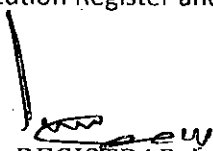



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 9399 /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. Babar Nazir 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 Alabad.</p> <p>2-</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>

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.

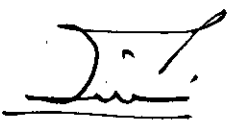
Representative of the respondents produced unsigned copy of reply/comments and requested for extension of time to furnish reply/comments. Last opportunity is granted to the respondents to submit written reply/comments on the next date, failing which their right for submission of written reply/comments 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

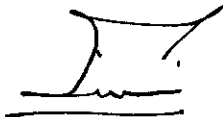
ORDER
21.04.2022

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



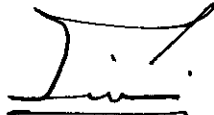
(Salah-Ud-Din)
Member(J)
Camp Court, A/Abad



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

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

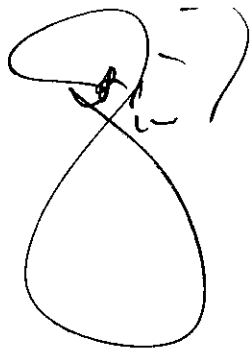


(Salah-Ud-Din)
Member(J)
Camp Court, A/Abad



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

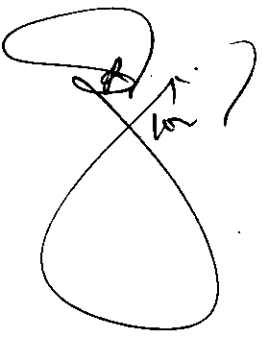
statement of allegations was issued and served upon appellant who submitted his reply which is placed on file. Muhammad Jamil Akhter Additional SP Abbottabad was appointed as Inquiry Officer but inquiry report was not produced before this Bench. There are three identical cases pending before this Bench 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 fully mentioned his presence with the SHO in different cases registered under the Control of Narcotic Substances Act but his this stance fully mentioned in his reply to the charge sheet was not taken into consideration. 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.



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




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



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT, ABBOTTABAD
Service Appeal No.9399/2020

Date of Institution ... 17.08.2020
Date of Decision ... 21.04.2022

Babar Nazir, Ex-Constable No.311, 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)

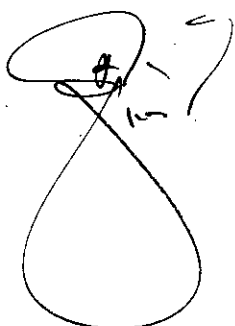
Rozina Rehman

... 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



**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No.....



Babar Nazir, Ex-Constable No. 311, 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

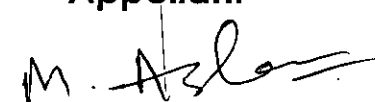
S/No	Description of Document	Ann- exure	Page No.
1.	Memo of appeal		01-08
2.	Charge Sheet dated 02-10-2019 & its Reply	"A&B"	09-11
3.	Dismissal Order dated 13-05-2020 + List	"C"	12 + 13
4.	Departmental appeal	"D"	13
5.	Appeal rejection order dated 23-07-2020	"E"	15
6.	Order dated 29-10-2020	"G"	16
7.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

Through

17-02-21

Dated: ~~20~~-11-2020


Appellant


(Mohammad Aslam Tanoli)
Advocate High Court
at Haripur

①

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Amended

Appeal No. 9399/2020

Babar Nazir, Ex-Constable No. 311, 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 ABBOTTABD VIDE WHICH HIS DEPARTMENTAL APPEAL REJECTED AND ORDER DATED 29-10-2020 WHEREBY WHILE PARTIALLY ACCEPTING MERCY APPEAL PENALTY OF DISMISSAL HAS BEEN CONVERTED INTO STOPPAGE OF TWO YEARS INCREMENTS WITH COMULATIVE EFFECT, THE PERIOD APPELLANT KEPT OUT OF SERVICE AS LEAVE WITHOUT PAY AND TRANSFERRED HIM TO MALAKAND 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 GRANTED LEAVE OF THE KIND DUE AND HIS TRANSFER TO MALAKAND REGION BE CANCELLED WITH GRANT OF ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respectfully Sheweth:

