Appellant with counsel and Add. AG 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

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 20<sup>th</sup> 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

Counsel for the appellant and Mr. Imranullah, SI (Legal) of behalf of the respondents with AAG present. Written reply/parawise 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.

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

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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 incomplète. To come up for the same on 22.12.2014.

Appeal No. 235/2014 Mr. Aman Klain

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.

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.

Assissed theileann

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

Chairman

3.6,14

**3**05.2014

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### Form- A FORM OF ORDER SHEET

Court of_	
Case No	235/2014

	Court of	
	Case No	235/2014
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	21/02/2014	The appeal of Mr. Aman Khan presented today by Mr. Sahibzada Asadullah Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary
, e <sup>3</sup> ,		hearing.  REGISTRAR >1>114
2	26-2-2011	This case is entrusted to Primary Bench for preliminary  Thearing to be put up there on 16-9-30/4
		CHAIRMAN

# BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

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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 28/11/2013	12-13
6.	Copy of the order dated 28/11/2013	14
7.	Copies of statement of appellant along with certificates	15-20
8.	Copies of inquiry report and order dated 06/12/2013	21-29
9.	Copy of appeal and order dated 06/02/2014	30-31
10.	Wakalat Nama	32

Appellant

Through

Dated: 14/02/2014

Sahibzada Asadullah

Advocate Supreme Court

Of Pakistan.

Cell No. 0313-9772262

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

Service Appeal No. 235/2014

2524

Aman Khan S/o Ahmad Khan

R/o Village Shalbandi, 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:

21/2/14

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

#### FACTS:

1. That the appellant joined the Police Department on 12/07/2000 as constable and performed his duties at various police stations with commitment and devotion. The appellant after passing A (1) and B (1) examinations

was sent by the high-ups for his Lower Course. After completing his lower course in 2007 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 the opined that the appellant along with others are not suitable for filed posting. The respondent No. 3 on the strength of the inquiry report passed the impugned order where the appellant was compulsory 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:

### **GROUNDS:**

- 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 2000 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 if 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 compliant 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.

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	
Aman Khan	(Appellant)
VERSUS	
Inspector General of Police, Khyber Pa	akhtunkhwa, 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	
Aman Khan	(Appellant)
VERSUS	
Inspector General of Police, Khyber Pakhtunkhwa, F	Peshawar.
And others(Res	spondents)

### ADDRESSES OF THE PARTIES

### APPELLANT:

Aman Khan S/o Ahmad Khan R/o Village Shalbandi, 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 Aşadullah

Advocate Supreme Court

Of Pakistan.

### SHOW CLUSE NOTICE.

(10)

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

S.No.	Name & Fank	Place of Posting
Î.	Sl Balizar Khan (Invest	) I/C Invest: PS Totalai.
2.	ASI Muha nmad Wahab	PS Daggar.
3.	ASI Anwa Saced	PS Gagra
4.	ASI Muhammad Zahid	Police Lines
5.	ASI Zeb Ahmad	PS Totalai
6.	HC Khan Sher	MHC PS Jowar
, 7. 8.	HC Sher Nuhammad	- I/C Guard Koga Camp
9.	HC Sher Afzal	PPP Durmai.
. 10.	HC Bahrayar Said	. MM PS Daggar.
∠ II.	HC Sher Vali	I/C PPP Kalil Kandaw
/ '''	HC Aman Khan	PP Budal.

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

Now therefore, as required by the KPK Police 1975 I ASIF 10BAL.

MOHMAND District Police Officer, Buner call upon to show cause as to why you should not be awarded major punishment as defined u/r-1 (b) of the said rules.

Your explination 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.

Dated and the police

Dated 2 3 ... 1 /2013

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ATTESTED

23 10 0 529-39 Cyis di di 15 - 1/3 in copy topports .- 0 336 ,2000 Julin 2 -Myles Voyens Je . 2008 JL. ومعرد سائد عدا كرا بروياب سوليه، آب کی فیلف جگوں لین تحاجا، ول سارون الما مران سرور الما شراع دول الما مران الم سرطرا الرس في من كريت الماري (3. Con 605) 5 2 20 0 0 0 0 0 5 مس سن من ف الله بقائي وع ما نتاي كامالي رو Con of its with a find of pilm will of solid of the colonial 45 cm (P6 6 ibor of certains bille in lin العيمرين كاردي ك عاسل وملس مر مات Δ:- /---

No <u>\$7-2-82-/EC.</u> Dated <u>9-8-6/-/2013</u>

### (12)

### **CHARGE SHEET**

ASIF IOBAL MOHMAND District Police Officer, as competent authority do hereby charge you the following Upper / Lower Subordinaris 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>	Name & Rank			olice Lines on 12/10/013 se of corruption
ι.	SI Balizar Khan	I/C Invest: Totalai		-clo-
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 Jahrawar Said	MM PS Daggar		-do-
10.	FiC Sher Wali	I/C PPP Kalil		-do-
<b>,</b> i.	HC Aman Khan	PP Budal		~(lO-

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

- 2. Sy reason of above, you appear to be guilty of mis-conduct and have rendered your-self-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 expacte action will be followed against you?
- 5. Intimate, us to whether you desire to be heard a person or not?
- 6. Statement of allegation is enclosed.

