Form- A

FORM OF ORDER SHEET

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S.No.	Case No Date of order	9 5 7 0 /2020
3.NO.	proceedings	Order or other proceedings with signature of judge
1	. 2	3
1-	17 /08/2020	The appeal of Mr. Tariq Mehmood presented today by Mr. Muhammad Aslam Tanoli Advocate may be entered in the Institution
		Register and put up to the Worthy Chairman for proper order please.
	,	JA OCU
		REGISTRAR REGISTRAR This case is entrusted to Touring S. Bench for preliminary hearing
2-		to be put up there on 20-1/- 2020
	(1)	Mui.
		CHAIRMAN ,
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20.11.2020

Mr. Muhammad Aslam Tanoli, Advocate, for appelent is present.

The epitome of what has been agitated at the bar by the learned counsel representing the appellant is that disciplinary proceedings were initiated against appellant sans fulfillment of codal formalities thus calling in question the varies of impugned order which suffered from legal infirmities in the light of which the present service appeal has been moved. He stressed that while keeping in view the impugned order, his departmental appeal and its rejection on the one hand and the date of institution of the service appeal on the other, would reveal that the appeal has been instituted squarely within the prescribed period.

The point so agitated at the bar needs consideration. The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 17.02.2021 before S.B at Camp Court, Abbottabad.

(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT ABBOTTABAD

17.02.2021

Appellant Deposited

Process Fee

Appellant present through counsel.

Noor Zaman Khattak learned District Attorney alongwith Shamrez Khan A.S.I for respondents present.

Counsel for appellant submitted amended appeal copy of the same was handed over to representative of respondent and learned District Attorney. To come up for reply 14.06.2021 before S.B at Camp Court, Abbottabad.

(Atiq ur Rehman Wazir) Member (E)

Camp Court, A/Abad

14.06.2021

Due to cancellation of tour, Bench is not available. Therefore, case to come up for the same as before on 29.09.2021.

Reader

29.09.2021

Counsel for the appellant and Mr Muhammad Adeel Butt, Addl. AG alongwith Shamraiz Khan, ASI (Legal) for the respondents present.

The appellant filed this appeal on the grievance of his dismissal from service resulting from the disciplinary and challenged the same through various grounds. The appeal was admitted for regular hearing on 20.11.2020 and direction for issuing notices to the respondents was given for the next date i.e. 17.02.2021. On the said date, counsel for the appellant submitted amended appeal and copies thereof was shown to have been handed over to representative of the respondents and learned District Attorney. An application was also filed by learned counsel for the appellant, seeking permission for filing of amended appeal, however, no express order was passed on the said application. Anyhow, filing of the amended appeal as per proceedings in the order dated 17.02.2021, the permission was presumably granted. According to subject of the amended appeal, the penalty of dismissal from service is shown to have been converted into stoppage of two years increments with cumulative effect in pursuance to partial acceptance of the appeal. Let the respondents submit their written reply in respect of this appeal as well as amended appeal as the underlying disciplinary proceedings again remained intact except change to the extent of penalty. Case to come up on 16.11.2021 before S.B at camp court, Abbottabad.

Camp Court, A/Abad

16.11.2021

Counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Shamraiz Khan, ASI for the respondents present.

Representative of the respondents produced unsigned copy of reply/comments and requested for extension of time to furnish reply/comments. Last opportunity is granted to the respondents to submit written reply/comments on the next date, failing which their right for submission of written reply/comments shall be deemed as struck off. Case to come up on 19.01.2022 before S.B at camp court, Abbottabad.

Chairman Camp Court, A/Abad

19.01.2022

Learned counsel for the appellant present. Mr. Shamraiz Khan, ASI alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Written reply on behalf of respondents submitted, which is placed on file and copy of the same is handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 21.04.2022 before the D.B at Camp Court Abbottabad.

(Salah-ud-Din) Member (J) Camp Court A/Abad



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR AT CAMP COURT, ABBOTTABAD

Service Appeal No.9398/2020

Date of Institution

17.08.2020

Date of Decision

21.04.2022

Tariq Mehmood,

Mehmood, Ex-Constable No.643,

District Police,

Abbottabad.

(Appellant)

<u>VERSUS</u>

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and two others.

(Respondents)

Muhammad Aslam Tanoli,

Advocate

. For appellant.

Noor Zaman Khan Khattak,

District Attorney

For respondents.

Salah-Ud-Din

Member (J)

Rozina Rehman

Member (J)

JUDGMENT

Rozina Rehman, Member(J): The appellant has invoked the jurisdiction of this Tribunal through above titled appeal with the prayer as copied below:

"On acceptance of the instant service appeal the orders dated 13.05.2020, 23.07.2020 and 29.10.2020 of respondents may graciously be set aside/modified and appellant be restored his two years stopped increments. The period he was kept out of service be treated as on duty or at least granted leave of the kind due and his transfer to Mardan Region be





cancelled with grant of all consequential service back benefits."

- 2. Brief facts of the case are that a comprehensive and successful campaign was started against the drug paddlers and narcotics in the district, as a result, more than 200 FIRs were registered against the drug paddlers. The appellant while posted as PS Nawashehr was charged for having contacts with criminals, drug peddlers, prostitution dens and gamblers being based on number of source report. Accordingly, he was served with charge sheet alongwith statement of allegations and Muhammad Jamil Akhter Additional SP Abbottabbad was appointed as Inquiry Officer who submitted his report and vide order dated 13.05.2020 of District Police Officer, Abbottabad major punishment of dismissal from service was awarded to the appellant. He filed departmental appeal which was dismissed on 23.07.2020 by Regional Police Officer, Hazara Region, Abbottabad. He then filed revision petition under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 which was allowed. He was reinstated into service and his penalty of dismissal from service was converted into stoppage of two years increments with cumulative effect. The intervening period was treated as leave without pay vide order dated 29.10.2020. Being aggrieved from the said order, he filed the instant service appeal.
- 3. We have heard Muhammad Aslam Tanoli learned counsel for appellant and Noor Zaman Khan Khattak, learned District Attorney for the respondents and have gone through the record and the proceedings of the case in minute particulars.
- 4. Muhammad Aslam Tanoli Advocate learned counsel for appellant in support of appeal contended with vehemence that the





impugned orders dated 13.05.2020, 20.07.2020 and 29.10.2020 are illegal, against law and facts because no proper departmental inquiry was conducted. He argued that no evidence was recorded before the Inquiry Officer in order to show the links of appellant with the drug paddlers and that no opportunity of personal hearing was ever afforded to the appellant rather he was condemned unheard. It was further contended that the appellant was not treated in accordance with law, rules and policy as the respondents acted in violation of Articles-4 & 10-A of the Constitution of Islamic Republic of Pakistan, 1973. Lastly, he submitted that the appellant discharged his assigned duties with devotion, dedication, honesty and properly pointed out and got arrested the narcotics paddlers, gamblers and other criminals. That all the allegations leveled against appellant are ambiguous in nature, without reason, justification and based on surmises and conjectures which remained unproved.

- 5. Conversely, learned AAG contended that the appellant being a member of disciplined force, had links with narcotics group and that this group was the pioneer of Ice in Hazara Region and the appellant failed to point out any dens of gamblers and prostitution. He badly failed to inform SHO about offences against property and after fulfilling all the codal formalities, he was rightly dismissed. He submitted that proper inquiry was conducted by the respondents and during the course of inquiry, proper opportunity of personal hearing was afforded to the appellant keeping in view the principle of natural justice.
- 6. From the record it is evident that appellant was serving as Constable. Different allegations with regard to his links with criminals were leveled against him and in this regard, charge sheet alongwith





statement of allegations was issued and served upon appellant who submitted his reply which is placed on file. Muhammad Jamil Akhter Additional SP Abbottabad was appointed as Inquiry Officer but inquiry report was not produced before this Bench. There are three identical cases pending before this Bench and the only inquiry report available before this Bench is available in case of Constable Niaz Ahmad. No record is available which could show that any sort of evidence was ever adduced in presence of appellant and that he was ever given any opportunity of defense. In the absence of any cogent and reliable evidence, how the Inquiry Officer came to the conclusion that the allegations leveled against the appellant have been established and that appellant had contacts with criminals, drug peddlers and gamblers. No source report was placed on record. On the other hand, the appellant has annexed his progress report which shows registration of criminal cases under Control of Narcotic Substances Act against different persons and this progress report was not denied by the respondent Department in their comments. It is also on record that SI Tariq Mehmood was posted as SHO in PS Nawashehr and he was also charged with the same allegations of having contacts with criminals. He was charge sheeted and proper inquiry was conducted. After conducting proper departmental inquiry, Inquiry officer submitted his findings, wherein, allegations could not be proved against the then SHO Tariq Mehmood, therefore, he was reinstated in service and minor punishment of one year increment without accumulative effect was awarded vide order of the District Police Officer Abbottabad dated 29.01.2021. Same allegations were leveled against the present appellant and in the absence of any cogent evidence, penalty was imposed upon him which act of the respondents is against law.

Time !



7. The long and short of the above discussion is that the instant service appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED. 21.04.2022

(Salah-Ud-Din) Member(J) Camp Court, A/Abad (Rozina Rehman) Member (J) Camp Court, WAbad



Appellant present through counsel.

Noor Zaman Khan Khattak learned District Attorney for respondents present.

Vide our judgment of today of this Tribunal placed on file, the instant service appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED. 21.04.2022

(Salah-Ud-Din) Member(J) Camp Court, A/Abad (Rozina Rehman) Member (J)

Camp Court, A/Abad

In compliance with the directives of the Inspector General of Police Khyber Pakhtunkhwa Peshawar vide letter No. 4554-63/20 dated 16-11-2020 for conducting De-Novo departmental enquiry against SI Tariq Mehmood No. II/ 172 while posted as SHO PS Nawanshehr have contacts with criminals, drug paddlers, prostitution dens and gamblers based on number of sources report. He has used the official powers to protect these criminals for his own personals interest and therefore bringing bad name for Police department. He was kept under observation for period of 03 months, warned & counseled time & again by the undersigned but all in vain. During this period he has failed to do any meaningful efforts and control all the above mentioned activities in the area of his responsibilities. His attitude towards public was rude/ disrespectful which also created bad will in the eyes of general public. All this shows his malafide intention and gross misconduct on his part.

He was issued Charge Sheet along with statement of allegations as per as per direction of Inspector General of Police Khyber Pakhtunkhwa Peshawar Mr. Ijaz Ahemd Addl: SP Abbottabad was appointed as Enquiry Officer. He conducted proper departmental enquiry against the delinquent-officer and-recorded-statements of all concerned. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings, wherein allegations could not proved. The undersigned agreed with the recommendation of Enquiry Officer-keeping his length of service to police, he is hereby reinstated from the date of suspension and awarded minor punishment of one year increment without accumulative effect.

Order announced.

No.333-35/PA 29 01. 21
CC.

District Police Officer Abbottabad

- 1. Assistant Inspector General of Police Establishment, Khyber Pakhtunkhwa Peshawar vide his office letter Memo. S/ 4902-05/2020 dated 17-12-2020.
- 2. Pay Officer, DPO Office Abbottabad.
- 3. SRC DPO Office along with complete Enquiry File containing pages for completion of record.

District Police Officer

BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 9398/30

Tariq Mehmood, Ex-Constable No. 643 District Police Abbottabad.

Appellant

VERSUS

- 1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
- 2. Regional Police Officer, Hazara Region, Abbottabad.
- 3. District Police Officer, Abbottabad.

Amended SERVICE APPEAL

<u>Respondents</u>

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Through

17-02-21

Dated: \$\frac{1}{2}\frac{1}{2}\frac{1}{2}\frac{2}{2}\frac{1}{2}}

Appellant

(Mohammad Aslam Tanoli) Advocate High Court

at Haripur



BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 9398/20

Tariq Mehmood, Ex-Constable No. 643 District Police Abbottabad.

Appellant

VERSUS

- 1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
- 2. Regional Police Officer, Hazara Region, Abbottabad.
- 3. District Police Officer, Abbottabad.

Respondents

AMENDED SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST ORDER DATED 13-05-2020 OF D.P.O. ABBOTTABAD WHEREBY APPELLANT WAS "DISMISSED FROM SERVICE" AND ORDER DATED 23-07-2020 OF RPO HAZARA REGION VIDE WHICH HIS DEPARTMENTAL APPEAL HAS BEEN REJECTED AND ORDER DATED 29-10-2020 WHEREBY WHILE PARTIALLY ACCEPTING MERCY APPEAL PENALTY OF DISMISSAL CONVERTED INTO STOPPAGE OF TWO YEARS INCREMENTS WITH COMULATIVE EFFECT, THE PERIOD APPELLANT REMAINED OUT OF SERVICE AS LEAVE WITHOUT PAY AND TRANSFERRED HIM TO KOHAT REGION.

