

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	30.06.2015	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR</u></p> <p style="text-align: center;">APPEAL NO. 259/2014</p> <p style="text-align: center;">(Habib-Ur-Rehman-vs- Inspector General of Police, Khyber Pakhtunkhwa Peshawar etc).</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>ABDUL LATIF, MEMBER:</u></p> <p>Counsel for the appellant (Mr. Sahibzada Asadullah, Advocate), and Asstt: AG for the respondents present.</p> <p>2. The instant appeal has been filed by Mr. Habib-Ur-Rehman under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act-1974 against the impugned orders dated 10.12.2013 and 06.02.2014 passed by the District Police Officer Buner and Regional Police Officer Malakand.</p> <p>3. Facts of the case as arrayed in the appeal are that the appellant was appointed as Constable in Police in the year 1980. He was promoted from ranks and at the relevant time was working as Inspector on officiating basis. He was proceeded against for the allegation of corruption and shelter to criminals on 30.10.2013 and on completion of enquiry major penalty of compulsory retirement from service was imposed on the appellant by the competent authority vide order dated 10.12.2003. The departmental appeal of the appellant was rejected and orders passed by the competent authority were upheld by the appellate authority i.e Regional Police Officer Malakand vide his order dated 06.02.2014.</p> <p>4. The learned counsel for the appellant argued that the impugned orders were arbitrary and passed in mechanical manner without application of judicial mind. The orders had no legal force and were passed in vacuum without regard to the good performance</p>

of the appellant duly appreciated by the Superior Officers and without observing of the codal formalities, hence needed to be struck down. He further submitted that appellant was not fully associated with the enquiry, his statement was not recorded and he was not given opportunity to cross examine the witnesses. That statements of Yar Muhamad, Abdul Wali and Abdul Wahid were incorrect as they being subordinate to the Enquiry Officer tried to obey and advance a false statement against the appellant. That no final show cause notice was issued to the appellant to explain his position, the punishment is against the spirit of law and needs interference of the Tribunal. He prayed that impugned orders may be set aside and the appellant may be reinstated to the post he worked against before retirement. He relied on 2008 SCMR 1369 and PLJ 1998 Tr.C. (Service) 238.

A.F.I.

5. The learned Asstt: AG argued that appellant was directed by SDPO Khwaza Khela to arrest proclaimed offender Ghaleem Zada but he allowed the accused to flee abroad by accepting bribe. Proper charge sheet and statement of allegations were served upon the appellant and proper enquiry was conducted under the Police Rules 1975 through DSP Kabal who concluded that the appellant colluded with the criminal, facilitated his escape abroad by handing over to him the original passport and CNIC and placed on record copy of cancelled passport and expired/old CNIC and charge was proved against him hence recommended punishment for the abuse of his powers and official position. He proved himself inefficient Police Officer, charge whereof was duly proved by the Enquiry Officer. He further stated that appellant being shoulder promotee, the DPO concerned (respondent No.3) was competent to pass the orders of penalty against the appellant which is a speaking order and prayed that the appeal being devoid of any merits may be dismissed.

7. We have heard arguments advanced on behalf of the parties and record perused with their assistance.

8. From perusal of the entire record it transpired that the proclaimed offender made his escape good with the connivance of the appellant who was SHO of the concerned Police Station. The

appellant was proceeded against under the Police Rules 1975 through a regular enquiry wherein proper charge sheet was served upon him, opportunity of defense was provided to him duly associating him with the enquiry proceedings. The charges leveled against him were found proved and major penalty of compulsory retirement was imposed upon him which seems appropriate in the circumstances. Moreover the departmental authority considered his appeal and decided to uphold the orders passed by the competent authority. In these circumstances, the Tribunal is not inclined to interfere with the orders passed by the respondents No.2 and 3. The appeal being devoid of any merits is dismissed accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
30.06.2015


(PIR BAKHSH SHAH)
MEMBER


(ABDUL LATIF)
MEMBER

20.05.2015

Appellant with counsel and Mr. Muhammad Adeel Butt, Addl. AG with Khawas Khan, SI (Legal) for the respondents present. Arguments heard.

The impugned order of DPO Swat dated 10.12.2013 shows that the enquiry in this case was conducted by DSP, Kabal Swat but his enquiry report is not available on the file. Hence, the same enquiry report be produced on the next date. To come up for order on 16.06.2015.



MEMBER



MEMBER

16.06.2015

Appellant in person and Mr. Khawas Khan, S.I (legal) alongwith Assistant A.G for respondents present. The learned judicial Member is on leave therefore, order could not be announced. To come up for order on 23.6.2015.



Member

23.06.2015

Appellant in person and Addl: AG for the respondents present. The learned judicial Member is on leave therefore, order could not be announced. To come up for order on 30.06.2015.



Member

259/2014

17.04.2015

Appellant with counsel and Addl. AG with Khawas Khan, SI (Legal) for the respondents present. On certain points, counsel for the appellant further argued the case. The learned Add. AG requested for time. To come up for arguments of the learned Addl. AG on 20.4.2015.


MEMBER


MEMBER

20.04.2015

Counsel for the appellant and Addl. A.G for respondents present. Inquiry report has not been produced which is very necessary for the disposal of the case. Learned Addl. A.G requested for adjournment be granted so that the inquiry report may be produced. To come up for inquiry report and arguments on 5.5.2015.


Member


Member

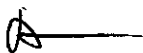
5.5.2015

Appellant in person and Addl. AG (Mr. Muhammad Adeel Butt) for the respondents present. The learned Member (Judicial) is on leave, therefore, case to come up for such record and arguments on 20.5.2015.


MEMBER

26.2.2015

Appellant with counsel and Add. AG for the respondents present. Case is adjourned to 10.3.2015 for order.



MEMBER



MEMBER

09.3.2015

Counsel for the appellant and Addl. AG with Khawas Khan, SI (Legal) for the respondents present. The learned Member-II of the bench is on leave, therefore, case to come up for order on 11.3.2015.



MEMBER

11.3.2015

Appellant with counsel and Addl. AG with Khawas Khan, SI (Legal) for the respondents present. The case need further clarification. Therefore, representative of the respondents is directed to produce enquiry reports alongwith other relevant record. To come up for order on 26.3.2015.



MEMBER



MEMBER

26.3.2015

Appellant in person and Khawas Khan, SI (Legal) for the respondents present. The requisite departmental record produced by representative of the respondents-department. To come up for order on 17.4.2015.



MEMBER



MEMBER

25.11.2014

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP with Khawas Khan, SI (Legal) for the respondents present. The Tribunal is incomplete. To come up for the same on 22.12.2014 alongwith connected appeals.



READER

22.12.2014

Counsel for the appellant and Mr. Muhammad Jan, GP for the official respondents present. The Tribunal is incomplete. To come up for the same on 20.1.2015.



READER

21.01.2015

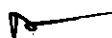
Since 20th January has been declared as public holiday by the provincial government, therefore, case to come up for the same on 2.2.2015.



READER

2.2.2015

Appellant with counsel and Mr. Muhammad Adeel Butt, AAG with Khawas Khan, SI (Legal) for the respondents present. Arguments heard. To come up for order on 26.2.2015.



MEMBER

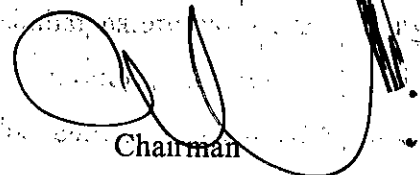


MEMBER

08.08.2014

Appellant with counsel and Mr. Khawas Khan, SI (Legal) on behalf of the respondents with AAG present. Written reply received on behalf of the respondents, copy whereof is handed over to the learned counsel for the appellant for rejoinder. The learned counsel for the appellant pointed out that similar nature cases are pending before learned Member Bench-II, therefore, in order to avoid conflicting decisions, this case be also entrusted to learned Member Bench-II for joint ^{hearing} with cases titled Khair-ur-Rehman etc -vs- IGP, KPK, Peshawar etc. Therefore, this appeal is also entrusted to learned Member Bench-II for further proceedings/rejoinder alongwith connected appeals fixed for further proceedings there on 15.9.2014.

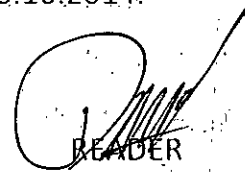
08.08.2014



Chairman

15.09.2014

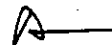
Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Khawas Khan, SI (Legal) for the respondents present. The learned Member (Judicial) is not working due to a recent order of the Hon'ble Peshawar High Court affecting his status as District & Sessions Judge. To come up as before on 10.10.2014.



READER

10.10.2014

Junior to counsel for the appellant and Mr. Kabeerullah Khattak, Asstt. A.G for the respondents present. Rejoinder received and placed on file. Copy handed over to the learned AAG. To come up for arguments on 25.11.2014 alongwith connected appeals.



MEMBER

Appeal No 259/2014
Mr. Harjit Singh - Relman

3.

16.04.2014

Clerk of counsel for the appellant present and requested for


adjournment due to general strike of the Bar. To come up for preliminary hearing on 02.05.2014.



Member

4.

02.05.2014


Counsel for the appellant present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the original order dated 10.12.2013, he filed departmental appeal, which has been rejected on 06.02.2014, hence the present appeal on 25.02.2014. He further contended that the impugned order dated 06.02.2014 has been issued in violation of Rule-5 of the Civil Servant (Appeal) Rules 1986. 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. Appellant has also filed an application for suspension of the impugned orders dated 10.12.2013 and 06.02.2014. Notice of application should also be issued to the respondents for reply/arguments. To come up for written reply/comments on main appeal as well as reply/arguments on application on 03.06.2014.

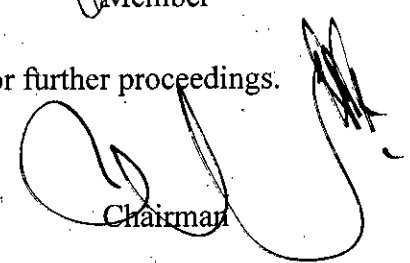

Member

Appellant Deposited
Process Fee
180/- Bank
File.



5.

03.05.2014

This case be put before the Final Bench  for further proceedings.


Chairman

3.6.14



The Hon'ble bench is on Reg
Profess case is adjst OB 8-8-14

Needs

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 259/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	25/02/2014	<p>The appeal of Mr. Habib ur Rehman presented today by Mr. Sahibzada Asadullah 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	26-2-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>16-4-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. 259/2014

Habib ur Rehman(Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

And others.....(Respondents)


I N D E X

S.No	Description of Documents	Pages
1.	Service Appeal	1-14
2.	Affidavit	15
3.	Addresses of the parties	16
4.	Copies of the charge sheet and reply	17-18
5.	Copy of the Disciplinary Action dated 30/10/2013	19
6.	Copy of the Recovery Memo dated 12/10/2013 in case F.I.R No. 366/94	20
7.	Copies of the statements in inquiry	21-26
8.	Copies of the judgment of service Tribunal dated 30/06/1994 along with better copy	27-36
9.	Copy judgment of Supreme Court dated 08/05/1998	37-44
10.	Copies of the orders dated 10/12/2013 and 06/02/2014 along with appeal	45-48
11.	Copies of list of POs, FIRs regarding Narcotics, liquors and press clippings	49-71
12.	Copies of the news paper	72-77
13.	Copies of appreciation letters, applications for promotion, Quaid e Azam Police Medal and order dated 25/02/2010	87-88 78-89
14.	Wakalat Nama	90


Appellant

Through

Dated: 17/02/2014


Sahibzada Asadullah
Advocate Supreme Court
Of Pakistan.
Cell No. 0313-9772262

①

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. 259/2014

Habib ur Rehman S/o Zolqadar Khan

R/o Sorkh Dheri, Rustom District Mardan.....(Appellant)

H.W.F. Peshawar
279
25/2/14

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer (DIG), Malakand at Saidu Sharif, Swat.
3. District Police Officer, Swat.....(Respondents)

APPEAL U/S 4 OF THE N.W.F.P (KHYBER
PAKHTUNKHWA) SERVICE TRIBUNAL ACT 1974
AGAINST THE IMPUGNED ORDERS DATED
10/12/2013 AND 06/02/2014 PASSED BY THE
DISTRICT POLICE OFFICER BUNIR AND
REGIONAL POLICE OFFICER, MALAKAND AT
SAIDU SHARIF SWAT RESPECTIVELY.

Respectfully Sheweth:

Brief facts giving rise to the instant appeal are as under:

FACTS:

1. That the appellant was appointed as Constable in the Police Department on 05/06/1980 and in the year 1986/87 passed his Lower Course where as in the year

25/2/14

②

1991/92 his intermediate course and was finally promoted as ASI in the year 2004. Then was promoted to the post of SI in 2010 whereas in 2012 was handed over the charge/ promotion as Officiating Inspector.

2. That the appellant throughout his career i.e. from his initial appointment as constable to the post of Officiating Inspector served the department with zest and devotion, so much so never compromised at the honour of the department and till date is enjoying honour and esteem among his colleagues within the department.

3. That the appellant did well and was expecting honourable treatment from the high-ups looking at his efforts and the way he eradicated the crimes and criminals but his hopes came to an end when the department went hostile and he was retired compulsory as a major punishment.

4. That the appellant was surprised when a charge sheet was served upon him on 30/10/2013 where allegations of corruption and shelter to the criminals were leveled against him to which the appellant submitted his detailed

③

reply on 01/11/2013. (Copies of the charge sheet and reply are attached).

5. That the respondent No. 3 after getting reply to the charge sheet then initiated departmental inquiry against the appellant by appointing one Muzakar Shah DSP as the Inquiry Officer. (Copy of the Disciplinary Action dated 30/10/2013 is attached).

6. That backgrounds of the allegations which led to the major punishment of compulsory retirement of the appellant was stated to be that, a case F.I.R No. 366/94 u/s 365/ 342/ 109/ 147/ 149/ 7 ATA was registered where one Ghaleem Zada S/o Gul Shehzada R/o Gharsheen was nominated as accused who could not be arrested by the SHOs posted during 1994 at Police Station Khwza Khela and later on when the appellant took the charge of SHO and he went through the list of proclaimed offenders he found the name of Ghaleem Zada as well. During that period the appellant arrested numerous proclaimed offenders but the mentioned Ghaleem Zada could not be found. The appellant made full efforts to arrest and to bring him to books and for the purpose the help from military officials like Major Anwar,

Major Dastagir, Col. Ghazi and Caption Hamza was requested and search of the area was conducted, but could not be found.

7. That it was on 12/10/2013 when the inquiry officer who at the time was SDPO Circle Khwaza Khela provided information to the appellant via telephone regarding the presence of the proclaimed offender Ghaleem Zada at his house for the purpose the appellant with ASI Abdul Wali, Constable Abbas, Constable Alamgir along with local elders raided the house of the PO who could not be found but on searching his house one NIC and Passport belonging to the PO were recovered. And in respect of house hold articles list was prepared to initiate proceedings u/s 88 Cr.PC. The Passport and the National Identity Card was taken vide Recovery Memo dated 12/10/2013 with Bahadur Nawab Khan S/o Abdul Qahar Khan and Lal Zada Khan S/o Gul Shehzada as marginal witnesses. (Copy of the Recovery Memo dated 12/10/2013 in case F.I.R No. 366/94 is attached).
8. That the appellant was later on asked by the SDPO i.e. Muzakir Shah Khan through telephone that some of the local elders namely Abdul Qahar Khan and Qajir Khan

have promised the production of PO soon after Eid-ul-Adha and was further directed to postpone the proceedings under section 88 Cr.PC till then, on which the appellant postponed the proceedings.

9. That the Inquiry Officer owing to the Disciplinary Action initiated the inquiry proceedings where he recorded the statement of Abdul Wali ASI, Constable Alamgir No. 2736 and Constable Abbas Khan No. 2601, Yar Muhammad Khan Moharrar P.S Khurshid Khan Khwaza Khela, Abdul Wahid Khan SI in respect of the raid and recovery conducted at the house of PO Ghaleem Zada and finally the Inquiry Officer submitted his own reply. (Copies of the statements in inquiry are attached).

10. That the appellant when came to know regarding the appointment of SDOP Muzakir Shah as Inquiry Officer he both in writing and verbally requested the DPO concerned not to appoint him as Inquiry Officer as he was already at bad terms with the appellant as the appellant had filed Writ Petition before the august Peshawar High Court, Peshawar, against the said Muzakir Shah, the Provincial Government, the Inspector General of Police, D.I.G of Police Malakand Range along

(6)

with others and later on Service Appeal before the N.W.F.P Service Tribunal Peshawar and the matter even went upto the august Supreme Court of Pakistan, which has become a cause of disturbance between the inquiry officer and the department as well. (Copies of the orders/ judgments are attached).

11. That the respondent No. 3 without observing the codal formalities straight away passed the impugned order dated 10/12/2013 where major punishment of compulsory retirement was awarded against which the appellant preferred an appeal to the respondent No. 2 but vide order dated 06/02/2014 the appeal was also dismissed. (Copies of the orders dated 10/12/2013 and 06/02/2014 along with appeal are attached).

12. That being aggrieved the appellant prefers this appeal on the following grounds amongst others inter-alia:

GROUND:

A. That the impugned orders are arbitrary, mechanical and without the application of judicial mind and passed in vacuum needs interference of this august Tribunal.

- B. That the impugned orders are having no legal backing and have been passed in a vacuum without caring for the honour and respect of the appellant he enjoyed within the department and also for the codal formalities and the law laid down for the purpose and as such the impugned orders are nullity in the eyes of law, hence need to be struck down.
- C. That the career of the appellant and the length for which he served the department is full of the brilliant performances of the appellant and the sacrifices of the appellant which he made to improve the tarnishing image of the department that is why the authorities were so pleased that his accelerated promotion was requested time and again and he was also awarded with cash awards.
- D. That the appellant throughout his service kept integrity of the department in mind and the way he fought against the terrorists as well as the criminal was not only appreciated by the public but the department as well the detail description of the performance of the appellant

8

while posted as SHO at Police Station Khurshed Khan Shaheed during 2013 is as under:

S. No.	Title	Performance
1.	Arrest of PO's	11
2.	Recovery of Charas	24941 KG
3.	Recovery of Heroin	1226 Grams
4.	Recovery Liquor	2843 Liters
5.	Recover of Opium	85 Grams
6.	Pistols	5
7.	Rifles	9
8.	Rounds	86
9.	Timber	30
10.	Dandasa	6 KG
11.	Preventive action	450
12.	Recovery of amount of drugs	544400

E. That appellant love for the department can be better judged when in the year 2010 the appellant received information regarding huge quantity of arms and ammunicions for destruction in the area without caring for his life he rushed to the spot along with others and recovered dangerous weapons registered case F.I.R No. 155 dated 25/11/2010 u/s 3/5 Exp. Sub Act/ 7ATA/13AO, Police Station Mingora.

Details to recovered weapons:

1. 40 Rocket Launchers.
2. 2 Suicide Jackets.

3. 24 Hand Grenades
4. 4 Kalashnikovs
5. 2 Rocket Rounds
6. 2 Stabilizers Remote Control
7. 2 Nozzle Rocket Launchers
8. 18750 Rounds 7.62 bore

The episode was widely covered by the local media and press. (Copies of the news paper are attached).

F. That the appellant in 2005 Bank dacoity case in respect of which F.I.R No. 915, dated 21/12/2004 u/s 324/353/148/149/ 7ATA Police Station Matta, arrested and killed some and recovered the following.

1. Looted amount Rs. 1565822/-
2. 2 Rocket launchers
3. 2 Hand Grenades
4. 4 Kalashnikovs
5. 2 Rocket Rounds
6. 2 Pistols 9 MM
7. 125 Rounds 7.62 bore
8. 2 Kalashnikovs
9. Explosive material.

Similarly in the year 2003 when directed the appellant after constitution of a special team traced and the following untraced cases.

- 1. F.I.R No. 314/2002, u/s 457-380/14 O-APO PS Kabal.
- 2. F.I.R No. 40/2003, u/s 20 Haraba PS Kabal.
- 3. F.I.R No. 69/2003, u/s 20 Haraba PS Kabal.
- 4. F.I.R No. 314/2002, u/s 20 Haraba PS Kabal.
- 5. F.I.R No. 588/2002, u/s 20 Haraba PS Swat.

While posted a Bunir the appellant arrested the following Taliban Commanders.

- 1. Abdul Hakim S/o Ibrahim Shah R/o Dokada
- 2. Gul Khazar S/o Sezars R/o Dokada
- 3. Now Alam S/o Khair Faqir R/o Dokada
- 4. Shaukat S/o Noor Farosh R/o Bishonari.

Similarly the appellant also recovered liquors, Charas and Heroines at various police stations which had been highlighted by the newspapers. (Copies of list of Pos, FIRs regarding Narcotics, liquors and press clippings are attached).

G. That this is shocking to say that the present Provincial Government in order to score credit in the eyes of public launched an assault where the innocent and un-

influential police officials were removed on unproved and baseless charges of corruption without caring that the appellant and others who did well for the betterment of the department were stigmatized with no fault and ruined the future of the appellant along with his family.

H. That because of the brilliant performances the appellant was recommended for QPM and accelerated promotion so much so even the army officials appreciated his spirit and work that he was awarded with appreciating letters. Even the IGP vide office order dated 25/2/2010 awarded cash prize. (Copies of appreciation letters, applications for promotion, Quaid e Azam Police Medal and order dated 25/02/2010 are attached).

I. That the procedure adopted for removal/ compulsory retirement of the appellant is illegal and without the lawful authority that the respondent No. 3 was is no way competent to issue show cause notice as the appellant was performing the duties against the post of Inspector where the DIG was the only competent authority, hence the DPO was not competent to issue show cause to the appellant.

J. That the respondent No. 3 was required under the law to issue charge sheet and thereafter appoint the inquiry officer but the respondent No. 3 violated the procedure and along with charge sheet appointed the inquiry officer but the appellant was never called/ summand to record his statement rather the inquiry was conducted in an ex-parte manner where even the appellant was not given the opportunity to cross examine the witnesses so that truth could come to surface.