1. That appellant while posted as Constable at Police Station Nawanshehr after about only 02 months, he was issued with a Charge Sheet dated 03-01-2020 by the

2

District Police Officer Abbottabad which was duly replied 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 without taking into consideration the stance taken by him 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 attached 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 under governing the terms and condition of his service. Neither any witness was produced before the so-called inquiry officer nor was he provided with a chance to cross examine such a witness. Neither and documentary evidence was produced before the so-called inquiry officer in presence of the appellant nor was he confronted with such a document. No copy of inquiry findings was issued to appellant. Even opportunity of personal hearing was not afforded to him. Appellant was condemned unheard thus principle of natural justice was seriously violated in his case.
4. That the allegations leveled against the appellant in the charge sheet were of ambiguous nature, without

3

any reason, reference, justification and based on surmises and conjectures which remained un-proved and un-substantiated to 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 penalty of dismissal from service.

5. That during his posting at Police Station Nawanshehr Abbottabad, appellant discharged his duties with devotion, dedication & 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.
6. That the appellant was enrolled in the Police Department as Constable in 2007 and has rendered more than 13 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 contents of the appeal. **(Copies of departmental appeal and order dated 23-07-2020 are attached as Annexure- "E & F").**

4

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 **Malakand 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, dated 23-07-2020 and 29-10-2020 of the respondents are illegal, unlawful against the facts, departmental rules and regulations and principle of natural justice hence are 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 his evidence nor was appellant provided with a chance to cross-examine such 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 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

5

Article-4 of constitution of Islamic Republic of Pakistan 1973 and unlawfully issued the impugned order, which is unjust, unfair 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 & conjectures which remained un-proved and un-substantiated to 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 reinstatement, the appellant remained jobless and had no source of income

6

to live on and, therefore, he along with his family had to suffer badly with financial distresses.


- h) That instant service 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 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 granted leave of the kind due and his transferred from District Abbottabad to **Malakand 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 20-11-2020


Appellant

7

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Babar Nazir, Ex-Constable No. 311, District Police Abbottabad.

Appellant

VERSUS

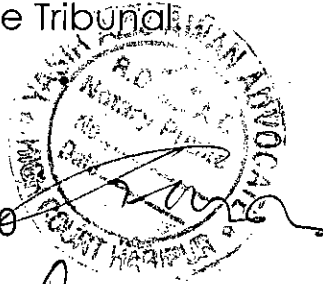
1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

Respondents

SERVICE APPEAL

AFFIDAVIT:

I, Babar Nazir 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.



Dated: 20-11-2020

Identified By:

M. Aslam

Mohammad Aslam Tanoli
Advocate High Court
At Haripur


Deponent/Appellant


Appellant

8

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Babar Nazir, Ex-Constable No. 311, 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

(9)
CHARGE SHEET

Annex-'A'

1). I, Javed Iqbal (PSP) District Police Officer Abbottabad as competent authority hereby charge you Constable Babar No. 310 the then PS Nawanshahr presently Police Lines Abbottabad 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 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) PSP
District Police Officer
Abbottabad

Arrested
M. Y.

10

DISCIPLINARY ACTION

I, Javed Iqbal (PSP) District Police Officer Abbottabad as Competent Authority of the opinion that you Constable Babar No. 310 the then PS Nawanshehr presently Police Lines Abbottabad 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 Babar No. 310 while posted at 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 the 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 03/01 /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 Babar No. 310 the then PS Nawanshehr presently Police Lines Abbottabad (delinquent official).

