


FORM OF ORDER SHEET

Court of _____

Appeal No. 2401/2024

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1- | 08/11/2024 | <p>The appeal of Mr. Muhammad Israr received today by registered post through Mr. Muhammad Arshad Khan Tanoli Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on 26/11.2024. Counsel for the appellant has been informed telephonically.</p> <p>By order of the Chairman  REGISTRAR</p> |

Application Id: 98

CNIC: 1310109147461

Appellant: Muhammad Israr No. 429 Ex-Constable District Police Torghar Versus Inspector General of Police Khyber Pakhtunkhwa, Peshawar and others

Department Police

Type Appeal

Submitted on: 21-10-2024 01:58:05pm

Discription: Service Appeal under Section 4 of KP Service Tribunal Act, 1974 against impugned Dismissal from Service order dated 15/02/2024 may be set-aside and the respondents may graciously be directed to re-instate the appellant in service with all service back benefits.

Objections:

1-Check list has not been filed/duly filled in/signed. 2-Affidavit is not attested by the Oath Commissioner. 3-Annexures G&H mentioned in the grounds of appeal are missing. 4-Wakalat nama attached with the appeal is blank. 5-Respondent no.1 is un-necessary party be deleted from the list of respondents. Returned for removal of above mentioned objections to be resubmitted on or before 2024-11-07

View PDF

*Sir, case is re-submitted duly rectified.
However, Annex G & H shall be
submitted later on.*

Appellant: Samavia Bibi Ex-Lady Constable Belt No. 2301 District Police
Mansera Versus Inspector General of Police Khyber Pakhtunkhwa, Peshawar etc.
Department: Police
Type: Appeal
Submitted on: 12-10-2024 12:58:37pm

Description: SERVICE APPEAL UNDER SECTION 4 OF KP SERVICE TRIBUNAL ACT, 1974 FOR SETTING ASIDE IMPUGNED WITHDRAWAL ORDER DATED 16/05/2024 AND RESPONDENTS' DEPARTMENT BE DIRECTED TO RE-INSTATE THE APPELLANT IN SERVICE WITH ALL BACK BENEFITS. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEM APPROPRIATE IN THE CIRCUMSTANCES OF CASE MAY ALSO GRANTED TO THE APPELLANT.

Objections:

1- Documents attached with the appeal are not in sequence be annexed serial wise as mentioned in the memo of appeal 2- Copy of appointment order mentioned in the memo of appeal (Annexure-A) is not attached with the appeal. 3- Copy of departmental appeal for withdrawal of resignation order mentioned in the memo of appeal is not attached with the appeal be placed on it. 4- Copy of enquiry report attached with the appeal is illegible be replaced by legible/better one. 5- 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. _____ / Dt. _____ /2024. REGISTRAR SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR. M.Arshad Khan Tanoli Adv. Supreme Court at A.Abad. Returned for removal of above mentioned objections to be resubmitted on or before 2024-10-31

[View PDF](#)

Application Id: 98

CNIC: 1310109147461

Appellant: Muhammad Israr No. 429 Ex-Constable District Police Torghar Versus
Inspector General of Police Khyber Pakhtunkhwa, Peshawar and others

Department: Police

Type: Appeal

Submitted on: 21-10-2024 01:58:05pm

Description: Service Appeal under Section 4 of KP Service Tribunal Act, 1974 against impugned Dismissal from Service order dated 15/02/2024 may be set-aside and the respondents may graciously be directed to re-instate the appellant in service with all service back benefits.

Objections:

BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 240/2024

Muhammad Israr No. 429 Ex-Constable District Police Torghar.

...APPELLANT

VERSUS

R. 09 Hazar Awiso
Inspector General of Police Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

INDEX

| S.# | Description | Page No. | Annexure |
|------------|--|-----------------|-----------------|
| 1. | Service appeal along with affidavit | 1 to 8 | |
| 2. | Copies of Challan Dak etc | <u>9-10</u> | "A" & "B" |
| 3. | Reply of charge sheet submitted by the appellatant | <u>11</u> | "C" |
| 4. | Copy of impugned dismissal from service order dated 15/02/2024 | <u>12</u> | "D" |
| 5. | Copy of the departmental appeal | <u>13-13-A</u> | "E" |
| 6. | Copy of rejection order dated 27/09/2024 | <u>14-15</u> | "F" |
| 7. | Copies of Marriage Card of the cousin of the appellatant and prescription slips of ailing mother | | "G" & "H" |
| 8. | Wakalatnama | | |

