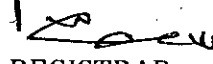
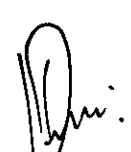


Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 9398 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/08/2020	<p>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.</p> <p style="text-align: right;"> REGISTRAR Akobad</p> <p>This case is entrusted to Touring S. Bench for preliminary hearing to be put up there on <u>20-11-2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

20.11.2020

Mr. Muhammad Aslam Tanoli, Advocate, for appellant 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.

Appellant Deposited  
Security & Process Fee

(MUHAMMAD JAMAL KHAN)  
MEMBER  
CAMP COURT ABBOTTABAD

17.02.2021

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 proceedings 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.

  
Chairman  
Camp Court, A/Abad

16.11.2021

Counsel for the appellant and Mr. Muhammad Riaz Khan Painsdakhel, 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.

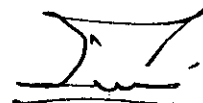


Chairman  
Camp Court, A/Abad

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, Ex-Constable No.643, District Police,  
Abbottabad.  
..... (Appellant)

**VERSUS**

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

... (Respondents)

Muhammad Aslam Tanoli,  
Advocate ... For appellant.

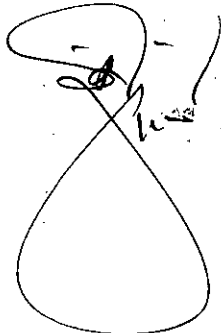
Noor Zaman Khan Khattak,  
District Attorney ... For respondents.

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 Abbottabad 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.

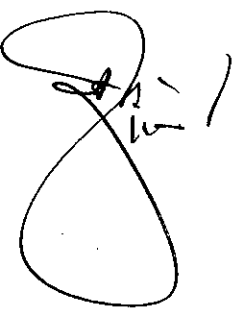
5. Conversely, learned AAG contended that the appellant being a member of disciplined force, had links with narcotics group and that this group was the pioneer of Ice in Hazara Region and the appellant failed to point out any dens of gamblers and prostitution. He badly failed to inform SHO about offences 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.



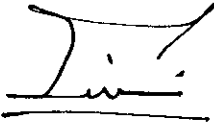




7. The long and short of the above discussion is that the instant service appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

21.04.2022



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



(Rozina Rehman)  
Member (J)  
Camp Court, A/Abad

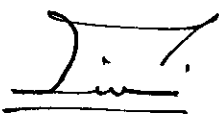
ORDER  
21.04.2022

Appellant present through counsel.

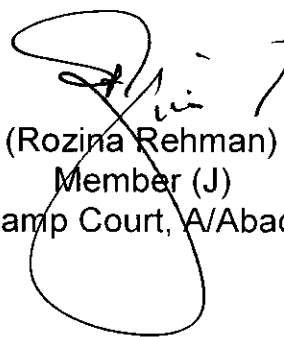
Noor Zaman Khan Khattak learned District Attorney for respondents present.

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

ORDER

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 personal 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

OB. NO. 38  
29. 01. 21

2  
District Police Officer  
Abbottabad

CC.

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 alongwith complete Enquiry File containing (SI) pages for completion of record.

2  
District Police Officer  
Abbottabad

**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**

**INDEX**

S/No	Description of Document	Ann- exure	Page No.
1.	Memo of appeal		01-08
2.	Charge Sheet dated <b>02-10-2019</b> & its Reply	"A&B"	09-11
3.	Dismissal Order dated <b>13-05-2020</b>	"C"	12
4.	Statement of progress of cases	"D"	13
5.	Departmental appeal	"E"	14
6.	Appeal rejection order dated <b>23-07-2020</b>	"F"	15
7.	Order dated <b>29-10-2020</b>	"G"	16
7.	Wakalatnama		

Through

*tr*  
**Appellant**

*M. Aslam*  
(Mohammad Aslam Tanoli)  
Advocate High Court  
at Haripur

17-02-21  
Dated: 17-11-2020

①

**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

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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

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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")**.



