

Sr. No.

Date of order/  
proceedings

Order or other proceedings with signature of Judge/  
Magistrate

2

3

25.01.2016

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
CAMP COURT, D.I.KHAN.

Service Appeal No. 212/2014

Tariq Saleem Versus DIG of Police, D.I.Khan etc.

JUDGMENT

PIR BAKHSH SHAH, MEMBER.- Counsel

for the appellant (Saleemullah Ranazai, Advocate) present and Wakalatnama placed on file. Government Pleader (Mr. Farhaj Sikandar) with Attaullah, S.I(Legal) for the respondents present.

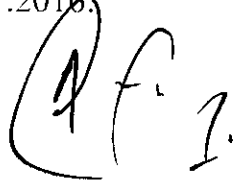
2. Arguments heard and record perused.

3. From perusal of impugned order, it transpired that the appellant has been reverted from the post of Sub Inspector to the post of ASI vide impugned order dated 23.09.2013 without mentioning any period under F.R-29 of Fundamental Rules. The impugned order is thus defective, so without going into further detail and merits of the case, the Tribunal after hearing view point of the learned counsel of the parties, deems it proper to modify the impugned order. Consequently, the penalty of demotion will be effective for a period of two years reckoned to from the date of impugned

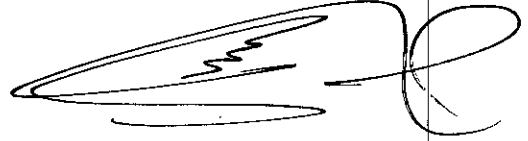
order. The appeal is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

25.01.2016.



(ABDUL LATIF)  
MEMBER



(PIR BAKHSH SHAH)  
MEMBER  
Camp Court, D.I.Khan

212/14

29.09.2015

Appellant in person and Mr. Farhaj Sikandar, GP with Attaullah, SI (L) for the respondents present. The Bench is incomplete, therefore, case is adjourned to 23.11.15 for arguments at camp court, D.I.Khan.

  
MEMBER  
Camp court, D.I.Khan


23.11.2015

Clerk to counsel for the appellant and Mr. Farhaj Sikandar, GP with Attaullah, S.I (Legal) for the respondents present. Since D.B for touring Bench, D.I.Khan is incomplete, therefore, case is adjourned to 30-12-15 for arguments at camp court, D.I.Khan.

  
MEMBER  
Camp Court, D.I.Khan

30.12.2015

Since tour to D.I.Khan for the month of December, 2015 has been cancelled, therefore, case is adjourned to 25.1.2016 for the same.

  
Member  
Camp Court, D.I.Khan

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES  
TRIBUNAL, PESHAWAR, CAMP COURT D.I.KHAN**

Service Appeal No. 212/2014

Tariq Saleem (Ex ASI) ..... Appellant

Versus

Deputy Inspector General of Police and others

**SERVICE APPEAL**

**APPLICATION FOR TRANSFER OF ABOVE TITLED SERVICE  
APPEAL TO PESHAWAR BENCH**

Respectfully Sheweth:- Appellant humbly submits as under,

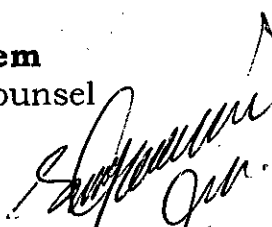
1. That the above titled service appeal is pending adjudication before this Honourable Tribunal and is fixed for rejoinder proceedings today.
2. That the matter in above titled appeal is of very urgent nature and unfortunately at Camp Court D.I.Khan, DB is not available since last 02 years.
3. That appeal of the appellant may please be transferred to Service Tribunal Peshawar Bench in the large interest of justice.

***It is therefore, humbly requested that the appeal titled above may very graciously be transferred to Service Tribunal Peshawar Bench.***

Dated: 29/09/2015

Yours Humble Appellant

  
**Tariq Saleem**  
Through Counsel

  
**Muhammad Waqar Alam**  
Advocate High Court

28.04.2015

Clerk of counsel for the appellant and Mr. Ziaullah, GP present. None for the respondents present. Notices be issued To come up for preliminary hearing on to the respondents for submission of written reply/comments. To come up for written reply/comments on 17.06.2015 before S.B.



Member

17.06.2015

None for the appellant present. Mr. Jumma Khan, S.I (Legal) alongwith Asstt: AG for the respondents present. Written reply/comments not submitted. Representative of the respondents needs further time to submit written reply/comments. To come up for written reply/comments on 30.07.2015 before S.B.



Member

30.07.2015

Appellant in person and Mr. Muhammad Bilal, H.C alongwith Addl: A.G for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 29.9.2015 at Camp Court D.I.Khan as the appeal pertains to the territorial limits of D.I.Khan Division.

  
Chairman

Appeal 212/14,  
Mr. Tuniq Sultan

12.

Reader Note:


19.12.2014

Clerk of counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 03.03.2015 for the same.

  
Reader


13.

03.03.2015

Appellant deposited  
process fee & security  


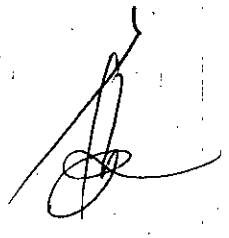
Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, the appellant has impugned order dated 23.09.2013, vide which the major penalty of reduction from substantive rank to lower rank of ASI was imposed upon the appellant. Against the above referred impugned order appellant filed departmental appeal on 07.10.2014, which was rejected on 21.01.2014 and hence the instant appeal on 18.02.2014.

Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. To come up for written reply/comments on 28.04.2015.

  
Member

8-10-7-2014

Notice to the appellant / his counsel  
to come for PH on 20-8-2014.

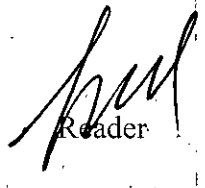


9.

Reader Note.

20.08.2014

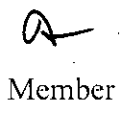
Clerk to counsel for the appellant present. The Hon'able Bench is on tour to Abbotabad, therefore, case to come up for preliminary hearing on 30.09.2014.

  
Reader

10.

30.09.2014

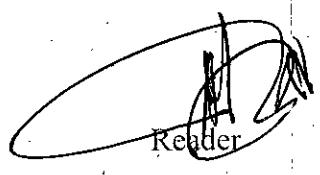
Clerk of counsel for the appellant present, and requested for adjournment due to General Strike of the Bar. Request accepted. To come up for preliminary hearing on 13.11.2014.

  
Member

Reader Note:

13.11.2014

Clerk of counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 19.12.2014 for the same.

  
Reader

4  


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11.04.2014

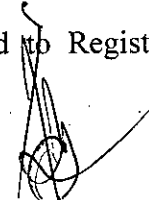
Counsel for the appellant present. Preliminary arguments partly heard. Pre-admission notice be issued to the learned GP to assist the Tribunal. To come up for preliminary hearing on 09.06.2014.

  
Member

4

09.06.2014

Counsel for the appellant and Mr. Zia Ullah, GP for the respondents present. Counsel for the appellant requested for adjournment and that the appeal may be placed against in preliminary bench where similar nature of appeal of the same appellant has been admitted and is place before the learned Bench-II on 10.07.2014. The case is referred to Registrar for further necessary action.

  
Member

5

9-7-2014.

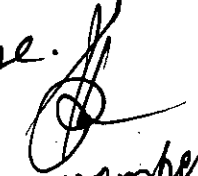
Returned to the learned Member with the request to mark it to <sup>the</sup> Bench.

  
Registrar.

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9-7-2014.

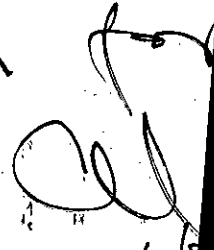
Subject to the Order sheet dated 9-6-2014, the case is placed before the chairman for order please.

  
Member  
9.7.2014

7

10-7-2014.

Primary Bench Preliminary Hearing.

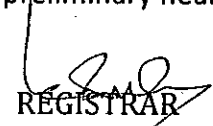

  
10/7



Form- A  
FORM OF ORDER SHEET

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

Case No. 212/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	18/02/2014	<p>The appeal of Mr. Tariq Saleem presented today by Mr. Imtiaz Ali Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	21-2-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>11-4-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

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

Service Appeal No. 212 / 2014.

**Tariq Saleem** ..... **APPELLANT**

Versus

**DIG of Police, D.I.Khan & others** ..... **RESPONDENTS**

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4.	Copies of charge sheets and statement of allegations	<b>A1 – A6</b>	8 – 15
5.	Copies of final / inquiry reports	<b>B1 – B3</b>	16 – 20
6.	Copy of order dated 23.09.2013	<b>C</b>	21 – 24
7.	Copy of departmental appeal	<b>D</b>	25 – 26
8.	Copy of order dated 21.01.2014	<b>E</b>	27
9.	Wakalatnama		28

Appellant

through

*Inshar Ali*

Advocates, Peshawar.

Dated: 18 .02.2014.

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

Service Appeal No. 218/2/14 /2014.

**Tariq Saleem,**  
Ex-ASI,  
S/o Malik Muhammad Amir,  
R/o Village & P.O. Jatta  
Tehsil Parova District D.I. Khan.....

**218**  
**18/2/14**

**APPELLANT**

Versus

1. **Deputy Inspector General of Police,**  
Dera Ismail Khan Region.
2. **District Police Officer,**  
Dera Ismail Khan.
3. **DSP / [REDACTED] (Inquiry Officer),**  
Dera Ismail Khan.....

**RESPONDENTS**

**APPEAL** u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated **23.09.2013** of Respondent No.2 whereby appellant has been awarded major punishment of reduction from substantive rank to lower rank of ASI and order **No.132/ES dated 21.01.2014** of Respondent No.1 (Appellate Authority) dismissing departmental appeal of the appellant.

**600**  
**18/2/14**

**PRAYER IN APPEAL:** That orders dated **23.09.2013** and **21.01.2014** may kindly be set aside and appellant may be restored to his original rank of Sub-Inspector w.e.f the date when he was demoted and / or reduced in rank.

**Respectfully Sheweth:**

1. **THAT** consequent upon recommendations of NWFP Public Service Commission, Peshawar appellant was appointed as Assistant Sub Inspector on 14.11.2006. Later he was promoted to the rank of Sub-Inspector, lastly posted as SHO P.S Saddar, D.I.K.
2. **THAT** while serving as Sub-Inspector, departmental disciplinary proceedings were initiated against the appellant by issuance of three (3) separate charge sheets and statement of allegations by Respondent No.2 (District Police Officer). Copies of charge sheets and statement of allegations are enclosed marked "A1 – A6".
3. **THAT** Respondent No.2 while observing that formal enquiry into the charges as contemplated by Khyber Pakhtunkhwa Police Rules, 1975 was necessary and expedient proceeded to appoint Mr. Malik Mushtaq DSP/HQ D.I. Khan as Inquiry Officer.
4. **THAT** before any steps could be taken by the Inquiry Officer, he was transferred as DSP Paharpur. However, his successor DSP without any formal order of his appointment as Inquiry Officer by Respondent No. 2, proceeded with the so-called inquiry. However, no intimation in this regard was communicated to the appellant.
5. **THAT** the Inquiry Officer (Respondent No.3), without associating appellant with the enquiry proceedings, submitted his three (3) final reports No.201, 202 and 203 wherein without carrying out any inquiry and / or giving any findings on the charges leveled against appellant, asked Respondent No.2 to proceed against the appellant ex-parte. Copies of final / inquiry reports are enclosed marked "B1 – B3".
6. **THAT** on the basis of aforesaid so-called final / inquiry reports Respondent No.2 vide order dated 23.09.2013 proceeded to award the appellant major punishment of reduction from substantive rank to the

lower rank of ASI with immediate effect. Copy of order dated 23.09.2013 is enclosed marked "C".

7. **THAT** against the order dated **23.09.2013** appellant preferred an appeal on **07.10.2013** which has also been rejected by Respondent No.1 vide his order No.243/ES dated **21.01.2014**. Copy of departmental appeal and order dated 21.01.2014 are enclosed marked "D" and "E".
8. **THAT** mortally aggrieved of aforesaid orders of Respondent No.2 dated **23.09.2013** and that of Respondent No.1 dated **21.01.2014**, appellant is constrained to invoke the jurisdiction of this Hon'ble Tribunal, on the following amongst other: -

**GROUND:**

- A. **THAT** the impugned orders, on the face of it, are *harsh, arbitrary* and *devoid of any reasons*.
- B. **THAT** the charge framed against the appellant and statement of allegations issued thereon, were *vague, un-substantiated* hence, *not in accordance with the relevant provisions of law*. Appellant was kept unaware of change of inquiry, he thus being denied his right to properly defend himself, has practically been *condemned* unheard.
- C. **THAT** the entire proceedings right from its inception up to its culmination in imposition of major punishment upon appellant suffers from *illegal, arbitrary, and colorful* exercise of powers by the authorities concerned. After transfer of the duly appointed Inquiry Officer his successor as DSP, HQ had no authority to assume to itself the role of Inquiry Officer in the absence of a valid order under the relevant law by Respondent No.2. Besides appellant was kept in the dark about the change in the Inquiry Officer, if any,
- D. **THAT** the so called final report as well as impugned orders besides being *whimsical* and *arbitrary*, display utter disregard of *principles of*

*natural justice* and absolute non-application of mind by Respondents No.1, to 3. That by mere absence of appellant before the inquiry officer and that too, for want of notice, did not absolve respdt. no. 3 of his duty to inquire into the charge and determine culpability of the appellant on the basis of evidence / material placed before him by the complainant and / or referring authority. The *self appointed* Inquiry Officer (Respondent No.3) has thus failed to perform his duty by recommending *ex parte* proceedings against appellant.

- E. **THAT** not only relevant provisions of service rules have been violated with impunity but appellant has also been denied his fundamental right to *fair trial* and *due process*, guaranteed by the newly inserted Article 10A of constitution of Islamic Republic of Pakistan.
- F. **THAT** bare perusal of the so-called final report reveals that none of the so-called charges have been proved against the appellant and he has only been penalized for not appearing and offering defense before the Inquiry Officer, ignoring the fact that neither appellant was called upon by the subsequent Inquiry Officer nor of he was aware of his substitution, as such. Unfortunately Respondent No.1 and 2 also *erroneously* went along with such *frivolous, illegal and un-constitutional* approach of the inquiry officer.
- G. **THAT** although as many as three (3) charge sheets / statement of allegations were issued against the appellant on different dates and likewise three (3) *so-called*, final reports were submitted by the Inquiry Officer, however, in violation of relevant rules Respondent No.2, without issuing shoe-cause notice and examining the material against appellant, disposed of the same through a single consolidated and *non-speaking* order which is not in consonance with relevant provisions of law.
- H. **That** as per the order of competent authority as well as requirement of the rules, originally appointed inquiry officer was required to submit his

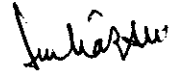
report within 10 days. Final report submitted by respdt. 3 is not only invalid because he was not a duly appointed inquiry officer but is also of no legal value, having been filed after delay of months rather than days. Respondent no.2 has thus grossly erred in relying upon such *worthless* and *frivolous* report.