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL THE ORDERS DATED 13-05-2020, 23-07-2020 AND 29-10-2020 OF RESPONDENTS MAY GRACIOUSLY BE SET ASIDE/MODIFIED AND APPELLANT BE RESTORED HIS TWO YEARS STOPPED INCREMENTS, THE PERIOD HE WAS KEPT OUT OF SERVICE BE TREATED AS ON DUTY OR AT LEAST LEAVE OF THE KIND DUE AND HIS TRANSFER TO KOHAT REGION BE CANCELLED WITH GRANT OF ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respectfully Sheweth:

1. That appellant while posted as Constable at Police Station Nawanshehr was issued with a Charge Sheet dated 03-01-2020 by the District Police Officer Abbottabad which was duly replied explaining all facts



Y # ...

in detail denying the allegations being incorrect and baseless. (Copies of Charge Sheet dated 03-01-2020 and its reply are attached as annexure as "A & B").

- 2. That without taking into consideration the stance advanced in shape of reply to Charge Sheet, the District Police Officer, Abbottabad dismissed the appellant from service vide order dated 13-05-2020 without any reason and proof. (Copy of order dated 13-05-2020 is as annexed as "C").
- 3. That no proper departmental inquiry was conducted before awarding the appellant with major penalty of dismissal from service which was mandatory under law, departmental rules and regulations governing the terms and conditions of appellant's services. Neither any witness was produced against the appellant nor was he given the opportunity of cross-examination. No Show Cause Notice was given to him. Even opportunity of personal hearing was not afforded and appellant was condemned unheard thus principle of natural justice was seriously violated in his case.
- 4. That the allegations leveled in the charge sheet against the appellant were of ambiguous nature, without any reason, reference, justification rather based on surmises, speculation and conjectures which remained un-proved and un-substantiated even to this day. Nothing could be brought on record against the appellant like his links with narcotic groups etc for



which he has been awarded with extreme major punishment of dismissal from service.

- 5. That during his posting at Police Station Nawanshehr Abbottabad, the appellant discharged his assigned duties with devotion, dedication, honesty and always fighting against the forces of the criminals. He pointed out and got arrested the narcotics paddlers, gamblers and other species of different type criminals. He left no stone un-turned in discharge of his official duties and responsibilities. (Statement of progress of cases against narcotics peddlers and other criminals etc during posting at PS Nawanshehr is Annexed as "D").
- 6. That appellant was enrolled in the Police Department as Constable in the year 1991 and has rendered more than 30 years service. He always performed his assigned duties with devotion, dedication and honesty to the entire satisfaction of his officers. Appellant has meritorious service record at his credit.
- 7. That appellant aggrieved of the order dated 13-05-2020 of the District Police Officer Abbottabad preferred a departmental appeal before the Regional Police Officer, Hazara Region, Abbottabad which was rejected vide order dated 23-07-2020 without giving any heed to the grounds taken in the memo of appeal. (Copies of departmental appeal and order dated 23-07-2020 are attached as Annexure- "E & F").



8. That then the appellant preferred a Mercy Appeal before the Provincial Police Officer KPK Peshawar, he while partially accepting mercy appeal converted the penalty of dismissal from service into that of stoppage of two years increments with cumulative effect, the period he was kept out of service has been treated as leave without pay and transferred him to Kohat Region vide order dated 29-10-2020. (Copy of order is attached as Annex-"G").

Hence instant service appeal, inter alia, on the following amongst others:-

GROUNDS:

- a) That impugned orders dated 13-05-2020 and dated 23-07-2020 and 29-10-2020 of the respondents are illegal, unlawful, void ab-inito against the facts, departmental rules and regulations and principle of natural justice hence liable to be set aside/modified.
- b) That no proper departmental inquiry was conducted. No witness was called for to appear before the inquiry officer in presence of appellant to record evidence nor was appellant provided with a chance to cross-examine such a witness. Copy of inquiry report, if any, was never provided to appellant. No Show Cause Notice was given to him. Even opportunity of personal hearing was not afforded to the appellant rather he was condemned unheard.



- c) That respondents have not treated the appellant in accordance with law, departmental rules & regulations and policy on the subject and have acted in violation of Article-4 of constitution of Islamic Republic of Pakistan 1973 and unlawfully issued the impugned orders, which are illegal, unlawful, void ab-inito, unjust, unfair and against the facts hence not sustainable in the eyes of law.
- d) That appellate authority has also failed to abide by the law and even did not take into consideration the grounds taken by appellant in the memo of appeal and has filed the appeal. Thus act of respondent is contrary to the law as laid down in the KPK Police Rules 1934 read with section 24-A of General Clause Act 1897 and Article 10-A of the Constitution of Islamic Republic of Pakistan 1973.
- e) That appellant has discharged his assigned duties with devotion, dedication and honesty always fighting against the forces of criminals. He pointed out and got arrested the narcotics paddlers, gamblers and other species of different type criminals. He left no stone un-turned in discharge of his official duties and responsibilities.
- That the allegations leveled against appellant in the charge sheet are of ambiguous nature, without any reason, reference, justification and based on surmises, speculation and conjectures which remained un-proved and un-substantiated to even this day. Nothing could be brought on record against appellant like his links with narcotic groups etc for which he has been awarded with extreme major punishment of dismissal from service.



- g) That since his dismissal from service to re-instatement in service, the appellant remained jobless and had no source of income to live on, and therefore, he along with his family had to suffer with financial distresses.
- 1) That instant appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudication upon the same.

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant amended Service Appeal the orders dated 13-05-2020 and 23-07-2020 and 29-10-2020 of the respondents may graciously be set aside and appellant be restored his two years stopped increments, the period he was kept out of service be treated as on duty or at least leave of the kind due and his transferred from District Abbottabad to **Kohat Region** be cancelled with all consequential service back benefits. Any other relief which this Honorable Service Tribunal deems appropriate and proper in circumstances of the case may also be granted.

Appellant

Through:

(Mohammad Aslam Tanoli) Advocate High Court

At Haripur

Dated 20- 11-2020

VERIFICATION

It is verified that the contents of instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed thereof.

Dated **V**-11-2020

Appellant



BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Tariq Mehmood, Ex-Constable No. 643 District Police Abbottabad.

Appellant

VERSUS

- 1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
- 2. Regional Police Officer, Hazara Region, Abbottabad.
- 3. District Police Officer, Abbottabad.

Respondents

SERVICE APPEAL

AFFIDAVIT:

I, Tariq Mehmood appellant do hereby solemnly declare and affirm on oath that the contents of the instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honorable Service Tribunal.

Deponent/Appellant

Dated: 2-11-2020

Identified By:

Mohammad Aslam Tanoli Advocate High Court

At Haripur

Appellant



BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Tariq Mehmood Ex-Constable No. 643 District Police Abbottabad.

Appellant

VERSUS

- 1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
- 2. Regional Police Officer, Hazara Region, Abbottabad.
- 3. District Police Officer, Abbottabad.

Respondents

SERVICE APPEAL

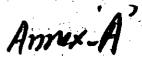
CERTIFICATE

It is certified that no such Appeal on the subject has ever been filed in this Honorable Service Tribunal or any other court prior to instant one.

APPELLANT

Dated: 2/211-2020





- 1). I, Javed Iqbal (PSP) District Police Officer Abbottabad as competent authority hereby charge you Constable Tariq No. 643 the then PS Nawanshehr presently PS Mangal as explained in the attached statement of allegations.
- 2). You appear to be guilty of misconduct under Police Disciplinary Rules
 1975 (amended 2014) and have rendered yourself liable to all or any of the penal ies
 specified in the said Police Disciplinary Rules.
- 3). You are therefore, directed to submit your written defense within seven days on the receipt of the Character Shear to the Enquiry Officer.
- 4). Your ten defense, if any shall reach the Enquiry Officer with in 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 whether you desire to be heard in person or otherwise.
- 6). A statement of allegations is enclosed.

(JAVED IORAL) VSP District Police Officer Abbotfabad

2 3 de 2 de 2020



Competent Authority of the opinion that you Constable Tariq No. 643 the then PS Nawanshehr presently PS Mangal rendered yourself liable to be proceeded against as you committed the following act/omission within the meaning of Police Disciplinary Rules 1975 (amended 2014).

STATEMENT OF THE ALLEGATIONS

- Nawanshehr have contacts with criminals, drug paddlers, prostitution dens and gamblers based on number of sources report. You have used the official powers to protect these criminals for your own personals interest and therefore bringing bad name for Police department. Your attitude invariate public was about disrespectful which also created bad will in the eyes of general public. All this shows your malafide intention and gross ineconduct on your part.
- 2). For the purpose of scrutinizing your conduct with reference to the above allegations, <u>Mr. Muhammad Jamil Akhter Addl: SP Abbottabad</u> is hereby appointed as Enquiry officer.
- 3). The Enquiry Officer shall in accordance with the provision of this ordinance, provide reasonable opportunity of hearing to you, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or me appropriate action against you.
- 4). You are hereby directed to attend the proceedings on the due date; time and place fixed by the Enquiry Officer.

(JAVED-IQBAL) TSP District Police Officer Abbottabad

No: Oh, Dated Abrottabad the Oho; 12020.
Copy to:

- 1. Enquiry Officer for until proceedings against the defaulter officer under provisions of the Police Disciplinary Rules 1975 and submit findings within stipulated period.
- 2. <u>Constable Tariq No. 643 the then PS Nawanshehr presently PS Mangal (delinquent official).</u>

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- Appellant is a Constable only

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establish the allegations against the appellant

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No show Cause alotice was sont proved.

ORDER



Annex.C

Constable Tariq No. 643 the then PS Nawanshehr. He while posted at PS Nawanshehr, accomprehensive and successful campaign was started against the drug peddlers and narcotics in the district, as a result more than 200 cases / FIRs have been registered against the drug peddlers. It has been confirmed that being a member of discipline force he has links with narcotics group. This group is the pioneer office in this region. He also did not point out any dens of gamblers and prostitutes to the SHO Apart from this, the crimes against property, are out of control in the jurisdiction of PS Nawansher and during the whole tenure, he badly failed even to inform the SHO about offences against property. His attitude towards public was rude/ disrespectful which is as black mark on the image of Police department. Owing to this, he was called time and again, to mend his way, but he failed to do so

He was issued Charge Sheet along with statement of allegations.

Mr. Muhammad Jamil Akhtar Addl: SP, Abbottabad was appointed as Enquiry Officer. He conducted proper departmental enquiry against the delinquent official and recorded statements of all concerned. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings wherein allegations have been proved against delinquent officer beyond any shadow of doubt. He was summoned to appear in Orderly Room on 06:05-2020. He was given a patient hearing but he had nothing plausible to state in his defence.

Therefore, in exercise of the powers vested in the undersigned Police. Disciplinary Rules-1975 (Amended 2014), I, Javed Iqbal, PSP, District Police Officer Abbottabad as a competent authority, am constrained to award him the punishment of Dismissal from Service with immediate effect.

Order announced.

OBNO 90

Dated: 13-05-3020

District Police Officer

CC

Pay Officer DPO Office Abbottabad.

