

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CAMP COURT SWAT.

Service Appeal No.569/2018

Date of Institution ... 24.04.2018

Date of Decision ... 10.01.2019

Nadeem Iqbal S/O Sayed Ghafoor Khan R/o Mohallah Mazeed Khail, Manglawar,
District Swat (Ex.DPS at Police Department Swati). ... (Appellant)

VERSUS

District Police Officer, Swat and three others. ... (Respondents)

MR. SHABIR AHMAD KHAN,
Advocate

For appellant.

MIAN AMIR QADAR,
District Attorney

For respondents

MR. AHMAD HASSAN,
MR. MUHAMMAD AMIN KHAN KUNDI

MEMBER(Executive)
MEMBER(Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS.

2. Learned counsel for the appellant argued that on certain allegations, the appellant was proceeded departmentally and thereafter, major penalty of dismissal from service was awarded to him vide impugned order dated 09.01.2018. He filed departmental appeal on 18.01.2018, which was not responded within the given time frame given in the rules, hence, the present service appeal. Disciplinary proceedings were initiated and concluded by DPO, Swat, who was not the competent authority in this case so the impugned order was coram-non-judice being pass by an incompetent authority. He was required to be proceeded under the Khyber

Pakhtunkhwa Police Department (Information Technology Group) Service Rules, 2014.


3. Learned District Attorney argued that all codal formalities were observed before passing the impugned order. The appellant has treated according to law and rules.

CONCLUSION.

4. Record available on the case file revealed that the appellant was appointed by the Addl: Inspector General of Police, while disciplinary proceedings were initiated and finalized by the DPO, Swat, who was otherwise not the competent to proceed in this case. Impugned order passed by the DPO, Swat was coram-non-judice and void ab-initio. As the entire proceedings became null and void due to non-observance of rules, so we did not deem it appropriate not to touch other aspects of the case.

5. As a sequel to above, the appeal is accepted, the impugned order dated 09.01.2018 is set aside and the appellant is reinstated in service. The respondents are directed to conduct de-novo enquiry strictly in accordance with law within a period of ninety days from the date of receipt of this judgment. The issue of back benefits shall be subject to the outcome of the de-novo enquiry. Parties are left to bear their own costs. File be consigned to the record room.

Muhammad Amin
(MUHAMMAD AMIN KHAN KUNDI)
Member


(AHMAD HASSAN)
Member
Camp court Swat

ANNOUNCED
10.01.2019

03.12.2018

Learned counsel for the appellant and Mr. Usman Ghani learned District Attorney present. Learned counsel for the appellant seeks adjournment to furnish appointment order of the appellant. Learned District Attorney also seeks adjournment. Adjourn. To come up for arguments on 10.01.2019 before D.B at Camp Court, Swat.


Member


Member
Camp Court, Swat


Order


10.01.2019

Counsel for the appellant present. Mr. Khawas Khan, SI (Legal) alongwith Mian Amir Qadir, District Attorney for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, the appeal is accepted, the impugned order dated 09.01.2018 is set aside and the appellant is reinstated in service. The respondents are directed to conduct de-novo enquiry strictly in accordance with law within a period of ninety days from the date of receipt of this judgment. The issue of back benefits shall be subject to the outcome of the de-novo enquiry. Parties are left to bear their own cost. File be consigned to the record room.

Announced:
10.01.2019


(MUHAMMAD AMIN KHAN KUNDI)
Member


(AHMAD HASSAN)
Member
Camp Court Swat.


06.07.2018

Appellant Nadim Iqbal in person alongwith his counsel Shabir Ahmad, Advocate present. Preliminary arguments heard.

Contends that the appellant has been dismissed from service without adopting the legal procedure prescribed under the law.


Points raised need consideration. The appeal is admitted for regular hearing, subject to all legal objections, if raised by the respondents. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 03.09.2018 before S.B at camp court, Swat.

Appellant Deposited
Security & Process Fee


Chairman
Camp court, Swat

03.09.2018

Appellant Nadeem Iqbal in person present. Mr. Khawas Khan, S.I alongwith Mr. Usman Ghani, District Attorney for respondents present. Written reply on behalf of respondents not submitted. The latter requested for adjournment. Granted. Case to come up for written reply/comments on 01.10.2018 before S.B at camp court Swat.


(AHMAD HASSAN)
MEMBER.
Camp Court Swat

01.10.2018



Appellant in person present. Mr. Khawas Khan, S.I (Legal) alongwith alongwith Mr. Usman Ghani, District Attorney for the respondents present. Written reply submitted. Case to come up for rejoinder and arguments on 03.12.2018 before D.B at camp court Swat.


Member
Camp Court Swat

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 569/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	24/04/2018	<p>The appeal of Mr. Nadeem Iqbal presented today by Mr. Shabir Ahmad Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 24/4/18</p>
2-	15-5-2018	<p>This case is entrusted to Touring S. Bench at Swat for preliminary hearing to be put up there on <u>06-07-2018</u></p> <p> CHAIRMAN</p>

BEFORE KHYBER PAKHTUNKHWAH
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 569 of 2018

Nadeem Iqbal

Vs

District Police Officer, Swat and others

SERVICE APPEAL

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Appellant

Through Counsel

Shabir Ahmad Khan

Advocate, High Court

Office Address: Hamza Law Chamber,
Allah - o - Akbar Building, Makan
Bagh Chowk, Mingora, District Swat
Cell: 0341-5666363 , 0333-9499466

Dated: 21/04/2018

(1)

BEFORE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 569 of 2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 614

Dated 24-4-2018

Nadeem Iqbal S/o Sayed Ghafoor Khan R/o
Mohallah Mazeed Khail, Manglawar, District
Swat (Ex.DPS at Police Department Swat)

...Appellant

VERSUS

1. District Police Officer, Swat
2. Regional Police Officer Malakand at Saidu
Sharif, Swat
3. Inspector Khurshid Khan (A.DIG) Assistant to
Regional Police Officer Malakand at Saidu
Sharif Swat
4. Inspector General / Provincial Police Officer
Khyber Pakhtunkhwa at Peshawar

...Respondents

Filed to-day
Registrar
24/4/18

SERVICE APPEAL U/S 4 OF THE KPK SERVICE
TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED
ORDER OF RESPONDENT NO. 1 DATED 09/01/2018,
WHEREBY APPELLANT WAS DISMISSED FROM
SERVICE WITH IMMEDIATE EFFECT AGAINST
WHICH APPELLANT FILED DEPARTMENTAL
APPEAL ON 18/01/2018 BUT NO ORDER HAS BEEN
PASSED BY RESPONDENT NO. 2 TILL NOW ON THE
DEPARTMENTAL APPEAL OF THE APPELLANT.

Respectfully Sheweth:

Facts arising to the present appeal are as under;

- 1) That appellant was initially inducted in police department as Computer Operator BPS: 12 with the passage of time the appellant was promoted to the rank of DPS (Data Processing Supervisor) BPS: 14 on regular basis and then upgraded to BPS-16 at the time of passing the impugned order, appellant was holding the post of (Data Processing Supervisor) and was posted as "Data Entry Incharge of Documentation of NCP Vehicles". During this long tenure of his service, he has excellent, unblemished service record without any complaint and was awarded with appreciation certificates which are attached herewith for your kind perusal.
- 2) That on 23/11/2017 a charge sheet vide no. 1332/PA was issued to the appellant and enquiry was entrusted to S.P. Investigation Swat. After conducting enquiry, the Enquiry Officer submitted his findings report to respondent No. 1, in which Enquiry Officer clearly stated that the allegations leveled against the appellant have not been proved.

(Copy of Charge Sheet and finding report is attached herewith as annexure "A&B")

- 3) That upon the findings Report of the Enquiry Officer, the respondent No. 1 straight away illegally dismissed the appellant from service.

(Copy of order of dismissal of respondent No. 1 is attached herewith as annexure "C")

- 4) That the respondent No. 1 passed impugned order dated 09/01/2018, whereby appellant was dismissed from service then the appellant filed a departmental appeal on 18/01/2018 before respondent No.2. (Copy of departmental appeal

is annexed herewith as annexure "D"). Application for interim relief is placed at annex-"E."

- 5) That during the pendency of departmental appeal, the respondent No. 3 summoned up the appellant time and again and was sent back at late evenings every time without allowing the appellant to appear before respondent No. 2.

- 6) That after the lapse of prescribed time period i.e. (90 days) the fate of the appeal could not be decided by respondent No. 2, hence, the instant service appeal.

7) That no proper opportunity of being fairly heard, was given to appellant by respondent No. 1 and illegally dismissed the appellant from service which is against law and service rules and norms of natural justice.

Hence the present appeal is submitted on the following amongst other grounds.

GROUND:-

- i. That the appellant was not treated in accordance with law and rules on the subject and the impugned order has been passed in flagrant violation of law and rules tainted with mala-fide intention and is therefore not sustainable and is liable to be set aside.
- ii. That the allegations leveled against the appellant are baseless, frivolous and not sustainable and untenable under the law and rules on the subject.
- iii. That the universal cannon of natural justice have been set aside and no ample opportunity of presenting the delinquent stance / version has been given.

iv. That the constitutional and fundamental requirements of "Equal protection and equality before law" have bluntly been violated.

v. The impugned order is unreasonable, arbitrary and is liable to be set aside.

vi. That other important points will be raised during the course of arguments with prior permission of this Honorable Tribunal.

It is therefore, humbly prayed that on acceptance of this service appeal, the impugned order of respondent No. 1 may graciously be set aside and appellant may be reinstated in service with all back benefits.

Any other relief as deemed appropriate in the circumstances of the case and not specifically asked for may also be granted to appellant.


Appellant

Through Counsel


Shabir Ahmad Khan

Advocate, High Court

Dated: 21/04/2018

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**BEFORE KHYBER PAKHTUNKHWAH
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. _____ of 2018

Nadeem Iqbal

Vs

District Police Officer, Swat and others

SERVICE APPEAL

Affidavit

I Nadeem Iqbal S/o Sayed Ghafoor Khan R/o Mohallah
Mazeed Khail, Manglawar, District Swat (Ex.DPS at Police
Department Swat) do hereby states on oath that all the
contents of this Service appeal are correct and true to the best
of my belief and knowledge and nothing has been concealed
from this Honorable Tribunal.


Deponent

Nadeem Iqbal

ATTESTED

Fazal Amin Advocate,
Oath
SIO: 827 21/4/18
District Courts Gujrat Swat.

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**BEFORE KHYBER PAKHTUNKHWAH
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. _____ of 2018

Nadeem Iqbal

Vs

District Police Officer, Swat and others

SERVICE APPEAL

MEMO ADDRESSES

ADDRESS OF THE APPELLANT:

**Nadeem Iqbal S/o Sayed Ghafoor Khan R/o Mohallah
Mazeed Khail, Manglawar, District Swat (Ex.DPS at Police
Department Swat)**

ADDRESSES OF THE RESPONDENTS:

- 1. District Police Officer, Swat**
- 2. Regional Police Officer Malakand at Saidu
Sharif, Swat**
- 3. Inspector Khurshid Khan (A.DIG) Assistant to
Regional Police Officer Malakand at Saidu
Sharif Swat**
- 4. Inspector General / Provincial Police Officer
Khyber Pakhtunkhwa at Peshawar**

Appellant

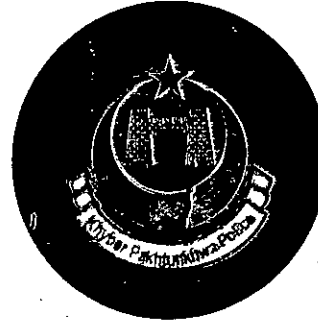
Through Counsel

Shabir Ahmad Khan

Advocate, High Court

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Khyber Pakhtunkhwa No. 18 / P.S.O - P.P.O Police



Commendation Certificate

CLASS I

Granted by

Inspector General of Police, Khyber Pakhtunkhwa

To COMPUTER OPERATOR NADEEM IQBAL

Son of _____

District PESHAWAR

in Recognition of

RECOMMENDED BY DIRECTOR IT FOR THEIR GOOD PERFORMANCE IN THE IT PROJECTS

(CASH REWARD OF RS.5000/-).

Dated: 1st June, 2015

Inspector General of Police
KHYBER PAKHTUNKHWA PESHAWAR

Attested
Shahid
21/4/018.

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CHARGE SHEET

I, **Capt: @ Wahid Mehmood, PSP, District Police Officer, Swat** as a competent authority, hereby charge you, **Nadeem Iqbal, Data Processing Supervisor** while posted as **Data Entry Incharge Documentation of NCP vehicles** as follows:-

You committed the following act/acts, which is/are gross misconduct on your part as defined in civil servants efficiency and disciplinary Rules 2011.

You Nadeem Iqbal Data Processing Supervisor while posted as Data Entry Incharge Documentation of NCP vehicles tried to unduly intrude into the system with the intention to steal and manipulate the data. You were in the possession of passwords and usernames of the software/server. Your intrusion into the system had been detected on August 23, 2017 at 10:00pm when you unauthorisedly logged into the system from HUAWEI-GRA-L09-(Screenshot attached). Your attempt of mischief caused embarrassment to Police department and inconvenience to the public. On the scrutiny of data entered under your supervision the following discrepancies have been noted.