K. That the appellant conducted the raid at the house of the PO and in this respect recovery memo was prepared where two private witnesses were associated with the process as marginal witnesses but those witnesses were no called to record their statements, had they been called they would have brought the true picture to light, the other two witness namely Alamgir and Constable Abbas have recorded their statements, the statement of Muzakir Shah is based on concealment of facts, however he admits that the PO's arrest was postponed by the appellant on directions of Muzakir Shah SDPO as private persons had promised his production after Eid.

L. That statements of Yar Mohammad, Abdul Wali and Abdul Wahid are incorrect as they being subordinate to the inquiry officer have tried to obey and advance a false statement against the appellant. The PO was neither arrested nor passport and NIC were recovered in the way as has been stated in the inquiry statements by these three, but infact the recovery memo is crystal clear that the raid was duly conducted being witnessed by independent witnesses.

M. That no final show cause was issued to the appellant to explain finally his position, that even in such like situation if the charges are proved even then transfer is made to any other district, but the punishment is not justified and is against the spirit of the law, rules and provisions for the purpose which needs interference of this august Tribunal.

N. That no allegations in black and white nor any private person came against but the career of the petitioner has been ruined without any justification and even the charge sheet could not exactly explained what corruption is made and even the name of Alif Gul instead of Ghaleem Gul is mentioned which is a mockery of law.

O. That the appellant is innocent and has never involved in corrupt practices or corruption and the charges are not proved against him, hence the impugned orders need interference of this august Tribunal.

It is therefore, humbly prayed that on acceptance of this service appeal the impugned orders may kindly be set aside by re-instating the appellant to the post he was working against before retirement.


OR

Any other relief which this august Tribunal deems appropriate may kindly be awarded to meet the ends of justice.


Appellant

Through

Dated: 17/02/2014


Sahibzada Asadullah
Advocate Supreme Court
Of Pakistan.

15

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

Service Appeal No. ____/2014

Habib ur Rehman(Appellant)

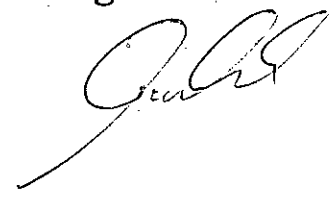
VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

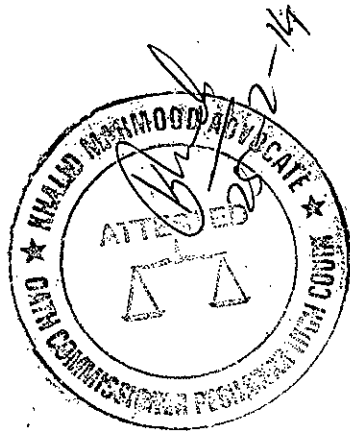
And others.....(Respondents)

AFFIDAVIT

I, Sahibzada Asadullah Advocate, as per instruction of my client, do hereby solemnly affirm and declare, that all the contents of accompanying Service Appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Tribunal.



ADVOCATE



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

Service Appeal No. ____/2014

Habib ur Rehman(Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
And others.....(Respondents)

ADDRESSES OF THE PARTIES

APPELLANT:

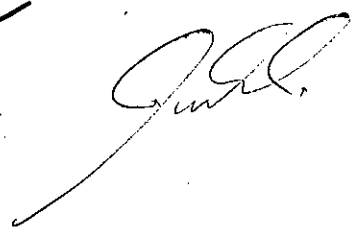
Habib ur Rehman S/o Zolqadar Khan
R/o Sorkh Dheri, Rustom District Mardan

RESPONDENTS:

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer (DIG), Malakand at Saidu Sharif, Swat.
3. District Police Officer, Swat.


Appellant

Through



Dated: 14/02/2014.

Sahibzada Asadullah
Advocate Supreme Court
Of Pakistan.

سید الرحمن

CHARGE SHEET

I Mr. Sher Akbar S.St. P.S.P. District Police Officer, Swat as competent authority, hereby charge you, S.I. Habib-ur-Rahman (Shoulder Inspector) while posted as SHO Police Station Khurshid Khan Shaheed, Khwaza Khela as follows:-

It has been reported that you committed the following act / acts, which is / are gross misconduct on your part as defined in Rules 2 (iii) of Police Disciplinary Rules 1975.

You S.I. Habib-ur-Rahman (Shoulder Inspector) while posted as SHO Police Station Khurshid Khan Shaheed, were directed by the SDPO/Khwaza Khela to arrest the PO namely Alif Zada s/o Gul Shahzada r/o Barshin charged in case vide FIR No.366/1994 u/s 365/342/109/147/149-PPC/7-ATA PS Khurshid Khan Shaheed. However, you allowed the accused to flee abroad allegedly by accepting Rs.3,00,000/- as a bribe from him which amounts to gross misconduct on your part.

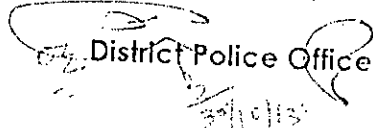
2. By reasons of the above, you appear to be guilty of misconduct and rendered yourself liable to all or any of penalties specified in Rule-4 of the Disciplinary Rules 1975.

3. You are, therefore, required to submit your written reply within seven (7) days of the receipt of this Charge Sheet to the Enquiry officer.

4. Your written reply, if any, should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.

5. Intimate as to whether you desire to be heard in person or not.

6. A statement of allegations is enclosed.


District Police Officer, Swat

No. 315 /E.

Dated: 30/10 /2013


ATTESTED

بحوالہ چارج شیٹ نمبر 218/E/2013-10-30 معروض خدمت ہوں۔ کہ چارج شیٹ میں لگائے گئے الزامات کے بارے میں عرض ہے۔ کہ مسمی علیم زادہ ولد گل شہزادہ سکنہ غرشین، بحوالہ مقدمہ علت نمبر 366/94 جرم 365/342/109/147/149/7ATA تھانہ خوازہ حیلہ میں مجرم اشتہاری ہے۔ مذکورہ کی گرفتاری کیلئے سال 1994 سے تاحال کوشش جاری ہے۔ ماقبل بھی کئی ایس ایچ اوز صاحبان جو کہ سال 1994ء سے تھانہ خوازہ حیلہ میں تعینات تھے۔ مذکورہ کی گرفتاری کیلئے کوشش میں تھے۔ لیکن کوئی کامیابی انہوں نے بھی حاصل نہیں کی تھی۔ جب میں نے بحیثیت SHO تھانہ خوازہ حیلہ کا چارج سنبھال لیا تو دیگر مجرمان اشتہاری کے ساتھ PO مذکورہ بالا کا نام بھی فہرست مجرمان اشتہاری میں موجود تھا۔ جملہ مجرمان اشتہاری کے گرفتاری کی کوشش تیز کر کے میرے تعیناتی عرصہ تین ماہ میں گیارہ مجرمان اشتہاری گرفتار کر کے پابند سلاسل کیئے ہیں۔ فہرست گرفتار شدہ PO شامل ہے۔ جہاں تک مجرم اشتہاری علیم زادہ سکنہ غرشین کا تعلق ہے۔ تو مذکورہ کی گرفتاری کیلئے میجر انور۔ میجر دستگیر۔ کرنل غازی کیپٹن حمزہ سے کئی بار امداد طلب کر کے مجرم اشتہاری مذکورہ کی مکان و علاقہ کی سرچ اپریشن کی ہے۔ لیکن دستیاب نہیں ہو سکا ہے۔

مورخہ 12/10/2013 کو جناب مذکر شاہ خان SDPO سرکل خوازہ حیلہ نے بذریعہ فون اطلاع دی کہ مجرم اشتہاری علیم زادہ اپنے گھر میں موجود ہے۔ اس اطلاع پر فوری طور پر مکان ازاں مجرم اشتہاری پر چھاپہ زنی ہو گئی۔ میرے ساتھ دیگر نفری میں عبدالولی ASI، کنسٹیبل عباس 2601 کنسٹیبل عالمگیر 2736 و مشران علاقہ موجود تھے۔ چھاپہ زنی کے دوران مجرم اشتہاری کا پاسپورٹ اور شناختی کارڈ قبضہ کر کے دیگر گھر یلو سامان برائے کارروائی زیر دفعہ 88 ض ف کرنے کیلئے فہرست شروع کی اس دوران جناب SDPO نے بذریعہ فون اطلاع دی کہ مسمیان عبدالقہار خان۔ قجر خان مجرم اشتہاری مذکورہ کے متعلق وعدہ کر رہے ہیں۔ کہ وہ مجرم اشتہاری کو بعد از عدالضحیٰ خود پیش کریں گے۔ لہذا کارروائی 88 ض ف عیدالضحیٰ کے اختتام تک ملتوی رکھے۔ لہذا میں نے حسب الحکم کارروائی ملتوی کر کے واپس آیا ہوں۔

میں خدا کو حاضر ناظر جان کر اللہ تعالیٰ کی نازل کردہ قرآن پر قسم کھاتا ہوں۔ کہ نہ میں نے مجرم اشتہاری مذکورہ گرفتار کیا ہے۔ نہ ہی اُسے چھوڑا ہے۔ اور نہ ہی اُس سے کوئی رقم بطور رشوت حاصل کی ہے۔ میرے خلاف لگائے گئے الزامات بے بنیاد ہے۔ لہذا استدعا ہے۔ کہ ان حالات و واقعات کو مد نظر رکھ کر چارج شیٹ ہذا کو بلا مزید کارروائی داخل دفتر

فرمائی جائے۔ المرقوم: 01/11/2013

العراض

حبیب الرحمان انسپکٹر پولیس لائن سوات۔

AT

DISCIPLINARY ACTION

I Mr. Sher Akbar S.S.I. P.S.I. District Police Officer, Swat am competent and duly qualified, is of the opinion that he S.I. Habib-ur-Rahman (Shoulder Inspector) while posted as SHO Police Station Khurshid Khan Shaheed, Khwaza Khela has rendered himself liable to be proceeded against departmentally as he has committed the following acts/omissions as defined in Rule 2 (iii) of Police Rules 1975, as per Provincial Assembly of Khyber Pakhtunkhwa Notification No. PA/Khyber Pakhtunkhwa/ Bills/ 2011/ 44905 dated 16/09/2011 and C.P.O, K.P.K Peshawar Memo: No. 3037-62/Legal, dated 19/11/2011.

STATEMENT OF ALLEGATIONS

It has been reported that he while posted as SHO Police Station Khurshid Khan Shaheed committed the following act / acts, which is / are gross misconduct on his part as defined in Rules 2 (iii) of Police Rules 1975.

That he S.I. Habib-ur-Rahman (Shoulder Inspector) while posted as SHO Police Station Khurshid Khan Shaheed, was directed by the SDPO/Khwaza Khela to arrest the PO namely Alif Zada s/o Gul Shahzada r/o Barshin charged in case vide FIR No.366/1994 u/s 365/342/109/147/149-PPC/7-ATA PS Khurshid Khan Shaheed. However, he allowed the accused to flee abroad allegedly by accepting Rs.3,00,000/- as a bribe from him which amounts to gross misconduct on his part.

2. For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations, DSP/Kabal, Swat is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused officer, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the enquiry officer.


District Police Officer, Swat
30/10/13

No. 218 /EB, Dated Gulkada the, 30/10 2013.

Copy of above is forwarded to the:-

1. DSP/Kabal, Swat for initiating proceeding against the accused Officer/ Official namely S.I. Habib-ur-Rahman (Shoulder Inspector) under Police Rules, 1975.
2. S.I. Habib-ur-Rahman (Shoulder Inspector) JIS Police Lines:-
With the direction to appear before the enquiry officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceeding.


ATTESTED

تفاه خورده صلح فد خان ندی صلح سوات

عده عد 366
94
365-342-147
120-121-149-109

بنا - عم داد و نه صل سگزاده بان سیز خورده صلح

فد خان ندی (م) ما سی به ا صید زبانی (ب) ا مقدار ۴۰
کلیه بر حسب ضابطه صلح بان سیز خورده صلح

عدم موجود پایا - در در ضابطه ندی مد (م) فاشانی صادر

به اینه در پایا بر ازم ا د و م نبوت سیز خورده صلح

صلح یوکل میں آں - فد خان ندی وقت مرتب صلح

توانسانی و سیز

SHOKRS
12 10 13

دستور ا سفار خورده صلح و عد القبا خان بان سیز
15602-133220

دستور

مگره ا سفار خورده صلح و عد القبا خان بان سیز
15602-0486714-9

Handwritten signature or stamp at the bottom right.

کتاب عالم شکر بر 2736 کتاب فوریہ

کتاب عالم شکر بر 2736 کتاب فوریہ سے میرا ایک انگریزی

بیان کیا ہے میرے 2/3 قبل ہی کتاب 10/12 کو

360 سے پہلے فوریہ سے کہ تمام نسخے

میں سے ہم نے 366 اور 365-342-109

147+49 کتاب فوریہ

کتاب عالم شکر بر 2736 سے میرا ایک انگریزی

بیان کیا ہے میرے 2/3 قبل ہی کتاب 10/12 کو

360 سے پہلے فوریہ سے کہ تمام نسخے

میں سے ہم نے 366 اور 365-342-109

147+49 کتاب فوریہ

انگریزی

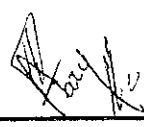
کتاب عالم شکر بر 2736 کتاب فوریہ

12. 12. 12
silenced
swat

9

کنسٹبل عباس خان 2601 تھانہ خوازہ حیلہ نے بدریافت انکوائری بیان کیا۔ کہ مورخہ 12/10/2013 کو میں SHO صاحب حبیب الرحمان تھانہ خوازہ حیلہ کے ساتھ موجود تھا۔ کہ مجرم اشتہاری علیم زادہ ولد گل شہزادہ ساکن غز شین بحوالہ مقدمہ علت نمبر 366/94 جرم 365/342/109/147/149/7ATA تھانہ خوازہ حیلہ کے گھر پر حسب ضابطہ چھاپہ زنی کے دوران موجود تھا۔ PO علیم زادہ گھر خود میں عدم موجود پایا۔ جبکہ SHO صاحب نے خانہ تلاشی ملزم سے ایک عدد شناختی کارڈ اور ایک پاسپورٹ برآمد کی ہے۔ SHO صاحب پر لگائے گئے الزامات غلط بے بنیاد ہے۔ ہمارے ساتھ عبدالولی خان ASI اور کنسٹبل عالم گیر نمبر 2736 بھی موجود تھا۔ یہ میرا بیان ہے۔

المرقوم: 02/11/2013



 العبد

عباس خان 2601 تھانہ خوازہ حیلہ

U-yes
 si/ceged sent.

ATTESTED

بیان ازان یا خرمان خرمان
خرمان خزان خزان

بیان چھک میں تحت خرمان خزان تھا وہاں تک جمع استیاری
علم ڈان کو کھانے کے لئے ہے کہ خرمان علم ڈان کو تھا۔
عبدالولیٰ کا اہل نے کھانے اور آجے سائی کر رہا ہے میں رکھا
نہ خرمان ہے کہ جو کچھ وہاں کہ اور نہ وہاں تک میں نہیں کہتا ہے
کہ وہ نہ خرمان اور نہ خرمان میں اندازہ ہے مافی ہے رنگ
علم نہیں ہے کہ Po خرمان کو کس نے خرمان ہے اور کس
حکم خرمان ہے البتہ یہ قصبت ہے خرمان ہے کہ وہاں
رنگ خزان میں رکھا ہے یہ میرا بیان ہے

21. 11. 13.
20/11/15
21/11/15

x x x x

مجھے یہ خزان علم ڈان Po ہے مگر شکل سے کچھ رکھا ہے

میں خود ایک جھک خزان کے برآمدہ میں عبدالولیٰ نے کھانے رکھا

مافی ہے یہ مطالعہ نہیں خزان کو کہ حکم بر وہاں تھا اور خرمان کا تھا

خرمان علم ڈان کا کس باسورٹ اور سنائی کارڈ انسٹریٹ خزان کے ریلوے سٹیشن

نے والے کتاب 110 کا کتاب ہو کر رولا ہو چکا ہے

ATTESTED

ماسٹر سٹیشن سٹریٹ، سنائی کارڈ خزان مافی میں 1/3 ہے

خرمان 110 کے لئے 88 صوف کارڈ الی عبدالولیٰ کے اختتام میں ہے

بیان عبد الواحد ادریح پور انجمن
حالی پولیس لائن سروس

پروٹیکشن پولیس بیانی سے کہ میں چونکہ فتح پور ٹھکانہ KK5
میں بحیثیت انجمن نمائند تھا۔ عبد الفیاض صاحب نے
سپر علیم زارہ دودھان مندرجہ ذیل کو لایا تھا۔
تحقیق علیم زارہ مندرجہ ذیل فرسٹ نے کیا۔ فتح پور ٹھکانہ فرارہ
مندر والوں نے ٹھکانہ فرارہ مندرجہ ذیل کا نام
اصلی ساف کا اور اوریا سہواریت کتبہ فتح
تاریخ کی دیکھی۔ فتح پور ٹھکانہ۔ فتح پور ٹھکانہ
درج ٹھکانہ KK5 میں عام پور ٹھکانہ۔
میں کی کتبہ میں فتح پور ٹھکانہ
فتح پور ٹھکانہ۔ ٹونڈ فرارہ SH5 فتح پور ٹھکانہ
فتح پور ٹھکانہ کا اور اوریا سہواریت
میں میں فرارہ فرارہ SH5 فتح پور
پالا کے فرارہ فرارہ فتح پور ٹھکانہ
میں میں فرارہ فرارہ فتح پور ٹھکانہ
فتح پور ٹھکانہ۔ فتح پور ٹھکانہ

silvegal
swat
STED

Office name, silvegal, swat

تخانہ خورشید خان سنجید

ضلع سوات

بیان آزاں عبدالولی ASI کہ مورخہ 12/10/13 کو جناب SHO صاحب

جناب المرہان خان نے مجھے زبانی ہدایت کی مسمیٰ علم زادہ ولد گل شہزادہ
ساکن قندیش کے پاس جائے اور اس کا پاسپورٹ حاصل کرنے کے لیے پیش
کریں۔ میں مہنگے ٹیکسٹائل عالمگیری 2736/594 خانہ علم زادہ واقع قندیش جاگم
طلب کرنے پر وہ گھر خود میں موجود نہیں تھا۔ برادر آتش لعل زادہ کے
آپسے گھر بلا کر میرے ساتھ ملا تھا ہو کہ میں نے SHO صاحب کی ہدایت
آس کو سنائی کہ آپ کا پاسپورٹ SHO صاحب نے طلب کیا ہے۔ دیگر معاملہ
کا آپکو علم ہو گا۔ کہ اسی دوران SHO صاحب نے بذریعہ فون اطلاع دی
کہ علم زادہ کو بھی ہمراہ لائیں۔ میں نے علم زادہ کو ہمراہ لائے تھے تاہم لایا۔
جناب SHO صاحب نے بذریعہ فون ہدایت فرمائی کہ مذکورہ علم زادہ کو
عبدالقیار خان کے ضمانت پر چھوڑا جائے کیونکہ عبدالقیار خان نے مجھے فون کیا ہے
لہذا میں نے سب ہدایت SHO صاحب مذکورہ کا پاسپورٹ قبضے میں لیکر چونکہ
درست اور اصل تھا۔ حسب ہدایت SHO صاحب مذکورہ کو چھوڑا گیا۔ چونکہ جناب
SHO صاحب کثرت شبہ پر تھا۔ لہذا صبح سویرے علم زادہ کا اصل پاسپورٹ
مجھے شناختی کارڈ SHO صاحب کو درست طور پر حوالہ کیا۔ باقی مجھے کوئی علم
نہیں۔ یہی میرا بیان ہے۔ جو کہ درست ہے۔

مکمل
19-11-13

ASi-PS-14145
19-11-13

آپ کو خبر دینے کے لیے مزید ڈاؤن لوڈ
2. جب ضمانت پر ہونے لگا تو مجھے ہم علاقہ مذکورہ Po ہے
3. تھا آج کو کس طرح ہم علاقہ Po ہے
4. تھانہ والوں کے زمانے میں اصل میں از خود ریکارڈ تک کرنا ہوتی تھی
5. آپ کو کوئی حکم دیا گیا کہ مذکورہ سٹیج ڈاؤن کو تھانہ لایا جائے
6. Site جب اسٹیج کے زمانے پر سے پاسپورٹ حاصل کرے اور بعد میں مذکورہ کو تھانہ لائے گا یہ ایک

ATTACHED

110 کی نسبت الریح کیا کہ سید نبی زونہ کا ہے

پہن گاہے

آپ جو بیان میں لکھا ہے یہ بالکل صحیح ہے

بالکل صحیح ہے اور قسم لگانے کی بھی تیار ہوں

نہیں کیا تو کوئی عتاب ہے یا نہیں

نہیں تو کوئی عتاب 110 کی نسبت الریح کیا کہ سید نبی

مذکورہ کا پاسپورٹ امین ہے اور کیا اسکا ذاتی ہے اور آپ کہاں ہے

امین ہے اسکا ذاتی ہے اور 110 کی نسبت لکھا ہے

۲۰ علی زادہ کا بعد میں کیا ہوا

اس کے علاوہ جو کچھ لکھا ہے وہ سب لکھنا چاہئے اور اگر کچھ اور لکھنا ہے

نہیں ہے اس کے لئے کہہ دیجئے

مذکورہ نام لکھنا چاہئے

جی ہاں نام لکھنا چاہئے

RECEIVED
2000

سپان مڈگر شاہ SDPO فوارہ جیل

خاتہ عالی

مورخہ 10/11 کو DF لیاقت صاحبہ فوارہ جیل

مورخہ 10/11

فجر حد میں واقع ناظم فوارہ جیل کے ساتھ P علم گزارہ و پورے شہر

365-342 کے فوارہ جیل

366 مورخہ 11/4 بجے 109، 148، 149 کے فوارہ جیل

94 کے فوارہ جیل

اسی رات جناب SDPO کے طرف سے قون پر حکم ملا کہ شہر

کو گھیر کر رکھیں۔ گرفتاروں کا سرولسٹ کریں۔ میں نے یہی حکم SDPO فوارہ جیل

جسب الزحلیٰ کو سنایا۔ اچانک دن رات کو قوت ملنے ناظم کے واپس عبدالصغیر

کو تھمڑے اور عبدالعزیز کے لیڈر کے ساتھ کی استریٹ لائٹ میں جس کے طرف

SDPO کو سنبھالا۔ کہ P سے اصل پاسپورٹ اور NIC لیکر عبدالعزیز کے لیڈر عبدالصغیر

جس کو گھیر کر عبدالعزیز کے پاس لے کر لے گئے اور پھر پورے شہر میں ان

اور پاسپورٹ اور NIC واپس کرنے کو کہا۔ میں نے اس کے ساتھ

عبدالعزیز کے لیڈر کے پاس سے رابطہ کیا تو جواب میں کہا

کہ P کو فوارہ جیل سے گھیر کر لائے۔ اور تم نے پاسپورٹ تبدیل کیا ہے۔ چونکہ پاسپورٹ

کے والی کھلے جو سفارشی فیصل اڑس آ رہے تھے۔ 06 بجے رابطہ میں کر رہے تھے

اور خاموش ہو گئے تھے۔ جب میں نے SDPO کے کمرے میں بڑے پاسپورٹ

اور NIC کا معائنہ کیا۔ تو پاسپورٹ کے 2/3 صفحات پر بڑے ہینر کے ساتھ

لفظ کسٹ لکھا تھا۔ اور ماہ ستمبر 2011 میں نشیاب ہوا تھا

اور NIC اور ڈور کا کھٹا۔ جو باہر رکھ دیا گیا۔ NIC کے ساتھ دیگر شے میں پوتائے

پاسپورٹ کے تبدیل ہوا ہے۔ اس کا علم نہیں ہے

اس کا علم SDPO اور اس کے ماتحت تمام ایڈمنسٹریٹو آفیسروں کو مل گیا

یہی مایا ہے -
SDPO KR
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BEFORE THE NAEP SERVICE TRIBUNAL, PESHAWAR.

