

26.2.2015

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


MEMBER

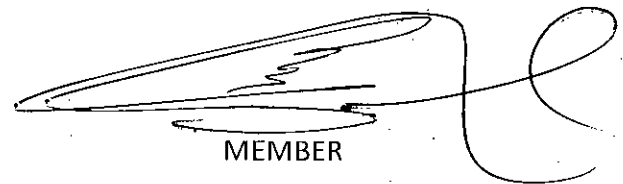

MEMBER

10.3.2015

Appellant with counsel (Sahibzada Assadullah, Advocate) and Mr. Muhammad Jan, GP with Imranullah, S.I (Legal) for the respondents present. Arguments heard. Record perused. Vide our detailed judgment of to-day in connected Service Appeal No. 233/2014, titled Balizar Versus Inspector General of Police, Khyber Pakhtunkhwa, Peshawar etc.", this appeal is also disposed of as per detailed judgment. Parties are left to bear their own costs. File be consigned to the record room.

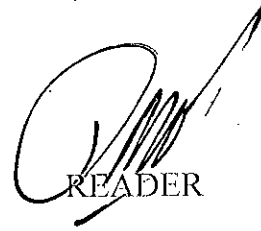
ANNOUNCED
10.3.2015

MEMBER


MEMBER

22.12.2014

Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Imranullah, SI (Legal) for the respondents present. The Tribunal is incomplete. To come up for the same on 19.01.2015.


READER

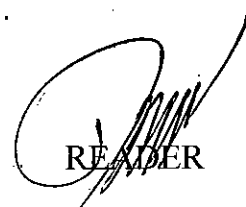
19.1.2015

Junior for counsel for the appellant and Mr. Muhammad Adeel Butt, AAG for the respondents present. It was submitted on behalf of the appellant that cases of similar nature have been fixed for arguments on 20.1.2015 and request made for adjournment to 20.1.2015. As such, case to come up for arguments on 20.1.2015.


MEMBER

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 Imranullah, 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. Imranullah, SI (Legal) on behalf of the respondents with AAG present. Written reply/para-wise comments received on behalf of the respondents, copy whereof is handed over to the learned counsel for the appellant for rejoinder alongwith connected appeals on 8.12.2014.


Chairman

15.09.2014

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Imranullah, 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

25.11.2014

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


READER

Appeal No. 236/2014
Mr. Khan Sher

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.

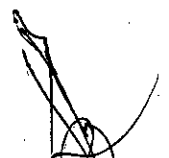

Member

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 06.12.2013, he filed departmental appeal on 10.12.2013, which has been rejected on 06.02.2014, hence the present appeal on 21.02.2014. 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 06.12.2013 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.

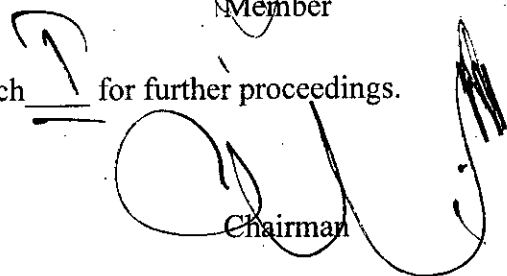
Appellant Deposited
Security & Process Fee
Rs. 180/- Bank
Receipt attached with File.





Member

08.05.2014

This case be put before the Final Bench 1 for further proceedings.


Chairman

3.6.14

The Hon'ble bench is on leave
Pres. can be held to 8.8.14

Recd

Before The Khyber Pakhtunkhwa Service Tribunal, Peshawar

Service Appeal No. 236/2014

Khan Sher s/o Sharif Khan Ex-HC r/o village Nawagai District Buner

.....Appellant


VERSUS

1. *The Inspector General of Police, Khyber Pakhtunkhwa Peshawar.*
2. *The Regional Police Officer, (DIG) Malakand Region Swat.*
3. *The District Police Officer, Buner*

..... Respondents

INDEX

S#	DOCUMENTS	ANNEX	PAGE
1	<i>Parawise comments</i>	--	<i>1, 2 & 3</i>
2	<i>Affidavit</i>	--	<i>4</i>
3	<i>Authority letter</i>	--	<i>5</i>


District Police Officer
Buner
(Respondent No. 3)

Before The Khyber Pakhtunkhwa Service Tribunal, Peshawar

Service Appeal No. 236/2014

Khan Sher s/o Sharif Khan Ex-HC r/o village Nawagai District Buner

.....Appellant

VERSUS

1. *The Inspector General of Police, Khyber Pakhtunkhwa Peshawar.*
2. *The Regional Police Officer, (DIG) Malakand Region Swat.*
3. *The District Police Officer, Buner*

..... Respondents

Parawise comments on behalf of Respondents No. 1, 2 & 3.

Respectfully Sheweth

Preliminary Objections:-

1. *That the present appeal is time barred.*
2. *That the appeal is not maintainable in the present form.*
3. *That the appeal is bad due to misjoinder and non joinder of necessary parties.*
4. *That the order of the competent authority has got finality and cannot be challenged at this stage.*
5. *That the appellant has got no cause of action to file the present appeal*
6. *That the appellant has got no locus standi to file the present appeal.*
7. *That the appellant is estopped due to his own conduct to file appeal.*
8. *That the appeal is bad in the present form and is liable to be dismissed.*
9. *That the appellant has not come to this Honorable Tribunal with clean hands.*

ON FACTS

1. *Para No. 1 of the Appeal is correct to the extent of service record. The rest is incorrect.*
2. *Para No. 2 of the appeal is correct. The appellant was reported to have been involved in corruption, misuse of powers and other corrupt practices.*
3. *In reply to Para No. 3 it is submitted that, the Respondent No. 3 received continued secret reports against the appellant regarding his involvement in corruption and misuse of powers. The public opinion and secret reports vehemently spoke about*

involvement of the appellant in corruption. Furthermore the appellant was bad reputed and there were persistent secret complaint against him.