- a. The data of 171 vehicles was found defective with no caretaker details, or vehicle Nos.
- b. On about 499 number of documentation numbers, multiple vehicles have been entered into the system.

The deficiencies noted above speak of your ulterior motives in the documentation process.

- 2. By reasons of the above, you appear to be guilty of misconduct and rendered yourself liable to all or any of penalties specified in civil servants efficiency and disciplinary Rules 2011.

You are, therefore, required to submit your written reply within seven (7) days of the receipt of this Charge Sheet to the Enquiry officer.


- 4. Your written reply, if any, should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
- 5. Intimate as to whether you desire to be heard in person or not.
- 6. A statement of allegations is enclosed.

District Police Officer, Swat

No. 1332 /PA

Dated: 23-11 /2017.

Alleged
Signature
21/11/17

Received at
Name - Star Janam Adam
Designation - PC
Date - 30/11/17
Signature 

Digitized

جناب عالی!

بحوالہ ڈسپلنری ایکشن نمبر 1332/PA مورخہ 23-12-2017 موصول شدہ دفتر جناب DPO صاحب جو ندیم اقبال ڈیٹا سپروائزر کے نام ایثو ہو کر مذکورہ کو بحیثیت Data Entry Incharge Documentation of NCP Vehicles.

DPO صاحب سوات نے انکوائری شروع کرنے کا حکم صادر کر کے زبردستی کو انکوائری آفیسر مقرر فرمایا۔ ڈسپلنری ایکشن کی کاپی بحیثیت انکوائری آفیسر موصول ہو کر مطالعہ کرنے پر معلوم ہوا کہ جملہ الزامات کمپیوٹر

اور سافٹ ویئر سے متعلق ہیں۔ جس میں IT ایکسپٹ کا ہونا انتہائی ضروری اور اہم تھا۔ جبکہ T. انچارج دفتر ہذا عمرہ کی ادائیگی کے لئے چلا گیا تھا۔ بدیں وجہ انکوائری کی فائیڈنگ رپورٹ میں قدرے تاخیر رونما ہوئی۔

IT ایکسپٹ کی آمد پر حسب ضابطہ انکوائری کاغذات کے نسبت دفتر PA متعینہ دفتر DPO صاحب سوات سے ضروری کاغذات حاصل کر کے مطالعہ پر معلوم ہوا کہ ندیم اقبال سابقہ انچارج نے گاڑیوں کی رجسٹریشن کیلئے تیار کردہ سافٹ ویئر میں متعدد بے قاعدگی کے مرتکب ہو کر جس کی نشاندہی کی گئی۔

انکوائری کے سلسلہ میں ندیم اقبال الزام علیہ طلب کر کے مذکورہ کا مفصل بیان بہ موجودگی T. انچارج لیا جا کر قلمبند شدہ بیان پر سوالات بشکل جرح کیا گیا۔ جنہوں نے الزامات کے جوابات اپنے بیان میں مفصل طور پر واضح کیا۔ اس طرح معین فیاض دفتر DPO صاحب اور موجودہ Incharge Documentation of NCP Vehicles

طلب کر کے مذکورہ کا بیان لیا جا کر شامل انکوائری ہے۔ مذکورہ کی بیان پر سوالات جوابات بشکل جرح کیا گیا۔ اس کے علاوہ معین فیاض کو ہدایت کی گئی تھی۔ کہ وہ چارج شیٹ میں درج 171 مشکوک گاڑیوں کے فائل، ریکارڈ اور جاری شدگان کے فون نمبرات مہیا کریں۔ لیکن مذکورہ نے بیان کیا کہ تاحال موبائل نمبرات اور فائل دستیاب نہیں ہوئے ہیں۔ مذکورہ سے سابقہ ریکارڈ

کی نسبت معلومات ہو کر جس پر معین فیاض نے واضح کیا کہ وہ تاحال صحیح طور پر ریکورڈ نہیں ہوا ہے۔ جس کی ریکوری کے نسبت طریقہ کار تیار کرنا بیان کیا۔ اس طرح 499 گاڑیوں کے نمبرات مختلف لوگوں کو ایثو ہونے کی نسبت معلوم ہوا کہ جب گاڑی فروخت ہوتا ہے تو وہی نمبر دوسرے مالک کو منتقل ہوتا ہے۔ اس بات کی تائید نمس القمر انچارج NCP Vehicles رجسٹریشن سمنے اپنے بیان میں کی۔

انکوائری سے ہٹ کر یہ حقیقت واضح ہوا کہ نان کسٹم پیڈ گاڑیوں کی رجسٹریشن اور ضابطہ کار وضع کرنے میں محکمہ پولیس کا اہم کردار ہے۔ جبکہ محکمہ پولیس کیساتھ محکمہ ایکسائز اور پاک آرمی بھی اس طریقہ کار کا حصہ ہے۔ لیکن جملہ ذمہ داریاں پولیس کے حوالے کئے گئے ہیں۔ لیکن دوران انکوائری معلوم ہوا کہ سابقہ رجسٹرڈ شدہ گاڑیوں کے رجسٹریشن کا سیریل اور دیگر معلومات تاحال واضح نہیں ہے۔ جو انتہائی افسوس کی بات ہے۔ رجسٹریشن کا مقصد نان کسٹم پیڈ گاڑیوں کے رجسٹریشن کے ساتھ جرائم میں استعمال شدہ گاڑیوں کے نسبت معلومات حاصل کرنا مقصود تھا۔ جو فی الوقت ناممکن ہے۔

اس طرح بمطابق بیان معین فیاض، گوہر انجینئر SPFI نے سابقہ سافٹ ویئر کے ڈیٹا بیس میں داخل ہو کر سابقہ ڈیٹا حاصل کیا لیکن سافٹ ویئر میں داخل نہ ہونا بیان کیا۔ جس سے ثابت ہوا کہ گوہر نے صرف سابقہ ڈیٹا حاصل کر کے جلدی میں نقائص نوٹ کر کے افسران کے نوٹس میں لایا۔ لیکن بحیثیت ماہر سافٹ ویئر کے نسبت جملہ صورت حال سے آگاہ ہونا

بے خبر رکھا۔ اگر بروقت افسران بالا کے نوٹس میں لاتا تو ندیم اقبال جو محکمہ پولیس میں تنخواہ دار ملازم ہے کو بروقت طلب کر کے مذکورہ سے سافٹ ویئر کے پاس ورڈ اور یوزر نیم حاصل کر کے سابقہ سافٹ ویئر جس میں ملاکنڈ ڈویژن کا کافی تعداد میں گاڑی کی انٹری موجود ہے کارآمد ثابت ہوتا۔ لیکن گوہر SPF انجینئر نے جلد بازی میں نیا سافٹ ویئر انسٹال کیا ہے۔

لہذا جملہ حالات اور واقعات اور کردہ انکوائری سے میں اس نتیجے پر پہنچا کہ سابقہ انچارج ندیم اقبال پر عائد کردہ الزامات کے نسبت میں فیاض پرو نے نہ کوئی ثبوت پیش کیا اور نہ ہی دوران انکوائری الزامات ثابت ہوئے۔ انچارجی رپورٹ مزید ہو کر بمرامد ملاحظہ گزارش ہے۔

ہیڈ آف انوسٹی گیشن ضلع سوات۔

He is proven guilty of his data mis handling and deciening the depth by corrupting the police service hence dismissed from

OR No. 6
9.1.18

09/1/18

Attested
Signature
21/1/18

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ORDER

This order will dispose of departmental enquiry against Data Processing Supervisor Nadeem Iqbal. He while posted as Data Entry Incharge of Documentation of NCP vehicles tried to unduly intrude into the system with the intention to steal and manipulate the data. He was in the possession of passwords and usernames of the software/server. His intrusion into the system had been detected on August 28, 2017 at 10:00pm when he unauthorisedly log into the system from HUAWEL-GRA-L09. His attempts of mischief cause embarrassment to Police department and inconvenience to the public. On the scrutiny of the data enter under his supervision, the following discrepancies have been noted.

1. The data of 171 vehicles was found defective with no caretaker details, or vehicles Nos.
2. On about 499 Nos. of documentation numbers, multiple vehicles have been entered into the system.

His unauthorized entry into the system and the above mentioned allegations speak of his ulterior motives in the documentation process.

He was issued Charge Sheet coupled with Statement of Allegations vide this office No.1332/PA, dated 23-11-2017 and SP Investigation, Swat was appointed as Enquiry Officer. The Enquiry Officer conducted proper departmental enquiry against the delinquent Data Processing Supervisor and recorded statements of all concerned. The Enquiry Officer provided ample opportunity to the Data Processing Supervisor to defend the charges leveled against him. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings.

The delinquent official was called to orderly room but he failed to present any plausible defence against the allegations leveled against him. He was proven guilty of his data mishandling and deceiving the Police department by corrupting data.

Therefore, I, Cap (R) Wahid Mehmood, PSP, District Police Officer, Swat as a competent authority under Khyber Pakhtunkhwa Efficiency and Disciplinary Rules 1973, amended in 2011 hereby award him major punishment of dismissal from service.

Order announced.

District Police Officer, Swat

O.B. No. 06

Dated 09-01-2018

Copy of above to:-

1. Additional Inspector General of Police, Headquarters, Khyber Pakhtunkhwa, Peshawar.
 2. Regional Police Office, Malakand Region, Saidu Sharif Swat.
- FOR INFORMATION PLEASE.**
3. Principal RTS alongwith enquiry file containing 46 pages for necessary action on his end, please.

OB 06

Date 15.1.18 For r.a

Office of the Principal, RTS, MAKU at Swat

By No 39 Date 15/01/18

OB/EC

Principal, MAKU School

Attested Swat District Police Officer

District Police Officer, Swat

BEFORE THE WORTHY DEPUTY INSPECTOR
GENERAL OF POLICE MKD R -III, AT SAIDU
SHARIF SWAT

Nadeem Iqbal S/o Sayed Ghafoor Khan R/o
Mohallah Mazeed Khail, Manglawar, District
Swat

...Petitioner

VERSUS

District Police Officer, Swat....Respondent

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1.	Memo of Appeal		1-4
2.	Copy of order dated 09.01.2018	"A"	5

Yours obedient,

Nadeem Iqbal S/o Sayed Ghafoor Khan
R/o Mohallah Mazeed Khail, Manglawar,
District Swat (Ex.DPS KPK)

CNIC No. 15602-9304344-5
Cell No. 0342-2123133

Attested
Swat
21/1/18

(14)

**BEFORE THE WORTHY DEPUTY INSPECTOR
GENERAL OF POLICE MKD R -III, AT SAIDU
SHARIF SWAT**

Nadeem Iqbal S/o Sayed Ghafoor Khan R/o
Mohallah Mazeed Khail, Manglawar, District
Swat (Ex.DPS KPK)

...Petitioner

VERSUS

District Police Officer, Swat

...Respondent

APPEAL AGAINST THE IMPUGNED ORDER DATED
09.01.2018 OF WORTHY DISTRICT POLICE OFFICER,
SWAT.

Respectfully Sheweth:

The appellant submits as under;

- 1) That the appellant was performing his duty as Data Entry Incharge of Documentation in Police Department of NCP vehicles.
- 2) That on 23.12.2017 a notice vide letter No. 1332/PA was issued to the appellant and on that letter an enquiry was initiated against the appellant.

*Attached
Swat
21/1/18*

3) That the enquiry was entrusted to Head of Investigation Wing District Swat and after conducting proper enquiry, the enquiry officer submitted his finding report, in which the appellant was exonerated from the charges as the allegations level against the appellant have not been proved, which is crystal clear from the concluding Para of findings report submitted by the SP Investigation Swat.

4) That on the finding report of the enquiry officer, the respondent vide order no. 6 dated 09.01.2018 straight away dismissed the appellant from service which is against law and rules. (Photocopy of the order dated 09.01.2018 is attached herewith as annexure "A")

5) That the order passed by the respondent is illegal and defective.

6) That in the light of the following legal grounds, the order of the respondent is also liable to be set aside.

Attested
Shahin
21/4/2018

- 7) That the impugned order is not maintainable nor sustainable in the eyes of law and service rules.
- 8) That the universal cannons of natural justice have been set aside and no ample opportunity of presenting the delinquents stance / version has been given.
- 9) That the constitutional and fundamental requirements of "Equal protection and equality before law bluntly violated"
- 10) That the nexus and chain of events sufficiently disprove and neutralize the conclusion derived by the enquiry officer.

Consequential Relief:

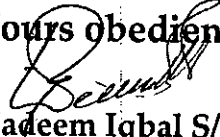
The impugned order of worthy District Police Officer Swat / respondent is void, ab - initio therefore, the impugned order may kindly be set aside.

Alleged
Swat
2/11/08.

Prayer:

On the acceptance of this appeal, the impugned order of the respondent may kindly be set aside and the appellant may kindly be re-instated in service from the date of dismissal.