Green
...APPELLANT

Through;

Dated: _____/2024

(Muhammad Arshad Khan Tanoli)
Advocate Supreme Court of Pakistan
At Abbottabad

(Muhammad Ibrahim Khan)
Advocate High Court, Abbottabad

BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 240/12024

Muhammad Israr son of Muhammad Saddique (No. 429 Ex-Constable District Police Torghar), resident of Post Office Darband, Mada Khail, Tehsil & District Torghar.

...APPELLANT

VERSUS

1. Regional Police Officer Hazara Division, Abbottabad.
2. District Police Officer, Torghar.

...RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF
KP SERVICE TRIBUNAL ACT, 1974.**

**PRAYER: ON ACCEPTANCE OF INSTANT
SERVICE APPEAL THE IMPUGNED
DISMISSAL FROM SERVICE ORDER DATED
15/02/2024 MAY BE SET-ASIDE AND THE
RESPONDENTS MAY GRACIOUSLY BE
DIRECTED TO RE-INSTATE THE
APPELLANT IN SERVICE WITH ALL
SERVICE BACK BENEFITS.**

Respectfully Sheweth;

The facts forming the back grounds of instant service appeal are arrayed as under;-

1. That the appellant was serving as Dak Runner in Police Department District Torghar. The appellant performed his duties with due diligence to the required standard of the police service.
2. That on 17/11/2023, the Reader to SP Investigation District Torghar claimed that he had handed over the case file bearing FIR No. 174 under Section 302 PPC Police Station Karore to the appellant and it was fraudulently shown fake signature of the appellant in mail register. But in fact the appellant was not aware about the matter and did not receive the said file from the reader S.P Investigation District Torghar. Copies of Challan Dak etc are attached as Annexure "A" & "B".
3. That the respondents' department issued charge sheet and the appellant replied the said charge sheet. Reply of charge sheet submitted by the appellant is attached as Annexure "C".

4. That respondent No.3 awarded dismissal order of the appellant from service on 15/02/2024. Copy of impugned dismissal from service order dated 15/02/2024 is annexed as Annexure "D".
5. That the appellant filed departmental appeal against the impugned dismissal from service order dated 15/02/2024 on 27/02/2024. Copy of the departmental appeal is annexed as Annexure "E".
6. That on the basis of departmental appeal, respondent No.2 rejected the departmental appeal of the appellant on 03/09/2024 which was received by the appellant from the office of respondent No.3 on 27/09/2024. Copy of rejection order dated 27/09/2024 is annexed as Annexure "F". Hence, the instant service appeal is filed inter-alia, on the following grounds:-

GROUNDS:-

- a) That the appellant was dismissed from service on fake entries and fake signature of the appellant in mail register maintained in the office of S.P Investigation Torghar.

Thus, the appellant committed no misrepresentation and the so-called allegation which was attributed to the appellant was not considered by the Inquiry Committee.

- b) That respondents department before proceeding against the appellant was supposed to sent the specimen of signature of the appellant as well as the signature affixed in Mail Register to FSL for ascertaining the genuineness and otherwise of the signatures in the Mail Register.
- c) That the appellant cannot be dismissed from service unless or until proper inquiry is conducted as per law but here in this case, the appellant was not provided opportunity of cross examining the concerned officials who affixed the fake signature of the appellant in the Mail Register. Therefore, the impugned dismissal from service order dated 15/02/2024 of the appellant is without lawful authority, justification and is against the law.

- d) That the appellant was on leave on 18/11/2023 as the marriage ceremony of one of his cousin was to be scheduled on held on 18/11/2023. Besides, the mother of the appellant was also hospitalized in Civil Hospital Darband Tehsil Mansehra and she was referred to Abbottabad Hospital. Copies of Marriage Card of the cousin of the appellant and prescription slips of ailing mother are attached as Annexure "G" & "H".
- e) That the appellant signs in English but the signature on the Dak is in Urdu which is not the signature of the appellant.
- f) That appeal of the appellant is well within the period of limitation and the matter relates to the terms and conditions of service. Therefore, this Honourable Tribunal has jurisdiction to entertain the lis.
- g) That the other grounds shall be urged at the time of arguments with the permission of Honourable Tribunal.

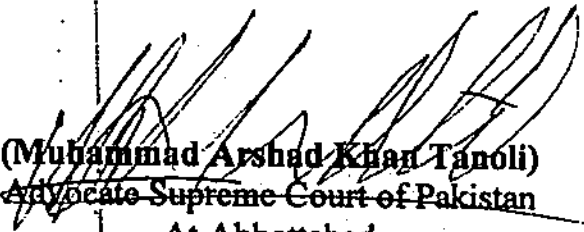
It is humbly prayed that on acceptance of instant service appeal the impugned dismissal from service order dated 15/02/2024 may be set-aside and the respondents may graciously be directed to re-instate the appellant in service with all service back benefits.



...APPELLANT

Through;

Dated: _____/2024



(Muhammad Arshad Khan Tanoli)
Advocate Supreme Court of Pakistan
At Abbottabad



(Muhammad Ibrahim Khan)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing service appeal are true and correct to the best of our knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.



...APPELLANT

BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____/2024

Muhammad Israr No. 429 Ex-Constable District Police Torghar.

...APPELLANT

VERSUS

Inspector General of Police Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

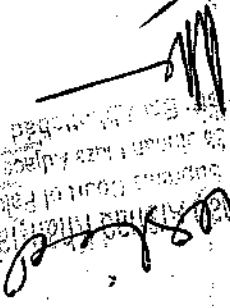
AFFIDAVIT

I, Muhammad Israr No. 429 Ex-Constable District Police Torghar, do hereby solemnly affirm and declare that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.


DEPONENT



27 11 2024


 THE SECRETARY
 THE NATIONAL INSTITUTE OF
 EDUCATION
 1-10, MASUDA 2-CHOME, TOKYO 158, JAPAN

| | | | | | | | | | |
|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 20 | 5 5 | 199 | 5 5 | 199 | 5 5 | 199 | 5 5 | 199 | 5 5 |
| 9 | 5 5 | 190 | 5 5 | 190 | 5 5 | 190 | 5 5 | 190 | 5 5 |
| 8 | 5 5 | 191 | 5 5 | 191 | 5 5 | 191 | 5 5 | 191 | 5 5 |
| 7 | 5 5 | 186 | 5 5 | 186 | 5 5 | 186 | 5 5 | 186 | 5 5 |
| 6 | 5 5 | 187 | 5 5 | 187 | 5 5 | 187 | 5 5 | 187 | 5 5 |
| 5 | 5 5 | 188 | 5 5 | 188 | 5 5 | 188 | 5 5 | 188 | 5 5 |
| 4 | 5 5 | 189 | 5 5 | 189 | 5 5 | 189 | 5 5 | 189 | 5 5 |

18-11-98
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Annex-A

Annex-B

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چالان ڈاک

ضلع تورغر

نٹر ریڈر جناب ایس پی صاحب انویسٹی گیشن

بخدمت ریڈر جناب DPP صاحب تورغر بمقام اوکی۔

بحوالہ مقدمہ علت نمبر 174 مورخہ 23-9-2023 جرم 352/24 PC تھانہ کاروڑ

1- مثل پولیس کل 36 قطعات. نتیجہ 27 قطعات

1- مثل جوڈیشل کل 42 قطعات. نتیجہ 48 و رسم سرحد چالان 10 قطعات

بحوالہ مقدمہ علت نمبر 186 مورخہ 16-10-2023 جرم 462 CI تھانہ کاروڑ

1- مثل پولیس کل 15 قطعات.

1- مثل جوڈیشل کل 12 قطعات.

بحوالہ مقدمہ علت نمبر 187 مورخہ 18-10-2023 جرم 462 I تھانہ کاروڑ

1- مثل پولیس کل — قطعات. نتیجہ اضرافی 13 قطعات

1- مثل جوڈیشل کل — قطعات.

بحوالہ مقدمہ علت نمبر 188 مورخہ 23-10-2023 جرم 462 I تھانہ کاروڑ

1- مثل پولیس کل — قطعات. نتیجہ اضرافی 13 قطعات

1- مثل جوڈیشل کل — قطعات.

