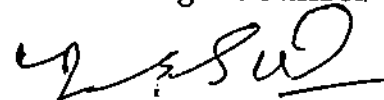
1. Inspector General of Police, Khyber Pakhtunkhwa,  
Peshawar.
2. Regional Police Officer/ D.I.G Bannue Region, Bannu.

Dated: \_\_\_\_/\_\_\_\_/2024

  
APPELLANT

Inam Ullah Khan

Through Counsel

  
Muhammad Mohsin Ali  
Advocate Supreme Court.

(2)

ANNEX 1-A  
Page = (7)

**STATEMENT OF ALLEGATIONS**

1. Qasim Ali Khan (PSP) Regional Police Officer, Bannu-Region, Bannu as competent authority, am of the opinion that Inamullah ASI No.145 (PS Serai Naurang), Lakki Marwat has rendered himself liable to be proceeded against as he committed the following misconduct within the meaning of disciplinary Rules 1975 (with amendments 2014).

**SUMMARY OF ALLEGATION**

- > Reportedly on 12.03.2024 Naurang Police seized a truck carrying edible goods along with NCP cloth.
- > The NCP cloth was handed over to custom authorities without any written evidence; however, custom authorities are oblivious to the case.
- > All the seized cloth is kept in a secret location at Serai Naurang area, whereas wheeling and dealing is done by police.
- > An enquiry into the subject matter was conducted by the office of DIG Internal Accountability Branch K.P Peshawar and concluded/recommended that "In light of the above mentioned circumstances and available record the inquiry committee has reached to the conclusion that the following police officials were found guilty."

S.No.	Name and Designation
1	Inspector Ebad Wazir, SHO PS Serai Naurang
2	ASI Inam Ullah No.145 PS Serai Naurang
3	Constable Zahid, No.1002, Gunner to Ebad Wazir
4	Constable Alamgir, No.642, Gunner to Ebad Wazir.

For the purpose of scrutinizing the conduct of the said accused w/r to the above allegations, proper departmental proceedings are initiated Mr. Zia-ud-Din Ahmed (PSP), DPO Bannu is nominated as Enquiry Officer.

The inquiry officer shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within 25 days after the receipt of this order.

The accused shall join the proceedings on the date, time and place fixed by the inquiry officer.

Regional Police Officer,  
Bannu Region,  
Bannu  
Dated:08/04/2024

No. E2-E3/PA  
Copies to:-

1. The District Police Officer, Bannu / Enquiry Officer for necessary action with the direction that "an intelligence outfit as well as DPO Lakki Marwat report/statement cannot be wished away" as desired by the worthy Police Chief, Khyber Pakhtunkhwa. Please complete the enquiry within stipulated period and submit findings.
2. The District Police Officer, Lakki Marwat for information.

*Atul*  
*2/2/24*

Regional Police Officer,  
Bannu Region,  
Bannu

**BETTER COPY**

**STATEMENT OF ALLEGATIONS**

I, **Qasim Ali Khan (PSP)** Regional Police Officer, Bannu Region, Bannu as competent authority, am of the opinion that **Inam Ullah ASI No. 145(PS Serai Naurang), Lakki Marwat** has rendered himself liable to be proceeded against as he committed the following misconduct within the meaning of disciplinary Rules 1975 (with amendments 2014).

**SUMMARY OF ALLEGATIONS**

1. Reportedly on 12-03-2024 Naurang Police seized a truck carrying edible goods alongwith NCP cloth.
2. The NCP cloth was handed over to custom authorities without any written evidence, however, custom authorities are oblivious to the case.
3. All the selzed cloth is kept in a secret location at Serai Naurang area, whereas wheeling and dealing is done by police.
4. An Inquiry into the subject matter was conducted by the office of DIG Internal Accountability Branch K.P, Peshawar and concluded/ recommended that "In light of the above mentioned circumstances and available record the inquiry committee has reached to the conclusion that the following police officials were found guilty".