- 4. Para No. 4 of the appeal is correct.*
- 5. Para No. 5 of the appeal is correct to the extent that the appellant recorded his statement. A certificate issued by Junior Rank Officer in favour of the appellant could not absolve him from charges of corruption. The Respondent No. 3 had received satisfactory public complaints against the appellant regarding his involvement in briberies and corruption.*
- 6. In reply to Para No. 6 it is submitted that, the Appellant was reported to have been involved in corruption, therefore on persistent complaints disciplinary action was taken against him by Respondent No. 3. The Enquiry Officer found out that there were complaint and allegations of corruption against the Appellant. The Appellant was thus rightly compulsorily retired from service.*
- 7. Para No. 7 of the appeal is correct. The Respondent No. 2 rightly upheld the order of Respondent No. 3.*
- 8. Needs no comments.*

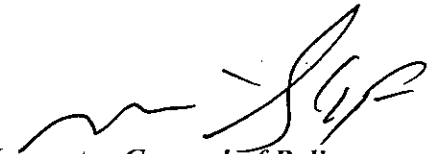
On Grounds:

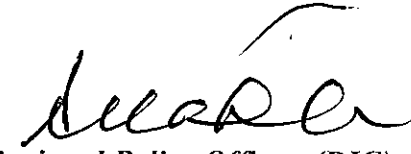
- A. Incorrect. Orders of Respondents No. 2 & 3 are just, legal and according to law.*
- B. Incorrect. The character of the appellant has always been questionable. There were allegations and complaints of corruption against the appellant. The reputation of the appellant among public was bad enough.*
- C. Incorrect. There is no exceptional performance showed by the appellant during his service.*
- D. Incorrect. The appellant has persistently been reported to has been involved in corruption and committed unwarranted acts.*
- E. Correct to the extent of disciplinary action, closing to lines and conduct of Enquiry. The certificate issued in favour of the appellant by non-competent joiner rank Officers could not absolve him from allegation and charges.*
- F. Incorrect. There were secret / source reports against the appellant which could not be disclosed in the public good and interest.*


- G. *Incorrect. Proper departmental proceedings were conducted against the appellant in accordance with rules. The appellant was involved in corruption. There has been no intention of the respondents to score points and please the Govt; rather to make clean the police department from corrupt elements.*
- H. *Incorrect. There has always been a policy of police department to take action against corrupt officers / officials with in police without any favour or disfavor.*
- I. *Incorrect. The appellant was involved in corruption and there were complaints against him. Moreover, the Enquiry officer also found out that there have been complaints against the appellant.*
- J. *Incorrect. The appellant has rightly been compulsorily retired from service in accordance with Police Rules – 1975.*

Prayer:-

In view of the above comments on facts and grounds it is therefore respectfully prayed that the appeal of the appellant may be dismissed with costs.


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


*Regional Police Officer, (DIG),
Malakand Region Swat
(Respondent No. 2)*


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

Before The Khyber Pakhtunkhwa Service Tribunal, Peshawar

Service Appeal No. 236/2014

Khan Sher s/o Sharif Khan Ex-HC r/o village Nawagai District Buner

.....Appellant

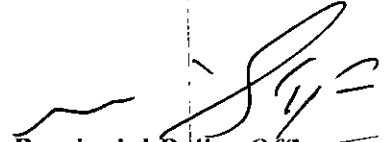
VERSUS

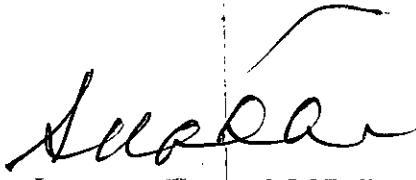
1. *The Inspector General of Police, Khyber Pakhtunkhwa Peshawar.*
2. *The Regional Police Officer, (DIG) Malakand Region Swat.*
3. *The District Police Officer, Buner*

..... Respondents

✓ **AFFIDAVIT**

We the above respondents do hereby declare and solemnly affirm on oath that the contents of the reply to appeal No. 236/2014 are true / correct to the best of our knowledge / belief and nothing has been kept secret from the Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar.


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


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


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

Before The Khyber Pakhtunkhwa Service Tribunal, Peshawar

Service Appeal No. 236/2014

Khan Sher s/o Sharif Khan Ex-HC r/o village Nawagai District Buner

.....Appellant


VERSUS

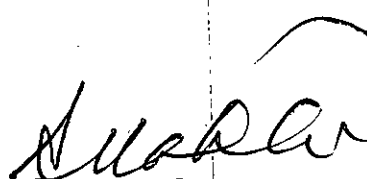
1. *The Inspector General of Police, Khyber Pakhtunkhwa Peshawar.*
2. *The Regional Police Officer, (DIG) Malakand Region Swat.*
3. *The District Police Officer, Buner*


..... Respondents

AUTHORITY LETTER

We the above respondents do hereby authorize SI (Legal) as representative of Police Department to appear in the court on our behalf and do whatever is needed in the court.