بحوالہ مقدمہ علت نمبر 189 مورخہ 23-10-2023 جرم 462 I تھانہ کاروڑ

1- مثل پولیس کل — قطعات. نتیجہ اضرافی 13 قطعات

1- مثل جوڈیشل کل — قطعات.

اللہ

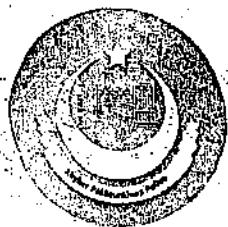
بدست اسرار ڈاک ریزر سال خدمت ہے۔

رسیدگی سے مشکور فرمائیں۔

ریڈر ایس پی انویسٹی گیشن
تورغر

Annex - D

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OFFICE OF THE DISTRICT POLICE OFFICER
DISTRICT, TORGHAR

0997-541031

0997-541032

dpotorghar@gmail.com

0344-9688656

ORDER

This order will dispose off the departmental enquiry initiated against Israr No.429 while posted as Daak Runner. A letter vide No.475-78/2023/DP>/TOR dated 18.12.2023 received from the office of DPP, Torghar revealed that the case file vide FIR No.174 dated 28.09.2023 u/s 302/34 PPC, PS Karor was not received to his office. However, the case file vide FIR No.mentioned above was handed over to him by the Reader of Head of Investigation, Torghar vide official Challan Daak on 17.11.2023, for submitting to the office of the DPP, Torghar, but he had not submitted the subject case file and misplaced it.

He was charge sheeted for the allegations mentioned above by the Head of Investigation, Torghar vide his office Memo No.647-48//PA dated 21.12.2023 and enquiry was entrusted to Fida Muhammad, SDPO Circle Judbah. He after conducting detailed enquiry into the allegations recommended him for major punishment Dismissal from Service in his report as he has been proved guilty for the allegations mentioned in the Charge sheet and statement of allegations, similarly, the Head of Investigation, Torghar submitted the enquiry file to the undersigned as the defaulter official was serving in Operation Wing, District Torghar. He was called in Orderly Room and heard him in person but he can not advance any cogent reason to prove him innocent.


After going through enquiry file, his negligence of misplacing case file of a heinous crime, lack of interest towards his assigned duties and in the light of recommendation of Enquiry Officer and Head of Investigation, Torghar vide his office letter No.66/Reader dated 19.01.2024. I, Mohammad Ishtiaq (PSP) District Police Officer, Torghar, being competent authority in exercise of power under the relevant provision of KPK Police Rules, 1975 (with amendment 2014) am constrained to award him major punishment. Therefore, Israr No.429 is hereby awarded major punishment of "Dismissal from service" with immediate effect.
Order announced in his presence.


District Police Officer,
Torghar

OB No. 34
Dated. 15/03/2024

Copy of above is forwarded for information and necessary action to the:

1. Pay Officer, Torghar.
2. SRC Torghar.


District Police Officer,
Torghar

1. The first part of the document is a list of names and titles, including "Mr. A. B. C.", "Mr. D. E. F.", and "Mr. G. H. I.".

2. The second part of the document is a list of names and titles, including "Mr. J. K. L.", "Mr. M. N. O.", and "Mr. P. Q. R.".

3. The third part of the document is a list of names and titles, including "Mr. S. T. U.", "Mr. V. W. X.", and "Mr. Y. Z. A.".

4. The fourth part of the document is a list of names and titles, including "Mr. B. C. D.", "Mr. E. F. G.", and "Mr. H. I. J.".

5. The fifth part of the document is a list of names and titles, including "Mr. K. L. M.", "Mr. N. O. P.", and "Mr. Q. R. S.".

6. The sixth part of the document is a list of names and titles, including "Mr. T. U. V.", "Mr. W. X. Y.", and "Mr. Z. A. B.".

7. The seventh part of the document is a list of names and titles, including "Mr. C. D. E.", "Mr. F. G. H.", and "Mr. I. J. K.".

8. The eighth part of the document is a list of names and titles, including "Mr. L. M. N.", "Mr. O. P. Q.", and "Mr. R. S. T.".