S. No.	Name and Designation
1	Inspector Ebad Wazir, SHO PS Serai Naurang
2	ASI Inam Ullah No. 145 PS Serai Naurang
3	Constable Zahid, No. 1002, Gunner to Ebad Wazir
4	Constable Alamgir, No. 642, Gunner to Ebad Wazir.

For the purpose of scrutining the conduct of the said accused w/r to the above allegations, proper departmental proceedings are initiated **Mr. Zia-ud-din Ahmad (PS)**, DPO Bannu is nominated as enquiry officer.

The Inquiry officer shall provided reasonable opportunity of hearing to the accused, record statements etc and findings within 25 days after the receipt of this order.

The accused shall join the proceedings on the date, time and place fixed by the inquiry officer.

**Regional Police Officer,  
Bannu Region,  
Bannu.  
Dated: 08-04-2024**

No. 62-63/PA

Copies to:-

1. The District Police Officer, Bannu/ Enquiry Officer for necessary action with the direction that "an Intelligence outfit as well as DPO Lakki Marwat report/ statement cannot be wished away" as desired by the worthy Police Chief, Khyber Pakhtunkhwa. Please complete the enquiry within stipulated period and submit findings.
2. The District Police Officer, Lakki Marwat for Information.

*Alleged  
AS*

**Regional Police Officer,  
Bannu Region,  
Bannu.**

Approved  
by  
[Signature]

Handwritten notes in Urdu, including the number 111 and the reference number 62-63/KA.

ANNEX: B  
Page = 9

Annexure - 9

Better Copy

جناب عالی:- بحوالہ چارج شیٹ منسلہ شیڈنٹ آف الیکشن 62-63/1a شمولہ معروض ہوں کہ  
 من سائل بحسبیت IHC تھانہ نورنگ تعینات ہوں اور اپنی کارکردگی کا افسران بالا کو جوابدہ ہوں۔  
 مورخہ: 12-03-2024 کو من سائل زیر قیادت بہادر وزیر SHO نورنگ اور دیگر پولیس افسران حسب معمول  
 روٹین گشت کیا ہے اسی روز یعنی 12-03-2024 کو عباد وزیر SHC اور معہ دیگر پولیس نے کوئی ٹرک جس میں غیر ملکی سامان  
 کپڑا ہو پکڑا ہے اور کوئی کپڑا یا غیر ملکی سامان قبضہ میں لیا ہے۔  
 من سائل نے

لکھنؤ  
 عباد

CHARGE SHEET

~~ATTACHED~~ - 10/11/11  
497 (11)

WHEREAS, I am satisfied that a formal inquiry as contemplated in the KP Police Rules 1975 (with amendments 2014) is necessary and expedient.

AND WHEREAS, I am of the view that the allegation, if established would call for a major penalty as confined in Rules 4-1(b) of the aforesaid rules.

NOW THEREFORE, as required by Rule 6-1(a) of the aforesaid Rules. I, Qasim Ali Khan (PSP) Regional Police Officer, Bannu Region, Bannu charge you FC Alamgir No.642 (Ganneer to Ebad Wazir, PS Serai Naurang), Lakki Marwat for misconduct on the basis of summary of allegations appended herewith.

AND WHEREAS, I direct you further under the Rule 6-1(b) of the aforesaid Rules to submit a report within 7 days of the receipt of this charge sheet to the undersigned.

it would be

~~Signature~~  
Inspector of Police  
Bannu

BETTER COPY

(11) - A

CHARGE SHEET

WHEREAS, I am satisfied that a formal inquiry as contemplated in the KP Police Rule 1975, (with amendment 2014) is necessary and expedient.

AND WHEREAS, I am of the view that the allegation, if established would for a major penalty as confined in Rules 4-I(b) of the aforesaid rules.

NOW THEREFORE, as required by Rule 6-I(a) of the aforesaid Rules, I, Qasim Ali Khan (PSP) Regional Police Officer, Bannu Region, Bannu Charge you FC Alamgir No. 642 (Gunner to Ebad Wazir, PS Serai Naurang), Lakki Marwat for misconduct on the basis of summary of allegations appended herewith.