APPEALED APPEAL NO. 178/1991

Date of institution..... 12.10.1991

Date of decision.... 30.6.1992

Sanctar Khan, ASI NO. 1307, ... APPELLANT
Malakand Range,

VERSUS

1. Inspector General of Police, NEFP, Peshawar.
2. Deputy Inspector General of Police, Malakand Range, Saidu Sharif.
3. A.S.I, Bahramand, No.109/M at present Swat List: C/O Superintendent of Police, Swat and 77 others...

MIAN ICEAL RUSSAIN, Advocate, ... For appellant

MR. MUHAMMAD SHAFI, Government Pleader, ... For respondents 1 & 2.

MR. HAILER ALI, Advocate, ... For respondents 3 to 8.

MR. ATICUR REHMAN QAZI, Advocate, ... For respondents 9 to 13, 15 to 22, 25, 26, 28, 29, 30, 31, 32, 33 and 54 to 60.

Other respondents proceeded ex-parte vide order dated 16.9.1992.

MR. JUSTICE QAZI HAMID-U-DIN ... CHAIRMAN
MR. TAJ MUBARRAH KHAN, ... JUDGE R.

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JUDGMENT

QAZI HAMID-U-DIN, J. This appeal is directed against the revised seniority list of ASI of Malakand Range as issued on 1.12.1990 by ...

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BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR.

AMENDED APPEAL NO.178/1991
Date of institution 12.10.1991
Date of decision 30.6.1994

Sanobar Khan, ASI No.1307
Malakand Range. APPELLANT

VERSUS

1. Inspector General of Police,
NWFP, Peshawar.
2. Deputy Inspector General of Police
Malakand Range, Saidu Sharif.
3. A.S.I Bahramand, No.109/M
at present Swat Dist: C/O
Swat and 77 others. RESPONDENTS

MIAN IQBAL HUSSAIN
Advocate For Appellant

MR. MUHAMMAD SHAFI,
Government Pleader, For Respondents No.1 & 2

MR. HAIDER ALI
Advocate, For Respondents 3 and 8.

MR. ATIQRU REHMAN QAZI,
Advocate For respondents 9 to 13, 15
to 22, 25, 26, 28, 29, to
34, 36, 53, 54 to 80.

MR. JUSTICE QAZI HAMID-UD-DIN CHAIRMAN
MR. TAJ MUHAMMAD KHAN MEMBER

JUDGEMENT:

QAZI HAMID-UD-DIN- J, CHAIRMAN:- This appeal is
directed against the revised seniority list of ASIs of Malakand
Range as it stood on 31.12.1990.lated by

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and against the order dated 20.8.1991 of the Inspector General of Police, MWFP (Respondent No.1), whereby the departmental appeal of the appellant was rejected. The prayer is that the impugned order dated 20.8.91 of respondent No.1 be set aside and the impugned seniority list be modified and declared void to the extent that respondents 3 to 8 be shown juniors to the appellant. It has also been prayed that the Standing Order No.11 of respondent No.1 be declared void and ineffective upon the rights of the appellant and that the promotion/confirmation of respondents 3 to 8 made earlier to the appellant on the basis of Standing Order, be declared void, without lawful authority and of no legal effect.

The facts leading to the present appeal are that the appellant was initially appointed as Constable on 25.8.1971 and was promoted as Head Constable on 15.7.1976. He was confirmed as Head Constable on 15.7.1979. The appellant was then shown in list 'D' on 23.3.1979, and was promoted as ASI on 1.12.1987. He has passed the Lower School Course in 1975. As against this the appointment, promotion/confirmation as Head Constables and also promotion to list 'D' as well as passing the Lower School Course by respondents 3 to 8 were made later on. Besides, the appellant was shown senior to the respondents 3 to 8 in the earlier seniority lists. The respondent No.1, i.e. Inspector General of Police, MWFP, then without approval of the Provincial Government, issued the Standing Order No.11 on 5.1.1987 and on the basis of this Standing Order the respondents 3 to 8 were promoted and confirmed as ASIs and the impugned seniority list dated 25.4.1991 was circulated in which the respondents 3 to 8 were placed at S.Nos.74 to 79 i.e. senior to the appellant and the appellant was placed at S.No.100 which has affected the seniority of the appellant and he was deprived of his due right of seniority over respondents 3 to 8. Aggrieved at the impugned seniority list the appellant...

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and against the order dated 20.8.1991 of the Inspector General of police, NWFP (Respondent No.1) whereby the departmental appeal of the appellant was rejected. The prayer is that the impugned order dated 20.8.91 of respondent No.1 be set aside and the impugned seniority list be modified and declared void to the extent that respondents 3 to 8 be shown juniors to the appellant. It has also been prayed that the Standing Order NO.11 of respondent NO.1 be declared void and ineffective upon the rights of the appellant and that the promotion/ confirmation of respondents 3 to 8 made earlier to the appellant on the basis of Standing Order, be declared void, without lawful authority and of no legal effect.

The facts leading to the present appeal are that the appellant was initially appointed as Constable on 28.8.1971 and was promoted as head Constable on 15.7.1976. He was confirmed as Head Constable on 15.7.1979. the appellant was then shown in List "L" on 22.3.1979 and was promoted as ASI on 1.12.1987. He has passed the Lower School Course in 1975. As against this the appointment, promotion/ confirmation as Head Constables and also promotion to list "L" as well as passing the Lower School Course by respondents 3 to 8 were made later on. Besides the appellant was shown senior to the respondents 3 to 8 in the earlier seniority lists. The respondent No.1, i.e. Inspector General of Police, NWFP, then without approval of the Provincial Government, issued the Standing Order No.11 on 5.1.1987 and on the basis of this Standing Order the respondents 3 to 8 were promoted and confirmed as ASIs and impugned seniority list dated 24.4.1991 was circulated in which the respondents 3 to 8 were placed at S.Nos.74 to 79 i.e. senior to the appellant and the appellant was placed at S.No.126 which has affected the seniority of the appellant and he was deprived of his due right of seniority over respondents 3 to 8. Aggrieved by the impugned seniority list the appellant approaches

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departmental appeal before the ICP, B.P. on 21.1.91 which was rejected on 20.8.1991 and communicated to the appellant on 15.9.1991. Hence the present appeal on the grounds that the impugned Standing Order No. 11 of respondent No. 1 is in violation of section 12 of the Police Act, 1961 and also in violation of Police Rules and as such is of no legal effect, that the promotions and confirmations of respondents 3 to 8 earlier than the appellant on the basis of the said order are in violation of Police Rules and other law, therefore, the same is void and is of no legal effect, that the entry of respondents 3 to 8 at S.Nos. 74 to 79 in the impugned seniority list on the basis of the Standing Order is also against the Police Rules and other relevant laws and that without approval of the Provincial Government, the Standing Order 11 is of no legal effect, therefore, any action taken on the basis of the said Order is without lawful authority.

The respondent department and the respondents 3 to 8 have filed their replies and have raised the preliminary objections of limitation etc. On factual side too the claim of the appellant made by him in his averments of appeal has been denied and it has been stated that the Standing Order No. 11 was passed in accordance with the rules and was within the competence of the ICP. Furthermore the Standing Order provided incentive to Police officials to work at unattractive position and also to gain experience in training as well. Moreover only confirmation and seniority are not the determining factors for promotion. Efficiency and Merit shall be the main factors governing selection, as provided under police rules 13.1. The appellant has refused to avail the concession of Standing Order No. 11, so naturally he accepted the lower position and now he is complaining on this issue. The promotion/confirmation of the answering respondents were, therefore, made in accordance with the rules and that the seniority list has also been prepared properly on the basis that the answering respondents

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departmental appeal before the ICL, NWFP on 21.5.91 which was rejected on 20.08.1991 and communicated to the appellant on 15.09.1991. Hence the present appeal on the grounds that the impugned Standing Order 11 of respondent No.1 is in violation of section 12 of the Police Act, 1861 and also in violation of Police Rules and as such is of no legal effect, that the promotions and confirmations of respondents 3 to 8 earlier than the appellant on the basis of the said order are in violation of Police Rules and other law, therefore, the same is void and is of no legal effect, that the entry of respondents 3 to 8 at S.Nos. 74 to 79 in the impugned seniority list on the basis of the Standing Order is also against the Police Rules and other relevant laws and that without approval of the Provincial Government, the Standing Order 11 is of no legal effect, therefore, any action taken on the basis of the said Order is without lawful authority.

The respondent department and the respondents 3 to 8 have filed their replies and have raised the preliminary objections of limitation etc. On factual side too the claim of the appellant made by him in his averments of appeal has been denied and it has been stated that the Standing Order No.11 was passed in accordance with the rules and was within the competence of the IGP. Furthermore the Standing Order provided incentive to Police officials to work at unattractive position and also to gain experience in training as well. Moreover only continuation and seniority are not the determining factors for promotion. Efficiency and honesty shall be the main factors governing selection, as provided under police Rules 13.1. The appellant has refused to avail the concession of Standing Order No.11, so naturally he accepted the lower position and now he is estopped to agitate this issue. The promotion/ confirmation of the answering respondents were, therefore, made in accordance with the rules and that the seniority list has also been prepared properly on the basis that the answering respondent are

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confirmed ASIs and had to be placed senior to the appellant. Moreover the objection regarding non obtaining approval of the Provincial Government on Standing Order is not admitted for lack of knowledge. However, it is submitted that the answering respondents, who had acted on the basis of the Standing Order and had spent 3 years in the PTS, Hangu had assumed that the Standing Order was properly passed and in any case valuable rights have now accrued to the answering respondents which cannot be taken away. It has been further stated that the promotion and confirmation of the respondents 3 to 8 has not effected in violation of any rules. Not only that the Standing Order entitled them to promotion in preference to the appellant but also their honesty, rich experience and dedication to work placed them on a better merit than the appellant. The appellant inspite of his full knowledge of the Standing Order 11 was under no circumstances ready to opt as an Instructor in PTS, Hangu whereas respondents 3 to 8 have willingly accepted the same job. Now challenging the impugned Standing Order speaks of the appellant in-efficiency as he woke up too late. Therefore, the entry of respondents 3 to 8 in the impugned seniority list was legal and justified.

The proforma respondents 9 to 13, 15 to 22, 25, 26, 28, 29, 31 to 34 and 36 to 80 have also filed their joint reply in which it has been stated that the earlier promotion, confirmation and also entries in the impugned seniority list of respondents 3 to 8 on the basis of the impugned Standing Order 11 are illegal void, and against the Police Rules, therefore, the entries of respondents 3 to 8 in the impugned seniority lists shall be cancelled and their names should be deleted from the seniority list of ASIs.

Arguments heard and record perused.

The first point to be decided by this Tribunal is as to whether the appeal is or is not within time. The learned counsel for the appellant in his written as well as in his

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The proforma respondent 9 to 13, 15 to 22, 25, 26, 28, 29, 31 to 34 and 36 to 80 have also filed their joint reply in which it has been stated that the earlier promotion, confirmation and also entries in the impugned seniority list of respondents 3 to 8 on the basis of the impugned Standing Order 11 are illegal void, and against the Police Rules, therefore, the entries of respondents 3 to 8 in the impugned seniority lists shall be canceled and their names should be deleted from the seniority list of ASIs.

Arguments heard and record perused.

The first point to be decided by this Tribunal is as to whether the appeal is or is not within time. The learned counsel for the appellant in his written as well as in his

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J. J. J. J.

oral arguments before this Tribunal commences that in the
 Seniority List of ASIs of Malakand Range as it stood on
 5.5.1986, the appellant was given position at S. No. 122
 whereas the respondents 3 to 6 were not mentioned at all in
 the said seniority list of Malakand Range, and that in list
 ID of Malakand Range the appellant's position was mentioned
 at S.No.36 whereas respondents 3 to 6 were mentioned at S.Nos.
 143, 158, 166, 169, 195 and 230 respectively. The appellant has
 passed the Intermediate School Course, qualifying for the
 rank of ASI in 1979, whereas respondents 3 to 6 have passed
 the said examination in 1983, 1984, 1985, and 1986 respectively,
 therefore, the appellant was confirmed as Head Constable much
 earlier to the respondents 3 to 6. A seniority list of Malakand
 Range affecting the seniority of the appellant as it stood
 on 31.12.1980 was circulated vide office No. 799-802/E dated
 Saldu Sharif, 25.4.1991. The appellant appealed against this
 seniority list on 21.5.1991 to I.G.P. NWFP which was rejected
 on 30.8.1991, communicated to the appellant on 15.9.1991
 and the present appeal has been filed on 12.10.1991. The
 learned counsel for the appellant further contends that
 respondents 3 to 6 were given accelerated promotion on temporary
 basis on the existing vacancies of PWS Hanan and not in the
 Malakand Range, therefore, the said promotion could not affect
 Malakand Range, whereas in the Malakand Range the promotion
 and confirmation of respondents 3 to 6 as ASIs were not granted
 before filing the appeal. Moreover the learned counsel for
 the appellant contends that the impugned list actions and
 orders could not affect the valid rights under the law as
 time barred and has relied on 1951 SCNR 125(D), 1987 SCNR 1945,
 1987 SLC(CS)116 (a), 1986 SCNR 1238(B), 1991 SCNR 1255(B) and
 1983 PLJ (CS)1205(B). However a revised seniority list of
 Malakand Range as it stood on 31.12.1980 was circulated on
 25.4.1991 wherein respondents 3 to 6 were inserted at S.Nos.
 76 to 79 and were also promoted to list 101 and 101 on the
 basis of standing order 11 of IGP NWFP. Consequently the

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oral arguments before this tribunal contends that in the seniority list of ASIs of Malakand Range as it stood on 5.9.1988, the appellant was given position at S. No.122 whereas the respondents 3 to 8 were not mentioned at all in the said seniority list of Malakand Range, and that in list 'D' of Malakand Range the appellants position was mentioned at S.No.36 whereas respondents 3 to 8 were mentioned at S.Nos. 143,158,168,169, 195 and 230 respectively. The appellant has passed the intermediate School Course, qualifying for the rank of ASI in 1979, whereas respondents 3 to 8 have passed the said examination in 1983, 1984, and 1986 respectively, therefore, the appellant was confirmed as Head Constable much earlier to the respondents 3 to 8. A seniority list of Malakand Range affecting the seniority of the appellant as it stood on 31.12.1990 was circulated vide office No.799-802/E dated Saidu Sharif, 25.4.1991. The appellant appealed against this seniority list on 21.5.1991 to IGP NWFP which was rejected on 20.8.1991, communicated to the appellant on 15.9.1991 and the present appeal has been filed on 12.10.1991. the learned counsel for the appellant further contends that respondents 3 to 8 were given accelerated promotion on temporary basis on the existing vacancies of PTS Hangu and no. in the Malakand Hangu, therefore, the said promotion could not effect Malakand Range, whereas in the Malakand Range the promotion and confirmation of respondents 3 to 8 as ASIs were not gazetted before filling the appeal. Moreover the learned counsel for the appellant contends that the impugned void actions and orders could not affect the valid rights under the law as time barred and has relied on 1991 SCMR 125(b) and 1987 SCMR 1543, 1987 PLC (CS) 110 (a), 1980 SCMR 1238(b), 1991 SCMR 1259(b) and 1983 PLC (CS) 1205 (b). However a revised seniority list of Malakand Range as it stood on 31.12.1990 was circulated on 25.4.1991 wherein respondents 3 to 8 were inserted at S.Nos. 74 to 79 and were also promoted to list 'd' and 'E' on the basis of standing order 11 of IGP NWFP. Consequently the

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appellant's position was reduced to S.No. 126 from S.No. 122.

As against this the learned counsel for the contesting respondents No. 3 to 8 contends that the respondents 3 to 8, by virtue of Standing Order 11 of 1987, after having completion training in the PTS, were confirmed as ASIs whereas the appellant and the proforma respondents continued as officiating ASIs. This Standing Order 11 was notified in 1987 in the Police Gazette which is at page-10 of the file. But from page-10 it does not appear that this was notified in the Police Gazette. The learned counsel for the contesting respondents further contends that as a fact the Standing Order 11 was adopted to give incentive to the field officers to persuade them to in part training in the PTS, Hangu. The learned counsel for the appellant contends that under section 10 of the Civil Servants Act, no such incentive was required. Section 10 of the Civil Servants Act reads as under:-

"10. Posting and Transfers.- Every civil servant shall be liable to serve any where within or outside the Province, in any post under the Federal Government, or any P-rovincial Government or local authority, or a corporation or body set up or established by any such Government:

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region:

Provided further that, where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve."

The learned counsel for the contesting respondents 3 to 8 further contends that in the light of the provision of this standing Order numerous officials have volunteered to join PTS, Hangu as Instructors out of whom the contesting respondents were selected and their names were duly notified in the Police Gazette in May, 1987; copy of which is annexure-7A on the file. This promotion of respondents 3 to 8 is officiating, and on temporary basis against

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appellant's position was reduced to S.No.126 from S.No.122.

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As against this the learned counsel for the contesting respondents No.3 to 8 contends that the respondents 3 to 8, by virtue of standing Order 11 of 1987, after having completion training in the PTS, were confirmed as ASIs whereas the appellant and the proforma respondents continued as officiating ASIs. This standing order 11 was notified in 1987 in the police Gazette which is at page-1C of the file. But from page-10 it does not appear that this was notified in the police Gazette. The learned counsel for the contesting respondents further contends that as a fact the standing order 11 was adopted to give incentive to the field officers to persuade them to in part training in the PTS, Hangu. The learned counsel for the appellant contends that under section 10 of the civil servants Act, no such incentive was required. section 10 of the Civil servants Act, reads as under:-

"10 posting and Transfers. Every civil servant shall be liable to serve and where within or outside the province, in any post under the federal Government, or any provincial Government or local authority, or a corporation or body set up or established by any such Government:

P-voided that nothing contained in this section shall apply to a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less incurable than those to which he would have ben entitled if he had not been so required to serve."

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vacancies of Police Training School, Hangu and it has been stated that they will be subsequently confirmed in their ranks substantively if they earn category 'A' reports for 3 years during the posting at Police Training School, Hangu. So according to the learned counsel for the appellant, the promotion on temporary basis in PTS, Hangu is not a promotion which therefore, cannot straight away affect the rights of the appellant. The learned counsel for the contesting respondents 3 to 8 contends that in the Police Gazette of May, 1987 it has been mentioned that the 'D' list Head Constables of various Districts were given promotion as officiating ASIs on temporary basis against the existing vacancies of the PTS, Hangu with effect from the dates noted against their names, as per IGP NWFP Standing Order No.11, issued vide his Endst: No. 869-92/E-II, dated 17th January, 1987. They will be subsequently confirmed in their ranks substantively if they earn category 'A' reports for 3 years during their posting at PTS, Hangu and it was under this particular provision that respondents 3 to 8 were confirmed as regular ASIs, after having completed their training and earning category 'A' reports. The learned counsel for the respondents further contends that the Police personnel of other districts have also opted to serve at PTS, Hangu who, after having completed the tenure there as Instructors on reversion to their districts, were confirmed on the promoted posts. The learned counsel for the respondents 3 to 8 contends that the appellant had not challenged the confirmation of the answering respondents in the light of the Police Gazette of May, 1987. On limitation the learned counsel for the respondents contends that the date from which the period of limitation is to be reckoned would be the date on which the answering respondents were confirmed as ASIs, hence the appeal is time barred because the respondents 3 to 8 were promoted on various dates i.e. on 29.5.1989 and 6.5.1990 and the appellant did not prefer any departmental appeal

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ISI is not only based on the seniority list as shown in
 order's 11 Legality being upheld, the consideration of
 and the procedure respondents but he contended that the respondents
 respondents does not contest this contention. The respondents
 in the eyes of law. The learned counsel for the respondents
 notified by the Provincial Government, therefore, it is contended
 contends that the Standing Order 11 has not been observed/
 the induction was illegal. The learned counsel for the appellant
 rather of publication of seniority list though it was held that
 quoted authority it was the date of induction in service
 the date of publication of seniority list because in the
 would be reckoned from the date of confirmation and not from
 is that in the light of this authority the period of limitation
 SCMR 1952 and the discussion is at page 1957. His contention
 tion of the seniority list and relies on the authority 1965
 limitation would run and not the date of publication/confirmation
 respondents, the date of confirmation is the date from which
 replied to it. According to the learned counsel for the
 appellant, therefore, the contesting respondents have not
 3 years, has not been taken in the name of appeal by the
 and Saddique Akbar were promoted earlier to the passage of
 the respondents 3 to 5 contends that the point that Behramand
 years instead of 3 years. Moreover the learned counsel for
 1964, will have to serve in the Training Institute for two
 selected on the basis of promotion examination passed before
 wherein it has been stated that those instructors who were
 the provision of the notes at page-11 of the standing order
 to above whose date of confirmation is 29.5.1969 falls under
 3 to 8 contends that the case of these two officials referred
 training in P.S. The learned counsel for the respondents
 promotion because by then they have not completed 3 years
 were not in line with the Standing Order regarding the
 promotion of Behramand and Saddique Akbar made on 29.5.1969
 of these officials against whom he claimed seniority. The
 period of limitation commencing from the date of confirmation

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period of limitation commencing from the date of confirmation of these officials against whom he claimed seniority. The promotion of Behramand and Saddique Akbar made on 29.5.1989 were not in line with the standing order regarding the promotion because by then they have not completed 3 years training in PTS. The learned counsel for the respondents 3 to 8 contends that the case of these two officials referred to above whose date of confirmation is 29.5.1989 falls under the provision of the notes at page-11 of the standing order wherein it has been stated that those instructors who were selected on the basis of promotion examination passed before 1984, will have to serve in the Training Institute for two years instead of 3 years. Moreover the learned counsel for the respondents 3 to 8 contends that the point that Behrammand and ?Saddique Akbar were promoted earlier to the passage of 3 years, has not been taken in the memo of appeal by the appellant, therefore, the contesting respondents have not replied to it. According to the learned counsel for the respondents, the date of confirmation is the date from which limitation would run and not the date of publication/ circulation of the seniority list and relies on the authority 1985 SCMR 1952 and the discussion is at page 1957. His contention is that in the light of this authority the period of limitation would be reckoned from the date of confirmation and not from the date of publication of seniority list because in the quoted authority it was the date of induction in service rather of publication of seniority list though it was hold that the induction was illegal. The learned counsel for the appellant contends that the standing order 11 has not been approved/ notified by the provincial Government, therefore, it is nullity in the eyes of law. The learned counsel for the answering respondents does not contest this contention of the appellant and the proforma respondent but he contends that the standing orders 11 legality being un-doubtful, the confirmation of ASI is not only based on the seniority but it is based on

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(35)

seniority-cum-fitness and training in PTS by the answering respondents enhanced their eligibility for confirmation as compared to the appellant and the proforma respondents.