2. Establishment Clerk for necessary action.

OHC alongwith complete enquiry file containing 4 a

OB Clerk DPO Office.

tecsal

13) 16 FC 2010 13/0/1/2 Annex-D معدم على حرح مرآمری ما دردن کومن مارتان 16 11/99 770 Weres ">
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من من المنافق على المنافق المنافق المنافقة المن

ايل ذيل والعرض -

محروض خدمت ہوں کہ من سائل تھانہ نوال شہر میں بطور گشت جزل ڈیوٹی تعینات تھا اور جناب DPO صاحب نے من سائل کوتھانہ نواں شہرے پولیس لائن کلوز کر کے جارج 2020 میں جارج شیٹ دی گئی جس میں من سائل پرالزام لگائے گئے کہتم منشات فروشوں، چوار ایوں اور قبہ خاتوں والوں کے ساتھ ملے ہوئے ہو۔

من سأكل نے طارق مجمود SHO كے ساتھ أل كر منشات فروشوں كے خلاف بھر بور كاروائيال كيں اور مشہور منشات فروشوں كے خلاف کاروائی کی گئی۔من سائل اپنے مطلقہ SHO کے ساتھ ل کودومقد مات چھاپید ذنیاں کر کے جواریوں کو گرفتار کرے دومقد مات ے تحت تھانہ نواں شہر میں رجشر کیے من سائل نے SHO صاحب کے ساتھ ل کر بلال ٹاؤن میں واقع دوقیہ خانوں پر سکے بعد دیگر چھاپہذنیاں کے دونوں قبہ خانوں سے لڑکیاں اور لڑکے گرفتار کرے PPC-371A/371B کے تحت مقد مات رجٹر کیے۔ من سائل أن التي تعيناتى كردوران كسى جرائم بيشافراد كے ساتھ كوئى تعلق ندر كھا بلكہ جرائم بيشافراد كے خلاف قانونى كاروائياں كيس-

جناب عالى لگائے گئے الزامات حقیقت برطنی نہ ہیں۔

عوام کی طرف سے میرے خلاف کوئی شکایت نہ ہے اور نہ توام کی طرف سے کوئی تحریری شہادت موجود نہ ہے۔ انگویزی دوران DPO صاحب نے میری کوئی بات نہنی من سائل کے خلاف میکطرفہ کاروائی کی گی اور من سائل کو محکمہ سے برخاست کیا گیا ہے۔ من سائل نے علم برخاتگی کی مصدقتہ کا لی کیلئے متلعقہ برائج ہے بذر بعد درخواست استدعا کی گرمن سائل کو علم برخاتگی آرڈر کی فوٹو کا پی

در خواست كى فو تو كالى بھى مراه لف --

۔۔۔ ۔۔۔ بال کے استدعاہے جناب DPO صاحب علم برخاتگی کومنسوخ کر کے سائل کواپنی سروس پر بحال کرنے کا تھی صادر فرمایا جائے۔ بذریعیہ اپنیل استدعاہے جناب DPO صاحب علم برخاتگی کومنسوخ کر کے سائل کواپنی سروس پر بحال کرنے کا تھی صادر فرمایا جائے۔

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[.20/5./20] 03425669862

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OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD
0992-9310021-22
0992-9310023

r.rpohazara@gmail.com

NO: 17455 / PA DATED 23 / 7 /2020

ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex. Constable Tariq No.643 of District Abbottabad against the punishment order i.e. *Dismissal from Service* awarded by DPO Abbottabad vide order No.90 dated 13.05.2020.

Brief facts leading to the punishment are that a comprehensive and successful campaign was started against the drug peddlers and narcotics in the district, as a result more than 200 cases/FIRs were registered against the drug peddlers. The appellant while posted at PS Nawansher, it has been confirmed that being a member of discipline force he had links with narcotics group. This group is the pioneer of Ice in this region. He also did not point out any dens of gamblers and prostitutes. Apart from this, the crimes against property, was also out of control in the area and he badly failed to inform the SHO about offences against property.

The appellant was issued charge sheet along with summary of allegations and Addl: SP Abbottabad was deputed to conduct departmental enquiry. During the course of enquiry the allegations leveled against the appellant were proved. He was called in OR and heard in person, however he failed to advance any cogent reason in his defence. Consequently, DPO Abbottabad awarded him major punishment of dismissal from service.

After receiving his appeal, comments of DPO Abbottabad were sought and examined/perused. The undersigned called the appellant in OR and heard him in person. However he failed to advance any plausible justification in his defence. Moreover, the EO has also concluded that the charges leveled against the official have been established. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 instant appeal is hereby *filed* with immediate effect.

Qazi Jamil ur Rehman (PSP) REGIONAL POLICE OFFICER HAZARA REGION, ABBOTTABAD

No. 7456 /PA, dated Abbottabad the 23/7 /2020.

The District Police Officer, Abbottabad for information and necessary action with reference to his office Memo No.2174/Legal dated 10-06-2020. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

AHESTER

S. Multimined Irshud Office Superintendent For Regional Police Officer asid





OFFICE OF THE INSPECTOR GENERAL OF POLICE KHYBER PAKHTUNKHWA PESHAWAR.

No. S/

/20, dated Peshawar the $\frac{29/9}{2020}$.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Tariq No. 643. The petitioner was dismissed from service by District Police Officer, Abbottabad vide OB No. 90, dated 13.05.2020 on the allegation that he while posted at Police Station Nawanshehr, a comprehensive and successful campaign was started against the drug peddlers and narcotics in the district, as a result more than 200 cases/FIRs were registered against the drug peddlers. It has been confirmed that being a member of discipline force he had links with narcotics group. This group is the pioneer of Ice in Hazara Region. He also did not point out any dens of gamblers and prostitute. Apart from this, the crimes against property, was also out of control in the area and he badly failed to inform the SHO about offence against property. His appeal was filed by Regional Police Officer, Hazara vide order Endst. No. 17455-56/PA, dated 23.07.2020.

Meeting of Appellate Board was held on 06.10.2020 wherein petitioner was heard in person.

During hearing petitioner contended that he discharged his assigned duties with devotion, dedication and honestly.

The Board is of the opinion that the penalty imposed on petitioner is harsh and decided that he is hereby be re-instated in service and his penalty of dismissal from service is converted into stoppage of two years increments with cumulative effect, however, the intervening period to be treated as leave without pay. He shall be transferred to Kohat Region.

This order is issued with the approval by the Competent Authority.

Sd/-

DR. ISHTIAQ AHMED, PSP/PPM Additional Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S

4300 08/20,

Copy of the above is forwarded to the:

- 1. Regional Police Officer, Hazara at Abbottabad. One Service Roll and one Fauji Missal containing enquiry file of the above named Ex-FC received vide your office Memo: No. 20587, dated 26.08.2020 is returned herewith for your office record.
- 2. District Police Officer, Abbottabad.
- 3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
- 4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
- 5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
- 6. PA to AIG/Legal, Khyber Pakhtunkhyra, Peshawar.
- 7. Office Supdt: E-IV CPO Peshawar with the direction to issue his transfer order to Kohat Region.

Allow e 0

(ZAHOOR BABAR AFRIDI) PSP

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

BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 9398/2020

Tariq Mehmood, Ex-Constable No. 643 District Police Abbottabad.

Appellant

VERSUS

- 1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
- 2. Regional Police Officer, Hazara Region, Abbottabad.
- 3. District Police Officer, Abbottabad.

Respondents

SERVICE APPEAL

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7.	Wakalatnama		

Through

Appellant

(Mohammad Aslam Tanoli) Advocate High Court

at Haripur

Dated: /7-08-2020



BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 93.98 / 20

Khyber Pakhtukhwa Service Tribunal

Diary No. 8759

Dated 17.8.2020

Tariq Mehmood, Ex-Constable No. 643 District Police Abbottabad.

Appellant

VERSUS

- 1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
- 2. Regional Police Officer, Hazara Region, Abbottabad.
- 3. District Police Officer, Abbottabad.

Respondents

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 13-05-2020 OF THE DISTRICT POLICE OFFICER ABBOTTABAD WHEREBY APPELLANT HAS BEEN "DISMISSED FROM SERVICE" AND ORDER DATED 23-07-2020 WHEREBY APPELLANT'S DEPARTMENTAL APPEAL HAS BEEN FILED BY THE REGIONAL POLICE OFFICER HAZARA REGION ABBOTTABAD.

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH
THE ORDERS DATED 13-05-2020 AND 23-07-2020 OF
RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND THE
APPELLANT BE RE-INSTATED IN HIS SERVICE FROM THE DATE OF
DISMISSAL WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respectfully Sheweth:

That appellant while posted as Constable at Police Station Nawanshehr was issued with a Charge Sheet dated 03-01-2020 by the District Police Officer Abbottabad which was duly replied by him explaining all facts in detail denying the allegations being incorrect and baseless. (Copies of Charge Sheet dated 03-01-2020 and its reply are attached as annexure as "A & B").



- 2. That thereafter without taking into consideration the stance advanced in shape of reply to Charge Sheet, the District Police Officer, Abbottabad dismissed the appellant from service vide order dated 13-05-2020 without any reason and proof. (Copy of order dated 13-05-2020 is as annexed as "C").
- That no proper departmental inquiry was conducted 3. before awarding the appellant with major penalty of dismissal from service which was mandatory under law, departmental rules and regulation by which the services of appellant are governed. Neither any witness was produced before the so-called inquiry officer to depose against the appellant and to establish the allegation leveled in the Charge Sheet against him nor appellant was provided with a chance to cross examine such a witness. Neither any documentary evidence was produced before the so-called inquiry officer in presence of the appellant nor was he confronted with such documentary evidence, if any. Copy of inquiry findings was also not provided to appellant. Even opportunity of personal hearing was not afforded to the appellant before awarding the extreme major punishment of dismissal from service. Appellant was condemned unheard thus principle of natural justice was seriously violated in his case.
- 4. That the allegations leveled in the charge sheet against the appellant were of ambiguous nature, without any reason, reference, justification rather based on surmises, speculation and conjectures which remained

un-proved and un-substantiated to even this day. Nothing could be brought on record against the appellant like his links with narcotic groups etc for which he has been awarded with extreme major punishment of dismissal from service.

- 5. That during his posting at Police Station Nawanshehr Abbottabad, the appellant discharged his assigned duties with devotion, dedication and honesty always fighting against the forces of the criminals. He pointed out and got arrested the narcotics paddlers, gamblers and other species of different type criminals. He left no stone un-turned in discharge of his official duties and responsibilities. (Statement of progress of cases against narcotics peddlers and other criminals etc during posting at PS Nawanshehr is Annexed as "D").
- 6. That appellant was enrolled in the Police Department as Constable in the year 1991 and has rendered more than 30 years service. He always performed his assigned duties with devotion, dedication and honesty to the entire satisfaction of his officers. Appellant has meritorious service record at his credit.
- 7. That appellant aggrieved of the order dated 13-05-2020 of the District Police Officer Abbottabad preferred a departmental appeal before the Regional Police Officer, Hazara Region, Abbottabad which was filed vide order dated 23-07-2020 without giving any heed to the grounds taken in the memo of appeal. (Copies of departmental appeal and order dated 23-07-2020 are



attached as Annexure- "E & F"). Hence instant service appeal, inter alia, on the following amongst others:-

GROUNDS:

- a) That impugned orders dated 13-05-2020 and dated 23-07-2020 of the respondents are illegal, unlawful, void ab-inito against the facts, departmental rules and regulations and principle of natural justice hence liable to be set aside.
- b) That no proper departmental inquiry was conducted. No witness was called for to appear before the inquiry officer against and in presence of appellant to record his neither evidence nor was appellant provided with a chance to cross-examine such a witness. Copy of inquiry report, if any, was never provided to appellant. No Show Cause Notice was given to him. Even opportunity of personal hearing was not afforded to the appellant rather he was condemned unheard.
- That respondents have not treated the appellant in accordance with law, departmental rules & regulations and policy on the subject and have acted in violation of Article-4 of constitution of Islamic Republic of Pakistan 1973 and unlawfully issued the impugned orders, which are illegal, unlawful, void ab-inito, unjust, unfair and against the facts hence not sustainable in the eyes of law.
- d) That appellate authority has also failed to abide by the law and even did not take into consideration the grounds taken by appellant in the memo of appeal and has filed



the appeal. Thus act of respondent is contrary to the law as laid down in the KPK Police Rules 1934 read with section 24-A of General Clause Act 1897 and Article 10-A of the Constitution of Islamic Republic of Pakistan 1973.

- e) That appellant has discharged his assigned duties with devotion, dedication and honesty always fighting against the forces of criminals. He pointed out and got arrested the narcotics paddlers, gamblers and other species of different type criminals. He left no stone un-turned in discharge of his official duties and responsibilities.
- f) That the allegations leveled against appellant in the charge sheet are of ambiguous nature, without any reason, reference, justification and based on surmises, speculation and conjectures which remained un-proved and un-substantiated to even this day. Nothing could be brought on record against appellant like his links with narcotic groups etc for which he has been awarded with extreme major punishment of dismissal from service.
- g) That since his dismissal from service, the appellant is without job and has no source of income to live on, and therefore, he along with his family have been suffering badly with financial distresses.
- That instant appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudication upon the same.

PRAYER:



It is, therefore, humbly prayed that on acceptance of instant Service Appeal the orders dated 13-05-2020 and 23-07-2020 of the respondents may graciously be set aside and appellant be reinstated in his service from the date of dismissal with all consequential service back benefits. Any other relief which this Honorable Service Tribunal deems appropriate and proper in circumstances of the case may also be granted.