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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:-

**GROUND:**

- 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-initio 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.

5

- 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.
- 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.

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- 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.
- l) 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.

Through:

  
**Appellant**

  
(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 20 - 11-2020

  
**Appellant**

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**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

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

**Appellant**

**VERSUS**

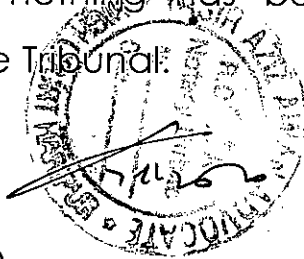
1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

**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: 20-11-2020

Identified By:

*M. Aslam*

Mohammad Aslam Tanoli  
Advocate High Court  
At Haripur

**Appellant**

8

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

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

**Appellant**

**VERSUS**

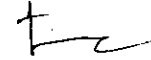
1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

**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: 20-11-2020

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CHARGE SHEET

Annex-A

- 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 penalties specified in the said Police Disciplinary Rules.
- 3). You are therefore, directed to submit your written defense within seven days on the receipt of this Charge Sheet to the Enquiry Officer.
- 4). Your written defense, if any shall reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
- 5). Intimate whether you desire to be heard in person or otherwise.
- 6). A statement of allegations is enclosed.

(JAVED IQBAL) PSP  
District Police Officer  
Abbottabad

34  
19.3.2020

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DISCIPLINARY ACTION

Javed Iqbal (PSP) District Police Officer Abbottabad as 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).

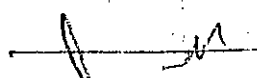
STATEMENT OF THE ALLEGATIONS

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 bad name for Police department. Your attitude towards public was rude/ disrespectful which also created bad will in the eyes of general public. All this shows your malafide intention and gross misconduct 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) PSP  
District Police Officer  
Abbottabad

No: 05 /PA, Dated Abbottabad the 03/05 /2020.

Copy to:

1. Enquiry Officer for initiating proceedings against the defaulter 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).

*Accepted*  
*for*

گورنمنٹ ہاؤس

گورنمنٹ ہاؤس، لاہور

موضوع: خدمت میں مقرر ہونے کے لیے درخواست  
میں بطور ایگزیکٹو آفیسر، ڈیپارٹمنٹ آف ایگرائچمنٹ، لاہور  
اس عہدے کے دوران میں تقریباً 1955ء سے

تک ملا کر رہا ہوں۔ جن میں میں نے خانہ دار خانہ محمد ادا  
فروغی، محمد خان، محمد خان، محمد خان، محمد خان

کا رہائشی علاقہ محمد خان، لاہور میں خدمت میں رہا

محمد خانوں کے خدمت میں رہا اور ان کے ساتھ ساتھ  
انفارمیشن ڈیپارٹمنٹ، لاہور میں بھی

دو سالوں کے لیے ڈیپارٹمنٹ آف ایگرائچمنٹ، لاہور میں  
تعمین فرائض کے لیے مقرر کیا گیا۔

371-A  
371-13

انفارمیشن ڈیپارٹمنٹ، لاہور میں

میں ملا کر رہا ہوں اور ان کے ساتھ ساتھ

میں بھی ملا کر رہا ہوں اور ان کے ساتھ ساتھ

میں بھی ملا کر رہا ہوں اور ان کے ساتھ ساتھ

میں بھی ملا کر رہا ہوں اور ان کے ساتھ ساتھ

میں بھی ملا کر رہا ہوں اور ان کے ساتھ ساتھ

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میں بھی ملا کر رہا ہوں اور ان کے ساتھ ساتھ

میں بھی ملا کر رہا ہوں اور ان کے ساتھ ساتھ

Attested  
By



- Appellant is a Constable only
- No order is placed on file/reply <sup>in</sup> that, appellant was posted to inform the SHO about the crimes in the vicinity
- no evidence is brought/referred any criminal person with whom the appellant had relations.
- Whether the appellant was the only official in P.S. to inform the SHO against property offences-
- About the rude attitude of the appellant no complaint from the public is placed on record/written reply.
- no proper inquiry was conducted to establish the allegations against the appellant.
- No Show Cause notice was issued to appellant nor issued copy of inquiry report.
- opportunity of personal hearing was not provided.