DISTRICT POLICE OFFICES,

ATTOTAL

May 28 1/3 1/3 572.82 i 2 2 1/6 (1/5) (2000) To and Con 2000/m and To Cap 10. ou Lie PRCLE Jo Ono Rook Mund Day 116 Je cr 3/25 cm 2007 cm d. 6/5 1 1 2 5 cm 2009 -1. 12 Juli المرتاب المراف المراف المراف المرافق المرافقة فان ما ق لولترن من دور سرايا بري مه مر صرف علامانس منطف الموم نس سوی دولی سرون این دوی سات ایال Come in Els o cists on circles of رکویے متعلی کرکس ہے نیاد ار برستی کری Constant of the contraction of the second of 36660161963 Marial 60 Julians two Mo Og / of colony William Com Coming of Comi 2,6/2 (26 6 5 pm 15 m Co Co Co we se kind of sells sells alm de Egy, obile 3.1.813 265 Cb U61

### **DISCIPLINARY ACTION**



I, ASIF tOBAL MOHMAND District Padice Officer, Buner as competent authority, is of the opinion that the following Upper / Lower Subardinates while posted as Police Lines have rendered yourself liable to be proceeded against departmentally as you have computed the following acts / omission as defined in Rule 2 (iii) of Padice 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>	Name & Rank		losed to Police Lines on 12/10/61/2
1.	Sf Balizar Khan	I/C Invest: Totalai	-do-
2.	ASI Muhammad Wahab	PS Daggar	-do-
34.	ASI Anwar Saeed	PS Gagra	-do-
4. 5.	ASI Muhammad Zahid	Police Lines	-do-
5.	ASI Zeb Ahmad	PS Totalai	-do-
6.	HC Khan Sher	MHC PS Jowar	-do-
7.	TC Sher Muhammad	I/C Gurad Koga	-do-
e.	HC 3her Afzal	PPP Durmai	-do-
9.	HC Bahrawar Said	MM PS Daggar	-d <b>o</b> -
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 Riae 2 (iii) of Police Rules 1975.

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

3. The Enquiry officer shall conduct proceeding in accordance with provision of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused officer, record its andings and make within twenty five (25) days of the accipt of this order, recommendation as to punishment or other appropriate action against the accused of icer.

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

Enquey efficer.

DISTRICT POLICE OFFICER,

BUNER /2013

1. Enquiry c ficer for initiating proceeding against the accuse officer namely under Police Rules 1957.

Dated-

2. Defaulter concerned.

DISTRICT POLICE OFFICER,

BUNER

ATTESTE

PAOL O DATA AOLD DATA - INEC/Charge Sheets/CHARGE SHEET NEW Zadoc

ر کار کردن ان ادان اطان حاک نجار کردن سان ادان اطان حاک نجار کردن حلقًا مان كي-دمن صحيح من يحت لولون وَدَرِ لَمْ وَ مُورِ سِالُ عُمْ وَ مُورِ اللَّهِ مِنْ مُورِ اللَّهِ مِنْ مُورِ اللَّهِ مِنْ مُورِ اللَّهِ مِنْ مُورِ اللَّهِ مُورِ اللَّهِ مُنْ اللَّهُ مُنْ اللّلِي اللَّهُ مُنْ اللّمُ مُنْ اللَّهُ مُنْ اللَّهُ مُنْ اللَّهُ مُنْ اللَّهُ مُنْ اللّلَّ اللَّهُ مُنْ اللَّا لَمُنْ اللَّهُ مُنْ اللَّالِمُ مُنَالِمُ اللَّهُ مُنْ اللَّا لَمُعُلِّ مُنْ اللَّالِمُ لِلَّا لَمُ 2005/m. 1. ce U U 1 ce Jes PTC C 5 5 2 CM ت سی سی می اسی می اسی می اسی می اسی الما ندری و لوال بست خودی مرابام دی سه اورزی ی على بن او قال م كاردى بوى ، سورس دول مدل ورد الرفا ب شادی الله کامسلمال موت بوخ کوسین کا الله تعالى و عام كالما تعالى و عام كالما عام فالك يد روق والل دنياج مر دوسم ما دوس Michely (1) Chair wind Copy To مرفع على عرائع عند العلم المحالية الموس الحراجة سَن فَكَانَ كَا رُدِي فَاسِلَ طَالِيرًا وَالْمِيلُ اللَّهِ اللَّهُ اللَّلَّا الللَّهُ اللَّا اللَّهُ اللَّهُ اللَّهُ اللَّهُ اللَّهُ اللَّهُ ا como 69 m 4 Chill 365 (16 156)