Appellant

Through:

(Mohammad Aslam Tanoli) Advocate High Court At Haripur

Dated 17-08-2020

VERIFICATION

It is verified that the contents of instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed thereof.

Dated / 7- 08-2020

Appellant



BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Tariq Mehmood, Ex-Constable No. 643 District Police Abbottabad.

Appellant

VERSUS

- 1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
- 2. Regional Police Officer, Hazara Region, Abbottabad.
- 3. District Police Officer, Abbottabad.

Respondents

SERVICE APPEAL

AFFIDAVIT:

I, Tariq Mehmood appellant do hereby solemnly declare and affirm on oath that the contents of the instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honorable Service Tribunal.

Deponent/Appellant

Dated:/**7**-08-2020

Identified By:

Mohammad Aslam Tanoli

Advocate High Court &

At Haripur

Appellant



BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Tariq Mehmood Ex-Constable No. 643 District Police Abbottabad.

Appellant

VERSUS

- 1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
- 2. Regional Police Officer, Hazara Region, Abbottabad.
- 3. District Police Officer, Abbottabad.

Respondents

SERVICE APPEAL

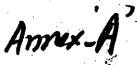
CERTIFICATE

It is certified that no such Appeal on the subject has ever been filed in this Honorable Service Tribunal or any other court prior to instant one.

APPELLANT

Dated:/7-08-2020





- 1). I, Javed Iqbal (PSP) District Police Officer Abbottabad as competent authority hereby charge you Constable Tariq No. 643 the then PS Nawanshehr presently PS Mangal as explained in the attached statement of allegations.
- 2). You appear to be guilty of misconduct under Police Disciplinary Rules
 1975 (amended 2014) and have rendered yourself liable to all or any of the penal as specified in the said Police Disciplinary Rules.
- 3). You are therefore, directed to submit your written defense within seven days on the receipt of the Char : Show to the Enquiry Officer.
- 4). Your ten defense, if any shall reach the Enquiry Officer with in 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 whether you desire to be heard in person or otherwise.
- 6). A statement of allegations is enclosed.

(JAVED IQBAL) VSP District Police Officer Abbottabad

02/01/2/1020

Alleded



Gompetent Authority of the opinion that you Constable Tariq No. 643 the then PS Nawaushehr presently PS Mangal rendered yourself liable to be proceeded against as you committed the following act/omission within the meaning of Police Disciplinary Rules 1975 (amended 2014).

STATEMENT OF THE ALLEGATIONS

- 1. You Constable Tariq No. 643 while posted as rider PS Nawanshehr have contacts with criminals, drug paddlers, prostitution dens and gamblers based on number of sources report. You have used the official powers to protect these criminals for your own personals interest and therefore bringing bod name for Police department. Your strictude towards public was and disrespectful which also created bad will in the eyes of general public. All this shows your malafide intention and gross succonduct on your part.
- 2). For the purpose of scrutinizing your conduct with reference to the above allegations, Mr. Muhammad Jamil Akhter Addl: SP Abbottabad is hereby appointed as Enquiry officer.
- 3). The Enquiry Officer shall in accordance with the provision of this ordinance, provide reasonable opportunity of hearing to you, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or an appropriate action against you.
- 4). You are hereby directed to attend the proceedings on the due date, time and place fixed by the Enquiry Officer.

(JAVED IQBAL) YSP District Police Officer Abbottahad

No: 05 /PA, Dated Abbottabad the 05/01 /2020.

Copy to:

- 1. Enquiry Officer for uniforms proceedings against the defaults officer under provisions of the Police Disciplinary Rules 1975 and submit findings within stipulated period.
- 2. Constable Tariq No. 643 the then PS Nawanshehr presently PS

 Mangal (delinquent official).

Jun / 1/18 Annex-B PA/03/2 5 in 21/00/3 89 20 101 ji 6 pi (in 0 a siesologe) 10 - 5,60 (11) (35,50) (11) = store i pais visos Eneral SINSCOR IN SICC CONFORCE - (6.35 26 L Cine provide Quesqui- 25/1-مولترون فحرمانون لور فرارلون کے فاق محرور - my perce 8100 élos de la Carent gre Esiglo Wing Line Losbaris TOSTUM i SHO EN UP & GIO/2 Juniell 371-13 0 5 Doles 2 10 (in) 7 18/0 00 5 271-13 Under Sel Singina 11.0 k 2 8/10 200 (03)18/2 (50) 6,30 en 32540, 6,16,18,18,20 - 6370, rése Es 65 90 111-4, hés 613/2 Le percoio Fis E Eins revenuel! ولاراتيم من دهوا - ماع زيد ولداراند فري مكن دهورا in joing of the present of the contractions 4530362 SHOW 4/2/100 183 125 Allested

- constitution of an arises referring our riobins Jeli i Cérier 643 25 COCh 19.3.2020 AM Athered.

ORDER



Annex-C

Constable Tariq No. 643 the then PS Nawanshehr. He while posted at PS Nawanshehr, a comprehensive and successful campaign was started against the drug peddlers and narcotics in the district, as a result more than 200 cases / FIRs have been registered against the drug peddlers. It has been confirmed that being a member of discipline force he has links with narcotics group. This group is the pioneer of Ice in this region. He also did not point out any dens of gamblers and prostitutes to the SHO. Apart from this, the crimes against property, are out of control in the jurisdiction of PS Nawansher and during the whole tenure, he badly failed even to inform the SHO about offences against property. His attitude towards public was rude/ disrespectful which is a black mark on the image of Police department. Owing to this, he was called time and again, to mend his way, but he failed to do so.

He was issued Charge Sheet along with statement of allegations. Mr. Muhammad Jamil Akhtar Addl: SP, Abbottabad was appointed as Enquiry Officer. He conducted proper departmental enquiry against the delinquent official and recorded statements of all concerned. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings wherein allegations have been proved against delinquent officer beyond any shadow of doubt. He was summoned to appear in Orderly Room on 06-05-2020. He was given a patient hearing but he had nothing plausible to state in his defence.

Therefore, in exercise of the powers vested in the undersigned Police Disciplinary Rules-1975 (Amended 2014), I, Javed Iqbal, PSP, District Police Officer, Abbottabad as a competent authority, am constrained to award him the punishment of Dismissal from Service with immediate effect.

Order announced.

OB No. 90

Dated 13-05-3020

District Police Officer Abbottabad

CC.

1. Pay Officer, DPO Office Abbottabad.

2. Establishment Clerk for necessary action.

OHC along with complete enquiry file containing completion of record.

OB Clerk DPO Office.

Alleted

Annex-D

13/0/1/2 Annex-D

13/0/1/2 Annex-D

13/0/1/2 Annex-D مقدم علما مراح مراحداً ما ولاست كوسا مارسا ما والم و ووروع میل افروالم شرم کی سال 16 11/99 770 ille "5 90 CNSA 18 16/19CNCAJ 77/ 18 20(2) الله معروبات المالم الماله ال ران وراد و الماري و 11. ACNSA 19 803 Junio (S) ارام نورطان دار حفرت م نوالمر آلی احتام داره می نوالسر از اوری احتام داره می نوالسر 9 DENSA ?? 19 11 ACNSA 30 19 19 عرد الراكان عران الى طرائي فأن المرائي 9 Densa 17 19 30 8 المردره ها المردره ها ها المردره ها المردر ما ها المردر ما المردد المرد 9cmm 17 103 (9) 26 12 845 THE CO 9 Benen 19 703 Jul 9censor 38 636771 (1) 9ccnsa 12 19 638 03
15/42 ag 3/4 Etho 22 702
Allested 9R 702 (4)

من المستعدد المستعدد

٢ اييل ذيل عرض - ٢-

محروض خدمت بوں کمن سائل تھا نہ نواں شہر میں بطور گشت جزل ڈیوٹی تعینات تھا اور جناب DPO صاحب نے من سائل کوتھا نہ نواں شہرے پولیس لائن کلوز کر کے جارج 2020 میں جارج شیٹ دی گئی جس میں من سائل پرالزام لگائے گئے کہ تم نشیات فروشوں، چوار بوں اور قبہ خانوں والول کے ساتھ ملے ہوئے ہو۔

من سائل نے طارق محمود SHO کے ساتھ ل کر منشات فروشوں کے خلاف بھر پور کاروائیاں کیں اور مشہور منشات فروشوں کے خلاف کاروائی کی گئے۔ من سائل اپنے مطلقہ SHO کے ساتھ مل کودومقد مات چھاپید نیاں کر کے جواریوں کو گرفتار کر کے دومقد مات ے تحت تھا نہواں شہر میں رجٹر کیے۔ من سائل نے SHO صاحب کے ساتھ ل کر بلال ٹاؤن میں واقع دوقیہ خالوں پر کیے بعد دیگر چھاپہذنیاں کے دونوں قبہ خانوں سے لڑکیاں اور لڑ کے گرفتار کرکے PPC-371A/371B کے تعمیر ماس رجسٹر کیے۔ من سائل أَنِي بَعِيناتِي كِي دوران كسى جرائم بيشافراد كے ساتھ كوئی تعلق نه رکھا بلکہ جرائم بیشہ افراد کے خلاف قانونی كار دائیاں كيں۔

جناب عالىٰ لگائے گئے الزامات حقیقت پر منی نہ ہیں۔ عوام کی طرف سے میرے خلاف کوئی شکایت نہ ہاور نہ توام کی طرف سے کوئی تحریری شہادت موجود نہے۔ انگویزی دوران DPO صاحب نے میری کوئی بات نہنی من سائل کے خلاف پیطر فد کاروائی کی گی اور من سائل کو محکمہ سے برخاست کیا گیا ہے۔ من سائل نے علم برخاتگی کی مصدقہ کا پی کیلئے متلعقہ برائج سے بذر بعد درخواست استدعا کی مگر من سائل کو علم برخاتگی آرڈر کی فوٹو کا پی بھی نہیں دی گئی۔

ورخواست كى فو تو كانى بھى همراه لف ہے-

بذر بعيدا بيل استدعام جناب DPO صاحب علم برخاسگى كومنسوخ كر كے سائل كوا پئى سروس پر بحال كرنے كا تھى مسا در فر مايا جائے۔

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OFFICE OF THE REGIONAL POLIC HAŻARA ŔEGION, ABBOTTABAD

0992-9310021-22

9992-9310023

r.rpohazara@gmail.com

O 0345-9560687 DATED 23 / 7 /2020 NO: 17455 /PA

<u>ORDER</u>

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex. Constable Tariq No.643 of District Abbottabad against the punishment order i.e. Dismissal from Service awarded by DPO Abbottabad vide order No.90 dated 13.05.2020.

Brief facts leading to the punishment are that a comprehensive and successful campaign was started against the drug peddlers and narcotics in the district, as a result more than 200 cases/FIRs were registered against the drug peddlers. The appellant while posted at PS Nawansher, it has been confirmed that being a member of discipline force he had links with narcotics group. This group is the pioneer of Ice in this region. He also did not point out any dens of gamblers and prostitutes. Apart from this, the crimes against property, was also out of control in the area and he badly failed to inform the SHO about offences against property.

The appellant was issued charge sheet alongwith summary of allegations and Addl: SP Abbottabad was deputed to conduct departmental enquiry. During the course of enquiry the allegations leveled against the appellant were proved. He was called in OR and heard in person, however he failed to advance any cogent reason in his defence. Consequently, DPO Abbottabad awarded him major punishment of dismissal from service.

After receiving his appeal, comments of DPO Abbottabad were sought and examined/perused. The undersigned called the appellant in OR and heard him in person. However he failed to advance any plausible justification in his defence. Moreover, the EO has also concluded that the charges leveled against the official have been established. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 instant appeal is hereby filed with immediate effect.

> Qazi Jamil ur Rehman (PSP) REGIONAL POLICE OFFICER HAZARA REGION, ABBOTTABAD

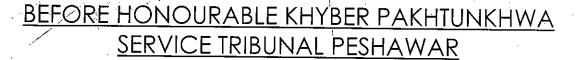
No. 17456 /PA, dated Abbottabad the 23/7 /2020.