The proforma respondents' counsel contends that the answering respondents, after having gone to PTS, Hangu for training are not reflected in 'I' list and not being so reflected in that list, they, therefore, could not be confirmed. The learned counsel for the respondents 3 to 8 contends that the appellant had never taken the plea in the averment of his appeal that he had no knowledge of these confirmation rather he had taken the plea that the period of limitation would be reckoned from the date of circulation of the seniority list and not from the date of confirmation.

As against this the learned counsel for the appellant contends that the appellant was not a party to the confirmation and officiating order published in the Police Gazette of May, 1987 as it did not affect the right of the appellant because the order was temporary and on officiating basis, in PTS, Hangu only, therefore, he was not required to impugn it. When the respondents 3 to 8 were confirmed, this confirmation order was not communicated to the appellant, therefore, he had no knowledge of the confirmation and the moment he achieved the knowledge through publication of the impugned seniority list, he preferred a departmental appeal and sought assistance of this Tribunal to redress the grievance of the appellant. In the above circumstances the appeal of the appellant is within time and is not time barred.

As regards the basis of the officiating promotion and subsequent confirmation of respondents 3 to 8 the Standing Order 11 resorted to for the purpose is not proper legislation as it has not been notified with the approval of the Provincial Government as required under section 12 of the Police Act 1961 and Rule 1.2 of Police Rules 1954 therefore, this order is of no legal effect.

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seniority cum fitness and training in PTS by the answering respondents enhanced their eligibility for confirmation as compared to the appellant and the proforma respondents. The proforma respondents, counsel contends that the answering respondents, after having gone to PTS, Hangu for training are not reflected in 'B' list and not being so reflected in that list, they therefore, could not be confirmed. The learned counsel for the respondents 3 to 8 contends that the appellant had never taken the plea in the averment of his appeal that he had no knowledge of these confirmation rather he had taken the plea that the period of limitation would be reckoned from the date of circulation of the seniority list and not from the date of confirmation.

As against this the learned counsel for the appellant contends that the appellant was not a party to the confirmation and officiating order published in the police Gazette of May, 1987 as it did not affect the right of the appellant because the order was temporary and on officiating basis, in PTS, Hangu only, therefore, he was not required to impugn it. When the respondents 3 to 8 were confirmed this confirmation order was not communicated to the appellant, therefore, he had no knowledge of the confirmation and the moment he achieved the knowledge through publication of the impugned seniority list, he preferred a departmental appeal and he sought assistance of this Tribunal to redress the grievance of the appellant. In the above circumstances the appeal of the appellant is within time and is not time barred.

As regards the basis of the officiating promotion and subsequent confirmation of respondents 3 to 8 the standing order 11 resorted to for the purpose is not proper legislation as it not been notified with the approval of the provincial Government as required under section 12 of the police Act 1861 and Rule 1.2 of police Rules 1934 therefore, this order is of no legal effect

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and any order passed would be considered as nullity in the eyes of law and would not invest any officer with any right of confirmation under this order on him. Therefore this Standing Order 11 is of no legal consequence and as such, it has been acted upon wrongly and in violation of the law and does not carry any force of law, therefore, the appellant has a good case and has properly challenged the Standing Order 11. Under the circumstances discussed above and in the light of the oral arguments as well as written arguments of the parties the appellant has a good case for restoration of his position to the seniority earlier notified than the one notified in the impugned seniority list. The impugned seniority list is, therefore, declared as null and void and the Tribunal while accepting the appeal directs the respondent department to prepare a new seniority list ignoring the officiating promotion and subsequent confirmation of respondents 3 to 6 on the basis of the Standing Order 11 which does not have the legal force and restore the appellant to the seniority position reflected in the earlier seniority list in which the appellant has been shown senior to the respondents 5 to 6. The appeal is accepted in the above terms. Parties are left to bear their own costs and file be consigned to the record.

ANNOUNCED
30.6.1994.

Sd/-
(JUSPION SULTANULLAH-DIN)
SECRETARY

Sd/-

(TAJ MUHAMMAD KHAN)
MEMBER

[Handwritten signature]

[Handwritten signature]
Deputy Director
Police Station
Sect.

ATTESTED

W/O

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and any order passed would be considered as nullity in the eyes of law and would not invest any officer with any right of confirmation under this order on him. Therefore, this standing order 11 is of no legal consequence and as such, it has been acted upon wrongly and in violation of the law and does not carry and force of law, therefore, the appellant has a good case and has properly challenged the standing order 11. under the circumstances discussed above and in the light of the oral arguments as well as written arguments of the parties the appellant has a good case for restoration of his position to the seniority earlier notified than the one notified in the impugned seniority list. The impugned seniority list is, therefore, declared as null and void and the Tribunal while accepting the appeal directs the respondent department to prepare a new seniority list ignoring the officiating to prepare a new seniority list ignoring the officiating promotion and subsequent confirmation of respondents 3 to 8 on the basis of the standing order 11 which does not have the legal force and restore the appellant to the seniority position reflected in the earlier seniority list in which the appellant has ben shown senior to the respondents 3 to 8. The appeal is accepted in the above terms. Parties are left to bear their own costs and file be consigned to the record.

ANNOUNCED

30.6.1994

(JUSTICE QAZI HAMID UD DIN)

CHAIRMAN

(TAJ MUHAMMAD KHAN)

MEMBER

9
ACCEPTED

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

ANNEXURE "B"

(37)

PRESENT:

MR.JUSTICE AJMAL MIAN C.J.
MR.JUSTICE MUHAMMAD BASHIR JEANGIRI
MR.JUSTICE SH.RIAZ AHMAD.

CIVIL APPEALS NO.162 AND 163 OF 1995.

(On appeal from the judgment dated 30-6-1994
of the NWFP Service Tribunal, Peshawar,
passed in Appeal No.178/1991)

CIVIL APPEAL NO.162 OF 1995.

ASI - Siddiq Akbar and others

..APPELLANTS

VERSUS

Sanobar Khan ASI and others.

..RESPONDENTS

For the appellants: Mr.Abdul Samad Khan,AOR.

For the respondents: Mr.S.Safdar Hussain,AOR(Absent).

CIVIL APPEAL NO.163 OF 1995.Inspector General of Police
N.W.F.P and another.

...APPELLANTS.

VERSUS

Sanobar Khan,ASI and others.

... RESPONDENTS

For the appellants: Mr.Muhammad Azam Khan,A.G.NWFP,
Instructed by Haji M.A.Qayyum,AOR
(Absent).

For respondent No.2 to 7: Mr.Abdul Samad Khan,ASC/AOR.

Date of hearing: 8-5-1998.

JUDGMENT

MUHAMMAD BASHIR JEANGIRI J.-These two
appeals with the leave of this Court are directed against one and the same
judgment of the NWFP Service Tribunal(The Tribunal) dated 30-6-1994
whereby Service Appeal No.178 of 1991 filed by respondent No.1 was
allowed and seniority given to the appellants in C.A.No.162 of 1995 over
the said respondent as a result of exercise of powers under Section 23 of
the NWFP Civil Servants Act, 1973 was 'declared as null and void' and

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DATED

the Inspector General of Police (appellant in C.A.No.163 of 1995) was directed to prepare a new seniority list ignoring the officiating promotion of respondents No.3 to 8 therein on the basis of Standing Order No.II which was also declared to be without lawful authority.

2. Respondent No.1 who was initially appointed as Constable on 26-8-1971 had passed Lower School Course in 1975; became Head Constable on 15-7-1976 and was confirmed as such on 15-7-1979. He claimed that he was shown in List 'D' on 22-3-1979 and was promoted as ASI on 1-12-1987. It is claimed that the appointment, promotion/confirmation of the respondent as Constable and also bringing his name in the List 'D' was earlier than those of appellants and, therefore, respondent No.1 was rightly shown senior to the appellants in the earlier seniority list. In the meantime, the Inspector General of Police NWFP, without the approval of the Provincial Government, issued Standing Order No.II on 15-1-1987. Besides the circulation of the impugned seniority list dated 25-4-1991 in which the appellants were wrongly placed at S.Nos.74 to 79 and respondent No.1 was placed on S.No.126, respondent No.1 pleaded that in pursuance of the Standing Order aforementioned, the appellants had been promoted and confirmed as ASIs without lawful authority. According to respondent No.1, his seniority has thus been adversely affected and he had been deprived of his due right of seniority over the appellants. The departmental appeal before the IGP NWFP by respondent No.1 on 21-5-1991 was rejected on 20-8-1991 and communicated to respondent No.1 on 15-9-1991. Feeling dissatisfied, respondent No.1 challenged the impugned Standing Order No.II issued by the Inspector General of Police, (appellant in C.A.No.163 of 1995) ^{as} violative of Section 12 of the Police Act, 1861 (The Act); as also of Police Rules and was, therefore, of no legal effect. He had assailed the promotion and confirmation of the appellants earlier than respondent No.1 on the basis of the said seniority list and had sought the annulment thereof.

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3. The appellants in both the appeals filed their replies wherein they had raised, inter alia, preliminary bar of limitation against respondent No.1. On factual plane too the claim of respondent No.1 pressed in the memorandum of his appeal before the Tribunal was controverted and the impugned Standing Order No.II was defended to be intra vires the Police Act and the Rules. In this context, it was maintained that the Standing Order was notified for providing incentive to Police officials to work in "unattractive position and also to gain experience in training as well". According to them "only confirmation and seniority are not the determining factors for promotion" and that efficiency and honesty were the main factors governing selection as Instructors as provided under Rule 13.1. It was further averred that respondent No.1 refused to avail the concession of Standing Order No.II thereby accepting the lower position and was, therefore, estopped to press into service his claim of seniority. The promotion and the confirmation of the appellants were defended to be absolutely in accord with the Rules. It was also submitted that the "appellants who had been promoted on the basis of Standing Order No.II and had remained posted for three years in the P.T.S.Hangu, on the assumption that the Standing Order had been properly passed and, in any case valuable rights have now accrued to them which could not be taken away". The proforma respondents in their joint reply had also challenged the validity of the earlier promotion and confirmation and entry of the names of the appellants in the impugned seniority list on the basis of the impugned Standing Order.

4. The Tribunal in its well-reasoned judgment considered the preliminary objection as to whether the appeal filed by the respondent was or was not within time and found it to be within time as the cause of action to respondent No.1 had accrued from the date of the knowledge of the promotion of the appellants as ASIs and from the date of communication of his representation to the Inspector General of Police. On merits, the invocation of the provisions of the impugned Standing

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Order No.11 for the officiating promotion and subsequent promotion of the appellants was held to be legally unsound as it was not the proper legislation having not been notified with the approval of the Provincial Government as envisaged under Section 12 of the Act and Rule 1.2 of Police Rules, 1934 and as stated earlier, the impugned order was declared to be of no legal effect and would be considered as nullity in the eyes of law. Before taking note of the respective contentions of the parties, we would like to reproduce Section 12 of the Act which reads as under:-

“Power of Inspector-General to make rules.-

The Inspector-General of Police may, from time to time, subject to the approval of the Provincial Government, frame such orders and rules as he shall deem expedient relative to the organization, classification and distribution of the police force, the places at which the members of the force shall reside, and the particular services to be performed by them, their inspection, the description of arms, accoutrements and other necessaries to be furnished to them; the collecting and communicating by them of intelligence and information; and all such other orders and rules relative to the police force as the Inspector-General shall, from time to time deem expedient for preventing abuse or neglect of duty, and for rendering such force efficient in the discharge of its duties.”

It would thus be noticed that under section 12 of the Act, the Inspector-General of Police may, from time to time and subject to the approval of the Provincial Government frame such orders and rules as he deems expeditious relating to the organization and classification of distribution of police force and for rendering such force efficient in the discharge of its duty.

5. Leave to appeal in both the appeals was granted in the following terms:-

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AWESTED

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"It was further stated that the Standing Order No.11 of 1987 was published in the Official Gazette providing incentive that Head Constable who qualified and stands at first 5 positions in the class will be qualified to serve as instructor provided they volunteer to work there for 3 years and earn "A" report. They would be confirmed in the rank of Head Constable and their names will be brought on promotion list "E". That accordingly with such incentive the private petitioner qualified, volunteered and completed 3 years with "A" report in preference to respondents, therefore, they would be promoted as ASI. This order was never challenged. The learned Tribunal was, therefore, not competent to interfere indirectly with the order of promotion of the petitioners on the ground stated above."

6: Mr. Abdul Samad Khan, learned ASC, appearing on behalf of the appellants in Civil Appeal No.162 of 1995 and Mr. Muhammad Azam Khan, learned Advocate-General, NWFP, in support of Civil Appeal No.163 of 1995 contended that the Tribunal had erred to reach the conclusion that the Standing Order No.11 having been notified without the approval of the Provincial Government was not warranted. According to them the Provincial Government of NWFP would be deemed to have accorded 'implied approval' otherwise it would have declared to have not been approved. In this context, it was pointed out that this Standing Order had been issued in January, 1987 and had held the ground for over ten years having not been questioned from any quarter and was thus deemed to be issued with the 'approval of the Provincial Government'. In this context Mr. Abdul Samad Khan invited our attention to 'Interpretation of Statutes' Chapter. XXXIII, page 1038, 7th Edition (1984) by N.S. Bindra wherein the word 'Approval' had been construed in the following terms:-

JUSTED

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"Ordinarily, the difference between approval and permission is that the first the Act holds good until disapproved, while in the other case it does not become effective until permission is obtained. But permission subsequently obtained may all the same validate the previous Act."

The bare perusal of the above noted interpretation of 'approval' derived from the case of Shakir Husain v. Chandoo (AIR 1913 All 567) is not extensive. On the contrary, it has brought out a difference between 'approval' and 'permission'.

7. In the Treatise 'Words and Phrases' Permanent Edition, Volume 3A at page 502, ordinarily the term 'approval' in its most obvious meaning has been taken ----- :

"to commend, confirm, ratify, sanction, or to consent to some act or thing done by another. As used in some statutes or texts, the act of "approval" implies the act of passing judgment, the use of discretion, and a determination, as a deduction therefrom, unless limited by the statute. As used in other statutes, the term implies the exercise of sound judgment, practical sagacity, wise discretion, and final direct affirmative action. In some cases the term implies the exercise of judicial action or discretion, while in other cases the exercise of only an administrative function or capacity and not in a judicial sense."

8. We are, therefore, of the considered opinion that word

'approval' accruing in section 12 of the Act implies the act of passing judgment, the use of discretion, and a determination as a deduction therefrom. to confirm, ratify, sanction or to consent to some act or thing done by the Inspector-General of Police. The word 'approval' implies exercise of sound judgment, practical sagacity, wise discretion and final direct affirmative action. Merely because the impugned Standing Order has held the ground for a number of years is not sufficient to assume the grant of 'approval' of the issuance of the Standing Order by the Provincial Government.

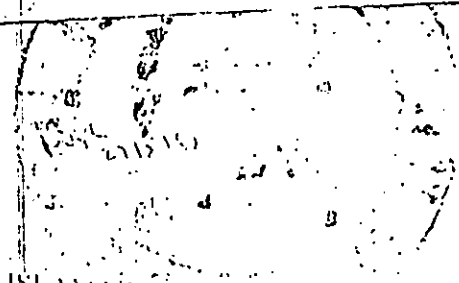
9. We have, therefore, no hesitation to hold that the Standing Order No.11 issued by the Inspector General of Police having not been approved by the Provincial Government is devoid of its legal status and is, therefore, of no legal authority. We are, therefore, inclined to uphold the findings of the Tribunal that the impugned Standing Order is without any lawful authority and of no legal effect.

10. Mr. Abdul Samad Khan, learned ASC, and Mr. Muhammad Azam Khan, learned A.G. NWFP, have attempted to emphasize that the Standing Order was issued with a view to bringing about efficiency in the police force and also to provide incentive to the outstanding officer of the police to serve in the Police Training School and invited our attention to item No.2 of the Standing Order which provides that Head Constables undergoing the Intermediate School Course who qualify amongst the first 5 in the Class, were qualified to serve as Inspectors provided they volunteer to work there for three years and earn category 'A' reports and were eligible for confirmation in the rank of Head Constable and their names to be brought on Promotion List. We are indeed conscious of the reluctance of the Police Officers serving in the Police Station on account of other "consideration" but that itself would not absolve the Inspector-General of Police from getting the approval of the Provincial Government for the issuance of a Standing Order with a view to bringing about 'efficiency and honesty' in the Police force. In the alternative, both

44

Mr. Abdul Samad Khan, learned. ASC, and Mr. Muhammad Azam Khan, learned A.G. invoked the Police Rules, 1934 whereunder, the Inspector-General of Police or Superintendent of Police is empowered to make promotions. This contention is equally fallacious inasmuch as the Inspector General of Police or for that matter the Superintendent of Police did not invoke any such rules to ignore the earlier seniority list in which respondent No.1, has been admittedly shown senior to the appellants before us in Civil Appeal No.162 of 1995. The preparation of seniority list of Civil Servants is a very responsible act calling for the exercise of judicial discretion besides invoking the provisions of the rules governing the matters of seniority and promotion of civil servants. All administrative acts including the service matters governing the seniority and promotion is solemn duty cast upon the officers empowered to exercise those powers and cannot be allowed to operate without the test of legality by mere reference to implied exercise to certain Rules and Regulations which have not been invoked in issuance of any such order.

11. As a sequel of what has been discussed above, we find no substance in these appeals and the same are accordingly dismissed with order as to costs.



ISLAMABAD
 DATED 8-8-1998
 NOT APPROVED FOR REPORTING

1772/98
 Date of ...
 Date of ...
 Compared by ...
 Received by ...

S/- A. J. ...
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MADE TO BE THE COPY
 (Assistant Registrar)
 Supreme Court of Pakistan

REGISTERED

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ORDER

This order will dispose off the departmental enquiry proceedings against Sub-Inspector Habib-ur-Rahman that he while posted as SHO Police Station Khurshid Khan Shaheed was directed by the SDPO/Khwaza Khela to arrest the PO namely Alif Zada s/o Gul Shahzada r/o Barshim charged in case vide FIR No.366/1994 u/s 365/342/109/147/149-PPC /7ATA PS Khurshid Khan Shaheed. However, he allowed the accused to flee abroad allegedly by accepting Rs.3,00,000/- as a bribe from him which amounts to gross misconduct on his part.

He was issued Charge Sheet alongwith Statement of Allegations and DSP/Kabal, Swat was deputed as Enquiry Officer. The Enquiry Officer conducted proper departmental enquiry against the delinquent Officer and recorded the statements of all concerned officers. He provided ample opportunity to the delinquent officer to defense the charges leveled against him. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings wherein he recommended the delinquent officer for punishment. He was heard in Orderly Room. However, he could not present any plausible defense against the charges leveled against him.

Therefore, in exercise of the powers vested in the undersigned under Rules 2 (iii) of Police Disciplinary Rules-1975, I, Sher Akbar, S.St, P.S.P, District Police Officer, Swat as a competent authority, am constrained to award him the punishment of Compulsory retirement from service with immediate effect.

Order announced.


District Police Officer, Swat.

O.B. No. 202

Dated 10-12 /2013.


ATTESTED

(4/6) 5/5

OFFICE OF THE REGIONAL POLICE OFFICER, MALAKAND
REGION, AT SAIDU SHARIF SWAT

ORDER:

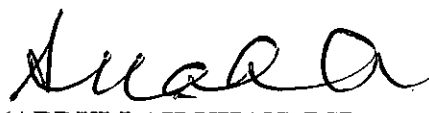
This order will dispose off the appeal preferred by Ex-SI Habib Ur Rehman of Swat District for reinstatement in service.

Brief facts are that the above named Ex-SI while posted as SHO Police Station Khwazakhela was directed by the DSP Khwaza Khela to arrest P.O namely Alif Zada involved in case FIR No. 366 dated 1994 U/S 365/342/109/147/149/PPC /7ATA Police Station Khurshid Khan Shaheed but he allowed the accused to flee abroad allegedly by accepting Rs: 3,00,000/- as a bribe from him which amounts to gross misconduct on his part.