ORDER

12/04/20

Annex-C


This office order will dispose of the departmental enquiry against 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 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 Nawanshehr 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.

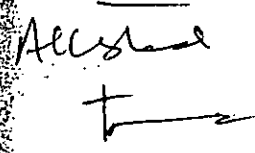
Order announced.

OB No: 90  
Dated: 13-05-2020

  
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 14 pages for completion of record.
  4. OB Clerk DPO Office.

\*\*\*\*\*



فہرست مشتبات خوردستان سندھ خلاف کارروائی کی تفصیل نوالہ شہر

فقدہ عیلتا حوزہ	حیرم	برآمدگی	نام و ایف سکوٹا فلزخان
1	770/19	16 11/99	سہیل احمد ذرا شہر کا گی بنیان
2	771/19	16 11/99	حسن عزیز ذرا ولد اقبال سہ لکھڑ
3	772/19	11 ACNSA	اشرف طر رضا خان سہ لکھڑ
4	774/19	9DCNSA	مراد عزیز لکھڑ
5	803/19	11 ACNSA	نور ظفر لکھڑ
6	804/19	9DCNSA	اجتہاد ذرا لکھڑ
7	840/19	11 ACNSA	عمر ذرا لکھڑ
8	12/20	9DCNSA	احمد ذرا لکھڑ
9	103/19	9DCNSA	نوالہ شہر
10	845/19	216 PPL	حیرم
11	703/19	9BENSA	حیرم
12	636/19	9CNSA	حیرم
13	638/19	9CNSA	حیرم
14	702/19	9R	حیرم

Alerted to

اپیل برائے بحال کرنے سروں۔

اپیل ذیل عرض ہے۔

جناب عالی!

محروض خدمت ہوں کہ من سائل تھانہ نواں شہر میں بطور گشت جنرل ڈیوٹی تعینات تھا اور جناب DPO صاحب نے من سائل کو تھانہ نواں شہر سے پولیس لائن کلوز کر کے چارج 2020 میں چارج شیٹ دی گئی جس میں من سائل پر الزام لگائے گئے کہ تم منشیات فروشوں، جواریوں اور قبہ خانوں والوں کے ساتھ ملے ہوئے ہو۔

جناب عالی!

من سائل نے طارق محمود SHO کے ساتھ مل کر منشیات فروشوں کے خلاف بھرپور کارروائیاں کیں اور مشہور منشیات فروشوں کے خلاف کارروائی کی گئی۔ من سائل اپنے مطلقہ SHO کے ساتھ مل کر دو مقدمات چھاپہ ذنیاں کر کے جواریوں کو گرفتار کر کے دو مقدمات SHO کے تحت تھانہ نواں شہر میں رجسٹر کیے۔ من سائل نے SHO صاحب کے ساتھ مل کر بلال ناؤن میں واقع دو قبہ خانوں پر یکے بعد دیگر چھاپہ ذنیاں کے دونوں قبہ خانوں سے لڑکیاں اور لڑکے گرفتار کر کے PPC-371A/371B کے تحت مقدمات رجسٹر کیے۔ من سائل نے اپنی تعیناتی کے دوران کسی جرائم پیشہ افراد کے ساتھ کوئی تعلق نہ رکھا بلکہ جرائم پیشہ افراد کے خلاف قانونی کارروائیاں کیں۔ جناب عالی لگائے گئے الزامات حقیقت پر مبنی نہ ہیں۔

عوام کی طرف سے میرے خلاف کوئی شکایت نہ ہے اور نہ عوام کی طرف سے کوئی تحریری شہادت موجود نہ ہے۔ انگریزی دوران DPO صاحب نے میری کوئی بات نہ سنی من سائل کے خلاف یکطرفہ کارروائی کی گئی اور من سائل کو محکمہ سے برخاست کیا گیا ہے۔ من سائل نے حکم برخاستگی کی مصدقہ کاپی کیلئے متعلقہ برانچ سے بذریعہ درخواست استدعا کی مگر من سائل کو حکم برخاستگی آرڈر کی فوٹو کاپی بھی نہیں دی گئی۔