The District Police Officer, Abbottabad for information and necessary action with reference to his office Memo No.2174/Legal dated 10-06-2020. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

AHESTER

Office Superintendent For Regional Police Officer ara Region Abbottabad Alletro

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نیاب: المعدال المعدا	S.No: P. O.	ا درونسولیدن آمین اور	(PK (12 2 2 3) (عنوان:
مقد مندوجہ بالاعوان بھی اپنی طرف واسطے پروی وجوا پہری برائے بیٹی یا تصدید مقد مہتمام مرسک المول کی بھی است مندوجہ بالاعوان بھی اپنی است میں بھی بھی بے وجوا پذر بوریخان خاص دور و بعد الت حاصر بری کا امرکو حالات کی گور وقت کی گیا کہ جواجہ کی بھی اپنی کی بھی اپنی کے بیادہ بھی کے بھی بھی کا میں مندوا دو متعد مد بری کا حاصر جا معاصر بہ کا میں مندوا دو ایو اور بھی بھی اپنی کی بھی جا میں کی طور پر زمدوا دو ایول کے بغر و کسا صاحب موصوف اس کے کی طور پر زمدوا دو ایول کے بغر و کسا صاحب موصوف صاحب موصوف میں کی طور پر زمدوا دو ایول کے بغر و کسا صاحب بھی کے بھی بھی بار دو تصلیل بھروی کرنے کے زمد دار نہ ہو کے اور کی بادہ کی کا دو می بھی یا بھی کے بری کے اوقات سے بہلے یا چھی یا برود کو کرنے کے زمد دار نہ ہوں کے بخر والی کرنے اور کی کے دو ایول کے نہ کے بھی شاہو بھی موصوف میں کو اور اور خاصر اس کے کا دو بھی بھی بار دو تعلیل بار دو تعلیل بھری کے اوقات سے بہلے یا چھی یا بھی کے بھی شاہو بہدی کے دو ایول کرنے کے بھی شاہ بھی موصوف نہ دو دار ایول کرنے کے دو ایول کرنے کے بھی شاہو بہدی کی موصوف کو کہ تعلیا ہو اور اور کی کسا دو بھر کی دو ایول کرنے کے بھی ساحب موصوف کو کہ تعلیل ہو اور دو ایول کرنے کے بھی کہ کا دو بھی کہ بھی کہ بھی کہ بھی کہ بھی کہ بھی کا تھی اور ہو کہ کہ بھی ہو گا اور اور کہ کی بھی کہ بھی کہ بھی کہ بھی ہو گا دور کہ بھی کہ بھی کہ بھی موسوف کو بھی اور اور کے کہ بھی کہ بھی کہ بھی ہو گا کہ اختیار ہو گا کہ اور ہو کہ کہ بھی موسوف کو بھی اور اور کہ کی کا دور کہ کہ بھی موسوف کو بھی اور اور کہ کی کا دور کہ کہ بھی موسوف کو بھی اور اور کہ کی کا دور کہ کہ بھی موسوف کو بھی اور اور کہ کی کہ دور کی کہ کہ کہ بھی کہ	*	- 15/2 int	مه <u> </u>	منجاب بسيرت
کرم کی تو کی این کو دار کی مقر رکیا ہے کہ ش ہر پیٹی پر خود یا بذر بعد بختار خاص رو برو معدالت حاض بوتا ربوں گا اور بروقت کو کی جانے جانے حقد در آئیل صاحب موصوف کوا طلاع دے کہ حاض معدالت کر درن گا۔ اگر بیٹنی پر مغلم حاضر نہ ہوا اور مقد مد ہمری کی حواجر پر بھرے خاف ہو گیا تو صاحب موصوف اس کے کی طور پر زمددار نہ ہواں کے نیز و کس صاحب موصوف صدر مقدار مقام بھری کے مجاو و کی بھری کے اوقات ہے پہلے یا بیچھے یا پروز تعملیل میروی کرنے کے زمد دار نہ ہول گا اور مقدمہ بھری کے مجاو و کی کا ورقعہ عاص ہونے پر یا پروز تعملیل میروی کرنے کے زمد دار نہ ہول گا اور مقدمہ بھری کے مجاو و کی اور مقدمات ہو کی اوقات ہے پہلے یا بیچھے یا پروز تعملیل میروی کرنے کے نبی مواجو پر مظاہر کوئی قصان پہنچ و اس بحر اور ان مختل موصوف کو موسوف شل کر دہ زات منظور و تبول ہوگا اور صاحب موصوف کو موصوف زمد دار نہ ہو گئے ۔ جمھ کوگل مافتہ پروافتہ جمال کا بی کہ موصوف کو موسوف کو اور درخواست اجراح فی کرئی وظر بافل آجی گی گرانی و برخم و درخواست بروخوا و تعمد ان کرنے کا بھی اختیار ہوگا و درخی مادر درخواست اجراح فی کرئی وظر بافل آجی گی گرانی و برخم و درخواست بروخوا و تعمد ان کرنے کا بھی اختیار ہوگا و درخی مادر درخواست اجراح فی کرئی وظر بافل آجی گیا گیا اور بھی ہورت میں درخواست از کر تکاری کا مختیار ہوگی اور کوئی کوئی کی کرنے کا محتیات از کہری کا معرب موصوف کو اور کی کی محاجب انہاں ہوگی کی کرنے کا بھی اختیار ہوگا کی اختیار ہوگی کہ محاجب موصوف کو درخی کی اور کی کی کرنے کی کرنے کی کرنے کی کرنے گیا گیا انہاں گیا	1/BRARY	,	باعث تحريرآ نكه:	
نیکار کے جانے مقد کہ گئیل صاحب موصوف کواطلاع دے کر حاضر عدالت کروں گا۔ اگر بیشی پر مظہر حاضر نہ ہوااور مقد مد میری فیر گاضری کی بویرے کی طور گئیر مرے خلاف ہو گیا تو حاصب موصوف اس کے کی طور پر زمددار نہ ہوں کے نیز ویک صاحب ہوں گادر مقد مہ چہری کے علاوہ کی جا یا چہری کے اوقات سے پہلے یا بیچھے یا پروز تعلیل چیروی کرنے کے ذمد دار نہ ہوں گادر مقد مہ چہری کے کھاوہ کی جا اور چگہ ہا عت ہونے پر یا پرو تعلیل یا چہری کے اوقات کے آگے بیچھے بیشی ہونے پر مظہر کو کون فقصان پنچے تو ان کے زمد دار یا اس کے تواسطے کی معاوضہ کے ادا کرنے یا فتات کے آگے بیچھے بیشی ہونے موصوف زمد دار نہ ہو گئے ۔ جھے کو کل مہافتہ پر واقعہ جا کہ اس کے موصوف من کردہ زات منظور و مقول ہوگا اور صاحب موصوف کو عرض دعوی یا جواب دعوی اور درخواست اجراحے ڈکٹری وظر بیانی و بیٹر کم درخواست پر دسختا در تصر کہ بیان دینے اور افتیار ہوگا اور اور کی تھم یا ڈگری کر انے اور ہر سم کا روچیہ وصول کر کے اور در سید دینے اور وافل کرنے اور ہر سم کا روچیہ وصول کر اور در سید دینے اور وافل کرنے اور ہر سم کا روچیہ وصول کر گئے اور انسی کے خالی در انسی نامد و فیصلہ ہوئے در خواست کر اور ایسی و برا سے نے ہر فیات از پہری کی صاحب اس کے خالی در آمدگی مقد مہ یا مضوف کو گری کی طرف در مخواست تھم اشائی آخری یا گئی آئی آئی آئی آئی آئی آئی آئی آئی آئی آ	المول مرك كي المراد ع المواجع	ئے بیشی یا تصنفہ مقدمہ بمقام اسک گرزگم تمیز کی المرکھ وکر شرخ کے گرزگم تمیز کی المرکھ وکر شرخ	لرف سے واسطے پیروی د جوابد ہی برا۔ د	مقدمه مندرجه بالاعنوان مين اپن
غیر قاضری کی وجہ سے کی طور پر بیر سے خلاف ہوگیا تو صاحب موصوف اس کے کی طور پرز مددار نہ ہوں گئیز وکیل صاحب موصوف صادر متعالم بچبری کے علاوہ کی اور بھی ساعت ہونے پر یا پر و تعطیل یا بچبری کے اوقات کے آگے بیچھے پیش ہونے ہوں گاور مقدمہ بچبری کے کماؤہ کی اور بھی ساعت ہونے پر یا پر و تعطیل یا بچبری کے اوقات کے آگے بیچھے پیش ہونے پر شاہر کو کی فقصان پنچنو اس سے نہر کو کل ساختہ پر اختہ ساخب موصوف شل کروہ زات منظورہ تقول ہوگا اور اور موسات ہوائے والی بھری معاوضت کے اوا کرنے یا بختانہ کے والی کرنے کے بھی صاحب موصوف زمد دار نہ ہوئی یا جواب وہوگی اور درخواست اجرائے فرگئی و فرطر بھرائی وہر تم ردخواست پر دسخط و تصدین کو کہی موسوف و درخواست پر وہر تم کا روچہ وہول گرنے افرائی ہوگا اور اور اغلی کرنے اور ہرخم کے بیان و بینا اور اس کے نافی وراضی نامہ و فیصلہ برطف کرنے اقبال وہوگی اور بھرین اختیار ہوگا اور بھروت جانے بیرونجات از بچبری کا صدر اس کے نافی وراضی نامہ و فیصلہ برطف کرنے اقبال وہوگی اور بھرین اختیار ہوگا کہ وہوں کہ موسوف کو بیشری اور اپنے والی کہیں اختیار ہوگا کہ مقدمہ موسوف کو بشرط اوا نگی علیجہ وہ نتازہ بیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موسوف کو ہیں اختیار ہوگا کہ مقدمہ موسوف کو بیراا میں وہی اور و سے اختیارات عاصل ہو تھے جسے صاحب موسوف کو بیران مقدمہ تو بھر جانہ ہوگا۔ اگر ویک صاحب موسوف کو بیرا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور اپنے ویک کو بیرا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور اپنے وہوگی موسوف کو بیرا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور اپنے وہوگی کو بیرا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور اپنے مقدر کے کہیں ہوگا۔ موسوف کو بیرا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور اپنے موسوف کو بیرا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور اپنے موسوف کو بیران کو کی موسوف کو بیران نمورہ کے کہا	تارہوں گا اور برونت	ا چەمختارغاص روبروعدالت عاضر ہو	ررکیا ہے کہ میں ہر پیثی پرخود یا بذر	كوحسب زيل شرائط پروكيل مق
موصوف صار مقام ہے جہری کے علاوہ کی جگہ یا چہری کے اوقات سے پہلے یا بیچھے یا پروز تعطیل پیروی کرنے کے زمد دار نہ ہونے ہوں گا اور مقدمہ کیجری کے کھا وہ کی اور حقام کی معاوضہ کے اور کرنے یا بخان کے دائیں کرنے کے بھی جا بن ہونے پر بار وز تعطیل یا کیجری کے اوقا وہ سے کہ آئی کے تواسط کی معاوضہ کے اور کرنے اور تعلیل یا کیجری کے دائیں کرنے دار نہ ہونے کے بھی ہون اور معاجب موصوف کو موضوف نو مد دار نہ ہونئے ۔ بھی کو کل براختہ جواختہ بعا کہ بی کردہ زات منظور و تبول ہوگا اور اصاحب موصوف کو عرض دور کی یا جواب دور کی اور درخواست اجراختہ بھا کہ بی دور خواست پر دستینا درخواست پر دستینا درخواست اجراختہ بھا کہ بھی اور درخواست اجراختہ بھا کہ بھی اور داخل کر نے اور اور اس کے تاثی اور اور کی تھم یا ڈگری کرانے اور ہرخم کا درجہ پروسول کرنے اور رسید دیے اور داخل کرنے اور ہر خواست پر دخواست پر دخواست کے تاثی ہور خواست از کی کری مصاحب ایک و برآ کہ اور ایک و برخواست از کی کری مصاحب اور اور ہور اور اور اس کے تاثی ہور کہ بھی ساحب موصوف کو بھر کی اور ایک و برخواست کی بردور کی اور ایک کے بردور کا اور ایک کے بردور کی اور اور اسے دیا کہ کو بردی کو اور اسے دیا کہ کو بھری کو بردور کو اور اور اسے دیا کو بردور کی اور ایک کے بردور کی کا دوائی کے یا بھورت ایک کی دور سے دیل کو ایج بجائے یا اپنے بھر اور کی گور میاس کے کی ہردور کی کا دوائی کی بردور کی اور ایک کے بردور کی اور ایک کی ہوری نیس تاری کی مطاب کی تھر ہوں کی تو معاصب موصوف کو بورا افتیار ہوگا کہ وہ مقدمہ کی بیردی نہ کر میں اور ایک مطابہ کی تم کا متا دیا موسوف کو بیرا ان خواس بھول کو بیرا انتیار ہوگا کہ دو مقدمہ کی بیردی نہ کر میں اور ایک مطابہ کی تم کا متا دیا موسوف کو بیرا انتیار ہوگا کہ مقام میں میں اور انتیار میں کو کہ کو متا دیا ہوگا۔ اور کی کے کہ مندر ہے کہ کر میں اور ایک مطابہ کی تم کا متا دیا موسوف کو بیرا انتیار میں گو کے کہ مندر ہے۔ کر میں اور ایک مطاب کی مدر ہے۔ کہ مندر ہے۔ کر میا اور ایک کے کہ مندر ہے۔	ر بنه هواا در مقدمه میری	الت كرول گا_اگر پیثی پرمظهر حاض	بموصوف کواطلاع دے کرحاضرعد	لِکارے جائے مقدمہ و کیل صا ^ح
ہوں گاور مقدمہ پچہری کے کلاوہ کی اور بھی ساعت ہونے پر یا پر و تعطیل یا پچہری کے اوقات کآگے پیچھے پیش ہونے پر مظہر کوکوئی نقصان پہنچ تو اس بحز زید دار یا اس کے قاسطے کی معاوضہ کے ادا کرنے یا مختانہ کے دائیں کرنے کے بھی صاحب موصوف زمد دار نہ ہو گئے۔ جھی کو کل ساختہ پر اختہ صاحب موصوف می کردہ زات منظور و مقبول ہوگا اور صاحب موصوف کو عرض د کوئی یا جواب د کوئی اور درخواست اجراجے ڈیگڑی و نظر بیائی آجی گرائی و ہرتم درخواست پر دسخط و تقدین کرنے کا بھی افتیار ہوگا اور اور کی تھی یا ڈیگری کرانے اور ہرتم کا روپ یو صول کرنے اور راسید دینے اور داخل کرنے اور ہرتم کے بیان دینے اور اس کے نالئی وراضی نامہ و فیصلہ برطف کرنے اقبال د کوئی دو پینے کا بھی افتیار ہوگا اور بھیورت جانے پیر و نبات از پچہری صدر ائیل و برآئدگی مقدمہ یا منسونی ڈیگری بیطر فدر درخواست تھی امتائی افتیار ہوگا اور بھیورت جانے پیر انجاب کے گئی افتیار ہوگا کہ مقدمہ ائیل و برآئدگی مقدمہ یا منسونی ڈیگری بیطر فدر درخواست تھی امتائی یا گرفتاری آبیل آئی) گے نیز وکیل صاحب	ے اس کے کسی طور پر زمہ دار نہ ہول	بميرے خلاف ہو گيا تو صاحب موصوفا	غیر قاضریٰ کی وجہ سے کی طور پر
