




Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 786/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/06/2018	<p>The appeal of Mr. Noor Salam Khan presented today by Mr. Amanullah Khan Marwat 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</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>19/6/18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-	19.06.2018	<p>Appellant in person present and seeks adjournment. Adjourned. To come up for preliminary hearing on 29.06.2018 before S.B.</p> <p style="text-align: right;"> (Ahmad Hassan) Member</p>

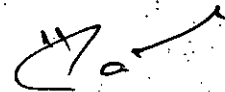
27.06.2018

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (Ex-Constable) has filed the present service appeal against the order dated 27.02.2018 of respondent No.3 whereby after denovo inquiry, the appellant was awarded major punishment of dismissal from service and against the order dated 16.05.2018 of respondent No.2 vide which the departmental appeal of the appellant was rejected.

Points raised need consideration. The present appeal is admitted for regular hearing subject to all 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. To come up for written reply/comments on 24.07.2018 before S.B

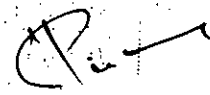
Appellant Deposited
Security & Process Fee



Member

24.07.2018

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Written reply not submitted. Mr. Muhammad Farooq Inspector representative of the respondent department absent. He be summoned with the direction to furnish reply/Para wise comments on the date fixed as 03.09.2018 before S.B. Fresh notice be issued to the respondent for the date fixed.



Member

M
clerk of

03.09.2018

Counsel for the appellant and Mr. Kabirullah Khattak Additional Advocate General, alongwith Mr. Asghar Ali, Head Constable for the respondents present. Written reply submitted by the respondents. To come up for rejoinder and arguments on 15.10.2018 before D.B.



(Muhammad Amin Kundi)

Member


03.09.2018

Later on counsel for the appellant appeared and stated that he has already submitted application for amendment of appeal, the said application is available on record. To come up for reply/arguments on 15.10.2018 before S.B.


Member

15.10.2018

Appellant in person present. Mr. Asghar Ali, H.C alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Arguments could not be heard due to general strike of the bar. Case to come up for arguments and rejoinder on 27.11.2018 before D.B.


(Ahmad Hassan)
Member

27.11.2018

Counsel for the appellant. Mr. Ziaullah, DDA alongwith ADO for the respondents present.

Rejoinder submitted. Learned counsel for the appellant requests for adjournment. Adjourned to 21.01.2019 for arguments before the D.B.


Member


Chairman

21.01.2019

Appellant in person present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Yaqoob Khan, Head Constable for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today due to strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 25.03.2019 for arguments before D.B.



(HUSSAIN SHAH)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

25.03.2019

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned Additional AG seeks adjournment. Adjourned to 31.05.2019 for arguments before D.B.



(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

31.05.2019

Clerk to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Clerk to counsel for the appellant seeks adjournment as learned counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 26.07.2019 before D.B.


Member


Member

26.07.2019

Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. . Adjourned. To come up for arguments on 22.10.2019 before D.B.



(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

22.10.2019

Learned counsel Aman Ullah Khan Advocate for the appellant present. Mr. Zia Ullah learned Deputy District Attorney for the respondent present. Learned counsel for the appellant informed the Tribunal that the appellant had already been died, he submitted application for bringing legal heirs of the applicants the same is placed on record. Junior counsel Miss Uzma Syed also submitted Wakalat nama of Mr. Saad Ullah Khan senior counsel on behalf of legal heirs of appellant, the same is also placed on record. Learned Deputy District Attorney informed the Tribunal that a larger bench in similar nature cases have been fixed on 14.11.2019 therefore, requested that the same may also be fixed with the same cases. Request accepted. Adjourned. To come up for arguments on 14.11.2019 before Larger Bench.



(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

14.11.2019

Counsel for the appellant and Addl. AG for the respondents present.

Due to paucity of time, the matter is adjourned to 15.01.2020 for arguments before the Larger Bench.



(M. Hamid Mughal)
Member



Chairman



(Ahmad Hassan)
Member



(M. Amin Khan Kundi)
Member



(Hussain Shah)
Member

15.01.2020

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, instant appeal is adjourned to 03.03.2020 for further proceedings/arguments before D.B.



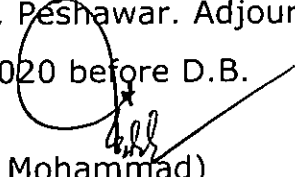
Member



Member

03.03.2020

Junior counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Junior counsel for the appellant seeks adjournment on the ground that learned senior counsel is busy in the Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 30.04.2020 before D.B.



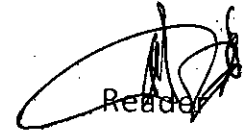
(Mian Mohammad)
Member



(M. Amin Khan Kundi)
Member

30-4 .2020

Due to COVID19, the case is adjourned to
14/7/2020 for the same as before.

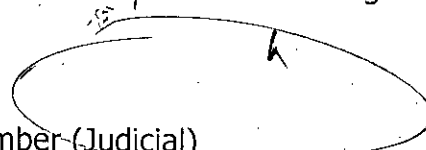

Reader

14.07.2020

Counsel for the appellant and Mr. Ziaullah, DDA alongwith
Mufeed, H.C for the respondents present.

Former requests for adjournment in order to further
prepare the brief.

Adjourned to 21.07.2020 for arguments before the D.B.

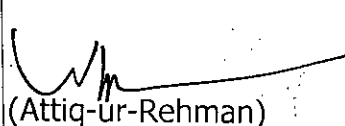

Member-(Judicial)


Chairman

21.07.2020

Counsel for the appellant and Mr. Ziaullah, DDA for the
respondents present.

Due to paucity of time, instant matter is adjourned to
28.07.2020 for arguments before the D.B.


(Attiq-ur-Rehman)
Member


Chairman

28.07.2020

Counsel for the appellant and Mr. Ziaullah, DDA for he
respondents present.

Former seeks adjournment in order to further prepare the
brief. Adjourned to 17.09.2020 for hearing before the D.B.


(Muhammad Jamal Khan)
Member



Chairman


17.09.2020

Appellant present through counsel.

Mr: Muhammad Jan learned Deputy District Attorney for respondents present.

Former requests for adjournment as connected case titled Muhammad Akbar Vs. ^{The Sec.,} Mines & Mineral Department, is pending before this Tribunal and is fixed for 12.10.2020, therefore, the instant service appeal was also requested to be fixed on the same date. Adjournment granted and the case be put before D.B on 12.10.2020.


(Atiq ur Rehman Wazir)
Member (E)

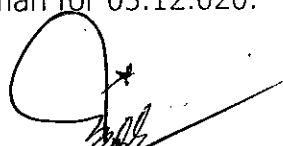

(Rozina Rehman)
Member (J)

12.10.2020

Appellant present through counsel.

Mr. Usman Ghani learned District Attorney for respondents present.

It was on 17.09.2020 when case was adjourned on the request of learned counsel for appellant as connected case titled Muhammad Akbar Khan Vs. The Secretary Industries, Commerce, Mineral Development, Labour & Technical Education Department Khyber Pakhtunkhwa Peshawar was fixed for 12.10.2020 before the bench headed by the worthy Chairman. In view of the request, this case alongwith connected case titled Muhammad Akbar Khan Vs. The Secretary Industries, Commerce, Mineral Development, Labour & Technical Education Department Khyber Pakhtunkhwa Peshawar be fixed before the bench headed by worthy Chairman for 03.12.020.


(Mian Muhammad)
Member (E)


(Rozina Rehman)
Member (J)

03.12.2020

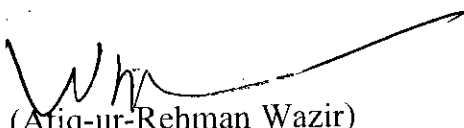
Bench is incomplete. Therefore, case is adjourned to
04.03.2021 for the same as before.

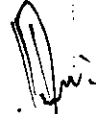

Reader

04.03.2021

Junior to counsel for the appellant and Addl. AG
for the respondents present.

Due to general strike on the call of Khyber
Pakhtunkhwa Bar Council, the matter is adjourned to
09.06.2021 for hearing before the D.B.


(Atiq-ur-Rehman Wazir)
Member(E)


Chairman

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 786/2018

Date of Institution ... 08.06.2018
Date of Decision ... 09.06.2021

Noor Salam Khan S/O Mir Salam Khan Constable No.295 Police
Line, Bannu.

... (Appellant)

VERSUS

Inspector General of Police near Civil Secretariat, Khyber
Pakhtunkhwa, Peshawar and two others.

... (Respondents)

Arbab Saiful Kamal,
Advocate

... For appellant.

Kabir Ullah Khattak,
Additional Advocate General

... For respondents.

AHMAD SULTAN TAREEN
ROZINA REHMAN

... CHAIRMAN
... MEMBER (J)

JUDGMENT

ROZINA REHMAN, MEMBER : Appellant was a Constable. He was dismissed from service vide order dated 27.02.2018. It is the legality and validity of this order which has been challenged by him in the present service appeal filed U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

2. The relevant facts in the background are that the appellant was appointed as a Constable in the year 1995. During service, he was awarded cash prizes by superiors in view of his best performance. He was also assigned important task to provide spy information about terrorist activities and due to his information, network of terrorists was traced out. As a result, some of his colleagues were annoyed and they started conspiracy against the appellant by making verbal complaints to the respondents. He was charge sheeted and was departmentally proceeded against and lastly, was dismissed from service which was challenged before the respondent No.1. His appeal was partially accepted and his order of dismissal was converted into compulsory retirement vide order dated 22.12.2015. Feeling aggrieved from the said order, he filed Service Appeal No.04/2016 which was allowed with direction to the respondents to hold de-novo inquiry. In view of the direction of Service Tribunal, he was reinstated in service and de-novo inquiry was ordered to be initiated against him. He was again charge sheeted and inquiry was also conducted. Final show cause notice was issued to appellant which was replied and lastly, he was dismissed from service. He filed departmental appeal which was also dismissed. He then filed appeal under Rule 11-A of the Khyber Pakhtunkhwa Police Rules, 1975 but the same was not responded to, hence, the present service appeal. During pendency of appeal, departmental appeal was partially accepted and his major penalty of dismissal from service was converted into major penalty of

compulsory retirement from service vide order dated 31.07.2018, therefore, amended appeal was filed.

3. Learned counsel for the appellant argued that main point under discussion is the survival of the right to sue following the death of a civil servant. In the instant case, admittedly the appellant Noor Salam Khan died during pendency of his appeal and now, the matter in issue relates to the survival of the right to sue following his death. It was argued that appeal of decedent on a matter relating to some terms and conditions of service was undoubtedly pending before this Tribunal at the time of his death and now his legal heirs have filed the petition for impleading them as party to this appeal, were requested to be brought on record in the instant service appeal. The learned counsel further submitted that the orders dated 31.07.2018, 16.05.2018 and 27.02.2018 are against law and facts and that allegations of general nature were leveled against the appellant and the findings of the respondents are based on assumptions and presumptions. He contended that the appellant was not provided an opportunity of being heard and he was condemned unheard. He submitted that inquiry was conducted against the appellant in shape of questions answers which mode of inquiry is against law and procedure and on the strength of this mode of inquiry, appellant could not be given major penalty. Reliance was placed on 2013 SCMR 752 and 2015 PLC (C.S) 1442.

4. Conversely, learned A.A.G argued that appellant was appointed as Constable, whose services were found unsatisfactory. He was

found involved in extracting money from Police Officers threatening them of negative reports to high-ups against them and was hand in gloves with anti-social elements and immoral activities. He submitted that different complaints were made by Police Officers to the superior officers against his wrong reporting, therefore, he was charge sheeted and proper inquiry was conducted after observing all the codal formalities.

5. First question relates to the survival of the right to sue following the death of the appellant (civil servant). Undoubtedly, matter relating to the terms and conditions of service of appellant was pending before this Tribunal at the time of his death. In the instant case the abatement of proceedings on the death of appellant (civil servant) in a case, where the cause of action carries a survivable interest will deprive the decedent civil servant as well as his legal heirs of their constitutional rights. It was held by the Hon'ble Supreme Court of Pakistan in the case of Regional Operation Chief National Bank of Pakistan, Human Resource Department, Regional Office, Sargodha, etc. Vs. Mst. Nusrat Parveen, etc. in C.P.2717-L of 2015 that;

"Other than pecuniary and pensionary benefits that inure to the benefit of the legal heirs, the right to restore one's reputation is also a survivable right and flows down to the legal heirs to pursue and take to its logical conclusion. Any slur on the reputation of a civil servant impinges on his human dignity and weighs equally on the dignity and honour of his family."

6. In view of the above discussion, petition for impleadment of legal heirs of appellant (civil servant) is accepted.


7. From the record, it is evident that appellant was deputed on intelligence duties as Incharge of the District Special Branch. He had been awarded cash and Commendation Certificate for 23 times by his seniors. The appellant had been dismissed from service vide order dated 18.08.2015 which order was challenged by him and his appeal was placed before the Review Petition Board meeting held on 26.11.2015 wherein appellant was heard in person. It was observed by the Board that no solid evidence had been collected in support of the charges leveled against the appellant. Hence, his departmental appeal was allowed vide order dated 22.12.2015 and his major penalty of dismissal was converted into that of compulsory retirement from service. He then knocked at the door of this Tribunal in shape of Appeal No.04/2016 which was allowed as there was no solid proof against appellant which fact was also admitted by the appellate authority. Upon reinstatement in service, again he was served with charge sheet and statement of allegations containing almost all the charges leveled against the appellant in the previous round of allegations. D.S.P Headquarters Bannu was appointed as inquiry officer who submitted his inquiry report with the conclusion that the allegations have partially proved despite the fact that all the three witnesses examined against the appellant uttered not a single word against the appellant. The appellant had also filed departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975

which was decided vide order dated 31.07.2018, whereby, major penalty of dismissal from service was converted into major penalty of compulsory retirement because there was no solid evidence regarding his involvement in anti-social activities and corruption. It was also held by the Appellate Board that he was a Constable, therefore, his involvement in corruption and corrupt practices without support of the supervisory officer, does not appeal to prudent mind. From the record, it becomes crystal clear that respondents failed to collect solid and cogent evidence against the appellant but even then, he was awarded major penalty. The appellant was having long service of 22 years, 10 months and 22 days at his credit. He was awarded cash prizes and Commendation Certificates but nothing was taken into consideration by the respondents while awarding major punishment. The inquiry report in shape of questions answers is available on file which shows that the allegations of dealing in stolen vehicles was false and no such allegation had ever come forward against the appellant during his 22 years service. He was having no personal vehicle as nothing was brought on record in black and white. It was also observed by the inquiry officer that the appellant had not done any corruption during his service of 22 years and he never violated discipline. Both the witnesses did not depose against the appellant.

8. For what has been discussed above, we consider that the appeal in hand merits acceptance. It is, therefore, accordingly allowed as prayed for.

9. Before parting, we deem it necessary to expound for removal of difficulties in giving effect to operative part of the judgment that due to death of the appellant during pendency of appeal, his posthumous reinstatement into service will be ordered and he will be treated to have died during service. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
09.06.2021


(Ahmad Sultan Tareen)
Chairman

Rozina Rehman)
Member (J)

S.No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	09.06.2021	<p><u>Present:</u></p> <p>Arbab Saiful Kamal, Advocate ... For Appellant</p> <p>Kabir Ullah Khattak, Additional Advocate General ... For respondents</p> <p>Vide our detailed judgment of today of this Tribunal placed on file, we consider that the appeal in hand merits acceptance. It is, therefore, accordingly allowed as prayed for.</p> <p>Before parting, we deem it necessary to expound for removal of difficulties in giving effect to operative part of the judgment that due to death of the appellant during pendency of appeal, his posthumous reinstatement into service will be ordered and he will be treated to have died during service. Parties are left to bear their own costs. File be consigned to the record room.</p> <p><u>ANNOUNCED.</u> 09.06.2021</p> <p>(Ahmad Sultan Tareen) Chairman</p> <p>(Rozina Rehman) Member (J)</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. 786 /2018

Noor Salam Khan.....Appellant

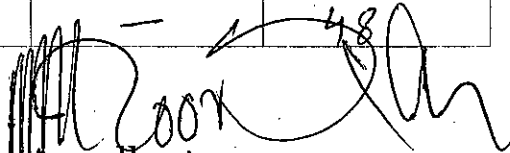
VERSUS

Inspector General of Police & others.....Respondents

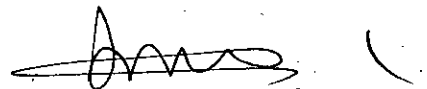
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Appellant

Through


Aman Ullah Marwat
Advocate, Peshawar
Cell: 0334-9054585

Date: 06.06.2018

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 786 /2018

Diary No. 1039

Dated 8-6-2018

Noor Salam Khan S/o Mir Salam Khan Constable No. 295
Police Line Bannu

.....Appellant

VERSUS

1. Inspector General of Police near Civil Secretariat,
Khyber Pakhtunkhwa Peshawar
2. Deputy inspector General of Police Bannu Region
Police line Bannu.
3. District Police officer, Police Line Bannu

.....Respondents

**SERVICE APPEAL U/S 4 OF
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974,
AGAINST THE ORDER DATED
16/05/2018 PASSED BY
RESPONDENT NO. 2, WHEREBY
DEPARTMENTAL APPEAL FILED
BY THE APPELLANT AGAINST
THE DISMISSAL ORDER DATED
27/02/2018 PASSED BY THE**

Filed to-day
↓
Registrar
8/6/18

**RESPONDENT NO. 3 WAS
DISMISSED.**

Prayer:-

On acceptance of the appeal, the order dated 16/05/2018 and 27/02/2018 passed by respondent No. 2 & 3 respectively may please be set aside and the appellant be reinstated in to service with all bank benefits.

Respectfully Sheweth:-

1. That the appellant was appointed as a constable in 1995 since then, he was performing his duties to the entire satisfaction of the superiors.
2. That keeping in view his performance, appellant was promoted at constable during his service on 22/07/2007 vide service book refernce No. 543 he carried out successful operation in which dozen proclaimed offenders were arrested, as a result of which he was awarded cash prizes by superiors. Details of which are annexed with appeal.

3. That it is pertinent to mention here that he was also assigned important task to provide spy information about terrorist activities & due to his information, network of the terrorist activities were traced out and was destroyed. Moreover he was also assigned a task to watch activities of police officials and was providing the same information to the superior, as a result of which, a member of police officials were annoyed from him & started conspiracy against the appellant by marking verbal compliant to respondents.
4. That appellant was charged sheeted by respondent No. 2 and thereafter so called inquiry was conducted against him. After so inquiry he was dismissed from service by respondent No. 2 vide order dated 18/08/2015. which was challenged by the appellant before respondent No. 1 where his appeal was partially accepted and, a removal order was converted into compulsory retirement vide order dated 22/12/2015.
5. That against the impugned order dated 22/12/2015 appellant filed appeal before Hon'ble Service tribunal No. 4/2016. which was allowed and was

directed to respondent to reinstate the appellant with the liberty to hold de'nove inquiry for the charges leveled against him.