درخواست کی فوٹو کاپی بھی ہمراہ لف ہے۔

بذریعہ اپیل استدعا ہے جناب DPO صاحب حکم برخاستگی کو منسوخ کر کے سائل کو اپنی سروں پر بحال کرنے کا حکم صادر فرمایا جائے۔

العارضی

x کٹیل طارق 643 صلواتی رما

20/5/20

03425669862

Amex-E

T



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Annex-F

OFFICE OF THE REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.rpohazara@gmail.com

0345-9560687

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 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.  
CC.

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.

Attested

Attested  
to

S. Muhammad Irshad  
Office Superintendent  
For Regional Police Officer  
Abbottabad



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

No. S/ 4309 /20, dated Peshawar the 29/10 /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 /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 Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar with the direction to issue his transfer order to Kohat Region.

  
**(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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2.	Charge Sheet dated <b>02-10-2019</b> & its Reply	"A&B"	09-11
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5.	Departmental appeal	"E"	14
6.	Appeal rejection order dated <b>23-07-2020</b>	"F"	15
7.	Wakalatnama		

Through

*tr*

**Appellant**

*M. Aslam*

(Mohammad Aslam Tanoli)  
Advocate High Court  
at Haripur

Dated: 17-08-2020

①

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

**Khyber Pakhtunkhwa  
Service Tribunal**

Appeal No... 9398/20

Diary No. 8759

Dated 17.8.2020

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**

**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:

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 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")**.

**Filed to-day**

**Registrar**

**17/8/2020**



②

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")**.
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 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

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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**

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

**GROUND:**

- 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.
- 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

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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.
- h) That instant appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudication upon the same.

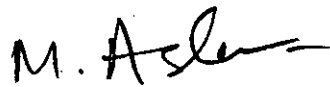
**PRAYER:**

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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 17-08-2020

  
**Appellant**

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**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.

*[Signature]*

**Deponent/Appellant**

Dated: 17-08-2020

Identified By:

*M. Aslam*

Mohammad Aslam Tanoli  
Advocate High Court  
At Haripur



*[Signature]*

**Appellant**

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**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

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CHARGE SHEET

Annex-A

- 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 penalties specified in the said Police Disciplinary Rules.
- 3). You are therefore, directed to submit your written defense within seven days on the receipt of this Charge Sheet to the Enquiry Officer.
- 4). Your written defense, if any shall reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
- 5). Intimate whether you desire to be heard in person or otherwise.
- 6). A statement of allegations is enclosed.

(JAVED IQBAL) PSP  
District Police Officer  
Abbottabad

ذات ۱۹ مارچ ۲۰۲۰ء  
19.3.2020

Allesed  
to



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DISCIPLINARY ACTION

Javed Iqbal (PSP) District Police Officer Abbottabad as 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

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 bad name for Police department. Your attitude towards public was rude/ disrespectful which also created bad will in the eyes of general public. All this shows your malafide intention and gross misconduct 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 any 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  
Abbottabad

No: 03 /PA, Dated Abbottabad the 03/01/2020.

Copy to:

1. Enquiry Officer for attending proceedings against the delinquent 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).