- I. **THAT** other grounds / pleas may be raised at the time of hearing, with the permission of this learned Tribunal.

In view of the afore- stated grounds, it is, therefore, respectfully prayed that on acceptance of this appeal, the orders dated **23.09.2013** and **21.01.2014** may kindly be set aside and appellant may be restored to his original rank of Sub-Inspector, *with effect from*, the date when he was demoted and / or reduced in rank, *with all the ancillary reliefs*, deemed appropriate in the circumstances of the case.

  
Appellant

through



**Imtiaz Ali**  
Advocate Supreme Court of Pakistan

and

  
**Ishtiaq Ahmad,**  
Advocate, High Court.

Dated: 18.02.2014

6

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

Service Appeal No. /2014.

**Tariq Saleem** ..... **APPELLANT**

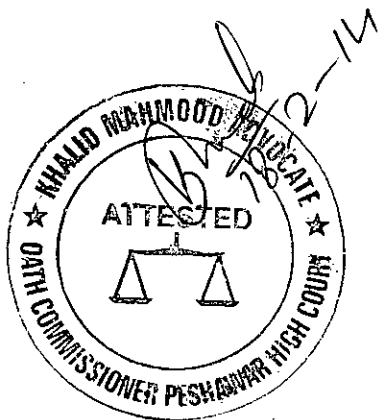
Versus

**DIG of Police, D.I.Khan & others** ..... **RESPONDENTS**

**AFFIDAVIT** of Mr.Tariq Saleem, Ex-ASI, S/o Malik Muhammad Amir, R/o Village & P.O. Jatta, Tehsil Parova District D.I Khan.

I, Mr.Tariq Saleem, Ex-ASI, S/o Malik Muhammad Amir, R/o Village & P.O. Jatta, Tehsil Parova District D.I Khan do hereby solemnly declare and state: -

1. That the accompanying appeal has been drafted under the instructions of the appellant imparted through me.
2. That I am personally conversant with the facts and circumstances of the case as contained therein.
3. That the facts and circumstances mentioned in the accompanying appeal are true and correct to the best of my knowledge and belief.



  
Deponent



7

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

Service Appeal No. / 2014.

**Tariq Saleem** ..... **APPELLANT**

Versus

**DIG of Police, D.I.Khan & others** ..... **RESPONDENTS**

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**MEMO OF ADDRESSES**


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**APPELLANT**

**Tariq Saleem,**  
Ex-ASI,  
S/o Malik Muhammad Amir,  
R/o Village & P.O. Jatta  
Tehsil Parova District D.I. Khan

**RESPONDENTS**

1. **Deputy Inspector General of Police,**  
Dera Ismail Khan Region.
2. **District Police Officer,**  
Dera Ismail Khan.
3. **DSP / DSB (Inquiry Officer),**  
Dera Ismail Khan
4. **Regional Police Officer,**  
Dera Ismail Khan

  
Appellant  
through

Dated: 18.02.2014.

**Advocates, Peshawar.**

CHARGE SHEET

(8)

A-1

Where as, I am satisfied that a formal enquiry as completed by Khyber Pakhtunkhwa 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 defined in rules-4(i)(B) of the aforesaid rules.

AND THEREFORE, as required by Police Rules 6(1) of the aforesaid rules, **I SOHAIL KHALID** District Police Officer Dera Ismail Khan hereby charges you **SI Tariq Saleem No.22/D** with the misconduct on the basis of the statement attached to this Charge Sheet.

AND, I, hereby direct you further under rules 6(i)(B) of the said rules to put in written defence with in 7-days of receipt of this Charge Sheet as to why the proposed action should not be taken against you and also state at the same time whether you desire to be heard in person or otherwise.

AND, in case, your reply is not received within the prescribed period, without sufficient case, it would be presumed that you have no defence to offer and that expert proceeding will be initiated against you.

  
**District Police Officer,**  
Dera Ismail Khan

215

DISCIPLINARY ACTION

(9)

A-2

I, SOHAIL KAHLID, District Police Officer, Dera Ismail Khan as a competent authority am of the opinion that you SI Tariq Saleem No.22/D have rendered yourself liable to be proceeded against and committed the following acts/omissions within the meaning of the Khyber Pakhtunkhwa Police Rules 1975.

STATEMENT OF ALLEGATION

You while posted as SHO at PS/Saddar, District DIKhan, a case vide FIR No.8 dated: 12.01.2013 u/s 382 PPC registered. According to the report of DPP you return. The Pistol and license copy of the owner which is not under the law. This act on your part amounts to gross misconduct which is punishable under the rules.

Hence the statement of allegation.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegation PSI/HAR M. MUDH TAG SAHIB Dera Ismail Khan is appointed as enquiry officer to conduct proper departmental enquiry under Police Rules 1975.
3. The enquiry officer shall in accordance with the provision of the ordinance, provide reasonable opportunity of the hearing to the accused, record its findings and make, within ten days of the receipt of this order recommendations as to punishment or other appropriate action against the accused.
4. The accused and a well conversant representative of the department shall join the proceedings on the date time and place fixed by the enquiry officers.

  
District Police Officer,  
Dera Ismail Khan

No. 10245-45/Dated DIKhan the 3/5 2/5 /2013

- Copy to: -
1. PSI/HAR M. MUDH TAG SAHIB Dera Ismail Khan. The enquiry officer for initiating proceeding against the defaulter under the provision of Khyber Pakhtunkhwa Police Rules 1975. Enquiry papers containing \_\_\_ pages are enclosed.
  2. SI Tariq Saleem No.22/D with the direction to appear before the E.O on the date, time and place fixed by the E.O, for the purpose of enquiry proceeding.

  
District Police Officer,  
Dera Ismail Khan

10

41

**SHOW CAUSE NOTICE**

WHEREAS, you SI Tariq Saleem 22/D are reported to be involved in the commission of following misconduct as defined in Khyber Pakhtunkhwa Police Rules, 1975:-

You while posted as SHO at PS/Saddar, DIKhan, a case vide FIR No. 8 dated 12-01-2013 u/s 382 PPC registered. According to the report of DPP you return. The pistol and license copy to the owner which is not under the law. This act on your part amounts to gross misconduct punishable under Khyber Pakhtukhwa Police Rules 1975.

AND WHEREAS, the material placed before me is sufficient to establish the commission of above serious misconduct and unbecoming of good Police Officer against you.

NOW THEREFORE, I **MR. SOHAIL KHALID** District Police Officer Dera Ismail Khan, call upon you SI Tariq Saleem 22/D to Show Cause Notice in 7-days of the receipt of this notice as to why you should not be awarded major punishment, including Dismissal from Service, as provided under rule 4(1) (b) of the above said rules. Also state whether you wish to hear in person.

In case you reply is not received with in stipulated period, without any reasonable/sufficient case, it will be presumed that you have no defense to offer and the matter shell be dealt with Ex-parte.

District Police Officer,  
Dera Ismail Khan

Received  
832  
24-6-13

190-5A  
UP

11

**SHOW CAUSE NOTICE**


Whereas, You **SI Tariq Saleem** of this District Police are reported to be involved in the commission of following misconduct as defined in Khyber Pakhtunkhwa Police Rules, 1975:-

You while posted as SHO at PS/Saddar DIKhan, handed over a possessed Motorcar No. LRT-53 along with Registration Copy and Driving License vide FIR No. 30 dated 31.01.2013 u/s 279/320/337-G/427 PPC PS/Saddar to Mohammad Nisar s/o Fazal-ur-Rehman on "Spurdgi Nama" which is against the rules. This act on your part amounts to gross misconduct punishable under Khyber Pakhtunkhwa Police Rules, 1975.

AND WHEREAS, the material placed before me is sufficient to establish the commission of above serious misconduct and unbecoming of good Police Officer against you.

Now therefore I **SOHAIL KHALID** District Police Officer DIKhan call upon you **SI Tariq Saleem** to Show Cause with-in 07-days of the receipt of this Notice as to why you should not be awarded major punishment, including dismissal from service, as provided under rule 4(1) (b) of the above said rules. Also state whether you wish to hear in person.

In case your reply is not received with-in stipulated period, without any reasonable/sufficient cause, it will be presumed that you have no defense to offer and the matter shall be dealt with ex-parte.

  
(SOHAIL KHALID)  
District Police Officer,  
Dera Ismail Khan

1/11/13

**CHARGE SHEET**

12

A-3

Where as, I am satisfied that a formal enquiry as completed by Khyber Pakhtunkhwa 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 defined in rules-4(i)(B) of the aforesaid rules.

AND THEREFORE, as required by Police Rules 6(1) of the, aforesaid rules, **ISOHAIL KHALID** District Police Officer Dera Ismail Khan hereby charges you: **SI Tariq Saleem No.22/D** with the misconduct on the basis of the statement attached to this Charge Sheet.

AND, I, hereby direct you further under rules 6(i)(B) of the said rules to put in written defence with in 7-days of receipt of this Charge Sheet as to why the proposed action should not be taken against you and also state at the same time whether you desire to be heard in person or otherwise.

AND, in case, your reply is not received within the prescribed period, without sufficient case, it would be presumed that you have no defence to offer and that expert proceeding will be initiated against you.

**District Police Officer,**  
Dera Ismail Khan

16/5

any

Mechanics

Dera Ismail Khan  
Motor Vehicle Examiner

(13) A/4

**DISCIPLINARY ACTION**

I, **SOHAIL KAHLID**, District Police Officer, Dera Ismail Khan as a competent authority am of the opinion that you **SI Tariq Saleem No.22/D** have rendered yourself liable to be proceeded against and committed the following acts/omissions within the meaning of the Khyber Pakhtunkhwa Police Rules 1975.

**STATEMENT OF ALLEGATION**

You while posted as SHO at PS/Saddar District DIKhan, handed over a possessed Motorcar No.LRT-53 alongwith registration copy and Driving License vide FIR No.30 dated: 31.01.2013 u/s 279/320/337-G/427 PPC PS/saddar to Mohammad Nisar s/o Fazal-ur-Rehman on "Superdari Nama" which is against the rules. This act on your part amounts to gross misconduct which is punishable under the rules.

Hence the statement of allegation.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegation **DSPT/HAR M. M. Mushlag Sahib** Dera Ismail Khan is appointed as enquiry officer to conduct proper departmental enquiry under Police Rules 1975.

3. The enquiry officer shall in accordance with the provision of the ordinance, provide reasonable opportunity of the hearing to the accused, record its findings and make, within ten days of the receipt of this order recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date time and place fixed by the enquiry officers.

  
**District Police Officer,**  
Dera Ismail Khan

No. **11/14/15** /Dated DIKhan the **23/5** **15/5** /2013

- Copy to: -
- DSPT/HAR M. M. Mushlag Sahib** Dera Ismail Khan. The enquiry officer for initiating proceeding against the defaulter under the provision of Khyber Pakhtunkhwa Police Rules 1975. Enquiry papers containing \_\_\_\_ pages are enclosed.
  - SI Tariq Saleem No.22/D** with the direction to appear before the E.O on the date, time and place fixed by the E.O, for the purpose of enquiry proceeding.

  
**District Police Officer,**  
Dera Ismail Khan

any

Machhwar

Dera Ismail Khan  
Motor Vehicle Examiner  
Dera Ismail Khan / Tank

13

(14) A-5

**CHARGE SHEET**

Where as, I am satisfied that a formal enquiry as completed by Khyber Pakhtunkhwa 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 defined in rules-4(i)(B) of the aforesaid rules.

AND THEREFORE, as required by Police Rules 6(1) of the aforesaid rules, **I SOHAIL KHALID** District Police Officer Dera Ismail Khan hereby charges you **SI Tariq Saleem No.22/D** with the misconduct on the basis of the statement attached to this Charge Sheet.

AND, I, hereby direct you further under rules 6(i)(B) of the said rules to put in written defence with in 7-days of receipt of this Charge Sheet as to why the proposed action should not be taken against you and also state at the same time whether you desire to be heard in person or otherwise.

AND, in case, your reply is not received within the prescribed period, without sufficient case, it would be presumed that you have no defence to offer and that expert proceeding will be initiated against you.

  
**District Police Officer,**  
Dera Ismail Khan



**DISCIPLINARY ACTION**

15

A.6

I, **SOHAIL KAHLID**, District Police Officer, Dera Ismail Khan as a competent authority am of the opinion that you **SI Tariq Saleem No.22/D** have rendered yourself liable to be proceeded against and committed the following acts/omissions within the meaning of the Khyber Pakhtunkhwa Police Rules 1975.

**STATEMENT OF ALLEGATION**

You while posted as SHO at PS/Saddar, District DIKhan, a case vide FIR No.39 dated: 04.02.2013 u/s 427-279-337 PPC was registered. According to the report of DPP you release the M/Cycle on superdax to his owner which is against the law. This act on your part amounts to gross misconduct which is punishable under the rules.

Hence the statement of allegation.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegation **DS/HOR M. Murtaza Sahib** Dera Ismail Khan is appointed as enquiry officer to conduct proper departmental enquiry under Police Rules 1975.
3. The enquiry officer shall in accordance with the provision of the ordinance, provide reasonable opportunity of the hearing to the accused, record its findings and make, within ten days of the receipt of this order recommendations as to punishment or other appropriate action against the accused.
4. The accused and a well conversant representative of the department shall join the proceedings on the date time and place fixed by the enquiry officers.

**District Police Officer,**  
Dera Ismail Khan

No. 10250-51 /Dated DIKhan the 3/5 /2013

- Copy to: -
1. **DS/HOR M. Murtaza Sahib** Dera Ismail Khan. The enquiry officer for initiating proceeding against the defaulter under the provision of Khyber Pakhtunkhwa Police Rules 1975. Enquiry papers containing \_\_\_\_\_ pages are enclosed.
  2. **SI Tariq Saleem No.22/D** with the direction to appear before the E.O on the date, time and place fixed by the E.O, for the purpose of enquiry proceeding.

**District Police Officer,**  
Dera Ismail Kha

ڈائری رپورٹ

ماہنامہ

آئی ڈی ایف کے تحت 22/11/2013 کو جاری کیے گئے ہیں۔  
کوآپریٹو سوسائٹی کے نام پر جاری کیے گئے ہیں۔  
اس کی تفصیلات درج ذیل ہیں:۔  
1. کوآپریٹو سوسائٹی کے نام پر جاری کیے گئے ہیں۔  
2. اور...

صاف DPV کا حساب دینے کے لئے کوآپریٹو سوسائٹی کے  
10250-54 کے تحت 3-5-2013 کو جاری کیے گئے ہیں۔  
اس کی تفصیلات درج ذیل ہیں:۔  
1. کوآپریٹو سوسائٹی کے نام پر جاری کیے گئے ہیں۔  
2. اور...

Merrill  
DSP/PHP

No 201 / PHP  
dated 10-2-2013

Better Copy

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## فائنل رپورٹ

جناب عالی!

