


FORM OF ORDER SHEET

Court of _____

Appeal No. 2020/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/10/2024	<p>The appeal of Mr. Zabit Khan resubmitted today by Hafiz Muhammad Sadiq Durrani Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 25.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman  REGISTRAR</p>

The appeal of Mr. Zabit Khan received today i.e on 14.10.2024 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. 2 is un-necessary/improper party, 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- Annexures of the appeal are unattested.
- 3- Copy of departmental appeal and revision petition mentioned in the memo of appeal are not attached with the appeal.
- 4- Memorandum of appeal is not signed by the appellant.
- 5- Annexures of the appeal are not in sequence.

No. 901 /inst./2024/KPST,

Dt. 14/10 /2024.

Amirullah
ADDITIONAL REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Hafiz M. Sadiq Durrani Adv.
High Court at Peshawar.

R. S. S. The objection above has been
removed may kindly be submitted.

The above case.

Amirullah
17/10/24
2

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Prayer in appeal:

On acceptance of the instant appeal the impugned Appellate Order to the extent of imposing Rs. 2000/- fine and treating the absence period as leave without pay and Revisional Order dated: 25/09/2024 may be set aside and the appellant may be re-instated in service with all back benefits.

Respectfully Sheweth:-

1. *That the appellant was enlisted in the police department and since his appointment the appellant performed his duty with great zeal, zest and to the entire satisfaction of the High ups.*
2. *That a letter dated: 11/12/2023, duly signed by the SP Investigation, Capital City Police, Peshawar received by the SHO PS Hayatabad, Peshawar, wherein a direction made to transfer the accused from PS Bara to PS Hayatabad, the SHO Hayatabad nominate/handed over the responsibility of transferring the accused from PS Bara through proper channel to the appellant. (Copy of letter dated: 11/12/2023 is attached as annexure "A").*
3. *That in compliance to the order of SHO PS Hayatabad, on 13/12/2023, the appellant went to District Khyber and took the accused into his custody from PS Bara and produced them before the Judicial Magistrate-I Tehsil Bara, District Khyber. (Copy of Mad Report No. 2/5 of PS Hatayabad,*

Mad Report No. 12 of PS Bara & Order dated: 13/12/2023 is attached as annexure "B & C").

4. *That on the same day, i.e. 13/12/2023 at about 03:00 P.M, after completion of his duty the appellant reached to PS Hayatabad. (Copy of Mad Report No. 2/18 is attached as annexure "D").*
5. *That after reaching the PS Hayatabad, the appellant surprised when he came to know that he has been marked absent in Mad No. 2/6 at about 09:50 a.m with other police officials. (Copy of Mad Report No. 2/6 is attached as annexure "E").*
6. *That on the basis of baseless allegation, inquiry on the same charge was initiated and without providing opportunity of defense the appellant was awarded major penalty of dismissal vide order dated 15/12/2023 by respondent No. 04. (Copy of Original Order dated 15/12/2023 is attached as annexure "F").*
7. *That feeling aggrieved from the dismissal order, the appellant submitted a departmental appeal, wherein the appellant was re-instated in service by Modifying the original order dated: 15/12/2023 but he was fined to the tune of Rs. 2000/- while the alleged period of absence was treated*

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as leave without pay vide order dated: 20/03/2024. (Copy of the Appellate Order dated 20/03/2024 is attached as annexure "G").

8. That thereafter the appellant filed a revision petition under Rule 11-A of the Police Rules 1975 before Respondent No. 02—however the Respondent No. 02 vide final order/Revisional order dated 25/09/2024, rejected the revision petition, under 11-A of the Khyber Pakhtunkhwa Police Rules 1975 for no good grounds in utter violation of the law, rules and principles of natural justice (Copy of the Final Order/Revisional Order dated: 25/09/2024, is attached as annexure "H").

9. That feeling aggrieved from the impugned orders dated 15/12/2023, 20/03/2024 and 25/09/2024 the appellant has no other adequate remedy hence filing the instant appeal within the statutory period on the following grounds:-

Grounds:-

- A. That the impugned orders are against law rules principles of natural justice, void ab-initio hence liable to be set aside.
- B. That not considering the record available and awarded major punishment and later on modifying the order as well

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as rejecting the revision petition of the appellant is against the law, facts, material available on file, hence liable to be set aside.

- C. That considering and marking on duty official as absent is totally against the law, despite the fact that the appellant was on duty and the record also confirms that the appellant was on duty, but passing such like orders are in utter violation of Khyber Pakhtunkhwa Police Rules 1975.
- D. That no charge sheet along with statement of allegation has been served/issued before conducting the so called ex-party inquiry in violation of the Khyber Pakhtunkhwa Police Rules 1975.
- E. That no opportunity of personal hearing/defense has been provided to the appellant at any stage of the disciplinary proceedings.
- F. That no statement of any witness has been recorded nor did the appellant have been confronted with anything and the inquiry officer failed to bring any iota of evidence against the appellant.
- G. That the appellant has not been treated in accordance with Art 4 and 25 of the Constitution of Pakistan 1973.

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II. That the inquiry officer failed to bring any iota of evidence against the appellant.

I. That the appellant seeks permission of this honorable court to adduce other grounds during final hearing.

It is, therefore, on acceptance of the instant appeal, on acceptance of the instant appeal the impugned Appellate Order to the extent of imposing Rs. 2000/- fine and treating the absence period as leave without pay and Revisional Order dated: 25/09/2024 may be set aside and the appellant may be re-instated in service with all back benefits.

Any other relief not specifically prayed for may kindly be awarded in favor of the appellant.

Dated:- 12/10/2024

Through:-

Appellant

Hafiz Muhammad Sadiq Durrani
Advocate High Court
Peshawar

Certificate:-

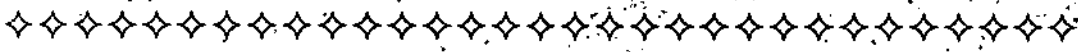
It is certify that no such like Service Appeal has earlier been filed by the Appellant in this Honourable Tribunal.

Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No:- _____/2024

^A
Zabit Khan S.I (No. 546/P) **Versus** PPO & Others
..... Appellant Respondents



AFFIDAVIT

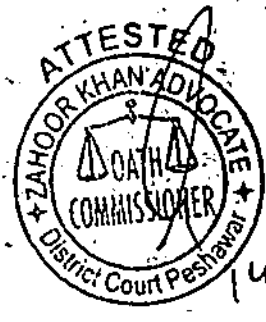
I, ^A
Zabit Khan S.I (No. 546/P) of Police Station Hayatabad,

(The appellant) do hereby solemnly affirm and declare on oath that the contents of this accompanying Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Identified by

DEPONENT *Zabit Khan A.S.1*
CNIC No:- *17301-8637691-7*
Cell No:- *0313-9096315*

Hafiz Muhammad Sadiq Durrani
Advocate High Court
Peshawar

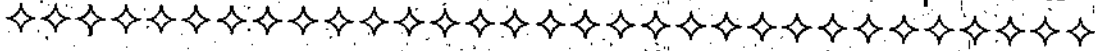


14/06/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No:- _____/2024

Zabit Khan S.I (No. 546/P) **Versus** PPO & Others
..... Appellant Respondents



ADDRESSES OF PARTIES

APPELLANT

Zabit Khan S.I (No. 546/P) of Police Station Hayatabad

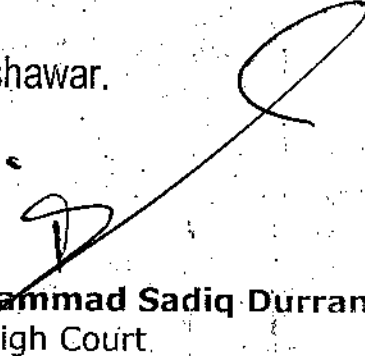
RESPONDENTS

1. The Provincial Police Officer Peshawar.
2. The Capital City Police Officer Peshawar.
3. The Senior Superintendent of Police, Operations, Peshawar.

Dated:- 12/10/2024

Through:-


Appellant

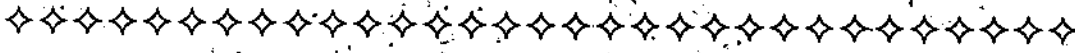

Hafiz Muhammad Sadiq Durrani
Advocate High Court.
Peshawar

2

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

Service Appeal No:- _____/2024

^A
Zabit Khan S.I (No. 546/P) **Versus** PPO & Others
..... Appellant Respondents



ADDRESSES OF PARTIES

APPELLANT

^A
Zabit Khan S.I (No. 546/P) of Police Station Hayatabad.

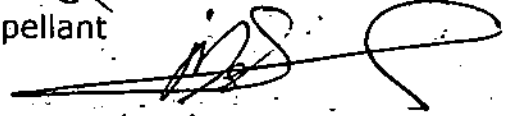
RESPONDENTS

1. The Provincial Police Officer Peshawar.
2. The Additional Inspector General of Police
3. The Capital City Police Officer Peshawar.
4. The Senior Superintendent of Police, Operations, Peshawar.

Dated:- 12/10/2024

Through:-


Appellant


Hafiz Muhammad Sadiq Durrani
Advocate High Court
Peshawar



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**OFFICE OF THE
SUPERINTENDENT OF POLICE, INV. CCP, PESHAWAR**

Office Phone #: 091-9223424

No. 129 /I/PA, Date Peshawar the 11 / 7 / 2023

To: **The District & Session Judge,
Peshawar.**

Subject: **TRANSFER OF ACCUSED.**

Honorable Sir,

It is submitted that DSP Investigation, Peshawar has intimated that the following accused are involved/wanted in case FIR No. 1255 dated 19.10.2023 u/s 361A/PS Hayatabad Peshawar.

1. Rooh Ul Amin s/o Doulat r/o Malik Din Khel Jamrud
2. Hameed s/o Amin Shah r/o Khajou Malik Din Khel
3. Imran s/o Arif r/o Spin Qamar

The Investigation Officer has stated that the aforesaid accused has been arrested by the local Police of PS Bara, District Khyber Pakhtunkhwa case FIA No. 339 dated 23.10.2023 u/s 392/412/15AA PS Bara, Khyber and confined in Jamrud Jail.

The Investigation officer has further requested for the transfer of aforementioned accused.

It is therefore, requested that District & Session Judge, Khyber may kindly be approached for hand over the above mentioned accused to Peshawar Police for further investigation, please.

IO of the case Zabir Khan of PS Hayatabad along with other sufficient Police contingent is deputed for the subject purpose.

**SP INVESTIGATION
CAPITAL CITY POLICE, PESHAWAR**

Copy of above are sent to:

1. DSP Inv: Cantt, Peshawar.
2. SHO PS Hayatabad, Peshawar with the direction to provide sufficient contingent and also arrange a proper security in order to avoid any untoward situation.

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1. IO of the case
2. Sufficient Police contingent
3. deputed for the subject purpose

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M. S. B. B. B.

12/12/13
13/12/13

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12/12/13
13/12/13

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**IN THE COURT OF IMTIAZ ALAM KHAN
CIVIL JUDGE/ JUDICIAL MAGISTRATE-I BARA, KHYBER**

NO. 12/2023

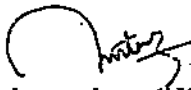
APP for the state present. Zabit Khan ASI PS Hayatabad District Peshawar submitted application for transfer of accused, namely, Rooh Ul Amin, Hameed and Imran. The same being forwarded to the undersigned by the Honorable District & Sessions Judge Khyber for necessary action. The accused named above is required to the local police of PS Hayatabad District Peshawar in case FIR No. 1465 dated: 19.10.2023 U/S 381-A PPC. Accused is presently in judicial lock up Bara as he was arrested in case FIR No. 339 dated: 28.10.2023 U/S 392/412 PPC & 15-AA-PS Bara, District Khyber.

Report of SP investigation Khyber is annexed with the application. As per the said report the accused named above is only required to PS Bara in the above mentioned FIR and they are not required to any PS of District Khyber and the local police have no objection on transfer of the accused to PS Hayatabad District Peshawar for investigation.

Since legal formalities have been fulfilled, 24-hours transit custody of the accused named above is hereby granted to the ASI named above, bearing CNIC No. 17301-867691-7. The officer/ASI named above shall ensure the safe transit of the accused from the point of collection to PS Hayatabad District Peshawar and onward to the court of concerned Judicial Magistrate. Accused be produced before the concerned Judicial Magistrate on 14/12/2023 for appropriate order. Superintended sub-jail Bara for doing the needful after due verification and satisfaction in accordance with law.

Reader of this court is directed to retain copy of this order along with copy of the CNIC and Service Card of ASI named above.

Announced
13.12.2023
01:30 hrs

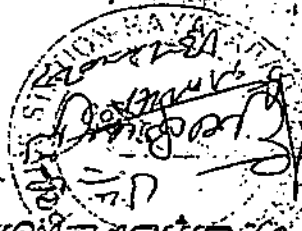

Imtiaz Alam Khan
Judicial Magistrate-I
Tehsil Bara, District Khyber

(13)

تاریخ و وقت	نام اطلاع	آؤر پورٹ نمبر / رجسٹر سلسلہ وار نمبر	پولیس سیشن	ضلع
3-12-2023 15:00	ضابطہ خان ASI	2 / 18	حیات آباد	پشاور
				نوعیت
				واپسی / گرفتاری بندش حوالات

خلاصہ رپورٹ

اس وقت میں معہ ہر ایمان رفتہ بحوالہ مدد 5 روز نامہ بالا سے واپس آیا بلیمان حمید (2) محمد عمران (3) صبح الا امین مطلوبہ مقدمہ 1365 مورخہ 10.10.2023 جرم PPC 381A قحانہ حیات آباد جو کہ ہاڑہ جیل سے بعد مکمل کرنے پر اس ہمراہ لا کر یہ مقرر جامہ تلاشی درست طور پر بند بحالات قحانہ کئے گئے جس کی کارڈ گرفتاری جاری کی گئی جناب SHO صاحبان در CIO کی نوٹس میں لائی جا کر دیگر حالات واقعات بذریعہ ضمنی طلبہ عرض ہو گئے حسب الحکم افسران بالا صاحبان بغرض وصولی ملزما خیر گیا ہوں واپسی پر معلوم ہوا کہ بحوالہ مدد 6 روز نامہ بالا میں ASI کے خلاف رپورٹ درج شدہ ہے لہذا حسب الحکم افسران بغرض سرکاری ڈیوٹی ہاڑہ ضلع خیر گیا قحانہ رپورٹ درج روز نامہ ہے۔

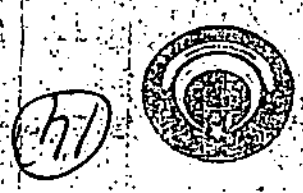


فیس 575757 (2) - (1) (3) - (3) 27855
 (3) ASI/INV (3) VIP
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مقام
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13-12-2023
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ORDER

On the recommendation of SP Cantt Peshawar vide his office memo No. 1655/PA dated 12.12.2023. The following upper/lower subordinates were deputed for special duty vide security order No. 2785 dated 12.12.2023 but they intentionally absented themselves from their lawful duty and disobeying/refused the direct orders of the seniors. Their act is highly objectionable and against the sense of discipline force.

Keeping in view the above explained position, they were called in Orderly Room on 14.12.2023 and heard in person. The accused officials during personal hearing were given ample opportunities to defend themselves but they failed to produce any plausible reasons in their defense. Therefore, I, Kashif Aftab Ahmad Abbasi, Senior Superintendent of Police, Operations, Peshawar, in exercise of the powers conferred on me under Police Rules, 1975 award them the major punishment of "Dismissal" from service with immediate effect.

1. ASI Zabith No. 546/P PS Hayatabad.
2. IHC Riaz Khan No. 344 PS West Cantt.
3. IHC Irshad Khan No. 4157 PS West Cantt.
4. IHC Irfan Gul No. 5597 PS Banamari.
5. IHC Rizwan No. 2566 LC PP Regi Lalma-II PS Nasir Bagh.
6. IHC Inayat NO. 1842 PS Hayatabad.
7. LHC Shadat No. 5157

CCP
No. 3172
Date 18-12-2023

Order announced.

15/12/2023

(Lt Colr) KASHIF AFTAB AHMAD ABBASI PSP
Senior Superintendent of Police
(Operations) Peshawar

2138-43 PA dated Peshawar, the 15/12/2023.
for information and necessary action to:-

- The Capital City Police Officer, Peshawar.
- SSP Coordination Peshawar.
- SsP Cantt, Security & HQrs, CCP Peshawar.
- SDPOs Cantt/Hayatabad CCP Peshawar.
- EC-II/OASI/CRC/PO/FMC along with complete enquiry file for record ()



(18)

**OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR**

Phone No. 091-9210989 Fax: No. 091-9212597

ORDER

This order will dispose of the departmental appeal preferred by Ex-ASI Zabit No. /P, who was awarded the major punishment of "Dismissal from service" under KP PR-5 (amended 2014) by SSP/Operations, Peshawar vide OB No. 3172, dated 18.12.2023.

Brief facts leading to the instant appeal are that the defaulter ASI while posted at the Station Hayatabad, Peshawar was deputed for special security duty vide security order 2785, dated 12.12.2023, but he absented himself from the deputed duty and hence, awarded major punishment of dismissal from service.

He was heard in person in Orderly Room. During personal hearing the appellant stated that he has always performed his duty efficiently and was mistakenly marked absent. In view of his contention, his appeal for reinstatement in service is hereby accepted. The punishment order of SSP/Operations, Peshawar issued vide OB No. 3172, dated 18.12.2023 is set aside. He is hereby reinstated in service with immediate effect. However, he is liable for the minor punishment of "fine of Rs. 2800/-". Moreover, the period he remained absent & out of service is treated as leave without pay.

"Order is announced"

**CAPITAL CITY POLICE OFFICER,
PESHAWAR**

60-59 /PA/CCP, dated Peshawar the 20/03/2024

Copies for information and necessary action to the:-

- SSP/Operations, Peshawar.
- SP/HQrs., Peshawar.
- AD-IT CCP Peshawar.
- SO, AS, EC-II, CRC & OASI.
- MC along with complete fouji missal.
- Official concerned.

O B No. 777
Date 20/03/2024



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

17

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 ASI Zabit No. 546/P (hereinafter referred to as petitioner).

SSP Operations awarded the petitioner major punishment of dismissal from service vide OB No. 3172, dated 18.12.2023 on the allegations that he while posted at PS Hayat Abad Peshawar was deputed for special duty vide security order No. 2785, dated 12.12.2023, but he absented himself from the deputed duty.

The Appellate Authority i.e. CCPO/Peshawar heard the appellant in OR & accepted his appeal vide order Endst: No. 1280-88/PA, dated 20.03.2024 & converted his major punishment of dismissal into minor punishment of fine of Rs. 2000/- while the period the absence and out of service period was treated as leave without pay.

A meeting of Appellate Board was held on 28.08.2024 in CPO under the chairmanship of DIG Headquarters. ASI Zabit No. 546/P was present & heard in details.

His major punishment has already been converted into minor punishment. Hence his appeal is rejected.

Sd/-

AWAL KHAN, PSP

Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. SI 2453-58 /24, dated Peshawar, the 25-09 - 2024.

Copy of the above is forwarded to the:

1. Capital City Police Officer, Peshawar. One Service Book, One Service Roll and Enquiry File Containing 43 pages (All in original) of the above-named official received vide your office letter No. 8816/I:C-II, dated-20.05.2024 is returned for your office record.
2. SSP Operations, Peshawar.
3. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: E-III, CPO Peshawar.

(SONIA SHAMROZ KHAN)
PSP

AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

ATTESTED

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ATTESTED

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1996




جناب عالی:

گزارش ہے کہ سائل 1996 میں محکمہ پولیس میں بطور کنسٹیبل بھرتی ہو کر بہ عہدہ ASI انوسٹی گیشن حیات آباد میں ڈیوٹی سرانجام دیتا رہا ہوں اور اب تک اپنی ڈیوٹی نہایت ایمانداری اور خوش اسلوبی سے سرانجام دی ہے اور کسی قسم کی کوتاہی نہیں کی ہے۔ سائل کے پاس بجرم 381-A PPC کا مقدمہ زیر تفتیش تھا۔ جس کے کچھ ملزمان تھانہ باڑہ ضلع خیبر نے گرفتار کر کے داخل جیل کیے تھے۔ جس کے متعلق ایس پی کینٹ صاحب نے سختی سے ہدایت کی تھی کہ ان ملزمان کو بذریعہ ضمیمہ ب نکال کر باڑہ سب جیل ہے ٹرانسفر کر کے اپنے مقدمہ میں انٹارویٹ کرے۔ لہذا ملزمان کی ٹرانسفر سے متعلق تمام پراسز سیشن جج صاحب سے پوری کر کے مورخہ 13.12.2023 کو ضلع خیبر باڑہ کو روانگی کر کے ملزمان کو باڑہ سینٹرل جیل سے نکال کر پشاور ٹرانسفر کیے۔ اسی دن VIP ڈیوٹی ہونے کی وجہ سے مجھے تقریباً 9:50 بجے دن کو غیر حاضر کر کے ایس ایس پی آپریشن صاحب نے ملازمت سے برخاست کیا حالانکہ میں سرکاری ڈیوٹی پر حسب الحکم آفسران بالا گیا ہوا تھا اور علی الصبح اپنی روانگی بھی کی تھی۔ نقلمد ہمراہ لف ہے۔

لہذا استدعا ہے کہ سائل کی شفاف ملازمت کو مد نظر رکھتے ہوئے ملازمت

پر بحال کرنے کا حکم صادر فرمائے۔ سائل تاحیات دعا گو رہے گا۔

سائل: ضابطہ خان سابقہ ASI پشاور

قیمت 50 روپے	60861	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈوکیٹ: حافظ محمد صادق درانی	بار کونسل ایسوسی ایشن نمبر:	  
رابطہ نمبر: 992-92-92-90		

بعدالت جناب: مسٹر جسٹس محمد بنوعلی خان

منجانب: حافظ بلطف خان - ASI	دعویٰ: مسٹر جسٹس بلطف خان
بنام	علت نمبر:
P.P.O	موضوع نمبر:
	درجہ:
	تھانہ:

بابت تحریر آنکہ

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

المقوم: 14/10/2024

العبد گواہ شد العبد

مقام کے لیے منظور ہے۔

ضابطہ خان بلطف خان
A.S.I.

Attested & sealed
14/10/2024