Allesed  
to

جو ارب جاوے جی منشی

جو ارب جاوے جی منشی نمبر 103/PA

موضوع خدمت میں کہ میں نے اپنے چھانڈے نو انڈیا ٹریڈنگ کمپنی کے  
 ایک بطور بولی ڈاکٹر ڈیوٹی کے سرانجام دیا ہے۔ اور  
 اس کے بعد کے دوران میں نے اپنے وقت 5440 کے  
 ساتھ ڈیوٹی کیا ہے۔ جن میں سے میں نے خانہ ادا اور خانہ محمد ادا  
 شامل ہے۔ ان کے لیے کہ دوران میں میں نے منشیات  
 فروخت کی، تجزیہ خانوں اور جو اربوں کے خلاف جو اربوں  
 کارروائیاں طائف محمد سابقہ 5440 کے ساتھ عمل کر لیں۔  
 تجزیہ خانوں کے خلاف کارروائیاں کرنے میں میری  
 الفارمیشن / طائف محمد سابقہ 5440 نے بدلے لیا ہے  
 دو ٹکڑوں / کھانڈے میں لکھنے کے بعد لکھنے کے  
 بقانہ نو انڈیا ٹریڈنگ کے لیے۔ اس کے بعد میری  
 الفارمیشن / جو اربوں کے خلاف 5440 نے بنا ہوا  
 کرتے ہیں تاکہ میں ایک مقام / صحابہ زلیا کرے  
 یا پھر جو اربوں کے ساتھ 5440 کے ساتھ مقدمہ لکھ دیا  
 ایک بعد میں قانون میں ایسا مقام / صحابہ زلیا کرے  
 جا جو اربوں کے ساتھ ہے۔ اور 5440 کے ساتھ مقدمہ لکھ دیا  
 ایک مقدمہ مندرجہ منشیات فروش میں میں نے  
 دلہا رستم سنگھ دھنور۔ ماکھڑیہ دلہا اور شریہ سنگھ دھنور  
 رفیع خان اور دلہا رستم سنگھ زلیا کے ساتھ دلہا رستم سنگھ  
 گنڈا کے ساتھ لکھ دیا ہے اور 5440 نے مقدمہ لکھ دیا ہے۔

140

Attested  
+

صباحاً

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ  
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ  
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ  
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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ  
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ  
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

والله

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ  
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ  
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

19.3.2020

Amirul  
Ku

ORDER

12/04/20

Annex-C

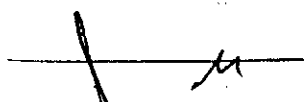
This office order will dispose of the departmental enquiry against Constable Tariq No. 643 the then PS Nawanshehr. He while posted at PS Nawanshehr, a comprehensive and successful campaign was started against the drug peddlers and narcotics in the district, as a result more than 200 cases / FIRs have 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 Nawanshehr 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 13-05-2020

  
District Police Officer  
Abbottabad

- CC.
1. Pay Officer, DPO Office Abbottabad.
  2. Establishment Clerk for necessary action.
  3. OHC alongwith complete enquiry file containing 14 pages for completion of record.
  4. OB Clerk DPO Office.

\*\*\*\*\*

Alleted  
to

فہرست مقدماتی فرودستان جیل خلاف کارروائی کی تقاضا نوائے شہر

مقدمہ عدالت حوزہ	حیرم	برآمدگی	نام و نسبت سکونت فلزمان
1	770/19	16 11/99	سہیل احمد ولد شہیر علی بنیان حیرس
2	771/19	16 11/99	حسن محرز ولد ولاء اقبال علی بھٹو حیرس
3	772/19	11 ACNSA	اشرف طہر رضا خان صاحب مسلم سعیدی حیرس
4	774/19	9DCNSA	فراد عرفی صاحبہ صاحبہ حیرس
5	803/19	11 ACNSA	نورظانہ صاحبہ حضرتہ صاحبہ نوائے شہر حیرس
6	804/19	9DCNSA	احسان ولد تقیم صاحب نوائے شہر حیرس
7	846/19	11 ACNSA	عبدان الی طہری صاحبہ ولدہ صاحبہ حیرس
8	12/20	9DCNSA	محمد علی صاحب صاحبہ صاحبہ حیرس
9	103/19	9DCNSA	نوائے شہر حیرس
10	845/19	26	حیرس
11	703/19	9Bensa	حیرس
12	636/19	9censa	حیرس
13	638/19	9censa	حیرس
14	702/19	9R	Alleted حیرس

3/4 EHO 22 نوائے شہر

Alleted حیرس

اپیل برائے بحال کرنے سروس۔

اپیل ذیل عرض ہے۔

جناب عالی!