SI طارق سلیم نمبر 22/D متعلقہ SHO صدر جس پر الزام ہے کہ اُس نے بحوالہ مقدمہ نمبر 39 مورخہ 04/02/2013 جرم PPC 427/279/337 تھانہ صدر میں قبضہ شدہ موٹر سائیکل سپرداری نامہ پر حوالے مالک کیا جس کا وہ مجاز نہیں تھا اور قانونی خلاف ورزی کی ہے۔

جناب DPO صاحب ڈیرہ اور بحوالہ حکم نمبری 10250-54، 3/05/2013 مذکورہ SI کو چارج شیٹ کر کے ملک مشتاق احمد DSP صاحب HQ کو انکوائری آفیسر مقرر فرمایا جو ٹرانسفر ہو کر DSP پہاڑ پور تعینات ہوئے۔ انکوائری ہذا ابھوائی گئی۔

سابقہ DSP صاحب جس DSP صاحب نے مذکورہ SI کو کافی مرتبہ طلب کیا لیکن وہ وضاحت کے لئے حاضر نہیں ہوتا ہے لہذا انکوائری کو مزید پینڈنگ رکھنا بے سود ہے۔ یکطرفہ کارروائی کی سفارش کی جاتی ہے۔

No.201/PHP

Dated 10-02-2013

سی طارق سلیم نمبر 22/0 جس پر الزام ہے کہ اس نے مقدمہ نمبر 8 مورخہ 12/1/2013 جرم 382 PP میں قبضہ شدہ لیٹل موٹرسائیکل غیر قانونی طور پر حوالے مانگ گئے

حساب PP حساب کے اعتراضات کی روشنی میں حساب SP حساب ڈی ایس پی ٹیکس ڈیرہ نے حوالہ نمبر 35-19934 مورخہ 18/3/2013

حساب DPO حساب ڈیرہ سے مذکورہ سی کے خلاف حکمانہ کارروائی کی استدعا کی جس پر حساب DPO حساب پیار ڈیرہ نے حوالہ نمبر 49-10248 مذکورہ سی کو چارج ٹیسٹ کرتے ہوئے DSP

کو انکوٹری آفیسر فرمایا جو کہ تبدیل ہو کر DSP پیار ڈیرہ ٹیکس اور انکوٹری آفیسر حساب DSP کے تحت دفتر نیا حوالہ لگایا

حساب DSP حساب پیار ڈیرہ نے سی مذکورہ کو کافی مدد طلب کیا

اور سابق DSP حساب کی ٹرانسفر کے بعد میں DSP حساب نے بھی مذکورہ کو کافی مدد طلب کیا لیکن مذکورہ وضاحت طلبی حاضر نہیں ہوئی ہے۔ انکوٹری کو مذید بینڈنگ رکھنے کے لیے ہے مذکورہ کے خلاف تیکر کارروائی کی سفارش کی جاتی ہے

Memo DSP/PP

No 202 1PP  
Date 10.9.2013

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B.3

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کا (بابت)

حصہ اولیٰ

ای طارق سلیم کو 20/10/2013ء کو SHO، جس پر الزام ہے کہ اس نے  
 کوالریجنڈہ میں 30 گز زمین  $\frac{1}{2013}$  پر رقم 279/320/3376/427 کے تحت  
 من قبضہ شدہ ٹیوٹر کارڈ نمبر  $\frac{LRT}{53}$  سے رجسٹریشن کالی و ڈی سیڈا کی  
 درخواستیں مانگ کر اس پر کارڈ کا وہ قانونی حکام نہیں کیا

عام DPO نمبر 11704-05 کے تحت رجسٹریشن کی درخواستیں  
 (23-05-013) کے تحت کرتے ہوئے DSP صاحب HCO کو انکوٹری اور ڈیوٹی فرمایا۔  
 DSP صاحب نے اس وقت کوٹری DSP صاحب کو رجسٹریشن سے انکوٹری  
 کے تحت دفتر بند موصول ہوئی

ساتھ DSP صاحب و سب DSP نے مذکورہ نو کوٹری مندرجہ طلب  
 لیکن وہ وہاں نہ گئے اور نہ ہی آئے اور نہ ہی کوٹری  
 بند انکوٹری کو فریڈ ہونے کے بعد ہی ہوئی

کی سہا س کی کاپی

*Merrill*  
 DSP/PH.P

no 203 / PH.P  
 dated 10-9-2013

Better Copy

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## فائل رپورٹ

جناب عالی!

SI طارق سلیم نمبر 22/D متعلقہ SHO صدر جس پر الزام ہے کہ اُس نے بحوالہ مقدمہ نمبر 30 مورخہ 31/01/2013 جرم PPC 279/320/337G/427 تھانہ صدر میں قبضہ شدہ موٹر کار نمبر LRT-53 مع رجسٹریشن کاپی و DL سپرداری پر حوالے مالک کر دی جس کا وہ قانونی مجاز نہیں تھا۔

جناب DPO صاحب ڈیرہ اور بحوالہ حکم نمبری 11704/05، 23/05/2013 مذکورہ SI کو چارج شیٹ کرتے ہوئے DSP صاحب HQ کو انکوائری آفیسر مقرر فرمایا جو جناب DSP صاحب ٹرانسفر ہو کر DSP پہاڑ پور تعینات ہوئے۔ انکوائری ہذا ان کے عقب سے دفتر ہذا موصول ہوئی۔

سابقہ DSP صاحب جس DSP صاحب نے مذکورہ SI کو کافی مرتبہ طلب کیا لیکن وہ وضاحت کے لئے حاضر نہیں آیا ہے اور نہ ہی کوئی۔۔۔۔ لہذا انکوائری کو مزید پیٹرننگ رکھنا بے سود ہے۔ یکطرفہ کارروائی کی سفارش کی جاتی ہے۔

No.203/PHP

Dated 10-09-2013

C

(21)

## ORDER

This single order will dispose off three departmental enquiries initiated against SI Tariq Saleem No. 22/D on the following charges:-

1. That he while posted as SHO at PS/Saddar DIKhan, a case vide FIR No. 08 dated 12.01.2013 u/s 382 PPC PS/Saddar was registered. According to the report of DPP you return the Pistol and License Copy to the owner who is not under the law.
2. That he while posted as SHO at PS/Saddar DIKhan, handed over possessed Motorcar No. LRT-53 along with registration copy and driving license vide FIR No. 30 dated 31.01.2013 u/s 279/320/337-G/427 PPC PS/Saddar to Mohammad Nisar s/o Fazal Rehman on "Superdari Nama" which is against the law & rules.
3. That he while posted as SHO at PS/Saddar DIKhan, a case vide Case FIR No. 39 dated 04.09.2013 u/s 279/337-G/427 PPC PS/Saddar was registered. According to the report of DPP you released the Motorcycle on Superdari to his owner which is against the law & rules.

On the above charges of professional misconduct as reported by learned District Public Prosecutor DIKhan initially Show Cause Notices were issued against defaulter SI Tariq Salim No. 22/D and were served upon him on 21.03.2013 and 24.04.2013, respectively but after sufficient period even after the laps of given period under the rules, he did not submit his replies. Therefore, Charge Sheet and Statement of Allegations on the above misconduct on each case were issued against him and Mr. Mushtaq Ahmad the then DSP/HQrs: was appointed as Enquiry Officer but as per previous practice defaulter SI has not submitted the replies to the enquiry officer nor joined the enquiry proceedings despite repeated messages. In due course, enquiry officer was transferred from DSP/HQrs: to DSP/Paharpur and remained posted there for some days and then transferred to Bannu District. His substitute Mr. Tahir Shah DSP/Paharpur also started the enquiry against defaulter SI and again called him through messages with the directions to join enquiry proceedings but even then he did not bother to join the enquiry proceedings. Which reveals that he had no defence to offer in his favour rather intentionally did not want to join the enquiry proceedings. Therefore after a long period, enquiry officer submitted his finding and recommended for taking exparte action against him. The undersigned even then called a defaulter SI in Orderly Room on 23.09.2013 and given him an opportunity of personal hearing but he did not satisfy nor he had defence in his favour to offer.

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In the light of above L. Muhammad Nisar Ali (PST), District Police Officer D.I.Khan in exercise of powers conferred upon me under the Police Rules 1973, awarded him Major Punishment of reduction from the substantive rank to a Lower Rank of ASI with immediate effect.

*Sant*  
District Police Officer,  
Dera Ismail Khan

ORDER ANNOUNCED  
Dated 23.09.2013

1491  
27-9-13  
D.I.



**ORDER**

This single order will dispose off three departmental enquiries initiated against Sub-Inspector Tariq Saleem No.22/D on the following charges: -

1. That he while posted as SHO at PS/Saddar DIKhan, a case vide FIR No.08 dated 12.01.2013 u/s 382 PPC PS/Saddar was registered. According to the report of DPP you return the Pistol and License Copy to the owner which is not under the law.
2. That he while posted as SHO at PS/Saddar DIKhan, handed over possessed Motorcar No.LRT-53 along with registration copy and driving license vide FIR No.30 dated 31.01.2013 u/s 279/320/337-G/427 PPC PS/Saddar to Mohammad Nisar s/o Fazal Rehman on "Superdari Nama" which is against the law & rules.
3. That he while posted as SHOa at PS/Saddar DIKhan, a case vide Case FIR No.39 dated 04.09.2013 u/s 279/337-G/427 PPC PS/Saddar was registered. According to the report of DPP you released the Motorcycle on Superdari to his owner which is against the law & rules.

On the above charges of professional misconduct as reported by learned District Public Prosecutor DIKhan initially Show Cause Notices were issued against defaulter Sub-Inspector Tariq Salim No.22/D and were served upon him on 21.03.2013 and 24.04.2013 respectively but after sufficient period even after the lapse of given period under the rules, he did not submit his replies. Therefore, Charge Sheet and Statement of Allegations on the above misconduct on each case were issued against him and Mr.Mushtaq Ahmad the then DSP/HQrs: was appointed as Enquiry Officer but as per previous practice defaulter Sub-Inspector has not submitted the replies to the enquiry officer nor joined the enquiry proceedings despite repeated messages in due course, enquiry officer was transferred from DSP/HQrs to DSP/Paharpur and remained posted there for some days and then transferred to Bannu District. His substitute Mr.Tahir Shah DSP/Paharpur also started the enquiry against defaulter Sub-Inspector and again called him through messages with the direction to join enquiry proceedings but even then he did not bother to join the enquiry proceedings. Which reveals that he had no defense to offer in his favour rather intentionally do not want to join the

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enquiry proceedings. Therefore after a long period, enquiry officer submitted his finding and recommended for taking expartee action against him. The undersigned even then called a defaulter Sub-Inspector in Orderly Room on 23.09.2013 and given him an opportunity of personal hearing but he did not satisfy nor he had defense in his favour to offer.

In the light of above I Mohammad Nisar Ali PSP / District Police Officer DIKhan in exercise of powers conferred upon me under the Police Rules 1925 awarded him Major Punishment of reduction from the substantive rank to a Lower Rank of ASI with immediate effect.

  
District Police Officer,  
Dera Ismail Khan

**ORDER ANNOUNCED**  
**Dated 23.09.2013**

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4

D

To: The Worthy, Deputy Inspector General of Police (RPO),  
D.I.Khan Range, D.I.Khan.

Through: *Proper Channel.*

Subject: Appeal against Order dated 23.09.2013 passed by District Police Officer, D.I.Khan whereby the petitioner/Appellant has been awarded Major Punishment of Reduction in Rank from SI to ASI.

Respectfully submitted,

1. That the petitioner joined Police Department as Assistant Sub Inspector, after clearing provincial competitive exam (PCS) and later was promoted to the rank of Sub Inspector in due course of employment. Prior to implementation of the impugned order appellant had been serving as Sub Inspector, last posted as Station House Officer at Police Station ~~Saddar~~, DIKhan.
2. That during the entire tenure of service the petitioner has always striven hard to discharge and fulfill the duties and tasks assigned with due diligence and dedication required of that of the men in uniform. The service record of the petitioner is otherwise unblemished, clean and devoid of any adverse marking since nothing of the sort has ever been conveyed to the petitioner in this respect.
3. That while posted as SHO/PS Saddar the petitioner was proceeded against on charges of delivery of property to lawful owners in cases registered vide FIR Nos: 8/2013 and 39/2013, though the charges being based on misconception and misconstruing of true facts. It may be appurtenant to mention here that with the transfer of Inquiry Officer, the appellant lost track of proceedings and was never associated with the inquiry. As such departmental proceedings were initiated against the petitioner through a Show Cause Notice, yet without following proper inquiry procedures.
4. That at the close of the departmental proceedings DPO, D.I.Khan chose to decide the fate of the petitioner, ordering imposition of Major Punishment of Reduction in Rank from SI to ASI through the impugned order passed over OB No. dated 22.06.2009. Copy of order is attached herewith.

Sir, the petitioner, humbly submits instant petition for your kind, gracious and philanthropic consideration on, inter alia, the following grounds:

1. That the petitioner is innocent and has been subjected to the penalty for no fault of his but for misconstruing and misconception of true facts apparently motivated on the behest of District Public Prosecutor and that too without sustenance and lawful excuse. DPO / D.I.Khan while ignoring the law & rules erred at the very outset in opting to proceed in finalizing the matter without ensuring the correctness and legality of inquiry proceedings.
2. That ex-parte proceedings made basis for the award of punishment are short of legal sanction since the appellant was neither an absconder, absentee or a fugitive thus cannot be sustained in law.
3. That the petitioner has sufficient length of service rendered for the department. While adjudicating in the matter the authority unfortunately ignored the rights of the petitioner including monetary benefits and by imposing the harshest of the penalties deprived the family of the petitioner of its lawful means of bread & butter.
4. That while ignoring the rights of the petitioner during the proceedings including denial on the part of the authority to provide an opportunity of personal hearing and to reduce into writing a statement, if any made by the petitioner to support his

claim on the point, the authority utterly failed to adopt a proper procedure hence erred in disposal of the matter in accordance with the law and rules. The impugned order passed by DPO/DIKhan thus lacks in legal sanction and therefore, is liable to be set aside in the interest of justice.

**Prayer:**

In view of the fore mentioned submissions, it is very humbly requested that the impugned order dated 23.09.2013 passed by DPO/D.J.Khan may very graciously be set aside and the petitioner may very kindly be reinstated in his original rank of Sub Inspector. I assure you Sir, that in the wake of reinstatement I shall keep on serving the department with added strength and dedication.

Beg to remain,

Yours most obedient servant,

Dated. 7/10 /2013.

(Laifq Saleem)  
Ex. Sl. No. 22/D  
District D.I.Khan.

7/11  
7/12

7-10  
1-1-1  
30

ORDER:

27

NO - 781  
Date 20-1-14

E

This order is meant to dispose off the appeal preferred by, ASI Tariq Saleem No.22/D of DIKhan District against the order of major punishment i.e. reduction from the rank of Sub Inspector to ASI vide order dated 23.09.2013. He was proceeded against on the allegations that he while posted as SHO at Police Station Saddar DIKhan a case vide FIR No.8 dated 12.01.2013 u/s 382 PPC PS Saddar was registered. According to the report of DPP he returned the Pistol and License copy to the owner which is not under the law. Similarly he handed over possessed motorcar No.LR1-53 alongwith registration copy and driving license vide FIR No.30 dated 31.01.2013 u/s 279/320/337-G/427 PPC PS Saddar to Muhammad Nisar s/o Fazal Rehman on "Superdari Nama" which is against the law & rules. In another case vide FIR No.35 dated 04.09.2013 u/s 279/337-G/427 PPC PS Saddar was registered, according to the report of DPP he released the motorcycle on Superdari on his owner which is against the law & Rules. A proper departmental enquiry was initiated and on the recommendation of Enquiry Officer the DPO DIKhan awarded him major punishment of reduction from the rank of Sub Inspector to ASI.