پرمظم کوکی نقصان پنج تو اس بحذر مدذاریا آس کے واسطے کی معاوضہ کے اداکر نے یا مختانہ کے داہی کرنے کہ بھی صاحب موصوف کو موصوف زمد دار نہ ہو نگے ۔ بھی کوکل ساختہ پر واختہ صاحب موصوف کو عرض وجو کی یا جواب دموی اور درخواست اجرائے فیگری ونظر جائی آجیل بھرانی و ہرتم درخواست پر وسخط و تقعد این کرنے کا بھی افتقار ہوگا اور اور کی تھم یا قرگری کرانے اور ہرتم کا روپید وصول گرنے اور رسید دمیے اور واضل کرنے اور ہرتم کے بیان دینے اور سام عوالی وراضی نامہ وفیصلہ برطف کرنے اقبال دموی کا درخواست تھم امتا گی آخری اور اسید دمیے اور اپنی وراقہ در گواری کے بھر وہ خوات از بچری صاحب اپنی و برآ مدگی مقدمہ اپنیل و برآ مدگی مقدمہ یامنو فی ڈکری پیطر فیدور خوات افتقار ہوگا ۔ اور ابھورت ضرورت صاحب موصوف کو بھر کی افتقار ہوگا کہ مقدمہ موصوف کو بیان کی تاری و برائے گی سام بھر کو رہا اس کے کی جزوی کا دونی اور ایک کے یا بھورت اپنیل کی دومرے وکل کو اس جن بیانے پیار اور اپنیل اور دوران مقدمہ کی بیروی کو کیل صاحب موصوف کو حاصل بین اور دوران مقدمہ کی بیروی نہر کی اور ایک صاحب موصوف کو حاصل بین اور دوران مقدمہ کی بیروی نہر کی اور ایک صاحب موصوف کو بیری نہیں بارخ بیش کے پیلے اوالئہ کرون گا تو صاحب موصوف کو پور کا افتیار ہوگا کہ وہ مقدمہ کی بیروی نہر کی اور ایک صورت بیں میرا کوئی مطالہ کی تھم کا صاحب موصوف کو پور کا افتیار ہوگا کہ وہ مقدمہ کی بیروی نہر کی اور ایک صورت بیں میرا کوئی مطالہ کی تھم کا صاحب موصوف کو پور کا افتیار ہوگا کہ وہ مقدمہ کی بیروی نہر کی اور ایک صورت بیں میرا کوئی مطالہ کی تھم کا صاحب میں ہوگا۔ کرون کا کرون کا کرون کا کہ کہ کہ معدم کی بیروی نہر کی اور ایک صورت بیں میرا کوئی مطالہ کی تھم کا صاحب موصوف کو پور کا نو کی کی کہ کوئی کی کی کرون کا کرون کا کرون کا کوئی کی کر میں اور ایک مورت کی کرون کا کی مقدم کی بیروی نہر کر میں اور ایک مصورت میں میرا کوئی مطالہ کی تھم کا صاحب کی کرون کا کرون کا کوئی کی کرون کا کوئی کرون کی کرون کا کوئی کی کرون کا کرون کا کوئی کرون کا کوئی کی کرون کی کرون کی کرون کی کرون کی کرون کی کرون کا کوئی کرون کی کرون کوئی کرون کی کرون کی کرون کی کرون کی کرون کی کرون کی کرون کرون کوئی کرون کی کرون کی کرون کا کوئی کرون کی کرون کی کرون کی کرون کی کرون کی کرون کی کرون کا) کرنے کے زمہ دار نہ	ے پہلے یا پیچھے یا بروز تعطیل پیروی	ہلاوہ کم جا جگہ یا کچہری کے اوقات _	موصوف مندر مقام پیجری کے
موصوف زمد دارند ہو نگے۔ جھ کو کل براختہ جو اختہ صاحب موصوف مثل کردہ زات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجرائے فی گری و نظر عائی آجیٰ بگرانی و جرخم درخواست پر د شخط و تصدین کرنے کا بھی اختیار ہوگا اور اسید دیے اور داخل کرنے اور جرخم کے بیان دیے اور اختی نامہ و فیصلہ برطف کرنے اور جرخم کا دور پر محمل کا اختیار ہوگا اور بصورت جانے ہرونجات از بچہری صدر ایپل و برآ مدی مقدمہ یا منسونی ڈگری بیطر فی درخواست عظم امتائی آخری یا گرفتاری فیال آزگر فتاری و اجرائے ڈگری بھی صاحب موصوف کو جبر طوا دایا بیگی علیدہ مختار ہوگا کہ مقدمہ موصوف کو جبر بھی اور ایسی علیدہ مختار ہوگا کہ مقدمہ یا بھی ہوری کا دوائی کے یا بصورت ایپل کی دوسرے و کیل کو اپنے بچارا ہ بھر در کی اور ایسے و کیل کو مقدمہ کی جرامر میں وہی اور و پسے اختیارات حاصل ہو نگے جسے صاحب موصوف کو حاصل بیل اور دوران مقدمہ بر جانہ التو اپنے ہرامر میں وہی اور و پسے اختیارات حاصل ہو نگے جسے صاحب موصوف کو عاصل بیل اور دوران مقدمہ بر جانہ التو اپنے کے وہرا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کی شم کا صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کی شم کا صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کی شم کا صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کی شم کا صاحب موصوف کو بورا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کی شم کا صاحب موصوف کو بورا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کی شم کا صاحب موصوف کو بیرا کوئی مطالبہ کی شم کا صاحب موصوف کو بیرا کوئی مطالبہ کی شم کا صاحب موصوف کو بیرا کوئی مطالبہ کی شم کا صاحب موصوف کی کی کی کی کی میں کوئی کی	آگے بیچیے پیش ہونے	ور تعطیل یا کچهری کےاوقات کے	لے علاقہ کی اور جگہ ساعت ہونے پر یا ب	ہوں گےاور مقدمہ کچبری کے
عرض دعوی یا جواب دعوی اور درخواست اجرائے فرگزی ونظر ٹائی آجیل گرانی و ہرشم درخواست پر دسخط وتصدین کرنے کا بھی اختیارہ وگااور اور کسی تعمیا فرگری کرانے اور ہرشم کا روپیدوسول گرنے اور رسید دینے اور داخل کرنے اور ہرشم کے بیان دینے اور اس کے ٹائی وراضی نامہ و فیصلہ برطف کرنے اقبال دعوی ولیے ٹائی اختیار ہوگا اور بصورت جانے بیر و نجات از پچہری صدب اپنی و برآ مدگی مقدمہ یامنسوخی ڈگری پیکھر فیدرخواست جھم امتنائی آخرتی یا گرفتاری آبیل از گرفتاری واجرائے ڈگری بھی صاحب موصوف کو بیٹر گار فقاری واجرائے ڈگری بھی صاحب موصوف کو بیٹر اور فران ان فقار میں ہوگا کہ مقدمہ مزکور یااس کے کسی جزوی کا روائی کے یا بصورت اپیل کسی دوسرے و کسل کو اپنے بیٹائے یا اپنے پہڑا وہ بھر کر میں اور اینے و کیل کو بھی ہرامر میں وہی اور و لیے اختیارات حاصل ہو نئے جسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ بچر پچھ ہر جانہ التو اپڑے گا وہ صاحب موصوف کو پور اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کر میں اور الی صورت میں میراکوئی مطالبہ کی شرکا کا صاحب موصوف کی پر والت نہیں ہوگا کہ وہ مقدمہ کی بیروی نہ کر میں اور الی صورت میں میراکوئی مطالبہ کی شرکا کا صاحب موصوف کی برخلاف نہیں ہوگا۔ برخلاف نہیں ہوگا کہ وہ مقدمہ کی بیروی نہ کر میں اور الی صورت میں میراکوئی مطالبہ کی شرکا کا صاحب موصوف کو پور ااختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کر میں اور الی صورت میں میراکوئی مطالبہ کی شرکا کا صاحب موصوف کی برخلاف نہیں ہوگا۔ برخلاف نہیں ہوگا۔	رنے کے بھی صاحب	رہے ادا کرنے یا مختانہ کے واپس کم	كخذ مدداريااس كواسط كن معاوه	پرمظهر کوکوئی نقصان پہنچے تو اس کے
اختیارہوگااوراورکی عم یا ڈگری کرانے اور ہرتم کا روپیدو صول گرنے اور رسید دینے اور داخل کرنے اور ہرتم کے بیان دینے اور ساس کے نائتی وراضی نامہ و فیصلہ برطف کرنے اقبال دعویٰ دینے ناتھی اختیارہوگا اور بصورت جانے ہیر و نجات از پجہری صدر ابیل و برآ مدگی مقدمہ یا منسوخی ڈگری بکطر فدور خواست عم امتنا کی آخرتی یا گرفتاری آبیل از گرفتاری واجرائے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحہ و مختانہ ہیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو گئی ہی اختیار ہوگا کہ مقدمہ مزکوریا اس کے کسی جزو کی کاروائی کے یا بصورت اپیل کسی دوسرے دکیل کو اپنے بجائے یا اپنے پھر اور مشرر کریں اور ایسے دکیل کو بھی ہرامر میں وہی اور ویسے اختیارات حاصل ہونئے جیسے صاحب موصوف کو حاصل جیل اور دوران مقدمہ بچو پچھ ہر جانہ التو اپڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر و کیل صاحب موصوف کو پوری فیس تاریخ پیٹی سے لیکٹ اور کو لگا تو حتاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی ہیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کی قسم کا صاحب موصوف کے بر خلاف نہیں ہوگا۔ بر خلاف نہیں ہوگا۔	ورصاحب موصوف كو	یمثل کرده زات منظور دمقبول ہوگا ا	وكوكل ساخة برواخة صاحب موصوف	موصوف زمددار ند ہو نگے۔ مجھ
سس کے ٹائن وراضی نامہ و فیصلہ برطف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے ہیر و نجات از پجہری صدر ائیل و برآ مدگی مقدمہ یامنسونی ڈگری پیکھر فیہ درخواست عظم امتنائی یا قرق یا گرفتاری آبال ازگرفتاری واجرائے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحہ ہ مختانہ ہیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو پیٹر اہم تقرر کریں اور ایسے و کیل کو مزکوریا اس کے کسی جزوگی کا روائی کے یا بصورت ائیل کسی دوسرے و کیل کو اپنے بجائے یا اپنے بھڑا ہم تقرر کریں اور ایسے و کیل کو بھی ہرامر میں وہی اور و پسے اختیارات حاصل ہو کئے جسے صاحب موصوف کو حاصل ہیل اور دوران مقامہ بھی ہر جانہ التو اپڑے گاوہ صاحب موصوف کا حق ہوگا۔ اگر و کیل صاحب موصوف کو پوری فیس تاریخ بیٹنی سے لیسلے اور اندگرون گاتو صاحب موصوف کو پور ااختیار ہوگا کہ وہ مقدمہ کی ہیروی نہ کریں اور الی صورت میں میرا کوئی مطالبہ کی قسم کا صاحب موصوف برخلاف نہیں ہوگا۔ لہذاو کالت نامہ کھی و یا ہے کہ سندر ہے۔			· · · · ·	
اپیل و برآ مدگی مقدمہ یامنسونی ڈگری پیطرفہ درخواست علم امتاعی یا قرتی یا گرفتاری قبل از گرفتاری واجرائے ڈگری بھی صاحب موصوف کو بشر ط ادائیگی علیحہ ہ مختانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو ہی بھی اختیار ہوگا کہ مقدمہ مزکوریا اس کے کسی بڑ وکی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بہتراہ بقرر کریں اور ایسے وکیل کو جسی ہرامر میں وہی اور ویسے اختیارات حاصل ہوئے جسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ بوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیش سے لیسلے اورائے گرون گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ برخلاف نہیں ہوگا۔		* •		•
موصوف کو بشرط ادائیگی علیحده مختانه پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بیرجی اختیار ہوگا کہ مقدمہ مزکوریا اس کے کسی جزوکی کاروائی کے یا بصورت اپیل کسی دوسرے دکیل کو اپنے بجائے یا اپنے بیر او بقر رکزیں اور ایسے دکیل کو بھی ہرامر میں وہی اور ویسے اختیارات حاصل ہونگے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التو اپڑے گاوہ صاحب موصوف کو پوری فیس تاریخ پیشی سے لیکن اور دوران مقدمہ جو کچھ ہر جانہ موصوف کو پوری فیس تاریخ پیشی سے لیکن اور دوران گا تو صاحب موصوف کو پور ااختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کی تنم کا صاحب موصوف کو ہورااختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کی تنم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ برخلاف نہیں ہوگا۔ لہذا وکا لت نامہ کھھ دیا ہے کہ سندر ہے۔				
مزکوریااس کے کی جزو کی کاروائی کے یا بصورت اپیل کی دوسرے دکیل کواپے بجائے یا اینے بھڑاہ مقرر کریں اور ایسے دکیل کو بھی ہرامر میں وہی اور ویسے اختیارات حاصل ہونگے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو بھی ہر جانہ التواپڑے گاوہ صاحب موصوف کو پوری فیس تاریخ بیشی سے پہلے اورائے گرون گا تو صاحب موصوف کو بوری فیس تاریخ بیشی سے پہلے اورائے گرون گا تو صاحب موصوف کو بورا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور الی صورت میں میرا کوئی مطالبہ کی قتم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ برخلاف نہیں ہوگا۔ برخلاف نہیں ہوگا۔ لہذاوکالت نامہ کھی دیا ہے کہ سندر ہے۔	II	1 1		
بھی ہرامر میں وہی اور ویسے اختیارات حاصل ہونگے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقد مہ جو پھے ہر جانہ التواپڑے گاوہ صاحب موصوف کاحق ہوگا۔اگروکیل صاحب موصوف کو پوری فیس تاریخ بیشی سے پہلے اواندگرون گا تو صاحب موصوف کو پورااختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کی قتم کا صاحب موصوف بر خلاف نہیں ہوگا۔ لہذاو کالت نامہ لکھ دیا ہے کہ سندر ہے۔			- 	
التواپڑے گاوہ صاحب موصوف کاحق ہوگا۔اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیٹی سے (پہلے اواندگر ول) گاتو صاحب موصوف کو پوراا ختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قتم کا صاحب موصوف برخلاف نہیں ہوگا۔ لہذاوکالت نامہ لکھ دیا ہے کہ سندر ہے۔	<i>-</i> 1	l v		
موصوف کو پوراا ختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور الیں صورت میں میرا کوئی مطالبہ کی قتم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذاوکالت نامہ لکھ دیا ہے کہ سندر ہے۔		~ 1 ∀		-
برخلاف نبیں ہوگا۔ لہذاوکالت نامد لکھ دیا ہے کہ سندر ہے۔				•
لهذاوكالت نامدلكه دياب كسندرب-	مناحب موسوف کے ک	رت میں میرا کوئی مطالبہ کسی قشم کا پر انجمال ک	امقدمه کی پیروی نه کریں اور الیی صو	•
	Need			
مضمون وکالت نامه کن لیا ہے اورانچی طرح سمجھ لیا ہے اور منظور ہے۔ مورخہ: ہر کر سرا سکھ میں ایسے میں ہے۔ اسلامی سال میں اسلامی اسلامی میں اسلامی	b Ko		•	•
- <u>- السعسب</u> السعسب السعسب	2020,08	- مورخه برار اس دن	وراجھی طرح سمجھ لیاہے اور منظور ہے.	• مضمون وکالت نامه کن لیا ہے ا
+ <u></u>		سبد السع	الــعـــ	+