محروض خدمت ہوں کہ من سائل تھانہ نواں شہر میں بطور گشت جنرل ڈیوٹی تعینات تھا اور جناب DPO صاحب نے من سائل کو تھانہ نواں شہر سے پولیس لائن کلوز کر کے چارج 2020 میں چارج شیٹ دی گئی جس میں من سائل پر الزام لگائے گئے کہ تم منشیات فروشوں، جواریوں اور قبہ خانوں والوں کے ساتھ ملے ہوئے ہو۔

جناب عالی!

من سائل نے طارق محمود SHO کے ساتھ مل کر منشیات فروشوں کے خلاف بھرپور کارروائیاں کیں اور مشہور منشیات فروشوں کے خلاف کارروائی کی گئی۔ من سائل اپنے مطلقہ SHO کے ساتھ مل کر دو مقدمات چھاپہ ذنیاں کر کے جواریوں کو گرفتار کر کے دو مقدمات SHO کے تحت تھانہ نواں شہر میں رجسٹر کیے۔ من سائل نے SHO صاحب کے ساتھ مل کر بلال ٹاؤن میں واقع دو قبہ خانوں پر یکے بعد دیگرے چھاپہ ذنیاں کے دونوں قبہ خانوں سے لڑکیاں اور لڑکے گرفتار کر کے PPC-371A/371B کے تحت مقدمات رجسٹر کیے۔ من سائل نے اپنی تعیناتی کے دوران کسی جرائم پیشہ افراد کے ساتھ کوئی تعلق نہ رکھا بلکہ جرائم پیشہ افراد کے خلاف قانونی کارروائیاں کیں۔ جناب عالی لگائے گئے الزامات حقیقت پر مبنی نہ ہیں۔

عوام کی طرف سے میرے خلاف کوئی شکایت نہ ہے اور نہ عوام کی طرف سے کوئی تحریری شہادت موجود ہے۔ انکوٹری دوران DPO صاحب نے میری کوئی بات نہ سنی من سائل کے خلاف یکطرفہ کارروائی کی گئی اور من سائل کو محکمہ سے برخاست کیا گیا ہے۔ من سائل نے حکم برخاستگی کی مصدقہ کاپی کیلئے متعلقہ برانچ سے بذریعہ درخواست استدعا کی مگر من سائل کو حکم برخاستگی آرڈر کی فوٹو کاپی بھی نہیں دی گئی۔

درخواست کی فوٹو کاپی بھی ہمراہ لف ہے۔

بذریعہ اپیل استدعا ہے جناب DPO صاحب حکم برخاستگی کو منسوخ کر کے سائل کو اپنی سروس پر بحال کرنے کا حکم صادر فرمایا جائے۔

الغرض

x کٹیں لادحق 643 صلہ و صدقہ رما د

Allotted

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20/5/20

03425669862



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Annex-F

OFFICE OF THE REGIONAL POLICE OFFICER

HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.rpohazara@gmail.com

0345-9560687

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 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.

*Jam*

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

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

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.

*Attested*

*Attested*

*tc*

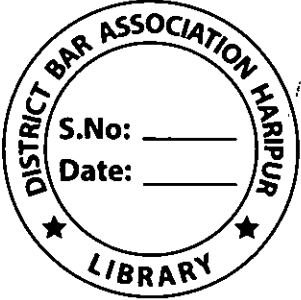
*S. Muhammad Irshad*  
Office Superintendent  
For Regional Police Officer,  
Hazara Region Abbottabad

DBA No: 201  
BC No:   
Name of Advocate: طارق محمد

S.No: 733711



# وکالت نامہ



بعدالت: جناب جسٹس صاحبہ سید سحر بیگم  
عنوان: طارق محمد  
منجانب: امینہ  
نوعیت مقدمہ: سروس سبیل  
باعث تحریر آنکہ:

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصدیقہ مقدمہ بمقام ایسٹ ایل ایل کے لیے  
کہہ رکھم توئی اہل کھلیں غ کی فرود