Attested
M. Iqbal

(11) Annex-B

خضایالی

محرم حوصوم خارج سٹیٹ حصوں کی فہرست برائے

من کیٹل پائپرڈائی ہمراہ طارق خان کا 40 کی تعداد، نوان پندرہ ستمبر 2019ء
 لکھنؤ کی تعداد نوان پندرہ ستمبر 2019ء سے لکھنؤ کی تعداد کے دوران
 حصوں کی فہرست برائے 40 کی تعداد، نوان پندرہ ستمبر 2019ء
 حیران پندرہ افراد کی تعداد کرتے ہوئے انفارمیشن خزانہ 40 کی تعداد کو
 دیا گیا ہے۔ اور ان کے نسب کے پیکر کے میں 40 کی تعداد کے ساتھ رہا ہے۔
 حکم کی تعداد کے تحت میں تعداد کے 770، 771، 772، 774، 803
 19 19 19 19 19
 804، 840، 12، 2020، 90، 11A، 15A، 90، 19، 19
 90، 11A، 15A، 90، 19، 19
 90، 11A، 15A، 90، 19، 19

ان تعداد میں حصوں کی فہرست کے تحت سے چرس 14 ایکو 113 گرام
 اور 46 گرام - پتھر سے 10 گراموں پر 7 کے گئے ہیں۔

دوران ڈیوٹی اپنے ذمہ داریوں کا کچھ بھی حصوں کی فہرست اور دیگر
 حصوں کی فہرست کے ساتھ ساتھ تمام وسائل کے ساتھ ساتھ
 حیران پندرہ افراد تک رسائی حاصل کر کے اپنے آفسر پھارج کو آگاہ کیا گیا۔

میں اپنے ذمہ داریوں میں کوئی کوتاہی پر دیا گیا نہیں ہے
 خلاف جو ان کے لئے لکھا گیا ہے جوہر حقیقت پر مبنی ہے
 اس کے ساتھ ساتھ خارج سٹیٹ حصوں کی فہرست کے جواب

Allotted
 311 ستمبر 2019ء
 11/11/19

ORDER

(12)

Annex-2


This office order will dispose of the departmental enquiry against Constable Babar No. 311 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 defense.

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. 70
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 (22) pages for completion of record.
4. OB Clerk DPO Office.

Attested


ایپل برائے بحال کرنے سروں۔
ایپل ذیل عرض ہے۔

جناب عالی!

مخروض 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 کاروائیاں کیں اور مشہور منشیات فروشوں کے خلاف کارروائی کی گئی جن کے مقدمات مقدمہ علت

770/19, 771/19, 772/19, 774/19, 803/19, 804/19, 840/19, 12/20, دیگر اور مقدمات تھانہ نواں شہر میں موجود ہیں۔ من سائل اپنے مطلقہ SHO کے ساتھ مل کر دو مقدمات چھاپہ زنیوں 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 دیگر چھاپہ زنیوں 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 کاروائیاں 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۔ 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 ایپل استدعا ہے جناب DPO صاحب حکم برخاستگی کو منسوخ کر کے سائل کو اپنی سروں پر بحال کرنے کا حکم صادر فرمایا جائے۔

العارض

Attested

x کسٹمبل بابر نذیر 311 ضلع ایبٹ آباد

20 15 12
03469536078



(14)

Annex-E

OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.rpohazara@gmail.com

0345-9560687

NO: 17453 /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 Babar Nazir No.311 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.

[Handwritten signature]

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

No. 17454 /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.2171/Legal dated 10-06-2020. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

Attested
[Handwritten signature]
Office Superintendent
For Regional Police Officer,
Hazara Region Abbottabad

[Handwritten signature]



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. S/ 4300 /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 Babar Nazir No. 311**. 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. 17453/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 Malakand 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/ 4301-08/20,

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. 20585, 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 Malakand Region.

Allesed
Muy


(ZAHOOR BABAR AFRIDI) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No.....9399/2020

Babar Nazir, Ex-Constable No. 311, 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

INDEX

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

Through


Appellant


(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.....9399/2020

Diary No. 8760

Dated 17.8.2020

Babar Nazir, Ex-Constable No. 311, 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
ORDERS DATED 13-05-2020 AND 23-07-2020 OF RESPONDENTS
MAY GRACIOUSLY BE SET ASIDE AND APPELLANT BE REINSTATED
IN 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 for about only 02 months was issued with a Charge Sheet dated 03-01-2020 by the District Police Officer Abbottabad which was duly replied 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").