Consequently he was proceeded against departmentally. DSP Kabal conducted proper departmental enquiry against him. During enquiry the Enquiry Officer recorded statements of concerned officer / official. The Enquiry Officer provided ample opportunity to the appellant to defend the charges leveled against him. The Enquiry Officer in his finding report held him responsible and recommended for punishment. The applicant was called in Orderly Room by District Police Officer, Swat but he could not present any plausible defense. After completion of codal formalities of the enquiry he was found guilty of misconduct. Hence he was awarded major punishment of compulsory retirement from service under Police Rules 1975 by District Police Officer, Swat vide his office OB No. 202 dated 10/12/2013.

The appellant was called in Orderly Room on 06/02/2014 and heard in person. But he did not produce any substantive materials in his defense. Therefore I uphold the order of District Police Officer, Swat, whereby the appellant has been awarded major punishment for compulsory retirement from service.

Order announced.



(ABDULLAH KHAN) PSP
Regional Police Officer,
Malakand, at Saidu Sharif Swat
Naqi

No. 1118-19 /E,

Dated 6/2 /2014

Copy for information and necessary action to the:-

1. District Police Officer, Swat with reference to his office Memo: No. 19071/E, dated 24/12/2013.
- ✓ 2. Ex-SI Habib Ur Rehman of Swat District.


ATT/ESTED

(47) 56

To

The Deputy Inspector General of Police

Malakand Range at

Saidu Sharif, District Swat

Subject: Departmental appeal against the order O.B. No. 202 dated 10-12-2013 vide which major penalty of compulsory retirement was imposed on the appellant.

Respected Sir,

The appellant submits as under:

That the appellant was regular member of the police force was performing his duty as Sub-Inspector to the satisfaction of his authorities and the public as well.

That recently the appellant was issued charge sheet and statement of allegations, wherein, it was alleged that the appellant has accepted certain bribe for helping in escape of a Proclaimed Offender. This charge sheet and statement of allegation was replied and the charges specifically denied, being baseless and frivolous.

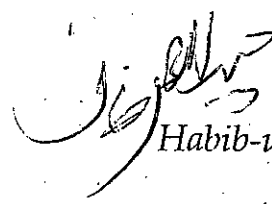
That shame inquiry was conducted in violation of the law and rules and as a result of which major penalty of compulsory retirement was imposed on the appellant, despite the fact that the appellant was never given the chance to be heard in person.

That the order mentioned above is passed in a very hush hush manner and in violation of the law and rules, hence liable to be set aside.

ATTENDED

(48) 57

It is, therefore, very respectfully prayed that on acceptance of this appeal the order impugned may be set aside and the appellant reinstated into service with all back benefits.

 Appellant
Habib-ur-Rahman

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ATTY/STED

فہرست مجرمان اشتہاری گرفتار شدہ

(49)

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نمبر شمار	نام ولدیت سکونت PO	عنوان مقدمہ جرم تاریخ	APO نمبر
1	عبدالواحد ولد قاسم ساکن پیا فتح پور	علت نمبر 366/94 جرم 365-342-109-147-149 تھانہ خوازہ خیلہ	152
2	بہادر خان ولد قاسم جان ساکن چچرے فتح پور	علت نمبر 366/94 جرم 365-342-109-147-149 تھانہ خوازہ خیلہ	222
3	ارسلان خان ولد حمزہ اللہ ساکن بابو خوازہ خیلہ	علت نمبر 339/20-09-05 جرم 5-10-11 تھانہ مدین	281
4	مستان ولد عبدالحلیم ساکن ڈھیرنی بابا خوازہ خیلہ	علت نمبر 544/7-9-13 جرم 302-34 تھانہ خوازہ خیل	199
5	ابراہیم ولد محمد نذیر ساکن امیران دو بیر	علت نمبر 01/1-1-08 جرم 302-324-148-149 تھانہ خوازہ خیلہ	143
6	یعقوب خان ولد عبدالکریم ساکن شہباز گھڑنی سردان	علت نمبر 443-1-3-99 جرم 302 تھانہ شہباز گھڑنی سردان	166
7	پرسند ولد احمد ساکن ناروگے خوازہ خیلہ	علت نمبر 350-18-10-94 جرم 302-34 تھانہ خوازہ خیلہ	51
8	محمد دوست ولد احمد ساکن ناروگے خوازہ خیلہ	بشرح صدر	49
9	پیر شاد ولد احمد ساکن ناروگے خوازہ خیلہ	شرح صدر	52
10	شیرزادہ ولد گل شاد ساکن انسا خیل نوشہرہ	علت نمبر 379/5-8-13 جرم 302-34 تھانہ انسا خیل	
11	محمدزادہ ولد گل شادہ ساکن انسا خیل نوشہرہ	بشرح صدر	
12	مغویہ مسماة روینہ دختر شیر بہادر ساکن انسا خیل نوشہرہ	بشرح صدر	

چس 24941 گرام 1226 گرام شراب 2843 لیٹر انیون 85 پستول 5 رائفل 10 کارٹوس 86 منشیات رقم 544,400/-

APPROVED

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 154 مجموعہ ضابطہ فوجداری

59

رہنہ تفصیل درج

ضلع سوات نورشیرخان شکیہ

تاریخ و وقت رپورٹ	26/9/13 17:30
نام و سکونت اطلاع دہندہ مستقیم	جسب ال رحمن SHO
مختصر کیفیت جرم (موجودہ) حال اگر کچھ لیا گیا ہو۔	خانہ فلاح یحییٰ عالم واقعہ بانڈی قازہ صلا جانب جنوب از قہانہ فاصلہ 2000 کھلیر
نام و سکونت ملزم	1 یحییٰ عالم ولد عبد الحلیم 2 عبد بین ولد محمد راکبان بانڈی قازہ صلا
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	24 بریدنی تھیری واصل فقہہ قاعغ نہوا، بہ سبیل طرائق
تھانہ سے روانگی کی تاریخ و وقت	

ابتدائی اطلاع نیچے درج کرو۔ اس وقت ایک تھیری واصل قہانہ جسب ال رحمن SHO بدست میں تھا ملکہ فر 2736 قوموں میں سے قبیلہ بچوں آف ریج قہانہ 1000 کھلیر اطلاع ملنے کے بعد ملزم عبد بین صاحبین ہماری فلاح یحییٰ عالم کو خود میں شراب کی کثیرہ کاری کرنے سے، لہذا عدالت سے ترحیم وارنٹ زیر دفعہ Pno 22 تحت ضابطہ طور پر حاصل کر کے میں واقعہ پر ایس ایم آئی کھلیر 2885 میں شرفان 2885 لڈی میں آئی ایم بیگ فر 2882 اور دیگر نفی کی پیشی ہمراہ کر کے خانہ فلاح یحییٰ عالم پر حسب ضابطہ چھاپہ زنی کی گئی، دوران چھاپہ زنی سرچ مشورہ کر کے ملزم کے مکان کے ہر اوردہ سے تیار شراب 1 بیٹا سائزر 30 گالے پر 678 کھلیر 2 بیٹا ایم بیگ بزنک سبنر 10 کھلیر 3 بیٹا بزنک سفید کھلیر 4 بیٹا بزنک سفید 10 کھلیر 5 بیٹا بزنک زرد 10 کھلیر شراب 6 کھلیر بوتل 12 کھلیر شراب 7 پالٹی بزنک سفید 25 کھلیر شراب 8 دو عدد ڈراما درمیانہ 25 کھلیر 9 بیٹا سائزر مٹی کا مٹکا 200 کھلیر 10 ایک عدد ٹیمن 60 کھلیر شراب 11 مٹکا اسلور 150 کھلیر 12 بیٹا ایم بیگ 35 کھلیر 13 پالٹی بزنک زرد 30 کھلیر 14 پالٹی بزنک سبنر 30 کھلیر 15 اور اس طرح قہانہ کے جنوری 20 سے آگے کی کثیرہ کاری شراب پلاسٹک جانی بزنک سفید 2 کھلیر پلاسٹک جانی بھوٹا سائزر ایک عدد سلینڈر، لوٹا بزنک سبز اور ایک عدد قلعی مٹی والا آئنا کے جھلک 100 کھلیر پوسٹ کے ڈوٹ کے 200 کھلیر اور بوری میں بند بکائی کے دانے (سنڈلی) وزنی کے ٹکڑے 200 کھلیر شراب ہر اوردہ سے جمع ہر اوردہ شدہ شراب، ساغان کو بیورے وغیرہ پوئیں کے شراب کے ہر پیرتن سے کھلیر شراب پوئیں کی پی سی ایس اور ہر اوردہ سے کھلیر شراب ہر حسب ضابطہ گرفتار کر کے ہر اسلہ صلیب ڈیکور میں لاکر پوئیں قاعغ فقہہ بدست میں ملکہ فر 2736 آرسال قہانہ کے پاس 4 زکریا جسب ال رحمن SHO قہانہ 1000 کھلیر 869 قہانہ کا روای قہانہ۔۔۔ پس آگے واسطہ صرف ذی درجہ قدر ہو کر جس نے ہر اوردہ سے کھلیر شراب والا درجہ کھلیر شراب جمع اصل ہر اسلہ ہر اوردہ تفتیش ہوا کہ تفتیش کیا جا تا جا آف شران جالا کو اطلاع دی جاتی ہے کہ تھیری واصل قہانہ 26/9/13 25

واری جو برخلاف مشا (1003) پر قابل ہستی شیت

9

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زید ذوال ۱۵۲ مجموعہ ضابطہ فوجداری

52

سوانح

ضلع

خوش چاند

قائد

38

نمبر

تاریخ ۳۱/۸/۱۳

466

تاریخ وقت رپورٹ	۳۱/۸/۱۳ ۱۶:۱۵ بجے
نام و سکونت اطلاع دہندہ مستفیض	۵۱/۱۳
مختصر کیفیت جرم (مصدقہ) حال اگر کوئی کیا ہو۔	24/11/15
جائے وقوعہ فاصلہ قائد سے اور سمت مکان، منزل، دنہا، عام واقعہ	کے نام و سکونت ملازم
نام و سکونت ملازم	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو
تقائد سے روانگی کی تاریخ و وقت	بہ سہل ڈاک

ابتدائی اطلاع نیچے درج کرو۔ ایک تحریری تراسر میں شامل کیا گیا ہے

۱۔ مارجن صاحب ۴۵۰ کی بھرتی سہیل سہاد ۱۵۶۶ کو جو کہ کٹر میں ذمہ ہے۔ حضرت افسر نے ایک دفعہ ۳۵ کی طرف سے دونوں سے تصدیق لے لی تھی، مگر اس وقت سے تفریق پیدا ہوئی ہے۔

۲۔ صاحب کی معلومات سے معلوم ہے کہ ملازم نے علاقہ بردلی کے سرخ وارنٹ ۲۲ دن ۲۲

۳۔ خان ASI بڑی ریش جمنان برف ۱۹۰۱ کو وقت بلا ملازم نے بلا کے مکان پر چھاپ

۴۔ انی رے اور ان جمنان بڑی ملازم کے مکان کے پاس سے ملازم سے تفریق کر کے

۵۔ ملازم نے ۱۶۰ گرام لٹھی ٹوٹیل / ۱۶۰ گرام دھندوں پر آمد سورج جنم سیاہ نگر اور

۶۔ دھندوں کے دھندوں ۱۵ گرام ٹوٹیل ۱۶۰ گرام دھندوں پر آمد سورج جنم سیاہ نگر اور

۷۔ ۱۵ گرام لٹھی ٹوٹیل / ۱۶۰ گرام دھندوں پر آمد سورج جنم سیاہ نگر اور

۸۔ ۱۵ گرام لٹھی ٹوٹیل / ۱۶۰ گرام دھندوں پر آمد سورج جنم سیاہ نگر اور

۹۔ ۱۵ گرام لٹھی ٹوٹیل / ۱۶۰ گرام دھندوں پر آمد سورج جنم سیاہ نگر اور

۱۰۔ ۱۵ گرام لٹھی ٹوٹیل / ۱۶۰ گرام دھندوں پر آمد سورج جنم سیاہ نگر اور

۱۱۔ ۱۵ گرام لٹھی ٹوٹیل / ۱۶۰ گرام دھندوں پر آمد سورج جنم سیاہ نگر اور

۱۲۔ ۱۵ گرام لٹھی ٹوٹیل / ۱۶۰ گرام دھندوں پر آمد سورج جنم سیاہ نگر اور

۱۳۔ ۱۵ گرام لٹھی ٹوٹیل / ۱۶۰ گرام دھندوں پر آمد سورج جنم سیاہ نگر اور

۱۴۔ ۱۵ گرام لٹھی ٹوٹیل / ۱۶۰ گرام دھندوں پر آمد سورج جنم سیاہ نگر اور

۱۵۔ ۱۵ گرام لٹھی ٹوٹیل / ۱۶۰ گرام دھندوں پر آمد سورج جنم سیاہ نگر اور

۱۶۔ ۱۵ گرام لٹھی ٹوٹیل / ۱۶۰ گرام دھندوں پر آمد سورج جنم سیاہ نگر اور

۱۷۔ ۱۵ گرام لٹھی ٹوٹیل / ۱۶۰ گرام دھندوں پر آمد سورج جنم سیاہ نگر اور

۱۸۔ ۱۵ گرام لٹھی ٹوٹیل / ۱۶۰ گرام دھندوں پر آمد سورج جنم سیاہ نگر اور

۱۹۔ ۱۵ گرام لٹھی ٹوٹیل / ۱۶۰ گرام دھندوں پر آمد سورج جنم سیاہ نگر اور

۲۰۔ ۱۵ گرام لٹھی ٹوٹیل / ۱۶۰ گرام دھندوں پر آمد سورج جنم سیاہ نگر اور

MAST, P, KRS ۳۱/۸/۱۳

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ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۲ مجموعہ ضابطہ فوجداری

53

درجہ کیو۔

تھانہ	خورشید آباد	ضلع	سوات
نمبر	46	تاریخ	23/08/2013
1	تاریخ وقت رپورٹ	23/08/2013	23/08/2013
2	نام و مکونت اطلاع دہندہ مستغیث	صیبا الرحمن 85H	790 گرام پوس
3	مختصر کیفیت جرم (معرّفہ) حال اگر کچھ لیا گیا ہو۔		
4	جائے وقوعہ فاصلہ تھانہ سے اور سمت	زکریا خان و اطراف	7/8 کوٹہ چانہ کمال آباد
5	نام و مکونت ملزم	مشیر ولی ولد خان تحصیل	ساکس ٹیج فور جازہ لہم
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو		پہلے دستاویزی طور پر ثابت کرنا
7	تھانہ سے روانگی کی تاریخ و وقت		پہلے دستاویزی طور پر ثابت کرنا

ابتدائی اطلاع نیچے درج کرد۔ ایک محمد علی دراصل صیبا الرحمن کے والد ہیں۔
 خان 85H درصہ بھان علی 218 حوروں پور تھانہ زمین کے۔ محمد صیبا الرحمن کے والد ہیں۔
 چند دنوں سے شکیبہ علی ایسی تھیں کہ خان تحصیل ادھ کوٹہ اپنے مکان واقع ٹیگٹ بازار
 میں شکیبہ کی سرپرستی فرماتے گا اور بارگاہی۔ عدالت سے سرپرستی حاصل کیا
 اور در دوران کنبہ گتت عمرہ 4 عبد الوارث کا اور باچا کاسا دیگر تفرق لوگت بازار
 میں آکر مکان کا تحصیل پر صفا کے ساتھ رہتی تھی۔ خان تحصیل دکان خود
 میں عدم وجود یا سر شکیبہ خان تحصیل سما بیٹا صیبا مشیر ولی ولد خان تحصیل خود
 یا درجہ صیبا مشیر ولی خان تحصیل جاکر دوران جائیداد سے ملزم کے بغلی سے بلا سکت
 تعلیمی بنہ بند پوس میرا پور جو وزن کرنے پر 790 گرام تھانہ پوس 85 گرام
 عملدہ لہذا جو صیبا مشیر ولی پوس میرا پور تھا۔ بقا صورت 85 گرام
 لہذا درصہ صیبا مشیر ولی پوس میرا پور تھی۔ علی قریب بیرون کے بند پوس پوس کے
 کر کے ملزم بلا جو صیبا مشیر ولی پوس میرا پور تھا۔ ہر ملکا ملزم میرا پوس صیبا مشیر ولی
 مشیر ولی پوس میرا پوس پوس میرا پوس لہذا درصہ صیبا مشیر ولی پوس میرا پوس
 85 صیبا مشیر ولی پوس میرا پوس پوس میرا پوس لہذا درصہ صیبا مشیر ولی پوس میرا پوس
 ہر صیبا مشیر ولی پوس میرا پوس پوس میرا پوس لہذا درصہ صیبا مشیر ولی پوس میرا پوس
 علی قریب بیرون کے بند پوس پوس کے
 صیبا مشیر ولی پوس میرا پوس پوس میرا پوس لہذا درصہ صیبا مشیر ولی پوس میرا پوس

تھانہ کیو۔ 85H
 23/08/13

ATTESTED

ابتدائی اطلاعی رپورٹ

(54)

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۳ مجموعہ ضابطہ فوجداری

مخبر شریف سید
خلع سوان

تاریخ و وقت رپورٹ	تاریخ 29/8/14 و وقت 14:00
نام و سکونت اطلاع دہندہ مستفیث	جیس ایچ ایم SHO
مختصر کیفیت جرم (محدودہ) حال اگر کچھ لیا گیا ہو۔	9-B CNSA میر آباد کی 900 ڈاک چوری
جائے وقوعہ فاصلہ تھانہ سے اور سمت	راستہ عاک ٹھیکداری میر لبر روڑ تفصیل ایک فرانک جانی سب از تھانہ
نام و سکونت ملزم	عبداللہ خان ولد عبدالملک سائیں ٹھیکداری
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	میر سیدگی محمدی وارل فقار واقع بیوا
تھانہ سے روانگی کی تاریخ و وقت	بہ سبیل ڈاک

ابتدائی اطلاع نیچے درج کرو۔ اس وقت ایک محمدی واسل میونسپلٹی جی اے ایچ
 SHO میر آباد کی طرف سے شکایت ہوئی کہ میر لبر روڑ تفصیل ایک فرانک جانی سب از تھانہ
 1000 ڈاک چوری کی طرف سے شکایت ہوئی ہے، کہ وہ میر عبداللہ خان
 ولد عبدالملک سائیں ٹھیکداری کافی فاصلہ سے شکایت کی خرید و فروخت کا کار
 کر رہا ہے۔ عبداللہ سے سرج و وارنٹ زیر دفعہ 99 امتناعی منشیات حاصل کر کے امر فرو
 منی خاص کے ذریعے اطلاع ملی کہ فلاں بالا راستہ عاک ٹھیکداری میر لبر روڑ تفصیل
 فوری طور پر ہمراہ تھوڑی پولیس رپورٹ ذریعہ آکر فلاں عبداللہ خان نے لفظ
 پولیس کو دیکھا ہی بھاگنے کی فاکار کوشش کی جسکو فوری طور پر نہایت
 حکمت عملی کے ساتھ قائل کر کے فلاں بالا کی جامہ تلاشی کی جا رہی ہے۔ فلاں
 ایک پلاسٹک ٹھیل میں بند پیکٹ چرس میں برادر کے وزن کرنے پر 900 ڈاک نکلا
 چل چرس برورے فرقیغ پولیس کے مفل چرس میں سے پانچ ڈاک بوجھ بوجھ
 بندہ پارسل بجا یا چرس بندہ پارسل خبرہ لیگی، فلاں کو مرنے کی جا
 کا پارسل صاف کر کے مفل فلاں مفل صاف مفل مفل میں لاکر بدست
 پولیس مفل مفل 1902 آرسال تھانہ سے لاکر انگریزی جیس ایچ ایم تھانہ سے
 فونے 29/8/14 کارروائی تھانہ، پس آدمہ اصل صرف صرف راج صدر سیکر میں بہ
 فونے 29/8/14 کارروائی تھانہ، پس آدمہ اصل مفل مفل مفل مفل مفل مفل
 تفتیش کیا جاتا آفسران بالا کو اطلاع دی جاتی ہے، مفل گزارش ہے

پولیس سوبہ سرحد
 ڈاک چوری
 9-513-14
 مارچ

ATTESTED

ذریعہ خلاف شکایت
 1003
 پشاور
 14/8/14

ابتدائی اطلاعی رپورٹ

(55)

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفتر ۱۵۴ مجموعہ ضابطہ فوجداری

محل وقوع میر سید

تاریخ و وقت رپورٹ	تاریخ و وقت <u>29/8/2013</u> وقت <u>14:00</u>
نام و سکونت اطلاع دہندہ مستغیث	<u>جیب الہ علی SHO</u>
مختصر کیفیت جرم (معرّفہ) حال اگر کچھ لیا گیا ہو۔	<u>9 B CNISA میر سید کی 900 ڈالر چوری</u>
جائے وقوعہ فاصلہ تھانہ سے اور سمت	<u>راستہ سید ٹھیکداری میر لیب روڑ فاصلہ ایک ورائنگ جانب سڑک اڑھان</u>
نام و سکونت ملزم	<u>عبداللہ خان ولد عبدالملکین ساکن ٹھیکداری</u>
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو	<u>میر سید کی خریدی واریل فقارہ واقع ہوا</u>
تھانہ سے روانگی کی تاریخ و وقت	<u>بہ سبیل ڈان</u>

ابتدائی اطلاع نے درج کرو۔ اس وقت ایک خریدی واسلہ فیضان جیب الہ علی
 SHO صاحب بدست میں ملتا ہے جس پر 29/8/2013 کو پولیس سٹیشن پر چارج آف آف ایچ آر ج
 10115 مجموعہ الناس کی طرف سے شکایتیں وصول ہوئی ہیں، یہ قسمی عبداللہ خان
 ولد عبدالملکین ساکن ٹھیکداری کافی عرصہ سے منشیان کی خرید و فروختی کا کاروبار
 کرتا ہے۔ عبداللہ سے سرچ و وارنٹ زیر دفعہ 29 امتدائی منشیان حاصل کر کے امروز
 فیضان خاص کے ذریعے اطلاع ملی کہ علاج بالا راستہ سید ٹھیکداری میر لیب روڑ فقارہ
 فقوری طور پر میر سید نے لٹی ہوئی روڑ زونڈ آر کلنگ عبداللہ خان نے لٹری
 پولیس کو سیکرٹ ہی بھاننے کی خاکاک کوشش کی جتکو فقوری طور پر نہایت
 حکمت عملی کے ساتھ قالو کر کے علاج بالا کی جامہ تلاشی کی جا کر جسے بڑھلا سے
 ایک پلاسٹک تھیل میں بندینگ چپس برادر کے وزن کرنے پر 900 ڈالر نکلی
 چپس برورے فر قبضہ پولیس کر کے مغل چپس سے سے پانچ ڈم بھرن بخترہ
 بندہ پارسل بچا بچا چپس بندہ پارسل نمبرہ کیٹی، علاج کو مکتبہ چک بالا
 کا پار صبی ضابطہ گرفتار کر کے میر خلاف علاج مراسلہ صراط و سیر میں لاکر بدست
 میں ممتاز پر 19/8/2013 ارسال تھانہ سے لٹری جیب الہ علی تھانہ 10115
 دفعہ 29/8/2013 کارروائی تھانہ سے اس آدرہ مراسلہ صرف صرف درج صدر ہو کر جس پر
 فقارہ چک بالا درج رٹریٹور نقل پر 10 بجے اصل مراسلہ بھار تفتیش کراہ شہر
 تفتیش کیا جاتا ہے آفران بالا کو اطلاع دی جاتی ہے، پھر گزارشی ہے

10115-513
 29/8/2013
 تاریخ

9

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۲ مجموعہ ضابطہ فوجداری

(56)

تعداد	30	مطلع	جوڑیہ خان شہید	مساوات	29/8/13 وقت 14:30 بجے
نمبر	508	تاریخ	29/8/13	جاکبڈی نمبر	15100 بجے 29/8/13
1	تاریخ و وقت رپورٹ	29/8/13 وقت 14:40 بجے	صوبہ	پنجاب	ضلع
2	نام و سکونت اطلاع دہندہ مستفیث		ضلع	پنجاب	ضلع
3	مقرر کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔		ضلع	پنجاب	ضلع
4	جائے وقوعہ فاصلہ تھانہ سے اور سمت	دوڑیہ شاہی نزد ڈیٹا شاہ	ضلع	پنجاب	ضلع
5	نام و سکونت لزم	صیات خان ولد سردار گزدر خان آسن ٹھنڈاری	ضلع	پنجاب	ضلع
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو	بدرستی کی تحریر عام اسم فودہ قائم ہوا۔	ضلع	پنجاب	ضلع
7	تھانہ سے روانگی کی تاریخ و وقت	بہ سبیل طائر	ضلع	پنجاب	ضلع

ابتدائی اطلاع نیچے درج کرو۔ ایک نمبر پر عام اسم بنیاب صیب الرحمن خان
 SHO بدست لٹل انور ذیبا 2854 دھول ٹھون میں ذیل میں محدث اسٹریٹ خارج تھانہ خود سید
 خان شہید عوام الناس کی طرف سے شکایت وصول ہوئی ہے۔ یہ صیات خان ولد سردار گزدر خان
 کافی عرصہ سے مشیات کی ضرورتاً جارڈ بنا کر رہا ہے۔ عدالت سے سرج ڈانٹ خیر دم
 29/8/13 ابتدائی مشیات حاصل کرتے احمد زخمیہ خاص سے ذریعہ اطلاع ملی۔ یہ ملزم نے جائے
 دوڑیہ شاہی نزد ڈیٹا شاہ کو چھوڑ دیا۔ خوری ظہور ہے کہ نئی پولیس دوڑیہ شاہی نزد ڈیٹا شاہ
 خان نے تقریباً دو بجے ہی لہجے کی خوشنوی جوتو باقر نے ملزم سے جان تل ایسی کی جانے کے بعد
 سے ایک پلازٹک کھیلہ میں بندہ پلٹ کر چلے گیا۔ ملزم نے ملکی جملہ جیس لہجے بندہ
 پولیس میں کرتے جیس میں آ کر ام جیس لہجے بندہ پلٹ کر چلے گیا۔ ملزم نے ملکی جملہ جیس لہجے
 بندہ پلٹ کر چلے گیا۔ ملزم نے ملکی جملہ جیس لہجے بندہ پلٹ کر چلے گیا۔ ملزم نے ملکی جملہ جیس لہجے
 خلاف ملزم کو اسم بدست لٹل انور ذیبا 2854 ارسال کیا گیا ہے۔ ملزم نے ملکی جملہ جیس لہجے
 خان SHO ذریعہ 29/8/13 کارروائی تھانہ پولیس آفیسر اسلم حاکم کی طرف سے ملزم کو چھوڑ دیا
 بال درجہ صبر و تحمل سے ملزم کو چھوڑ دیا گیا ہے۔ ملزم نے ملکی جملہ جیس لہجے بندہ پلٹ کر چلے گیا۔
 بال کارروائی دی جا رہی ہے۔

MA 313-1665 (بازچہ)
 29.8.2013

NOTED

ابتدائی اطلاعی رپورٹ

57

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر نمبر ۱۵۴ مجموعہ ضابطہ فوجداری

قریب پانچ بجے صبح

تاریخ وقت رپورٹ	۲۵	تاریخ وقت ۰۹:۵۴ و ۰۵:۴۰
نام و سکونت اطلاع دہندہ مستفیث	جیب الرحمان خان	
مختصر کیفیت جرم (موردہ) حال اگر کچھ لیا گیا ہو۔	فاسٹ ایکٹ ۸۸/۸۵۵-۷۶۶/۸۰	
جائے وقوعہ فاصلہ مقام سے اور سمت	لڈ کیمپ جیل پوسٹ بفاصلہ ۱/۴ کلومیٹر چائیں شریک جنوں از قہار	
نام و سکونت ملزم	محمد علی ولد محمد نور صاحب عمر ۳۵ برس ملاح ۵۵	
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو	بیر سیدنی ڈیڑھ چوبیس بجے اور	
مقام سے روانگی کی تاریخ و وقت	پہ سبیل چان	

ابتدائی اطلاع کے درج کردہ اس وقت ایک ڈیڑھ چوبیس بجے اور...

خان ۵۵، پوسٹ چان ۵۵، فورس پول نو. س. س. سرحد قائم نمبر ۷۱...
 دوران فریاد میں کئی دفعہ کہا گیا کہ میرا دل مچا مچا ہے اور میرا دل
 ایک ٹیبل سپر ڈاٹو کی گاڑی میں جا رہا ہے اور میرا دل مچا مچا ہے اور
 ایسا ناخوشگوار لگتا ہے اور میرا دل مچا مچا ہے اور میرا دل مچا مچا ہے اور
 سبھی پر دو سو لاکھ کی رقم تھپوڑ کر دی گئی ہے اور میرا دل مچا مچا ہے اور
 ضلع باجوڑ کے علاقے پور پور میں جا رہا ہے اور میرا دل مچا مچا ہے اور
 کراچی میں جا رہا ہے اور میرا دل مچا مچا ہے اور میرا دل مچا مچا ہے اور
 کئی دفعہ کہا گیا کہ میرا دل مچا مچا ہے اور میرا دل مچا مچا ہے اور
 ڈسٹرکٹ کے اندر کاغذی گٹر میں لپیٹا گیا ہے اور میرا دل مچا مچا ہے اور
 ناپیے پر پانچ لاکھ تھپوڑ کر دی گئی ہے اور میرا دل مچا مچا ہے اور
 تسلیم کی ڈیڑھ چوبیس بجے میرا دل مچا مچا ہے اور میرا دل مچا مچا ہے اور
 فدو کے پورے چوبیس بجے میرا دل مچا مچا ہے اور میرا دل مچا مچا ہے اور
 میرا دل مچا مچا ہے اور میرا دل مچا مچا ہے اور میرا دل مچا مچا ہے اور
 فتوہ بدست میں محمد علی ولد محمد نور صاحب عمر ۳۵ برس ملاح ۵۵
 ۵۵، پوسٹ چان ۵۵، فورس پول نو. س. س. سرحد قائم نمبر ۷۱...
 میرا دل مچا مچا ہے اور میرا دل مچا مچا ہے اور میرا دل مچا مچا ہے اور
 فتوہ بدست میں محمد علی ولد محمد نور صاحب عمر ۳۵ برس ملاح ۵۵
 ۵۵، پوسٹ چان ۵۵، فورس پول نو. س. س. سرحد قائم نمبر ۷۱...

کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو

ATTESTED

58

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۲ مجموعہ ضابطہ نو جداری

ت نام عدالت و حکم کی تاریخ

موضوع خوراک کے لئے

تاریخ ۱۷ ۰۹ ۲۰۱۵

572

18140	7 ۰۹ ۲۰۱۵
179143	
سبب الزمین خان SHO	
7 ۰۹ ۲۰۱۵	93 CNSA
خانہ کلیم شہب دا	خانہ کلیم شہب دا
شہب دلیر گل یاد	شہب دلیر گل یاد
پیر سید رفیق کھیری	پیر سید رفیق کھیری
۱۰۷۶۱۷	
جان بنگال	
	پیر سید رفیق کھیری

ابتدائی اطلاع نیچے درج کرو۔ آف کھیری نے اسے نجی مہمان سبب الزمین خان SHO
 بہت قبل حال میں ۲۰۱۵ء میں مہمانوں سے ملنے کے سلسلے میں انہیں بخیریت سے گزارنا شروع کیا۔ ان کے
 ہمراہیوں کے ساتھ ساتھ ان کے گھر میں بھی مہمانوں کو رکھنا شروع کیا۔ ان کے گھر پر ۲۰۱۵ء میں
 کاروبار کرنے والے اور مبلغ ۵۰۰۰ روپے کے لیے ایک ڈیڑھی گھنٹے کی مہمانی کرنے والے مہمانوں کی فہرست
 حالات سب سے پہلے وادیت خیر دھرم PHO ۲۵ شامل کرنے اور ذرا بعد ہی ان کے گھر پر
 مکان پر کھراہ خانیہ اللہ خان، ذی ۹۵، مہمانوں کی خانہ AS لہری کھیل اختر بیگم ۲۸۰۸ لہری
 پولیس چھاپہ زنی کے دوران چھاپہ زنی کے سلسلے میں وجود پاتے ہوئے مہمانوں کی فہرست جاری کر دی
 دیوار میں بیکس الحامی سے بلا سیک کھینچا گیا۔ اس میں مہمانوں کی فہرست اور ۷۰ گرام فیغلی
 مفیلہ خیر میں سے ۵ گرام خیر میں لہری کی فہرست اور ۱۰۰ گرام فیغلی کے ساتھ ساتھ ۱۰۰ گرام ہار
 کے ساتھ ساتھ ۵ گرام خیر میں لہری کی فہرست اور ۱۰۰ گرام فیغلی کے ساتھ ساتھ ۱۰۰ گرام ہار
 سبب الزمین خان SHO خوراک کے لئے مہمانوں کی فہرست ۲۰۱۵ء میں لہری کی خانہ AS لہری
 صدارت میں مہمانوں کو رکھنا شروع کیا۔ ان کے گھر میں مہمانوں کو رکھنا شروع کیا۔ ان کے
 گھر میں مہمانوں کو رکھنا شروع کیا۔ ان کے گھر میں مہمانوں کو رکھنا شروع کیا۔ ان کے
 گھر میں مہمانوں کو رکھنا شروع کیا۔ ان کے گھر میں مہمانوں کو رکھنا شروع کیا۔ ان کے
 گھر میں مہمانوں کو رکھنا شروع کیا۔ ان کے گھر میں مہمانوں کو رکھنا شروع کیا۔ ان کے

MIASIP 501KIS
17 09 2015

ATTESTED

RESTRICTED

1st Battalion The Baloch Regiment
(The Gallant One)
Operational Area (Buner)
212 / 2 / A
6 August 2010

To: District Police Officer, ✓
Buner

District Coordination Officer,
Buner

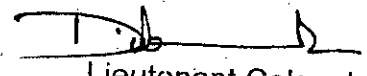
Deputy Inspector General Police
Malakand Division

(78)

Subject: Letter of Appreciation – Sub Inspector Habib-ur-Rehman

Number 396, Sub Inspector Habib-ur-Rehman, Station House Officer Police Station Pir Baba, is an extremely hardworking, responsible and daring Police officer who places duty before self. He is a highly industrious, resourceful, dedicated and responsive individual who exercises excellent command and control over his subordinates and enjoys their respect due to his good nature and cheerful personality. He took over Police Station Pir Baba at a time when Police department was in the process of re-establishing writ in the area under the overall supervision of Army and situation was not fully formalized. He took the challenge boldly, personally led Police Patrols / raiding parties and in doing so often placed himself in life threatening situations. Habib-ur-Rehman is highly respected among the civil society of Pir Baba due to his fair dealings and excellent performance. He has worked hands in gloves with his counterparts from Army and has been a force multiplier.

Due to his excellent performance in adverse situations, it is felt that he will prove to be an asset to Police Department if nurtured properly. He is, therefore, recommended for accelerated promotion / award of Quaid-e-Azam Police Medal.


Lieutenant Colonel
Commanding Officer
(Dilawar Khan)

RESTRICTED

ATTESTED

88

OFFICE OF THE
DISTRICT COORDINATION OFFICER,
BUNER.

No. 5299 / Esstt:/37/DCO,Buner.
Dated Daggar, the 25/8/2010.

(79)

To:

The Regional Police Officer,
Malakand Division.

Subject: LETTER OF APPRECIATION SUB-INSPECTOR
HABIB-UR-REHMAN.

Memorandum:

Reference letter No.212/2/A, dated 6th August 2010, from the Commanding Officer 1st Battalion the Baloch Regiment, Operation Area Buner, addressed to the District Police Officer, Buner, Deputy Inspector General Police Malakand Division and District Coordination Officer, Buner, for accelerated promotion and award of Quaid-e-Azam Police Modal, to Sub Inspector Habib-ur-Rehman, is sent herewith.

The undersigned fully supports the recommendations and requests for accelerated promotion and award of Quaid-e-Azam Police Modal.


DISTRICT COORDINATION OFFICER,
BUNER.

ATTESTED

From: The District Police Officer, Swat.
 To : The Deputy Inspector General of Police,
 Region-III, Saidu Sharif, Swat.
 No : 5285/GB, Dated Gulkada the, 17-4-2003.
 SUBJECT: CONFIRMATION/OUT OF TURN PROMOTION AS
 SPECIAL CASE IN RECOGNITION OF OUT-STANDING
 PERFORMANCES.

MEMO: It is submitted for your kind information that for the last two and a half years a well and an organised group of Dacoits remained active throughout the District in general and in the area of P.S Kabal in particulars. The group used to robb the houses of wealthy people during night and were depriving the people from cash, foreign currency, arnaments and other valuables on gun point. This organized group had created much terror and harrassment in the District and had created extreme law and order situation. The general public were feeling sence of in-security. It was a great challange for Swat District Police to trace and arrest the gang which committed the following henious nature offences in the District.

1. Case FIR No. 314/2002 U/S 457/380 PPC/14 OAPO P.S Kabal.
2. Case FIR No. 40/2003 U/S 20 Haraba P.S Kabal.
3. Case FIR No. 69/2003 U/S 20 Haraba P.S Kabal.
4. Case FIR No. 202/2003 U/S 20 Haraba P.S Kabal.
5. Case FIR No. 588/2002 U/S 20 Haraba P.S Mingora.

A Special Team consisting of the following good Investigating, efficient and didicated Police Officers was consituted and assigned the Special task to investigate and work out the above cases.

The Team members under the direct supervision of the Circile Officer and the under-signed by carrying out regular day and night Gasht/Patrolling, Nakabandies, frequent raids, collecting information, after a great zeal, eventually succeeded and traced out the gang and worked out all the dead cases. The dacoits hailing from Nowshera and Charsadda Districts were arrested who during interrogation confessed their guilt before Police/Court and case properties including a Mobile Phone were recovered and sent to judicial lock-up.

The commendable struggle of the Team members leading to successfulness was not only lauded by general public but was also much highlighted in press media and created a sense of security in the District. Keeping in view, their out-standing and valuable performances, they are recommended for confirmation and out of turn promotion as per detail given below for appreciation and encouragement.

ATTESTED

1. Mr:Amanullah Khan DSP/Saddar (Incharge of the Team) Promotion to the Rank of S.P with monttory aid.
2. Mr:Jahangir Khan SHO Kubal confirmation in the Rank of Inspector and Promotion as D.S.P.
3. S.I Sanobar Khan for confirmation and enclusion Name in List "F".
4. ASI Mohammad Ghawas for out of turn promotion as S.I.
5. ASI Sarfaraz Khan for out of turn promotion as S.I.
6. Head Constable Habibur Rehman No.1469 ("D"List) for out of turn promotion as ASI.

[Handwritten Signature]
 District Police Officer, Swat.

2/16/14

[Handwritten Signature]
ATTESTED

91

(22)

From: The District Police Officer,
Buner

To: The Deputy Inspector General of Police,
Malakand Region Swat

No. 719 /E, dated Daggar the 17th 02 / 2011

Subject: **RECOMMENDATION FOR ACCELERATED PROMOTION**

Memo: It is submitted that citation for recommendation for the grant of ^{Punishment} civil award of Si Habibur Rahman in connection with the recovery of the following article has already been submitted to Rang Chief by the DPO Swat (Copy of citation and press cutting are enclosed)

- | | | |
|---|--------------------------|-----------|
| 1 | Suicide jackets | 02 |
| 2 | Rocket Launcher Shells | 43 |
| 3 | Hand Grenade | 23 |
| 4 | Rounds 7.62 Bore | 18750 |
| 5 | Heavy Machine Gun | 01 |
| 6 | Detonator Wire | 01 Bundle |
| 7 | Supplizer Remote Control | 01 |
| 8 | Newzal Rocket Launcher | 12 |

For the arrested of accused as well as the recovery of stolen property in the following cases his name was recommended by the DPC Swat vide his Office Memo No. 3285/GB, dated 17.04.2003 for out turn promotion as a special case. Copy enclosed

1. Case FIR No. 314/2002 u/s 457/30 PPC /14AO P.S Kabal.
 2. Case FIR No. 40/2003 u/s 20 Haraba P.S Kabal.
 3. Case FIR No. 69/2003 u/s 20 Haraba P.S Kabal.
 4. Case FIR No. 202/2003 u/s 20 Haraba P.S Kabal.
 5. Case FIR No. 588/2002 u/s 20 Haraba P.S Kabal.
- in the year 2004 in Bank dacoity case (National Bank Choprial Branch District Swat) by the terrorists. His citation for promotion

J
 [Signature]

RECEIVED

Narcotics		Arrested of terrorist	
gm	10478	16	K. Kove
gm	10	37	Gun
Bottle	Liquor	2	Rifle
gm	47	47	Pistol
136	Timber	3	Refuter
225	Challan/S	1241	Rounds
107/			
11	Arrest of Po's	8	Hand Grande
12	55/109	8	Dynamite
		7	Bomb
		8	Water Shell
		6	Dagger / Knife
		33	Challan u/s
			279/213 PPO

October 2010

The following recovery has been made by the SI concerned during the campaign, was held in the month of 17.09.2010 (Copy enclosed)

Buner vide this office Memo: No. 6057/E, dated case for promotion has been submitted by the then DPO. During his posting as SHO Police Station Pir Baba his

- 1 Rs. 1324621/- +241201/- Rs. 1565822/-
- 2 (2) Rocket Launcher
- 3 (2) Hand Grenades
- 4 (4) K. Kove (2) One Burnt
- 5 (2) Shell Rocket Launcher
- 6 (2) Pistol
- 7 (125) Rounds different bore
- 8 (6) K. Kove Chargers

has been submitted by the worthy DIG Malakand Region Swat to worthy Provincial Police Officer Khyber Pakhtunkhwa Peshawar vide region office No. 72/SB, dated 03.04.2005 and Memo: No. 10183/EB, dated 10.12.2009 (DPO Swat) in the light of arrested of accused as well as recovered of stolen property / the following recovery from the possession of terrorist during the raid Commander Farooq Shah and Shah Hussain were killed during the operation.

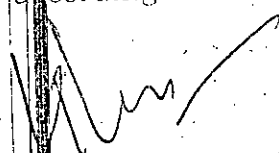
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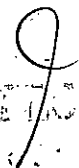
92

93

84

In view of the above SI Habib Ur Rahma is here by recommended for accelerated promotion as Inspector according to standing order No.6 /2008.


DISTRICT POLICE OFFICER,
BUNER


ATTACHED

0/5/08

94

3195/1
13/6/11

85

From: The District Police Officer,
Buner

To: The Deputy Inspector General of Police,
Malakand Region Swat

No. 3065 /EC, dated Daggar the 10/6/2011.

Subject: APPLICATION FOR PROMOTION

Memo:

The enclosed application submitted by SI Habibur Rahman SHO Police Station Pir Baba requesting therein for accelerated promotion in the light of Standing Order No. 6/2008, on account of his good performance mentioned in the application during the period of his posting as SHO Police Station Pir Baba which is based on fact. His performance has also been appreciated by the District Coordination Officer Buner vide his office Memo: No. 9299/ESTT/37/DCO Buner, dated 25.08.2010 as well as Lieutenant Colonel Commanding Officer Mr. Dilwar Khan, vide his office letter No. 212/2/A, dated 27.03.2011, is strongly recommended for his promotion as Inspector please.

His service particular is as under:

Name & Rank	Date of Birth	Date of Enlistment	Date of promotion as SI	Name stood Seniority List of SIs	ACR for last 5 years
SI Habibur Rahman No. 396/M	6.3.1950	5.6.1980	27.10.09	312	2005 "A" 2006 "A" 2007 "A" 2008 "A" 2009 "A"

Photocopy of above mentioned letter are enclosed herewith.

ATTESTED

[Signature]
DISTRICT POLICE OFFICER,
BUNER

[Handwritten mark]

95

86

From : The Deputy Inspector General of Police,
Malakand Region, Saidu Sharif, Swat.

To : The Provincial Police Officer,
Khyber Pukhtoonkhwa, Peshawar.

No. 9086/E, dated Saidu Sharif, the 8/10/2010.

Subject: APPLICATION-REQUEST FOR ACCELERATE PROMOTION.

Memorandum:
Kindly refer to CPO Peshawar Memo: No.20066/E-II, dated 27/08/2010.

According to the report of District Police Officer, Buner that SI Habibur Rehman was posted as SHO Police Station Pir Ba Bab during tense situation and ^{displayed} exerted commendable performance in the area duly appreciated by Commanding Officer 1st Battalion, The Baloch Regiment (The Gallant One) Operational Area (Buner) vide his office letter No.212/2/A, dated 06/08/2010 (copy enclosed) also recovered the following arms/ammunition during his posting as SHO Police Station Pir Baba:-

K.Kove	Pistol	Hand Grenade	Magazine	Rounds	Charas	Heroin
9	3	3	7	50	90 GM.	35 GM.

Submitted please.

Enclos-(1)

[Signature]

Deputy Inspector General of Police,
Malakand Region, Saidu Sharif, Swat.

[Date] 20/10/10

[Handwritten mark] 80VI

[Handwritten note] PR experts

ATTESTED

[Date] 28/10/10

96

87

From: **The District Police Officer, Swat.**

To: **The Deputy Inspector General of Police,
Malakand Region, Saidu Sharif, Swat.**

No. 10183 /EB, dated Gulkada the 10.12 /2009.

Subject: **APPLICATION OF ASI HABIBUR RAHMAN.**

Memorandum:

Kindly refer to your office No.9629/SB, dated 12/11/2009 and No.10000/SB, dated 05/12/2009 on the subject cited above.

The requisite comments are elucidated as under as desired please.

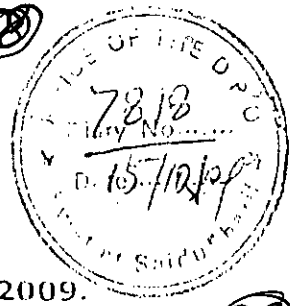
1. It is submitted that case of the applicant was sent to your office vide this office No.978/GB, dated 03/02/2005 which was referred to CPO Peshawar vide your office No.729/SB, dated 03/03/2005 for accelerated promotion and award of "Quaid E Azam Police Medal"
2. In view of his gallant, performance and professional and heroic episode he was recommended and citation was sent to CPO vide letter under reference.
3. He may be awarded Quaid E Azam Police Medal and One step promotion for his good performance as he served in the disturb area of Swat District.

District Police Officer, Swat

ATTESTED

97

(28)



From : The Deputy Inspector General of Police,
Malakand Region, Saidu Sharif, Swat.

To : The Provincial Police Officer,
NWFP Peshawar.

No. 10823 /SB, dated Saidu Sharif, the 15/12 /2009.

(88)

Subject: APPLICATION OF ASI HABIBUR RAHMAN.

Memorandum:

Kindly refer to CPO NWFP Peshawar Memo: No. S/5878/09 dated 27/10/2009.

The requisite comments are submitted as under:-

1. The case of the applicant was referred to CPO NWFP Peshawar vide this office No. 729/SB dated 03/03/2005 for accelerated promotion and award of "Quaid-e-Azam Police Medal".
2. In view of his gallant performance with professional and heroic episode, he was recommended and citation was sent to CPO NWFP Peshawar vide letter under reference.

Submitted for favour of consideration, please.

Encls (13)

[Handwritten signature]

Deputy Inspector General of Police,
Malakand Region, Saidu Sharif, Swat.

No. 10824 /SB,

Copy to the District Police Officer, Swat for information with reference to his office Memo: No. 10183/EB dated 10/12/2009.

[Handwritten signature]

Deputy Inspector General of Police,
Malakand Region, Saidu Sharif, Swat.

SAIF

Stated

EC

in he formed - 20/12

[Large handwritten signature]
DPO/Secy

ATTESTED

98.

①

89

1781
25/2/10**ORDER**

In exercise of the Powers vested in me vide Para No. 15.7 of Police Rules read with Sl: No. 17.1 of the 3rd Schedule of the Government of NWFP Finance Department Delegation of Power under the Financial Rules and the Power of Re-Appropriation Rules 2001, sanction is hereby accorded to the grant of Cash Reward with CC-1 to the following Police Officers/Officials of District Swat for their good performance.

S#	NAME OF OFFICERS/OFFICIALS	AMOUNT
1.	Inspector Sanobar Khan	Rs.5000/-
2.	SI Habib-ur-Rehman	Rs.3000/-
3.	Constable Kaleem Ullah No. 782	Rs.2000/-
4.	Constable Ishaque No.801	Rs.2000/-
5.	Constable Nisar No. 773	Rs.2000/-
6.	Constable Raham Sher No. 1302	Rs.2000/-
7.	Constable Zia Ullah No. 4643	Rs.2000/-
8.	Constable Dost Muhammad No. 4641	Rs.2000/-
Total:		Rs.20000/-

The expenditure of Rs.20000/- involved shall be met out of the fund placed at the disposal of DPO Swat under function/object 032102-Provincial Police (SW4042-Law & Order Swat) A06103-Cash Reward for meritorious service (Reward to Police) during the current financial year 2009-10.

-Sd-

(MALIK NAVEED KHAN)

Inspector General of Police.

NWFP, Peshawar.

No. 2097-99

/B-3, dated Peshawar, the 11/2/2010.

Copy of above is forwarded for information and necessary action to:-

1. The Dy: Inspector General of Police Malakand Region Swat w/r to his letter No. 1278 E. dated 04.02.2010.
2. The District Police Officer, Swat.
3. The District Accounts Officer, Swat.

J

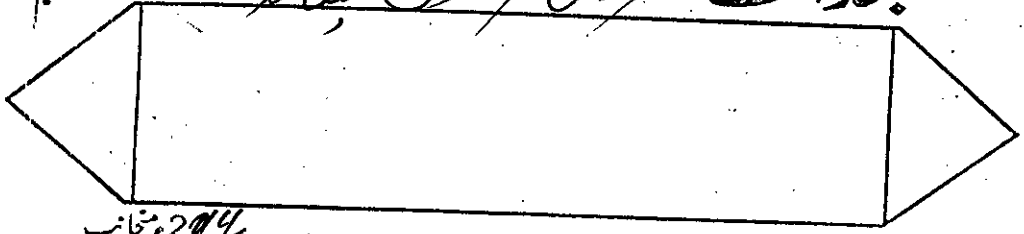
(JAVED KHAN)

Budget Officer,

For Inspector General of Police,

NWFP, Peshawar.

بعدالت سروس ٹریبونل کسٹس



2014ء جناب
صاحب الزعمین
بنام آئی جی بی وی و علیہ

موزخہ
مقدمہ
دعوی
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام کسٹس کے لیے صاحب الزعمین کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار دیا گیا۔ نیز
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار دیا گیا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک دروپیا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساخت
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جاندا تو ائے مقدمہ کے سبب سے وہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
کوز کریں۔ لہذا وکالت نامہ لکھدیا کہ سندر ہے۔

المرقوم 16 ماہ 2014

واہ الع کے لئے منظور ہے۔

بمقام کسٹس

Attested & Accepted by
Salih Zada Asadullah Advocate

10/2/14
10/2/14
10/2/14

During enquiry it has also been established that appellant has handed over the Original Passport and CNIC to the above PO and place on record cancelled passport and old CNIC in order to facilitate the PO in fleeing abroad.

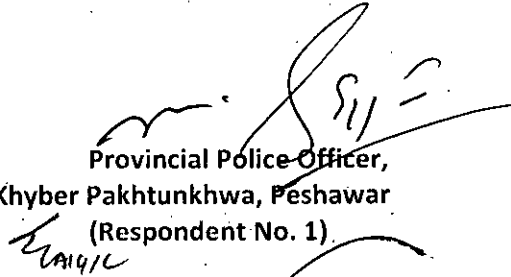
7. Para No. 07 of the appeal is incorrect. Reply already given vide para above, however, the accompanied ASI Abdul Wali during departmental enquiry recorded his detail statement and clearly highlighted the mis-conduct and mis-use of authority of appellant.
8. Para No. 08 of appeal is incorrect and against the facts.
9. Para No. 09 of appeal is correct to the extent of departmental proceedings and recording of statements however during the departmental enquiry allegations against appellant have been proved therefore Enquiry Officer recommended the appellant for punishment.
10. Para No. 10 of appeal is incorrect and irrelevant. Appellant has never raised such objection at initial stage during his statement nor raised before the appellant authority thus made improvement in his stance at such a belated stage.
11. Para No. 11 of appeal is incorrect. After proper departmental enquiry and on recommendation of Enquiry Officer appellant was awarded major punishment of compulsory retirement through speaking order of respondent No. 3. Feeling aggrieved from the same appellant filed departmental appeal before respondent No. 02 which was filed being devoid of merits.
12. No comments.


GROUNDS


- a. Incorrect. Orders of respondents are quite legal, speaking in nature and in accordance with law/rules.
- b. Incorrect. The orders of respondents are based on natural Justice while before awarding punishment all the codal formalities have been completed.
- c. Incorrect. Appellant involved himself in mal practices and proved himself an inefficient Police officer thus liable himself unfit for further service in Police department.
- d. Incorrect. It is the prime responsibility and duty of every Police Officer to prevent the commission of offence and protect the life and property of its citizens.
- e. Incorrect. Reply already given above.
- f. Incorrect. Reply already given above.
- g. Incorrect. Appellant has proved himself an inefficient Police Officer, against whom departmental proceeding were initiating during which the charges have been proved, hence awarded major punishment of compulsory retirement.
- h. Incorrect. Reply already given above.
- i. Incorrect. Being wrong information, appellant was shoulder promotee his substantive rank was SI at the time of departmental proceedings for which the respondent No. 3 was competent authority.
- j. Incorrect. Proper departmental proceedings were initiated against appellant and proper opportunity of cross examination and personal hearing was provided.
- k. Incorrect. Reply already given above.
- l. Incorrect. Reply already given above.
- m. Incorrect. The orders of respondents are quite legal in accordance with law & rules.
- n. Incorrect. Charges against appellant have been proved during departmental enquiry while from clerical mistake (mistake of pen) the whole proceeding could not be vitiated.

o. Incorrect. Appellant has been found guilty for the misconduct and after receipt of recommendation he was awarded proper punishment in accordance with law & rules.

It is therefore prayed that the appeal of appellant may kindly be dismissed with cost being devoid of merits and without any legal substance.


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


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


District Police Officer, Swat
(Respondent No. 3)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 259/2014

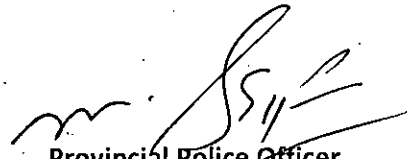
Habib-ur-Rehman..... Appellant


VERSUS

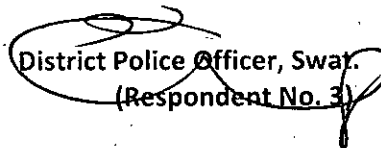
1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General of Police, Malakand Region, Swat.
3. The District Police Officer, Swat.....Respondents.

POWER OF ATTORNEY

We, the undersigned No. 1 to 3 do hereby appoint Muhammad Ayaz DSP Legal Swat as special representative on our behalf in the above noted appeal. He is authorized to represent us before the Tribunal on each and every date fixed and to assist the Govt: Pleader attach to Tribunal.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1)
2/14/14


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


District Police Officer, Swat.
(Respondent No. 3)

Before the Service Tribunal Khyber Pakhtunkhwa, Peshawar
Service Appeal No. 259/2014

Ex- Habib Ur Rahman s/o Zo;Iqadar Khan r/o Sorkh Dherai, Rostam District Mardan

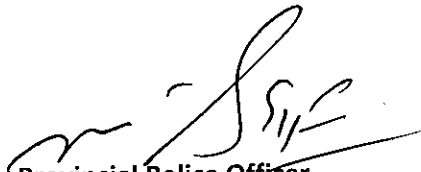
Appellant

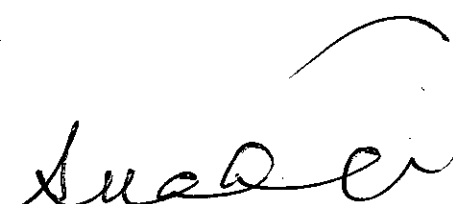
1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
2. Regional Police Officer, Malakand Region, Saidu Sharif, Swat
3. The District Police Officer, Swat s

(Respondents)

AFFIDAVIT:

We the above respondents do hereby solemnly affirm on oath and declare that the contents of the appeal are correct/true to the best of our knowledge/behalf and nothing has been kept secrete from the honorable Service Tribunal Khyber Pakhtunkhwa, Peshawar.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
Respondent No. 01


Regional Police Officer,
Malakand Region, Saidu Sharif, Swat
Respondent No. 02


District Police Officer, Swat
Respondent No. 03

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Rejoinder

In

Service Appeal No.259/2014

Habib-ur Rehman.....VS.....I.G.P. K.P.K and others

REJOINEDER ON BEHALF OF
APPELLANT IN RESPONSE TO REPLY
FILED BY RESPONDENTS.

Respectfully Sheweth,

Preliminary Objections:

Preliminary Objections raised by answering respondents are erroneous and frivolous, the detailed replies thereof are as under:

1. Para No. 1 is incorrect as the appellant is aggrieved of the impugned orders has the locus standi to file the appeal.
2. That the appeal is competent and the necessary parties have been arrayed as respondents.
3. That the appeal is with in time.
4. Nothing has been concealed and the appeal is based on facts.
5. The august tribunal has the jurisdiction under the Service Tribunal Act.
6. That the appeal is maintainable.
7. Nothing has been concealed from this august tribunal.

A 19/10/24

8. As the orders are illegal and have been passed in violation of the law so there is no estoppel against the law.

On Facts:

1. Para 1 needs no reply.
2. Para No.2 is incorrect and misleading.
3. Para No.3 is incorrect the action against is based on political victimization and illegal with no proof.
4. Para No.4 is incorrect the charges were not proved,
5. Para No.5 is misleading the enquiry was not according to law.
6. Para No. 6 is incorrect and is misleading.
7. Para No. 7 is incorrect and the statement of an interested person has taken against the appellant.
8. Needs no reply as is incorrect.
9. Para No. 9 is incorrect the allegations are not proved.
10. Para No. 10 is incorrect at all the stages the objections were raised by the appellant but were not taken into consideration.
11. Para No. 11 is incorrect the orders are illegal.

On Grounds:

- A. Para No. A is incorrect as the orders are not legal and with out application of judicial mind.
- B. Para No. B is incorrect the punishment is illegal with out observing legal formalities.
- C. Para No. C is incorrect as the allegation are false and baseless.
- D. The appellant did his best and served the department with honesty.
- E. Para No. E is incorrect.
- F. Para No. F is incorrect.


- G. Para No. G is incorrect and is misleading.
- H. Para No. H is incorrect.
- I. Para No. I is incorrect the action is based on malafide.
- J. Para No. J is incorrect the departmental enquiry was not according to law.
- K. Para No. K is incorrect.
- L. Para No. L is incorrect.
- M. Para No. L is incorrect the orders are illegal.
- N. Para No. N is incorrect nothing has been proved on record.
- O. Para No. O is incorrect the orders are illegal and without legal justifications.

It is, therefore, humbly prayed that the reply of answering Respondents may graciously be rejected and the appeal is prayed for may graciously be accepted with cost.

Dated: 15/09/2014

Through

Appellant


Sahibzada Asadullah
Advocate, Supreme Court
of Pakistan.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Rejoinder

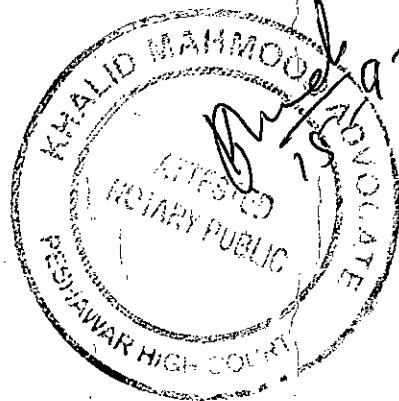
In

Service Appeal No.259/2014

Habib-ur Rehman.....VS.....I.G.P. K.P.K and others

AFFIDAVIT

I, **Sahibzada Asadullah** Advocate, as per information furnished by my client do hereby solemnly affirm and declare that the contents of the **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Rejoinder

In

Service Appeal No.259/2014

Habib-ur Rehman.....VS.....I.G.P. K.P.K and others

REJOINEDER ON BEHALF OF
APPELLANT IN RESPONSE TO REPLY
FILED BY RESPONDENTS.

Respectfully Sheweth,

Preliminary Objections:

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2. That the appeal is competent and the necessary parties have been arrayed as respondents.
3. That the appeal is with in time.
4. Nothing has been concealed and the appeal is based on facts.
5. The august tribunal has the jurisdiction under the Service Tribunal Act.
6. That the appeal is maintainable.
7. Nothing has been concealed from this august tribunal.

8. As the orders are illegal and have been passed in violation of the law so there is no estoppel against the law.

On Facts:

1. Para 1 needs no reply.
2. Para No.2 is incorrect and misleading.
3. Para No.3 is incorrect the action against is based on political victimization and illegal with no proof.
4. Para No.4 is incorrect the charges were not proved,
5. Para No.5 is misleading the enquiry was not according to law.
6. Para No. 6 is incorrect and is misleading.
7. Para No. 7 is incorrect and the statement of an interested person has taken against the appellant.
8. Needs no reply as is incorrect.
9. Para No. 9 is incorrect the allegations are not proved.
10. Para No. 10 is incorrect at all the stages the objections were raised by the appellant but were not taken into consideration.
11. Para No. 11 is incorrect the orders are illegal.

On Grounds:

- A. Para No. A is incorrect as the orders are not legal and with out application of judicial mind.
- B. Para No. B is incorrect the punishment is illegal with out observing legal formalities.
- C. Para No. C is incorrect as the allegation are false and baseless.
- D. The appellant did his best and served the department with honesty.
- E. Para No. E is incorrect.
- F. Para No. F is incorrect.

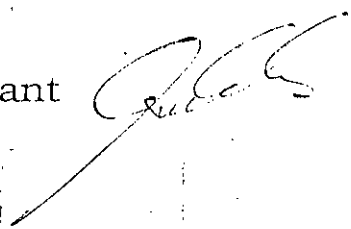
- G. Para No. G is incorrect and is misleading.
- H. Para No. H is incorrect.
- I. Para No. I is incorrect the action is based on malafide.
- J. Para No. J is incorrect the departmental enquiry was not according to law.
- K. Para No. K is incorrect.
- L. Para No. L is incorrect.
- M. Para No. L is incorrect the orders are illegal.
- N. Para No. N is incorrect nothing has been proved on record.
- O. Para No. O is incorrect the orders are illegal and with out legal justifications.

It is, therefore, humbly prayed that the reply of answering Respondents may graciously be rejected and the appeal is prayed for may graciously be accepted with cost.

Appellant

Through

Dated: 15/09/2014


Sahibzada Asadullah
Advocate, Supreme Court
of Pakistan.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Rejoinder

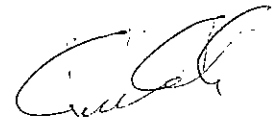
In

Service Appeal No.259/2014

Habib-ur Rehman.....VS.....I.G.P. K.P.K and others

AFFIDAVIT

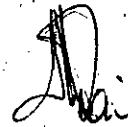
I, **Sahibzada Asadullah** Advocate, as per information furnished by my client do hereby solemnly affirm and declare that the contents of the **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



ADVOCATE

بیان مددگشاہ SDPO فوارہ جیل

خاتمی (10/11/03) کو PF لیاوت کے فوارہ جیل
 نے برے معیروں میں ملحق ناظم قحیر صدیقی کی سائنس کے ساتھ P معلم گزارہ و پمپ گزارہ
 کیلئے سائنس لیب کی بنیاد پر 366 مورچے (4/94) 148-149 کیلئے فوارہ جیل
 کے بارہ میں معاصرت کی جس نے گھر پر موجودی ظاہر کر کے ساتھ معیروں کے لیے سائنس
 کرنے کا کہنا کیا۔ اسی رات جناب P صاحب کے طرف سے فون پر حکم ملا کہ گزارہ
 P گھر پر موجود ہے۔ گرفتار اور کاسٹرو لیاوت میں ہے یہی حکم SDPO فوارہ جیل
 حسب الرضیٰ صحت کو سنا۔ اگلے دن رات کی وقت ملحق ناظم کے واپس عبدالصفا رحیل
 کی سائنس کے P کو گھر لے کر اور معیروں کے لیے حفر بنوانے کی استدعا کی۔ جسے حسب الرضیٰ
 SDPO کو سنا گیا۔ کہ P سے اصل رپورٹ اور NIC لیکر معیروں کے لیے عبدالصفا رحیل
 جن کو گھر لے کر معیروں کے لیے 2/3 سائنس لیاوت گزارنے پر معیروں کے
 اور رپورٹ اور NIC واپس کرنے کو کہا۔ مگر مسلسل انتظار کیا۔
 معیروں کے لیے جسے قحیر صدیقی سے رابطہ کیا تو جواب میں کہا
 کہ P گرفتاری سے گریز کر رہا ہے۔ اور علم ہے رپورٹ تبدیل کی جائے۔ چونکہ رپورٹ
 کے واپس کیلئے جو سفارشی فیصلے ایس آر ایف کے 06 نمبر رابطہ ایس آر ایف کے
 اور خاموش ہو گئے تھے۔ جب ہی نے SDPO صاحب کے کمرے میں بڑے رپورٹ
 اور NIC کا مصائبہ کیا۔ تو رپورٹ کے 2/3 صفحات پر بڑے ہتھیار کے ساتھ
 لفظ کسٹن لکھا تھا۔ اور ماہ ستمبر 2011 میں نشانی ہو گیا
 اور NIC اور رپورٹ کا کھانا جو باہر منگوا گیا NIC نمبر 06 رپورٹ میں ہونے کے
 رپورٹ سے تبدیل ہوا۔ مجھے اس کا علم نہیں ہے۔
 اس کا معلم SDPO اور اس کے ماتحتان A11 جنرل پول، ٹیکسٹ کو رپورٹ کا
 ایسی ماریاں ہے۔


 SDPO KKK
 23-11-03
 le. 10/11/03
 51/5202

کونسل عالم شکر بر 2786 تھان فورڈ ضلع

کونسل عالم شکر بر 2786 تھان فورڈ ضلع کے پورا ضلع انگریزی

بیان کیا کہ غیرے 2/3 قبل بنی سرک $\frac{10}{13}$ 12 کو ضلع

SHO صوبہ آئی اے فورڈ ضلع کے پورا ضلع انگریزی

کے سرک 80 عیم لادہ اور پورے کنڈرہ ماٹن سے لے کر

366 94 جو 109-342-365 تھان فورڈ ضلع

کے سرک 80 عیم لادہ اور پورے کنڈرہ ماٹن سے لے کر

SHO صوبہ آئی اے فورڈ ضلع کے پورا ضلع انگریزی

کے سرک 80 عیم لادہ اور پورے کنڈرہ ماٹن سے لے کر

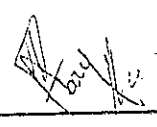
SHO صوبہ آئی اے فورڈ ضلع کے پورا ضلع انگریزی

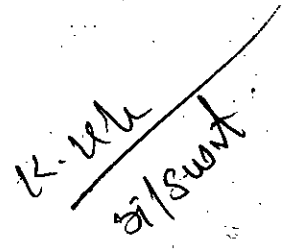
انگریزی

کونسل عالم شکر بر 2786 تھان فورڈ ضلع

Ames
S. S. S. S.

کنسٹبل عباس خان 2601 تھانہ خوازہ جیلہ نے بددیانتی انکوائری بیان کیا۔ کہ مورخہ 12/10/2013 کو میں SHO صاحب حبیب الرحمان تھانہ خوازہ جیلہ کے ساتھ موجود تھا۔ کہ مجرم اشتہاری علیم زادہ ولد گل شہزادہ ساکن نرسین بحوالہ مقدمہ علت نمبر 366/94 جرم 366/94/ATA/147/149/109/342/365 تھانہ خوازہ جیلہ کے گھر پر حسب ضابطہ چھاپہ زنی کے دوران موجود تھا۔ PO علیم زادہ گھر خود میں عدم موجود پایا۔ جبکہ SHO صاحب نے خانہ تلاشی ملزم سے ایک عدد شناختی کارڈ اور ایک پاسپورٹ برآمد کی ہے۔ SHO صاحب پر لگائے گئے الزامات غلط بے بنیاد ہے۔ ہمارے ساتھ عبدالولی خان ASI اور کنسٹبل عالم گیر نمبر 2736 بھی موجود تھا۔ یہ میرا بیان ہے۔
المرقوم: 02/11/2013


_____ العبد
عباس خان 2601 تھانہ خوازہ جیلہ



تفانہ فوزیہ فیروز خانہ نشینی ضلع کراچی

366 عد 94
365-342-147
120-121 149-150

عم دادہ وہ جس کے مزادہ خان سینی فوزیہ فیروز خانہ

منہ عنوان () ماہی بہ اسیہ زمردی () اقتدار

تکثر بہ حسب ضابطہ صحیح زان سینی مٹر دم مٹر خود

عم موجود پایا۔ بہ دریا ضلع نشینی مٹر فائضی خا

وہ سینی پورٹ مٹر لاکہ مٹر سینی پورٹ سینی پورٹ

سینی پورٹ میں آئی۔ فردخانہ نشینی وقت مٹر مٹر

گواہانے نہیں سینی

SHOKRIS
12. 10. 13

گواہانے فیروز خانہ نشینی
15602-133220

د. کلا

گواہانے فیروز خانہ نشینی
15602-0486714-9

K. K.
5/8/15

خانہ خورشید خان شہید

ضلع سوات

بیان آزاں عبدالولی ASI کہ مورخہ 12/10/013 کو جناب SHO صاحب

جب الہرحان خان نے مجھے زبانی ہدایت کی مسمیٰ علم زادہ ولد گل شہزادہ ساکن فریش کے پاس جائے اور اس کا پاسپورٹ حاصل کرنے کے لیے پیش کریں۔ میں وہ کنٹریل عالمگیر 2736/5PF خانہ علم زادہ واقع فریش جا کر طلب کرنے پر وہ گھر خود میں موجود نہیں تھا۔ برادر آتش لعل زادہ نے اسے گھر بلا کر میرے ساتھ ملا لیا ہو کہ میں نے SHO صاحب کی ہدایت اس کو سنائی کہ آپ کا پاسپورٹ SHO صاحب نے طلب کیا ہے۔ دیگر معاملہ کا ایکو علم ہو گا۔ کہ ایسی دوران SHO صاحب نے بذریعہ فون اطلاع دی کہ علم زادہ کو بھی ہمراہ لائیں۔ میں نے علم زادہ کو ہمراہ لائے ساتھ لایا۔ جناب SHO صاحب نے بذریعہ فون ہدایت فرمائی کہ مذکورہ علم زادہ کو ساتھ لے کر لائیں۔ لہذا میں نے سب ہدایت SHO صاحب مذکورہ کا پاسپورٹ قبضے میں لیکر جو کہ درست اور اصل تھا۔ سب ہدایت SHO صاحب مذکورہ کو چھوڑا گیا۔ چونکہ جناب SHO صاحب نشست شبینہ پر تھا۔ لہذا صبح سویرے علم زادہ کا اصل پاسپورٹ جمعہ شناختی کارڈ SHO صاحب کو درست طور پر حوالہ کیا۔ باقی مجھے کوئی علم نہیں۔ یہی میرا بیان ہے۔ جو کہ درست ہے۔

Wahid
 ASI-PS-14145
 19-11-013

ملا
 5/1/5

1. آپ کو شہید خانہ کے علم زادہ Po ہے۔
 2. جب غمات پر ہوا گیا تو مجھے ہم علاقہ مذکورہ Po ہے۔
 3. خانہ کو کوئی طرح سے علاقہ Po ہے۔
 4. خانہ والوں کے زمانے میں اصل میں از خود ریکارڈنگ کر کے کسٹی کیا
 5. آپ کو کوئی حکم دیا گیا ہے مذکورہ ضلع دارہ کو تھانہ لایا جانے
 6. SHO والوں نے زمانہ طور سے پاسپورٹ حاصل کرے اور تھانہ میں مندرجہ کو تھانہ لائے گی یہ لیا گیا

سور آیت ۱۱۵ کی جب ارض کیا تو میں ابھی ڈرنا کر رہا تھا

آیت جو بیان میں لکھی ہے یہ بالکل صحیح ہے

۱۱۵ آیت میں ہے در قسم کیا کر بھی لیا زمین

۱۱۵ آیت میں کیا تو جو کہا ہے میں نے

میرا کوئی عباد ۱۱۵ آیت میں لکھا ہے میں نے

مذکورہ کا پاسداری اہلی ہے اور کیا اسکا ذاتی ہے اور اب کہاں ہے

اہلی ہے اسکا ذاتی ہے اور ۱۱۵ آیت میں لکھا ہے

۱۱۵ آیت میں لکھا ہے

۱۱۵ آیت میں لکھا ہے اور والوں کے حق میں لکھا ہے

میں نے تم کو کچھ نہیں لکھا ہے

مذکورہ ناطق قرع استیسا ہے

۱۱۵ آیت میں لکھا ہے

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Bust

۱۱۵ آیت میں لکھا ہے

بیان عبد الوالد ادرخچ پور انعام
حالی پولیس لائن سوات

دریں بیان پولیس بیان سے کہ میں چونکہ فتح پور ٹھکانہ KK5
میں محبت انعام نے کیا تھا۔ عبد الفیاض صاحب نے
سپر علیہ زارہ دودان ملندہ کو لایا تھا۔
مجھے علیہ زارہ نے غرضت میں لیا۔ مجھے ٹھکانہ پورہ
فیلہ والوں نے ٹھکانہ پورہ فیلہ کے قلم سے
اصل سٹاف گاڑا اور اس پورہ کے قلم
تاریخ کی دیں۔ مجھے لیا گیا ہے۔ عبد الفیاض
دن ٹھکانہ KK5 میں عام پورہ پورہ۔
میں نے کہا کہ میں نے SH5 میں عبد الرحمن
نے کہا۔ تو نہ پورہ SH5 میں ہے مجھے
کہ ان کے سٹاف گاڑا اور اس پورہ کے
میں میں نے کہا کہ پورہ میں SH5 میں
بالا کے فون پر مائل مگر پورہ رہا۔
میں بیان سے۔ میں نے کہا کہ

W. K. K.
Sikandar
Swar

At Police Home, Swat.

بیان ازان یا حجر جان حرر خان
خوردن کھانہ خیر

بیان چھک میں بخت حرر خان نصیحت تھا میں تک فرم استیاری
علم زادہ کو خان نے کہا ذکر ہے کہ مذکورہ علم زادہ کو تھا۔
عبدالولی خان نے خان اور اپنے ساتھ کمرہ برائے میں رکھا
مذکورہ P کو فتح حاکم کا اور نہ حاکم خان میں سبز کا ہے
کو نہ تحریر حاکم میں اندازہ ہے باقی ہے دیگر
علم نہیں ہے کہ P ترکوں کو کسے چھوڑا ہے جو کس
حکم و تعویذ ہے اسبیر یہ نصیحت ہے کہ مذکورہ P کو میں
ایک ہو کہ خان میں رکھا ہے یہی میرا بیان ہے

X X X X

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14.
15.

- 1. مجھے یہ خان علم زادہ P ہے مگر شکل سے کبھی دیکھا نہیں
- 2. میں خود ایک جھک خان کے برآمدہ میں عبدالولی خان کے ساتھ دیکھا
- 3. مانجی فتح یہ معاملہ نہیں خان کے حکم پر دیا گیا تھا اور تعویذ کی تھا
- 4. مذکورہ علم زادہ کا رول ریسورٹ اور شنائی کارڈ اس وقت تک نہیں لیا گیا
- 5. نہ حوالہ کیا جب 1170 کا تبادلہ ہو کر رول مورھا تھا
- 6. ریسورٹ کتنی سہل، شنائی کارڈ خان مانجی میں پڑا ہے
- 7. مذکورہ 1170 کے خان نے 88 صوف کاروانی عبدالولی خان کے اختتام پر نہیں کی

(فائینڈنگ رپورٹ)

جناب عالی

حوالہ مشمولہ چارج شیٹ نمبری 218/E محرمہ 30-10-2013 مجاریہ از دفتر جناب DPO صاحب سوات انکوائری بر خلاف حبیب الرحمن شوڈرا انسپکٹر موصول ہو کر تسلی کی گئی۔

انسپکٹر حبیب الرحمان کو اندریں سلسلہ انکوائری طلب کیا جا کر ایک تحریری بیان پیش کر کے بیان ہیکہ میں نے مجرم اشتہاری علیم زادہ تھانہ خوازہ حیلہ کو نہ گرفتار کیا ہے۔ نہ چھوڑا ہے اور نہ اس سے کسی قسم کی رشوت لیا ہے۔ مذکورہ نے چھاپہ زنی کے دوران PO کی شناختی کارڈ اور پاسپورٹ قبضہ میں کرنے کی تائیدی۔

اندریں سلسلہ ASI عبدالولی کا بیان لیا جا کر بیانی ہیکہ مذکورہ PO کو بذریعہ چھاپہ زنی نہیں بلکہ مجھے حکم دیا جا کر میں نے تھانہ لا کر SHO صاحب کو حوالہ کیا جس سے اصل پاسپورٹ اور اصل شناختی کارڈ قبضہ کیا جا کر SHO صاحب کو حوالہ کیا گیا ہے۔

IASI یار محمد خان کے بیان لیا جا کر بیانی ہیکہ میں نے ایک جھلک PO مذکورہ کو تھانہ کے برآمدہ میں از خود دیکھا تھا۔ جہاں تک پاسپورٹ کی بات ہے۔ تو SHO صاحب نے کنسل پاسپورٹ، اردو شناختی کارڈ مجھے حوالہ کر کے جو ریکارڈ پر موجود تھانہ ہے۔

پنجاب چوکی فتح پور کا بیان لیا جا کر ASI عبدالواحد نے بیان کیا کہ عید الاضحیٰ سے چند یوم قبل PO علیم زادہ کو دوران گشت گرفتار کر کے چوکی لا کر SHO صاحب خوازہ حیلہ کے نوٹس میں لاتے ہوئے SHO متعلقہ نے کہا کہ مذکورہ کی پاسپورٹ، شناختی کارڈ میرے ساتھ ہے لہذا چھوڑ دیں میں نے حسب الحکم SHO صاحب مذکورہ کو چھوڑ دیا ہے۔

SDPO صاحب خوازہ حیلہ مذکر شاہ کا بیان لیا جا کر بیانی ہیکہ میں نے SHO متعلقہ کو PO سے اصل پاسپورٹ اور شناختی کارڈ لیکر عید کے بعد عبدالغفار خان پیش کرے گا بعدہ پاسپورٹ اور شناختی کارڈ کا معائنہ کر کے پاسپورٹ کنسل اور شناختی کارڈ انگلش کے بجائے اردو کا پایا گیا۔

انکوائری سے یہ بات عیاں ہے۔ کہ SHO صاحب حبیب الرحمان نے پاسپورٹ اور شناختی کارڈ تبدیل کر کے جس سے لین دین کی بو آ رہی ہے۔ لہذا اپنے اختیارات کا ناجائز استعمال کرنے کے پاداش میں حبیب الرحمان انسپکٹر کو سزا دینے کی سفارش کی جاتی ہے۔

10

ایس ڈی پی اور سائل کپل

2/12/13

12.12.13
Sd/-
Sd/-

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1050 /ST

Dated 9 / 7 / 2015


To

Regional Police Officer (DIG),
Malakand At Saidu Sharif,
Swat.

Subject: - Judgement

I am directed to forward herewith a certified copy of order dated 30.6.2015 passed by this Tribunal on subject judgement for strict compliance.

Encl: As above


REGISTRAR -
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 259/014

Habibu-ur-rehman Ex Shoulder Inspector Swat District Police..... **Petitioners.**

VERSUS

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar etc..... **(Respondent).**

CERTIFICATE.

It is to certify that departmental enquiry against Habibur Rehman Ex Shoulder Inspector of District Police Swat was conducted by Khalid Naseem Sub Divisional Police Officer Kabal, the enquiry finding report of enquiry dated 02-12-2013 is enclosed herewith as token of proof.

No. 8233/P.
Date 12/6/05.


District Police Officer, Swat

(فائینڈنگ رپورٹ)

جناب عالی

حوالہ مشمولہ چارج شیٹ نمبری 218/E محرمہ 30-10-2013 مجاریہ از دفتر جناب DPO صاحب سوات انکوائری بر خلاف حبیب الرحمن شولڈر انسپکٹر موصول ہو کر تسلی کی گئی۔

انسپکٹر حبیب الرحمن کو اندر میں سلسلہ انکوائری طلب کیا جا کر ایک تحریری بیان پیش کر کے بیان ہیکہ میں نے مجرم اشتہاری علی محمد خانہ خواجیلہ کو نہ گرفتار کیا ہے۔ نہ چھوڑا ہے اور نہ اس سے کسی قسم کی رشوت لیا ہے۔ مذکورہ نے چھاپہ زنی کے دوران PO کی شناختی کارڈ اور پاسپورٹ قبضہ میں کرنے کی تائید کی۔

اندر میں سلسلہ ASI عبدالولی کا بیان لیا جا کر بیانی ہیکہ مذکورہ PO کو بذریعہ چھاپہ زنی نہیں بلکہ مجھے حکم دیا جا کر میں نے تھانہ لا کر HO صاحب کو حوالہ کیا جس سے اصل پاسپورٹ اور اصل شناختی کارڈ قبضہ کیا جا کر SHO صاحب کو حوالہ کیا گیا ہے۔

MAS یار محمد خان کے بیان لیا جا کر بیانی ہیکہ میں نے ایک جھلک PO مذکورہ کو تھانہ کے برآمدہ میں از خود دیکھا تھا۔ جہاں تک پاسپورٹ کی بات ہے تو SHO صاحب نے کنسل پاسپورٹ، اردو شناختی کارڈ مجھے حوالہ کر کے جو ریکارڈ پر موجود تھانہ ہے۔

پچارج چوکی فتح پور کا بیان لیا جا کر ASI عبدالواحد نے بیان کیا کہ عید الاضحیٰ سے چند یوم قبل PO علیم زادہ کو دوران گشت گرفتار کر کے چوکی لا کر SHO صاحب خوازہ خیلہ کے نوٹس میں لاتے ہوئے SHO متعلقہ نے کہا کہ مذکورہ کی پاسپورٹ، شناختی کارڈ میرے ساتھ ہے اسکو چھوڑ دیں میں نے حسب الحکم SHO صاحب مذکورہ کو چھوڑ دیا ہے۔

SDPO صاحب خوازہ خیلہ مذکورہ شاہ کا بیان لیا جا کر بیان ہیکہ میں نے SHO متعلقہ کو PO سے اصل پاسپورٹ اور شناختی کارڈ لیکر عید کے بعد عبدالغفار خان پیش کر دیا بعدہ پاسپورٹ اور شناختی کارڈ کا معائنہ کر کے پاسپورٹ کنسل اور شناختی کارڈ انگلش کے بجائے اردو دیا گیا۔

انکوائری سے یہ بات عیاں ہے کہ SHO صاحب حبیب الرحمن نے پاسپورٹ اور شناختی کارڈ تبدیل کر کے جس سے لین دین کی ہو کر رہی ہے۔ لہذا اپنے اختیارات کا ناجائز استعمال کرنے کے پاداش میں حبیب الرحمن انسپکٹر کو مزادینے کی سفارش کی جاتی ہے۔

ATTESTED

Handwritten signature

District Police Officer,
Swat

ایس ڈی پی اوسر کی کاپی
2/12/13

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 259/014

Habibu-ur-rehman Ex Shoulder Inspector Swat District Police..... Petitioners.

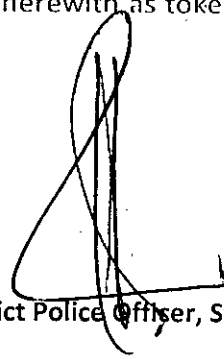
VERSUS

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar etc..... (Respondent).

CERTIFICATE.

It is to certify that departmental enquiry against Habibur Rehman Ex Shoulder Inspector of District Police Swat was conducted by Khalid Naseem Sub Divisional Police Officer Kabal, the enquiry finding report of enquiry dated 02-12-2013 is enclosed herewith as token of proof.

No. 8233/P.
Date 12/6/05.


District Police Officer, Swat

(فائینڈنگ رپورٹ)

جناب عالی

بحوالہ مشمولہ چارج شیٹ نمبری E/218 محرمہ 2013-10-30 مجاریہ از دفتر جناب DPO صاحب سوات انکوائری برخلاف حبیب الرحمان شوڈرا انسپکٹر موصول ہو کر تسلی کی گئی۔

انسپکٹر حبیب الرحمان کو اندر میں سلسلہ انکوائری طلب کیا جا کر ایک تحریری بیان پیش کر کے بیان ہیکہ میں نے مجرم اشتہاری علیم زادہ تھانہ خواجیلہ کو نہ گرفتار کیا ہے۔ نہ چھوڑا ہے اور نہ اس سے کسی قسم کی رشوت لیا ہے۔ مذکورہ نے چھاپہ زنی کے دوران PO کی شناختی کارڈ اور پاسپورٹ قبضہ میں کرنے کی تاکید کی۔

مدر میں سلسلہ ASI عبد الولی کا بیان لیا جا کر بیانی ہیکہ مذکورہ PO کو بذریعہ چھاپہ زنی نہیں بلکہ مجھے حکم دیا جا کر میں نے تھانہ لا کر HO صاحب کو حوالہ کیا جس سے اصل پاسپورٹ اور اصل شناختی کارڈ قبضہ کیا جا کر SHO صاحب کو حوالہ کیا گیا ہے۔

MAS یار محمد خان کے بیان لیا جا کر بیانی ہیکہ میں نے ایک جھلک PO مذکورہ کو تھانہ کے برآمدہ میں از خود دیکھا تھا۔ جہاں تک پاسپورٹ کی بات ہے۔ تو SHO صاحب نے کنسل پاسپورٹ، اردو شناختی کارڈ مجھے حوالہ کر کے جو ریکارڈ پر موجود تھانہ ہے۔

انچارج چوکی فتح پور کا بیان لیا جا کر ASI عبد الواحد نے بیان کیا کہ عید الاضحیٰ سے چند یوم قبل PO علیم زادہ کو دوران گشت گرفتار کر کے چوکی لا کر SHO صاحب خوازہ خیلہ کے نوٹس میں لاتے ہوئے SHO متعلقہ نے کہا کہ مذکورہ کی پاسپورٹ، شناختی کارڈ میرے ساتھ ہے اسکو چھوڑ دیں میں نے حسب الحکم SHO صاحب مذکورہ کو چھوڑ دیا ہے۔

SDPO صاحب خوازہ خیلہ مذکر شاہ کا بیان لیا جا کر بیان ہیکہ میں نے SHO متعلقہ کو PO سے اصل پاسپورٹ اور شناختی کارڈ لیکر عید کے بعد عبد الغفار خان پیش کرے گا بعدہ پاسپورٹ اور شناختی کارڈ کا معائنہ کر کے پاسپورٹ کنسل اور شناختی کارڈ انگلش کے بجائے اردو دیا گیا۔

انکوائری سے یہ بات عیاں ہے۔ کہ SHO صاحب حبیب الرحمان نے پاسپورٹ اور شناختی کارڈ تبدیل کر کے جس سے لین دین کی ہو کر رہی ہے۔ لہذا اپنے اختیارات کا ناجائز استعمال کرنے کے پاداش میں حبیب الرحمان انسپکٹر کو مزادینے کی سفارش کی جاتی ہے۔

ایس ڈی پی او سوات
2/12/13

ATTESTED

District Police Officer,
Swat

15.12.13