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




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


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

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 236/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	21/02/2014	<p>The appeal of Mr. Khan Sher 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 21/2/14</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. 236/2014

Khan Sher(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	1-7
2.	Affidavit	8
3.	Addresses of the parties	9
4.	Copy of show cause notice dated 23/10/2013 and explanation dated 28/10/2013	10-11
5.	Copy of charge sheet dated 28/11/2013 and reply of the appellant dated 29/11/2013	12-13
6.	Copy of the order dated 28/11/2013	14
7.	Copies of statement of appellant along with certificates	15-17
8.	Copies of inquiry report and order dated 06/12/2013	18-26
9.	Copy of appeal and order dated 06/02/2014	27-28
10.	Wakalat Nama	29


Appellant

Through

Dated: 14/02/2014


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

①

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. 236 /2014

N.W.F.P. Peshawar
258
21-2-14

Khan Sher S/o Sharif Khan

R/o Village Nawagay, District Bunir.....(Appellant)

VERSUS

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

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

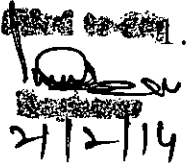
Respectfully Sheweth:

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

FACTS:

That the appellant joined the Police Department on 15/06/1996 as constable and performed his duties at various police stations with commitment and devotion.

The appellant after passing A (1) and B (1) examinations


21/2/14

was sent by the high-ups for his Lower Course. After completing his lower course in 2004 owing to the trust of the high-ups the appellant performed his duties whole heartedly finally in the year 2009 was promoted to the post of Head Constable.

2. That on 21/10/2013 the appellant was closed to police line where the appellant was served with a show cause notice from DPO Bunir on 23/10/2013 where the appellant gave a detailed explanation on 28/10/2013 to the show cause notice. (Copy of show cause and explanation are attached).
3. That the appellant was charge sheeted on 28/11/2013 where charges of corruption were leveled against the appellant that too on the basis of source report where the appellant submitted a detailed reply by explaining his position on 28/11/2013. (Copy of charge sheet and reply of the appellant are attached).
4. That on 28/11/2013 the respondent No. 3 recommended disciplinary action against the appellant and others in accordance with provision of the Police Rules 1975 and for the purpose Ghulam Muhammad DSP Head Quarters

was appointed as inquiry officer. (Copy of the order dated 28/11/2013 is attached).

5. That during inquiry the appellant recorded his detailed statement regarding his position. The Station House Officers, where the appellant performed his duties issued certificates in favour of the appellant. (Copies of statement of appellant along with certificates are attached).
6. That the inquiry officer prepared his finding report on 30/11/2013 where he opined that the appellant along with others are not suitable for field posting. The respondent No. 3 on the strength of the inquiry report passed the impugned order where the appellant was compulsorily retired from service vide order dated 06/12/2013 from the date of their suspension. (Copies of inquiry report and order dated 06/12/2013 are attached).
7. That being aggrieved of the order of respondent No. 3 the appellant preferred an appeal before respondent No. 2 which got the same fate vide order dated 06/02/2014.

(Copy of appeal and order dated 06/02/2014 are attached).

8. 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 appellant has served the department since 15/06/1996 with his initial appointment as constable but having curiosity to work hard the appellant passed the required examinations and on the strength of his hard work he reached to the post of Head Constable, throughout his career the high-ups trusted him and no complaints whatsoever was made against him during his stay at various police stations.
- C. That the appellant struggled hard and even retained his position at the time when Bunir was passing through

hard times when the terrorists challenged the writ of the Government without caring for his life.

D. That the respondents No. 2 & 3 through the blind orders stigmatized the bright career of the appellant not only through this illegal order within the department but in the public as well.

E. That this is the element of surprise that on 21/10/2013 the appellant was closed to the police line, on 23/10/2013 was served with a show cause notice which was duly replied but that did not help the appellant. On 28/11/2013 charge sheet was served upon the appellant, to which the appellant also submitted detailed reply but instead the DPO Bunir ordered the conduct of inquiry and for that matter inquiry officer was deputed to record the statements of all concerned. The inquiry was conducted in a strange manner that during the inquiry the appellant also handed over various certificates issued in his favour by different station houses officers.

F. That on the conclusion of the inquiry the inquiry officer while submitting his finding report could not find any adverse material against the appellant and no one from

the public came forward to record any complaint against the appellant rather the recommendation was based only upon the hearsay and concocted source report.

- G. That all the proceedings were conducted in haphazard manner and no procedure was followed in strict sense but the hurry shown clearly show the intention of the respondents to make the appellant and some others scape goats so that to help the provincial Government to score in the eyes of public.
- H. That the respondents No. 1 and No. 2 were bending upon to issue the impugned orders at any cost which they called a policy of the K.P.K Government.
- I. That no material has been brought on record during the inquiry nor any person was produced in support of the leveled allegations which could justify the stance of the respondents.
- J. That the appellant is innocent and has been retired compulsory which is a major punishment which is not in accordance with the police rules and the law laid down for the purpose. The appellant as was due for his


7

intermediate course and he is turning to be overage if the impugned orders are not set aside with directions that the appellant if reinstated regardless of his age be permitted to do his intermediate course.