File - day
Review
Registrar
12/8/2020

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 under 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 against him in the Charge Sheet nor appellant was provided with a chance to cross examine such a witness. Neither and documentary evidence was produced before the so-called inquiry officer in presence of the appellant nor was he confronted with such a document evidence, if any. No copy of inquiry findings was issued 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 against the appellant in the charge sheet were of ambiguous nature, without any reason, reference, justification and based on surmises and conjectures which remained un-proved

and un-substantiated 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 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.
6. That the appellant was enrolled in the Police Department as Constable in 2007 and has rendered more than 13 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 contents of the 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:-

4
GROUNDS:

4

- a) That impugned orders dated 13-05-2020 and dated 23-07-2020 of the respondents are illegal, unlawful against the facts, departmental rules and regulations and principle of natural justice hence are liable to be set aside.
- 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 his evidence nor was appellant provided with a chance to cross-examine such 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 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 order, which is unjust, unfair 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.

5

- 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 & conjectures which remained un-proved and un-substantiated to 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.

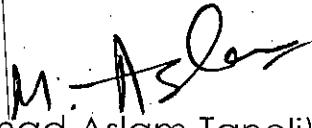
PRAYER:

6

It is, therefore, humbly prayed that on acceptance of instant Service Appeal order 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 fit 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

7

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Babar Nazir, Ex-Constable No. 311, District Police Abbottabad.

Appellant

VERSUS

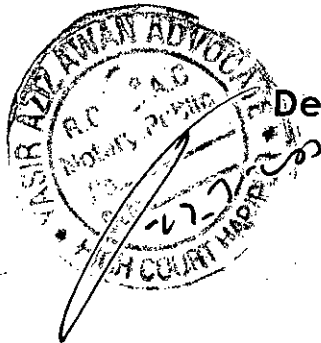
1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

Respondents

SERVICE APPEAL

AFFIDAVIT:

I, Babar Nazir 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.



Dated: 17-08-2020

Identified By:

M. Aslam Tanoli

Mohammad Aslam Tanoli
Advocate High Court
At Haripur

M. Nazir
Deponent/Appellant

M. Nazir
Appellant

8

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Babar Nazir, Ex-Constable No. 311, 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

(9)
CHARGE SHEET

Annex - 'A'

1). I, Javed Iqbal (PSP) District Police Officer Abbottabad as competent authority hereby charge you Constable Babar No. 310 the then PS Nawanshehr presently Police Lines Abbottabad 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 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) PSP
District Police Officer
} Abbottabad

Attested

[Signature]

[Signature]

10

DISCIPLINARY ACTION

I, Javed Iqbal (PSP) District Police Officer Abbottabad as Competent Authority of the opinion that you Constable Babar No. 310 the then PS Nawanshehr presently Police Lines Abbottabad 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 Babar No. 310 while posted at 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 the 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 03/01 /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 Babar No. 310 the then PS Nawanshehr presently Police Lines Abbottabad (delinquent official).

Attested
M. Iqbal

(11)

Annex-B

جناب عالی

محرم حوصوم خارج سٹیٹ حدود میں فروخت ہوئے۔

من کیٹل بائرنڈ 113 ہمراہ طارق خان صاحبی 450 کی رقم ٹھکانہ ٹرانسپورٹ سروس 2 ماہ
لغینائی ٹھکانہ ٹرانسپورٹ سروس 10 اس عرصہ میں لغینائی کے دوران حسب
حدائق انٹرنیشنل پلاٹ نمبر 450 کے متعلق منشیات فروختوں سے چارجوں
حیرانم پسماندہ افراد کو تلاش کرنے کے لیے انفارمیشن فراہم کیا گیا۔ 450 کے کو
ڈیتا ریپا ہوئے۔ اور انکو منشیات کی فروختوں میں 450 کے عرصہ میں ریپا ہوئے۔