The appellant/ Ex-ASI preferred the instant appeal against the order of DPO DIKhan. I have gone through the enquiry file as well as service record of the appellant and also found that the appellant has already been removed from service on the charges of ill-reputation, corruption and inefficiency.

Therefore in exercise of power conferred upon me I Abdul Ghafoor Afridi Dy: Inspector General of Police DIKhan, the competent authority in exercise of the powers conferred upon me find no substance in appeal and hold that DPO DIKhan has correctly passed this order, therefore, this appeal is dismissed and filed

OB 145  
Di 27-1-14

*[Signature]*  
(ABDUL GHAFOOR AFRIDI)  
PSP PPM

Deputy Inspector General of Police,  
Dera Ismail Khan Region

No. 243 IES Dt: 21-01-14 -  
Copy to the District Police Officer, DIKhan for information with reference to his office memo: No.23879 dated 23.10.2013.

OB / Ec / OASi  
For action.

*[Signature]*  
(ABDUL GHAFOOR AFRIDI)  
PSP PPM

Deputy Inspector General of Police,  
Dera Ismail Khan Region

312  
Register No. \_\_\_\_\_  
Application submitted on \_\_\_\_\_  
Copy to be submitted \_\_\_\_\_  
Date of receipt \_\_\_\_\_  
221 N 97  
EX ASI Tariq Salim  
(b) Order No. 2210  
(c) Name of officer \_\_\_\_\_  
(d) Copy completed on 28-01-14  
(e) Copy submitted on For appeal  
(f) Cause of \_\_\_\_\_

(28)

**POWER OF ATTORNEY**

IN THE Service Tribunal K.P.K. Peshawar

In Re S. Appeal No of 2014

Tariq Saleem

[Plaintiff  
[Appellant  
[Petitioner  
[Complainant

**Versus**

D.I. G. Police D.I. Khan

[Defendant  
[Respondent  
[Accused  
[Judgment Debtor

I/We Tariq Saleem Ex - ASI S/O Malik Muhammad <sup>Amir / R/o Tehsil Purvora</sup>  
the Petitioner above named hereby appoint Imtiaz Ali <sup>ISHTIAR AHMAD Adv</sup> Advocate in the above mentioned case, to do all or any of the following acts, deeds and things. District D.I-Khan

1. To appear, act, and plead for me/us in the above mentioned case in this Court/Tribunal or any other court/tribunal in which the same may be tried or heard, and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits, and applications for compromise or withdrawal, or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all money that may be or become due and payable to us during the course or on the conclusion of the proceedings.

To do all other acts and things which may be deemed necessary or advisable during the course of the proceedings.

AND HEREBY AGREE:

- a. to ratify whatever the said Advocate may do in the proceedings.
- b. not to hold the Advocate responsible if the said case be proceeded ex-parte or dismissed in default in consequence of their absence from the Court/Tribunal when it is called for hearing.
- c. that the Advocate shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fees remains unpaid.

In witness whereof I / We have signed this Power of Attorney / Vakalatnama hereunder, the contents of which have been read / explained to me/us and fully understood by me / us this 18th day of

February at 2014

Tariq Saleem  
Signature of executant/s

Imtiaz Ali  
Accepted subject to the term regarding payment of fee.  
Imtiaz Ali,  
Advocate, Supreme Court of Pakistan.

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

**Service Appeal No. 212/2014**

Tariq Saleem, Ex-ASI,  
S/o Malik Muhammad Amir,  
r/o Village & P.O. Jatta,  
Tehsil Prova District D.I.Khan.....(Appellant)

**Versus**

1. The Regional Police Officer (DIG), Dera Ismail Khan
2. The District Police Officer, Dera Ismail.....(Respondents-1&2)

**WRITTEN REPLY ON BEHALF OF RESPONDENTS NO.1&2**

Respectfully Sheweth,

**PRELIMINARY OBJECTIONS**

1. That the appellant has got no cause of action & locus standi.
2. That the appeal is bad for misjoinder/non-joinder of necessary parties.
3. That the appeal is time barred.
4. That the appellant has not come with clean hands.
5. That the appellant is estopped due to his own conduct.
6. That the appellant has concealed the material facts from this Honourable Tribunal.
7. That appeal is not maintainable & incompetent in the present form.

**BRIEF FACTS**

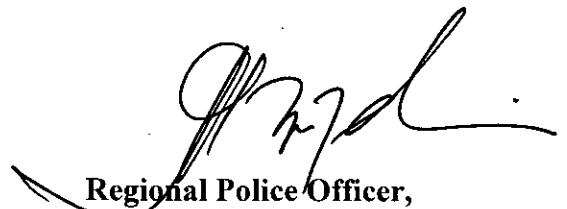
1. Pertains to record.
2. Correct to the extent that appellant while serving as Sub Inspector, departmental proceedings were initiated against him by issuing of three separate charge sheets and statements of allegations by the competent authority on the charges of misuse of his lawful authority.
3. Pertains to record.
4. Incorrect. Infact initially show cause notice was issued and served upon the appellant on 21.03.2013 but he did not submit his reply intentionally. Therefore charge sheets mentioned in para No.2 were issued but even then he failed to submit his replies to the Enquiry Officer. On transfer of Enquiry Officer to Bannu District, his successor officer was appointed as Enquiry Officer who also issued summons and notices to appellant for submission of reply and joining of inquiry proceedings but the appellant did not submit his replies despite repeated summons and notices. **(Order of appointment of successor Enquiry Officer in Annexed "A")**.
5. Incorrect. The appellant did not submit his replies to Enquiry Officer nor joined inquiry proceedings intentionally and tried to prolong the proceedings unnecessarily. He intentionally avoided the departmental proceedings, which clearly showed that he had no defence to offer in his favour.
6. Incorrect. The appellant was given an opportunity of personal hearing after the conclusion of enquiry but he could not satisfy the authority.
7. Pertains to record.
8. The appellant has not come to this Hon'ble Tribunal with clean-hands.


## GROUNDS

- A. Incorrect. The orders were passed by the authorities in accordance with law & rules.
- B. Incorrect. Charge sheets and statement of allegations were issued by the authority in accordance with law & rules on the charges of misuse of lawful authority by appellant. The appellant did not submit his replies to the charge sheets nor joined enquiry proceedings intentionally & wilfully despite repeated summons & notices. Appellant was also given an opportunity of personal hearing by the authority before passing the orders. (Summons & Notices are Annexed "B").
- C. Incorrect. All the proceedings were initiated purely on merits and in accordance with law & rules.
- D. Incorrect. The appellant did not join enquiry proceedings nor submitted his replies to the charge sheets intentionally & wilfully despite repeated summons & notices, however all the legal formalities have been observed and the appellant was given an opportunity of personal hearing.
- E. Incorrect. All the proceedings were initiated in accordance with law & rules, neither service rules nor constitution of Islamic Republic of Pakistan have been violated.
- F. Incorrect. Proper departmental proceedings were initiated against the appellant in accordance with law & rules in which he was held guilty.
- G. Correct to the extent that three separate charge sheets and statement of allegations were issued against the appellant. The remaining portion of the para is incorrect because all the legal formalities have been observed and orders were passed by the authorities in accordance with law & rules.
- H. Correct to the extent that the Enquiry Officer was required to submit his report within 10-days but the remaining portion of the para is incorrect because delay in enquiry proceedings were caused due to irresponsible attitude of the appellant who failed to submit his replies and failed to join enquiry proceedings intentionally and wilfully by using delay tactics despite repeated summons and notices.
- I. The respondents may also be allowed to advance additional grounds at the time of hearing.

## PRAYER

It is, therefore, most humbly prayed that on acceptance of instant parawise comments, the Appeal of the Appellant being devoid of legal footings and merits may graciously be dismissed.

  
**Regional Police Officer,**  
Dera Ismail Khan  
(Respondent No.1)

  
**District Police Officer,**  
Dera Ismail Khan  
(Respondent No.2)



**BEFORE THE HONOURABLE SERVICE TRIBUNAL,  
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r/o Village & P.O. Jatta,  
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**Versus**

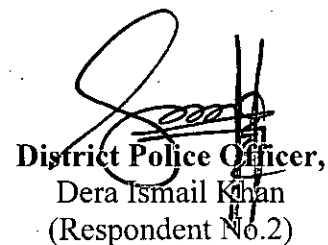
1. The Regional Police Officer (DIG), Dera Ismail Khan
2. The District Police Officer, Dera Ismail.....(Respondents-1&2)

**A U T H O R I T Y**

We, the respondents do hereby authorised DSP/Legal, DIKhan to appear before the Service Tribunal Khyber Pakhtunkhwa, Peshawar, on our behalf, He is also authorised to produce/ withdraw any application or documents in the interest of Respondents and the Police Department.



**Regional Police Officer,  
Dera Ismail Khan  
(Respondent No.1)**



**District Police Officer,  
Dera Ismail Khan  
(Respondent No.2)**

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

**Service Appeal No. 212/2014**

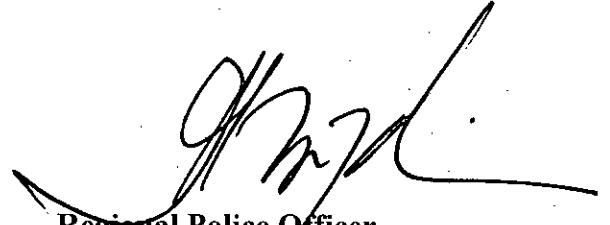
Tariq Saleem, Ex-ASI,  
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Tehsil Prova District D.I.Khan.....(Appellant)

**Versus**

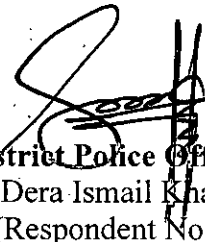
1. The Regional Police Officer (DIG), Dera Ismail Khan
2. The District Police Officer, Dera Ismail.....(Respondents-1&2)

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS**

We, the respondents do hereby solemnly affirm and declare on oath that the contents, of Comments/Written reply to Appeal are true & correct to the best of our knowledge and nothing has been concealed from this Honourable Tribunal.



**Regional Police Officer,  
Dera Ismail Khan  
(Respondent No.1)**



**District Police Officer,  
Dera Ismail Khan  
(Respondent No.2)**

104

DISCIPLINARY ACTION

A

1. MOHAMMAD NISAR ALI (PSP), District Police Officer, Dera Ismail Khan as a competent authority am of the opinion that you ASI Tariq Saleem have rendered yourself liable to be proceeded against and committed the following acts/omissions within the meaning of the Khyber Pakhtunkhwa Police Rules 1975.

STATEMENT OF ALLEGATION

That you while serving in Police Department have been involved in the following misconduct:-

1. Corruption.
2. Ill reputation.
3. Inefficiency.

This act on your part amounts to gross misconduct which is punishable under the rules.

Hence the statement of allegation.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegation DS/DSB Dera Ismail Khan is appointed as enquiry officer to conduct proper departmental enquiry under Police Rules 1975.

3. The enquiry officer shall in accordance with the provision of the ordinance, provide reasonable opportunity of the hearing to the accused, record its findings and make, within ten days of the receipt of this order recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date time and place fixed by the enquiry officers.

*Saul*  
 District Police Officer,  
 Dera Ismail Khan

No. 25085-86 /Dated DIKhan the

28-6-2013

Copy to: -

1. DS/DSB Dera Ismail Khan. The enquiry officer for initiating proceeding against the defaulter under the provision of Khyber Pakhtunkhwa Police Rules 1975. Enquiry papers containing \_\_\_\_\_ pages are enclosed.
2. ASI Tariq Saleem with the direction to appear before the E.O on the date, time and place fixed by the E.O, for the purpose of enquiry proceeding.

*Saul*  
 District Police Officer,  
 Dera Ismail Khan

B


حکومت ہند

نمبر ۵۵۰/۱۰۱۱/۱۰۱

ذیل مندرجہ شدہ لوگوں کو مطلع کریں کہ وہ کل مورخہ ۱-۱-۱۹۵۴

کو تقررہ رقم ۵۰۰۰۰ کے تسلیم اردن اور رقم ۱۹۱۹ دفتر دار فرائض

ہوں۔

  
31/12

صفحہ ۱  
1316  
31/12/53

- 1- ASI-Ex عیال احمد
- 2- ASI-Ex حکیم نور
- 3- ASI-Ex اصغر علی
- 4- ASI-Ex عیال احمد
- 5- ASI-Ex عیال احمد
- 6- ASI-Ex طارق سلیم

From

To

صاف SRC کے بارے میں جاننا کہ وہ کیا ہے

آمدہ صبح 1190 / جاریہ حساب DP ماہانہ 29-11-13

ذیل کے ناموں کے متعلق جاننا کہ وہ کیا ہے

ٹیٹ / شوکارٹس فوری طور پر SRC کے بارے میں

وضوح کر کے ضروری ہے۔

0345-443-6205

1. پبلک سروس = جاریہ ٹیٹ = 1317

2. ریس = 3094

EX

0345-718-3486

0341-433-4800

3. ASI طرف سے = شوکارٹس = جاریہ ٹیٹ = 3486

4. طرف سے 1217 = جاریہ ٹیٹ = 836

5. کنڈیکٹنگ سیکشن = جاریہ ٹیٹ = 503

HC

1105

29-11-13

2519 / EX

802 / 749

1289 / 810

نور احمد

فردوس

صناب SRC صاحب کار کارکردہ عدوی ہونکہ صاب  
آمدہ صبح 1190 حصاریم صباب DP ما صاحب ڈیڑھ  
29-11-13

ذیل فلڈر ملان پولیس کو مطلع کر کے وہ رسی خارج  
شیٹ / شوکارا نوٹس فوری طور پر بند SRC صاحب  
وصول کر کے ضروری ہے۔

0345-443-6205

1 کپیل امیر 1317 = حصاریم شیٹ - درالعم جو مال فون مطلع شد

2 ریس 3094 = حصاریم شیٹ = درالعم جو مال فون مطلع شد  
0345-718-3489

3 ASI طارق = شوکارا نوٹس = درالعم جو مال فون مطلع شد  
0341-433-4800

4 ظریف 1217 حقہ نقانہ سرورانی = 836 شیٹ - نقانہ سرورانی فوری طور پر بند  
29-11-13

5 کپیل ریش ایمان ماران 503 حقہ نقانہ سرورانی = حصاریم شیٹ - نقانہ سرورانی  
29-11-13


حبیب شاہ جہان 2519 EX وانسا 802 عبد الوہاب 749 جہاں  
مذہب 1299 قیمت 810 پولیس لندن سے دستور ملنے پر  
حک آ رہے ہیں۔ حقہ نقانہ سرورانی فوری طور پر بند  
29-11-13

نواز شریف کوٹی / صاحبکار

قذافی پولیس لندن

نام LO پولیس لائن دفتر اعلیٰ

ذیل مسدودان پولیس کو مطلع کریں کہ وہ اپنی جاریہ سٹیٹ ٹریڈ SRC دفتر پولیس ڈیپارٹمنٹ اعلیٰ سے انٹرویو کے وقت اس کی اطلاع دے گا۔  
کی رپورٹ ٹریڈ SRC کو اسے

  
EC  
28/11

- 18- HC- کمر رمضان 1098
- 19- HC- کمر اکرم 1130
- 20- کنڈر ڈیو کمر ارم 774
- 21- HC- سندھان 684

- 1- الیکٹرک کمر یوسف
- 2- الیکٹرک شہداء ارم
- 3- الیکٹرک نقابت حسن
- 4- SI فیض کلم
- 5- SI کمر عمران
- 6- SI کمر نواز
- 7- SI عندهم کاظم
- 8- SI عبدالحمید
- 9- SI خالد محمود
- 10- ASI طارق سلیم
- 11- SI اختر علی شاہ
- 12- SI صفیر عباس
- 13- SI کمر یاشم
- 14- SI عالمگیر
- 15- HC- سندھ اللہ SSS
- 16- کنڈر صوبہ اکرم 1199
- 17- HC- اختر منیر 319

محرر امین  
صفحہ 1122  
28-9-2013

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

Service Appeal No.212/2014.