	Appeal No/2020
Tariq MehmoodV/S	PPO KPK and others
Appellant	Respondents

SERVICE APPEAL

APPLICATION SEEKING PERMISSION TO FILE AMENDED TITLED SERVICE APPEAL.

Respectfully shewith:

- 4. That the titled appeal is pending adjudication before this Honourable Service Tribunal and is fixed today for preliminary hearing which is at primary stage.
- 5. That during the pendency of titled appeal, the Inspector General of Police KPK Peshawar in a mercy petition has converted the appellant's penalty of "Dismissal from Service" into "stoppage of 02 years increments with cumulative affect" vide his order dated 29-10-2020. (Copy of order dated 29-10-2020 is annex as "A").
- 6. That as the penalty of appellant has been converted by the PPO KPK Peshawar, hence the appellant intends to file titled appeal with amendment to the extent of conversion of penalty.

It is, therefore, humbly prayed that necessary permission may graciously be accorded for filing amended titled service appeal as prayed for.

Through

Appellant

(Mohammad Aslam Tanoli)
Advocate High Court
at Haripur

Dated:

20-11-2020



OFFICE OF THE SPECTOR GENERAL OF POLICE KHYBER PAKHTUNKHWA

PESHAWAR.

No. S

/20, dated Peshawar the $\frac{27/2}{2020}$.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Tariq No. 643. The petitioner was dismissed from service by District Police Officer, Abbottabad vide OB No. 90, dated 13.05.2020 on the allegation that he while posted at Police Station Nawanshehr, a comprehensive and successful campaign was started against the drug peddlers and narcotics in the district, as a result more than 200 cases/FIRs were registered against the drug peddlers. It has been confirmed that being a member of discipline force he had links with narcotics group. This group is the pioneer of Ice in Hazara Region. He also did not point out any dens of gamblers and prostitute. Apart from this, the crimes against property, was also out of control in the area and he badly failed to inform the SHO about offence against property. His appeal was filed by Regional Police Officer, Hazara vide order Endst No. 17455-56/PA, dated 23.07.2020.

Meeting of Appellate Board was held on 06.10.2020 wherein petitioner was heard in person. During hearing petitioner contended that he discharged his assigned duties with devotion, dedication and honestly.

The Board is of the opinion that the penalty imposed on petitioner is harsh and decided that he is hereby be re-instated in service and his penalty of dismissal from service is converted into stoppage of two years increments with cumulative effect, however, the intervening period to be treated as leave without pay. He shall be transferred to Kohat Region.

This order is issued with the approval by the Competent Authority.

Sd/-

DR. ISHTIAQ AHMED, PSP/PPM Additional Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar. 🗡

4300 08/20,

Copy of the above is forwarded to the:

1. Regional Police Officer, Hazara at Abbottabad. One Service Roll and one Fauji Missal containing enquiry file of the above named Ex-FC received vide your office Memo: No. 20587, dated 26.08.2020 is returned herewith for your office record.

2. District Rolice Officer, Abbottabad.

3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.

4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Feshawar.

5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.

6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.

7. Office Supdt: E-IV CPO Peshawar with the direction to issue his transfer order to Kohat Region.

(ZAHOOR BA

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

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR CAMP COURT, ABBOTTABAD.

SERVICE APPEAL NO. 9398/2020

Tariq Mehmood, Ex-Constable No. 643 District Police Abbottabad.

.....Appellant.

VERSUS

- 1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawat.
- 2. Regional Police Officer, Hazara Region, Abbottabad.
- 3. District Police Officer, Abbottabad.

...Respondents.

Para wise comments on behalf of Respondents.

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S.No.	Detail of Documents	Annexure	Page No.
1	Reply		1 to 3
2 :	Affidavit	- 1	4
3	Copy of charge sheet & statement of	"A" :-	5&6
	allegations		1
4	Copy of dismissal order	"B"	7
5	Copy of Inquiry Report	"C",	8
6	Copy of salary slip	"D"	9
7	Detail of bad entries	"E" is .	10
8 ,	Copy of departmental appeal / order	"F"	11 ;
	TOTAL	_ 10	11 Pages
	<u> </u>	i	<u></u>

DSP Legal, Abbottabad.

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD

SERVICE APPEAL NO. 9398/2020

Tariq Mehmood, Ex-Constable No. 643 District Police Abbottabad.

....Appellant.

VERSUS

- 1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 2. Regional Police Officer, Hazara Region, Abbottabad.
- 3. District Police Officer, Abbottabad.

.....Respondents.

Para-wise comments by respondents.

Respectfully Sheweth.

PRELIMINARY OBJECTIONS:-

- 1. That the instant Service Appeal is not maintainable in the present form.
- 2. That the appellant is estopped by his own conduct to file the instant appeal.
- 3. That the appellant has not come to the Hon'ble Tribunal with clean hands.
- 4. That the appellant has suppressed material facts from the Hon'ble Tribunal.
- 5. That the instant Service Appeal is not maintainable for non-joinder/miss-joinder of necessary and proper parties.
- 6. That the instant Service Appeal is barred by law and limitation.

ON FACTS:-

- 1. Correct to the extent that appellant was rightly served with charge sheet, the rest of the para is incorrect. (Copy of charge sheet and statement of allegations is attached as Annexure "A").
- 2. Incorrect. This para needs explanation to the effect that the appellant while posted at Police Station Nawansher, a comprehensive and successful campaign was started against the drug peddlers and narcotics sellers in the district, as a result, more than 200 cases were registered against the drug peddlers. It has been confirmed that being a member of discipline force, appellant had links with narcotics group. This group is the pioneer of Ice in Hazara Region and appellant also did not point out any dens of gamblers and prostitution. Apart from this, the crimes against property was also out of control in the area and he badly failed to inform the SHO about offence against property. After fulfilling all the

(2)

codal parameters/ formalities, respondent No. 03 rightly dismissed the appellant from service vide OB No. 90 dated 13.05.2020. (Copy of Dismissal Order is attached as Annexure "B").

- 3. Incorrect, proper inquiry was conducted by the respondents keeping in view all the codal formalities. During the course of inquiry, proper opportunity of personal hearing was provided to the appellant keeping in view the principal of natural justice i.e. "Audi Alteram Partem". Thereafter, competent authority warded the major punishment to the appellant in accordance with law/ rules. (Copy of Inquiry report is attached as Annexure "C").
- 4. As explained in reply of para 2 above.
- 5. This para needs explanation that being member of Police force, he is bound to treat with the criminals with iron hands as per law for which, he is taking handsome package in shape of monthly salary on every 1st day of solar month. (Copy of salary slip is attached as Annexure "D").
- 6. Correct to the extent of enrolment in the year 1991, rest of the para is incorrect as reflects from his service record wherein 07 bad entries are mentioned. (Detail enclosed as Annexure "E").
- 7. Correct. However, it is pertinent to mention here that respondent No. 02 treated the appeal as per grounds mentioned in the memo: of appeal but the grounds were deficient and the punishment was awarded to the appellant by the competent authority in accordance with law/rules. Therefore, his departmental appeal was rightly filed. (Copy of departmental appeal/Forder is annexed as Annexure "F").
- 8. Pertains to record. However, appellant has no *locus standi* to file the instant appeal.