It is, therefore, humbly prayed that on acceptance of this service appeal, the appellant may kindly be reinstated to his post with all back benefits and the impugned orders dated 06/12/2013 and 06/02/2014 passed by respondents No. 2 and 3 may kindly be set aside.


OR

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


Appellant

Through

Dated: 14/02/2014


Sahibzada Asadullah
Advocate Supreme Court
Of Pakistan.

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. ____/2014

Khan Sher(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.



9
ADVOCATE

9

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

Service Appeal No. ____/2014

Khan Sher(Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

And others.....(Respondents)

ADDRESSES OF THE PARTIES

APPELLANT:

Khan Sher S/o Sharif Khan

R/o Village Nawagay, District Bunir.


RESPONDENTS:

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


Appellant

Through

Dated: 14/02/2014


Sahibzada Asadullah
Advocate Supreme Court
Of Pakistan.

SHOW CAUSE NOTICE.

(10)

WHEREAS, as you the following officers / officials involved in Corruption as per source report:

<u>S.No.</u>	<u>Name & Rank</u>	<u>Place of Posting</u>
1.	SI Balizar Khan (Invest.)	I/C Invest: PS Totalai.
2.	ASI Muhammad Wahab	PS Daggar.
3.	ASI Anwar Saeed	PS Gagra
4.	ASI Muhammad Zahid	Police Lines
5.	ASI Zeb Ahmad	PS Totalai
6.	HC Khan Sher	MHC PS Jowar
7.	HC Sher Muhammad	I/C Guard Koga Camp
8.	HC Sher Afzal	PPP Durmai.
9.	HC Bahrawar Said	MM PS Daggar.
10.	HC Sher Wali	I/C PPP Kalil Kandaw
11.	HC Aman Khan	PP Budal.

You have therefore, committed misconduct which is punishable under rules 4 of Police Rules 1975.

Now therefore, as required by the KPK Police 1975 L ASIF IQBAL MOHMAND District Police Officer, Buner call upon to show cause as to why you should not be awarded major punishment as defined u/r-4 (b) of the said rules.


Your explanation should reach the undersigned within 7 days of the receipt of this notice.

You should state in writing as to whether you wish to be heard in person or not?

In case your written explanation is not received within the specified period, it should be presumed that you have no defence to offer.


 DISTRICT POLICE OFFICER,
 BUNER.

No. 529-39 /EC.
 Dated 23 -- 10 /2013.


 ATTESTED

322
 2
)

ضابطی!

529-39 جاریہ ضابطہ د.پ.و
 جوالم مشہور شوکار نوش بنی 23-10-013
 ضلع بونیر محروم خدمت ہوں۔ اس سائیل سال 1996ء کا ٹھہرتی ہے سائیل
 نے سال 2004ء میں کوئٹہ سکول کورس پاس کیا ہے۔ اور سال 2009ء
 میں بحیثیت پیدائش ترمیم ہو گیا ہے۔ اس سائیل نے مختلف جگہوں
 تھانہ جات، چوکیات میں ڈیوٹی سر انجام دی ہے۔ دوران سروس اپنا ڈیوٹی
 نہایت ایمانداری، دیانتداری اور محکمہ کیساتھ انتہائی خوش اخلاقی سے
 سر انجام دی ہے۔ لہذا اس سائیل دوران سروس میرے خلاف کسی قسم کی
 شکایت نہیں ہوئی ہے۔ اور نہ انکوائری ہوئی ہے۔ حاضری کے داغ ہے۔ اور
 جن افسران کیساتھ بحیثیت فاقہ رہ چکا ہوں۔ میرے گواہ ہے۔ اور
 میرے خلاف محکمہ کی طرف سے کسی قسم کی شکایت وصول نہیں ہوئی ہے۔
 میرے خلاف سروس رپورٹ متعلقہ کمریشن کے بنیاد اور بالکل
 بد نیتی پر مبنی ہے۔ ایک پکا مسلمان ہوتے ہوئے کمریشن کا سوچ نہیں
 نہیں کر سکتا۔ صرف اللہ تعالیٰ جو تمام کائنات کا خالق، رزق ہے۔ یہ
 خبر دے رہا ہے۔ وہ خوب جانتا ہے۔ کہ کون گنہگار ہے۔ اور کون بے گناہ ہے۔
 لہذا فدرج بالا الفاظ کو حد نظر رکھتے ہوئے شوکار نوش
 بنیر کسی حکم نہ کاروائی کے فائیل کرنے کا حکم صادر فرمائی جاوے

6/11/17
 17/11/17

9
 ATTACHED

No 572-82 /EC,
Dated 28-11 /2013

CHARGE SHEET

I, ASIF IQBAL MOHMAND District Police Officer, as competent authority do hereby charge you the following Upper / Lower Subordinates while posted in Police Lines Daggar as follows.

It has been reported against you that you while posted Police Lines Daggar committed the following act/ acts.

As per source report, you are the following Upper / Lower Subordinates were found involved under corruption during the posting of various places.