Yours obedient,



Nadeem Iqbal S/o Sayed Ghafoor Khan
R/o Mohallah Mazeed Khail, Manglawar,
District Swat (Ex.DPS KPK)

Dated: 18/01/2018

Attested
Ghafoor
21/1/18

17-A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. _____ OF 2018.

NADEEM IQBAL

VS

DISTRICT POLICE OFFICER, SWAT AND OTHERS.

SERVICE APPEAL

APPLICATION FOR GRANT OF INTERIM RELIEF.

Respectfully Sheweth:-

It is submitted as under—

- (i) that the instant Service appeal is pending before the Honorable Court;
- (ii) that the appellant has prima Facie case against the respondents;
- (iii) that balance of convenience is in favor of the appellant; and
- (iv) that the appellant shall suffer irreparable loss in case of refusal of interim relief in shape of stay.

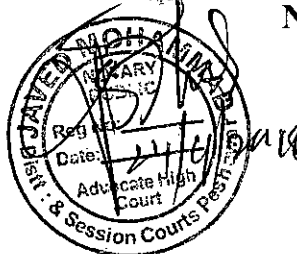
AFFIDAVIT

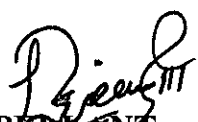
It is stated on Oath that all the contents of this application are correct and true to the best of my knowledge and nothing has been concealed from this Honorable Court.

It is therefore, humbly prayed that on acceptance of this application, the impugned order of respondent No.1 may be stayed till the final disposal of the case and the appellant may be reinstated in service.


DEPONENT
NADEEM IQBAL

ATTESTED




APPELLANT
NADEEM IQBAL

بعدالت سروس ٹریسنگ نر جسٹریٹوز گواہ شہادت

مورخہ 21.4.18

20ء منجانب

شہادت کے لئے

بنام

ندم اقبال

مقدمہ

سروس ایپیل

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دیکھ
کارروائی متعلقہ آن مقام سید احمد خان ایجوکیشنل سوسائٹی کے لئے
صحتاً کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف دیے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک نہ روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمد اور
منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور
اس کا ساختہ پداختہ منظور و قبول ہوگا۔ دوران مقدمہ میں میں جو خرچہ و ہرجانہ التوائے مقدمہ کے
سبب سے ہوگا۔ اس کے مستحق وکیل صاحب موصوف ہوں گے۔ نیز بقایا و خرچہ کی وصولی کرنے کا
بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہے تو وکیل صاحب پابند نہ ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

2018ء

ماہ اپریل

21

المرقوم

العبد گواہ شہادت العبد

بمقام سید احمد خان ایجوکیشنل سوسائٹی کے لئے منظور ہے۔

Altaf
Altaf
Shah
21/4/18

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. 569/2018.

Nadeem Iqbal (Ex-Data Processing Supervisor) s/o Sayed Ghafoor Khan r/o Manglawar
District Swat.

----- Appellant

VERSUS

1. District Police Officer, Swat & 03 others.

----- Respondents

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4	Copy of Charge Sheet	"A"	5
5	Copy of Statement of allegations	"B"	6
6	Copy of Enquiry Papers	"C"	7-17


District Police Officer
Swat

Ph: 0946-9240393
Fax No. 0946-9240402
Email: dposwat@gmail.com

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No. 569/2018.

Nadeem Iqbal (Ex-Data Processing Supervisor) s/o Sayed Ghafoor Khan r/o Manglawar District Swat.

----- appellant

VERSUS

1. District Police Officer, Swat. & 03 others.

----- Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS .

Respectfully Shewith:

The comments on behalf of Respondents are submitted as below.

Preliminary Objections.

1. That the appellant has got no Cause of action and locus standi to file the present appeal.
2. That the appeal is bad due to misjoinder and nonjoinder of necessary parties.
3. That the appeal is time barred.
4. That the appellant has not come to the Tribunal with clean hands.
5. That this Hon'ble Tribunal has got no jurisdiction to entertain the present appeal.
6. That the instant appeal is not maintainable in its present form.
7. That the appellant concealed the material facts from this Hon'ble Tribunal.
8. That the appellant has been estopped by his own conduct to file the appeal.

Facts:

1. Para No.1 of appeal pertains to service record and posting of petitioner.
2. Para No.2 of appeal to the extent of Charge Sheet and proper departmental enquiry is correct.
3. Para No. 3 of appeal to the extent of receipt of findings of Enquiry Officer is correct, however findings of Enquiry Officers are not bindings upon the competent authority, therefore the authority being satisfied regarding guilt of petitioner dismissed him from service.
4. Para No. 4 of appeal to the extent of dismissal and rejection of departmental appeal is correct.
5. Para No. 5 of appeal is incorrect. In order to award opportunity of personal hearing, petitioner was called in Orderly Room by the respondent No. 2 however petitioner despite service of the same intentionally avoided personal appearance.


- 6. Para No. 6 of appeal is not based on real facts. Petitioner intentionally avoided personal appearance before respondent No. 2 in disposal of his departmental appeal.
- 7. Para No. 7 of appeal is incorrect. Orders of respondents are quite legal in accordance with law & rules.


Grounds:

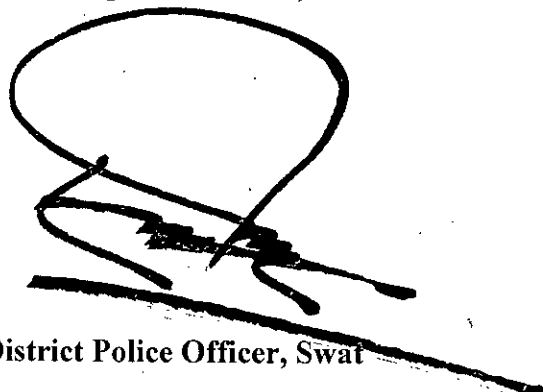
- i. Incorrect. Appellant was treated in accordance with law/rules. Charge sheet, statement of allegations were served upon the appellant. Proper departmental enquiry was conducted duly joined by the appellant. Charge Sheet, Statement of allegations and enquiry report are annexure as "A", "B" & "C".
- ii. Incorrect. Appellant was found guilty for the misconduct.
- iii. Incorrect. Proper opportunity of hearing was provided before passing final order.
- iv. Incorrect. The orders of respondents are quite legal in accordance with law/rules.
- v. Incorrect. Reply already given vide paras above.
- vi. The respondents will raised additional grounds at the time of hearing of appeal

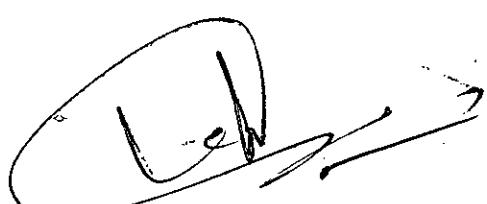
Prayers:

It is therefore requested that the appeal of appellant may kindly be dismissed with cost being devoid of merits and without any legal substance.


Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 4)


Regional Police Officer,
Malakand Region
Malakand Region
(Respondent No. 2)


District Police Officer, Swat
(Respondent No. 1)


ADIG, Assistant to RPO Malakand
(Respondent No. 3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 569/2018

Nadeem Iqbal (Ex-Data Processing Supervisor) s/o Sayed Ghafoor Khan r/o Manglawar District Swat.

----- appellant

VERSUS

1. District Police Officer, Swat. & 03 others.

----- Respondents

AFFIDAVIT

We, the above respondents do hereby solemnly affirm and declare on oath that the accompanying Para-wise comments submitted in reply to above cited service appeal are correct to the best of our knowledge and nothing has been concealed from this Honorable Tribunal.

Inspector General of Police
Khyber Pakhtunkhwa
Peshawar
(Respondent No.04)

Regional Police Officer
Malakand Region
(Respondent No.02)

District Police Officer, Swat
(Respondent No.01)

ADIG, Assistant to RPO Malakand
(Respondent No.03)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

4

Service Appeal No. 569/2018

Nadeem Iqbal (Ex-Data Processing Supervisor) s/o Sayed Ghafoor Khan r/o Manglawar District Swat.

----- appellant

VERSUS

1. District Police Officer, Swat. & 03 others.

----- Respondents

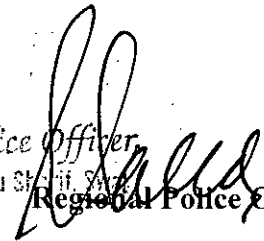
AUTHORITY LETTER

We, the above respondents do hereby authorize Mr. Khawas Khan SI Legal Swat to appear in the Service Tribunal on our behalf on each date fixed in connection with titled Service Appeal and do whatever is

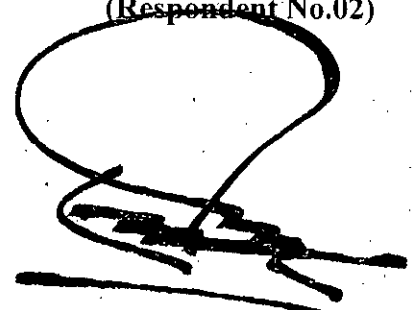


**Inspector General of Police
Khyber Pakhtunkhwa Peshawar
(Respondent No.04)**

Regional Police Officer
Malakand at Saidu Sharif, Swat



**Regional Police Officer
Malakand Region
(Respondent No.02)**



**District Police Officer, Swat
(Respondent No.01)**



**ADIG, Assistant to RPO Malakand
(Respondent No.03)**

5

CHARGE SHEET

I, **Capt: @ Wahid Mehmood, PSP, District Police Officer, Swat** as a competent authority, hereby charge you, **Nadeem Iqbal, Data Processing Supervisor** while posted as **Data Entry Incharge Documentation of NCP vehicles** as follows:-

You committed the following act/acts, which is/are gross misconduct on your part as defined in civil servants efficiency and disciplinary Rules 2011.

You Nadeem Iqbal Data Processing Supervisor while posted as Data Entry Incharge Documentation of NCP vehicles tried to unduly intrude into the system with the intention to steal and manipulate the data. You were in the possession of passwords and usernames of the software/server. Your intrusion into the system had been detected on August 28, 2017 at 10:00pm when you unauthorisedly logged into the system from HUAWEI-GRA-L09-(Screenshot attached). Your attempt of mischief caused embarrassment to Police department and inconvenience to the public. On the scrutiny of data entered under your supervision the following discrepancies have been noted.


- a. The data of 171 vehicles was found defective with no caretaker details, or vehicle Nos.
- b. On about 499 number of documentation numbers, multiple vehicles have been entered into the system.

The deficiencies noted above speak of your ulterior motives in the documentation process.

2. By reasons of the above, you appear to be guilty of misconduct and rendered yourself liable to all or any of penalties specified in civil servants efficiency and disciplinary Rules 2011.

You are, therefore, required to submit your written reply within seven (7) days of the receipt of this Charge Sheet to the Enquiry officer.

4. Your written reply, if any, should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
5. Intimate as to whether you desire to be heard in person or not.
6. A statement of allegations is enclosed.


District Police Officer, Swat

No. 1332 /PA,

Dated: 23-11 /2017.

DISCIPLINARY ACTION

I, **Capt: ® Wahid Mehmood, PSP, District Police Officer, Swat** as competent authority, is of the opinion that he **Nadeem Iqbal, Data Processing Supervisor** while posted as **Data Entry Incharge Documentation of NCP vehicles** has rendered himself liable to be proceeded against departmentally as he has committed the following acts/omissions as defined in civil servants efficiency and disciplinary Rules 2011.

STATEMENT OF ALLEGATIONS

It has been reported that he while posted as **Data Entry Incharge Documentation of NCP vehicles** committed the following act / acts, which is / are gross misconduct on his part as defined in civil servants efficiency and disciplinary Rules 2011.

That he **Nadeem Iqbal Data Processing Supervisor** while posted as **Data Entry Incharge Documentation of NCP vehicles** tried to unduly intrude into the system with the intention to steal and manipulate the data. He was in the possession of passwords and usernames of the software/server. His intrusion into the system had been detected on August 28, 2017 at 10:00pm when he unauthorisedly logged into the system from HUAWEI-GRA-L09-(Screenshot attached). His attempt of mischief caused embarrassment to Police department and inconvenience to the public. On the scrutiny of data entered under his supervision, the following discrepancies have been noted.

- a. The data of 171 vehicles was found defective with no caretaker details, or vehicle Nos.
- b. On about 499 number of documentation numbers, multiple vehicles have been entered into the system.

The deficiencies noted above speak of his ulterior motives in the documentation process.

2. For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations, **SP Investigation, Swat** is appointed as Enquiry Officer.
3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused officer, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.
4. The accused officer shall join the proceedings on the date, time and place fixed by the enquiry officer.


District Police Officer, Swat

No. 1332 /PA, Dated Gulkada the, 23-11 2017.

Copies of above to:-

1. ✓ Regional Police Officer, Malakand Region Saidu Sharif Swat for information, please.
2. **SP Investigation, Swat** for initiating proceeding against the accused Officer/ Official namely **Nadeem Iqbal** under civil servants efficiency and disciplinary Rules 2011.
2. **Nadeem Iqbal, Data Processing Supervisor**

With the direction to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer for the purpose of enquiry proceeding.