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت  
پکار کے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری  
غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب  
موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ  
ہوں گے اور مقدمہ پکھری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے  
پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مجتہانہ کے واپس کرنے کے بھی صاحب  
موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر ساختہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو  
عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی  
اختیار ہوگا اور اور کسی حکم یا ڈگری کرانے اور ہر قسم کارروپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور  
اس کے ثالثی و راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے پیر و نجات از پکھری صدر  
اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرنی یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب  
موصوف کو بشرط ادا یگی علیحدہ مجتہانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ  
مزکور یا اس کے کسی جزو کی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو  
بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ  
التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب  
موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے  
برخلاف نہیں ہوگا۔

Accepted by  
M. A. S.

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔

مورخہ: 17/08/2020 دن 17/08/2020 سال 1442

طارق محمد



BEFORE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

Appeal No. .... /2020

Tariq Mehmood.....V/S.....PPO KPK and others  
Appellant Respondents

**SERVICE APPEAL**

**APPLICATION SEEKING PERMISSION TO FILE AMENDED TITLED**  
**SERVICE APPEAL.**

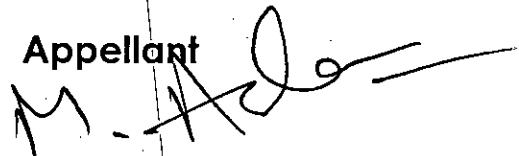
Respectfully shewith:

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



16

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

No. S/ 4309 /20, dated Peshawar the 29/10 /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 honesty.

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/ 4300/28 /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 Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar with the direction to issue his transfer order to Kohat Region.

*Alise  
to*

  
**(ZAHOOR BABAR AFRIDI) PSP**  
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**

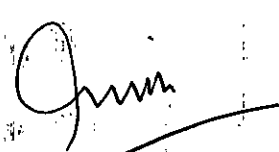
1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

.....Respondents.

**Para wise comments on behalf of Respondents.**

**INDEX.**

S.No.	Detail of Documents	Annexure	Page No.
1	Reply	-	1 to 3
2	Affidavit	-	4
3	Copy of charge sheet & statement of allegations	"A"	5&6
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"	10
8	Copy of departmental appeal / order	"F"	11
<b>TOTAL</b>		-	<b>11 Pages</b>

  
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

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 awarded 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 1<sup>st</sup> 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/order is annexed as Annexure "F").
8. Pertains to record. However, appellant has no *locus standi* to file the instant appeal.


**ON GROUNDS:-**

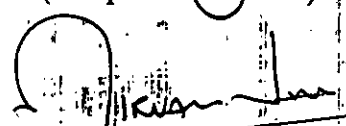
- a. Incorrect. The orders mentioned in this para are lawful, legal, based on facts, justice and in accordance with law/rules, hence, liable to be remain intact.
- b. Incorrect, proper inquiry was conducted against the appellant and all the codal formalities were fulfilled. Detail reply is given in para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

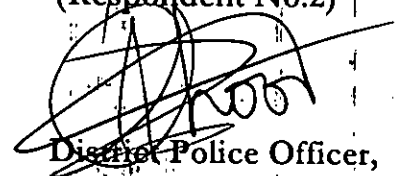
- c. Incorrect, the respondents treated the appellant in accordance with law/rules and neither any rule, principal of natural justice nor any article of Constitution of Islamic Republic of Pakistan, 1973 have been violated by the respondents while dealing the appellant departmentally.
- d. Incorrect, 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.  
(Respondent No.1)

  
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.

.....Appellant.

**VERSUS**


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

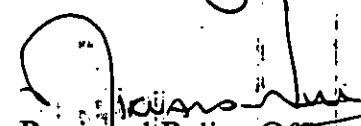
.....Respondents.