AND WHEREAS, I directed you further under the Rule 6-I(b) of the

*Atal*  
*Sw*  
*sg*

ORDER:

ANNEX C  
Page = 12

This order will dispose of departmental enquiry, conducted against IHC Inam Ullah No.145 PS Serai Naurang, Distt: Lakki Marwat on the following allegations:-

- As per source report - pertaining to some information regarding seizure of Truck full of contraband items by Lakki Marwat Police. DPO Lakki was called telephonically who stated that on 12.03.2024, SHO PS Serai Naurang Ebad Wazir called him and told regarding seizure of truck having smuggled cloth and other edible items. Reportedly the smuggled cloth was handed over to customs authorities without any written evidence, on the verbal orders from DPO Lakki. However, Customs Authorities denies receipt of the smuggled cloth from Naurang Police.
- It was further learnt that seized cloth was kept in a secret location at Serai Naurang area; whereas wheeling and dealing was done by the SHO.
- An enquiry into the subject matter was conducted by the office of DIG Internal Accountability Branch K.P Peshawar and concluded/recommended that "In light of the above mentioned circumstances and available record the inquiry committee has reached to the conclusion that the following police officer/officials were found guilty."

S.No.	Name and Designation
1.	Inspector Ebad Wazir, SHO PS Serai Naurang
2.	IHC Inam Ullah No.145 PS Serai Naurang
3.	Constable Zahid, No.1002, Gunner to Ebad Wazir
4.	Constable Alamgir, No.642, Gunner to Ebad Wazir.

Proper charge sheet and statement of allegation were issued to the delinquent officer/officials on the above allegations and DPO Bannu was appointed as Enquiry Officer to scrutinize the conduct of the delinquent officer/officials. The Enquiry Officer submitted his finding report vide his covering letter No.1869/HC dated 29.04.2024 and recommended to be awarded with suitable punishment.

Findings report was perused. The delinquent officer was also heard in person on 10.05.2024. The explanation of the delinquent officer has not been found plausible and noticed that:-

- The then DPO Lakki Marwat Mr. Tariq Habib was informed telephonically by the then SHO Naurang Ebad Wazir regarding seizure of smuggled cloth and was directed by the DPO to hand over the said item to Customs authorities but the same was not done.
- As per statement of custom authorities, they did not take over the smuggled cloth from the Police staff of PS Serai Naurang.
- The Police Official IHC Inam Ullah No.145 PS Serai Naurang neither maintained any record in Police stations' registers regarding seizure of the smuggled cloth nor adopted the procedure of required legal / codal formalities.

ALLS  
S  
A

They have not handed over the smuggled cloth to Custom authorities rather have dealt the owner of the smuggled cloth in a private manner for reasons better known to him and earned a bad name for the department.




13

Keeping in view the above, I Qasim Ali Khan, PSP, Regional Police Officer, Bannu Region Bannu am of firm opinion that the accused official IHC Inam Ullah No.145 PS Serai Naurang has knowingly concealed facts and hoodwinked his seniors.

Therefore, I, Qasim Ali Khan, Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules, 1975 (amended in 2014) hereby award him major punishment of Demotion from the rank of IHC to Constable with immediate effect. He is reinstated into service.

ORDER ANNOUNCED

Dated: 10/05/2024.


  
Regional Police Officer,  
Bannu Region,  
Bannu

No. 321-25/PA, dated Bannu the 10/05/2024

Cc:

- > The Deputy Inspector General of Police, Headquarters, Khyber Pakhtunkhwa, Peshawar.
- > The Asstt. Inspector General of Police/Establishment, Khyber Pakhtunkhwa, Peshawar.
- > The DPO-Lakki Marwat for information and necessary action.
- > The District Accounts Officer, Lakki Marwat for information and necessary action.
- > Office Supdt./E.C RPO Office, Bannu.