6. That in the light of order of service tribunal appellant was reinstated in service and de'nove inquiry was ordered to be initiated against the him.
7. That appellant was again charged sheeted by respondent No. 3 on the grounds mentioned therein on 15/11/2017 which was replied by him.
8. That after so called inquiry, the respondent issued final show cause notice to the appellant on 16/02/2018 which was also replied by him on 26/02/2018.
9. That after so called inquiry the respondent No. 3 dismissed the appellant from service on 27/02/2018. Against such order, he filed departmental appeal on 22/03/2018 before respondents No. 2. which was dismissed by him vide order dated 16/05/2018.
10. That feeling aggrieved from the orders dated 27/02/2018 and 16/05/2018 passed by the respondents No. 2 & 3 respectively assailed the same before this Hon'ble tribunal, inter alia, on the following grounds.

G R O U N D S :-

- A. That the impugned order dated 16/05/2018 and 27/02/2018 passed by respondent No. 2 & 3 respectively are against law, facts and record of the case. Hence untenable.
- B. That the allegation of general nature have been leveled against the appellant and no specific incident had been referred neither in the first charge sheet nor 2nd charge in de'nove inquiry, thus findings of the respondents are based on assumption and presumption which are liable to be set aside.
- C. That the appellant was not provided an opportunity of being heard neither in 1st inquiry nor in 2nd de'nove inquiry. So he was condemned unheard, therefore action of the respondent are violation of principle of natural justice.
- D. That it is settled principle of law when any allegation is leveled against the accused. The person who alleges the allegation will prove the same but in case in hand allegation leveled against the appellant have not been proved. Rather respondent have shifted the burden to the appellant by observing in the impugned order, that appellant failed to prove his innocence. So the order passed by the respondents are against settled principle of law which deserve to be set aside.

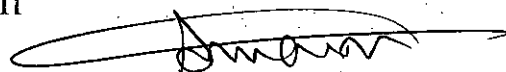
- E. That so called inquiry has been conducted against the appellant in shape of question and answer such a mode of inquiry is against the law and procedure and has been depreciated by the supreme court in various judgments. So on the basis of such mode of inquiry the appellant cannot be given such a major of penalty i.e. removal from service. On this score alone the order passed by the respondents are not sustainable in the eye of law.
- F. That statement recorded by the witnesses in the inquiry deposed in favour of the appellant so the respondents have also ignored this aspect of the case and passed the orders totally against the record of the case.
- G. That in de'nove inquiry the respondent was provided the opportunity by this Hon'ble court to prove the allegation leveled against the appellant but in inquiry, inquiry officers failed to collect any incriminating material against the appellant so the inquiry officer recorded his findings on the basis of assumptions, presumptions. On this assumptive inquiry report, the appellant cannot be dismissed or removed from service.
- H. That appellant remained out of service since long and is not engaged in any profit oriented activity so he is entitled for all back benefits.

- I. That applicant was assigned to watch the activities of the police officials due to which a number of police officials have been annoyed against him. So action of respondent by dismissing the applicant from service is based on malafide. On one side petitioner efforts are being appreciated on the other side appellant was dismissed from service.
- J. That order passed by the respondent is illegal, void without lawful authority and without jurisdiction thus deserve to be set aside.
- K. That any other ground may be raised at the time of arguments, with the kind permission of this Honourable Tribunal, if needed so.

It is, therefore, most humbly prayed that on acceptance of the appeal, On acceptance of the appeal, the order dated 16/05/2018 and 27/02/2018 passed by respondent No. 2 & 3 respectively may please be set aside and the appellant be reinstated in to service with all bank benefits.


Appellant

Through



Aman Ullah Marwat
Advocate, Peshawar

Date: 06-June-2018

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2018

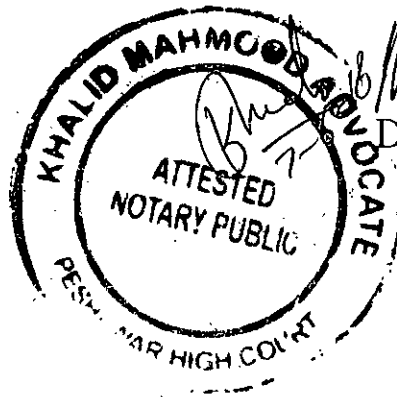
Noor Salam Khan.....Appellant

VERSUS

Inspector General of Police & others.....Respondents

AFFIDAVIT

I, Noor Salam Khan S/o Mir Salam Khan Constable No. 295 Police Line Bannu, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



DEPONENT

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2018

Noor Salam Khan.....Appellant

VERSUS

Inspector General of Police & others.....Respondents

ADDRESSES OF PARTIES

APPELLANT

Noor Salam Khan S/o Mir Salam Khan Constable No. 295
Police Line Bannu

RESPONDENTS

4. Inspector General of Police near Civil Secretariat,
Khyber Pakhtunkhwa Peshawar
5. Deputy inspector General of Police Bannu Region Police
line.
6. District Police officer, Police Line Bannu

Appellant

Through


Aman Ullah Marwat

Advocate, Peshawar

Date: 06-June-2018

10

HC Noor Salam Khan NO. 543

FORM OF CHARACTER ROLL

1. Name: Noor Salam Khan
 2. F/Name: Mir Salam Khan
 3. Caste: Muslim Pakistani Pashtoon (Marwat)
 4. Place of residence: Mir Hazrat Khanzad Khel Ghazni Khel
 5. Date of Birth: 5-04-1977
 6. Office: Police Department Bannu
 7. Educational Qualification: 10th

STATEMENT OF SERVICE.

District	Appointment	Pay	Date
U Bannu	as constable	1400/p.m	05-04-1995
(10)	Promoted as off Head Constable in BPS-7 @	4700/p.m w.e.f	18-10-07.

[Signature]
 District Police Officer
 Bannu

[Signature]
[Signature]



OFFICE OF THE
DISTRICT POLICE OFFICE,
BANNU.

No. 10558 Dated 25/10/2010

To: - The Regional Police Officer,
Bannu Region, Bannu.

Sub: RECAMANDATION

Memo:

As per report of Incharge DSB Bannu, HC Noor Aslam No.543 has passed on useful information to Bannu Control Room for conveying to Lakki Control. His case is forwarded for consideration please.

District Police Officer,
Bannu.

C.T.K

1۔ مجرم اشتہاری عمر قیاز ولد امیر زمان سکنہ شہباز عظمت خیل کی گرفتاری پر جناب نوران خان SP بنوں نے

مورخہ 07/05/2001/OB No.526-7.5.2001 اور 100 روپے نقد انعام سے نوازا۔

۱۔ بحوالہ مقدمہ نمبر 302/324 جرم 27-11-1997/400 تھانہ غوری والہ

۲۔ بحوالہ مقدمہ نمبر 4/3/17(3) جرم 17-11-1996/265 تھانہ سیہ خیل

۳۔ بحوالہ مقدمہ نمبر 324/148/149 جرم 25-03-1997/102 تھانہ صدر

۴۔ بحوالہ مقدمہ نمبر 13AO جرم 22-09-2000/656 تھانہ صدر

2۔ مورخہ 08-01-2003/11 OB نمبر 08-01/2003/11 جناب SP بنوں راجب علی شاہ صاحب نے ملزم کی گرفتاری پر

اور اسلحہ کی برآمدگی پر آئی سی آئی اور پی پی اس روپے نقد انعام سے نوازا۔

3۔ مورخہ 19/02/2003 جناب SP بنوں محمد اقبال خان اچھی کارکردگی ملزم بمع اسلحہ کی گرفتاری پر آئی سی آئی اور 50 روپے نقد

انعام سے نوازا۔

4۔ مورخہ 19-08-2003 SP بنوں محمد اقبال نے مجرم اشتہاری محمد امین ولد عمر خان قوم وزیر سکنہ مند خیل کی گرفتاری پر آئی سی آئی

اور 100 روپے نقد انعام سے نوازا۔ OB نمبر 19-08-2003/1298

5۔ مورخہ 02-2009 مجرم اشتہاری محمد رادف سکنہ خلیف خیل بکا خیل گرفتاری پر جناب DPO صاحب محمد عالم شنواری نے

آئی سی آئی اور 200 روپے نقد انعام سے نوازا۔

6۔ مورخہ 13/04/2009 جناب DPO صاحب نے مجرم اشتہاری کی گرفتاری پر آئی سی آئی سرٹیفکیٹ سے

نوازا۔ OB نمبر 13-04-2009/502

7۔ مورخہ 26/05/2009 جناب DPO صاحب اقبال مروت نے مجرم اشتہاری میر خاتم ولد میر قادر خان سکنہ بکا خیل

بحوالہ مقدمہ 324/334-4/5 جرم 31-01-1996/22 EXP تھانہ بکا خیل

بحوالہ مقدمہ 302/324 جرم 03-06-1996/101 تھانہ بکا خیل آئی سی آئی اور 500 روپے نقد OB

نمبر 26-05-2009/792

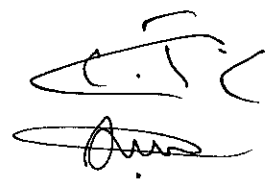
8۔ مورخہ 22/08/2009 جناب DPO اقبال مروت نے مجرم اشتہاری حکم زاد ولد کر جان سکنہ بکا خیل

9۔ مورخہ 09/12/2013 جناب DPO صاحب اقبال نے اچھی کارکردگی اور انفارمیشن پر آئی سی آئی سرٹیفکیٹ سے

نوازا۔ OB نمبر 09-12-2013/1372

10۔ مورخہ 06/03/2013 جناب DPO صاحب اقبال اچھی کارکردگی اور انفارمیشن پر آئی سی آئی سرٹیفکیٹ سے

نوازا۔ OB نمبر 06-03-2014/224

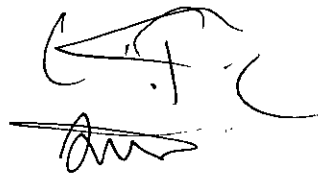


- 11- مورخہ 17/2014 DPO صاحب اقبال نے اچھی کارکردگی اور انفارمیشن پر CC III سرٹیفکیٹ سے نوازا۔ OB نمبر 17-02-2014/168
- 12- مورخہ 25/08/2009 جناب DPO اقبال مروت نے مجرم اشتہاری شیرین زمان ولد مستہ جان سکنہ بکا خیل کے گرفتاری پر CC III اور 200 روپے نقد انعام سے نوازا۔ OB نمبر 25-08-2009/1365
بحوالہ مقدمہ نمبر 2000/117 جرم 324/148/149 تھانہ بکا خیل
- 13- مورخہ 25/09/2009 جناب DPO صاحب بنوں نے مجرم اشتہاری اصغر ولد گل نواز سکنہ بکا خیل کی گرفتاری پر CC III اور نقد 100 روپے انعام سے نوازا۔ OB نمبر 25-09-2009/1537
- 14- مورخہ 09/12/2013 کو جناب DPO صاحب اقبال نے اچھی کارکردگی کی بنیاد پر CC III سے نوازا۔ OB نمبر 09-12-2013/1372
- 15- مورخہ 18/10/2010 کو بارود بھاری گاڑی جو خیل کے مقام پر SHO تھانہ غزنی خیل محمد سلیم نے میری انفارمیشن پر گاڑی پرفائرنگ کر کے تباہ کر دیا۔ جس پر DIG محمد افتخار نے 1000 نقد روپے اور CC II سے نوازا۔ OB نمبر 29-10-2010/5956
نوٹ: بعد میں اس کارروائی پر جناب محمد ثار تنولی صاحب DIG بنوں نے من ہیڈ کنسٹیبل کو مورخہ 13/04/2013 کو ہیڈ ہاک ASI ترقیاب کیا گیا۔
- 16- مورخہ 23/11/2010 جناب DPO صاحب سجاد خان نے فلزم عابد راؤ ف سکنہ گریڈ شاہ جہان سے (2) عدد کلاشنکوف سمیت گرفتار کر لیا۔ DPO صاحب نے CC III اور 2000 نقد انعام سے نوازا۔
OB نمبر 23-11/2010/1274 RPO Bannu Order Memo/No.7086/2010
- 17- مورخہ 05/2010 مجرم اشتہاری نصیب اللہ ولد امیر نواز سکنہ بکا خیل کے گرفتاری پر جناب DPO صاحب اقبال مروت CC III اور 200 روپے نقد انعام سے نوازا۔
- 18- مورخہ 13/01/2013 کو جناب DPO صاحب سجاد خان نے میرے انفارمیشن پر SHO بکا خیل محمد رخصار نے علاقہ بکا خیل میں درجنوں مجرمان اشتہاریوں کے گرفتاری پر 5000 روپے نقد اور CC III سے نوازا۔ OB نمبر 13-01-2013/30
- 19- مورخہ 07/10/2013 کو جناب DIG بنوں ساجد علی صاحب نے مجرم اشتہاری گرفتاری پر CC II سرٹیفکیٹ سے نوازا۔ OB نمبر 07-10-2013/8898
- 20- مورخہ 23/04/2014 جناب DPO اقبال صاحب نے اچھی کارکردگی اور انفارمیشن پر CC III سے



(16)

- 11- مورخہ 17/2014 DPO صاحب اقبال نے اچھی کارکردگی اور انفارمیشن پر CCIII سرٹیفیکیٹ سے نوازا۔ OB نمبر 17-02-2014/168
- 12- مورخہ 25/08/2009 جناب DPO اقبال مروت نے مجرم اشتہاری شیرین زمان ولد مسہ جان سکندہ بکاخیل کے گرفتاری پر CCIII اور 200 روپے نقد انعام سے نوازا۔ OB نمبر 25-08-2009/1365
- بحوالہ مقدمہ نمبر 2000/117 جرم 324/148/149 تھانہ بکاخیل
- 13- مورخہ 25/09/2009 جناب DPO صاحب بنوں نے مجرم اشتہاری اصغر ولد گل نواز سکندہ بکاخیل کی گرفتاری پر CCIII اور نقد 100 روپے انعام سے نوازا۔ OB نمبر 25-09-2009/1537
- 14- مورخہ 09/12/2013 کو جناب DPO صاحب اقبال نے اچھی کارکردگی کی بنیاد پر CCIII سے نوازا۔ OB نمبر 09-12-2013/1372
- 15- مورخہ 18/10/2010 کو بارود بھاری گاڑی جوخیل کے مقام پر SHO غنی خیل محمد سلیم نے میری انفارمیشن پر گاڑی پر فائرنگ کر کے تباہ کر دیا۔ جس پر DIG محمد افتخار نے 1000 روپے اور CCII سے نوازا۔ OB نمبر 29-10-2010/5956
- نوٹ: بعد میں اس کارروائی پر جناب محمد ثار تمولی صاحب DIG بنوں نے من ہیڈ کنسٹیبل کو مورخہ 13/04/2013 کو ہیڈ ہاک ASI ترقیاب کیا گیا۔
- 16- مورخہ 23/11/2010 جناب DPO صاحب سجاد خان نے فلزم عابد راؤف سکندہ گریڈ شاہ جہان سے (2) عدد کلاشکوف سمیت گرفتار کر لیا۔ DPO صاحب نے CCIII اور 2000 روپے نقد انعام سے نوازا۔
- 23-11/2010/1274 OB RPO Bannu Order Memo/No.7086/2010
- 17- مورخہ 05/2010 مجرم اشتہاری نصیب اللہ ولد امیر نواز سکندہ بکاخیل کے گرفتاری پر جناب DPO صاحب اقبال مروت اور 200 روپے نقد انعام سے نوازا۔
- 18- مورخہ 13/01/2013 کو جناب DPO صاحب سجاد خان نے میرے انفارمیشن پر SHO بکاخیل محمد رخصار نے علاقہ بکاخیل میں درجنوں مجرمان اشتہاریوں کے گرفتاری پر 5000 روپے نقد اور CCIII سے نوازا۔ OB نمبر 13-01-2013/30
- 19- مورخہ 07/10/2013 کو جناب DIG بنوں ساجد علی صاحب نے مجرم اشتہاری گرفتاری پر CCII سرٹیفیکیٹ سے نوازا۔ OB نمبر 07-10-2013/8898
- 20- مورخہ 23/04/2014 جناب DPO اقبال صاحب نے اچھی کارکردگی اور انفارمیشن پر CCIII سے



(17)

نوازا۔ OB نمبر 23-04-2014/480

21۔ مورخہ 01/10/2014 کو مجرم اشتہاری نذر ولد بلقیاز سکنہ ملک میتھانیل بحوالہ مقدمہ 495 مورخہ 21/12/2013 جرم

381/A تھانہ شی کے گرفتاری پر موجودہ DPO عبدالرشید صاحب نے ڈائری کے اوپر Good Job Done لکھ دیا

ہے۔

22۔ مورخہ 05/07/2014 کو بدنام زمانہ ڈاکو عمر فرید ولد فرید سکنہ عمل خیل حدود تھانہ ڈومیل بحوالہ

مقدمہ 26-03-2014/61 جرم 384/506 تھانہ ڈومیل کے گرفتاری پر DSP ہیڈ کوارٹر حاجی ثناء اللہ خان

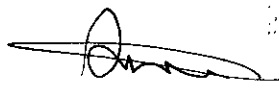
Well Done ڈائری پر لکھ دیا ہے۔ OB نمبر 09-04-2014/920HQ

23۔ مورخہ 08/04/2014 کو سعید اللہ شاہ ولد منزل شاہ سکنہ حواجہ مد منڈان بحوالہ مقدمہ 27-12-2013/223 جرم 39/A

تھانہ منڈان کے گرفتاری پر DSP ہیڈ کوارٹر حاجی ثناء اللہ خان نے ڈائری کے اوپر Well Done لکھ دیا

ہے۔ OB نمبر 09-04-2014/918HQ





18 "B" ~~Handwritten signature~~

ORDER:

This order of the undersigned will dispose of the de-novo departmental proceeding, initiated against accused Constable Noor Salam No. 295 in the light of Khyber Pakhtunkhwa Service Tribunal Peshawar Judgment dated 26.10.2017 under general proceeding of police rule 1975 (As amended vide Khyber Pakhtunkhwa gazette Notification No.27th of August 2014) for committing the following commissions/omissions:-


- That Constable Noor Salam No.295 was supporting car lifting gangs/ groups.
- That he also involved in dealing of stolen vehicles.
- That he was known for corruption.
- That he was asserting Political pressure for filling/ dropping of departmental enquiry.
- That he had relations with smugglers.
- That he was dismissed from service on the above allegations vide Regional Police Officer, Bannu Region, Bannu Order Endst: No.1794/EC, dated 18.08.2015.
- That his dismissal order converted into major punishment of compulsory retirement vide CPO Peshawar Order No.S/6209/15, dated 22.12.2015.