کیٹیگوریٹڈ سٹورٹ میں حدود نمبر 770، 771، 772، 774، 803
19 19 19 19 19
804، 840، 12، 2020
19 19
90-CNSA، 11A-CNSA، 15AA
90-CNSA
ان ٹھکانہ ٹرانسپورٹ سروس فراہم ہیں

ان حدود میں قبضہ منشیات فروختوں سے چرس 14 کلو 113 گرام
آئس 47 گرام - پتھر سے 10 کادوٹوں پر آدھے کئی گئے ہیں۔

دوران ڈیوٹی اپنے ڈائری منشیات کی بھی منشیات فروختوں اور ریپا
پسماندہ افراد کے ساتھ سودا میں کیا تمام وسائل بروکے کارروائی کرتے
حیرانم پسماندہ افراد تک رسائی حاصل کرتے اپنے آفسر ایجنس کو آگاہ کیا گیا۔

میں اپنے ڈائری منشیات میں کوئی کوتاہی یا بددیانتی نہیں ہے
میں خلاف جو الزام لگایا گیا ہے وہ حقیقت پر مبنی ہے
اسد عاصمہ خارج سٹیٹ لهذا داخل دفتر فرمائے جاوے

کیٹل بائرنڈ 113 سٹیٹ پولیس ڈسٹرکٹ ڈیپارٹمنٹ
Attested
11/3

ORDER

(12)

Annex-C'

This office order will dispose of the departmental enquiry against Constable Babar No. 311 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 lce 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 defense.

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

~~Signature~~
District Police Officer
Abbottabad

CC.

1. Pay Officer, DPO Office Abbottabad.
2. Establishment Clerk for necessary action.
3. OHC alongwith complete enquiry file containing (22) pages for completion of record.
4. OB Clerk DPO Office.

Attested
Mary

Annex-D
RPO صاحب ہزارہ ریجن ایبٹ آباد

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 جن کے مقدمات مقدمہ علت

770/19, 771/19, 772/19, 774/19, 803/19, 804/19, 840/19, 12/20, دیگر اور مقدمات تھانہ نواں شہر میں موجود ہیں۔ 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 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۔ انکو بری دوران DPO صاحب نے میری کوئی بات نہ سنی من سائل کے خلاف یک طرفہ 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۔

العارض

Attested

x کسٹمیل بابر نذیر 311 ضلع ایبٹ آباد

20 15 120
03469536098



14

Annex-E

OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.rpohazara@gmail.com

0345-9560687

NO: 17453 /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 Babar Nazir No.311 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. 17454 /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.2171/Legal dated 10-06-2020. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

Attested

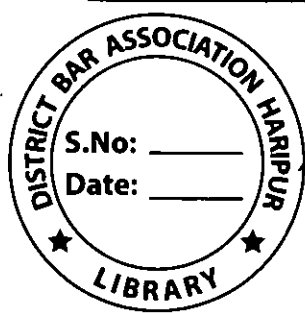
S. Muhammad Irshad
Office Superintendent
For Regional Police Officer
Hazara Region Abbottabad

DBA No: 2001
 BC No:
 Name of Advocate: محمد اسلم تنوئی

S.No: 73171



وکالت نامہ



بعدالت: جناب چیئرمین صاحب فیروز خان خواجہ سرویس ٹریبونل اور
 عنوان: بالمذمبہ بنام KPK لبریشن لولن آفیسر جے ڈی اے
 منجانب: امدادت نوعیت مقدمہ: سرویس ایبل
 باعث تحریر آئیکہ: _____

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصدیقہ مقدمہ بمقام ایسٹ ایبیل ٹریبونل کے لیے
محمد اسلم تنوئی ایڈووکیٹ ڈی۔ بی۔ اے