<u>S.No.</u>	<u>Name & Rank</u>	<u>Previous Posting</u>	<u>Closed to Police Lines on 12/10/013</u> <u>On the cause of corruption</u>
1.	SI Balizar Khan	I/C Invest: Totalai	-do-
2.	ASI Muhammad Wahab	PS Daggar	-do-
3.	ASI Anwar Saeed	PS Gagra	-do-
4.	ASI Muhammad Zahid	Police Lines	-do-
5.	ASI Zeb Ahmad	PS Totalai	-do-
6.	HC Khan Sher	MHC PS Jowar	-do-
7.	HC Sher Muhammad	I/C Gurad Koga	-do-
8.	HC Sher Afzal	PPP Durmai	-do-
9.	HC Bahrawar Said	MM PS Daggar	-do-
10.	HC Sher Wali	I/C PPP Kalil	-do-
11.	HC Aman Khan	PP Budal	-do-

Which is / are gross misconduct on your part as defined in Rules 2 (iii) of Police Disciplinary Rules, 1975.

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

3. You are therefore, required to submit your written reply within 7 days of the receipt of this charge sheet to the enquiry Officer.

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

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

6. Statement of allegation is enclosed.

HEAD CLERK
S.P. OFFICE BUNER.

DISTRICT POLICE OFFICER,
BUNER

ATTESTED

DISCIPLINARY ACTION

15/19

1. I, ASIF IQBAL MOHMAND District Police Officer, Buner as competent authority, is of the opinion that the following Upper / Lower Subordinates while posted as Police Lines have rendered yourself liable to be proceeded against departmentally as you have committed the following acts / omission as defined in Rule 2 (iii) of Police Rules 1975.

STATEMENT OF ALLEGATION

That it has been reported against you that you while posted Police Lines committed as per source report, you are the following Upper / Lower Subordinates were found involved under corruption during the posting of various places.

<u>S.No.</u>	<u>Name & Rank</u>	<u>Previous Posting</u>	<u>Closed to Police Lines on 12/13/13</u> <u>On the cause of corruption</u>
1.	SI Balizar Khan	I/C Invest: Totalai	-do-
2.	ASI Muhammad Wahab	PS Daggar	-do-
3.	ASI Anwar Saeed	PS Gagra	-do-
4.	ASI Muhammad Zahid	Police Lines	-do-
5.	ASI Zeb Ahmad	PS Totalai	-do-
6.	HC Khan Sher	MHC PS Jowar	-do-
7.	HC Sher Muhammad	I/C Gurad Koga	-do-
8.	HC Sher Afzal	PPP Durmai	-do-
9.	HC Bahrawar Said	MM PS Daggar	-do-
10.	HC Sher Wali	I/C PPP Kalil	-do-
11.	HC Aman Khan	PP Budal	-do-

Which is / are gross misconduct on your part as defined in Rule 2 (iii) of Police Rules 1975.

2. For the purpose of scrutinizing the conduct of said officer with reference to the above allegations Mr. Ghulam Muhammad Khan DSP HQr: is appointed as enquiry officer.

3. The Enquiry officer shall conduct proceedings in accordance with provision 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, recommendations as to punishment or other appropriate action against the accused officer.

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

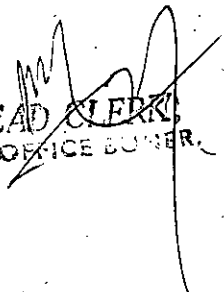

DISTRICT POLICE OFFICER,
BUNER

No. 562-72 /EC, Dated 28-11 /2013

1. Enquiry officer for initiating proceeding against the accused officer namely under Police Rules 1957.

2. Defaulter concerned.


DISTRICT POLICE OFFICER,
BUNER



HEAD CLERK,
S.P. OFFICE BUNER.

ARRESTED

لعد لقی سرٹیفکیٹ

حصہ عالی

لعد لقی جاتی حصہ HC خان شہر نمبر 29 سرے ساتھ دیا ہوڑ
 میں کثرت کر رہا ایتھ لیشن کر لعدیات رہ چکا ہے HC نمبر کوڑ
 کے خلاف میرے عرصہ لعدیاتی میں کسی بھی شخص نے کر نہیں یا
 دیکھ کسی قسم کی شکایت نہیں کی ہے۔ تمام HC نمبروں کی اپنی
 ڈکوٹی نہایت ایماندار اور دیانت دارانہ ساتھ ساتھ انجام دی ہے۔ جیسی
 میں لعد لقی کرتا ہوں


 نذیر احمد سید
 29.11.13

9
ATTSTED

صاحب کی طرف سے
 کے لئے سند تعلق سے 29/11/2013 سے ساتھ ساتھ جوہ میں بحیثیت
 جوہر کھسارہ کے ساتھ 14/11/2013 کو خلافا میں طرفہ کھسارہ میں
 کسی بھی شخص یا گروہ کے ساتھ نہ کر کے بلکہ کسی شخص کے ساتھ
 نہیں کی ہے بلکہ 14/11/2013 کو کھسارہ میں کھسارہ میں کھسارہ میں
 ساتھ ساتھ 14/11/2013 سے کسی سند تعلق کے لئے یہ بیان ہے

Handwritten signature or mark

میں نے یہاں سے سند تعلق کو قبول کر لیا ہے
 29.11.2013

ATTESTED

مہلک لوبیہ

(1)

اردو تھریڈی اینڈ اینڈرس انڈسٹری (8) 45

انڈسٹری (8) 45 562-72 572-82 28/13 28/13

گھنٹہ	نمبر	تفصیل کاغذات
	09	انڈسٹری خیراد خانہ بند رولٹ
	03	آرڈر انڈسٹری نمبر 562-72 572-82
	05	بیان آذان بلنر خان 31 نمبر 4
	04	بیان آذان محمودیاب ASI نمبر 3
	06	بیان آذان الوریہ ASI نمبر 5
	05	بیان آذان محمودیاب ASI نمبر 4
	05	بیان آذان امیت احمد ASI نمبر 4
	03	بیان آذان خان شہر HL نمبر 2
	07	بیان شہر 174 HL نمبر 6
	03	بیان آذان شراخصل 396 HL نمبر 2
	04	بیان آذان فروریہ 372 HL نمبر 3
	07	بیان آذان شہر 173 HL نمبر 6
	06	بیان آذان امیت احمد 215 HL نمبر 5
	04	روشنگ آڈیو
	(71)	مہلک لوبیہ

ATTESTED

Superintendent of Police Hq. Daggan

ORDER

(23) (26)

This order will dispose off, departmental enquiry conducted by D.SP Hqr: against the following officers/officials regarding their involvement under the charges of corruption, according to the source report with issuing proper charge sheet / summary of allegations vide this office No. 572-82/EC, dated 28.11.2013.

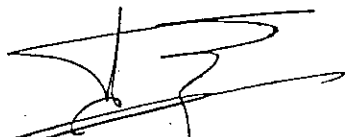
1. SI Balizar Khan
2. ASI Muhammad Wahab
3. ASI Anwar Saeed
4. ASI Muhammad Zahid
5. ASI Zeb Ahmad
6. HC Khan Sher No. 29
7. HC Sher Muhammad No: 174
8. FC Sher Afzal No. 396
9. HC Bahrawar Said No.372
10. HC Sher Wali No. 173
11. HC Aman Khan No. 265

On 30.11.2013 the E.O submitted finding with the conclusion that various types of complaints against the above officers /officials have been received regarding corruption during their period of posting and thus the E.O recommended their names that they are not fit for further field duties.

I Asif Iqbal Mohmand District Police Officer, Buner competent authority see no reasons to believe that the defaulters all above concerned could improve their view and change their behaviors in future.

Therefore, I agree with the recommendations of the Enquiry Officer and award major punishment to all above defaulter's officers / official's i-e compulsory retirement from service from the date of their suspension with immediate effect.

Order announced.


**DISTRICT POLICE OFFICER,
BUNER**


OB No. 159

Dated 6.12 /2013.

No. 8392-94 E,

Copy of the above is submitted for favour of information to:

1. The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
2. The Regional Police Officer, Malakand Region at Saidu Sharif Swat
3. All concerned.


**DISTRICT POLICE OFFICER,
BUNER**

بمقام سید و شریف سوات

سائیل۔ خان شیر سابقہ ہیڈ کانسٹیبل پولیس ڈیپارٹمنٹ بونیر نمبر 29 ساکن کوزہ نواگنی ضلع بونیر

عنوان۔ ایچل بدیں مراد کہ حکم نمبری 159 مورخہ 06.12.2013 بجاریہ ڈی۔ پی۔ او صاحب ضلع بونیر کو کلمہ قرار

دیاجا کر سائیل کو اپنی ملازمت پر بحال کرنا۔

جناب عالی!

گزارش ہے کہ سائیل مورخہ 15.06.1996 کو محکمہ پولیس میں بحیثیت کنسٹیبل بھرتی ہو کر بعد فراغت ریکروٹ کورس ضلع سوات اور بونیر کے مختلف تھانہ جات اور چوکیات میں ڈپوٹی سرانجام دیتا رہا۔ بدوران تعیناتی اپنا ڈپوٹی نہایت دیانت داری اور ایمانداری کے ساتھ سرانجام دیتے ہوئے A(1) اور B(1) کے امتحانات پاس کرنے کے بعد اعمال نامہ برے افعال سے پاک ہونے کے بناء پر افسران بالا نے مجھے لوئیر کورس کے لئے منتخب کیا۔

سال 2004 میں لوئیر کورس سے فراغت پر ضلع بونیر میں افسران بالا کے حکم کے مطابق ڈپوٹی سرانجام دیتا رہا۔ سال 2009 میں بچہ ہیڈ کانسٹیبل ترقیاب ہو بحیثیت ہیڈ کانسٹیبل اپنے فرائض کی بجا آوری میں کسی قسم کی کوتاہی بغیر کام کرتا رہا۔ اپنے بالاتر افسران کو کسی قسم کی شکایت کا موقع نہیں دیا۔ اور نہ ہی دوران ملازمت عوام کی دل آزاری کی۔ اسلئے تاحال سائیل کا اعمال نامہ ہر قسم برے انٹری سے بالکل پاک ہے۔ جبکہ اچھے کاروائی کے بناء پر وقتاً فوقتاً افسران بالا نے انعامات کے علاوہ تعریفی اسناد سے نوازا گیا۔

اور گزشتہ چند سالوں میں دہشت گردوں کی بونیر آمد کے دوران اپنے جائے تعیناتی پر موجود رہ کر شدت پسندوں کے خلاف ہونے والے کاروائیوں میں بھرپور حصہ لیا۔ ان جملہ کارکردگی کے ساتھ مورخہ 21.10.2013 کو سائیل پولیس لائن تبدیل کیا گیا۔ مورخہ 23.10.2013 کو جناب ڈی۔ پی۔ او صاحب کی طرف سے شو کاز نوٹس موصول ہو کر جن پر اپنا تفصیلی جواب تحریر کر کے افسران بالا کو اپنی بے گناہی پیش کی۔ لیکن اس سے بعد 28.11.2013 کو مجھ پر چارج شیٹ تقسیم ہو کر اس کا بھی تفصیلی جواب دیا۔ لیکن افسران بالا میرے ساتھ متفق نہ ہو کر میرے خلاف بزریرہ ڈی۔ ایس۔ پی ہیڈ کوارٹر انکوآری کی گئی۔ بدوران انکوآری نہ میرے خلاف کسی نے کرپشن کی الزام عائد کی اور نہ انکوآری افسر کو بیان دیا۔ لیکن بغیر کسی شہادت اور ثبوت کے مورخہ 05.12.2013 کو بحوالہ آرڈر بک نمبر 158 مجھے معطل کر کے مورخہ 06.12.2013 کو بحوالہ آرڈر بک نمبر 159 ملازمت سے جبری ریٹائر ڈ کیا۔ جو میرے اور میرے خاندان کے ساتھ سراسر ظلم ہے۔

کیونکہ بدوران ملازمت کوئی ایسا قدم نہیں اٹھایا جس کی بناء پر میں چھوٹے سزا کا حقدار رہا۔ لیکن بغیر ثبوت کے محکمہ پولیس کے ساتھ تقریباً 17 سال وفادار رہنے کی سزا دی گئی۔

لہذا بذریعہ درخواست استدعا ہے کہ آپ صاحبان مہربانی فرما کر جناب ڈی۔ پی۔ او صاحب ضلع بونیر کا جبری ریٹائرمنٹ حکم مورخہ 06.12.2013 کا عدم قرار فرما کر سائیل کو ملازمت پر دوبارہ نوکری پر بحال کرنے کا حکم صادر فرمائیں۔ تو سائیل تاحیات دعا گو رہے گا۔

آرڈر کاپی ہمراہ لف ہے۔

العارض

آپکا فرمان بردار سابقہ ہیڈ کانسٹیبل خان شیر

سکنہ کوزہ نواگنی ضلع بونیر

10-12-2013

ATTESTED

28

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


ORDER:

This order will dispose off the appeal preferred by Ex-HC Khan Sher No. 29 of Buner District for reinstatement in service.

Brief facts are that the above named Ex-Head Constable was found involved in corruption. His reputation was very bad among the people and too within the Police Department. He was issued proper charge sheet / statement of allegations. A proper departmental enquiry was conducted against him. The Enquiry Officer submitted his finding, reported that the appellat possess bad characters, involved in corruption, maintain bad reputation and took unfair / illegal advantage of his uniform. The Enquiry Officer further submitted that the appellat is corrupt and also not competent for field duties. The appellat was thus compulsory retired from service under Police Rules 1975 by the District Police officer, Buner vide his office OB No. 159 dated 06/12/2013.

The appellat 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, Buner, whereby the appellat 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. 1137-38 /E,

Dated 6/2 /2013.

Copy for information and necessary action to the:-

1. District Police Officer, Buner with reference to his office Memo: No. 31/EC, dated 01/01/2014.
2. Ex-HC Khan Sher No. 29 of Buner District.

ATTACHED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 236/2014

739.53
25/8/14

Khan Sher S/o Sharif Khan, Ex-H.C, R/o Village Nawagai
District Buner.....(Appellant)

VERSUS

The Inspector General of Police K.P.K
and others.....(Respondents)

[Handwritten signature]
[Handwritten signature]
26/8/14

APPLICATION FOR TRANSFER OF APPEAL
FROM BENCH-I, TO BENCH-II, WHERE
SERVICE APPEAL NO. 172/2014 OF
"KHAIR UR REHMAN..VS..INSPECTOR
GENERAL OF POLICE AND OTHERS".

Respectfully Sheweth:

1. That the captioned appeal and other appeals like "Khair ur Rehman..VS..Inspector General of Police and others" Service Appeal No. 172/2014 and others having the same allegations and having finally been decided by the same appellate authority and their proceedings before two benches mailed to a conflating judgments, hence proprietary demands that these be heard by a single bench.


2. That the appeal of "Khair ur Rehman" bearing Service Appeal No. 172/2014 along with others are pending before this august Tribunal/ Bench-II, on 15/09/2014.

It is, therefore, humbly prayed that on acceptance of this application, this is requested that the captioned appeal may kindly be requisitioned from Bench-I to Bench-II to meets the ends of justice.

Appellant

Through

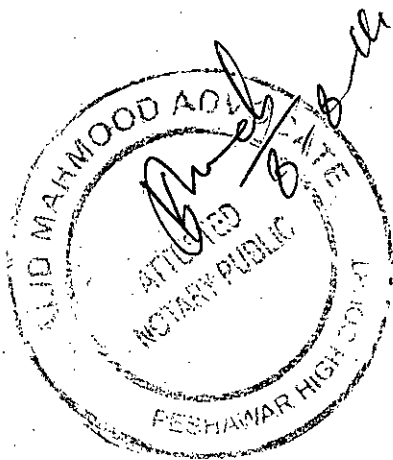
Dated: 08/08/2014


Sahibzada Asad Ullah
Advocate Supreme Court
Of Pakistan.

AFFIDAVIT:

I, Sahibzada Asad Ullah Advocate, Peshawar, as per instructions of my client, do hereby solemnly affirm and declare, that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.