Charge sheet and statement of allegation were issued to him. DSP HQrs: Bannu was appointed as Enquiry Officer to scrutinize the conduct of the accused official. The Enquiry Officer submitted finding report and reported that the allegations leveled against Constable Noor Salam No. 295 have been proved, placed on file.

Firial Show Cause Notice was issued to the accused official. In response to the final show cause notice, the accused official submitted un-satisfactory reply, placed on file.

The Official heard in person in orderly room on 27.02.2018. Record perused. In the light of de-novo departmental enquiry proceedings, the accused officer is found guilty of the charges leveled against him as he badly failed to prove his innocence. Hence, I, Sadiq Hussain, District Police Officer, Bannu in exercise of the power vested in me under Police Rule 1975 (As amended vide Khyber Pakhtunkhwa gazette Notification No.27th of August 2014), hereby imposed Major punishment of "Dismissal from Service upon the accused Police officer" with immediate effect. The out of Service period i.e. from the date of dismissal till re-instatement is treated as without pay.

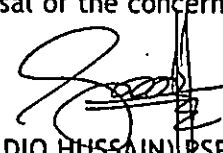
OB No. 236
Dated: 27.2.2018.



(SADIQ HUSSAIN) PSP
District Police Officer
Bannu.

No. 2747-52 /SRC dated Bannu, the 27/02/2018.

Copy of above is submitted for favor of information to the Regional Police officer, Bannu Region, Bannu w/r to his office Endst: No. 6671, dated 13.11.2017.

1. Reader, Pay officer, SRC, OASI for compliance.
2. Fauji Misal Clerk along with enquiry file for placing it in the Fauji Misal of the concerned official.


(SADIQ HUSSAIN) PSP
District Police Officer
Bannu.



To;

The Regional Police Officer
Bannu Region, Bannu

DEPARTMENTAL APPEAL UNDER RULE; 11 OF THE
KPK POLICE RULES-1975

Being aggrieved by and dissatisfied with the punishment of dismissal inflicted upon the worthy DPO Bannu on the Appellant below named vide order dated 27-2-2018 otherwise than in accordance with law, the Appellant below named prefers this appeal; inter alia; on the following facts and grounds;

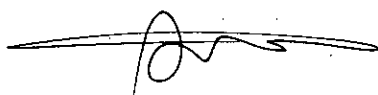
Copy of the impugned punishment order dated 27-2-2018 is filed herewith and marked as Annex "A".

FACTS

1. That the Appellant below named joined service as Constable in the year 1995. After passing recruit course, the Appellant has also passed Lower Class and Intermediate Courses. The Appellant was promoted to the rank of Head Constable during the year 2007 and has performed his duties to the entire satisfaction of his seniors. Because of his exemplary conduct in service, the Appellant was deputed on intelligence duties as Incharge of the District Special Branch. It is pertinent to submit that because of his excellent performance that Appellant has been awarded cash and commendation certificate for 23 times by his seniors.

Copy of the list of 23x Cash Awards/Commendation Certificates is filed herewith and marked as Annex "B".

2. That during his service as Incharge DSB, the Appellant has to collect intelligence information and submit the same to his seniors for consideration. In this respect, the then worthy DPO Bannu



became annoyed with the Appellant on submission of some intelligence information to the worthy DIG Bannu during the year 2015, because of which the worthy DPO Bannu entangled the Appellant in a departmental disciplinary proceedings and imposed upon the Appellant the major punishment of reduction in rank from the officiating rank of Head Constable to that of the time scale constable without regular inquiry, vide OB No. 217 dated 09-3-2015 and office order No. 3352-55/EC dated 10-3-2015. The Appellant was again charged with the same allegations by the worthy RPO Bannu Range Bannu and dismissed from service vide Order No. 1794/EC dated 18-8-2015.

Copies of the worthy DPO Bannu Punishment order dated 10-3-2015 and worthy RPO Bannu order dated 18-8-2015 are filed herewith and marked as Annex "C/1&2".

3. That the Appellant below named challenged the order of his dismissal from service passed by the worthy Regional Police Officer Bannu on 18-8-2015 before the worthy Inspector General KPK Peshawar vide his departmental Appeal dated 26-8-2015.

Copy of the Appellant's Departmental Appeal dated 26-8-2015 is filed herewith and marked as Annex "D".

4. That the worthy IGP (KPK) placed the appeal of the Appellant dated 26-8-2015 before the Review Petition Board in its meeting held on 26-11-2015, who observed that "no solid evidence has been collected in support of the charges levelled against the Appellant". Hence, the worthy IGP (KPK) was please to allow the Departmental Appeal of the Appellant partially vide order No. S/6209-18/15 dated 22-12-2015 and converted the major penalty of dismissal from service into that of compulsory retirement.

Copy of the IGP (KPK)'s order dated 22-12-2015 is filed as Annex "E".

5. That feeling aggrieved by the conversion of major penalty from dismissal from service into compulsory retirement from service,

the Appellant filed his Service Appeal No. 14 of 2016 in the Hon'ble KPK Service Tribunal at Peshawar, which was allowed vide judgement/order dated 26-10-2017, and the Appellant was re-instated in service with liberty to the Department to hold a denovo inquiry against the Appellant within a period of 06 months while directing that the issue of back benefits shall be subject to out come of the fresh inquiry.

Copy of the Judgement dated 26-10-2017 is filed as Annex "F".

6. That upon reinstatement in service, the worthy DPO Bannu again served the Appellant with charge Sheet and Statement of Allegations dated 15-11-2017 containing almost all the charges levelled against the Appellant in the previous round of allegations with addition of last three (03) allegation i.e. that (1) the worthy RPO Bannu has inflicted upon the Appellant major penalty of dismissal from Service, (2) worthy IGP (KPK) converted the penalty of dismissal of the Appellant from Service into major penalty of compulsory retirement from service and (3) such act on his part is against service discipline. The said charges were replied by the Appellant vide his reply dated 22-11-2017.

Copies of the Charge Sheet dated 15-11-2017 and its reply dated 22-11-2017 are filed herewith and marked as Annex "G/1&2".

7. That DSP Headquarters Bannu was appointed as Inquiry Officer for investigation into the truth or otherwise of the allegations levelled against the Appellant; who after hearing the Appellant and three (03) other witnesses against him; submitted his Inquiry Report to the worthy DPO Bannu on 04-1-2018 with baseless and predetermined conclusion to the effect that the allegations partially proved against the Appellant despite the fact that all the three (03) witnesses examined against the Appellant did not say even a single word against the Appellant. Moreover, he has quoted secret sources in support of his conclusion of the Inquiry report which cannot be accepted in evidence against an accused because of having not

been chaffed through the process of cross examination by the accused or his counsel.

Copy of the Inquiry Report dated 04-1-2018 is filed as Annex "H".

3. That despite the baseless and engineered conclusion of the Inquiry Report, the worthy DPO Bannu served upon the Appellant Final Show Cause Notice No. 78/SRC dated 16-2-2018 for the Appellant's dismissal from service, which was replied by the Appellant on 25-2-2018.

Copies of the Final Show Cause Notice dated 16-2-2018 and its Reply dated 25-2-2018 are filed herewith and marked as Annex "J/1&2".

9. That without application of independent quasi-judicial mind to the case against the Appellant, the worthy DPO Bannu was again pleased to impose the major penalty of dismissal from service on the Appellant by way of the impugned punishment order dated 27-2-2018. Hence the Appellant below named prefers this Appeal; amongst others; on the following grounds:-

GROUND

(A). That the Appellant has been punished for no fault at his part but for the loyal and honest performance of his duties as Incharge DSB, which can't and should not be treated as an offence.

(B). That in fact the Appellant is being vexed for the flaw of Police Department in itself system of deputing subordinates over the intelligence services of providing spy information against their own seniors without providing legal safeguard to such subordinates against the personal grudges of their seniors, which is the most unkindest cut of all and needs to be rectified for the best interest of service unless and otherwise no subordinate will perform his duties

honestly for saving his skin and the aims and objectives of establishing the special branch in police will be defeated. As the Appellant's punishment will become a precedence for avoiding proper performance of duties by the special branch of Police.

(C). That even otherwise the Inquiry Officer has; without considering the evidence of the departmental witnesses against the accused/Appellant, the findings recorded in the IGP's Review Petition Board meeting held on 26-11-2015 and the findings of the KPK Service Tribunal in its judgement dated 26-10-2017 on the same charges levelled against the Appellant earlier; rendered the predetermined/engineered conclusion of his findings, which are not only baseless but also malicious.

(D). That all the allegations levelled against the Appellant are bald and baseless, which have not been established against the accuse/Appellant, rather the three (03) witnesses examined against the Appellant have exonerated the Appellant instead of accusing him. Therefore, the Inquiry Officer as well as the Authority (i.e. DPO Bannu) should have; in their fairness to their oath of office while entering the service; to have exonerated the Appellant and closed the case once for all but this has not been done. Hence the entire proceedings are null and void ab-initio.

(E). That the Appellant has tried his best to clarify his position for his exoneration from the charges and his entitlement for reinstatement in service. However, if Your Honour deem it proper to question the Appellant on any other aspect of the case, then the Appellant may kindly be granted an opportunity of hearing for addition of further grounds about his innocence.

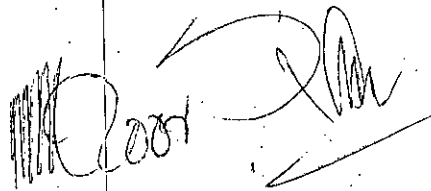
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PRAYER

10. That in view of the above humble submissions, Your Honour may kindly be pleased to allow the instant Appeal by setting aside the impugned penalty order dated 27-2-2018 and issue appropriate order for reinstatement of the Appellant in service with all back benefits from the date of his first dismissal from service on 18-8-2015.

Prayed accordingly in the interest of justice and fair play.

APPELLANT



NOOR SALAM

Ex-Constable No. 295

Police Line Bannu

R/O; Village Mir Hazar
Khanzad Khel, P/S: Ghazni
Khel, Lakki Marwat

Cell No: 0344-2766688

Bannu

Dated: 22.3.2018

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POLICE DEPARTMENT

ORDER

BANNU REGION

My this order will dispose of the appeal preferred by Ex-Constable Noor Salam No.295 of Bannu District Police, wherein, he has prayed for setting aside the order of punishment i.e "dismissal from service" imposed upon him by DPO Bannu, vide OB No.236 dated 27.02.2018.

District Police
No: 423
Date: 17/5/18

BRIEF FACTS OF THE CASE

1. That on 29.06.2015, RPO Bannu proceeded the appellant departmentally on the charges of supporting car lifter gangs/groups, involvement in dealing of stolen vehicles, corruption, exerting political pressure for filing/departmental proceedings and relation with smugglers. Muhammad Riaz, the then Addl: SP/Bannu conducted probe into the allegations levelled against the appellant and held him guilty of the charges in his findings and as a result of which, RPO Bannu imposed major punishment of dismissal from service upon the appellant, vide order Endst: No.1794/EC dated 18.08.2015.
2. Aggrieved from the order, the appellant preferred an appeal to PPO, KP Peshawar that was partially accepted by converting the penalty of dismissal from service into major punishment of compulsory retirement.
3. Aggrieved again from the order of PPO, KP Peshawar, the appellant preferred an appeal No.14/2016 before the KP Service Tribunal Peshawar against the order of RPO Bannu & PPO, KP Peshawar that was accepted, however, the department was given liberty to hold a de novo inquiry against the appellant within a period of six months and the issue of his back benefit was ordered to be subjected to final outcome of the fresh inquiry.
4. That in the light of decision of KP Service Tribunal, de novo departmental proceedings was initiated against the appellant on the charges mentioned in para-01 and the inquiry papers were entrusted to Mr, Aqil Hussain, DSP/HQ: Bannu. Who (Inquiry Officer) recorded the statements of appellant, driver Constable Pervez No.525, Ex-Constable Imran r/o Kot Jamal Din Asperka Wazir and Hazrat Usman Mughal Khel of PS Ghoriwala. Cross questions/examination of the appellant was also carried out. Opportunity of self defence was also afforded to the appellant and, thereafter, the E.O recorded his findings, wherein, the allegations were reported to be partially proved. After services upon FSN upon the appellant, the competent authority imposed upon him major punishment of dismissal from service, vide impugned order quoted above.

Service record of the appellant depicts that the appellant has served in Police force for about 22 years. During this period of service, the appellant has been awarded minor punishment of four time quarter guards as well as awarded major punishment of reduction to time scale constable.

Inquiry file reveals that most of the severe nature of allegations levelled against the appellant have been proved by DSP/HQ: Bannu (Inquiry Officer). Opportunity of showing cause and hearing has also been afforded to him by the Inquiry Officer as well as competent authority but he badly failed to substantiate his innocence. The undersigned also heard the appellant, in person, in orderly room held on 02.04.2018 but he failed to defend his case properly. Moreover, the allegations and reasons offered by the appellant before the undersigned were also verified through reliable sources. The output of the sources was totally supporting the allegations as well as denied his plea for innocence.

In view of the above, the undersigned can safely infer that the appellant is a black sheep, having poor service record and collusion with anti social elements. His retention in Police will be a great injustice not only to KP Police but also to the general public.

Keeping in view the above, I, Dar Ali Khan Khattak, Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Rule, 11(4) (a) of Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014) hereby reject his appeal and endorse the punishment awarded to him by DPO Bannu.

Order announced

[Handwritten signature]

No. 1375 /EC, dated Bannu the 16 /05/2018

(DAR ALI KHAN KHATTAK) PSP
Regional Police Officer,
Bannu Region, Bannu

Copy to the District Police Officer, Bannu w/r to his office Memo: No.3741/EC dated 26.03.2018 along with the service record containing the inquiry file for record in office which may be acknowledged. The appellant may be informed please.

1) Service Roll = 01
2) Fuji Missal = 01

[Handwritten signature]
For further information

(DAR ALI KHAN KHATTAK) PSP
Regional Police Officer,
Bannu Region Bannu

(26) "E"


STATEMENT OF ALLEGATIONS:

I, Sadiq Hussain District Police Officer, Bannu as competent authority, to initiate denovo departmental proceedings against Constable Noor Salam No.295, who has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Police Rules (As amended vide Khyber Pakhtunkhwa gazette Notification, No.27th of August 2014).

SUMMARY OF ALLEGATIONS:


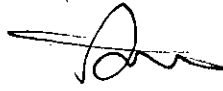
- That Constable Noor Salam No.295 was supporting car lifting gangs/groups.
- That he also involved in dealing of stolen vehicles.
- That he was known for corruption.
- That he was asserting Political pressure for filling/ dropping of departmental enquiry.
- That he had relations with smugglers.
- That he was dismissed from service on the above allegations vide Regional Police Officer, Bannu Region, Bannu Order Endst: No.1794/EC, dated 18.08.2015.
- That his dismissal order converted into major punishment of compulsory retirement vide CPO Peshawar Order No.S/6209/15, dated 22.12.2015.
- Such act on his part is against service discipline and amounts to gross misconduct/carry bad name to the Police Force.

1. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations DSP/HQR is appointed as Enquiry Officer.
2. The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within the targeted days after the receipt of this order.
3. The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.


(SADIQ HUSSAIN) PSP
District Police Officer,
Bannu.

No. 477-7015RC dt- 15-11-2012

Copies to :-

1. The Enquiry Officer
 2. The Accused Officer/Official.
- 


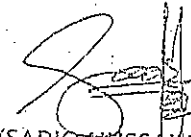
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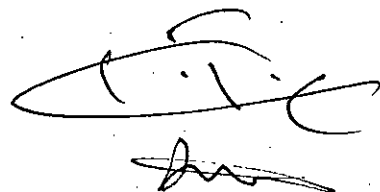
CHARGE SHEET:

I, SADIQ HUSSAIN, District Police Officer, Bannu, as competent authority, hereby charge you Constable Noor Salam No.295 for the purpose denovo departmental enquiry proceedings as follows:-

- That you Constable Noor Salam No.295 were supporting car lifting gangs/ groups.
- That you also involved in dealing of stolen vehicles.
- That you were known for corruption.
- That you were asserting Political pressure for filling/ dropping of departmental enquiry..
- That you had relations with smugglers.
- That you were dismissed from service on the above allegations vide Regional Police Officer, Bannu Region, Bannu Order Endst: No.1794/EC, dated 18.08.2015.
- That your dismissal order converted into major punishment of compulsory retirement vide CPO Peshawar Order No.S/6209/15, dated 22.12.2015.
- Such act on your part is against service discipline and amounts to gross misconduct/carry bad name to the Police Force.

1. By reason of the above you appear to be guilty of misconduct under the Police Rules 1975 (As amended vide Khyber Pakhtunkhwa gazette Notification, No.27th of August 2014) and have rendered yourself liable to all or any of the penalties specified in the said rules.
2. You are therefore, directed to submit your defense within 07 days of the receipt of this Charge Sheet to the enquiry officer.
3. Your written defense, if any, should reach to 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 be taken against you.
4. You are directed to intimate whether you desire to be heard in person.
5. A statement of allegation is enclosed.


(SADIQ HUSSAIN)PSP
District Police Officer,
Bannu.



جناب عالی!