**Tariq Saleem, Ex-ASI** ..... **APPELLANT**

Versus

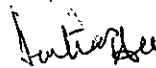
**Deputy Inspector General of Police,  
Dera Ismail Khan & two others** ..... **RESPONDENTS**

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2.	Affidavit		4
3.	Copy of Service Appeal No.163/2014 along with enclosures and judgment dated 09.4.2015	A - A41	5-38

Appellant

through



**Imtiaz Ali**

Advocate Supreme Court of Pakistan

Dated: 17.09.2015



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

Service Appeal No.212/2014.

**Tariq Saleem, Ex-ASI** ..... **APPELLANT**

Versus

**Deputy Inspector General of Police,  
Dera Ismail Khan & two others** ..... **RESPONDENTS**

**REJOINDER**

**Respectfully Sheweth:**

**PRELIMINARY OBJECTIONS**

Preliminary objections 1 to 7 are wrong, misconceived, and objections for the sake of objections, requiring no serious consideration. Appellant has ample cause of action, appeal is competent and within time and does not suffer from any legal / technical defect.

**BRIEF FACTS**

1. Needs no comments as none have been offered in the reply.
2. Needs no comments as contents of corresponding para have not been disputed.
3. Needs no comments as none have been offered in the reply.
4. Contents of para 4 of appeal are correct which are reiterated herein while the so-called reply offered by respondents is absolutely false, frivolous and without any legal and / or factual basis. The respondents by offering such reply have attempted to practice fraud upon this Hon'ble Tribunal. After transfer of Inquiry Officer as DSP Pahar Pur no other Inquiry

Officer was appointed. The so-called order of appointment of successor Inquiry Officer filed as Annexure-A with the Written Reply pertains to entirely different disciplinary proceedings in consequence whereof appellant was removed from service vide Order dated 09.12.2013 which was subject matter of Service Appeal No.163/2014. The said appeal was allowed by this Hon'ble Tribunal vide judgment dated 09.04.2015 whereby while setting aside impugned order appellant has been reinstated in service. It is further interesting to note that in the present case the impugned order awarding major punishment of reduction from substantive rank is dated 23.09.2013 while the so-called appointment of successor Inquiry Officer (Annexure-A with written reply) is of a later date i.e. 28.10.2013. The official who have made such blatant misstatement before the court by submitting false affidavit are liable to be proceeded against for contempt of court. Copy of Service Appeal No.163/2014 along with enclosures and judgment dated 09.4.2015 are enclosed herewith marked to "A-A 11".

5. The contents of para 5 of reply are incorrect. Since neither appellant was informed about appointment of any successor Inquiry Officer nor was issued with a notice therefore it is preposterous to allege that he intentionally did not submit his reply or joined inquiry proceedings. Needless to say even in the absence of appellant the self-proclaimed / self-appointed successor Inquiry Officer was required to inquire into the charge and determine the culpability of appellant on the basis of evidence / material placed before him, which he failed to do.
6. Incorrect. The so-called opportunity of hearing was just an eyewash, where despite glaring illegalities committed in the departmental proceedings authority proceeded to pass the impugned order.
7. Needs no comments as none have been offered by the respondents.
8. Incorrect. As a matter of fact it is other way around. The respondents have submitted false affidavit and made assertions contrary to the record. Hence their reply deserves rejection.

**GROUND**

- A. Contents of grounds (a) of the appeal are correct and are hereby reiterated, while reply thereof is vague and unsustainable.
- B. Incorrect. Contents of ground (b) remain un-rebutted.
- C. Incorrect. Contents of corresponding para of appeal are reiterated.
- D. Reply to para (d) has no nexus with the assertions contained in corresponding para of appeal. Hence the same are rejected while contents of ground (d) of appeal are reiterated.
- E. As above.
- F. As above.
- G. Incorrect. Respondents have yet again avoided straight answer to assertions made in ground (g) of appeal which are reiterated again by the appellant.
- H. Needs no comments as it has been admitted by the respondents that Inquiry Officer failed to submit his report within the prescribed time.
- I. No comments.

**PRAYER**

The reply offered by the respondents is vague, unsubstantiated and frivolous. The same merits outright rejection and the subject appeal may kindly be allowed as prayed for.

Appellant

through



**Imtiaz Ali**

Advocate Supreme Court of Pakistan

Dated: 17.09.2015

4

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

Service Appeal No.212/2014.


**Tariq Saleem, Ex-ASI ..... APPELLANT**

Versus

**Deputy Inspector General of Police,  
Dera Ismail Khan & two others ..... RESPONDENTS**

**AFFIDAVIT**

I, Mr. Tariq Saleem, Ex-ASI, S/o Malik Muhammad Amir, R/o Village & P.O. Jatta, Tehsil Parova District D.I Khan do hereby solemnly declare and state that the accompanying rejoinder has been drafted under my instructions and that I am personally conversant with the facts and circumstances of the case. The facts and circumstances mentioned in the accompanying rejoinder are true and correct to the best of my knowledge and belief.

  
Deponent.





5

"A"

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

Service Appeal No. 163 / 2014.

**Tariq Saleem,**  
Ex-ASI,  
S/o Malik Muhammad Amir,  
R/o Village & P.O. Jatta  
Tehsil Parova District D.I. Khan..... **APPELLANT**

Versus

1. **Deputy Inspector General of Police,**  
Dera Ismail Khan Region.
2. **District Police Officer,**  
Dera Ismail Khan.
3. **DSP / DSB (Inquiry Officer),**  
Dera Ismail Khan
4. **Regional Police Officer,**  
Dera Ismail Khan..... **RESPONDENTS**

**APPEAL** u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 09.12.2013 of Respondent No.2 whereby appellant has been awarded major punishment of removal from service and order No.132/ES dated 13.01.2014 of Respondent No.1 (Appellate Authority) dismissing departmental appeal of the appellant.

**PRAYER IN APPEAL:** That orders dated 09.12.2013 and 13.01.2014 may kindly be set aside and appellant may be reinstated in service with

all back benefits from the date when he  
was removed from service.

**Respectfully Sheweth:**

1. **THAT** consequent upon recommendations of NWFP Public Service Commission, Peshawar appellant was appointed as P.ASI on 14.11.2006. That later in the year 2011 he was promoted to the rank of Sub-Inspector.
2. **THAT** while serving as Sub-Inspector and in pursuance of an ex-parte departmental proceeding (*hereinafter referred to as previous departmental proceedings*) appellant was awarded major punishment of reduction from the substantive rank to the lower rank of ASI by Respondent No.2 vide order dated **23.09.2013**.
3. **THAT** while departmental appeal of appellant against aforesaid order dated **23.09.2013** was pending with the Appellate Authority, the District Police Officer Dera Ismail Khan (Respondent No.2) in purported compliance with directions of Respondent No.4, placed appellant along with 20 other police officials under suspension, pending departmental proceedings against each of them vide order dated **23.10.2013**. Copy of order dated 23.10.2013 is enclosed and marked "A".
4. **THAT** all the 21 suspended police officials, including present appellant, questioned their suspension as well as order dated **23.10.2013** of Respondent No.2 through Writ Petition No.421-D/2013 before the Peshawar High Court D.I Khan bench. Copy of Writ Petition is enclosed and marked "B".
5. **THAT** during the pendency of aforementioned Writ Petition appellant as well as the other 20 police officials were issued similar charge sheets and statements of allegations on vague and stereotyped allegations of *corruption, ill-reputation and inefficiency*. While observing that a formal inquiry is necessary and expedient DSP / DSB Dera Ismail Khan (Respondent No.3) was appointed as Inquiry Officer to conduct

departmental inquiry against appellant, under KPK Police Rules, 1975. Copy of charge sheet and statement of allegations are enclosed and marked "C" & "D".

6. THAT the Writ Petition filed by appellant and his other colleagues were dismissed on 19.11.2013 on the ground that the same was hit by the bar contained in Article 212 of the Constitution. Copy of judgment dated 19.11.2013 is enclosed and marked "E".
7. THAT notwithstanding the fact that charge sheet as well as statement of allegations did not contain any specific instances or grounds justifying the charge of corruption etc., enabling the appellant to submit/offer a proper defense, he nevertheless submitted a detailed reply to the show cause notice. Copy of reply is enclosed and marked "F".
8. THAT Inquiry Officer (Respondent No.3) without specifying any details about the alleged misconduct of appellant and/or referring to any material/evidence in support thereof and also brushing aside detailed reply submitted by the appellant, vide an undated and hurriedly compiled final report, by holding the appellant guilty of the charges, proceeded to recommend imposition of major punishment. Copy of final report is enclosed and marked "G".
9. THAT the Respondent No.2 on receipt of aforesaid *perfunctory* inquiry report mechanically and without application of mind, vide order dated 09.12.2013 by endorsing the *erroneous* findings and recommendation of enquiry officer, awarded the appellant major punishment of *removal from service*. Copy of order dated 09.12.2013 is enclosed and marked "H".
10. THAT against the order dated 09.12.2013 appellant preferred an appeal on 23.12.2013 which has also been rejected by Respondent No.1 vide his order No.132/ES dated 13.01.2014. That it may not be out of place to mention here that appellant's departmental appeal against the order of reversion in rank, in the previous departmental proceedings, has also

filing a separate appeal. Copy of departmental appeal and order dated 13.01.2014 are enclosed marked "J" and "K".

11. **THAT** mortally aggrieved of aforesaid orders of Respondent No.2 dated 09.12.2013 and that of Respondent No.1 dated 13.01.2014, appellant is constrained to invoke the jurisdiction of this Hon'ble Tribunal, on the following amongst other: -

**GROUND:**

- A. **THAT** the impugned orders, on the face of it, are *harsh, arbitrary* and *devoid of any reasons*.
- B. **THAT** the charge framed against the appellant and statement of allegations issued thereon were *vague* and *not in accordance with the relevant provisions of law*. Appellant was kept unaware of any particular/specific allegation leveled against him, he thus being denied his right to properly defend himself, has practically been *condemned unheard*.
- C. **THAT** the entire proceedings right from its inception up to its culmination in imposition of major punishment upon appellant suffers from *illegal, arbitrary, and colorful* exercise of powers by the authorities concerned. Neither any specific and tangible charge of corruption, inefficiency etc. was leveled against the appellant nor anything of the sort, even remotely suggesting misconduct has been proved through the *sham* and *fake* inquiry proceedings. The so called final report as well as impugned orders besides being *whimsical* and *arbitrary*, display utter disregard of *principles of natural justice* and absolute non-application of mind by Respondent No.1, to 3.
- D. **THAT** not only relevant provisions of service rules have been violated with impunity but appellant has also been denied his fundamental right to *fair trial* and *due process*, guaranteed by the newly inserted Article 10A of constitution of Islamic Republic of Pakistan.



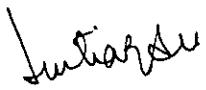
- E. THAT bare perusal of the so-called final report reveals that none of the so-called charges have been proved against the appellant and he has only been penalized for filing a Writ Petition before the High Court, along with his other colleagues. Only an extremely *biased* person, with *no understanding of law of the land* could have termed approaching a court of law by a civil servant against an adverse order, as *indiscipline OR creating factions/union of comrades in police force*, justifying imposition of major penalty upon appellant, more so when he was not even charged on such count, in the first place. Unfortunately Respondent No.1 and 2 also *erroneously* went along with such *frivolous, illegal and un-constitutional* approach of the inquiry officer.
- F. THAT the Authority (respondent no.2) while suspending petitioner and mechanically ordering disciplinary proceedings against the appellant *in compliance of directions of* respondent no.4 vide letter No.3439-40/ES dated 22.10.2013, failed to discharge his statutory obligation in terms of Rule 5 Sub-rule (1) of KP Police Rules, 1975. Under said provision Authority is required to examine and evaluate any information of misconduct against a subordinate, before initiating proceeding against the concerned official. The entire edifice created open such weak and irregular foundation is liable to be set at naught.
- G. THAT although as many as 3, albeit vague and un-specific, charges were leveled against the appellant, but impugned orders like the so-called Final Report are silent as to which, if any, charge was proved against him. Imposition of major punishment as a result of proceedings carried out in such a slipshod manner cannot be countenanced, much less endorsed / approved by a court of law or Tribunal.
- H. THAT other grounds / pleas may be raised at the time of hearing, with the permission of this learned Tribunal.

*For* the foregoing reasons, it is, therefore, respectfully prayed that on acceptance of this appeal, the orders dated 09.12.2013 and 13.01.2014 may

kindly be set aside and appellant may be reinstated in service with all back benefits from the date when he was removed from service.


  
Appellant

through



**Imtiaz Ali**  
Advocate Supreme Court of Pakistan

and

  
**Ishtiaq Ahmad,**  
Advocate, High Court.

Dated: 08.02.2014



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

Service Appeal No. 163 / 2014.

**Tariq Saleem** ..... **APPELLANT**

Versus

**DIG of Police, D.I.Khan & others** ..... **RESPONDENTS**

**AFFIDAVIT** of Mr.Tariq Saleem, Ex-ASI, S/o Malik Muhammad Amir, R/o Village & P.O. Jatta, Tehsil Parova District D.I Khan.

I, Mr.Tariq Saleem, Ex-ASI, S/o Malik Muhammad Amir, R/o Village & P.O. Jatta, Tehsil Parova District D.I Khan do hereby solemnly declare and state: -

1. That the accompanying appeal has been drafted under the instructions of the appellant imparted through me.
2. That I am personally conversant with the facts and circumstances of the case as contained therein.
3. That the facts and circumstances mentioned in the accompanying appeal are true and correct to the best of my knowledge and belief.