ADVOCATE



①

BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE

TRIBUNAL, PESHAWAR

468
5-6-14

C.M No. _____/2014

In

S.A. No: 236 /2014

Khan Sher.....(Petitioner)

VS

I.G.P and others.....(Respondents)

APPLICATION FOR EARLY HEARING.

Respectfully Sheweth:

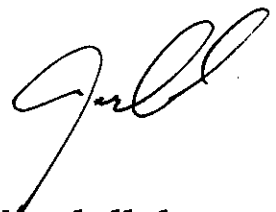
1. That the above captioned appeal is pending adjudication before this august Tribunal which is fixed for hearing on 08/08/2014.
2. That the urgency is involved in the above appeal and delay will cause serious damage to appellant.

3. That other appeals pertaining to the same Division and District also pending before this august Tribunal titled Behar Ali and others vs D.P.O and others.

It is, therefore humbly prayed that on acceptance of this application the date may kindly be accelerated and the appeal may kindly be club with other appeals title above mentioned so that there will be no conflicting judgments on same issue.

Applicant

Through



Dated: 05/06/2014

Sahibzada Asadullah
Advocate, Supreme Court
of Pakistan

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR**

C.M No. _____/2014

In

S.A. No. 236 /2014

Khan Sher.....(Petitioner)

VS

I.G.P and others.....(Respondents)

AFFIDAVIT

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



[Handwritten Signature]

ADVOCATE

THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

inder

In

Service Appeal No.236/2014

Khan Sher.....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. That the appeal is with in time.
2. Para No. 2 is incorrect.
3. Para No.3 is incorrect, as all necessary and proper parties have been arrayed as respondents in the instant appeal, hence the question of mis-joinder and non-joinder is misconceived.
4. Para No.4 is incorrect, as the order passed is illegal, arbitrary and can be challenged at any time.
5. Para No.5 & 6 is incorrect being aggrieved the appellant has the cause of action to file the present appeal.
7. Para No.7 is incorrect as the matter pertains to terms and condition of service and there is no estoppel against the law.

8. That the appeal is competent in all respect and has been properly filed.
9. Para No.9 is incorrect the grievance of the appellant is genius and has come with clear hand.

On Facts:

1. Para 1 needs no explanation.
2. Para No.2 is incorrect as the allegation are baseless with no evidence.
3. Para No.3 is incorrect the respondents wanted to score to the provincial Govt, the allegations are baseless with no proof and no one came forward to support the allegations.
4. Para No.4 needs no reply.
5. Para No.5 to the extent of complaints is incorrect.
6. Para No.6 is baseless and incorrect.
7. Para No.7 is incorrect the orders are with out application on of mind to the facts and circumstances of the case.

On Grounds:

- A. Para No. A is incorrect.
- B. Para No. B is incorrect the allegations are false and baseless.
- C. Para No. C is incorrect the appellant has well explained his performance in the shape of documentary evidence.
- D. Para No. D is incorrect.
- E. Para No. E is incorrect the certificates show their performance and honesty.
- F. Para No. F is incorrect.


- G. Para No. G is incorrect no allegations have been supported by evidence oral as well as documentary.
- H. Para No. H is incorrect the efforts were only to score in the eyes of public that too at the cost of honest and trust worthy police officials.
- I. Para No. I is incorrect.
- J. Para No. J is incorrect the order is based on malafide and ulterior motive

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

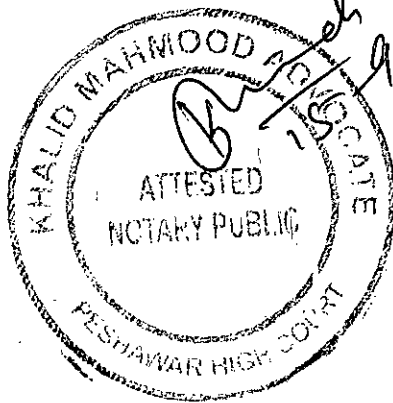
In

Service Appeal No.236/2014

Khan Sher.....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

①

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

Service Appeal No. 236 /2014

167
27/2/14

Khan Sher(Appellant)

VERSUS

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

**APPLICATION FOR SUSPENSION OF THE
IMPUGNED ORDERS DETED 06-12-2013 AND 06-
02-2014 PASSED BY DPO BUNIR AND REGIONAL
POLICE OFFICER MALAKAND.**

Respectfully Sheweth:

1. That the captioned appeals have been filed before this august court where the date is fixed as 16.04.2014.
2. That the appellants are poor police officials and have suffered a lot.


3. That the appellants have got a good case and are sanguine of its success.
4. That the balance of convenience lies in favour of the appellants and irreparable loss has occasioned to them.

It is therefore, prayed that on acceptance of this application the impugned orders may kindly be suspended till final decision of the case.

Appellant

Through

Dated: 27/02/2014


Sahibzada Asadullah
Advocate Supreme Court
Of Pakistan.

(3)

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

Service Appeal No. 236/2014

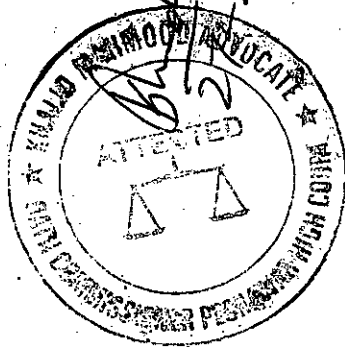
Khan Sher(Appellant)

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