بحوالہ چارج شیٹ و سمری آف الیکیشن نمبر 1794/EC Date: 18-08-2017 منسروض ہوں۔

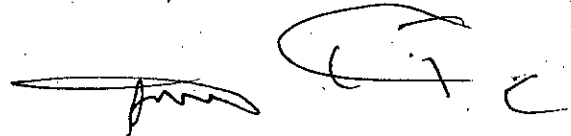
کہ سال 1995ء میں بطور کنسٹیبل ریگولر پولیس میں بھرتی ہوا ہوں۔ کامیابی سے ایکروٹ کورس پاس کرنے کے بعد لوئر کلاس کورس اور انٹر میڈیٹ کورس بھی پاس کر چکا ہوں اور سال 2007 بطور ہیڈ کنسٹیبل ترقیاب ہوا ہوں۔ اپنی سروس کے دوران جہاں کہیں بھی پوسٹ کیا گیا ہوں میں نے اپنا ڈیوٹی انتہائی دیانتداری اور محنت سے کی ہے۔ مجھے سروس کے دوران اس سے پہلے کبھی سزا نہیں ہوئی ہے۔ میرا اعمال نامہ صاف اور سہرا ہے اور میری اچھی کارکردگی اور دیانتداری کی وجہ سے ضلعی DSB کا انچارج تعینات کیا گیا تھا۔

1- الزامات میں سے پہلا الزام یہ ہے کہ میں کار لفٹر گرد ہوں سے میل ملاپ رکھتا ہوں۔ اس الزام میں کوئی صداقت نہیں ہے۔ نہ ہی کبھی میں مسروقہ گاڑی کے ساتھ گرفتار ہوا ہوں اور نہ ہی کبھی کسی مقدمہ یا سنگینگ میں نامزد ہوا ہوں اور نہ ہی میرے خلاف عوام کی طرف سے کوئی ایسی شکایت کی گئی ہے اور نہ ہی کسی ملزم نے میرے متعلق انٹار وگیشن کے دوران انکشاف کیا ہے۔ اگر میرے خلاف اس الزام کی کوئی شہادت ہے یا تھی تو اس کا چارج شیٹ میں خواہ نہیں دیا گیا ہے۔ جس سے یہ اخذ ہوتا ہے کہ یہ الزام سنی سنائی شہادت پر مبنی ہے اور بے بنیاد ہے۔

2- الزام نمبر 2 میں کہا گیا ہے۔ کہ میں چوری کی گاڑیوں کا کاروبار کر رہا ہوں۔ یہ بھی درست نہیں۔ اسکا جواب الزام نمبر 1 میں تقریباً آچکا ہے۔ مجھ سے نہ تو کبھی چوری کی گاڑی برآمد ہوئی ہے اور نہ ہی کبھی اس چارج شیٹ سے قبل ایڈوانس نوٹس جاری کیا گیا ہے۔ اور نہ ہی میرے سروس ریکارڈ میں کوئی ایسی ہسٹری موجود ہے جس سے الزام کو تقویت ملے۔ اور نہ ایسی نوعیت کے کسی مقدمہ میں گرفتار ہوا ہوں۔ اسلئے یہ الزام بے بنیاد ہے۔ اگر اتھارٹی کے پاس اس الزام کے بارے میں کوئی زبانی یا دستاویزی شہادت موجود تھی تو اس کو چارج شیٹ میں درج نہیں کیا گیا ہے۔ اس لئے اس الزام میں بے قصور ہوں۔

3- تیسرا الزام یہ ہے کہ میری شہرت کرپشن کی ہے۔ لیکن کبھی بھی کسی کرپشن کے مقدمہ میں گرفتار ہوا اور نہیں اس سے قبل کرپشن کے بارے میں کوئی انکوائری ہوئی ہے۔ اور نہیں انہی کرپشن محکمہ نے ایسا انکوائری کیا ہے۔ میرے خلاف کرپشن کا عوام میں سے کوئی مدعی نہیں ہے اور نہ ہی کسی پولیس آفسر نے رشوت ستانی کے بارے میں شکایت کی ہے۔ اس لئے اس الزام میں کوئی حقیقت نہیں ہے اور سنی سنائی شہادت پر مبنی ہے۔ اگر میرے خلاف کوئی ابتدائی انکوائری وغیرہ حقیقت سے ہوئی ہے۔ لیکن اسکا کوئی نقل فراہم نہیں کیا ہے۔ اس لئے یہ الزام بھی بے بنیاد ہے۔

4- جہاں تک چارج شیٹ 1514/EC مورخہ 29-06-2015 کا تعلق ہے۔ تو چارج شیٹ مورخہ 29-06-2015 کو الٹو ہوا تھا۔ اور مجھے مورخہ 01-07-2015 کو موصول ہوا تھا۔ جس میں سیاسی دباؤ اور پریشر کا ذکر کیا گیا ہے کہ ڈیپارٹمنٹل انکوائری فائل کی جائے تو یہ انتہائی سوچ و فکر اور غور کرنے کی بات ہے کہ مجھے



چارج شیٹ ملا ہی نہ تھا تو میں نے اثر رسوخ کس طرح استعمال کیا تھا۔ اور نہ ہی چارج شیٹ اصولوں کے بعد کوئی سفارش کی ہے۔ سفارش اور سیاسی اثر رسوخ کی بات کو اس وقت ختم ہوئی۔ جب مجھے بڑی سزا دی گئی ہے۔ اب سروس ٹریبونل کے فیصلہ کے بعد نیا چارج شیٹ الٹو ہوا ہے۔ تو اس چارج شیٹ میں چارج نمبر 4 کیسے داخل ہوا ہے۔ دفتر کے کلرکوں نے پرانے چارج شیٹ کو نکال کر صرف تاریخ تبدیل کر دی ہے۔ اس لئے اس چارج کے حصہ کا کوئی وجود نہیں بنتا ہے۔

5- جہاں تک الزام نمبر 4 کا تعلق ہے۔ تو میرا کسی سنگٹ سے کوئی تعلق نہیں ہے۔ البتہ عمران کنسٹیبل کے خلاف میں نے قانونی طور پر شکایتیں آفسران بالا کو کی تھی کہ اس کو تبدیل کیا جائے۔ میرے شکایت پر مذکورہ کنسٹیبل تبدیل ہو چکا ہے۔ اور یہ کنسٹیبل عمران مجھ سے خفا ہو گیا تھا۔ اور یہ عمران گرفتار ہوا ہے۔ جس کا سیکورٹی ڈیوٹی برانچ سے کوئی تعلق نہیں تھا۔ اس برانچ سے کافی عرصہ ہو چکا ہے۔ کہ ٹرانسفر ہو چکا تھا۔ انصاف کا بنیادی اصول یہ ہے کہ ایک جرم میں ایک پولیس آفسر سزا ہو جائے تو دوبارہ اس الزام میں سزا نہیں دی جاسکتی ہے۔ موجودہ چارج شیٹ میں جو الزامات لگائے گئے ہیں۔ اس سے ملتے جلتے الزامات جس کا کوئی انکوائری نہیں ہوئی ہے۔ میں اس وقت کے DPO بنوں نے مورخہ 10-03-2015 کو Revert کر کے ٹائم سکیل کنسٹیبل بنایا گیا ہے۔ مجھے کوئی صفائی کا موقع نہیں دیا گیا اور نہ ہی پچھلی صاف سروس کو مد نظر رکھا گیا ہے۔ جب ایک دفعہ سزا ہو چکا ہوں تو دوبارہ ان الزامات کے تحت چارج شیٹ کرنا بھی بے انصافی اور غیر قانونی ہے۔

6- سروس ٹریبونل پشاور اپنے فیصلہ مورخہ 26-10-2017 میں صاف طور پر views دے چکا ہے کہ میرے خلاف الزامات کے بارہ میں کوئی ٹھوس ثبوت اور شہادت ریکارڈ پر موجود نہیں ہے۔

7- اس لئے استدعا ہے کہ میرے چارج شیٹ داخل دفتر فرمایا جاوے اور مجھے ذاتی شنوائی اور عرض و معروض کا موقع دیا جائے اور باقاعدہ مجھے ان گواہان پر جرح کرنے کا قانونی طور پر موقع فراہم کیا جاوے۔ میرے خلاف پیش ہوں۔ میرے صفائی ریکارڈ پر لائی جاوے۔ اور آفسران بالا کی طرف سے ایوارڈ اور انعامات دیئے گئے ہیں۔ نقول ہمراہ لف ہے۔

العارضہ
نور اسلام نمبر 1112

موبائل نمبر 0331-8008608

30

No. 78/SRC
Dated: 16/02/2018

FINAL SHOW CAUSE NOTICE:

I, **SADIQ HUSSAIN**, District Police officer, Bannu, as competent authority, under Rule 5(3) of the Khyber Pakhtunkhwa Police Rules (As amended vide Khyber Pakhtunkhwa gazette Notification No.27th of August 2014) for the following misconduct hereby serve upon you **Constable Noor Salam No. 295** this final show cause notice.

- That you Constable Noor Salam No.295 were supporting car lifting gangs/ groups.
- That you also involved in dealing of stolen vehicles.
- That you were known for corruption.
- That you were asserting Political pressure for filling/ dropping of departmental enquiry.
- That you had relations with smugglers.
- That you were dismissed from service on the above allegations vide Regional Police Officer, Bannu Region, Bannu Order Endst: No.1794/EC, dated 18.08.2015.
- That your dismissal order converted into major punishment of compulsory retirement vide CPO Peshawar Order No.S/6209/15, dated 22.12.2015.
- Such act on your part is against service discipline and amounts to gross misconduct/carry bad name to the Police Force.

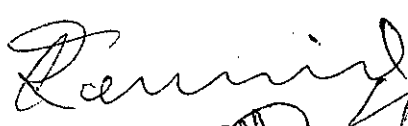


That consequent upon the completion of enquiry conducted through enquiry officer **DSP HQrs, Bannu** for which you were given opportunity of hearing and on going through the findings and recommendations of Enquiry officer, the material on record and other connected papers, I am satisfied that you have committed gross misconduct by proving allegations and you have committed the above commission and omission.

As a result, I, as competent authority, have tentatively decided to impose upon you one or more punishments including dismissal as specified in the rules.

You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you.

If no reply to this notice is received within seven days of its delivery, it shall be presumed that you have no defence to put in and in that case an exparte action shall be taken against you.

The copy of the findings of the Enquiry Officer is enclosed.




(SADIQ HUSSAIN)PSP
District Police Officer,
Bannu.
19/2/18

بحوالہ شوکاژ نوٹس نمبر SRC/78 مورخہ 16-02-2018 معروض ہوں کہ

سال 1995 میں بطور کنسٹیبل ریگولر پولیس میں بھرتی ہوا ہوں۔ کامیابی سے ریکروٹ کورس پاس کرنے کے بعد لوئر کلاس کورس اور انٹر میڈیٹ کورس بھی پاس کر چکا ہوں۔ اور سال 2007 میں بطور ہیڈ کانسٹیبل ترقیاب ہوا ہوں اور اپنے سروس کے دوران جہاں کہی بھی پوسٹ کیا گیا ہوں میں نے اپنے ڈیوٹی انتہائی دیانت داری اور محنت سے کی ہے مجھے سروس کے دوران اس سے پہلے کبھی سزا نہیں ہوئی ہے میرا اعمال نامہ صاف اور ستھرا ہے اور میری اچھی کارکردگی اور دیانت داری کی وجہ سے ضلع ڈی ایس بی (DSB) کا انچارج تعینات کیا گیا تھا۔

1- الزامات میں سے پہلا الزام یہ ہے کہ میں کارلفٹر گروہوں سے میل ملاپ کرتا ہوں۔ اس الزام میں کوئی صداقت نہیں ہے نہ ہی کبھی میں مسروقہ گاڑی کے ساتھ گرفتار ہوا ہے اور نہ کبھی کسی مقدمہ یا سمگلنگ میں نامزد ہوا ہوں اور نہ ہی میرے خلاف عوام کی طرف کوئی ایسی شکایت کی گئی ہے اور نہ ہی کسی ملزم نے میرے متعلق انٹاروگیشن کے دوران انکشاف کیا ہے اگر میرے خلاف اس الزام کی کوئی شہادت ہے یا تھی تو اس کا چارج شیٹ میں حوالہ نہیں دیا گیا ہے جس سے یہ اخذ ہوتا ہے کہ یہ الزام سوسنی سنائی شہادت پر مبنی ہے۔ اور بے بنیاد ہے۔

2- الزام نمبر 2 میں کہا گیا ہے کہ میں چوری کی گاڑیوں کا کاروبار کر رہا ہوں یہ بھی درست نہیں ہے اُسکا جواب الزام نمبر 1 میں تقریباً آچکا ہے مجھ سے نہ تو کبھی چوری کی گاڑی برآمد ہوئی ہے اور نہ ہی کبھی اس چارج شیٹ سے قبل ایڈوانس نوٹس جاری کیا گیا ہے۔ اور نہ ہی میرے سروس ریکارڈ میں کوئی ایسی ہسٹری موجود ہے۔ اگر اتھارٹی کے پاس اس الزام کے بارے میں کوئی زبانی دستاویزی شہادت موجود تھی اُس کو چارج شیٹ میں درج نہیں کیا گیا ہے اسلئے اس الزام میں بے قصور ہوں۔

3- تیسرا الزام یہ ہے کہ میری شہرت کرپشن کی ہے۔ لیکن کبھی بھی کسی کرپشن کے مقدمے میں گرفتار ہوا اور نہ ہی اس سے قابل کرپشن کے بارے میں کوئی انکوآری ہوئی ہے اور نہ ہی انٹی کرپشن محکمہ نے ایسا انکوآری کیا ہے۔ میرے خلاف کرپشن کا عوام میں سے کوئی مدعی نہیں ہے اور نہ ہی کسی پولیس آفیسر رشوت ستانی کے بارے میں شکایت کی ہے اس لئے اس الزام میں کوئی حقیقت نہیں ہے اور سنی سنائی شہادت پر مبنی ہے۔ اگر میرے خلاف کوئی ابتدائی انکوآری وغیرہ حقیقہ طریقے سے ہوئی ہے لیکن اُس کا کوئی نقل فراہم نہیں کیا ہے اس لئے یہ الزام بھی بے بنیاد ہے۔

4- جہاں تک چارج شیٹ 1514/EC مورخہ 29-06-2015 کا تعلق ہے۔ تو چارج شیٹ مورخہ 29-06-2015 کو ایثو ہوا تھا اور مجھے مورخہ 01-07-2015 کو موصول ہوا تھا۔ جس میں سیاسی دباؤ اور پریشر کا ذکر کیا گیا ہے کہ ڈیپارٹمنٹل انکوآری فائل کی جائے تو یہ انتہائی سوچ و فکر اور غور کرنے کی بات ہے کہ مجھے چارج شیٹ ملا ہی نہ تھا تو میں نے اثر و رسوخ کس طرح استعمال کیا تھا اور نہ ہی چارج شیٹ وصولی کے بعد کوئی سفارش کی ہے۔ سفارش اور سیاسی اثر و رسوخ کے بات کو اس وقت ختم ہوئی جب مجھے بڑی سزا دی گئی ہے۔ اب سروس ٹریبونل کے فیصلے کے بعد نیا چارج شیٹ ایثو ہوا ہے تو اس چارج شیٹ میں چارج نمبر 4 کیسے داخل ہوا ہے دفتر کے کلرکوں نے

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پرانے چارج شیٹ کو نکال کر صرف تاریخ تبدیل کر دی ہے۔ اس لئے اس چارج کے حصہ کا کوئی وجود نہیں بنتا ہے۔

5- جہاں تک الزام نمبر 4 کا تعلق ہے تو میرے کسی سمگلر سے کوئی تعلق نہیں ہے البتہ عمران کانٹیل کے خلاف میں نے قانونی طور پر شکایتیں افسران بالا کو کی تھی کہ اُس کو تبدیل کیا جائے میرے شکایت پر مذکورہ کانٹیل تبدیل ہو چکا ہے اور کانٹیل عمران مجھے سے خفا ہو گیا تھا اور یہ عمران گرفتار ہوا ہے جس کا سیکورٹی ڈیوٹی برانچ سے کوئی تعلق نہیں تھا۔ اس برانچ سے کافی عرصہ ہو چکا ہے کہ ٹرانسفر ہو چکا تھا انصاف کا بنیادی اصول یہ ہے کہ ایک جرم میں ایک پولیس آفیسر کو سزا ہو جائے تو دوبارہ اس الزام میں سزا نہیں دی جاسکتی ہیں موجودہ چارج شیٹ میں جو الزامات لگائے گئے ہیں اس سے ملتی جلتی الزامات جس کا کوئی انکوآری نہیں ہوئی ہے میں اس وقت کے ڈی پی او (DPO) نے مورخہ 10-03-2015 کو تفتیش کر کے ٹائم سکیل کانٹیل بنایا گیا ہے مجھے کوئی صفائی کا موقع نہیں دیا گیا اور نہ ہی کچھلی صاف سروس کو مد نظر رکھا گیا جبکہ ایک دفعہ سزا ہو چکا ہوں تو دوبارہ ان الزامات کے ساتھ چارج شیٹ کرنا بھی بے انصافی اور غیر قانونی ہے۔

6- سروس ٹریبونل پشاور اپنے فیصلہ مورخہ 26-10-2017 میں صاف طور پر Views دے چکا ہے کہ میرے خلاف الزامات کے بارے میں کوئی ٹھوس ثبوت اور شہادت ریکارڈ پر موجود نہیں ہے۔

7- انکوآری آفیسر نے انکوآری کے دوران چار گواہان نور سلام 295 و کانٹیل ڈرائیور پرویز و سابقہ کانٹیل عمران اور حضرت عثمان کے بیانات قلمبند کئے ہیں لیکن ان کے بیانات میں الزامات کی تائید میں کوئی شہادت نہیں ملی ہے۔

8- فائنل رپورٹ انکوآری آفیسر کے Conclusion کے پیرا گراف نمبر 1، پیرا گراف نمبر 2 میں جو الزامات عائد کئے گئے ہیں کا چارج شیٹ میں درج الزامات سے کوئی تعلق نہیں ہے یہ ایک علیحدہ معاملہ ہے جس کو موجودہ چارج سے ہٹ کر ڈیل کرنا چاہیے۔

9- مزید یہ کہ پرائیمری پولیس آفیسر صاحب نے میری Dismissal کو جبری ریٹائرمنٹ میں تبدیل کیا ہے کو انکوآری آفیسر نے اس کو بھی بنیاد بنایا ہے اور انکوآری کے دوران اس کو کوئی شہادت میرے خلاف نہیں ملی ہے۔ جبکہ اس جبری ریٹائرمنٹ کی سزا کو سروس ٹریبونل نے ختم کر چکا ہے کالعدم کر دیا ہے تو اس ارڈر کو کس طرح بنیاد پایا جاسکتا ہے۔

10- جب انکوآری آفیسر کو میرے خلاف کوئی شہادت ان الزامات کے بارے میں دستیاب نہیں ہوئی ہے جو مجھ پر عائد ہوئی ہے تو اُس نے Secret Sources کا سہارا لیا ہے جو کس طرح پر کس قانون میں قابل قبول نہیں ہے۔ یہ پیرا گراف آخر کی سنی سنائی شہادت پر مبنی ہے۔

11- انکوآری آفیسر نے قیاس اور سنی سنائی شہادت پر انحصار کیا ہے جو بنیادی حقوق کے خلاف ہے۔

12- اس لئے استدعا ہے کہ شوکا ز نوٹس داخل دفتر فرمایا جاویں اور مجھے ذاتی عرض معروض کی اجازت بھی دی جائے۔

مورخہ: 25-02-2018

العارضی
نور سلام نمبر 295

موبائل نمبر: 0333-2766688

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8- فائنل رپورٹ انکوائری آفیسر کے Conclusion کے پیرا گراف نمبر 1، پیرا گراف نمبر 2 میں جو الزامات عائد کئے گئے ہیں کا چارج شیٹ میں درج الزامات سے کوئی تعلق نہیں ہے یہ ایک علیحدہ معاملہ ہے جس کو موجودہ چارج سے ہٹ کر ڈیل کرنا چاہیے۔

9- مزید یہ کہ پراویشنل پولیس آفیسر صاحب نے میری Dismissal کو جبری ریٹائرمنٹ میں تبدیل کیا ہے کو انکوائری آفیسر نے اس کو بھی بنیاد بنایا ہے اور انکوائری کے دوران اس کو کوئی شہادت میرے خلاف نہیں ملی ہے۔ جبکہ اس جبری ریٹائرمنٹ کی سزا کو سروس اس کو بھی بنیاد بنایا ہے اور انکوائری کے دوران اس کو کوئی شہادت میرے خلاف نہیں ملی ہے۔ جبکہ اس جبری ریٹائرمنٹ کی سزا کو سروس ٹریبونل نے ختم کر چکا ہے کا عدم کر دیا ہے تو اس آرڈر کو کس طرح بنیاد پایا جاسکتا ہے۔

10- جب انکوائری آفیسر کو میرے خلاف کوئی شہادت اُن الزامات کے بارے میں دستیاب نہیں ہوئی ہے جو مجھ پر عائد ہوئی ہے تو اُس نے Secret Sources کا سہارا لیا ہے جو کس طرح پر کس قانون میں قابل قبول نہیں ہے۔ یہ پیرا گراف آخر کی سنی سنائی شہادت پر مبنی ہے۔

11- انکوائری آفیسر نے قیاس اور سنی سنائی شہادت پر انحصار کیا ہے جو بنیادی حقوق کے خلاف ہے۔

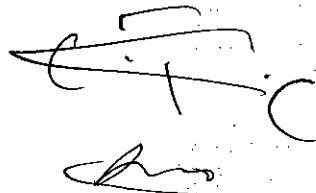
12- س لئے استدعا ہے کہ شوکا ز نوٹس داخل دفتر فرمایا جاویں اور مجھے ذاتی عرض معروض کی اجازت بھی دی جائے۔

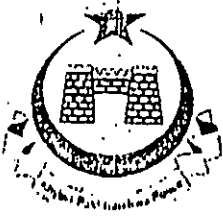
مورخہ: 25-02-2018

العارض

نور سلام نمبر 295

موبائل نمبر: 0333-2766688





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OFFICE OF THE
DY. SUPERINTENDENT OF POLICE,
HQRS. BANNU.

cc
Annex

Phone No: 0928-9270078.