جناب عالی!

بحوالہ ڈسپلنری ایکشن نمبر PA/1332 مورخہ 23-12-2017 موصول شدہ دفتر جناب DPO صاحب جو ندیم اقبال ڈیٹا سپروائزر کے نام ایٹو ہو کر مذکورہ کو بحیثیت Data Entry Incharge

Documentation of NCP Vehicles مختلف نوعیت کے باقاعدگیوں کی نشاندہی ہونے پر جناب DPO صاحب سوات نے انکوائری شروع کرنے کا حکم صادر کر کے زبردستی کو انکوائری آفیسر مقرر فرمایا۔

ڈسپلنری ایکشن کی کاپی بحیثیت انکوائری آفیسر موصول ہو کر مطالعہ کرنے پر معلوم ہوا کہ جملہ الزامات کمپیوٹر اور سافٹ ویئر سے متعلق ہیں۔ جس میں 11 ٹیکسٹ کیسٹ کا ہونا انتہائی ضروری اور اہم تھا۔ جبکہ 11 ٹیچارج دفتر ہذا عمرہ کی ادائیگی کے لئے چلا گیا تھا۔ بدیں وجہ انکوائری کی فائیڈنگ رپورٹ میں قدرے تاخیر رونما ہوئی۔

11 ٹیکسٹ کیسٹ کی آمد پر حسب ضابطہ انکوائری کاغذات کے نسبت دفتر PA متعینہ دفتر DPO صاحب سوات سے ضروری کاغذات حاصل کر کے مطالعہ پر معلوم ہوا کہ ندیم اقبال سابقہ انچارج نے گاڑیوں کی رجسٹریشن کیلئے تیار کردہ سافٹ ویئر میں متعدد بے قاعدگی کے مرتکب ہو کر جس کی نشاندہی کی گئی۔

انکوائری کے سلسلہ میں ندیم اقبال الزام علیہ طلب کر کے مذکورہ کا مفصل بیان بہ موجودگی 11 ٹیچارج لیا جا کر قلمبند شدہ بیان پر سوالات بشكل جرح کیا گیا۔ جنہوں نے الزامات کے جوابات اپنے بیان میں مفصل طور پر واضح کیا۔ اس طرح معین فیاض PRO دفتر DPO صاحب اور موجودہ Incharge Documentation of NCP Vehicles طلب کر کے مذکورہ کا بیان لیا جا کر شامل انکوائری ہے۔ مذکورہ کی بیان پر سوالات جوابات بشكل جرح کیا گیا۔ اس کے علاوہ معین فیاض کو ہدایت کی گئی تھی۔ کہ وہ چارج شیٹ میں درج 171 مشکوک گاڑیوں کے فائل، ریکارڈ اور جاری شدگان کے فون نمبرات مہیا کریں۔ لیکن مذکورہ نے بیان کیا کہ تاحال موبائل نمبرات اور فائل دستیاب نہیں ہوئے ہیں۔ مذکورہ سے سابقہ ریکارڈ کی نسبت معلومات ہو کر جس پر معین فیاض نے واضح کیا کہ وہ تاحال صحیح طور پر ریکورڈ نہیں ہوا ہے۔ جس کی ریکوری کے نسبت طریقہ کار تیار کرنا بیان کیا۔ اس طرح 499 گاڑیوں کے نمبرات مختلف لوگوں کو ایٹو ہونے کی نسبت معلوم ہوا کہ جب گاڑی فروخت ہوتا ہے تو وہی نمبر دوسرے مالک کو منتقل ہوتا ہے۔ اس بات کی تائید نمس القمر انچارج NCP Vehicles رجسٹریشن سنٹر نے اپنے بیان میں کی۔

انکوائری سے ہٹ کر یہ حقیقت واضح ہوا کہ نان کسٹم پیڈ گاڑیوں کی رجسٹریشن اور ضابطہ کار وضع کرنے میں محکمہ پولیس کا اہم کردار ہے۔ جبکہ محکمہ پولیس کیساتھ محکمہ ایکسائز اور پاک آرمی بھی اس طریقہ کار کا حصہ ہے۔ لیکن جملہ ذمہ داریاں پولیس کے حوالے کئے گئے ہیں۔ لیکن دوران انکوائری معلوم ہوا کہ سابقہ رجسٹرڈ شدہ گاڑیوں کے رجسٹریشن کا سیریل اور دیگر معلومات تاحال واضح نہیں ہے۔ جو انتہائی افسوس کی بات ہے۔ رجسٹریشن کا مقصد نان کسٹم پیڈ گاڑیوں کے رجسٹریشن کے ساتھ جرائم میں استعمال شدہ گاڑیوں کے نسبت معلومات حاصل کرنا مقصود تھا۔ جو فی الوقت ناممکن ہے۔

اس طرح بمطابق بیان معین فیاض، گوہرا نیجینٹز SPF نے سابقہ سافٹ ویئر کے ڈیٹا بیس میں داخل ہو کر سابقہ ڈیٹا حاصل کیا لیکن سافٹ ویئر میں داخل نہ ہونا بیان کیا۔ جس سے ثابت ہوا کہ گوہر نے صرف سابقہ ڈیٹا حاصل کر کے جلدی میں نفاذ نوٹ کر کے افسران کے نوٹس میں لایا۔ لیکن بحیثیت ماہر سافٹ ویئر کے نسبت جملہ صورتحال سے افسران بالا کو

بے خبر رکھا۔ اگر بروقت افسران بالا کے نوٹس میں لاتا تو ندیم اقبال جو محکمہ پولیس میں تنخواہ دار ملازم ہے کو بروقت طلب کر کے مذکورہ سے سافٹ ویئر کے پاس ورڈ اور یوزر نیم حاصل کر کے سابقہ سافٹ ویئر جس میں ملاکنڈ ڈویژن کا کافی تعداد میں گاڑی کی انٹری موجود ہے کارآمد ثابت ہوتا۔ لیکن گوہر SPF انجینئر نے جلد بازی میں نیا سافٹ ویئر انسٹال کیا ہے۔

لہذا جملہ حالات و واقعات اور کردہ انکوائری سے میں اس نتیجے پر پہنچا کہ سابقہ انچارج ندیم اقبال پر عائد کردہ الزامات کے نسبت میں فیاض پرو نے نہ کوئی ثبوت پیش کیا اور نہ ہی دوران انکوائری الزامات ثابت ہوئے۔ انکوائری رپورٹ مرتب ہو کر بمبر لاہور ملاحظہ گزارش ہے۔

ہیڈ آف انوسٹی گیشن ضلع سوات۔

He is proven guilty of his data mis handling and deciening the police hence dismissed for service.

OB No. 6
9.1.18

8/1/18

بیان آڈاں ندیم اقبال IDPS انچارج / ایڈمنسٹریٹر NCP رجسٹریشن حال پولیس ٹریننگ سکول سوات۔

بدریافت بیان کیا کہ سال 2014 میں نشتیت PRO دفتر بناب DPO صاحب سوات میں تعینات تھا۔ اس دوران اپنی ذہنی مہارت کی بناء پر NCP گاڑیوں کے رجسٹریشن کیلئے سافٹ ویئر تیار کیا۔ لیکن یہ سافٹ ویئر کسی کے ہدایت یا حکم کے بناء پر تیار نہیں کیا تھا۔ بلکہ اپنے سوچ کے عکاسی کرتے ہوئے تیار کیا تھا۔ اُس وقت سافٹ ویئر جناب آذاد خان DIG صاحب ملاکنڈ رینج اور جناب سلیم مروت DPO صاحب سوات نے سافٹ ویئر کا ملاحظہ کرنے کے بعد ہدایت فرمائی کہ سافٹ ویئر پر کام کا آغاز کریں۔ لیکن عین اسی وقت ملاکنڈ ڈویژن میں کسٹم ایکٹ کا نفاذ ہوا۔ جس کی وجہ سے سافٹ ویئر پر کام شروع نہ ہو سکا۔ اس کے بعد میرا تبادلہ بصورت ترقی ٹریفک ہیڈ کوارٹر پشاور عمل میں لایا گیا۔ اس کے بعد اعجاز خان DPO صاحب سوات نے SSP ٹریفک جناب صادق بلوچ صاحب کے ساتھ رابطہ کیا اور صادق بلوچ صاحب کی ہدایت پر ضلع سوات آکر میرا تیار کردہ سافٹ ویئر ضلع سوات میں انشال کر کے NCP گاڑیوں کے رجسٹریشن کا آغاز کیا۔ جب کام ملاکنڈ ڈویژن میں طریقہ کار کے مطابق شروع ہوا۔ تو جناب اعجاز خان DPO صاحب کے نوٹس میں لایا کہ جملہ مقامات پر کام صحیح طریقہ سے ہو رہا ہے۔ اور جب بھی ضرورت ہو تو حاضر ہوتا رہوں گا۔ اور اپنے جائے تعیناتی پشاور ٹریفک جانے کی نسبت اجازت لینا چاہا۔ تو جناب DPO صاحب سوات نے فرمایا کہ فی الوقت موجود رہو۔ اور آپ کے تبادلہ کے نسبت افسران بالا کے ساتھ ساتھ SSP ٹریفک سے بھی رابطہ کروں گا۔ اس حکم پیش نظر کام کا سلسلہ جاری رکھا۔ اسی دوران ضلع سوات میں PRO پوسٹ پر معین فیاض تعینات تھا۔ اور اب بھی ہے۔ سسٹم کا مین سرور دفتر DPO صاحب میں PRO معین فیاض کے کمرے میں نصب تھا۔ معین فیاض جو سافٹ ویئر کے تیاری اور اس قسم کے دیگر ضروری علم سے ناواقفیت رکھتا تھا۔ بدیں وجہ مذکورہ نے میرے ساتھ دل بدی اس بناء پر شروع کی کہ اُس کو ڈر تھا کہ PRO کے سیٹ پر بھی میں قبضہ کروں گا۔ اپنے خوف اور کرسی بچانے کے خاطر ایک پرائیویٹ شخص جس کا نام گوہر تھا۔ جس کو بعد میں معین فیاض نے ذاتی دلچسپی کی بناء پر سافٹ ویئر انجنئر ظاہر کر کے اب محکمہ پولیس میں بطور SPF تعینات ہے۔ ذکر شدہ گوہر کو معین فیاض اپنے کمرے میں سسٹم کو ہینگ کرنے کا موقع دیتا تھا۔ تاکہ وہ کسی طریقہ سے سسٹم میں خرابی پیدا کر کے میرے بدنامی کر کے یہاں سے مجھے تبدیل کیا جائے۔ چونکہ سافٹ ویئر کا User name / Password صرف DPO صاحب اور میرے ساتھ تھا۔ اور گوہر غلط طریقہ سے سسٹم میں داخل ہونے کی کوشش کرتا رہا۔ جس کی وجہ سے سسٹم میں وقتاً فوقتاً خرابی آتا رہا میں نے DPO صاحب کے علم میں گوہر کے سسٹم میں مداخلت کے نسبت لایا تھا۔ مداخلت کی وجہ سے سافٹ ویئر خراب ہو کر کئی دزوں کے کوششوں سے بحال کیا۔ جبکہ اسی دوران معین فیاض نے جناب DPO صاحب کو میرے خلاف شکایت اور سسٹم کی خرابی کا قصور وار ٹھہرایا۔ جناب DPO صاحب نے مجھے طلب کر کے User Name / Password حوالہ کرنے کا حکم دیا۔ میں نے User Name / Password جناب DPO صاحب کی ذاتی ڈائری میں تحریر کر کے چلا گیا۔ اس کے بعد DPO صاحب کو معین فیاض اور گوہر نے بتلایا کہ User Name / Password غلط ہے۔ اور سافٹ ویئر ندیم نے مکمل طور پر خراب کیا ہے۔ معین فیاض نے گوہر کی ایما

پر DPO صاحب کو کہا۔ کہ ہم نیا سافٹ ویئر تیار کریں گے۔ اور صرف 2 دن کی مدت میں نیا سافٹ ویئر تیار کر کے پیش کریں گے۔
 AG سے شروع کیا اور یہ تاثر دیا کہ پرائیویٹ ڈیٹا ڈیلیٹ ہو چکا ہے۔ اس تمام تر صورتحال میں مجھے بے خبر رکھا گیا۔ مجھے سسٹم کے خرابی
 دور کرنے اور خرابی کے قصور واری کے سلسلہ میں طلب نہیں کیا گیا۔ حالانکہ سافٹ ویئر میں خود تیار کر کے کارسز کار کی انجام دہی
 کیلئے حوالہ کیا تھا۔ چونکہ ٹیکنیکل کام تھا۔ اور اس کی وجہ یہ ہے۔ کہ معین فیاض نے اپنے عناد کی بناء پر DPO صاحب کے خدمت
 میں کافی بدگمانی پیدا کر کے مجھے طلب نہیں کیا گیا۔ معین فیاض کے مطابق User Name/ Password غلط اور میرا تیار
 کردہ سافٹ ویئر نا کارہ ہو چکا تھا۔ تو پھر معین فیاض نے سابقہ ریکارڈ کیسے بیکور کیا ہے۔ جہاں تک چارج شیٹ میں لگائے گئے
 الزامات سافٹ ویئر میں غلط طریقہ سے داخل ہونے کے شارٹ سکرین کا ہے۔ تو یہ ایک ٹیکنیکل پوائنٹ ہے۔ کیونکہ ہر کوئی بندہ
 دوسرے شخص کے نمبر سے لے سکتا ہے۔ جبکہ سسٹم میں 171 گاڑیوں کے تفصیلات غلط ہونے کا تعلق ہے۔ تو جب سرور آن ہوتا
 ہے۔ تو اسی دوران پورا ملاکنڈ ڈویژن میں اپریٹرز سافٹ ویئر میں نمبرز انٹری کرتے ہے۔ جب اچانک بجلی چلی جانے کی وجہ سے
 سرور بند ہو جاتا ہے۔ جب بجلی بحال ہوتی ہے۔ تو سلسلہ وار نمبرز میں میسج آتا ہے۔ اس میسج کو پورا کرنے کیلئے فرضی اور وقتی
 نمبرز درج کی جاتے جو کسی بھی گاڑی کو ایشو نہیں ہوتا۔ صرف سسٹم میں سیریل برقرار رکھنے کیلئے جاتا ہے۔ جبکہ 499 گاڑیوں
 کے نمبرات مختلف لوگوں کو ایشو کرنے کا تعلق ہے۔ تو سسٹم میں ابتدائی طور پر درج مالک کو نمبرز ایشو ہوتا ہے۔ جب گاڑی دوسرے
 مالک کو منتقل ہوتا ہے۔ تو گاڑی کا نمبر دوسرے مالک کے نام منتقل کیا جاتا ہے۔ درجہ بالا الزامات معین فیاض PRO نے اپنے
 عناد کی بناء پر ایک ٹیکنیکل مسئلہ کو میرے بدنامی کے خاطر الزامات کا رخ دے کر افسران بالا کے نوٹس میں گزار کر جس پر میرے
 خلاف انکوائری شروع کی گئی ہے۔ بحیثیت سرکاری ملازم اپنے مدد آپ کے تحت سافٹ ویئر تیار کر کے محکمہ پولیس کے نیک نامی اور
 رتبہ بڑھانے کے خاطر استعمال کے قابل بیایا۔ نہ کہ اپنے ذاتی استعمال کیلئے۔ تاکہ محکمہ کے نیک نامی کا سبب بنے۔ میرے آیام
 تعیناتی بحیثیت انچارج کبھی بھی غلطی اور بے قاعدگیوں کا مرتکب نہیں ہوا۔ اور نہ ہی سافٹ ویئر ذاتی مقاصد کیلئے استعمال میں لایا
 ہے۔ محکمہ پولیس میں ایک ذمہ دار پوسٹ پر تعینات ہونے کے ساتھ ایک شریف گھرانے تعلق رکھتا ہوں۔ کبھی بھی ایسے کام سوچ
 نہیں سکتا جس سے محکمہ پولیس کی بدنامی کو میں حلف بالقرآن اپنے اوپر لگائے گئے الزامات کا صفائی دینے کو تیار ہوں۔ یہی میرا
 بیان ہے۔ جو کہ درست ہے۔



ندیم اقبال

ڈیٹا سپروائزر محکمہ پولیس خیبر پختونخواہ۔

0342 - 212 3133

جرح

XXXXXXXXXXXX

س۔ اپ کا پوسٹنگ NCP گاڑیوں کی رجسٹریشن میں کب اور کس عہدے پر کیا گیا۔

ج۔ ایڈمنسٹریٹ تھا۔ اور پولیس ڈاکومنٹس کا انچارج تھا۔

- س۔ یہ NCP سافٹ ویئر کس نے بنایا تھا؟
- ج۔ یہ سافٹ ویئر میں نے بنایا ہے۔ اپنے سوچ سے۔
- س۔ آپ نے کس کیلئے بنایا تھا؟
- ج۔ یہ سافٹ ویئر میں نے اس مقصد کیلئے بنایا تھا۔ کہ سوات میں اور پوری ملاکنڈ ڈویژن میں جتنے بھی نان کسٹم پیڈ گاڑیاں ہے۔ ان کو ایک پہچان دینے کیلئے اور عوام کے سہولیت کیلئے۔ کہ اگر گاڑی چوری ہو جائے۔ تو اس کو ٹریس کیا جائے اور ہر گاڑی کی ملکیت واضح ہو جائے۔
- س۔ تم کو جب NCP گاڑیوں کی رجسٹریشن سے ٹرانسفر ہونے پر اور چارج چھوڑتے وقت کیا سریل تھی۔ AF
- ج۔ سریل AF تھا مگر نمبر یاد نہیں ہے۔
- س۔ Server کے Password کس کس کے پاس تھا؟
- ج۔ Server کا Password میرے پاس تھا۔ پھر میں نے DPO صاحب کو اور DPO صاحب نے معین فیاض کو دیا تھا۔
- س۔ Server میں انٹری کے اوقات مقرر تھے یا نہیں؟
- ج۔ اوقات کار مقرر نہیں تھے۔ پھر جب مجھے تمام ریجن سے سیج ملتا تھا۔ تو اپریٹر کو بند کیا جاتا تھا۔ سوائے ایڈمنسٹریٹر اور DPO صاحب کے۔
- س۔ دیگر اضلاع کے کمپیوٹر اپریٹر کس طرح اپنے انٹری سافٹ ویئر میں کرتے تھے؟
- ج۔ ان کو IP ایڈریس اور User Name اور Password دیا جاتا تھا۔ جسے وہ انٹری کرتے تھے۔
- س۔ بحیثیت انچارج آپ سے اجازت حاصل ہوتا تھا۔
- ج۔ نہیں۔ صبح 8:00 بجے سسٹم پر وہ خود Login ہوتے تھے۔
- س۔ آپ نے کس اپریٹر کو بغیر اجازت انٹر ہونا نوٹ کیا ہے؟
- ج۔ مجھے معلوم ہوا تھا کہ معین فیاض اور گوہر سافٹ ویئر کو ہیک کرنے کی کوشش کرتے ہے۔
- س۔ یہ بھی معلوم ہوا ہے۔ کہ آپ نے DPO صاحب اعجاز خان کو Server کا غلط password دیا تھا؟
- ج۔ قرآن پاک یہ ہاتھ رکھ کر کہتا ہوں کہ DPO صاحب کو میں درست Password دیا تھا۔
- س۔ بحیثیت انچارج ٹرانسفر ہونے پر آپ نے Server کا password اپنے جانشین کو حوالہ کیا؟
- ج۔ نہیں۔ Password میں نے صرف DPO صاحب کو دیا تھا۔
- س۔ کیا یہ درست ہے کہ آپ کے دوران پوسٹنگ گاڑیوں کی رجسٹریشن کا ریکارڈ تاحال نامکمل ہے۔
- ج۔ نہیں۔
- س۔ ٹرانسفر ہونے پر سافٹ ویئر جو بکارسر کار استعمال میں تھا دوبارہ Server میں داخل ہوئی ہو اور اگر داخل ہوئے ہو تو کس مقصد کیلئے۔
- ج۔ اس کے بعد میں سرور میں داخل نہیں ہوا۔

- س۔ ریکارڈ پر موجود شاٹ سکرین کے مطابق آپ نے سافٹ ویئر میں تقریباً 22:00 بجے Access کیوں کیا؟
- ج۔ یہ سکرین شارٹ تو کوئی بھی بنا سکتا ہے۔ اگر میں انٹر بھی ہوا تھا۔ تو 22:00 بجے جس نے یہ تصویر لیا تھا تو اُس وقت server کے پاس کیا کر رہا تھا۔
- س۔ آپ کے بیان کے مطابق جملہ کلریکل غلطی تحریر ہے تو جاتے وقت آپ نے وہی غلطیاں کیوں درست نہیں کی؟
- ج۔ کہ کوئی کلیریکل میٹنگ ہے۔ وضاحت کریں۔
- س۔ کوئی تو سافٹ ویئر کو سیر کر۔ نہ کیلئے 22:00 بجے نہیں جاتا کسی ناکسی مقصد کیلئے ہو سکتا ہے اس وقت تم کسی گاڑی کو نمبر دیے رہے تھے؟
- ج۔ یہ کوئی تاریخ کے 22:00 بجے ہے۔
- س۔ یہ چیسس وغیرہ 1111111 یا xxxxxxxx ہوتا ہے یا نہیں؟
- ج۔ یہ چیسس نمبر نہیں ہے۔ بلکہ جو ID اس ہو جاتے تھے۔ بوجہ بوڈ شیڈنگ جس کی وجہ سے Server خود بخود آن اور آف ہو جاتا تھا۔ تو اس وجہ سے ID مس ہو جاتی تھی۔ اور پھر اس ID کو ریکور کر کے اُس میں رن ڈیٹا دیا جاتا تھا۔ یہ کسی گاڑی کو الٹو ہو سکتا ہے۔ نہ ہوتے تھے۔
- س۔ تمہاری دورانیہ پوسٹنگ میں بالا چیسس کیوں انٹری ہوا ہے؟
- ج۔ جواب بالا ہے۔
- س۔ NCP گاڑیوں کی رجسٹریشن کا سلسلہ پوری ملاکنڈ ڈویژن کے امن دامن کے خاطر عمل میں لایا گیا۔ جس میں محکمہ پولیس کے علاوہ محکمہ ایکسائز کیسا تھ پاک آرمی بھی شامل ہے جبکہ DIG صاحب ملاکنڈ کے خصوصی ہدایات اور دلچسپی کے بناء پر یہ ذمہ داری پولیس کو حوالہ ہوئی اور پولیس کے طرف سے تیار کردہ سافٹ ویئر جو ریکارڈ کے مطابق تاحال نامکمل ہے۔ جس کے زیادہ تر ذمہ داری بحیثیت انچارج اور بانی سافٹ ویئر آپ پر عائد ہوتی ہے۔ بحیثیت تنخواہ دار ملازم محکمہ پولیس آپ نے کیوں محکمہ کے مفادات پر اپنے ذاتی مفادات کو ترجیح دیکر سافٹ ویئر خراب کرنے کا مرتکب ہوئے؟
- ج۔ یہ سافٹ ویئر میں نے عوام اور پولیس کے سہولت کیلئے بنایا تھا۔ اور میں قرآن پاک پہ ہاتھ رکھ کر کہتا ہوں کہ نہ میں نے Password تبدیل کیا ہے۔ اور نہ ہی سافٹ ویئر کو کوئی نقصان پہنچایا ہے۔ اور جس نے وہ سافٹ ویئر Delete کیا ہے۔ وہ محکمہ پولیس اور عوام کا مجرم وہ ہے۔
- س۔ آپ Remotely سافٹ ویئر میں انٹر ہوئے۔
- ج۔ جب تک میں ایڈمنسٹریٹر پوسٹ پر تھا۔ اُس وقت میں Remotely ایکس ہوتا تھا۔ یہ جب میں پوسٹ پر نہیں تھا۔ تو میں نے کبھی بھی کوشش نہیں۔

بیان ازان معین فیاض PRO دفتر DPO صاحب سوات برائے دریافت بیان کیا کہ میں دفتر جناب DPO صاحب میں PRO تعینات ہوں۔ اس کے ساتھ NCP گاڑیوں کے رجسٹریشن کا بھی انچارج ہوں۔ NCP گاڑیوں کے لئے تیار شدہ سافٹ ویئر میں کسی نے مداخلت کر کے خراب ہوا۔ حالانکہ سسٹم کا پاس ورڈ DPO صاحب اعجاز خان اور ندیم کے پاس تھا۔ اسکے بعد DPO صاحب کے حکم پر گوہر SPF سافٹ ویئر انجینئر نے نیا سافٹ ویئر تیار کر کے جواب ہمارے زیر استعمال ہے۔ اس سے پہلے سافٹ ویئر ندیم نے تیار کیا تھا۔ اور پولیس کو حوالہ کیا تھا۔ لیکن ندیم کے تبادلہ پر مذکورہ نے پولیس کی بدنامی، اپنی شخصیت بڑھانے کی خاطر سافٹ ویئر میں بے جا مداخلت کی۔ جس کی وجہ سے ہم نے نیا سافٹ ویئر تیار کیا تھا۔ سافٹ ویئر کی تیاری پر ڈیٹا ریکور کرنے کے لئے دن رات کام میں مصروف تھے۔ کہ مورخہ 28-08-2017 کو بوقت 22:05 بجے ریہوڈلی سسٹم میں ندیم داخل ہو کر جس کی فوٹو گرافی حاصل کر کے DPO صاحب کے نوٹس میں لایا۔ جس کے سلسلہ میں انکوائری ہذا شروع ہے۔



معین فیاض PRO ڈپو سوات۔

جرح۔

س۔ آپ کے تعیناتی بحیثیت انچارج رجسٹریشن NCP گاڑیاں کب ہوا۔

ج۔ 31-08-2017 کو میری تعیناتی ہوئی۔

س۔ NCP گاڑیوں کا سافٹ ویئر کس نے بنایا تھا۔

ج۔ DPO صاحب اعجاز خان نے گوہر نامی ایک شخص کو SPF میں بھرتی کر کے جو سافٹ ویئر انجینئر ہے۔ اور ہمارے

لئے NCP سافٹ ویئر تیار کیا ہے۔

س۔ سابقہ سافٹ ویئر کس نے بنایا تھا اور کیوں رد کیا گیا۔

ج۔ سابقہ سافٹ ویئر ندیم جو کہ سابقہ PRO تھے میرے علم کے مطابق اُس کے دوست نے بنایا تھا۔ اب اس کا نام یاد نہیں ہے۔

چونکہ پُرانہ سافٹ ویئر کا Password اور User Name ندیم نے ہم کو غلط دیا تھا اور ہم سافٹ ویئر میں داخل نہ ہو سکتے تھے۔

اسلئے ہم نے دوسرا سافٹ ویئر بنایا ہے۔

س۔ کیا آپ بذات خود سافٹ ویئر تیار کر سکتے ہیں۔

ج۔ نہیں۔

س۔ نیا سافٹ ویئر کیوں تیار کیا گیا۔ اور کتنے دنوں میں تیار کیا۔

ج۔ پُرانہ سافٹ ویئر کام نہیں کر رہا تھا۔ اور ہمیں کام کو جاری رکھنا تھا۔ اسلئے ہم نے دوسرا سافٹ ویئر صبح، شام محنت کے بعد 7 تا 10 دن

میں بنایا۔ مگر آن لائن کرنے میں کافی عرصہ لگ گیا تھا۔

س۔ پُرانا سافٹ ویئر کہاں پر ہے۔

ج۔ جب ہم نے اپنا سافٹ ویئر تیار کیا تو پُرانا سافٹ ویئر کے ڈیٹا بیس سے ہم نے پُرانا ڈیٹا کاپی کر کے کسی دوسرے Drive میں محفوظ

کیا اور دوبارہ ہم نے Server انشٹال کیا۔ جب Server Window انشٹال ہوتا ہے۔ تو کمپیوٹر کا سارا ڈیٹا ختم ہو جاتا ہے۔

س۔ نیا سافٹ ویئر کوئی تاریخ سے سٹارٹ کیا۔

ج۔ مجھے صحیح تاریخ یاد نہیں ہے۔

س۔ سابقہ سافٹ ویئر سے ڈیٹا کیسے ریکور کیا جبکہ Password غلط تھا کس طرح سافٹ ویئر میں داخل ہوا۔

ج۔ ہم سافٹ ویئر میں داخل نہیں ہوئے ہے۔ ہم صرف ڈیٹا بیس میں داخل ہوئے ہے۔ جس کا Password ہم نے سافٹ ویئر

انجنئر گوہر SPF کے ذریعے ڈیٹا بیس سے نکالا تھا۔

س۔ جب سافٹ ویئر سے ڈیٹا حاصل کیا تو نیا Password کیوں نہیں دیا۔ تاکہ کوئی دوسرا شخص اس میں مداخلت نہ کریں۔

ج۔ ہم سافٹ ویئر میں داخل نہیں ہوئے تھے۔ تو Password کہاں سے چینیج کیا۔

س۔ سابقہ ریکارڈ سے باقاعدگیوں کے نشاندہی کس نے کی ہے۔

ج۔ گوہر انجنئر SPF نے نشاندہی کی تھی۔

س۔ آپ نے جن جن غلطیوں کے نشاندہی کی ہے۔ کیا یہ غلطیاں کسی نے ذاتی فائدہ کیلئے کی ہے۔ اگر ذاتی طور پر کی ہے۔ تو کونسا ثبوت

اکھٹا کی ہے۔

ج۔ غلطیاں پرانے سافٹ ویئر میں موجود تھے۔ اور ہمارے پاس کوئی ثبوت نہیں ہے۔ اور نہ یہ بتا سکتے ہے۔ کہ کسی نے فائدے کیلئے

استعمال کی ہے۔

15
جناب عالی!

گزارش ھیکہ سائل کو چارج شیٹ ایشو ھوا ہے اُس میں سائل کے خلاف کچھ الزامات ہیں

اور سائل اُس الزامات کی وضاحت کرنا چاہتا ہے

سب سے پہلے سائل پہ چارج شیٹ میں یہ الزام ہے کہ سائل ناجائز طور پر سسٹم میں داخل

ھوا تھا۔ تو اُس کے وضاحت میں آپ صاحبان کے خدمت میں کچھ اس طرح دینا چاہتا ھو۔ کہ

NCP سافٹ وئر اور سرور یہ دونوں میں نے بنائے تھے یہ ڈیٹا بیس میں نے کسی کے کہنے پر نہیں بنایا تھا

بلکہ اپنی سوچ سے محکمہ پولیس اور یہاں کی عوام کی سہولت کیلئے یہ ڈیٹا بیس میں نے 2014 میں تیار کیا تھا

بعد میں جب میری ڈیوٹی ٹریفک ہیڈ کوارٹر پشاور میں تھی تو مجھے وہاں سے بلایا گیا اور مجھ سے یہ سسٹم

شروع کروایا گیا (اس میں اور بھی بہت ساری باتیں ہے جو میں جناب

DPO صاحب کے روبرو کرنا چاہتا ھوں) تو اُس وقت میں اس پوری ڈیٹا بیس کا ایڈمنسٹریٹر

تھا اور سسٹم سے backup لینا، سسٹم میں Search Table کو آپڈیٹ کرنا اور پوری ملاکنڈ میں

سارا دن جس ضلع میں بھی آپریٹر سے جو بھی کلریکل مسٹیک ھوتی تھی وہ بذریعہ Email مجھے ارسال

ھوتی تھی اُس مسٹیک کو سسٹم سے ختم کرنا یہ میری ڈیوٹی میں شامل تھا۔

اب جہاں بات 171 نمبرز کی ہے تو وہ ایک ٹیکنیکل مسئلہ ہے جو سابقہ DPO صاحب

کے نوٹس میں تھی۔ وضاحت کچھ اس طرح ہے کہ پہلے والا UPS صحیح طرح سے کام نہیں کرتا تھا جب

بھی بجلی چلی جاتی تھی تو سرور بند ھوجاتا تھا اور پھر خود بخود سٹارٹ ھوجاتا تھا اُس کے بعد جب بھی کمپیوٹر

آپریٹر ڈیٹا انٹری کرتے تھے اُس میں 6 سے 10 تک نمبرز مس ھوجاتے تھے اور بعد میں میں اُسکو ریکور

کر لیتا تھا یہ نمبر پھر کسی کو بھی الاٹ نہیں ھوتے تھے۔ اور یہ بات سابقہ DPO صاحب کے نوٹس میں

تھی اور اس بات کی تصدیق آپ صاحبان NCP رجسٹریشن میں کسی بھی سنٹر کے انچارج سے کر سکتے ہیں۔ اور آخر میں میں نے اس کے لیے مٹہ سنٹر سے UPS لگا کر یہاں لگا دیا۔ اور جہاں بات 499 نمبرز کی ہے تو یہ وضاحت نہیں کی گئی ہے کہ یہ کونسی نمبرز ہے اگر اس کا مطلب ہے کہ یہ میں نے ایشو کئے ہیں یعنی میں نے 499 گاڑیوں کو نمبرز ایشو کئے ہیں تو آپ صاحبان کی خدمت میں واضح کرتا چلو کہ اُس وقت میری ڈیوٹی بھی مختلف سنٹرز میں ہوتی تھی یعنی سوات کے ہر سنٹر میں ہوتی تھی میں 3 دن قمبر بائی پاس میں تو کبھی کانبجوا ایر پورٹ میں تو کبھی مٹہ سنٹر میں ہوتا تھا اور وہاں پر میں گاڑیوں کی ڈیٹا انٹری بھی کرتا تھا جو کہ میری ڈیوٹی میں شامل تھا۔

اس طرح اور بھی بہت ساری باتیں ہے جو میرے خیال میں شاید بذریعہ قلم اچھی طرح سے بیان نہیں ہو سکتی تو میری درخواست ہے کہ باقی ساری باتیں میں جناب DPO صاحب کے روبرو پیش ہو کے کرنا چاہتا ہوں۔

الہذا پیش ہونے کی اجازت مل جائے تو عین نوازش ہوگی۔

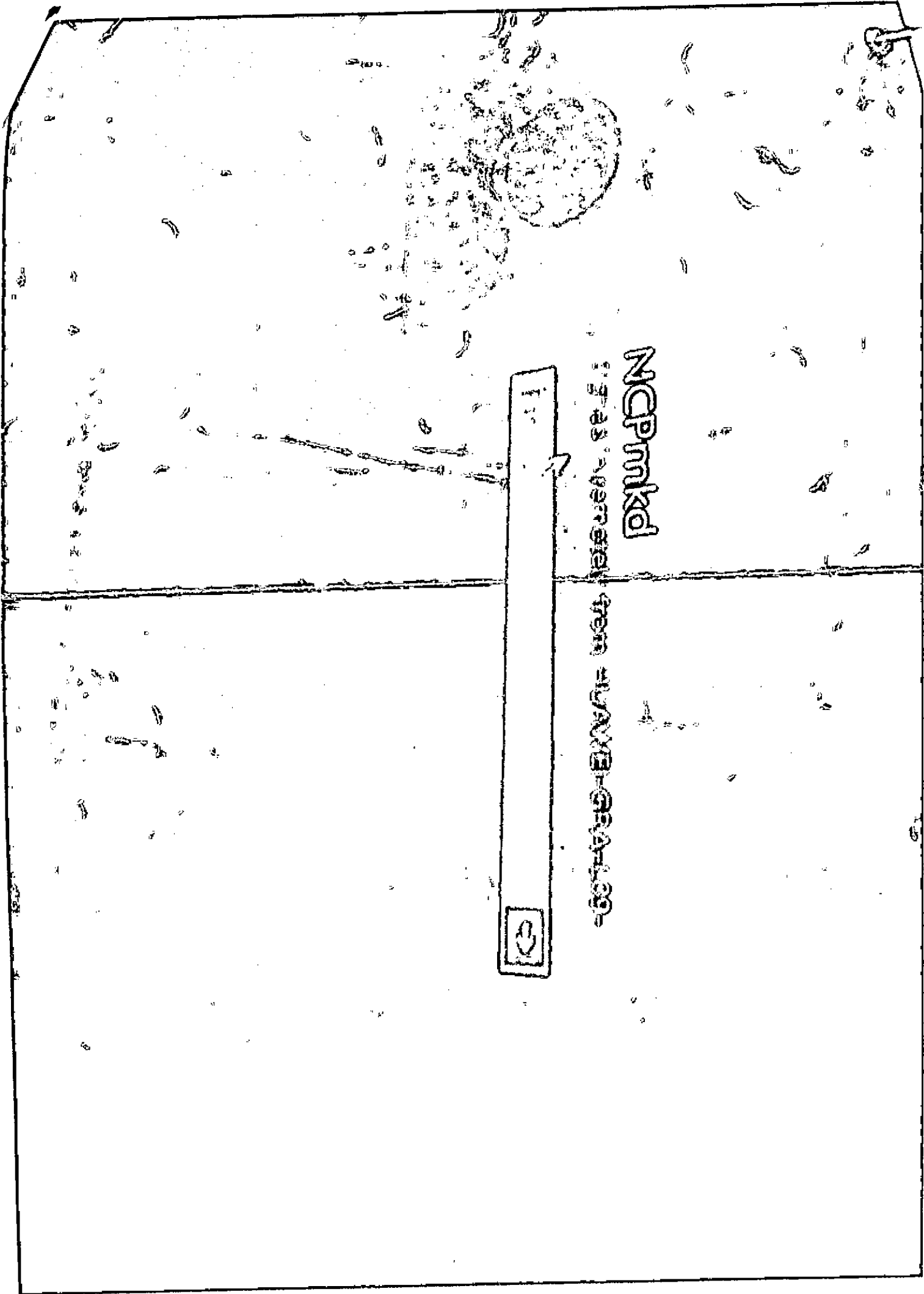
آخر میں آپ صاحبان سے ایک گزارش ہے آپ صاحبان خود بھی ان ٹیکنکل سافٹ ویئر میں خوب مہارت رکھتے ہیں آپ صاحبان مہربانی کر کے اس بات کی بھی انکوائری کریں کہ میرا بنایا گیا سافٹ ویئر کیوں رد کیا گیا اُس میں کیا کمی تھی یا کیا خرابی اور ایک نیا سافٹ ویئر کیوں بنایا گیا۔ اور ابھی جو انکا بنایا گیا سافٹ ویئر ہے اگر میں نے اس میں کسی قسم کی دخل اندازی کی ہے تو پھر میں گناہگار ہونگا۔

ندیم اقبال

ڈیٹا سٹور وائرز محکمہ پولیس خیبر پختونخواہ۔

NCPmkd

1-3-83 - 1987 - from - 41-24-100-



59

From : The Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

To : The Controller,
Govt. Printing Press,
Khyber Pakhtunkhwa,
Peshawar.

The Secretary,
Govt. of Khyber Pakhtunkhwa,
Home and TAs Department.

The Secretary,
to Govt. of Khyber Pakhtunkhwa,
Law Parliamentary Affairs
and Human Rights Department,
Peshawar.

The All Addl: IsGP,
in Khyber Pakhtunkhwa,

The Deputy Secretary (Police),
Govt. of Khyber Pakhtunkhwa,
Home & TAs Department, Peshawar.


The Assistant Inspector General Legal CPO,
Peshawar.

No. 691-701/E-V dated Peshawar the 214 /2014.

Subject: NOTIFICATION OF SERVICE RULES FOR IT PERSONNEL OF
KHYBER PAKHTUNKHWA POLICE.

Memo:

Enclosed please find herewith a copy of notification vide
No. 601/E-V dated: 28.03.2014 regarding the Khyber Pakhtunkhwa Police
Department Information Technology Group Service Rules 2014, for further
necessary action.


(SYED FIDA HASSAN SHAH)
AIG/Establishment
For Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar

No. 702-4 /E-V, dated Peshawar the 214 /2014

Copy forwarded for similar action to:-

1. Director IT CPO Peshawar.
2. Deputy Director Legal CPO Peshawar.
3. Office Supdt: Secret CPO Peshawar.

(1)

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
POLICE DEPARTMENT

NOTIFICATION

Peshawar, dated the 28-3-2014.

No. 601/E-V, In exercise of the powers conferred by Article 112 of the Police Order 2002, the Provincial Police Officer, Khyber Pakhtunkhwa, with approval of the Government of the Khyber Pakhtunkhwa Province, hereby make the following rules, namely:

THE KHYBER PAKHTUNKHWA POLICE DEPARTMENT
(INFORMATION TECHNOLOGY GROUP)
SERVICE RULES, 2014.

PART-I
GENERAL

1. Short title, application and commencement.---(1) These rules may be called the Khyber Pakhtunkhwa Police Department (Information Technology Group) Service Rules, 2014.

(2) These rules shall apply to all employees of the Information Technology of Police Department.

(3) These rules shall come into force at once.

2. Definitions.---In these rules, the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say,-

- (a) "Appendix" means the Appendix appended to these rules;
- (b) "Appointing Authority" in relation to a post, means, the persons authorized under rule 4 to make appointment to that post;
- (c) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;
- (d) "employee" an employee, who holds a post in the Khyber Pakhtunkhwa Police Department (Information Technology Group) Service;
- (e) "Government" means the Government of the Khyber Pakhtunkhwa;
- (f) "initial recruitment" means appointment made otherwise than by promotion;
- (g) "post" means a post specified in column 2 of the Appendix;

- (h) "Province" means the Province of the Khyber Pakhtunkhwa;
- (i) "recognized university" means any university incorporated by law in Pakistan; and
- (j) "service" means the Khyber Pakhtunkhwa Police Department (Information Technology Group) Service.

**PART-II
METHOD OF APPOINTMENTS**

3. Method of appointment.--(1) Appointment to posts shall be made by any of the following methods, namely:

Handwritten notes:
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- (a) by initial recruitment on the recommendation of the Public Service Commission, in accordance with the provisions contained in the Appendix, and every vacant post of any pay scale which falls under initial recruitment quota shall be advertised in news papers; and
- (b) by promotion in accordance with the provisions contained in the Appendix.

4. Appointing Authority.--The authorities competent to make appointment to posts in various basic pay scales shall be as follows:

S. No.	Posts.	Appointing Authority.
1.	Posts in Basic Pay Scale 18.	Chief Minister.
2.	Posts in Basic Pay Scale 17.	Provincial Police Officer.
3.	Posts in Basic Pay Scale 16 and below.	Additional Inspector General of Police (Headquarters).

5. Departmental Promotion Committee and Departmental Promotion Board.--(1) In Police Department, there shall be a Departmental Promotion Committee or Departmental Promotion Board, as the case may be, the composition of which shall be determined by the Provincial Police Officer from time to time.

(2) The Departmental Promotion Committee or the Departmental Promotion Board, as the case may be, shall consist of at least three members, one of whom shall be appointed as Chairman.

6. Appointment by promotion.--(1) Appointment by promotion to posts in BPS-18, in respect whereof the Appointing Authority under rule 4 is the Chief Minister, shall ordinarily be made on the recommendation of the Departmental Promotion Board.

3

(2) Appointment by promotion to posts in BPS-17, in respect whereof, the Appointing Authority is the Provincial Police Officer, shall ordinarily be made on the recommendation of the Departmental Promotion Board whereas the posts in BPS-16 and below in respect whereof, the Appointing Authority is the Additional Inspector General of Police (Headquarters), shall ordinarily be made on the recommendation of the Departmental Promotion Committee.

(3) Persons possessing such qualifications and fulfilling such conditions as laid down in the Appendix, for the purpose of promotion to a post, shall be considered by the Departmental Promotion Board or the Departmental Promotion Committee, as the case may be.

(4) No promotion on regular basis shall be made to any post unless the officer concerned has completed such minimum length of service as specified in the Appendix.

(5) If on an order of promotion or before promotion any employee declines, in writing, to accept promotion, such employee shall not be considered for such promotion for the next four years following order:

Provided that if he declines to avail the benefit of promotion for the second time, then he shall stand superseded permanently for such promotion.

7. Eligibility.--(1) Subject to any relaxation in respect of a person or a class of a person, no person shall be appointed to the service by initial recruitment unless he is within age limit prescribed for the post in column 4 of the Appendix and a citizen of Pakistan and a bonafide resident of the Province.

(2) The age shall be reckoned from the last date notified for submission of application.

(3) No person shall be appointed to the service by initial recruitment unless he possesses the qualification specified in column 3 of the Appendix.

(4) No person, not already in Government service, shall be appointed to the service unless:

(a) he produces a certificate of character from the head of academic institution last attended, and also the certificate of character from two other responsible persons, not being his relatives, who are well acquainted with his character and antecedents; and

(b) he has appeared before the Standing Medical Board/Civil Surgeon/Medical Superintendent and found fit for the service.

**PART-III
PROBATION AND CONFIRMATION**

8. Probation.--(1) Persons appointed to posts by initial recruitment or by promotion shall be on probation for a period of one year:

Provided that if his work or conduct during the period of probation has, in the opinion of the Appointing Authority, not been found satisfactory, the

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Appointing Authority may, notwithstanding that the period of probation has not expired:

- (a) dispense with his service, if he has been appointed by initial recruitment; or
- (b) revert him to his former post, if he has been appointed otherwise, or if there be no such post, dispense with his service; or
- (c) extend the period of probation for a period not exceeding one year in all and may, during or on the expiry of such extended period, pass such orders as it could have passed during or on the expiry of the initial probationary period.

(2) On the successful completion of probation period, the Appointing Authority, shall by specific order, terminate the probation:

Provided that if no specific order is issued on the expiry of the first year of probation period, the period of probation shall be deemed to have been extended for another one year:

Provided further that if no specific order is issued on the expiry of extended period of probation, the period of probation shall be deemed to have been successfully completed.

9. Confirmation.---(1) After successful completion of the period of probation and on passing such prescribed test or examination or acquisition of any certificate, diploma or degree, as may be prescribed in the letter of appointment, employee shall be eligible for confirmation; provided that he holds a substantive post.

(2) An employee, who during the period of his/her service, was eligible to be confirmed but retires before being confirmed shall not merely by attaining the age of superannuation be refused, confirmation or any other benefit accruing there from.

(3) There shall be no confirmation against a temporary post or in case of an employee under enquiry till the inquiry is completed and he is exonerated from the allegations or charges, leveled against him.

PART-IV SENIORITY

10. Seniority.---The seniority inter se of the persons borne on the service shall be determined:

- (a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission; provided that persons selected for appointment to a post in an earlier selections shall rank senior to the person selected on a later selection ; and
- (b) in the case of persons appointed otherwise with reference to the date of their continuous regular appointment to the post; provided that the person selected for promotion to a

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higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

PART-V PENSION AND GRATUITY

11. Pension and gratuity.—(1) On retirement from service, an employee shall be entitled to receive such pension or gratuity as may be admissible to him.

(2) In the event of death of an employee, whether before or after retirement, his family shall be entitled to receive such pension or gratuity, or both.

(3) No pension shall be admissible to an employee, who is dismissed or removed from service for reason of discipline but competent authority may sanction compassionate allowance to such employee, not exceeding two-third of the pension or gratuity which would have been admissible to him had he been invalided from service on the date of such dismissal or removal.

(4) If the determination of the amount of pension or gratuity admissible to an employee is delayed beyond one month of the date of his retirement or death, he or his family, as the case may be, shall be paid provisionally such anticipatory pension or gratuity as may be determined by the prescribed authority, according to the length of service of an employee, which qualifies for pension or gratuity, and any over payment on such provisional payment shall be adjusted against the amount of pension or gratuity finally determined as payable to such employee or his family.

PART-VI RETIREMENT, RESIGNATION AND TERMINATION

12. Retirement.—(1) An employee shall retire from service—

(a) on such date after he has completed twenty-five years of service qualifying for pension or other retirement benefits, the Appointing Authority may, in public interest, direct; and

(b) where no direction is given under clause (a) on completion of the sixtieth year of his/her age.

(2) No direction under clause (a) of sub-rule (1), shall be made until the employee has been informed in writing of the grounds on which it is proposed to make the direction and has been given a reasonable opportunity of showing cause against the direction.

13. Resignation.—(1) An employee may resign from service by giving one month's notice in writing. The resignation shall become effective on the expiry of the said period of notice.

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(2) No resignation shall become effective during the pendency of any disciplinary proceedings against an employee.

(3) Unless the resignation becomes effective, the employee shall not absent himself from the duty without prior approval of competent authority. The leave shall be taken in writing and approved by the competent authority if the employee has leave balance in his account.

(4) An employee who is on probation or has been employed on temporary basis may resign his service at seven (7) days prior notice. The resignation shall not become effective unless accepted by the Appointing Authority on such acceptance the service of such employee shall stand discontinued. However the acceptance in any case other than disciplinary proceedings, should be within thirty (30) days of receipt of the resignation by the Appointing Authority.

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14. Termination.-(1) The "Appointing Authority" may terminate the service of an employee by giving him one month notice with the reasons recorded in writing or by way of punishment duly awarded in accordance with these regulations. Termination is also admissible during probation.

(2) The Appointing Authority shall have the option to pay to the employee at any time during the continuance of the notice a sum equal to his basic pay and allowances for the unexpired period of notice in which case the termination shall become effective on the date such payment is tendered.

(3) The Appointing Authority may terminate the service of any employee, on probation or on a temporary basis at one month notice in writing with the reasons recorded in writing or by way of punishment duly awarded in accordance with these rules.

15. Application of General Rules.—In all other matters not specially provided for in these rules, the holder of posts under these rules shall be governed by any rule made or deemed to have been made under the Khyber Pakhtunkhwa Civil Servants Act, 1973.

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APPENDIX

See rules 2(a), (f), 3, 5(D) and 7(1)

S. No.	Nomenclature of posts.	Minimum qualification for appointment by initial recruitment.	Age limit.	Method of Recruitment.
1.	2.	3.	4.	5.
1.	Deputy Director/ System Analyst/ Database Administrator (BPS-18).			By promotion, on the basis of seniority-cum-fitness, from amongst Assistant Directors /Programmers/LAN Administrators/Web Administrators/Data Processing Officers/Deputy Database Administrators (BPS-17), with five years service as such.
2.	Assistant Director/ Programmer/ LAN Administrator/ Web Administrator/ Data Processing Officer/ Deputy Database Administrator (BPS-17).	Second Class Master Degree in Computer Science or equivalent qualification from a recognized University.	22 to 35 years.	(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Programmers/ Assistant LAN Administrator (BPS-16) having five years service as such and having qualification specified in column 3 for initial recruitment; and (b) fifty per cent by initial recruitment.
3.	Assistant Programmer/ Assistant LAN Administrator (BPS-16).	Second Class Master Degree in Computer Science or four years Bachelor Degree in Information Technology or Computer Science or equivalent qualification from a recognized University.	21 to 30 years.	(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Data Processing Supervisors (BPS-14) having qualified mandatory three months Information Technology Course in Database Management, Programming, Web Pages Development and Networking from Staff Training Institute, Establishment Department, Government of the Khyber Pakhtunkhwa; and (b) fifty per cent by initial recruitment.
5.	Data Processing Supervisor (BPS-14).		21 to 30 years.	By promotion, on the basis of seniority-cum-fitness, from amongst Computer Operators (BPS-12) with five years service as such.

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S. No.	Computer Operator (BPS-12)	Second Class Bachelor's Degree from a recognized University, with one year Diploma in Information Technology from a recognized Board of Technical Education or its equivalent.	18 to 28 years	By initial recruitment.
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10/02/14

PROVINCIAL POLICE OFFICER,
Government of the Khyber Pakhtunkhwa

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 569 OF 2018.

NADEEM IQBAL

VS

DISTRICT POLICE OFFICER, SWAT AND OTHERS.

WRITTEN ARGUMENTS ON BEHALF OF THE APPELLANT.

Respectfully Sheweth:-

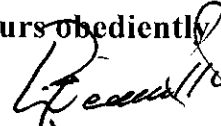
Arguments on behalf of Appellant are submitted as follows:-

1. That in para No.3 of the comments the Respondents accept the findings of the Enquiry Officer is correct. In the concluding para of the Enquiry, it is stated that Moin Fayaz (PRO) did not provide any evidence in support of allegations levied against ex-incharge Nadeem Iqbal (Appellant) and no allegations are proved against the appellant during enquiry. It means that the Respondents has accepted that the Appellant is not guilty and did not commit any misconduct.
2. That in para No.3 of the comments it is further stated that findings of the Enquiry Officers are not binding upon the competent authority. It is worthy to mentioned that the Appellant has been dismissed from service by the then D.P.O Swat vide its impugned order dated 09-01-2018, the same order is null and void ab initio as the D.P.O is not the competent authority as under rule 14 read with rule 4 of the Khyber Pakhtunkhwa Police Department (Information Technology Group) Service Rules, 2014 (copy enclosed), the competent authority for dismissal of BPS-16 and below is Additional Inspector General of Police (Headquarters). Therefore, the impugned order is void ab initio and have no force, the same may be set aside.
3. That no proof or ground has been provided against the Appellant for such dismissal. The cross examination on Moin Fayaz (PRO) during enquiry may be perused, he put allegations against Appellant during cross examination that the former software was rejected for the reason that incorrect username and password was provided by Nadeem (Appellant) and therefore we were not able to enter into the former software, he further contradict his own statement that when we create new software, then we copy old data from former software (in respect of which he already stated that due to wrong username and password, we were not able to enter into the former software) and save it in a drive and then install the server again. From the above statement its clearly shows the malafide intention of Moin Fayaz. He and Gohar intentionally and with a malafide intention create such a guilty planning against the Appellant just to kick out the Appellant and to take over the control of the NCP Registration and also to occupy the post of PRO, with the same guilty intension, he falsely leveled allegations against the appellant and now he is working as PRO. At the last para of his statement he stated that we have no proof and we cannot say that who used the loophole of the former software for his benefit. If he is not sure regarding the person who take personal benefit from the loopholes of the former software, then how he levied allegations against the appellant ?

4. That the Enquiry Officer in his findings stated that Moin Fayaz and Gohar SPF Engineer did not bring the loopholes of the former software into the notice of the high ups and install new software in hurry. If they bring such loopholes in the notice of the high ups then, the Police Department may call Nadeem Iqbal (Appellant) on time and get correct password and username as he is a salaried employee of Police Department to make the former software useful. These findings shows that Moin Fayaz and Gohar are working with malafide intention to dismissed the Appellant from service to achieve their Ulterior Motive.

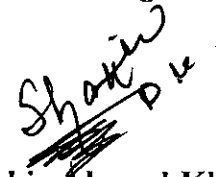
In light of the above mentioned arguments, it is humbly prayed that the impugned order of the respondent dated: 09-01-2018 may kindly be set aside and the Appellant may be reinstated in service from the date of dismissal.

Yours obediently



Nadeem Iqbal S/O
Sayed Gafoor Khan R/O Mohallah
Mazeed Khel, Manglawar, Swat.

Through Counsel



Shabir Ahmad Khan
Advocate, High Court.

From : The Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

To : The Controller,
Govt. Printing Press,
Khyber Pakhtunkhwa,
Peshawar.

The Secretary,
Govt. of Khyber Pakhtunkhwa,
Home and TAs Department.

The Secretary,
to Govt. of Khyber Pakhtunkhwa,
Law parliamentary Affairs
and Human Rights Department,
Peshawar.

The All Addl. IsGP,
in Khyber Pakhtunkhwa,

The Deputy Secretary (Police),
Govt. of Khyber Pakhtunkhwa,
Home & TAs Department, Peshawar.

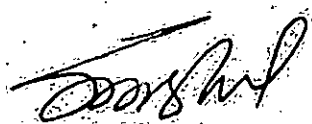
The Assistant Inspector General Legal CPO,
Peshawar.

No. 691-701 /E-V dated Peshawar the 21st /2014.

Subject: NOTIFICATION OF SERVICE RULES FOR IT PERSONNEL OF
KHYBER PAKHTUNKHWA POLICE.

Memo:

Enclosed please find herewith a copy of notification vide No. 601/E-V dated: 28.03.2014 regarding the Khyber Pakhtunkhwa Police Department Information Technology Group Service Rules 2014, for further necessary action.


(SYED FIDA HASSAN SHAH)
AIG/Establishment
For Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar

No. 702-4 /E-V, dated Peshawar the 21st /2014

Copy forwarded for similar action to:-

1. Director IT CPO Peshawar.
2. Deputy Director Legal CPO Peshawar.
3. Office Supdt. Secret CPO Peshawar.

(1)

**GOVERNMENT OF THE KHYBER PAKHTUNKHWA
POLICE DEPARTMENT**

NOTIFICATION

Peshawar, dated the 29-3-2014.

No. 601/E-V In exercise of the powers conferred by Article 112 of the Police Order 2002, the Provincial Police Officer, Khyber Pakhtunkhwa, with approval of the Government of the Khyber Pakhtunkhwa Province, hereby make the following rules, namely:

**THE KHYBER PAKHTUNKHWA POLICE DEPARTMENT
(INFORMATION TECHNOLOGY GROUP)
SERVICE RULES, 2014.**

**PART-I
GENERAL**

1. Short title, application and commencement.---(1) These rules may be called the Khyber Pakhtunkhwa Police Department (Information Technology Group) Service Rules, 2014.

(2) These rules shall apply to all employees of the Information Technology of Police Department.

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PART-II
METHOD OF APPOINTMENTS

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4. **Appointing Authority.**---The authorities competent to make appointment to posts in various basic pay scales shall be as follows:

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(2) Appointment by promotion to posts in BPS-17, in respect whereof, the Appointing Authority is the Provincial Police Officer, shall ordinarily be made on the recommendation of the Departmental Promotion Board whereas the posts in BPS-16 and below in respect whereof, the Appointing Authority is the Additional Inspector General of Police (Headquarters), shall ordinarily be made on the recommendation of the Departmental Promotion Committee.

(3) Persons possessing such qualifications and fulfilling such conditions as laid down in the Appendix, for the purpose of promotion to a post, shall be considered by the Departmental Promotion Board or the Departmental Promotion Committee, as the case may be.

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Appointing Authority may, notwithstanding that the period of probation has not expired:

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- (b) revert him to his former post, if he has been appointed otherwise, or if there be no such post, dispense with his service; or
- (c) extend the period of probation for a period not exceeding one year in all and may, during or on the expiry of such extended period, pass such orders as it could have passed during or on the expiry of the initial probationary period.

(2) On the successful completion of probation period, the Appointing Authority, shall by specific order, terminate the probation:

Provided, that if no specific order is issued on the expiry of the first year of probation period, the period of probation shall be deemed to have been extended for another one year:

Provided further that if no specific order is issued on the expiry of extended period of probation, the period of probation shall be deemed to have been successfully completed.

9. Confirmation.---(1) After successful completion of the period of probation and on passing such prescribed test or examination or acquisition of any certificate, diploma or degree, as may be prescribed in the letter of appointment, employee shall be eligible for confirmation; provided that he holds a substantive post.

(2) An employee, who during the period of his/her service, was eligible to be confirmed but retires before being confirmed shall not merely by attaining the age of superannuation be refused confirmation or any other benefit accruing there from.

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10. Seniority.---The seniority inter se of the persons borne on the service shall be determined:

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11. Pension and gratuity.—(1) On retirement from service, an employee shall be entitled to receive such pension or gratuity as may be admissible to him.

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(3) No pension shall be admissible to an employee, who is dismissed or removed from service for reason of discipline but competent authority may sanction compassionate allowance to such employee, not exceeding two-third of the pension or gratuity which would have been admissible to him had he been invalided from service on the date of such dismissal or removal.

(4) If the determination of the amount of pension or gratuity admissible to an employee is delayed beyond one month of the date of his retirement or death, he or his family, as the case may be, shall be paid provisionally such anticipatory pension or gratuity as may be determined by the prescribed authority, according to the length of service of an employee, which qualifies for pension or gratuity, and any over payment on such provisional payment shall be adjusted against the amount of pension or gratuity finally determined as payable to such employee or his family.

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12. Retirement.—(1) An employee shall retire from service—

(a) on such date after he has completed twenty-five years of service qualifying for pension or other retirement benefits, the Appointing Authority may, in public interest, direct; and

(b) where no direction is given under clause (a) on completion of the sixtieth year of his/her age.

(2) No direction under clause (a) of sub-rule (1), shall be made until the employee has been informed in writing of the grounds on which it is proposed to make the direction and has been given a reasonable opportunity of showing cause against the direction.

13. Resignation.—(1) An employee may resign from service by giving one month's notice in writing. The resignation shall become effective on the expiry of the said period of notice.

(2) No resignation shall become effective during the pendency of any disciplinary proceedings against an employee.

(3) Unless the resignation becomes effective, the employee shall not absent himself from the duty without prior approval of competent authority. The leave shall be taken in writing and approved by the competent authority if the employee has leave balance in his account.

(4) An employee who is on probation or has been employed on temporary basis may resign his service at seven (7) days prior notice. The resignation shall not become effective unless accepted by the Appointing Authority on such acceptance the service of such employee shall stand discontinued. However the acceptance in any case other than disciplinary proceedings, should be within thirty (30) days of receipt of the resignation by the Appointing Authority.

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14. ~~Termination~~---(1) The Appointing Authority may terminate the service of an employee by giving him one month notice with the reasons recorded in writing or by way of punishment duly awarded in accordance with these regulations. Termination is also admissible during probation.

(2) The Appointing Authority shall have the option to pay to the employee at any time during the continuance of the notice a sum equal to his basic pay and allowances for the unexpired period of notice in which case the termination shall become effective on the date such payment is tendered.

(3) The Appointing Authority may terminate the service of any employee, on probation or on a temporary basis at one month notice in writing with the reasons recorded in writing or by way of punishment duly awarded in accordance with these rules.

15. Application of General Rules,---In all other matters not specially provided for in these rules, the holder of posts under these rules shall be governed by any rule made or deemed to have been made under the Khyber Pakhtunkhwa Civil Servants Act, 1973.

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APPENDIX

See rules 2(a), (d), 3, 5(1) and 7(1)

S. No.	Nomenclature of posts.	Minimum qualification for appointment by initial recruitment.	Age limit.	Method of Recruitment.
1.	2.	3.	4.	5.
1.	Deputy Director/ System Analyst/ Database Administrator (BPS-18).	4		By promotion, on the basis of seniority-cum-fitness, from amongst Assistant Directors/ Programmers/ LAN Administrators/ Web Administrators/ Data Processing Officers/ Deputy Database Administrators (BPS-17), with five years service as such.
2.	Assistant Director/ Programmer/ LAN Administrator/ Web Administrator/ Data Processing Officer/ Deputy Database Administrator (BPS-17).	Second Class Master Degree in Computer Science or equivalent qualification from a recognized University.	22 to 35 years.	(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Programmers/ Assistant LAN Administrator (BPS-16) having five years service as such and having qualification specified in column 3 for initial recruitment; and (b) fifty per cent by initial recruitment.
3.	Assistant Programmer/ Assistant LAN Administrator (BPS-16).	Second Class Master Degree in Computer Science or four years Bachelor Degree in Information Technology or Computer Science or equivalent qualification from a recognized University.	21 to 30 years.	(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Data Processing Supervisors (BPS-14) having qualified mandatory three months Information Technology Course in Database Management, Programming, Web Pages Development and Networking from Staff Training Institute, Establishment Department, Government of the Khyber Pakhtunkhwa; and (b) fifty per cent by initial recruitment.
5.	Data Processing Supervisor (BPS-14).		21 to 30 years.	By promotion, on the basis of seniority-cum-fitness, from amongst Computer Operators (BPS-12) with five years service as such.

19/11/2018
20-10-18

19/11/2018

any or recognized institution.
If no suitable is available
in the list
19/11/2018

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S.	Computer Operator (BPS-12).	Second Class Bachelor's Degree from a recognized University, with one year Diploma in Information Technology from a recognized Board of Technical Education or its equivalent.	18 to 28 years.	By initial recruitment.
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1/23/2019

PROVINCIAL POLICE OFFICER,
Government of the Khyber Pakhtunkhwa

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 125 /ST

Dated 21 /01 / 2019

To


The District Police Officer,
Government of Khyber Pakhtunkhwa,
Swat.

Subject: -

JUDGMENT IN APPEAL NO. 569/2018 MR. NADEEM IOBAL.

I am directed to forward herewith a certified copy of Judgement dated 10.01.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.