9. The ninth part of the document is a list of names and titles, including "Mr. U. V. W.", "Mr. X. Y. Z.", and "Mr. A. B. C.".

10. The tenth part of the document is a list of names and titles, including "Mr. D. E. F.", "Mr. G. H. I.", and "Mr. J. K. L.".

Ahmed

Ahmed
 Ahmed
 Ahmed

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Annex-E



Annex F

OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021,22

0992-9310023

r.rpohazara@gmail.com

NO: 4666 /PA DATED: 3 /09/2024

ORDER

This order will dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex-Constable Muhammad Israr No. 429 of district Torghar against the order of punishment i.e. **dismissal from service** awarded by DPO, Torghar vide OB No.34 dated 15-02-2024.

"Brief facts leading to the punishment are that the appellant while posted as Daak Runner, a letter vide No.475-78/2023/DPP/TOR dated 18.12.2023 received from the office of DPP, Torghar revealed that the case file vide FIR No.174 dated 28.09.2023 u/s 302/34 PPC, PS Karor was not received to his office. However, the case file vide FIR No. mentioned above was handed over to him by the Reader of Head of Investigation, Torghar vide official Challan Daak on 17.11.2023, but he had not submitted the subject case file and misplaced it."

The appellant was issued charge sheet along with summary of allegations and DSP, Circle, Judbah Torghar was deputed to conduct departmental enquiry. The EO held the appellant responsible of misconduct. He was called in OR and heard in person. However, he failed to advance any cogent justification in his defense. Consequently, DPO Torghar awarded him major punishment of dismissal from service. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of DPO, Torghar was sought and examined/perused, the appellant appeared before the RPO Hazara on 22-05-2024 and contended that he is innocent and was awarded punishment unjustly. In order to provide him another opportunity of defense his case was remanded back to DPO, Torghar for denovo enquiry through SP Investigation, Torghar. The EO in his findings held the appellant responsible of misconduct.

After receiving the enquiry report of SP Investigation, Torghar the appellant was again called in OR and provided with reasonable opportunity to defend the allegation of misconduct. However, he failed to advance any plausible justification in his defense.

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In view of the above, the punishment awarded by DPO Torghar seems evenhanded. Therefore, in exercise of the powers conferred upon the undersigned, upheld the order of District Police Officer, Torghar and under Rule 11-4 (a) of Khyber Pakhtunkawa Police Rules, 1975 the instant appeal is hereby *rejected/filed* with immediate effect.

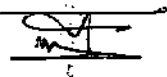


TAHIR AYUB KHAN (PSP)
Regional Police Officer
Hazara Region, Abbottabad

No. 4667 /PA, dated Abbottabad the 03-9-2024.
Cc.

District Police Officer, Torghar for information and necessary action with reference to his office Memo No. 15 dated 25-03-2024. Service roll and fauji missal of the appellant has already been sent to your office vide this office Memo No. 2774/PA dated 23-05-2024. However enquiry file containing (19 pages) are attached herewith for your office record.

Attested



27-9-2024

کوریٹ فیس

وکالت نامہ

بعدالت
سرور کی سبیل سے 1997ء کے بارے

عنوان: محمد اسرار بنام گورنمنٹ

منجانب: اسرار
نوعیت مقدمہ: سرویل اسل

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دی کل کاروائی متعلقہ آلہ مقام
~~محمد اسرار سے تعلقہ اور وہ اس سے علیحدگی کر کے اپنی اساتذہ~~
 کو وکیل مقرر کر کے اس کے صاحب موصوفی کو مفاد کی کل کاروائی کا کمال اختیار ہوگا نیز وکیل
 صاحب موصوفی کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری
 کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت
 ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی
 بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا
 ساختہ پرداختہ مجھ کو منظور قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے
 مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا
 حد سے باہر ہو تو وکیل صاحب موصوفی پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں
 کوئی جزو بقایا ہو تو وکیل صاحب موصوفی مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد
 استجارت نالش بصینہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوفی کو اختیار ہوگا۔
 لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

2002/11/11

المقام:
 Accept
M. Ashraf
 Advocate
 (بمقام وکیل)

المقام:
 Accepted
M. Ashraf
 Advocate
 (بمقام وکیل)