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
 پکارے 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 مختانہ 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 اجرائے 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 کارروپی وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور
 اس کے ثالثی و راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیر و نجات از پکھری صدر
 اپیل و برآمدگی مقدمہ یا منسوخی ڈگری پکطرفہ درخواست حکم امتناع یا قزنی یا گرفتاری قبل از گرفتاری و اجرائے ڈگری بھی صاحب
 موصوف کو بشرط ادا ایگی علیحدہ مختانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ
 مزکور یا اس کے کسی جزو کی کاروائی 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 پورا کوئی مطالبہ کسی قسم کا صاحب موصوف کے
 برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔
 مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ مورخہ: 2929 08 17
 دن 17 ماہ 08 سال 2929

بالمذمبہ

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. /2020

Babar Nazir.....V/S.....PPO KPK and others
Appellant Respondents

SERVICE APPEAL

APPLICATION SEEKING PERMISSION TO FILE AMENDED TITLED
SERVICE APPEAL.

Respectfully shewith:

1. That the titled appeal is pending adjudication before this Honourable Service Tribunal and is fixed today for preliminary hearing which is at primary stage.
2. 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")**.
3. 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



INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. S/ 4300/20, 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 Babar Nazir No. 311. 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. 17453/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 Malakand 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/ 4301-08/20,

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. 20585, 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 Malakand Region.

Allesed
Muy

(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. 9399/2020.

Babar Nazir, Ex-Constable No. 311, 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
TOTAL		-	11 Pages



DSP Legal, Abbottabad.

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

SERVICE APPEAL NO. 9399/2020

Babar Nazir, Ex-Constable No. 311, 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 charge sheet with statement of allegation was issued to appellant and proper inquiry was conducted but reply / defence of appellant was found unsatisfactory. (Copy of charge sheet and statement of allegation 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 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 08 bad entries are mentioned. (Detail enclosed as Annexure "E").
7. Pertains to record. 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:-

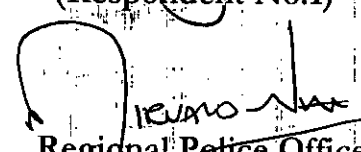
- a. Incorrect. The orders mentioned in this para are lawful, legal, based on facts, justice and in accordance with law/rules, hence, liable to be remain intact.
- b. Incorrect, proper inquiry was conducted against the appellant and all the codal formalities were fulfilled. Detail reply is given in para 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. 9399/2020

Babar Nazir, Ex-Constable No. 311, District Police Abbottabad.

.....Appellant.

VERSUS


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

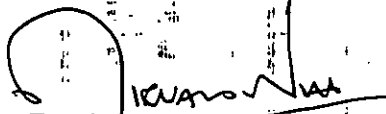
.....Respondents.

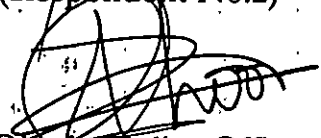
AFFIDAVIT.

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

Annex - A

1). I, Javed Iqbal (PSP) District Police Officer Abbottabad as competent authority hereby charge you Constable Babar No. 310 the then PS Navanshehr presently Police Lines Abbottabad 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 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) PSP
District Police Officer
Abbottabad

Attested

M. Y.

M. Y.

6

DISCIPLINARY ACTION

I, Javed. Iqbal (PSP) District Police Officer Abbottabad as Competent Authority of the opinion that you Constable Babar No. 310 the then PS Nawanshehr presently Police Lines Abbottabad 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 Babar No. 310 while posted at 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 the 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 03/01 /2020.

- 1. Copy to: 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 Babar No. 310 the then PS Nawanshehr presently Police Lines Abbottabad (delinquent official).

Attested
M. Iqbal

(7)

Annex-B

ORDER


This office order will dispose of the departmental enquiry against Constable Babar No. 311 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 defense.

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.

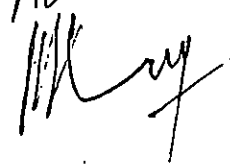
Order announced.

OB No. 70
 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 92 pages for completion of record.
4. OB Clerk DPO Office.