*Attended*  
*2-5-24*  
*179*

  
Regional Police Officer,  
Bannu Region,  
Bannu

To,

The Worthy Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

ANNEX:- D

Page = (11)

THROUGH PROPER CHANNEL.

Subject: APPEAL FOR SETTING ASIDE THE PUNISHMENT ORDER OF DEMOTION  
ISSUED BY RPO BANNI VIDE ENDST: NO. 321-25/PA, DATED 10/05/2024.

Respected Sir,

With due deference and great reverence it is submitted:-

1. That the appellant is highly educated (having Master degree qualification) and belongs to a humble and respectable family.
2. That since joining the police force, on dated 26/07/2007 till date, the appellant has performed his obligatory duty diligently and with great zeal and zest which is evidence from his service record.
3. That during the course of service, the appellant has remained posted on various posts at various stations and discharged his duty dedicatedly, bravely and with fully satisfaction of his commanding officers and that is why, the appellant was awarded with commendations certificates by the then authorities for best performance. The detail of which, are submitted as under:

S/No.	Competent authority	Detail of CC	ORDER No.	Detail of Annexure.
1.	IGP	CC-I	142/PPP, dated 18/4/2024	A/A
2.	IGP	CC-I	Dated 10/04/2008	A/B
3.	DPO	CC-III	OB No. 353, dated 29/05/2012	A/C
4.	DPO	CC-III	OB No. 465, dt: 07/08/2012.	A/D
5.	SP, FRP	CC-III	OB No. 308, dated 14/06/2019	A/E
6.	SP, FRP	CC-III	OB No. 161, dated 19/04/2018	A/F
7.	SP, FRP	CC-III	OB No. 318, dt: d 02/08/2021.	A/G
8.	SP, FRP	CC-III	OB No. 121, dated 17/1/2018	A/H
9.	SP FRP	CC-III	OB No. 185, dated 04/05/2015	A/I
10.	SP, FRP	CC-III	OB No. 374, dated 16/08/2018	A/J
11.	RTC AK, Mansar	CC-III	OB No. 60, dated 30/12/2007	A/K
12.	Principal EPTC Newshera	CC-III	Order dated 21/07/2023.	A/L

Attestd  
2/10/2024

4.

That during his posting as a IHC PS Naurang district Lakar Marwat, the appellant, unfortunately, had to appear before IAB CPO Peshawar in connection with baseless and concocted charges i.e taking into custody

5. That the appellant defended the so-called charges by leaving no legs to stand upon, thereupon. But regrettably, the IAB recommended the appellant for proper departmental proceedings.
6. That resultantly, RPO Bannu issued charge sheet to the appellant vide his office endst: No. 62-63/PA, dated 08/04/2024 (copy is at annexure-M), wherein, it was alleged inter alia:
- I. That non custom paid seized cloth was handed over to custom authorities without any written evidence
  - II. That it was kept in a secret location at Serial Naurang for wheeling and dealings.
7. That the appellant again defended the concocted charges in his reply to the charge sheet (copy is at annexure-N) but Inquiry Officer (DPO <sup>BKU.</sup> ~~Larki~~) without bringing any evidence on record in support of the so-called charges, recommended the appellant for suitable punishment (Copy of findings at Annexure-O).
8. That RPO Bannu without looking into the merit of inquiry, imposed the impugned punishment of depotion and that too without giving a chance of showing cause as well as personal hearing which is mandatory under the law (Copy of order is at annexure-P) The awarded punishment is not only based upon injustice but even not maintainable under the law and humbly requested to be set aside on the following grounds:
- GROUND:**
- I. That the appellant has not been proceeded as per law. According to Police Rules 1975 (amended in 2014), the authority for awarding punishment to the appellant is vested in DPO but the appellant has been proceeded/awarded punishment by RPO/ Bannu being an appellate authority as declared by the aforesaid rules. Thus, the punishment awarded is inconsistent with the spirit of Article 4 of the constitution which stipulate, inter-alia, that no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law. Thus, the subject order is bad in law but even the whole proceedings is void ab initio because of involving the factor/principle of non-jurisdiction, therein.
  - II. That the charges conveyed to the appellant in form of charge sheet, itself contradictory because it has been mentioned, therein, that the seized cloth was handed over to the custom authority without any written record while in other place it says that it was kept for wheeling and dealings.