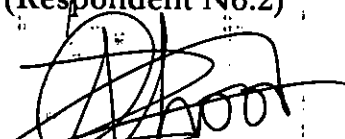
**AFFIDAVIT.**

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)

(5)

CHARGE SHEET

Annexure A

- 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 penalties specified in the said Police Disciplinary Rules.
- 3). You are therefore, directed to submit your written defense within seven days on the receipt of this Charge Sheet to the Enquiry Officer.
- 4). Your written defense, if any shall reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
- 5). Intimate whether you desire to be heard in person or otherwise.
- 6). A statement of allegations is enclosed.

(JAVED IQBAL) PSP  
District Police Officer  
Abbottabad

جواباً  
مخبراً  
19.3.2020



6

DISCIPLINARY ACTION

Javed Iqbal (PSP) District Police Officer Abbottabad as 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).

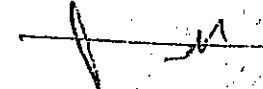
STATEMENT OF THE ALLEGATIONS

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 bad name for Police department. Your attitude towards public was rude/ disrespectful which also created bad will in the eyes of general public. All this shows your malafide intention and gross misconduct 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 any 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  
Abbottabad

No: 03 /PA, Dated Abbottabad the 03/01/2020.

Copy to:

1. Enquiry Officer for initiating proceedings against the delinquent official 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).

*Accepted*  
L

ORDER

7043

Annex-B

This office order will dispose of the departmental enquiry against 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 Nawanshehr 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 13-05-2020

District Police Officer  
Abbottabad

CC.

1. Pay Officer, DPO Office Abbottabad.
2. Establishment Clerk for necessary action.
3. OHC alongwith complete enquiry file containing 14 pages for completion of record.
4. OB Clerk DPO Office.

\*\*\*\*\*

Accepted  
to

(9)  
**Government of Khyber Pakhtunkhwa**  
 District Accounts Office Abbotabad  
 Monthly Salary Statement (April-2020)

Annexure D<sup>n</sup>



**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      Interest Applied: Yes      **GPF Balance:**      383,511.00  
 Vendor Number: 30266509 - SAEEDA BEGUM WD/O NAZAR HUSSAIN PENSION 6976HS  
**Pay and Allowances:**      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	Constabulary R Allowance	300.00	1901	Risk Allowance (Police)	3,530.00
1902	Special Incentive Allowance	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	Description	Principal amount	Deduction	Balance

**Deductions - Income Tax**

Payable: 0.00      Recovered till April-2020: 0.00      Exempted: 0.00      Recoverable: 0.00

**Gross Pay (Rs.): 48,569.00      Deductions: (Rs.): -2,200.00      Net Pay: (Rs.): 46,369.00**

Payee Name: TARIQ MAHMOOD  
 Account Number: 5487-4  
 Bank Details: NATIONAL BANK OF PAKISTAN, 231348 MANDIAN BRANCH MANDIAN BRANCH, ABBOTTABAD

**Leaves:**      Opening Balance:      Availed:      Earned:      Balance:

**Permanent Address:**

City: HARIPUR      Domicile: NW - Khyber Pakhtunkhwa      Housing Status: No Official  
 Temp. Address:  
 City:      Email:

*Attested*

*[Signature]*  
 Pay Officer  
 Office of the District Police Officer  
 Abbotabad

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

PUNISHMENT RECORD OF CONSTABLE TARIQ NO.643

DATE OF ENROLMENT: 07-08-1991

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

  
Establishment Clerk

68/11/2021



11

Annex - "F"

OFFICE OF THE REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

☎ 0992-9310021-22

☎ 0992-9310023

✉ r.rpolhazara@gmail.com

☎ 0345-9560687

NO: 17455 /PA DATED 23/7 /2020

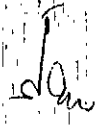
### ORDER

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 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.

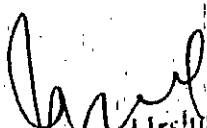
  
Qazi Jamil ur Rehman (PSP)  
REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

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

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.

Attested

Attested  
The

  
S. Muhammad Irshad  
Office Superintendent  
Regional Police Officer



**KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

No: 1168 /ST Dated: 25 / 05 /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.

I 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**