ON GROUNDS:-

- a. Incorrect. The orders mentioned in this para are lawful, legal, based on facts, justice and in accordance with law/rules, hence, liable to be remain intact.
- b. Incorrect, proper inquiry was conducted against the appellant and all the codal formalities were fulfilled. Detail reply is given in para No. 2 & 3 ibid.

- c. Incorrect, the respondents treated the appellant in accordance with law/rules and neither any rule, principal of natural justice nor any article of Constitution of Islamic Republic of Pakistan, 1973 have been violated by the respondents while dealing the appellant departmentally.
- d. Incorrect, the appellate authority rightly filed the departmental appeal as the allegations were established beyond any shadow of doubt. Detail reply is explained above.
- e. The reply of this para has been explained in reply on facts above.
- f., Incorrect, the allegations leveled against the appellant are genuine and during course of inquiry, the same were proved beyond any shadow of doubt.
- g. Appellant has caused financial losses to himself/ family due to his wilful misconduct done during service.
- i. Incorrect, the appeal is time barred and to entertain the same is nearly killing the precious and valuable time of the Honourable Service Tribunal.

PRAYER.

In view of above, it is most humbly prayed that the instant service appeal does not hold any legal force which may graciously be dismissed with cost.

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

Regional Police Officer, Hazara Region, Abbottabad (Respondent No.2)

> District Police Officer, Abbottabad.

Respondent No. 3)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR CAMP COURT, ABBOTTABAD.

SERVICE APPEAL NO. 9398/2020

Tariq Mehmood, Ex-Constable No. 643 District Police Abbottabad.

..Äppellant.

VERSUS

- 1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 2. Regional Police Officer, Hazara Region, Abbottabad.
- 3. District Police Officer, Abbottabad.

....Respondents.

AFFIDAVIT.

We, do hereby affirm on oath that the contents of written reply are true to the best of our knowledge & belief and nothing has been concealed from the honorable Service Tribunal.

Submitted please.

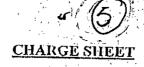
Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

(Respondent No.1)

Regional Police Officer, Hazara Region, Abbottabad (Respondent No.2)

> District Police Officer, Abbottabad.

(Respondent No. 3)

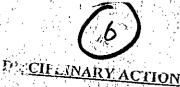


Annexue A

- I, Javed Iqbal (PSP) District Police Officer Abbottabad as competent authority hereby charge you Constable Tariq No. 643 the then PS Nawaushehr presently PS Mangal as explained in the attached statement of allegations.
- 2). You appear to be guilty of misconduct under Police Disciplinary Rules 1975 (amended 2014) and have rendered yourself liable to all or any of the penal es specified in the said Police Disciplinary Rules.
- 3). You are therefore, directed to submit your written defense within seven days on the receipt of the Char : She are the Enquiry Officer.
- Your then defense, if any shall reach the Enquiry Officer with in the specified period, failing which it shall be presumed that you have no defense to put in and in that case exparte action shall follow against you.
- 5). Intimate whether you desire to be heard in person or otherwise.
- 6). A statement of allegations is enclosed.

(JAVED PALL) VSP District Police Officer 7Abbottabad

19.3.2020



Competent Authority of the opinion that you Constable Tariq No. 643 the then PS Manual rendered yourself liable to be proceeded against as you committed the following act/omission within the meaning of Police Disciplinary, Rules 1975 (amended 2014).

STATEMENT OF THE ALLEGATIONS

Nawanshehr have contacts with criminals, drug paddlers, prostitution dens and gamblers based on number of sources report. You have used the official powers to protect these criminals for your own personals interest and therefore bringing bad name for Police department. Four attitude covaries public we all disrespectful which also created bad will in the eyes of general public. All this shows your malafide intention and gross nucconduct on your part.

- 2). For the purpose of scrutinizing your conduct with reference to the above allegations, Mr. Muhammad Jamil Akhter Addl: SP Abbottabad is hereby.
- 3). The Enquiry Officer shall in accordance with the provision of this ordinance, provide reasonable opportunity of hearing to you, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or me appropriate action against you.
- 4).

 You are hereby directed to attend the proceedings on the due date;
 time and place fixed by the Enquiry Officer.

(JAVED IQBAL) PSP District Police Officer Abbottsbad

No: Q3 /PA, Dated Abirottabad the Q3/01 /2020.
Copy to:

1. Enquiry Officer for this integrate proceedings against the Catalian office under provisions of the Police Disciplinary Rules 1975 and submittendings within stipulated period.

2. Constable Tariq No. 643 the then PS Nawanshehr presently PS Mangal (delinquent official).

Acut.

ORDER

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Annex-B

Constable Tariq No. 643 the then PS Nawanshehr. He while posted at PS Nawanshehr, a comprehensive and successful campaign was started against the drug peddlers and narcotics in the district, as a result more than 200 cases / FIRs have been registered against the drug peddlers. It is to been confirmed that being a member of discipline force he has links with narcotics group. This group is the pioneer of Ice in this region. He also did not point out any dens of gamblers and prostitutes to the SHO. Apart from this, the crimes against property, are out of control in the jurisdiction of PS Nawansher and during the whole tenure, he badly failed even to inform the SHO about offences against property. His attitude towards public was rude/ disrespectful which is a black mark on the image of Police department. Owing to this, he was called time and again, to mend his way, but he failed to do so.

He was issued Charge Sheet along with statement of allegations. Mr. Muhammad Jamil Akhtar Addl: SP, Abbottabad was appointed as Enquiry Officer. He conducted proper departmental enquiry against the delinquent official and recorded statements of all concerned. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings wherein allegations have been proved against delinquent officer beyond any shadow of doubt. He was summoned to appear in Orderly Room on 06-05-2020. He was given a patient hearing but he had nothing plausible to state in his defence.

Therefore, in exercise of the powers vested in the undersigned Police Disciplinary Rules-1975 (Amended 2014), I, Javed Iqbal, PSP, District Police Officer, Abbottabad as a competent authority, am constrained to award him the punishment of Dismissal from Service with immediate effect.

Order announced.

OB No. 90

Dated 13-45-2020

District Police Officer,
Abbottabad

CC.

1. Pay Officer, DPO Office Abbottabad.

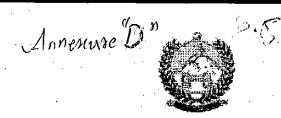
2. Establishment Clerk for necessary action.

3. OHC along with complete enquiry file containing ages for completion of record.

4. OB Clerk DPO Office.

Alcohal

Government of Khyber Pakhtuukhwa District Accounts Office Abbotabad Monthly Salary Statement (April-2020)



Personal Information of Mr TARIQ MAHMOOD d/w/s of MUHAMMAD SULEMAN.

Personnel Number: 00006976

CNIC: 99900001917

NTN: 0

Date of Birth: 28.03.1973

Entry into Govt. Service: 07.08.1991

Length of Service: 28 Years 08 Months 025 Days

Employment Category: Active Temporary

Designation: CONSTABLE -

80000264-GOVERNMENT OF KHYBER PAKH

DDO Code: AD4022-Distt. Police Officer Abbottabad.

Payroll Section: 002

GPF Section: 001

Cash Center: 0

GPF A/C No: POL 044318

Pay and Allowances:

Interest Applied: Yes

: GPF Balance:

383,511.00

Vendor Number: 30266509 - SAEEDA BEGUM WD/O NAZAR HUSSAIN PENSION 6976HS

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 07

Pay Stage: 23

	Wage type	Amount	Wage type	Amount	
0001	Basic Pay	25,020.00	1000 House Rent Allowance	1,589.00	
1210	Convey Allowance 2005	1,932.00	1300 Medical Allowance	1,500.00	
1547	Ration Allowance	681.00	1567 Washing Allowance	150.00	
1646	Constabilary R Allowance	300.00	190: Risk Allowance (Police)	3,530.00	
1902	Special Incentive Alownce	775.00	2148 15% Adhoc Relief All-2013	569.00	
2168	Fixed Daily Allowance	2,730.00	2199 Adhoc Relief Allow @10%	378.00	
2211	Adhoc Relief All 2016 10%	1,909.00	2224 Adhoc Relief All 2017 10%	2,502.00	
2247	Adhoc Relief All 2018 10%	2,502.00	2264 Adhoc Relief All 2019 10%	2,502.00	

Deductions - General

Wage type		Amount	Wage type		Amount
3007	GPF Subscription	-1,010.00	3530	Police wel:Fud BS-1 to 18	-500.00
4004	R. Benefits & Death Comp:	-690.00			0.00

Deductions - Loans and Advances

Loan	Descri	ption	Principal amount	Deduction	Balance
Deductions Payable:	- Income Tax 0.00 Recovered	ed till April-2020:	0.00 Exempted: 0	0.00 Recover	rable: 0.00
Gross Pay ((Rs.): 48,569.00	Deductions: (Rs.):	: -2,200.00 N	et Pay: (Rs.): 46	5,369.00
Account No	e: TARIQ MAHMOOD umber: 5487-4				
Bank Detai	Is: NATIONAL BANK O	F PAKISTAN, 23134	8 MANDIAN BRANCH MA	NDIAN BRANCH, A	ABBOTTABAD
	Opening Balance:	F PAKISTAN, 23134 Availed: 	8 MANDIAN BRANCH MA Earned:	NDIAN BRANCH, A Balance:	ABBOTTABAD
	Opening Balance:				ABBOTTABAD
Leaves:	Opening Balance: Address:	Availed:			
Leaves:	Opening Balance: Address: IPUR	Availed:	Earned:	Balance:	

Office of the District Police Officer Abbettabad

(14169/06.05.2020/12:23:57) 2) All amounts are in Pak Rupees 3) Errors & omissions excepted

Annexure "E" (10)

PUNISHMENT RECORD OF CONSTABLE TARIO NO.643 DATE OF ENROLMENT: 07-08-1991

S. No.	Major Punishment	Minor Punishment	Bad	Good
1. 1	01	04	02	05

Establishment Clerk



OFFICE OF THE REGIONAL POL HAZARA REGION, ABBOTTABAD **Q** 0992-9310021-22

992-9310023

r.rpohazara@gmail.com

0345-9560687

NO: 17455 /PA DATED

ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex. Constable Tariq No.643 of District Abbottabad against the punishment order i.e. Dismissal from Service awarded by DPO Abbottabad vide order No.90 dated 13.05.2020.

Brief facts leading to the punishment are that a comprehensive and successful campaign was started against the drug peddlers and narcotics in the district, as a result more than 200 cases/FIRs were registered against the drug peddlers. The appellant while posted at PS Nawansher, it has been confirmed that being a member of discipline force he had links with narcotics group. This group is the pioneer of Ice in this region. He also did not point out any dens of gamblers and prostitutes. Apart from this, the crimes against property, was also out of control in the area and he badly failed to inform the SHO about offences against property.

The appellant was issued charge sheet alongwith summary of allegations and Addl: SP Abbottabad was deputed to conduct departmental enquiry. During the course of enquiry the allegations leveled against the appellant were proved. He was called in OR and heard in person, however he failed to advance any cogent reason in his defence. Consequently, DPO Abbottabad awarded him major punishment of dismissal from service.

After receiving his appeal, comments of DPO Abbottabad were sought and examined/perused. The undersigned called the appellant in OR and heard him in person. However he failed to advance any plausible justification in his defence. Moreover, the EO has also concluded that the charges leveled against the official have been established. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 instant appeal is hereby filed with immediate effect.

> Qazi Jamil ur Rehman (PSP) REGIONAL POLICE OFFICER HAZARA REGION, ABBOTTABAD

/PA, dated Abbottabad the

The District Police Officer, Abbottabad for information and necessary action with reference to his office Memo No.2174/Legal dated 10-06-2020. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

AHESTER

Office Superintendent



KHYBER PAKHTUNKWA

SERVICE TRIBUNAL, PESHAWAR

No: 1168 /ST Dated: 25 / 5 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281 Fax:- 091-9213262

To

District Police Office, Abbottabad.

Subject:

JUDGMENT IN APPEAL NO 9398 Mr. Tariq Mehmood.

am directed to forward herewith a certified copy of judgment dated 21.04.2022 passed by this Tribunal on the above subject for compliance please.

Encl: As above

REGISTRAR KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR