

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**
RASHIDA BANO ... MEMBER (Judicial)

Service Appeal No.658/2024

Date of presentation of Appeal.....14.05.2024
Date of Hearing.....14.10.2024
Date of Decision.....14.10.2024

Kashif Ahmad, Ex-FC No.33, Special Branch Office, Karak
.....(*Appellant*)

Versus

1. **The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.**
2. **The Additional Inspector General of Police, Special Branch, Khyber Pakhtunkhwa, Peshawar.**
3. **The Deputy Inspector General of Police, Special Branch, Khyber Pakhtunkhwa, Peshawar.....(Respondents)**

Present:

Mr. Taimur Ali Khan, Advocate.....For the appellant
Mr. Muhammad Jan, District Attorney.....For respondents

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SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 04.12.2023, WHEREBY, THE APPELLANT WAS DISMISSED FROM THE SERVICE AND AGAINST THE ORDER DATED 19.02.2024, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED FOR NO GOOD GROUNDS AND AGAINST THE ORDER DATED 07.05.2024, WHEREBY THE REVISION OF THE APPELLANT WAS ALSO REJECTED FOR NO GOOD GROUNDS.

JUDGMENT

KALIM ARSHAD KHAN, CHAIRMAN: Appellant's case as reflected from the record, in brief is that he was serving in the Police Department as Constable; that while

posted in Special Branch Office, Karak, verification of one Zaffar Mehmood bearing CRC No.9785/CRC dated 26.07.2023 was sent online from VB-II section to AGO Office Special Branch District Karak, which was received on the same date and further endorsed to the appellant being Beat Officer of Police Station, Karak; that the appellant collected information about that Zaffar Mehmood and found him clear, therefore, verification of the said person was handed over by the appellant to the AGO Office, Karak; that he was suspended and charge sheet alongwith statement of allegations were issued to him in which it was mentioned that the appellant had links with that Zaffar Mehmood, who was mastermind of MDCAT-2023 scam; that the appellant submitted his reply that information about the said Zaffar Mehmood was collected and the same had also verified by Mr. Nawab Zada, Area Officer of Special Branch, wherein, there was no criminal record against Zaffar Mehmood; that inquiry as conducted, wherein, the inquiry officer has stated that there was no criminal record of Zaffar Mehmood in the Police Station, Karak; that a show cause notice was also issued to the appellant which was replied by him; that vide order dated 04.12.2023, he was dismissed from service; that feeling aggrieved, he filed departmental appeal, but the same was rejected on 19.02.2024; that he filed revision



petition but the same was also regretted, hence, the instant service appeal.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

3. We have heard learned counsel for the appellant, learned Assistant Advocate General for respondents.

4. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned District Attorney controverted the same by supporting the impugned order(s).

5. In reviewing the case of the appellant, a Constable in the Police Department, it is evident that the core of the dispute arises from his involvement in the verification process for one Zaffar Mehmood, linked to the MDCAT-2023 scam. The appellant, while serving as Beat Officer, conducted a thorough verification of Zaffar Mehmood and, finding no criminal record against him, submitted the clearance to the AGO Office, Karak. However, the appellant faced suspension following allegations of his association with Mehmood, who was deemed the mastermind of the scam. Despite the inquiry confirming the absence of any criminal record for Mehmood, the appellant was dismissed



from service, leading him to file a departmental appeal and subsequent revision petition, both of which were denied. The findings highlight a critical lack of substantial evidence linking the appellant to the alleged misconduct, raising concerns about the fairness of the disciplinary actions taken against him. This case underscores the importance of due process and the need for clear, corroborative evidence when making serious allegations that affect an officer's career.

6. Besides, the appellant who as Beat Officer in Special Branch at District Karak made verification, of one Zaffar Mehmood, who was involved in the scam of MDCAT-2023. Against this act of the appellant, he was proceeded departmentally. However, the inquiry officer had informed the District Police Officer, Karak that there was no CDR (Call Data Record) which could show establishment of any contact between the appellant and Zaffar Mehmood. The DPO had also submitted report vide memo dated 27.10.2023 that there was no criminal record against Zaffar Mehmood in the City Police Station, Karak. The appellant was responsible to the extent of his jurisdiction i.e. City Police Station, Karak while the FIRs were lodged against Zaffar Mehmood in Peshawar and Dir Lower. Despite the facts, he was proceeded departmentally and dismissed from service, without any reason.

7. In view of above, impugned order dated 04.12.2023 is set aside and the appeal in hand is accepted. Appellant is reinstated into service with all back benefits from the date of his dismissal. Costs shall follow the event. Consign.

8. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 14th day of October, 2024.*



KALIM ARSHAD KHAN
Chairman



RASHIDA BANO
Member (Judicial)

MEMO OF COSTS
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

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PRESENT

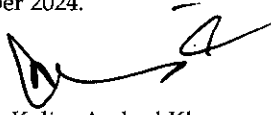
1. Mr. Taimur Ali Khan, Advocate, for the Appellant
2. Mr. Muhammad Jan, District Attorney for respondents.

Appellants	Amount	Respondent	Amount
1. Stamp for memorandum of appeal	Rs. Nil	1. Stamp for memorandum of appeal	Rs. Nil
2. Stamp for power	Rs. Nil	2. Stamp for power	Rs. Nil
3. Pleader's fee	Rs. Nil	4. Pleader's fee	Rs. Nil
4. Security Fee	Rs. 100/-	4. Security Fee	Rs. Nil
5. Process Fee	Rs. Nil	5. Process Fee	Rs. Nil
6. Costs	Rs. Nil	6. Costs	Rs. Nil
Total	Rs. 100/-	Total	Rs. Nil

Note: Counsel Fee is not allowed as the required certificate has not been furnished.

Given under our hands and the seal of this Court, this 14th day of October 2024.


Rashida Bano
Member (Judicial)


Kalim Arshad Khan
Chairman


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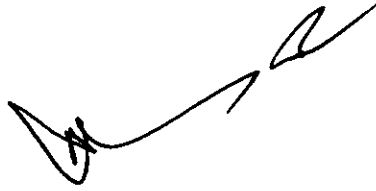
S.A # ~~685~~ 2024

ORDER

14th Oct. 2024

1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for respondents present. Heard.
2. Vide our detailed judgment of today, placed on file, impugned order dated 04.12.2023 is set aside and the appeal in hand is accepted. Appellant is reinstated into service with all back benefits from the date of his dismissal. Costs shall follow the event. Consign.
3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 14th day of October, 2024.*


(Rashida Bano)
Member (J)


(Kalim Arshad Khan)
Chairman


Mutazem Shah

16.08.2024

1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present. Preliminary arguments heard.

2. Points raised need consideration. The appeal is admitted to regular hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security fee within then days. Reply/comments on behalf of respondent have already been submitted. To come up for arguments on 14.10.2024 before D.B. P.P given to the parties.

SCANNED
KIPST
Peshawar


(Muhammad Akbar Khan)
Member (E)

Kamranullah