Fax No: 0928-9270045

No. 23 - /HQ, Dated. 04. 01. 2018.

DENOVO DEPARTMENTAL ENQUIRY.

Reference. Charge sheet No. 477-78 SRC dated 15.11.2017,
issued by the District Police Officer, Bannu.

Accused. Constable Noor Salam 295.

Allegations. Allegations conveyed to constable Noor Salam-295 in
shape of charge sheet were as follow :-

- * That Constable Noor Salam-295 was supporting car lifting gangs/groups.
- * That he also involved in dealing of stolen vehicles.
- * That he was known for corruption.
- * That he asserting political pressure for filling/dropping of departmental enquiry.
- * That he had relations with smugglers.
- * That he was dismissed from service on the above allegations vide Regional Police Officers Bannu Region, Bannu Order Endst: No.1794/EC dated 18.8.2015.
- * That his dismissal order converted into major punishment compulsory retirement vide CPO Peshawar Order No. S/6209/15, dated 22.12.2015.
- * Such act on his part is against service discipline and amounts to gross misconduct/carry bad name to the police Force. Page-9-10.

[Signature]

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Order sheet. Order sheet maintained .Page-6-7.

Reply to Charge Sheet.

Constable Noor Salam-295 replied to charge sheet, which is placed herewith. Page- 11-12

Statements.

The statements of the following officials recorded and documents collected.

1. Constable Noor Salam-295. Page -13-14
2. Constable Driver Pervez-525 PS Basya Khel. Page-15
3. Ex Constable Imran s/o Hafiz ur Rehman r/o Kot Jamal Din Asparka Wazir. Pag-16-17
4. Hazrat Usman s/o Nasib Ghulam r/o Ghulam Maghul Khel PS Ghoriwala. Page-18

Re-instatement order.

He was provisionally re-instated into service purely for the purpose of Denovo departmental enquiry proceedings with immediate effect vide OB No.1095 dated 15.11.2107. Page- 8

Questions/Answers.

Opportunity for self defence given.

The undersigned (E.O) asked questions and Constable Noor salam-295 replied to each as follow :-

Ans. No.1.

Imran was in DSB as constable and than transferred to Police Lines, Bannu and the said imran Constable was arrested by PS Town Police, in connection with stolen cars and it was hear say talk, actually he was dismissed on the ground of his absence from duty and he is resident of Bannu Town.

E.O

Ans. No.2.

He had contacted constable Imran just for getting information and he had no other contact with him.

Ans. No.3.

Constable Pervez was in DSB staff with him and accused Usman s/o Ghulam r/o Ghoriwala had exposed the name of Pervez during interrogation, however he had no relations with constable.

Ans. No.4.

ASI Rizwan Khan was SHO of PS Ghoriwala at that time and he had not leveled any allegation upon him.

Ans. No.5.

The allegation of dealing in stolen vehicles against on him was false and during his 22 years service, no such allegation had been come forward against him and he has no personal vehicle or Motor Cycle.

Ans. No.6.

He has not done any corruption during his service of 22 years service and no one can prove it against him.

Ans. No.7.

He had not approached to police officers for filling his previous enquiry and neither any proof of such activity exists against him.

Ans. No.8.

He has arrested criminals in hundred of numbers, record of it exists in PS Baka Khel, City, Cantt., Mandan and Saddar. Further he does not know the smugglers, who had relations with him.

Ans. No.9.

He has not done any violation of the discipline. Information, he has passed to W.DPO & to W.DIG and the W.DPO was telling him to do not send informative diaries and some times, the W.DPO had told that he is not giving information in shape of informative diaries, however the then W.DPO Abdur Rashid Khan had grudges with him on it to may not send diaries and the W.DPO at first ordered his reversion and after that dismissal took place.

ED

Short light on the statements.

- a. Driver constable Pervez-525 of PS Basya Khel told on Oath that he does not know Usman and allegations leveled against him were false and he got satisfied the W.DIG on Oath/ Holy Quran, therefore he was re-instated in service and Noor Salam was their Incharge and had done only official duty.
- b. Ex -Constable Imran Khan NO.420 r/o Kot Jamal Din Asparka Waziran Sadrawan told that Ex-DSB Incharge Noor Salam had no relations with car lifters and smugglers and there was no doubt in the bravery of Noor Salam. Further he stated that Noor Salam was giving information about corruption and slackness in duties, on which, some officers were not happy.
- c. Hazrat Usman s/o Nasib Ghulam r/o Ghulam Maghul Khel stated that he does not know Noor Salam Hawaldar & he has even not seen him. It is true that he was brought by police to PS Ghoriwala but he did not mention the name of Noor Salam Hawaldar or any other Police official and he also does not know constable Pervez.

Reduction in Rank.

HC Noor Salam-295 was reduced to time scale constable vide District Police Officer, Bannu OB No. 217 dated 9.3.2015 and issued under reference No.3552-55/EC dated 10.3.2015.

Dismissal.

He was dismissed from service vide Regional Police Officer, Bannu Region, Bannu order No.1794/EC dated 18.8.2015.

Conversion dismissal into compulsory retirement.

His dismissal order was converted into compulsory retirement by C.P.O vide No.S/6209/15 dated 22.12.2015.


Conclusion:-

The reply of the accused constable Noor Salam-295 to question-9, which is attached shows that he had grudges with his senior most officer i.e District Police officer, Bannu, which was his highly in-disciplined activity.

Similarly the accused constable has admitted that he was giving information to the Dy: Inspector General of Police, Bannu Region, Bannu being Incharge of District Security Branch, although, the said constable was a subordinate to District Police Officer, Bannu and his this activity had also been counted as irregular and in-disciplined one and gross misconduct on his part.

In light of order No.S/6209/2015 dated 22.12.2015, which was passed by the Provincial Police Officer Khyber Pakhtunkhwa about his compulsory retirement is itself a proof against the said constable that he is guilty of misconduct.

Secret sources told that the delinquent official was known for corruption, irregular contacts with seniors, by passing the immediate officers and also used approaches for his reinstatement into police department, thus the allegations partially proved against him please.

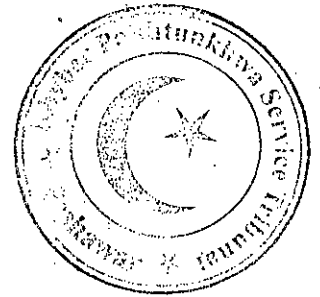

EO
(AQIL HUSSAIN)
DSP/HQrs;BANNU.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 14/2016

Date of Institution ... 05.01.2016

Date of Decision ... 26.10.2017



Noor Salam Khan son of Mir Salam Khan, Head Constable No. 295, P.S Miryan, Bannu. ... (Appellant)

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and 2 others. ... (Respondents)

MR. AMANULLAH MARWAT, Advocate ... For appellant

MR. MUHAMMAD JAN, Deputy District Attorney, ... For respondents.

MR. NIAZ MUHAMMAD KHAN, MR. GUL ZEB KHAN, ... CHAIRMAN MEMBER

ATTESTED

JUDGMENT

NIAZ MUIHAMMAD KHAN, CHAIRMAN:-

Arguments of the

learned counsel for the parties heard and record perused.

FACTS

2. The appellant was dismissed from service on 18.08.2015 against which he filed departmental appeal on 26.08.2015. The departmental appeal was partially accepted on 22.12.2015 and the penalty of dismissal was converted into major

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penalty of compulsory retirement. The appellant then filed the present service appeal against the appellate order on 05.01.2016.

ARGUMENTS.

3. The learned counsel for the appellant argued that the very appellate order speaks about no proof against the appellant and despite that major penalty has been passed by the appellate authority. That the enquiry officer did not record the statement of any witness. That the enquiry officer only relied upon the previous record of the appellant and submitted his report.


4. On the other hand, the learned Deputy District Attorney argued that all the codal formalities were fulfilled before passing the order of dismissal. That the appellate authority had already taken a lenient view by converting major penalty of dismissal into compulsory retirement. That it was the enquiry officer to record or not record the statements of the witnesses in the circumstances of the case.

CONCLUSION.

5. Without deliberating in detail about the charges and proof, the impugned order of appellate authority itself peaks that no solid proof was available against the appellant and even then he was awarded major penalty of compulsory retirement. On the basis of this appellate order, the present appeal deserves to be accepted, however, in view of the nature of the charges levelled against the appellant, the enquiry officer was bound to collect reliable evidence which he has failed to collect.

7. As a sequel to the above discussion, this appeal is accepted and the appellant is reinstated in service. The department is at liberty to hold a denovo enquiry against the appellant within a period of 6 months. The issue of his back benefits

ATTESTED


 Secretary
 Peshawar

(40)

shall be subject to final outcome of fresh enquiry. Parties are left to bear their own costs. File be consigned to the record room.

Announced
26.10.2017 SD/- Niaz Muhammad Khan
Chairman

SD/- Gulzar Khan
Member

Certified
Khyber Pakhtunkhwa
Services Board
Peshawar

Date of Presentation of Application	30-10-2017
Number of Words	1200
Copying Fee	8.00
Urgent	2.00
Total	10.00
Name of Copyist	<i>[Signature]</i>
Date of Completion of Copy	30-10-2017
Date of Delivery of Copy	30-10-2017

(42) "K"
①

CHARGE SHEET

WHEREAS, I am satisfied that a formal inquiry as contemplated in the N.W.F.P. Police Rules, 1975 is necessary and expedient.

AND WHEREAS, I am of the view that the allegation, if established would call for a Major penalty as confined in Rules 4-1 (b) of the aforesaid Rules.

NOW THEREFORE, as required by Rule 6-1 (a) of the aforesaid Rules, I, **Muhammad Tahir PSP, Regional Police Officer, Bannu Region, Bannu** charge you **Constable Noor Salam No.295** for misconduct on the basis of summary of allegations appended herewith.

AND WHEREAS, I direct you further under the Rule (6-1) b of the aforesaid rules to put in a written defense within 07-days of the receipt of this charge sheet as to why a Major punishment as defined in Rule 4-1 (b) should not be awarded to you. Also state at the same time whether you desire to be heard in person or not.

In case your reply is not received within the prescribed period without sufficient reasons it would be presumed that you have no defense to offer and an ex-parte action will be taken against you.

Received today
on 1-7-2015

①
(Muhammad Tahir) PSP
Regional Police Officer,
Bannu Region, Bannu.

#29/6/15

43

(11)

STATEMENT OF ALLEGATIONS.

I, Muhammad Tahir PSP, Regional Police Officer, Bannu Region, Bannu as competent authority, am of the opinion that Constable Noor Salam No. 295 has rendered himself liable to be proceeded against as he committed the following misconduct within the meaning of disciplinary rules-1975 (amendment vide NWFP Gazette 27th January-1976)

SUMMARY OF ALLEGATION.

- That you Constable, Noor Salam No. 295 of Bannu District Police are supporting Car-lifting gangs/groups.
- That you are also involved in dealing of stolen-vehicles.
- That you are known for corruption.
- That you are asserting Political pressure for filing/dropping of departmental enquiry.
- Having relation with smugglers.

For the purpose of scrutinizing the conduct of the said accused w/r to the above allegations The Addl: Supdt: of Police, Bannu is appointed as Enquiry Officer.

The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc: and findings within 25-days after the receipt of this order.

The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

(Muhammad Tahir)PSP
Regional Police Officer,
Bannu Region, Bannu.

NO. 1514-16 /EC, dated: 29/6/2015.
Copy to :-

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar for favour of information.
2. The District Police Officer, Bannu for information.
3. The Enquiry Officer.

(Muhammad Tahir)PSP
Regional Police Officer,
Bannu Region, Bannu.

29/6/15

Handwritten marks and signatures at the bottom left of the page.

44

"L"



From: T Superintendent of Police, Bannu.

To: The Regional Police Officer,
Bannu Region, Bannu.

No. 346 / 1 dated Bannu, the 31 / 7 / 2015.

Subject: DEPARTMENTAL ENQUIRY AGAINST NOOR SALAM NO.295/FC:

Kindly refer to your office endst: No.1514-16 dated 29.06.2015 on the subject noted above.

Constable Noor Salam No.295 has been charged for the commissions of the following misconduct within the meaning of Police Rules amended vide NWFP Gazette 27th January 1976.

- That he constable, Noor Salam No.295 of Bannu District Police are supporting car lifting gangs/groups.
- That he also involved in dealing of stolen vehicles.
- That he is known for corruption.
- That he asserting political pressure for filing/dropping of departmental enquiry.
- That he has relation with smugglers.

The enquiry papers were marked to the undersigned via Regional Police Officer, Bannu Region, Bannu endst: No.1514-16/EC dated 29.06.2015. On 01.07.2015, the undersigned served upon the charge sheet on the delinquent official as directed by Regional Police Officer, Bannu Region, Bannu vide his office Memo: No.1517/EC dated 30.06.2015. On 07.07.2015, the delinquent official submitted his written reply in the response of charge sheet which has been placed on enquiry file. He denied the allegation in his written reply submitted by him in the response of charge sheet. In order to know the real facts the undersigned summoned the delinquent official and recorded his statement wherein he stated that his reply in the response of charge sheet may be considered his statement.

The undersigned perused his service record and it was found that the delinquent official while posted as I/C DSB staff Bannu was charge sheeted based upon the allegation as he supported wrongly DSB constable Pervez Khan who extended support to a notorious peddler Usman r/o Ghulam Kala Ghoru Wala. The involvement of DSB staff unearthed when the accused named the constable of who got regular Bhatta in police name. Knowing all this, he (Noor Salam) tried his best to malign the SHO PS Ghori Wala. The then DPO Bannu strictly warned him (Noor Salam) to be careful in future and not to be indulge in such practice vide DPO Bannu OB No.323 dated 18.03.2014 (copy enclosed as annex: A).

His service record further reveals that he while posted as I/C DSB staff Bannu was awarded major punishment of reduction from Officiating Rank of Head Constable to the Rank of time scale constable vide DPO Bannu OB No.217 dated 09.03.2015 on the bases of the following charges (copy enclosed as annex: B).

45

1. That he while posted as I/C DSB allegedly involved in extracting money/illegal gratification from police officers, threatening them of negative reporting to high ups against them.

2. That he was reportedly hand in gloves with anti social elements for taking weekly and monthly as illegal gratification.

3. That he reported indulgence in immoral activities further tarnished the image of the District Police and lead the undersigned (DPO Bannu) to belief that he has ceased to become a competent police officer.

4. That he was carrying bad reputation as per conduct rules he was supposed to be otherwise.

Secret probe was also made and it was found that the delinquent official has close relation with anti social elements/car lifting gangs/dealing of stolen vehicles. Secret sources further disclosed that the delinquent official is known for corruption and using political pressure for filing/dropping of departmental enquiries.

Keeping in view the above facts, perusal of his service record, sufficient evidence was found in his service record which is sufficient for declaring guilty him. It is therefore, concluded that the allegations leveled against the accused official are proved without any shadow of doubt hence recommended him for award of major punishment.

Report is submitted please.

ADDITIONAL SUPERINTENDENT OF POLICE,
BANNU

EC
3/03/15

Sr
AS attached
03/03/15

STC
[Signature]

46

"M" (handwritten)

POLICE DEPARTMENT.

BANNU REGION

ORDER.

My this order will dispose off the departmental proceedings initiated against Constable Noor Salam No.295 of Bannu District Police on committing the following omissions:-

- That he, Constable, Noor Salam No. 295 of Bannu District Police is supporting Car-lifting gangs/groups.
- That he is also involved in dealing of stolen-vehicles.
- That he is known for corruption.
- That he is asserting Political pressure for filing/dropping of departmental enquiry.
- That having relation with smugglers.

Add: SP/Bannu was appointed as Enquiry Officer to conduct proper departmental proceedings under Police Rules 1975. The E. O. conducted proper departmental proceedings into the matter and submitted his findings, wherein the said delinquent Police Constable has been declared guilty for the said allegations and has been recommended for Major punishment

The said delinquent Police Constable heard in person in orderly room on 18.8.2015 by the undersigned to finally show cause in his defense but he badly failed to rebut the said allegations.

I, Muhammad Tahir PSP, Regional Police Officer, Bannu Region, Bannu in exercise of the powers vested in me, after thoroughly hearing the appellant in orderly room, am agree with the findings of the Enquiry Officer. Therefore, Major punishment of dismissal from service under Police Rules 1975 is hereby ordered with immediate effect.

(Muhammad Tahir)PSP
Regional Police Officer,
Bannu Region, Bannu.

No. 1794 /EC, dated. 18/08/2015. 18/8/15

Copy to the District Police Officer, Bannu for information and n/action.

(Muhammad Tahir)PSP
Regional Police Officer,
Bannu Region, Bannu. 18/8/15

(Handwritten signatures)



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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA,
Central Police Office, Peshawar

No. SI/6209/15, Dated Peshawar the 22/2/2015

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-a of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Noor Salam No. 295. The appellant was awarded punishment of dismissal from service by the RPO/Bannu vide OB No. 1794 dated 18.08.2015, on the charges that he supported car-lifting gangs/groups, involved in dealing of stolen vehicles, knows for corruption, he asserted political pressure for filing/dropping of departmental enquiry and also having relation with smugglers.

The Review Petition Board meeting was held on 26.11.2015, wherein the appellant heard in person the enquiry papers were also examined in detailed. The charges of corruption and involvement in Anti social activities have been leveled against the appellant while no solid evidence has been collected in support of the charges leveled against appellant. Furthermore, he was a Constable therefore, his involvement in corruption and corrupt practices with support of the supervisory officers does not appeal to prudent mind. In view of his length of service the board recommends that the major penalty of dismissal from service may be converted into major penalty of compulsory retirement from service.

This order is approved by the Competent Authority.

Najeeb

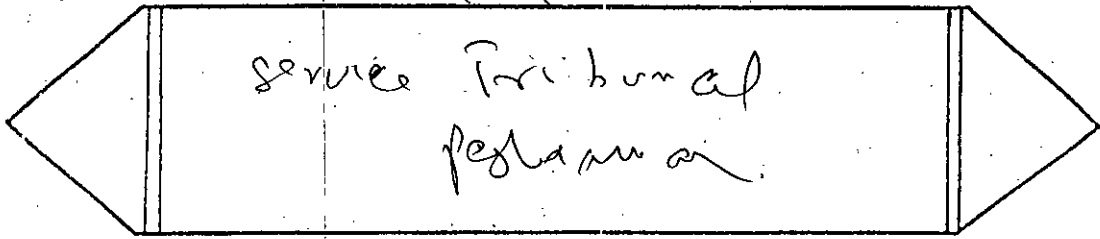
(NAJEEB-UR-RAHMAN BUCVI)
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

No. 6209-18/15,

Copy of the above is forwarded to the:

1. Regional Police Officer, Bannu.
2. District Police Officer, Bannu.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PRO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. PA to AIG/Establishment CPO, Peshawar.
8. Office Supdt: E-IV CPO Peshawar.
9. Central Registrar, CPO.

Before Honble K.P.I.C بعدالت



Applicant	مخائب	---	موزخه
---	بنام	Moorsalam	مقدمه
15	---	15	دعوی
2001	---	K.P.I.C employees	جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام ~~Moorsalam~~ کیلئے ~~Moorsalam~~ کتابت صحت

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جاتہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

B. Manic

المرقوم 2018

واہ

کے لئے منظور ہے۔

بمقام

Manic

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BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Appeal No.786/2018

Noor Salam Khan s/o Mir Salam Khan Constable No.295,
Police Line Bannu,

..... Appellant

Versus

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar,
2. Deputy Inspector General of Police, Bannu Region, Bannu.
3. The District Police Officer, Bannu

..... Respondents

PARA WISE COMMENTS/REPLY ON BEHALF OF RESPONDENTS NO.1,2 & 3.

Preliminary Objections

1. That the appeal of the appellant is badly time-barred.
2. That the appeal is not maintainable in its present form.
3. That the appellant has concealed the actual facts from this Honorable Tribunal.
4. That the appeal is bad in law due to mis-joinder and non-joinder of necessary parties.
5. That the appellant has approached the Honourable Tribunal with unclean hands.
6. That the appellant has got no cause of action and locus-standi to file the instant appeal.
7. That the appellant has been estopped by his own conduct.

OBJECTIONS ON FACTS:

Respectfully Sheweth

1. Incorrect to the extent that the performance of the appellant was found unsatisfactory during the year 2015.
2. Incorrect. The appellant was awarded promotion subject to fitness cum seniority. Reportedly, he was found involved in extracting money/ illegal gratification from police officers, threatening them of negative reporting to high ups against them and hand in gloves with anti social elements and immoral activities.
3. Incorrect. While posted as incharge district Security Branch, his performance was found unsatisfactory and against the task assigned to him. Resultantly, a lot of police officers verbally made a complaint to the superior officers against his attitude/ conduct.
4. Correct to the extent that the appellant was charge sheeted and Addl: SP Bannu was appointed as Inquiry Officer to conduct proper departmental proceeding under police Rules 1975. The Inquiry officer conducted proper departmental proceedings into the matter and submitted his findings, wherein the delinquent police official (appellant) has been declared guilty for the allegations leveled against him and was recommended for major punishment. The Respondent No.2 awarded him (appellant) the punishment of dismissal after hearing in person in orderly room held on 18.08.2015. While rest of the para pertains to record.

5. Pertains to record. Hence, needs no comments.
6. Pertains to record. Hence, needs no comments.
7. Correct to the extent that the reply of the appellant was found unsatisfactory.
8. Correct to extent that reply of the appellant was found unsatisfactory and badly failed to substantiate his innocence.
9. Pertains to record. Hence needs, no comments.
10. The impugned orders issued by high ups are quite legal according to law/ rules. The respondent department also submit their reply on the following grounds.

OBJECTIONS ON GROUNDS

- A. Incorrect. The order of the Respondents No. 2 & 3 is based on facts and in accordance with law/rules.
- B. Incorrect. The sensitive nature allegations against the appellant was appraised by the Respondents and conveyed to the appellant in shape of show cause notice. The reply of the appellant was found unsatisfactory and punished accordingly. The appellant filed an appeal before the Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar which was decided with the directions to the Respondents to hold de novo inquiry against the appellant. After conducting de novo inquiry and providing all opportunities to the appellant but he badly failed to prove himself innocent.
- C. Incorrect. Opportunity of defense and hearing has also been afforded to the appellant by the inquiry officer as well as competent authority but he badly failed to substantiate his innocence. The punishment awarded to the appellant are quite legal and as per merit and the Respondent Department did not violate the basic principles of natural justice.
- D. Incorrect. The appellant was treated according to law/rules. The allegations leveled against the appellant was thoroughly proved by the inquiry officer. The I.O also recorded the statement of the appellant and other witnesses. Cross questions/ examinations of the appellant were also carried out. Opportunity of self-defense was also afforded to the appellant. The allegations were reported to be impartially proved by the inquiry officer.
- E. Incorrect. The inquiry officer conducted the whole process according to law/ rules. The Respondent Department did not violate any law/rules.
- F. Incorrect. The statements recorded during the inquiry proceedings, having no privileges to the appellant.
- G. Incorrect. During the de novo proceedings, the inquiry officer proved allegations without any shadow of doubt against the appellant.
- H. Pertains to record. Hence, needs no comments.
- I. Incorrect. The performing of official duty is the rudimentary duty of a police official. While so far as concerned the punishment awarded under Police Rules 1975 to the appellant due to involvement in anti-social activities, the appellant was awarded punishment.
- J. Incorrect. The order of the Respondents Department is legal and in accordance with law/rules.

K. The Respondents department may kindly be allowed to advance any other grounds & material as evidence at the time of arguments.

PRAYER:

In view of the above replies, it is most humbly prayed that the appeal of the appellant may kindly be dismissed with cost please.



**District Police Officer,
Bannu**

(Respondent No.3)



**Deputy Inspector General of Police,
Bannu Region, Bannu**

(Respondent No.2)



**Inspector General of Police,
Khyber Pakhtunkhwa Peshawar**

(Respondent No.1)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No.786/2018

Noor Salam Khan s/o Mir Salam Khan Constable No.295,
Police Line Bannu,

..... **Appellant**

Versus


1. Inspector General of Police Khyber Pakhtunkhwa Peshawar,
2. Deputy Inspector General of Police, Bannu Region, Bannu.
3. The District Police Officer, Bannu

..... **Respondents**


AUTHORITY LETTER.

Mr. Muhammad Farooq Khan, Inspector Legal is hereby authorized to appear before The Service Tribunal Khyber Pakhtunkhwa Peshawar on behalf of the undersigned in the above cited case.

He is authorized to submit and sign all documents pertaining to the present appeal.


**District Police Officer,
Bannu
(Respondent No.3)**


**Regional Police Officer,
Bannu Region, Bannu
(Respondent No.2)**


**Provincial Police Officer,
Pakhtunkhwa Peshawar
(Respondent No.1)**

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Appeal No.786/2018

Noor Salam Khan s/o Mir Salam Khan Constable No.295,
Police Line Bannu,

..... **Appellant**

Versus

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar,
2. Deputy Inspector General of Police, Bannu Region, Bannu.
3. The District Police Officer, Bannu

..... **Respondents**

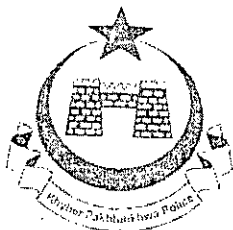
AFFIDAVIT

I, **Muhammad Farooq Khan**, Inspector Legal representative for Respondent Nos. 1,2 & 3 do hereby solemnly affirm and declare that the contents of the accompanying comments submitted by me are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.



DEPONENT

11101-1483421-1



OFFICE OF THE
DY. SUPERINTENDENT OF POLICE,
HQRS. BANNU.

Phone No: 0928-9270078.

Fax No: 0928-9270045

No. 23- /HQ, Dated. 04. 01. 2018.

DENOVO DEPARTMENTAL ENQUIRY.

Reference. Charge sheet No. 477-78 SRC dated 15.11.2017,
issued by the District Police Officer, Bannu.

Accused. Constable Noor Salam 295.

Allegations. Allegations conveyed to constable Noor Salam-295 in
shape of charge sheet were as follow :-

- * That Constable Noor Salam-295 was supporting car lifting gangs/groups.
- * That he also involved in dealing of stolen vehicles.
- * That he was known for corruption.
- * That he asserting political pressure for filling/dropping of departmental enquiry.
- * That he had relations with smugglers.
- * That he was dismissed from service on the above allegations vide Regional Police Officers Bannu Region, Bannu Order Endst: No.1794/EC dated 18.8.2015.
- * That his dismissal order converted into major punishment compulsory retirement vide CPO Peshawar Order No. 5/6209/15, dated 22.12.2015.
- * Such act on his part is against service discipline and amounts to gross misconduct/carry bad name to the police Force. Page-9-10.

ED

Order sheet. Order sheet maintained .Page-6-7.

Reply to Charge Sheet.

Constable Noor Salam-295 replied to charge sheet, which is placed herewith.

Page- 11-12

Statements.

The statements of the following officials recorded and documents collected.

1. Constable Noor Salam-295. Page -13-14
2. Constable Driver Pervez-525 PS Basya Khel. Page-15
3. Ex Constable Imran s/o Hafiz ur Rehman r/o Kot Jamal Din Asparka Wazir. Pag-16-17
4. Hazrat Usman s/o Nasib Ghulam r/o Ghulam Maghul Khel PS Ghoriwala. Page-18

Re-instatement order.

He was provisionally re-instated into service purely for the purpose of Denovo departmental enquiry proceedings with immediate effect vide OB No.1095 dated 15.11.2107.

Page- 8

Questions/Answers.

Opportunity for self defence given.

The undersigned (E.O) asked questions and Constable Noor salam-295 replied to each as follow :-

Ans. No.1.

Imran was in DSB as constable and than transferred to Police Lines, Bannu and the said imran Constable was arrested by PS Town Police, in connection with stolen cars and it was hear say talk, actually he was dismissed on the ground of his absence from duty and he is resident of Bannu Town.

E.O

findings, wherein the delinquent police official (appellant) has been declared guilty for the allegations leveled against him and was recommended for major punishment. The Respondent No.2 awarded him (appellant) major punishment of dismissal from service after proper hearing in orderly room held on 18.08.2015. While rest of the para pertains to record.

5. Pertains to record. Hence, needs no comments.
6. Pertains to record. Hence, needs no comments.
7. Correct to the extent that the reply of the appellant was found unsatisfactory.
8. Correct to extent that reply of the appellant was found unsatisfactory and badly failed to substantiate his innocence.
9. Pertains to record. Hence needs, no comments.
10. The impugned orders issued by high ups are quite legal according to law/ rules.
11. Pertains to record. Hence needs, no comments.
12. Pertains to record. Hence needs, no comments.

The respondent department also submit their reply on the following grounds.


OBJECTIONS ON GROUNDS

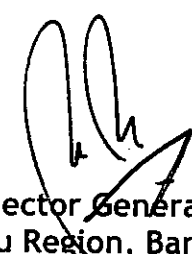
- A. Incorrect. The order of the Respondents No.1, 2 & 3 are based on facts and in accordance with law/rules.
- B. Incorrect. The sensitive nature allegations against the appellant was received to the Respondents so therefore show-cause notice was issued. The reply of the appellant was found unfooting and punished accordingly. The appellant filed an appeal before the Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar which was decided with the directions to the Respondents to hold de novo inquiry against the appellant. After conducting proper de-novo inquiry and providing all opportunities to the appellant but he badly failed to prove himself innocent.
- C. Incorrect, all codal formalities were adopted and opportunities of defense and personal hearing has also been provided to the appellant but he failed to rebut the allegations. The punishment awarded to the appellant are quite legal and as per merit and the Respondent Department did not violate any basic principles of natural justice.
- D. Incorrect. The appellant was treated according to law/rules. The allegations leveled against the appellant was proved during inquiry proceedings.
- E. Incorrect. The inquiry officer conducted impartial inquiry, did not violate any kind of law/ rules.
- F. Incorrect. No statement of the witnesses were in favour of the appellant.
- G. Incorrect. During the de-novo inquiry proceedings, the allegations were proved without any shadow of doubt.
- H. Incorrect. Reply has already been given in the above para..
- I. Pertains to record. Hence, needs no comments.

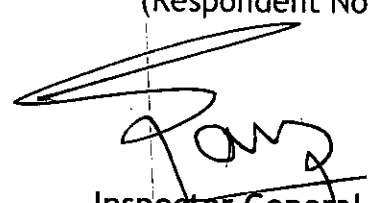
- J. Correct to the extent that the appellant was assigned the duty of collecting information about police officials. Furthermore, the basic duty is of the DSB is to provide information to the high ups about any illegality, immorality, narcotics peddling, POs etc. in the jurisdiction of district Bannu but he was indulged to convey wrong reporting to the high ups about the police officials.
- K. Incorrect. The order of the Respondents Department is legal and in accordance with law/rules.
- L. The Respondents department may kindly be allowed to advance any other grounds & material as evidence at the time of arguments.

PRAYER:

In view of the above replies, it is most humbly prayed that the appeal of the appellant may kindly be dismissed with cost please.


District Police Officer,
Bannu
(Respondent No.3)


Deputy Inspector General of Police,
Bannu Region, Bannu
(Respondent No.2)


Inspector General of Police,
Khyber Pakhtunkhwa Peshawar
(Respondent No.1)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Appeal No. /2018

Noor Salam Khan s/o Mir Salam Khan Constable No.295,
Police Line Bannu,

..... Appellant

Versus

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar,
2. Deputy Inspector General of Police, Bannu Region, Bannu.
3. The District Police Officer, Bannu


..... Respondents


AUTHORITY LETTER.

Mr. Muhammad Farooq Khan, Inspector Legal is hereby authorized to appear before The Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar on behalf of the undersigned in the above cited case.

He is authorized to submit and sign all documents pertaining to the present appeal.


District Police Officer,
Bannu
(Respondent No.3)


Deputy Inspector General of Police,
Bannu Region, Bannu
(Respondent No.2)


Inspector General of Police,
Khyber Pakhtunkhwa Peshawar
(Respondent No.1)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Appeal No. /2018

Noor Salam Khan s/o Mir Salam Khan Constable No.295,
Police Line Bannu,

..... Appellant

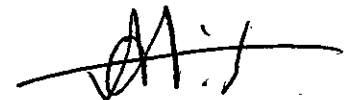
Versus

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar,
2. Deputy Inspector General of Police, Bannu Region, Bannu.
3. The District Police Officer, Bannu

..... Respondents

AFFIDAVIT

I, **Muhammad Farooq Khan**, Inspector Legal representative for Respondent Nos. 1,2 & 3, do hereby solemnly affirm and declare that the contents of the accompanying comments submitted by me are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.



DEPONENT

11101-1483421-1

Ans. No.2.

He had contacted constable Imran just for getting information and he had no other contact with him.

Ans. No.3.

Constable Pervez was in DSB staff with him and accused Usman s/o Ghulam r/o Ghoriwala had exposed the name of Pervez during interrogation, however he had no relations with constable.

Ans. No.4.

ASI Rizwan Khan was SHO of PS Ghoriwala at that time and he had not leveled any allegation upon him.

Ans. No.5.

The allegation of dealing in stolen vehicles against on him was false and during his 22 years service, no such allegation had been come forward against him and he has no personal vehicle or Motor Cycle.

Ans. No.6.

He has not done any corruption during his service of 22 years service and no one can prove it against him.

Ans. No.7.

He had not approached to police officers for filling his previous enquiry and neither any proof of such activity exists against him.

Ans. No.8.

He has arrested criminals in hundred of numbers, record of it exists in PS Baka Khel, City, Cantt., Mandan and Saddar. Further he does not know the smugglers, who had relations with him.

Ans. No.9.

He has not done any violation of the discipline. Information, he has passed to W.DPO & to W.DIG and the W.DPO was telling him to do not send informative diaries and some times, the W.DPO had told that he is not giving information in shape of informative diaries, however the then W.DPO Abdur Rashid Khan had grudges with him on it to may not send diaries and the W.DPO at first ordered his reversion and after that dismissal took place.

ED

Short light on the statements.

- a. Driver constable Pervez-525 of PS Basya Khel told on Oath that he does not know Usman and allegations leveled against him were false and he got satisfied the W.DIG on Oath/ Holy Quran, therefore he was re-instated in service and Noor Salam was their Incharge and had done only official duty.
- b. Ex -Constable Imran Khan NO.420 r/o Kot Jamal Din Asparka Waziran Sadrawan told that Ex- DSB Incharge Noor Salam had no relations with car lifters and smugglers and there was no doubt in the bravery of Noor Salam. Further he stated that Noor Salam was giving information about corruption and slackness in duties, on which, some officers were not happy.
- c. Hazrat Usman s/o Nasib Ghulam r/o Ghulam Maghul Khel stated that he does not know Noor Salam Hawaldar & he has even not seen him. It is true that he was brought by police to PS Ghoriwala but he did not mention the name of Noor Salam Hawaldar or any other Police official and he also does not know constable Pervez.

Reduction in Rank.

HC Noor Salam-295 was reduced to time scale constable vide District Police Officer, Bannu OB No. 217 dated 9.3.2015 and issued under reference No.3552-55/EC dated 10.3.2015.

Dismissal.

He was dismissed from service vide Regional Police Officer, Bannu Region, Bannu order No.1794/EC dated 18.8.2015.

Conversion dismissal into compulsory retirement.

His dismissal order was converted into compulsory retirement by C.P.O vide No.S/6209/15 dated 22.12.2015.

ED

Conclusion:-

The reply of the accused constable Noor Salam-295 to question-9, which is attached shows that he had grudges with his senior most officer i.e District Police officer, Bannu, which was his highly in-disciplined activity.

Similarly the accused constable has admitted that he was giving information to the Dy: Inspector General of Police, Bannu Region, Bannu being Incharge of District Security Branch, although, the said constable was a subordinate to District Police Officer, Bannu and his this activity had also been counted as irregular and in-disciplined one and gross misconduct on his part.

In light of order No.S/6209/2015 dated 22.12.2015, which was passed by the Provincial Police Officer Khyber Pakhtunkhwa about his compulsory retirement is itself a proof against the said constable that he is guilty of misconduct.

Secret sources told that the delinquent official was known for corruption, irregular contacts with seniors by passing the immediate officers and also used approaches for his reinstatement into police department, thus the allegations partially proved against him please.

ED
(AQIQ HUSSAIN)
DSP/HQrs;BANNU.

جناب عالی!

بحوالہ چارج شیٹ و سمری آف الیکیشن نمبر 1794/EC Date: 18-08-2017 معرض ہوں۔

کہ سال 1995ء میں بطور کنسٹیبل ریگولر پولیس میں بھرتی ہوا ہوں۔ کامیابی سے ریکروٹ کورس پاس کرنے کے بعد لوئر کلاس کورس اور انٹرمیڈیٹ کورس بھی پاس کر چکا ہوں اور سال 2007 بطور ہیڈ کنسٹیبل ترقیاب ہوا ہوں۔ اپنی سروس کے دوران جہاں کہیں بھی پوسٹ کیا گیا ہوں میں نے اپنا ڈیوٹی انتہائی دیانتداری اور سخت سے کی ہے۔ مجھے سروس کے دوران اس سے پہلے کبھی سزا نہیں ہوئی ہے۔ میرا اہمال نامہ صاف اور ستھرا ہے اور میری اتھٹی کارکردگی اور دیانتداری کی وجہ سے اس DSB کا چارج تیناٹ لیا گیا تھا۔

1۔ الزامات میں سے پہلا الزام یہ ہے کہ میں کارلفٹز گروہوں سے میل ملاپ رکھتا ہوں۔ اس الزام میں کوئی صداقت نہیں ہے۔ نہ ہی کبھی میں سر وقت گاڑی کے ساتھ گرفتار ہوا ہوں اور نہ ہی کبھی کسی مقدمہ یا سہ گانگ میں نامزد ہوا ہوں اور نہ ہی میرے خلاف عوام کی طرف سے کوئی ایسی شکایت کی گئی ہے اور نہ ہی کسی ملزم نے میرے متعلق اشار و گیشن کے دوران انکشاف کیا ہے۔ اگر میرے خلاف اس الزام کی کوئی شہادت ہے یا تھی تو اس کا چارج شیٹ میں خوالہ نہیں دیا گیا ہے۔ جس سے یہ اخذ ہوتا ہے کہ یہ الزام سنی سنائی شہادت پر مبنی ہے اور بے بنیاد ہے۔

2۔ الزام نمبر 2 میں کہا گیا ہے کہ میں چوری کی گاڑیوں کا کاروبار کر رہا ہوں۔ یہ بھی درست نہیں۔ اس کا جواب الزام نمبر 1 میں تقریباً آچکا ہے۔ مجھ سے نہ تو کبھی چوری کی گاڑی برآمد ہوئی ہے اور نہ ہی کبھی اس چارج شیٹ سے قبل ایڈوانس نوٹس جاری کیا گیا ہے۔ اور نہ ہی میرے سروس ریکارڈ میں کوئی ایسی ہنٹری موجود ہے جس سے الزام کو تقویت ملے۔ اور نہ ایسی نوعیت کے کسی مقدمہ میں گرفتار ہوا ہوں۔ اسلئے یہ الزام بے بنیاد ہے۔ اگر اتھارٹی کے پاس اس الزام کے بارے میں کوئی زبانی یا دستاویزی شہادت موجود تھی تو اس کو چارج شیٹ میں درج نہیں کیا گیا ہے۔ اس لئے اس الزام میں بے قصور ہوں۔

Seen
EO

3۔ تیسرا الزام یہ ہے کہ میری شہرت کرپشن کی ہے۔ لیکن کبھی کبھی کسی کرپشن کے مقدمہ میں گرفتار ہوا اور نہیں اس سے قبل کرپشن کے بارے میں کوئی انکوائری ہوئی ہے۔ اور نہیں انٹی کرپشن محکمہ نے ایسا انکوائری کیا ہے۔ میرے خلاف کرپشن کا عوام میں سے کوئی مدعی نہیں ہے اور نہ ہی کسی پولیس آفسر نے رشوت ستانی کے بارے میں شکایت کی ہے۔ اس لئے اس الزام میں کوئی حقیقت نہیں ہے اور سنی سنائی شہادت پر مبنی ہے۔ اگر میرے خلاف کوئی ابتدائی انکوائری وغیرہ خفیہ طریقہ سے ہوئی ہے۔ لیکن اس کا کوئی نقل فراہم نہیں کیا ہے۔ اس لئے یہ الزام بھی بے بنیاد ہے۔

4۔ جہاں تک چارج شیٹ 1514/EC مورخہ 29-06-2015 کا تعلق ہے۔ تو چارج شیٹ مورخہ 29-06-2015 کو ایٹو ہوا تھا۔ اور مجھے مورخہ 01-07-2015 کو موصول ہوا تھا۔ جس میں سیاسی دباؤ اور پریشر کا ذکر کیا گیا ہے کہ ڈیپارٹمنٹس انکوائری فائل کی جانے تو یہ انتہائی سوچ و فکر اور غور کرنے کی بات ہے کہ مجھے

س: آپ نے سیاسی ادارے انکو دیکھ کر فائل کرنے کیلئے سالانہ

اعداد پر کھینچ ڈالا تھا۔

ج: میں نے نہ کسی کو بولا اور نہ ہی میرے خلاف کوئی ٹوٹی ہے

اور نہ ہی سفارش پر نوکری ہے۔

س: آپ کے سگھروں کے ساتھ تعلقات تھے اور میں چند سگھروں
کے نام اور کام بتائیں۔

ج: سینکڑوں لوگوں کو جو عوامی سہولتیں تھیں ان کے بارے میں

میں نے کوئی اطلاع نہیں دی تھی۔ میں کارکنوں کے لئے

سگھروں کو نہیں جانتا۔ میں نے صرف ان کے بارے میں

س: آپ نے ڈسپین کی طرف توجہ دینی کے لئے کئی کئی بار
ج: میں نے کوئی ڈسپین کی طرف توجہ نہیں دی ہے۔

جو اطلاع میں نے کئی DSB کا نام دیا ہے۔ DP 19 کو دینا تھا۔

کما کرو۔ اور کبھی کبھار کبھی دینا تھا کہ اسے ڈسپین میں

الفاظ میں نہیں دیا ہے۔ میرا ان ڈسپینوں پر عمل نہیں

تھا۔ سالانہ DP 20 نے اسے ساتھ لیا تھا۔ اسے سزا دی
تھی۔ اسے سزا دی اور اسے سزا دی اور اسے سزا دی

Attest
[Signature]

الف
نور علیہم
295

چارج شیٹ ملا ہی نہ تھا تو میں نے اثر رسوخ کس طرز پر استعمال کیا تھا۔ اور نہ ہی چارج شیٹ اصو سفارش کی ہے۔ سفارش اور سیاسی اثر رسوخ کی بات کو اس وقت ختم ہوئی۔ جب مجھے بڑی سزا دے سرویس ٹریبیونل کے فیصلہ کے بعد نیا چارج شیٹ ایٹو ہوا ہے۔ تو اس چارج شیٹ میں چارج نمبر ہوا ہے۔ دفتر کے کلرکوں نے پرانے چارج شیٹ کو نکال کر صرف تاریخ تبدیل کر دی ہے۔ اس لئے اس حصہ کا کوئی وجود نہیں بنتا ہے۔

Jun 17

5۔ جہاں تک الزام نمبر 4 کا تعلق ہے۔ تو میرا کسی سمگلر سے کوئی تعلق نہیں ہے۔ البتہ عمر خلاف میں نے قانونی طور پر شکایتیں آفسران بالا کو کی تھی کہ اس کو تبدیل کیا جائے۔ میرے شکایت تبدیل ہو چکا ہے۔ اور یہ کنسٹیبل عمران مجھ سے خفا ہو گیا تھا۔ اور یہ عمران گرفتار ہوا ہے۔ جس کا سیکو سے کوئی تعلق نہیں تھا۔ اس برانچ سے کافی عرصہ ہو چکا ہے۔ کہ ٹرانسفر ہو چکا تھا۔ انصاف کا بنیادی ایک جرم میں ایک پولیس آفسر سزا ہو جائے تو دوبارہ اس الزام میں سزا نہیں دی جاسکتی ہے۔ موجود میں جو الزامات لگائے گئے ہیں۔ اس سے ملتے جلتے الزامات جسکا کوئی انکواری نہیں ہوئی ہے۔ میر DPO جنوں نے مورخہ 10-03-2015 کو Revert کر کے نام سکیبل کنسٹیبل بنایا گیا ہے۔ موقع نہیں دیا گیا اور نہ ہی کچھلی صاف سرویس کو مد نظر رکھا گیا ہے۔ جب ایک دفعہ سزا ہو چکا ہو الزامات کے تحت چارج شیٹ کرنا بھی بے انصافی اور غیر قانونی ہے۔

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6۔ سرویس ٹریبیونل پشاور اپنے فیصلہ مورخہ 26-10-2017 میں صاف طور پر views میرے خلاف الزامات کے بارہ میں کوئی ٹھوس ثبوت اور شہادت ریکارڈ پر موجود نہیں ہے۔

7۔ اس لئے استدعا ہے کہ میرے چارج شیٹ داخل دفتر فرمایا جاوے اور مجھے ذاتی شنوائی اور موقع دیا جائے اور باقاعدہ مجھے ان گواہان پر جرح کرنے کا قانونی طور پر موقع فراہم کیا جاوے۔ میر ہوں۔ میرے صفائی ریکارڈ پر لائی جاوے۔ اور آسراں بالا کی طرف سے ایوارڈ اور انعامات دینے کے ہمراہ لف ہے۔

Handwritten signature and date: 23/01/17. Below it: "العارضی، نور اسلام نمبر 112" and "موبائل نمبر 0331-8008608".

جوابات صحابہ کثیرہ میں کنٹریل ٹورنامنٹ 295 پولیس لائن پولیس

س: محمدان کون تھا۔

ج: محمدان DSB میں کنٹریل تھا۔ پولیس لائن سفر طورا تھا۔ اور
کچھ ٹائون تھا۔ پولیس نے سرگرم شدہ فوٹو کارڈ کے بارے
میں گرفتار کیا تھا جو سنی سنائی بات ہے اور جو غیر طاقتور
میں برضا سے ہوا تھا۔ جو ٹائون علاقہ ماہر شدہ تھا (پولیس)

س: 4
ج: 4

اپنے بھائی کے ساتھ ساتھ کمارالطاف
صرف انعامات لینے کی قدر تک رالیم کیا تھا باقی کوئی
بھرا اس کے ساتھ نہیں تھا۔

س: 5
ج: 5

پرویز کا کیا رول تھا۔ بیان کریں

کنٹریل پرویز بہا کے ساتھ DSB میں تھا۔ دلزم عثمان
دلزم عثمان کے عزیز بھائی تھے کنٹریل پرویز کا نام تھا۔
دور میں انٹارکشن۔ بہر حال حیرا کوئی تعلق کنٹریل
کے ساتھ نہیں تھا

س: 6
ج: 6

سابقہ DSB غور لوالہ کون تھا جس پر آپ نے گفتہ لینے کا الزام
رضوان خان ای اس وقت DSB غور لوالہ تھا۔ جس نے گستا
خانیہ الزام اس پر نہیں لگایا تھا۔

س: 7
ج: 7

1۔ الزام ہے کہ آپ سرگرم شدہ گھڑیوں کا کاروبار کرنے میں
مہم جوڑ ہے اور نہ 22 سال سروس میں مجھے بہرہ رسائی الزام ہے اور
حیرا کوئی گھڑی ہے اور نہ فوٹو سائیکل۔

س: 8
ج: 8

آپ نے کرپشن کیوں کی تھی۔
22 سال سروس میں کبھی کرپشن کیا ہے اور نہ ہی کوئی ثبوت
کرپشن کے حوالے سے دئے گئے ہیں

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بیان زینت فقیر عثمان ولد فقیر غلام شتاعی کار
 نمبر 7-5416599-11101 جو پتلا نمبر 525-93295-0300 سکھ
 غلام متقل میں لکھنا غور و فکر کے بعد میں نے فوراً
 حوالہ دیا ہے جتنا میں اور لکھتا تھا ویسا ہے
 لکھنا ہے۔ لکھنا غور و فکر کے بعد میں نے فوراً
 لکھنا ہے لکھنا۔ لکھنا میں نے فوراً
 یا کسی دوسرے لوگوں کے نام سے فوراً
 اور لکھنا ہے لکھنا اور لکھنا ہے
 لکھنا ہے لکھنا اور لکھنا ہے
 لکھنا ہے لکھنا اور لکھنا ہے

عبدلحق شاہ

فقیر عثمان
18-12-97

D.P.H.
18-12-97

Attested
[Signature]

جناہی!

میں سابق کانسیل عمران خان عزم 2014 کا ڈون کوڈ کے چل دیں
اسپریم ڈیزراف سدر اڈن حدود و قیاسوں سے نکلنے والے ہیں۔

میں صرف 7/15 کا پورٹی ٹیو اور مختلف تقاضات میں حیران کر دیا اور

DFC رہ چکا ہوں۔

میں لہجہ تبدیلہ DSB سٹاف کو جنوری 2014 میں ٹرانسفر کیا۔

پوری ٹرانسفری سبب سے جانا۔ سابقہ سرکاری وزیر عمران محمد العطار

عہدہ خارجہ وزیر نے لکھے تھے۔ اس وقت کے DPO جانا۔ فخر انصاری

صاف تھے۔ جب تھے DSB میں جاوی گیا تو اس وقت کے ایثار

DSB نور اسم تھے۔ میں کچھ عرصہ ڈیوٹی میں مصروف رہا تب میں

DSB مذکورہ بالا فور ڈیوٹی نقل تھا اور سٹاف سے بھی ڈیوٹی لیا گیا

تسلیں اس نے تھے۔ DSB سٹاف سے نامعلوم وجوہات کی بنا پر ٹرانسفر کیا

تو اس وقت DPO عبدالرشید صاحب تھا۔ میں سابق ایثار DSB

نے جانا تھا اور اس سے پہلے اس کے ساتھ کوئی رابطہ تھا۔ 24 جنوری 2014

کو لہجہ عدالت میں داخلہ قیاسی 1411 میں نامعلوم دفعہ 200 کے کارڈ

پیش کرنے کو گورنر کے سامنے فائرنگ کر کے شہید کیا۔ تو میں نے ان دفعہ

گردوں کا پتہ لگا کر کے عدالت میں پہنچا۔ ایک دن تکرار ہو گیا۔ دفعہ 200 کے گردوں

رہنا فور سائیکل چھوڑ کر فرار ہوئے۔ میں کا بیاب پورے حصہ تکرار کرنا

میرے نشانہ ہی پر SP ایٹمی کمیشن میں شہدوں نے برآمد کیا

اس کے بعد جب DSB سے جو ڈیٹس لیا گیا اور پولیس اسٹیشن میں جاوی گیا تب

فکس 2 3/4 کے بعد پتہ دوبارہ ہوں کر رہی منٹ کو ارچی کے ساتھ ڈیوٹی پر جاوی

اور تھے DPO صاف پتہ پتہ جاوی صرف 22 دوری 2014 کو جمع پولیس راجہ

تھے۔ تو میں اس وقت سے تکرار آج تک چالو کا کارڈ مار شہرہ کر کے لیا ہے۔

Messed
FD

ہیں جیسے بیان کرتا ہوں کہ عثمان کو صلیب پہے جانتا نہیں

اور مجھ پر جو شکایات تھی اسے کامیاب بنانے اور شہرہ آفاق بنانے

اور اس کے لیے صلیب کو حرمین پاک پر منگوانی دے لی۔ اور

کئی تیار ہوں۔ خواتین کو صلیب کے لیے بھی جاننا

نورالاسلام سے راجہ راج تھا۔ اور سفارشی نام کے طور پر

نام نہیں تھا۔

دراپور ماہی
525
0331-5475095

Attested.
EO

66- سید ایوب علی صاحب

اس لئے یہ روئے ہوئے مال کے الزام سے سب سے فرما جان

1112 - Police line
18A-MALLU.

Sen
FD

جائے گی!

واریٹی بیان ہے جو قبل ازین تحریر کی طرح
کے جواب میں دے دی گئی ہے اور
انہوں نے دفتر میں داخل کر دیا ہے

مذکورہ ٹھکانے کے بنیاد الزامات کی بنیاد پر
میں کوئی ایسا ٹھکانہ نہیں ہے

کوئی ایسا ٹھکانہ نہیں ہے اور جو 15/8
کوئی ایسا ٹھکانہ نہیں ہے اور جو 15/8
سروس کے سہولت میں سے داخل کیا اور

Engage کیا سروس کے سہولت کے لئے 26/10
شمارے سے دی گئی ہے اور جو 10/17
ڈسک سے زیادہ کے لئے ہے

میں نے اس کے بارے میں کوئی شکوہ نہیں کیا اور
میں نے اس کے بارے میں کوئی شکوہ نہیں کیا اور
میں نے اس کے بارے میں کوئی شکوہ نہیں کیا اور
میں نے اس کے بارے میں کوئی شکوہ نہیں کیا اور

Seen
E.O

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Appeal No. /2018

Noor Salam Khan s/o Mir Salam Khan Constable No.295,
Police Line Bannu,

..... Appellant

Versus

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar,
2. Deputy Inspector General of Police, Bannu Region, Bannu.
3. The District Police Officer, Bannu

..... Respondents

PARA WISE COMMENTS/REPLY ON BEHALF OF RESPONDENTS NO.1,2 & 3.

Preliminary Objections

1. That the appeal of the appellant is badly time-barred.
2. That the appeal is not maintainable in its present form.
3. That the appellant has concealed the actual facts from this Honorable Tribunal.
4. That the appeal is bad in law due to mis-joinder and non-joinder of necessary parties.
5. That the appellant has approached the Honourable Tribunal with unclean hands.
6. That the appellant has got no cause of action and locus-standi to file the instant appeal.
7. That the appellant has been estopped by his own conduct.

OBJECTIONS ON FACTS:

Respectfully Sheweth

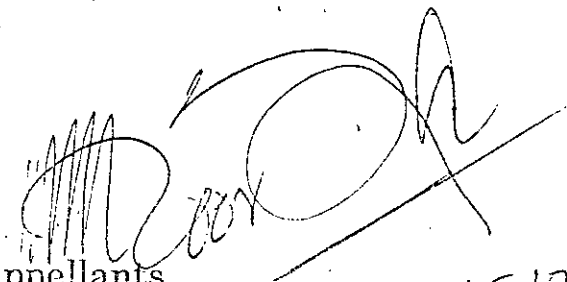
1. Correct to the extent that appellant was appointed as Constable in 1995 while rest of the para is incorrect. The services of the appellant were found unsatisfactory during the year 2015.
2. Incorrect. The appellant was awarded promotion subject to fitness cum seniority. Reportedly, when the applicant posted as in-charge DSB, Bannu was found involved in extracting money/ illegal gratification from police officers, threatening them of negative reporting to high ups against them and hand in gloves with anti-social elements and immoral activities.
3. Incorrect. While posted as in-charge district Security Branch, his performance was found unsatisfactory. A lot of police officers verbally made complaints to the superior officers against his wrong reporting of police officers.
4. Correct to the extent that the appellant was charge sheeted and Addl: SP Bannu was appointed as Inquiry Officer under police Rules 1975 to probe into the matter. The Inquiry officer conducted proper departmental inquiry and submitted his

(16)

D. That both the orders of the department stand on conjectures and, surmises and has no legal following.

It is, therefore, requested that on acceptant of this Mersey appeal the appellant may kindly be re-instated to his original service, post.

Date: 24-05-2018


Appellants
Noor Salam Khan
S/o Mir Salam Khan
R/O Mir Hazar Khanzad Khel
District Lakki Marwat.
Cell No.0344-2566688
24/5/2018

Certificate

As per instruction of client, It is certified that no such like petition has filed prior before in any court.

Deponent

BEFORE THE SERVICE TRIBUNAL KP PESHAWAR

Appeal No. 786/2018

Noor Salam Khan..... Appellant

VERSUS

IGP and others..... Respondent

RE-JOINDER ON BEHALF OF APPELLANT

Preliminary Objections:-

All objections raised by Respondent in its written reply are illegal, against law and are not supported by oral as well as Documentary evidence thus liable to be rejected. The valuable right of the Petitioner is involved in the case in hand. The appeal of Appellant is within time and he has cause of action or locus standi to file the appeal against Respondents.

FACTS:-

1. Para 1 is correct to the extent of appointment, he was performing duties upto the entire satisfaction of his high ups.
2. Para No 2 is incorrect, hence denied. The allegations leveled against Appellant are general in nature without any solid material evidence.
3. Para No 3 is incorrect, hence denied. Appellant was assigned important tasks to provide spy information about terrorist activities. As a result of which network of terrorist activities were traced out and destroyed.
4. Para No 4 is correct to the extent of Alleged charged sheet, rest of the para is denied.
5. Para 5 is needs no reply, however it is stated that Appellant was reinstated into service by the order of service Tribunal with the direction to hold denovo inquiry.

6. Para 6 pertains to record, hence needs no reply.
7. Para 7 is incorrect, hence denied. The Respondents did not consider the reply of Appellant while passing impugned orders.
8. Para 8 is incorrect and hence denied. The Respondents issued a show cause notice to the Appellant on the basis of frivolous and baseless inquiry report which is not sustainable in the eyes of law.
9. Para No 9 pertains to record, however it is submitted the Appellant was dismissed illegally.
10. Para 10 of the written reply is incorrect, hence denied. Petitioner was illegally dismissed from service against law.
11. Para 11 needs no reply, pertains to record.

12. Para 12 needs no reply.

GROUND:

A. Ground A of written reply is incorrect, the order dated 31.07.2018, 16.05.2018 and 27.02.2018 passed by Respondent No 1, 2 and 3 respectively are against the law facts and record of the case, thus liable to be set aside.

B. Para B is incorrect, hence denied. The allegations leveled against Appellant are general in nature and no specific incident had been referred neither in 1st charge sheet nor 2nd charge sheet therefore, the findings of Respondent are based on presumption and assumption. Thus deserve to be set aside.

C. Para C is incorrect, hence denied. Appellant was condemned unheard, this violated principles of natural justice.

D. Para D is incorrect, hence denied. The allegations leveled against Appellant had not been proved which

had also observed by Respondent No 1 and its order dated 31.07.2018.

E. Para E is incorrect, hence denied. The inquiry had been conducted in the shape of question and answer, such mode of inquiry is illegal and is disapproved by the supreme court, so on the basis of dismissal on such inquiry is illegal and is not sustainable in the eyes of law.

F. Para F is incorrect, hence denied. The witnesses produced by Respondents in proof of allegations, have deposed in favour of Appellant. In this respect inquiry report is self-explanatory.

G. Para G is incorrect, hence denied. The Respondents failed to collect any incriminating materials in support of charges leveled against the Appellant.

H. Para H is incorrect, hence denied. The Respondent No 1 has observed in its order dated that no evidence has been collected in support of charges leveled against Petitioner, so removal of Petitioner

from service on so-called inquiry is illegal and liable to be set aside.

I. Para I is incorrect, hence denied. Appellant remained out of service, he is not engaged any profit oriented activity. Therefore is entitled to all back benefits.

J. Para J is correct that Appellant was assigned to duty to collect information about police officials, rest of the Para to the extent of wrong reporting is denied.


K. Para K is incorrect, hence denied. The orders passed by Respondents are illegal, void ab initio without lawful authority and jurisdiction, thus liable to be set aside.

It is, therefore, respectfully prayed on acceptance of re-joinder, the appeal of Appellant may be please allowed as prayed for.

Appellant 

Through

Dated: 13.11.2018


Aman Ullah Marwat
Advocate High Court
Peshawar

یہاں الٹ چھاپ کر میں ٹریبونل صوبہ سرحد پشاور

مورنہ

منجانب

نورسنگھ خاں نام محمد حویس وغیرہ

دعویٰ

باعث شکریہ اینکہ



مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے، واسطے پیروی و جواب دہی و کما کاروائی متعلقہ آن مقام پشاور کیسٹے سعید اٹلسا خان سرور سے ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موضوع کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے والی نامہ و تقریر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈاک کر کے اجراء اور وصولی چیک و روپیہ اور رضی دعویٰ اور درخواست ہر قسم کا تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری بیکطرفہ یا اپیل کی برآمدگی اور رضی نیز دائر کرنے اپیل نگرانی و نظانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ اپنی بجائے تقریر کا اختیار ہوگا اور صاحب مقدمہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر واختہ منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التواء مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موضوع ہوں گے نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المترقوم

العبد

العبد

العبد

۱۱
اریاب سینا اللال
ایڈووکیٹ

محمد رفیع خان
سعید اللہ خان مروت
ایڈووکیٹ

محمد حفوز
ایڈووکیٹ

۱۱ ذوالحاجہ بی بی پورہ

۱۲ محمد افنان خان (نابلغ) محمد افنان خان

۱۳ اعجاز رحیم خان (نابلغ) اعجاز رحیم خان

۱۴ مسماہ خاجرہ بی بی (نابلغ) اجسرہ بی بی

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 893

Dated 17-8-2018

Service Appeal No.786/2018

Noor Salam Khan.....**Appellant**

Versus

Inspector General of Police & others.....**Respondents**

**REQUISITION OF FILE AND TO ALLOW THE
APPELLANT TO AMEND THE APPEAL BY
CHALLENGING ORDER DATED 31.07.2018
PASSED BY RESPONDENT NO.1**

Respectfully Sheweth:

1. That the tilted appeal is pending before this Hon'ble Tribunal which is fixed for submission of written reply by the respondent on 03.09.2018.
2. That appellant challenged the order of respondent no.2 through appeal which was allowed and his dismissal was converted into compulsory retirement from service.
3. That in the given circumstance, appellant want to challenge the impugned order dated 31.07.2018 which had been passed during pendency of appeal.

*Put up to the court
with relevant appeal.*
17/8/18
Deocher

4. That it is mandatory if the instant appeal is not allowed to be amended it would ultimately effect the right of appellant.

It is, therefore respectfully prayed that on acceptance of this application, the appellant may please be allowed to amend the instant appeal by challenging order dated 31.07.2018 passed by respondent No.1 to meet the ends of justice.


Appellant

Through


Amanullah Marwat
Advocate High Court

Dated 17/08/2018

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No.786/2018

Noor Salam Khan.....**Appellant**

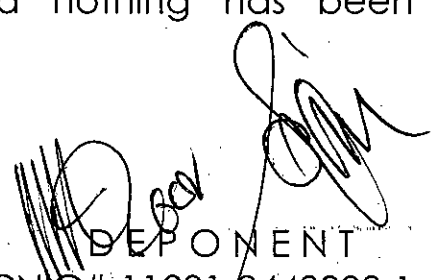
Versus

Inspector General of Police & others.....**Respondents**

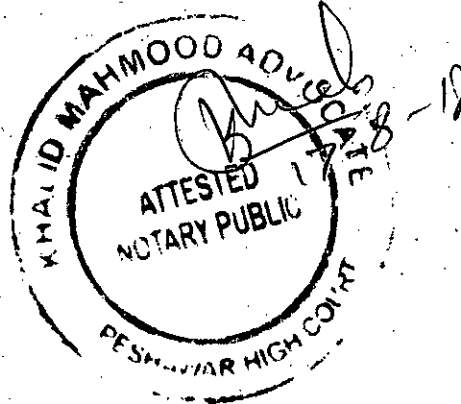
AFFIDAVIT

I, Noor Salam Khan S/o Mir Salam Khan R/o Mir Hazar Khan, Zad Khel, District Lakki Marwat, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by


DEPONENT
CNIC#:11201-9449038-1


Amrullah Marwat
Advocate Peshawar





OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. S/ 3165 /18, dated Peshawar the 31/10/2018.

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Noor Salam No. 295. The petitioner was dismissed from service by RPO, Bannu vide order Endst: No. 1794/EC, dated 18.08.2015 on the following allegations:-

- (i) He was supporting car-lifting gangs/groups.
- (ii) That he was also involved in dealing of stolen vehicles.
- (iii) That he was known for corruption.
- (iv) That he was asserting political pressure for filing/dropping of departmental enquiry.
- (v) That he had relation with smugglers.

He preferred appeal in CPO which was discussed in the Appellate Board meeting dated 26.11.2015 and his penalty of dismissal from service was converted into compulsory retirement from service vide CPO order No. S/6209/15, dated 22.12.2015.

The appellant approached Khyber Pakhtunkhwa Service Tribunal Peshawar vide service appeal No. 14/2016. KP Service Tribunal Peshawar vide judgment dated 26.10.2017 re-instated the appellant, however, the department was given liberty to hold a de-novo inquiry against the appellant within a period of 06 months and the issue of his back benefit was ordered to be subjected to final outcome of the fresh inquiry.

In the light of decision of Service Tribunal, de-novo inquiry was initiated against him and he was again dismissed from service and out of service period i.e. from the date of dismissal till re-instatement is treated as without pay vide DPO/Bannu order dated 27.02.2018.

His appeal was rejected by Regional Police Officer, Bannu vide order Endst: No. 1375/EC, dated 16.05.2018.

Meeting of Appellate Board was held on 19.07.2018 wherein petitioner was heard in person. During hearing petitioner contended that the allegations leveled against him are baseless.

Enquiry papers were examined in detail. Charges of corruption and involvement in anti-social activities have been leveled against the petitioner while no solid evidence has been collected in support of the charges leveled against petitioner. Furthermore, he was a constable therefore, his involvement in corruption and corrupt practices without support of the supervisory officers does not appeal to prudent mind.

There is long service of 22 years, 10 months and 22 days at the credit of petitioner, therefore, in view of his long service the Board decided that the major penalty of dismissal from service is hereby converted into major penalty compulsory retirement from service.

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

(IRFAN ULLAH KHAN)
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

No. S/ 3166-72 /18.

Copy of the above is forwarded to the:

1. Regional Police Officer, Bannu. Service Roll (01) alongwith Fauji Missal including the subject inquiry file (250 pages) of the above named Ex-Constable received vide your office Memo: No. 1763/EC, dated 00.07.2018 is returned herewith for your office record.
2. District Police Officer, Bannu.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

In Re:

Amended Service Appeal No. _____ of 2018

Noor Salam Khan.....Applicant/ Appellant

V E R S U S

Inspector General of Police, KPK and others.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Memo of application for legal heirs		1-2
2.	Affidavit		3
3.	Copy of FIR		4
4.	Copies of Form-B		5
5.	Copies of CNICs		6-8
6.	Wakalat Nama		

Through

Applicant/ Appellant


Amanullah Marwat
Advocate, Peshawar

Date: 29.07.2019

1

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

In Re:

Amended Service Appeal No. _____ of 2018

Noor Salam Khan.....Applicant/ Appellant

V E R S U S

Inspector General of Police, KPK and others.....Respondents

**Application for bringing on record legal
heirs of the applicant/ appellant in the
titled service appeal**

Respectfully Sheweth:

1. That the above mentioned service appeal is pending before this Honourable Tribunal, which is fixed for today i.e. 30.07.2019.
2. That applicant/ appellant has been died during the pendency of this service appeal vide FIR No.68 dated 28.02.2019 of PS Ghazni Khel, Lakki Marwat (**copy is annexed**) and the legal heirs of applicant/ appellant i.e. Noor Salam Khan deceased are as follows:
 - i. Muhammad Afnan Khan
 - ii. Ijaz Rahim Khan (sons)
 - iii. Mst. Hajira Bibi (daughter)

iv. Mst. Zulhaj Bibi (widow)


(Sons and daughters are minors through their mother Mst. Zulhaj Bibi)

All residents of Mir Hazar Khanzad Khel, Ghazni Khel, District Lakki Marwat

It is, therefore, most humbly prayed that on this application the above-mentioned legal heirs of the deceased Noor Salam Khan may kindly be brought on record.

Through

Applicant/ Appellant


Amanullah Marwat
Advocate, Peshawar

Date: 29.07.2019

B

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

In Re:

Amended Service Appeal No. _____ of 2018

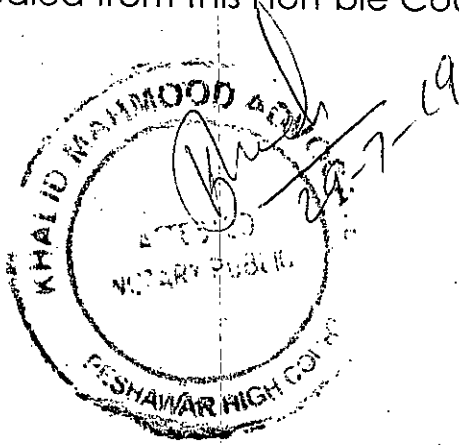
Noor Salam Khan.....Applicant/ Appellant

V E R S U S

Inspector General of Police, KPK and others.....Respondents

AFFIDAVIT

I, Amanullah Marwat Advocate High Court (counsel for applicants), do hereby solemnly affirm and declare that as per instructions of my client, the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.




DEPONENT

نذر شاہ

خلع (4) بھارت

28.2.2019 وقت 16:30 بجے

68

28.2.2019 وقت 17:45 بجے

پندرہ منٹیں نورسین ولد میر سلیمان سکے میر عزیز خان داخل لہر

De 302-324

رہنہ مال اگر کچھ لایا گیا ہو۔

سے اور مت راضی ہو سکوں پلڈ تو کچھ دے میر عزیز خان داخل طاب لہر لکھنؤ کلیمہ ارنہاڑ

سلیمان شاہ ولد نذر شاہ سکے میر عزیز خان داخل

تعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرنا

بہ زور سسٹل سٹی

ارنہ وقت

ابتدائی اطلاع نیچے درج کرو۔ ایک ٹوری ڈرائیو میں صیانت دہسار جانہ بیگم لکھنؤ قاضی

میر عزیز خان سکے میر عزیز خان سکے میر عزیز خان سکے میر عزیز خان سکے میر عزیز خان سکے

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CRC No: 15877546

حکومت پاکستان
نیشنل ڈیٹا بیس اینڈ رجسٹریشن اتھارٹی (وزارت داخلہ)
اٹھارہ سال سے کم عمر بچوں کا سرٹیفکیٹ *

درخواست دہندہ کا شناختی کارڈ نمبر: 11201-6359893-4

ذوالحجی بی

درخواست دہندہ کا نام:

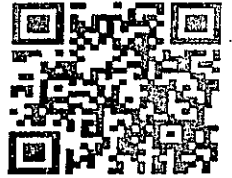
نمبر شمار	بچے کا نام اور رجسٹریشن نمبر	والد کا نام اور شناختی کارڈ نمبر	والدہ کا نام اور شناختی کارڈ نمبر	جنس / رشتہ	پیدائش کا ضلع / ملک	معدوری
1	ہارون بی	11201-6769870-8	ذوالحجی بی	لڑکی	کی مراد، کی مراد	کوئی نہیں
2	محمد انان خان	11201-4259665-3	ذوالحجی بی	لڑکا	کی مراد، کی مراد	کوئی نہیں
3	اعجاز حمید خان	11201-4460115-3	ذوالحجی بی	لڑکا	کی مراد، کی مراد	کوئی نہیں

- 1- اس فیملی کے مندرجہ بالا اٹھارہ سال سے کم عمر 3 بچوں کا اندراج ہمارے ریکارڈ میں موجود ہے۔
- 2- درج شدہ بچے کی عمر اٹھارہ سال ہوئے ہی شناختی کارڈ کے حصول کیے ہوئے درخواست جمع کروائیں۔
- 3- اس سرٹیفکیٹ کو سنبھال کر رکھیں کیونکہ بچوں کے اٹھارہ سال کی عمر کو پہنچنے پر انہی نمبروں کے حوالے سے شناختی کارڈ جاری کئے جائیں گے۔
- 4- نوزائیدہ بچے کا فوری طور پر اندراج کروائیں اور تیار رجسٹریشن سرٹیفکیٹ حاصل کریں۔
- 5- کوائف کی تبدیلی کی صورت میں نیا رجسٹریشن سرٹیفکیٹ حاصل کریں۔

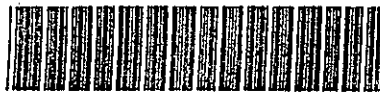
عثمان یوسف مبین

دستخط رجسٹرار جنرل

تاریخ اجراء: 2019-07-04



ڈاک خانہ غزنی خیل، میر ہزار خان زاد خیل، تحصیل و ضلع کی مراد



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