*Alleged  
2/2/24*

- III. That neither the custom authorities nor any other disinterested witness or evidence have testified the alleged seizing of NCP cloth.
- IV. That throughout inquiry proceedings, the confiscation of alleged cloth has not been proved through any cogent and tangible evidence. If anything was recovered, then the petitioner would certainly process it in accordance with law.
- V. That DPO, <sup>Bannu</sup> ~~Lakki~~ has also confirmed in his findings that the petitioner has denied all the allegations leveled against him.
- VI. That no single evidence is available on inquiry file which could support the charges and findings of inquiry officers and it is the principle of law that finding is to be based on evidence and not to be based on presumption; assumption; etc.
- VII. That the appellant has not been provided an opportunity of showing cause before awarding the subject punishment which is against the principle of nature justice as well as Police Rules 16-25(ii). Thus the appellant has been condemned as unheard.

As there is no single evidence on inquiry file that could establish the concocted and baseless charges and the findings is also based on prejudiced, biasness, and extraneous facts, it is , therefore, humbly prayed that the impugned punishment of demotion from the rank of HC to constable may graciously be set aside for the best interest of justice please.

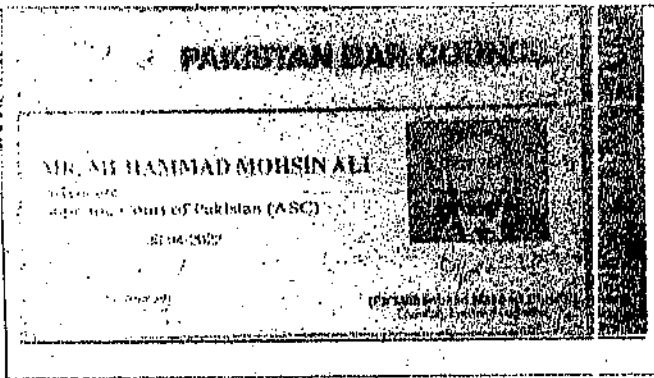
Hoping that our kind boss will act with kindness.

Yours obediently.

*Allen Lal*  
*Sw*  
*AC*

*Pratt*  
 Constable-in-charge No. 145  
 District Lakki Marwat.

07-06-2024



MR. MUHAMMAD MOHSIN ALI  
 Advocate  
 Supreme Court of Pakistan (ASC)  
 17-08-1983  
 4477  
 MODEL TOWN, ST. NO. 6, NEAR WOODSIDE  
 Tel. No. 0092-338-790883 Fax: 0092-344-207881

(17)

### VAKALATNAMA

BEFORE THE COURT OF

*Service Tribunal, Peshawar*

*Muhammad Ullah* Plaintiff /Appellant /Petitioner/Complainant/ Accused

*Govt of KP vs* Defendant/Respondent/ Complainant/ Accused

*Appeal*

KNOW ALL to whom these present shall come that I/We.....  
do hereby appoint **Muhammad Mohsin Ali Advocate Supreme Court** (herein after called the advocate/s) to be my/our Advocate in the above noted case authorize him:-

- To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/us.
- To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions review revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage.
- To file and take back documents, to admit and/or deny the documents of opposite party.
- To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.
- To take execution proceedings.
- To deposit, draw and receive monthly cheques, cash 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.
- To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.
- And I/We the undersigned do hereby agree to rectify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and proposes.
- And I/We undertake that I/We or my/our duly authorized agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.
- And I/We the undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case:
- The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.
- And I/We the undersigned to hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/we hereby agree that once fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this.....day of .....20

Accepted  
*Muhammad Mohsin Ali*  
**Muhammad Mohsin Ali**  
Advocate Supreme Court

*Muhammad Ullah*  
*Muhammad Ullah*