  
Deponent

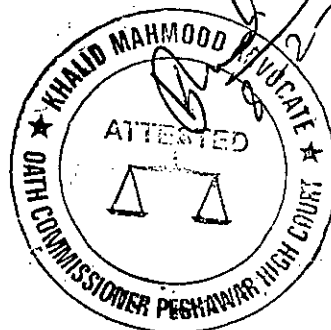
**VERIFICATION:**

The contents of the above affidavit are true and correct to the best of my knowledge and belief.

Verified on Oath at Peshawar this \_\_\_\_\_ day of February 2014.

Identified by:

  
Advocates.



  
Deponent



12

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

Service Appeal No. 163 / 2014.

Tariq Saleem .....

APPELLANT

Versus

DIG of Police, D.I.Khan & others .....

RESPONDENTS

**MEMO OF ADDRESSES**

**APPELLANT**

Tariq Saleem,  
Ex-ASI,  
S/o Malik Muhammad Amir,  
R/o Village & P.O. Jatta  
Tehsil Parova District D.I. Khan

**RESPONDENTS**

1. Deputy Inspector General of Police,  
Dera Ismail Khan Region.
2. District Police Officer,  
Dera Ismail Khan.
3. DSP / DSB (Inquiry Officer),  
Dera Ismail Khan
4. Regional Police Officer,  
Dera Ismail Khan

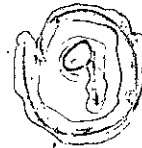
  
Appellant  
through



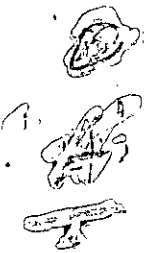
Dated: .02.2014.

Advocates, Peshawar.

"A" 1



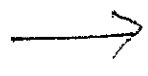
13



ORDER

In compliance of directions received vide letter No. 3439-40/ES, dated 22.10.2013 from the office of Regional Police Officer, Dera Ismail Khan, following officers/officials are hereby placed under suspension and closed to Police Lines with immediate effect, pending departmental proceedings against each.

1. Inspector Muhammad Yousof SHO Kulachi.
2. Inspector Sara Ullah SHO Cantt.
3. Inspector Kifayat Hussain CO/Inv.
4. SI Faiz Kateem SHO Draban.
5. SI Muhammad Imran SHO Baharpur.
6. SI Mohammad Nawaz SHO Band Kurai.
7. SI Ghulam Kazim Addl: SHO Prova.
8. SI Abdul Hamid Incharge Traffic Staff.
9. SI Khalid Mehmood Incharge Inv: PS/University.
10. ASI Tariq Saleem Police Lines DIKhan (already suspended)
11. SI Asghar Ali Shah Police Lines DIKhan.
12. SI Sagheer Abbas Police Lines DIKhan.
13. SI Muhammad Hashim ASHO PS/Cantt.
14. SI Alamgir Khan Police Lines DIKhan.
15. HC Saad Ullah No. 455 OASI.
16. HC Javed Akbar No. 1130.
17. HC Akhtar Munir No. 319 Police Lines DIKhan.
18. HC Muhammad Ramzan No. 1098 TO Traffic Staff.
19. HC Muhammad Akram No. 1130 TO Traffic Staff.
20. Constable Driver Muhammad Aslam No. 1774.
21. HC Said Khan No. 684 Gunmen.



*Sauq*

District Police Officer,  
Dera Ismail Khan

No. 23873

dated DIKhan the 23/10 2013

Copy of above is submitted to Regional Police Officer Dera Ismail Khan for favour of information w/r to his office No. quoted above it is requested that a formal order on initiation of departmental proceedings against officers mentioned at S.No. 1 to 3 alongwith issuing of charge sheet/ summary of allegation may kindly be issued in light of provisions of Rules, the said officers being of the rank of Inspector.

*Abdul Munir  
Munir  
Akbar*

*Sauq*

District Police Officer,  
Dera Ismail Khan

*[Handwritten signature]*

Better Copy



14

ORDER

In compliance of directions received vide letter No.3439-40/ES, dated 22.10.2013 from the Office of Regional Police Officer, Dera Ismail Khan, following officers / officials are hereby placed under suspension and closed to Police Lines with immediate effect, pending departmental proceedings against each.

1. Inspector Muhammad Yousaf SHO Kulachi
2. Inspector Sana Ullah SHO Cantt.
3. Inspector Kifayat Hussain GO/Inv:
4. SI Faiz Kateem SHO Draban.
5. SI Muhammad Imran SHO Paharpur
6. SI Muhammad Nawaz SHO Band Kurai
7. SI Ghulam Kazim Addl: SHO Prova
8. SI Abdul Hamid Inchage Traffic Staff
9. SI Khalid Mehmood Inchage Inv: PS/Unversity
10. ASI Tariq Saleem Police Lines DIKhan (already suspended)
11. Asghar Ali Shah Police Lines DIKhan
12. SI Sagheer Qadoos Police Lines DIKhan
13. SI Muhammad Hashim ASHO PS/Cantt
14. SI Alamgir Khan, Police Lines DIKhan
15. HC Saadullah No.555 OASI
16. LHC Javed Akbar No.1199
17. HC Akhtar Munir No.819 Police Lines DIKhan
18. HC Muhammad Ramzan No.1098 TO Traffic Staff
19. HC Muhammad Akram No.1130 TO Traffic Staff
20. Constable Driver Muhammad Aslam No.774
21. HC Said Khan No.684 Gunmen

District Police Officer  
Dera Ismail Khan

No.23873/

Dated DIKhan the 23/10/2013

Copy of above is submitted to Regional Police Officer Dera Ismail Khan or favour of information w/r to his office No. quoted above it is requested that a formal order on initiation of departmental proceedings against officers mentioned at S.No.1 to 3 along with issuing of charge sheet/ summary of allegation may kindly be issued in light of provisions of Rules, the said officers being of the Rank of Inspector.

District Police Officer  
Dera Ismail Khan

2 "A" 2 (M) B

15

BEFORE THE PESHAWAR HIGH COURT, D.I.KHAN BENCH.

Writ Petition No.

191

D/2013.

1. Muhammad Yousuf, Inspector, Office of DPO, D.I.Khan.
2. Sanullah, Inspector, Office of DPO, D.I.Khan.
3. Kifayat Hussain, Inspector, Office of DPO, D.I.Khan.
4. Faiz Kaleem, Sub Inspector, Office of DPO, D.I.Khan.
5. Muhammad Imran, Sub Inspector, Office of DPO, D.I.Khan.
6. Muhammad Nawaz, Sub Inspector, Office of DPO, D.I.Khan.
7. Ghulam Kazim, Sub Inspector, Office of DPO, D.I.Khan.
8. Abdul Hameed, Sub Inspector, Office of DPO, D.I.Khan.
9. Khalid Mehmood, Sub Inspector, Office of DPO, D.I.Khan.
10. Tariq Saleem, ASI, Office of DPO, D.I.Khan.
11. Asghar Ali Shah, Sub Inspector, Office of DPO, D.I.Khan.
12. Sagheer Abbas, Sub Inspector, Office of DPO, D.I.Khan.
13. Muhammad Hashim, Sub Inspector, Office of DPO, D.I.Khan.
14. Alamgir Khan, Sub Inspector, Office of DPO, D.I.Khan.
15. Saad-ullah, Head Constable, No: 555, Office of DPO, D.I.Khan.
16. Javed Akbar, Lance Head Constable, No: 1199, Office of DPO, D.I.Khan.
17. Akhtar Munir, Head Constable, No: 319, Office of DPO, D.I.Khan.
18. Muhammad Ramzan, Head Constable No: 1098, Office of DPO, D.I.Khan.
19. Muhammad Akram, Head Constable, No: 1130, Office of DPO, D.I.Khan.
20. Muhammad Aslam, Constable/Driver No: 774, Office of DPO, D.I.Khan.
21. Said Khan, Head Constable No: 684, Office of DPO, D.I.Khan.



(Petitioners)

Versus.

1. Provincial Police Officer, Khyber Pakhtun-khwa, CPO, Peshawar.
2. Additional Inspector General of Police (Hqs), Khyber Pakhtunkhwa, Peshawar.
3. Addl. Inspector General of Police Investigation, Khyber Pakhtunkhwa, Peshawar.
4. AIG/Traffic KPK, CPO, Peshawar.
5. Deputy Inspector General of Police (RPO), D.I.Khan Range, D.I.Khan.
6. District Police Officer, D.I.Khan.
7. Accountant General, KPK, Peshawar.
8. District Accounts Officer/Comptroller of Accounts, Tank.

(Respondents)

(Note:- The address of parties as given above are sufficient for the purpose of service.)

2382  
26/1/13  
TESTEL  
EXAMINOR  
COURT

12

16

PETITION UNDER ARTICLE 199, CONSTITUTION OF IRP, 1973.

PRAYER:-

To kindly direct and require the respondents to act in accordance with law, desist from acting contrary to law, desist from discriminating the petitioners against the provisions of law and rules.

To declare Order No. 1330/R dated 23.10.2013 of Respondent No.6, issued in consequence of Letter No. 3439-40/ES dated 22.10.2013 emanating from Respondent No.5, as Illegal, Ultra virus, Null and Void ab-initio, issued wrongly to the detriment of petitioners, and thereby direct and require respondents to desist from giving effect to the said Order and any action ancillary / consequential thereto.

To direct and require the respondents to reinstate the petitioners to regular duty in accordance with law, rules. Besides, grant of any other remedy that this Hon'ble Court may consider appropriate in the circumstances.

Respectfully Stated.

The petitioners prefer instant petition on, inter-alia, the grounds hereinafter submitted apropos the following facts.

BRIEF FACTS:-

1. That the petitioners, sane, adult citizens are residing within territorial jurisdiction of this Hon'ble court and are rightfully eligible for the purpose of relief sought hereby.
2. That the petitioners have been employed in the KPK Police Department and are posted at district D.I.Khan by the respondent Police Officers for discharge of their duties.
3. That by the dint of order issued by Respondent No.6 vide his office No.23873 dated 23.10.2013 in consequence of Letter No.3439-40/ES dated 22.10.2013 emanating from office of Respondent No.5, as impugned hereby, services of the petitioners have been ordered as suspended. Copy of impugned Order is placed at Annex-A while copy of Letter of respondent No.5 could not be obtained despite effort and can be requisitioned through respondent No.5.
4. That aggrieved by the discriminatory action and omission on part of the respondents, in their failure to abide by the Law & Rules in vogue and left with no other remedy available to them, the petitioners approach this Hon'ble court seeking redressal of their grievance as prayed on the grounds mentioned hereinafter.

GROUNDS:

- a. That the petitioners are duly qualified, as per their due seniority as well professional skills and academics to hold their respective offices and perform active duties in keeping with the provisions of Police Order-2002. Nothing to the adversity of petitioners is available with the respondents to restrain petitioners from performance

23/8/13  
 26/10/13  
 28/10/13  
 ESTABLISHMENT  
 EXAMINOR  
 High Court



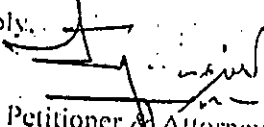
of the active duty or for that purpose to suspend the services of petitioners without any lawful justification but under political and extraneous influence.

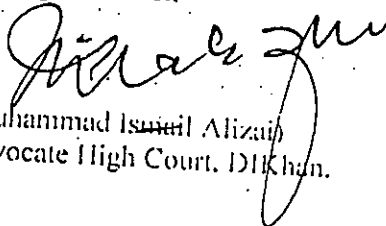
- b. That the act and omission on part of respondents while placing the petitioners under suspension through impugned order is against the spirit of principles governing public / civil service and hereby has caused grave miscarriage of justice to the petitioners provoking interference by this Hon'ble Court in its constitutional jurisdiction to correct, rectify and undo the wrong.
- c. That the petitioners have been discriminated and victimized apparently due to extraneous and political interference and without any lawful justification. Withholding and ignoring Law, Rules & good governance besides canons of public / civil service by respondents in placing the petitioners under suspension en-block, appears to be an effort not only to appease political bosses but to frustrate the rights of the petitioners accredited duly by the constitution, law and precedents, thus calling for interference by this Hon'ble court.
- d. That counsel for the petitioner may graciously be allowed to raise additional grounds and records, as the case may be, during the course of arguments, if need be.

Prayer:-

In view of the above facts and grounds mentioned hereinfore, it is humbly requested that by graciously declaring the impugned order as Wrong, Improper, Nullity in law, Illegal ab-initio, Ultra-Virus and inoperable against petitioners, the respondents may very graciously be directed and required to desist from acting upon or giving effect to the said order, as well any ancillary or consequential acts / effects, and to reinstate the petitioners to active service / duties, together with grant of any other appropriate remedy that this Honourable Court may graciously determine, in the light of relevant circumstances.

38  
Dated 25.10.2013.

Humbly,  
  
(DIK) Petitioner & Attorney,  
Through Counsel.

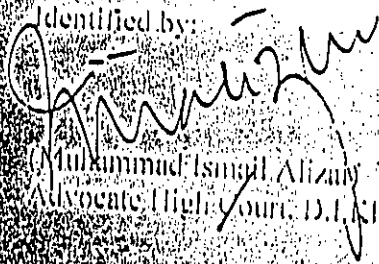
  
(Muhammad Ismail Alizai)  
Advocate High Court, D.I. Khan.

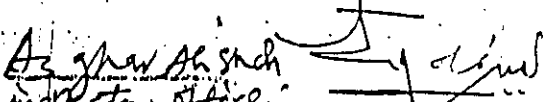
AFFIDAVIT

I, Asghar Ali Shah, the petitioner & attorney for rest, do hereby affirm on Oath and declare that contents of the instant petition are true and correct to the best of my knowledge and as per official records and that nothing has been willfully concealed or kept from this Honourable Court.

Dated: 25.10.2013

Identified by:

  
Muhammad Ismail Alizai  
Advocate High Court, D.I. Khan

  
Asghar Ali Shah  
Deponent

On this 26th day of October 2013  
At D.I. Khan  
2360 26-10-13

ATTESTED

EXAMINER  
28/10/13



"A" 3  
18

### CHARGE SHEET

Where as, I am satisfied that a formal enquiry contemplated by Khyber Pakhtunkhwa Police Rules 1975 is necessary and expedient.

That you while serving in Police Department have been involved in the following misconduct:-

1. Corruption.
2. Ill reputation.
3. Inefficiency.

This act on your part amounts to gross misconduct which is punishable under the rules.

AND WHEREAS, I am of the view that the allegation if established would call for a major penalty as defined in rules-4(i)(B) of the aforesaid rules.

AND THEREFORE, as required by Police Rules 6(1) of the aforesaid rules, I Mohammad Nisar Ali (PSP) District Police Officer Dera Ismail Khan hereby charges you ASI Tariq Saleem with the misconduct on the basis of the statement attached to this Charge Sheet.

AND, I, hereby direct you further under rules 6(i)(B) of the said rules, to put in written defence with in 7-days of receipt of this Charge Sheet as to why the proposed action should not be taken against you and also state at the same time whether you desire to be heard in person or otherwise.

AND, in case, your reply is not received within the prescribed period, without sufficient case, it would be presumed that you have no defence to offer and that expert proceeding will be initiated against you.