Attested


DEPARTMENTAL ENQUIRY AGAINST CONSTABLE BABAR NO.311 THE THEN PS
NAWANSHER PRESENTLY POLICE LINES ABBOTTABAD

8

Annexure "C"

STATEMENT OF ALLEGATIONS:

A Departmental enquiry was received against Constable Babar No.311 the then PS, Nawansher presently Police Lines Abbottabad vide Endst: No.02/PA dated 03-01-2020 with the allegation that "Constable Babar No.310 while posted at PS Nawansher have contacts with criminals, drug paddlers, prostitution dens and gamblers, based on number of source report. He have used the official powers to protect these criminals for him own personals interest and therefore bringin; bad name for Police department. His attitude towards public was rude/disrespectful which also created bad will in the eyes of general public. All this shows his malafidy intension and gross misconduct on his part".

PROCEEDINGS:

Accused official was summoned, statement was recorded and cross examined. Similarly his previous service record was scrutinized and observed the following analysis.

FINDING:

During course of enquiry accused official was given opportunity to prove his innocence as well to defend against allegations leveled but with no solid conclusion. Similarly, his pervious service record was scrutinized in which 04 bad entries are lodged.

Keeping in view of above mentioned circumstances, allegation mentioned in the summary are stand established please.

(ENQUIRY OFFICER)
ADDL: SUPERINTENDENT OF POLICE,
ABBOTTABAD.

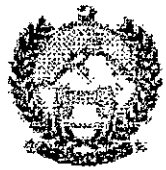
20/04/2020

Sir,
submitted please
H. M. K.

OR
DPO Alad

P.9
Annexure 'D'

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



Personal Information of Mr BABAR NAZIR d/w/s of NAZIR KHAN

Personnel Number: 00373275 CNIC: 1310122136003
Date of Birth: 01.02.1986 Entry into Govt. Service: 25.07.2007

NTN:
Length of Service: 12 Years 09 Months 007 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:
GPF A/C No: Interest Applied: Yes GPF Balance: 42,137.00
Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 07 Pay Stage: 7

Wage type		Amount	Wage type		Amount
0001	Basic Pay	15,260.00	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	361.00
2168	Fixed Daily Allowance	2,730.00	2199	Adhoc Relief Allow @10%	242.00
2211	Adhoc Relief All 2016 10%	1,237.00	2224	Adhoc Relief All 2017 10%	1,526.00
2247	Adhoc Relief All 2018 10%	1,526.00	2264	Adhoc Relief All 2019 10%	1,526.00

Deductions - General

Wage type		Amount	Wage type		Amount
3007	GPF Subscription	-1,010.00	3530	Police wel: Pud BS-1 to 18	-305.00
3907	Police (ROP)	-1,095.00	4004	R. Benefits & Death Comp:	-690.00

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.): 34,865.00 Deductions: (Rs.): -3,100.00 Net Pay: (Rs.): 31,765.00

Payee Name: BABAR NAZIR
Account Number: 14705-9
Bank Details: NATIONAL BANK OF PAKISTAN, 230301 MAIN BRANCH, ABBOTABAD. MAIN BRANCH, ABBOTABAD., ABBOTABAD

Leaves: Opening Balance: Aailed: Earned: Balance:

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

Attested
[Signature]
Office of the District Police Officer
Abbottabad

PUNISHMENT RECORD OF CONSTABLE BABAR NAZIR NO.311**DATE OF ENROLMENT: 25-07-2007**

S. No.	Major Punishment	Minor Punishment	Bad	Good
1.	02	01	05	08


Establishment Clerk

68/7/21



11

Annex-F

OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.rpohazara@gmail.com

0345-9560687

NO: 17453 /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 Babar Nazir No.311 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.

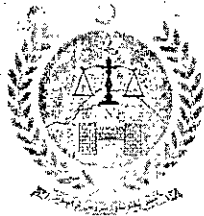
Qazi Jamil ur Rehman (PSP)
REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

No. 17454 /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.2171/Legal dated 10-06-2020. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

Attested

Office Superintendent
For Regional Police Officer



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No: 1169 /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 Officer,
Abbottabad

Subject: JUDGMENT IN APPEAL NO. 9399/2020 Babar Nazir.

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