  
District Police Officer,  
Dera Ismail Khan

"A"4

(15)

19

DISCIPLINARY ACTION

I, MOHAMMAD NISAR ALI (PSP), District Police Officer, Dera Ismail Khan as a competent authority am of the opinion that you ASI Tariq Saleem have rendered yourself liable to be proceeded against and committed the following acts/omissions within the meaning of the Khyber Pakhtunkhwa Police Rules 1975.

STATEMENT OF ALLEGATION

That you while serving in Police Department have been involved in the following misconduct:-

1. Corruption.
2. Ill reputation.
3. Inefficiency.

This act on your part amounts to gross misconduct which is punishable under the rules.

Hence the statement of allegation.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegation DSP/DSB Dera Ismail Khan is appointed as enquiry officer to conduct proper departmental enquiry under Police Rules 1975.

3. The enquiry officer shall in accordance with the provision of the ordinance, provide reasonable opportunity of the hearing to the accused, record its findings and make, within ten days of the receipt of this order recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date time and place fixed by the enquiry officers.

*Saudi*  
District Police Officer,  
Dera Ismail Khan

No. 25025-86 / Dated DI Khan the

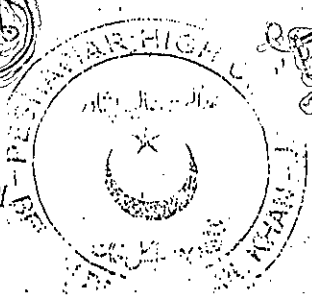
28-6-2013

Copy to: -

1. DSP/DSB Dera Ismail Khan. The enquiry officer for initiating proceeding against the defaulter under the provision of Khyber Pakhtunkhwa Police Rules 1975. Enquiry papers containing \_\_\_\_\_ pages are enclosed.
2. ASI Tariq Saleem with the direction to appear before the E.O on the date, time and place fixed by the E.O, for the purpose of enquiry proceeding.

*Saudi*  
District Police Officer,  
Dera Ismail Khan

A-5



20

JUDGMENTSHEET  
PESHAWAR HIGH COURT D.I. KHAN BENCH  
JUDICIAL DEPARTMENT

WP No. 491-D of 2013

Date of hearing: 19-11-2013

Appellant / petitioner (Muhammad Yousaf Athar) by  
Mr. Muhammad Ismail Khan Alizai Advocate

Respondent (Govt. of KP & others) by  
Mr. Saadullah Khan Shamshir A.A.G.

LAL JAN KHATTAK J. - Vide my detailed judgment in  
writ petition No.490 of 2013 this writ petition No.491 of 2013  
alongwith its CM.No.523 of 2013 is dismissed.

*[Signature]*  
JUDGE

ANNOUNCED  
19.11.2013.

*[Signature]*  
JUDGE

*[Handwritten initials]*  
30/11

*[Large handwritten signature]*  
21/11/13

JUDGMENTSHEET  
PESHAWAR HIGH COURT D.I. KHAN BENCH  
JUDICIAL DEPARTMENT

21

WP No. 490-D of 2013

Date of hearing: 19-11-2013

Appellant / petitioner Muhammad Hussain Khan

Respondent Govt. of F.K. (Others) by

Mr. Saifullah Khan Shaikh AAS

LAL JAN KHATTAK J. - Through this common judgment we intend to dispose of writ petition No.490 of 2013 and writ petition No.491 of 2013 as common questions of law and facts are involved therein.

2. Petitioners who are police officials have prayed this court to issue a writ in the following manner:-

- i) "To kindly direct and require the respondents to act in accordance with law, desist from acting contrary to law, desist from discriminating the petitioners against provisions of law and rules."
- ii) To declare Order No.1330/R dated 23.10.2013 of respondent No.6 issued in consequence of letter No.3439-40/ES dated 22.10.2013 emanating from respondent No.5 as illegal,

ATTESTEL

EXAMINOR  
PESHAWAR HIGH COURT

*[Signature]*  
21/12/13



*Ultra virus, null and void ab-initio, issued wrongly to the detriment of petitioners, and thereby direct and require respondents to desist from giving effect to the said Order and any action ancillary/consequential thereto."*

iii) *To direct and require the respondents to reinstate the petitioners to regular duty in accordance with law, rules. Besides, grant of any other remedy that this Hon'ble Court may consider appropriate in the circumstances."*

3. Brief facts of the case are that the respondent No.1 on 23.10.2013 passed against the petitioners, the following order:-

*"In compliance with the order of Deputy Inspector General of Police, Dera Ismail Khan Range vide his office Memo: No.3439-40/ES, dated/22.10.2013/ the following Police Officers/Officials is hereby placed under suspension on the allegation of ill reputation, corruption and inefficiency and closed to Police-Lines, Tank for further departmental proceedings with immediate effect."*

*Jain*

ATTESTER

Stamp: EXAMINER  
Signature: [Handwritten Signature]  
Date: 21/12/13



4. In pursuance of the afore-said order, disciplinary proceedings have now been initiated against them through an enquiry officer. They have been charge-sheeted and accordingly directed to put in their written defence within seven days.

5. Feeling aggrieved of the afore-said order petitioners have impugned the same through the instant writ petition.

6. Notice of the petition was given to the respondents who appeared and on their behalf the learned AAG raised a preliminary objection to the maintainability of the writ petition on the ground that the petitioners are civil servants and the proceedings initiated against them pertain to terms and conditions of their service on which Service Tribunal has the exclusive jurisdiction to proceed with.

*Gem*

7. Learned counsel for the petitioners in response to the above contended that though apparently the matter pertains to the terms and conditions of service but as the impugned order has been passed in sheer violation of law and rules on the

ATTESTED: subject which is also tainted with mala fide, therefore, in such

EXAMINOR  
Responsible High Court  
11/2/13

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like situation the High Court is well-possessed with a power to declare it illegal and contrary to law.

8. We have heard learned counsels for the parties and perused the record of the case.

9. Perusal of the record reveals that admittedly the petitioners are civil servants performing their duties in various capacities in the police department. Equally there is no dispute that the order impugned by the petitioners pertains to the terms and conditions of their service as disciplinary proceedings have been initiated against them under the relevant law by the respondents. Likewise there is no denying the fact that there is established a Service Tribunal which has exclusive jurisdiction over the issue agitated by the petitioners in the impugned writ petition.

*Jan*

10. According to Article 212 of the Constitution of Pakistan, 1973, the matter involved in the instant writ petition exclusively falls within the ambit of service tribunal. For the purpose of advantage Article 212 is reproduced as under:-

ATTESTED

"212. Administrative and Courts and Tribunals.---(1) Notwithstanding anything

EXAMINER  
1973/12/13



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hereinbefore contained, the appropriate Legislature may by act provide for the establishment of one or more Administrative Courts or Tribunals to exercise exclusive jurisdiction in respect of--

(a) Matters relating to the terms and conditions of persons [who are or have been] in the service of Pakistan, including disciplinary matter;

(b) -----

(c) -----

(2) Notwithstanding anything hereinbefore contained, where any Administrative Court or Tribunal is established under clause (1), no other Court shall grant an injunction, make any order or entertain any proceeding in respect of any matter to which the jurisdiction of such Administrative Court or Tribunal extends.

11. In view of the above clear cut bar this Court is not possessed with a jurisdiction to entertain the issue agitated in the instant writ petition by the petitioners.

12. So far as the contention of the learned counsel for the petitioner that as the impugned order is based on mala fide, therefore, this court can upset the same notwithstanding the

*Jan*

ARRESTED

EXAMINOR  
M. S. Qureshi  
12/1/13

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bar contained in Article 212 of the Constitution. We are afraid to be in agreement with the learned counsel for the petitioners as it is by now a settled law that even an order based on mala fide too can be assailed before the Service Tribunal.

13. For what has been discussed above, we found the instant writ petition not maintainable before this Court and the same is, therefore, dismissed alongwith CM. However, the petitioners may seek their remedies before the competent forum under relevant the law.

ANNOUNCED  
19.11.2013.

*[Signature]*  
JUDGE

*[Signature]*  
JUDGE

ATTEST.

EXAMINOR

*[Signature]*

*[Handwritten]*  
30/11

"A"6



27

بیان اذان و تارق سلیبیم 22/D ASI سہیل پوئیس لائن ڈیوہ اسپاہیل خان

بناب عالی! مشمولہ چارج شیٹ اسٹینٹ آف ایلکیشن معروض ہوں کہ بندہ پر لگائے جانے والے الزامات میں کوئی صداقت نہیں بندہ مورخہ 10-10-2006 کو بطور PASI بھرتی ہو کر 22-06-2011 کو سب انسپکٹر پر موٹ ہوا اور اپنی اچھی کارکردگی کی بنا پر پر مشن سے قبل SHO تعینات ہوا جن کی تفصیل ذیل ہے۔

نمبر شمار	پوسٹنگ	فنانہ	نمبر
	SHO	یارک	02-03-2012 تا 15-04-2011
	SHO	صدر	27-08-2013 تا 03-03-2012

الی قدر بندہ پر جو الزامات لگائے گئے ہیں وہ حقیقت کے منافی ہیں۔

تکلیف کشی

دران سردس بندہ کے خلاف کرپشن کی کوئی شکایت نہیں ہوئی ہے اور نہ ہی کوئی ایسی شہادت / انکوائری موجود ہے جس کی بنیاد پر بندہ کو کرپٹ گردانا جاسکے۔

اپنی شہادت

بندہ ڈسپلن کا پابند اور انسران بالا کے احکامات کے تابع اپنے فرائض منصبی جانفشانی اور دیانتداری سے سرانجام دینے پر یقین رکھتا ہے اس بنا پر کلیدی عہدوں پر تعینات رہا ہے۔

انٹرنیٹ، ٹیلی فون گسی

دران سردس کلیدی عہدوں پر تعینات رہنے سے بندہ کی کارکردگی پرکھی جاسکتی ہے۔ بالخصوص ناجائز اسلحہ ایسوسی ایشن، منشیات، گرفتاری POs برآمدگی مال سردق احسن کارکردگی کی مثال ہیں جن کی تفصیل ذیل ہے۔

39	کلاشکوف	1
08	کالا کوف	2
25	رائفل	3
54	نائل	4
33	مدق	5
199	POs	6
02	ہینڈ گریڈ	7

اس طرح کافی مقدار میں منشیات برآمد ہو کر ملزمان پر CNS 9 کے بیسوں مقدمات بھی درج ذیل رجسٹر ہوئے۔

اس طرح ڈکیتی کے سنگین مقدمات جو نہ صرف ٹریس ہوئے بلکہ ملزمان کی گرفتاری اور مال سردق کی برآمدگی محکمہ پولیس کے لئے قابل فخر ہیں۔ جن کی تفصیل ذیل ہے۔



- (1) مقدمہ نمبر 149 مورخہ 28-03-12 جرم PPc 324-392-427-34  
تھانہ صدر میں تینوں ملزمان معہ کلاشنکوف ہائے گرفتار
- (2) مقدمہ نمبر 246 مورخہ 15-05-2012 جرم PPc 457-380  
تھانہ صدر میں مقدمہ ٹریس ہوا مال سرودہ برآمد ملزمان گرفتار
- (3) مقدمہ نمبر 412 مورخہ 28-06-2012 جرم PPc 381A-411  
تھانہ صدر ملزمان گرفتار مال سرودہ موٹر سائیکل برآمد
- (4) مقدمہ نمبر 502 مورخہ 26-09-2012 جرم PPc 397-324-511-34  
تھانہ صدر ملزمان ٹریس ہو کر گرفتار ہوئے
- (5) مقدمہ نمبر 522 مورخہ 03-10-2012 جرم PPc395-452-342-171-411  
تھانہ صدر بین الصوبائی گروپ جو پولیس وردی میں ڈکیتی کرتا تھا ٹریس ہو کر گرفتار ہوا مال سرودہ دس لاکھ روپے طلائی زیورات پولیس وردیاں برآمد ملزمان ضلع بھکر، لگی مروت اور ڈیرہ اسماعیل خان سے گرفتار۔
- (6) مقدمہ نمبر 578 مورخہ 01-11-2012 جرم PPc382-381A-454-34-411  
تھانہ صدر چشمہ روڈ پر چاول کے کارخانے میں ڈکیتی ہوئی ملزمان گرفتار، چینی ہوئی موٹر سائیکل، رقم و اسلحہ برآمد ملزم عادل عباس کی گرفتاری سے تقریباً 15 فریقہ دارانہ قتل و اقدام قتل کے مقدمات ٹریس ہوئے۔
- (7) مقدمہ نمبر 624 مورخہ 09-12-2012 جرم PPc 302-7ATA-324-427-34  
تھانہ صدر اہم نوعیت کا مقدمہ جس میں ملزمان ٹریس ہو کر گرفتار ہوئے۔
- (8) مقدمہ نمبر 644 مورخہ 25-12-2012 جرم PPc 382-452-34  
تھانہ صدر میں ملزمان ٹریس ہو کر گرفتار ہوئے۔
- (9) مقدمہ نمبر 07 مورخہ 12-01-2013 جرم PPc382  
تھانہ صدر میں موٹر کار نمبر 3800/LEB ماڈل 2012 سرودہ ہوئی مقدمہ ٹریس، ملزمان گرفتار موٹر کار برآمد ہوئی۔

تھانہ صدر مقدمہ ٹریس ملز مال گزٹار  
ہوئے۔

جرم 395-452-342 PPc 17-07-2013 مورخہ 352 (10)

تھانہ صدر ملز مال ٹریس ہو کر  
گرفتار مال مسروقہ برآمد

جرم 395-452-342 PPc 04-08-2013 مورخہ 378 (11)

تھانہ یارک ضلع بنوں کے ملزمان  
ٹریس ہو کر گرفتار لاکھوں روپے مال  
مسروقہ برآمد

جرم 395-411 PPc 07-01-2012 مورخہ 03 (12)

بندہ کو جناب ڈی آئی جی ڈیرہ کی جانب سے (CC-II) کی دو تعریفی اسناد بھی مل چکی ہیں۔

مالی قیام بندہ نے ہمیشہ پولیس مورال کو بلند رکھنے کی کوشش کی ہے اور قانون کی بالادستی برقرار رکھی ہے درج بالا حقائق کی روشنی میں استدعا ہے کہ مشمولہ  
اسناد کے تحت اسٹیشن باغیچہ کاروائی داخل دفتر فرمائی جاوے۔

  
A.S.R.

"A" 6



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مجلس

فائل رپورٹ

توان

تھکانہ انکوائری بر خلاف ASI طارق سلیم نمبر 22/D معطل پولیس لائن ڈیرہ اسماعیل خان

جناب عالی!

بجوال مشمولہ چارج شیٹ نمبر 86-25085 مورخہ 28.10.2013 جاریہ جناب ڈسٹرکٹ پولیس آفیسر صاحب ڈیرہ اسماعیل خان میں ASI طارق سلیم مذکورہ کے خلاف الزام ہے کہ وہ بری شہرت، ناقص کارکردگی اور کرپشن میں ملوث پایا ہے۔ جن کے خلاف چارج شیٹ جاری فرمائیں DSP/DSB ڈیرہ اسماعیل خان کو انکوائری آفیسر مقرر کیا۔

ASI مذکورہ نے تحریری جواب چارج شیٹ جو 04 صفحات پر مشتمل ہے پیش کیا۔ جولف انکوائری ہذا ہے جس نے جواب چارج شیٹ میں تحریر کیا ہے کہ ہم پر لگائے گئے الزامات سنی برحق نہیں ہیں اور مسترد کرتے ہیں۔

انکوائری کو آگے لگاتے ہوئے ASI مذکورہ کو طلب کر کے سنا گیا جبکہ سٹیبلشمنٹ برانچ سے مذکورہ کا ریکارڈ سرورس رول طلب کر کے لیا گیا۔ ASI مذکورہ بر مطابق ریکارڈ سرورس رول مورخہ 10.10.2006 کو بلیک سرورس کمیشن کے ذریعے نکلے ہذا میں بطور ASI بھرتی ہوا ہے۔ ASI مذکورہ جناب میں بطور SHO تعینات رہا ہے دوران سرورس ناقص کارکردگی کی بنیاد پر بعد انکوائری SI مذکورہ کو بطور سزا Revert کر کے بھیجا گیا تھا۔

SI مذکورہ نے اپنی معطلی کے بارے عدالت عالیہ ہائی کورٹ پشاور بیج ڈیرہ اسماعیل خان میں بھی اپنی معطلی کی خاطر عدالت عالیہ سے خارج ہو چکی ہے۔ عدالت کے فیصلے کی فوٹو کاپی جواز لاف ہے۔ حق تو یہ تھا کہ یہ انکوائری کے فیصلے کا انتظار کرتے اور اس کے بعد جو جس فیصلہ آتا تو سرورس ٹریبیونل میں اپیل دائر کرتے اور اپنی بے گناہی ثابت کرتے لیکن ASI مذکورہ نے دیگر معطل افسران کے ساتھ ملکر سرورس میں یونین اور گروہ بندی بنانے کی کوشش کی ہے جس کا ASI مذکورہ بھی حصہ رہا ہے۔ دیگر ASI مذکورہ کی جیل رپورٹس پیش کی گئی ہیں۔

دوران انکوائری کافی شہادت کی گئی لیکن کوئی فرد بیان دینے کے لیے تیار نہیں تھے۔ اور ذہانی ASI مذکورہ کے خلاف شکایات کرتے تھے جس پر بری شہرت کی گواہی لگتی ہے۔

مجلس انکوائری سے اس نتیجے پر پہنچا ہوں کہ ASI مذکورہ کو قصور وار پاکر Major Punishment (بڑی سزا) کی سزا سنائی جاتی ہے۔

صلاح الدین خان

ڈی ایس بی

ڈیرہ اسماعیل خان



"A" 8




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ORDER

This order is aimed to dispose off the departmental proceeding against ASI Tariq Saleem No. 22/D on the charges of corruption, ill-reputation and inefficiency.

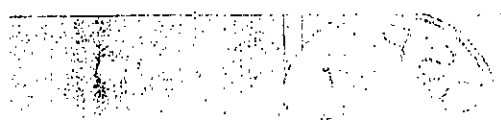
The defaulter Asstt: Sub Inspector was served with the charge sheet and statement of allegation and an enquiry was conducted into the matter through Mr. Salahuddin Khan DSP DSB DIKhan. The enquiry officer submitted his finding, in which he stated that the defaulter Asstt: Sub Inspector is found guilty of the charges leveled against him and recommended him for major punishment. The defaulter Asstt: Sub Inspector was summoned in Orderly Room on 09.12.2013 and heard in person by giving opportunity of defence but he could not satisfy the undersigned about his misconduct. The enquiry file/available record was perused and the undersigned came to the conclusion that the charges leveled against him are stand proved.

Therefore, in the light of above, I Muhammad Nisar Ali (PSP) District Police Officer DIKhan in exercised of powers conferred upon me under the Police Rules-1975, hereby award him **major punishment of removal from service** with immediate effect.

  
District Police Officer,  
Dera Ismail Khan

ORDER ANNOUNCED  
Dated 09.12.2013

CB = 1763  
DT 09-12-13



"A"9



32

To, Deputy Inspector General of Police,  
Dera Ismail Khan Range,  
Dera Ismail Khan,

Subject: DEPARTMENTAL APPEAL/REPRESENTATION AGAINST THE ORDER DATED 09.12.2013, BY DISTRICT POLICE OFFICER, DERA ISMAIL KHAN, VIDE WHICH WHILE AWARDING MAJOR PUNISHMENT THE APPELLANT HAS BEEN REMOVED FROM SERVICE.

Respectfully stated,

1. That the appellant joined the Police Department as probationer ASI on 10-10-2006 after passing public service commission exam, started performing his duties, wherein so many times I was assigned different difficult duties, which were performed by the appellant successfully and later on in the year 2011, I was promoted to the rank of SI and posted as SHO at PS Yarik and Sadder Dera Ismail Khan.
2. That the appellant received charge sheet along with statement of allegations dated 28.10.2013 from the District Police Officer, Dera Ismail Khan, wherein without any reference to the date, time and person three allegations were leveled against the appellant of i). Corruption ii). Ill reputation iii). Inefficiency, therefore, the appellant requested the DPO that as he has been served with statement of allegations, for which he has to submit his reply but allegations are not specified regarding gross misconduct, therefore, he may be provided the complete allegations to enable the appellant to furnish detailed reply but the appellant was refused, therefore, he along with some other Police officials filed a Writ Petition seeking therein direction to the DPO, Dera Ismail Khan That he should act in accordance with Law and should provide the detail of





allegation, which writ Petition was dismissed being not maintainable, as barred by Article 212 of the constitution of Islamic Republic of Pakistan, however the Honorable High Court provided a guided line that such like deficiencies can be agitated before Service Tribunal, the proper forum.

3. That thereafter the DPO office provided some documents regarding previous inquiries against the appellant, which were already completed after due process.
4. That the appellant then submitted his detailed reply to the inquiry officer and as no detail of any of the charges were provided either in the statement of allegations or subsequently provided documents so the appellant on his own prepared the reply and negated the allegation rather mentioned therein his achievement during the service in detail, as no specific allegation were alleged in the charge sheet.
5. That the inquiry officer Mr. Salahudin Khan, DSP/DSB, Dera Ismail Khan then submitted his inquiry report, wherein while recommending the major punishment he mainly stressed upon the filing of Writ Petition before Peshawar High Court Bench by group of Police Officials and termed it to be also misconduct on the part of the appellant was having the proper forum of approaching your good self in appeal in appeal and then the Service Tribunal and thereby recommended major punishment, however the appellant was never provided the opportunity of hearing.
6. That after the receipt of inquiry report the District Police Officer, Dera Ismail Khan on 09.12.2013 passed the order vide which while awarding major punishment the appellant was removed from service.



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7. That it is pertinent to mention here that the requirement of services laws were never complied with, as no Final show cause notice was served nor any opportunities of personal hearing was provided and the inquiry officer did not ever bother of furnish any sort of recommendation regarding the allegation leveled against the appellant, therefore, the entire process, being in total conflict with the law is liable to be set aside.
8. That although the appellant has furnished his reply to an ambiguous statement of allegation but that reply was also not considered by the inquiry officer and that is why there is no mentioned in the inquiry report regarding proof of allegation leveled against the appellant.
9. That there is nothing on record in support of general allegations leveled against the appellant and these general allegation are also not based on any complaint, service record or oral evidence against the appellant .

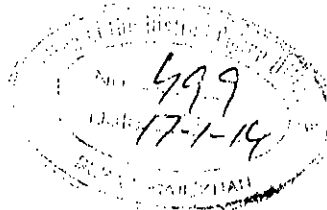
In view of the above made submission , it is very humbly requested that on gracious acceptance of the instant departmental appeal / representation, the order dated 09.12.2013 passed by DPO, Dera Ismail Khan may very kindly be set aside and the appellant may be reinstated in service with all back benefits. It is future requested that appellant may he heard in person.

Your humble appellant ,

Tariq Saleem  
S/o Malik Muhammad Amir  
R/o Village Jatta, D.I.Khan.

Dated: 23.12.2013

"A" 10



35

ORDER:

This order is meant to dispose off the appeal preferred by Ex-ASI Tariq Saleem No.22/D of DIKhan District against the order of major punishment i.e. removal from service, awarded to him by DPO DIKhan vide order dated 09.12.2013. He was proceeded against on the allegations of ill-reputation, corruption and inefficiency. A proper departmental enquiry was initiated and Mr. Salah-ud-Din, DSP DSB DIKhan was appointed as Enquiry Officer to conduct proper departmental enquiry against him. On the recommendation of Enquiry Officer, DPO DIKhan awarded him major punishment of removal from service.

The appellant/ Ex-ASI preferred the instant appeal against the order of DPO DIKhan. I have gone through the enquiry file as well as service record of the appellant and also heard him in person on 02.01.2014.

Therefore in exercise of power conferred upon me I **Abdul Ghafoor Afridi** Dy: Inspector General of Police DIKhan, in exercise of the powers conferred upon me and being a competent authority find no substance in appeal and hold that DPO has correctly passed this order, therefore, this appeal is dismissed and filed.

*[Signature]*  
(ABDUL GHAFOOR AFRIDI)  
PSP, PPM

Deputy Inspector General of Police,  
Dera Ismail Khan Region

No. 132 IES, dt: 13-1-14

Copy to the District Police Officer, DIKhan for information with reference to his office memo: No.31897 dated 31.12.2013. His Service Record is returned herewith.

*[Signature]*  
(ABDUL GHAFOOR AFRIDI)  
PSP, PPM

Deputy Inspector General of Police,  
Dera Ismail Khan Region

Encl: (1) S. Roll - (1)  
(2) S. Books - (2)  
(3) F. Missed - (1)

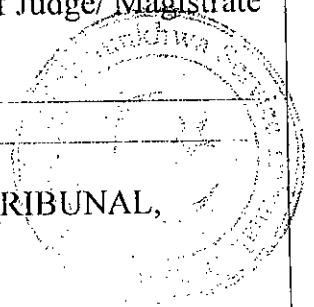
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309  
16-01-2014  
Tariq Saleem  
Ex-ASI  
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23-1-2014

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Attested *[Signature]*  
21-1-14

*[Signature]*  
DS Legal  
23-1-2014

Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1.	09.04.2015	<p style="text-align: center;">3</p> <p style="text-align: center;"><b>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.</b></p> <p>Service Appeal No. 163/2014, Tariq Saleem and Service Appeal No. 164/2014, Muhammad Alamgir Vs. Deputy Inspector General of Police, D.I.Khan Region etc.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>PIR BAKHSH SHAH, MEMBER.-</u> Appellants</p> <p>with counsel (Mr. Imtiaz Ali, Advocate) and Mr. Muhammad Jan, GP with Nazir Ahmad, H.C for the respondents present.</p> <p>2. Since same charge sheet containing charges of corruption, ill-reputation and inefficiency, was served on both the appellants alongwith 19 other civil servants and enquired into by the same enquiry officer, therefore this single judgment is directed to dispose of both the above appeals jointly.</p> <p>3. Arguments heard. Record perused.</p> <p>4. Learned counsel for the appellant submitted that no specific instance or ground to justify charge of corruption has been given. It was further submitted that there is no evidence on record to substantiate the allegations leveled against the appellants. That the enquiry report shows that the respondents-department had become vindictive due to Writ Petition of the appellants in the Hon'ble High Court. The learned counsel for the appellant further stressed that discrimination has been made by the respondents-department as some of affectees,</p>



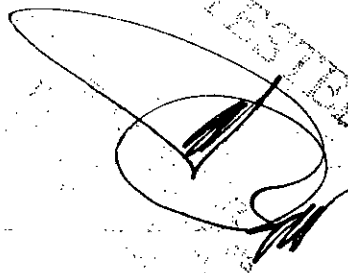
ATTESTED

influential, were taken back in service or their penalty reduced. It was also submitted that not a single yardstick has been used by the appellate authority who passed order in a whimsical manner when showing leniency in cases of the appellant Muhammad Alamgir by reducing his penalty of removal from service to reduction in rank and refusing the same relief in case of appellant Tariq Saleem. He requested that the appeal may be accepted.

5. The learned Government Pleader while rebutting the arguments submitted that all codal formalities were fulfilled. Charge sheet and statement of allegations were served upon the appellants, opportunity of personal hearing was given to them, and the penalty was recommended by the enquiry officer. He requested that the appeals may be dismissed.

6. Perusal of the charge sheet would show that charges have been leveled against the appellants without citing any instance of corruption, inefficiency and mis-conduct, much-less quoting the relevant span of time of occurrence of any such instance. Report of the enquiry officer was perused wherein he has stated that there is no witness coming forth against the appellants regarding charge of corruption but the appellants are not well reputed in the public. The record shows that during the career of their services, the appellants had also earned one step promotion, which could be strange phenomena if the appellants were ill reputed in the public. The

ATTESTED



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discriminatory treatment can be noted when departmental appeal of appellant Muhammad Alamgir was partially allowed without any cogent reason but merely, on the basis of a lenient view taken by the appellate authority, The grace not shown in case of the appellant Tariq Saleem.

7. In view of the above, the impugned orders are set aside, the appellants are reinstated into service for denovo enquiry strictly in accordance with law and rule, which shall be completed within three months of the receipt of this judgment. Back benefits shall follow the outcome of departmental enquiry failing which the appeals shall be deemed to have been allowed. The appeals are disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
09.4.2015

*sd/- Mr. Bahadur Shah,*  
Member

*sd/- Abdul Latif,*  
Member

Certified to be true copy  
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*22.4.2015*

*22-4-2015*

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES  
TRIBUNAL, PESHAWAR, CAMP COURT D.I.KHAN**

Service Appeal No. 212/2014

Tariq Saleem (Ex ASI) ..... Appellant

Versus

Deputy Inspector General of Police and others

**SERVICE APPEAL**

**APPLICATION FOR TRANSFER OF ABOVE TITLED SERVICE  
APPEAL TO PESHAWAR BENCH**

Respectfully Sheweth:- Appellant humbly submits as under,

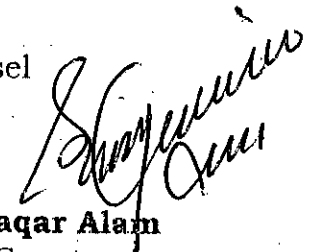
1. That the above titled service appeal is pending adjudication before this Honourable Tribunal and is fixed for rejoinder proceedings today.
2. That the matter in above titled appeal is of very urgent nature and unfortunately at Camp Court D.I.Khan, DB is not available since last 02 years.
3. That appeal of the appellant may please be transferred to Service Tribunal Peshawar Bench in the large interest of justice.

***It is therefore, humbly requested that the appeal titled above may very graciously be transferred to Service Tribunal Peshawar Bench.***

Dated: 29/09/2015

Yours Humble Appellant

  
**Tariq Saleem**  
Through Counsel

  
**Muhammad Waqar Alam**  
Advocate High Court