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الترثث ربررك نا الله في المرسان الحاج الالتي كان طريق المرسان الحاج الالتي المرسان الحاج المرسي كان المرسان المرسان المحاج المحاج المرسان المحاج المرسان المحاج المرسان المحاج الم على المحاردهات بولين شتن ذكر حال بيان لائي ASI 3 الفرسميد لوليس سين ذاكر كال يوليس لائي ASI 5 رست الحب الموليس سلي طوطالي حال لوليس والى در مر あらいしかしとろいきではりまでは7 ACE من الفصل الوليس الوسط ورعائي حال وليس لائي وي HC9 كر مورسيد مرفحدر لولس سين ذكر حال لولس لائن ما عدام سرونی ایجاج بولس بوسٹ کلیل حال بولس لائن ال المان خان لولسن لوسف مثر المال لولس لائن في ر عنوات الكواري سرطاف كريك بولس افسان 40472-77 إلى عدم 18 ها مدونترضار OPo بالما على الم 38 إلى الم 38 الما 40472 الم موج في على مروفير ما - مروفير ما مروفير على مروفير ما مروفير ما مروفير من المروفي مروفير من المروفي مروفير من ا هيك درج بالاعس داران لولس سلسلم را تا الر برقداف معامات من تعباع ك دولان معنوا في ك النزلهات مورس ولورث ك روشتى سى عا تدمي كرجس يرالزلم على عسره رازن ديس عام طاح سنس دفيرطا- موه مه نونسرس حاری موترس علم الراح علی بیس داران بولس تخطاف ا طه در ارا الكواري على من لان كا حكم صاريف رما ما تكري من خار مرج ماحب ولادند سيرو شرن موات عورج الله محر الورث الله (حاری)

الزام على معلى لولى كولى كالماس ملي سادس ولنروم كاسلمس قعلن الخائ تفستا توں سے کی اور ان الا ماحیان لولس لائ ڈگر لو اس کلوز ہوکر آئے ہے جنگ باری طاری طلب کے انکے سانات علمندسے الزام مان دونس سلم فراتا لا رس اسر ساع که انزامات برفای قرار كسفي النظري بي حن مي سے برائك اسے وَيكي فرض شان مان دار كركت سي ياك ملك كافعادار المرعوم كاطوم الين سانات سي ظامركام من من نعنی سے نعنی سال من الی من الی من الی من الی ما مال کے لصرفي سرشفيك ربى (فالمزرى (مرفرض شاسى كاستى بدين كر مراه بالما coldonise onle النرائع على مدواز عان دولس ك اعال تلي بارى بارى ما وطالح العطالم و سالم سزایا بون اکارکردگی اور تونیا بون ک متعلی کوالی حسب زیل قابل والفا ع المرسول كورس مو ي 3 و مرسوب سول كورس موا 88 م م ع مرسوب سول كورس موا 88 م م م تحیناتیاں مع سوئے: - بخان لائے سروخرس م نوکی جسم آبار ، دیس لای مرد سوات عالم عالمی می ای اے (CCIA) سرات عالم و و و الم روی نیخ مور ، مولس لای سند شوری ، دوی جنگی خلع بورش ، دوی از مرای دوش مولی مرای مورش مولی مرای ایم ای ایم (CIA) بو منر ، خامهٔ ناره کی لوشر ، وی رفته آنام FRP ملافنز، صلى يونسريكولمر، كلياندى يونس، ناده كى يو منرة بولس وال سرات ، قعام مشر، تعام جنگل بوش ، تعام طوئ في نوش ، تعام طلباندي صلح لروش كان طوط لى لوس لوس لائل و المسال على على عامم Culp = 10 06 02 conflicted Si A Sib المرواهي الرحري المركة راي المركة راي المركة مرا کورسی کے در کورسی کالی میں اور کالی دیاری موری موری موری اور الماری کی دیاری موری موری موری موری موری موری مراکس کورسی کے در کورسی 10 ماری روزی کی کری کورسی 30 موری موری کورسی کورسی کورسی کورسی موری موری موری موری موری تعیناتیان د لولسین لائن عرفی سوائی ، تعام ماوی ، ولسوالی وحلل وی کیا نری ولس لائی وگر وی مگره و کورکورس

عارج کارمازی کوش (۱۱) ڈسٹرکٹ کوٹی (۱۱) مدورها م ڈکھر ين الحيى كاركزيكى ، توفي اسناد جي ب حكر ستراستروس كى تعدد جي بن . جرمعي توعي كاستراكات (3) ASI الأرسم و مستدر الحسال لائ عارخ هرى مدف الله المراسك وي عام المركز ل كريك المركز ل كريك المركز ل المركز ل كريك المركز ل كريك المركز ل المركز ل كريك المركز المركز المركز ل المر لَعْمَالِيَان : - 1 واس لائن ذكر (١٤) سكروت كوي (3) قام طرطالي (4) وي ويُعْلَيْ رَى نونسس لائى دُكر رى جرى كاكره (٦) حَمَامُ دُكر ره) نونس لائي تركه (9) لولس لائن و کر (10) غریف شاف (11) ایجاج وردی محودم تونس لاق در (۱۵) انتظر مشرف کوری (۱۶) حوی سوالی (۱۹) خانه گرده) خانه تکری (۱۵) کار گاگره (۱۲) نولس لائن گرگر (۱۸) نورسد مین داه سال کاری (۱۸) طانعت معدات الحي 6 در د كا در تدفي اشا د به تدر هاسم وزر كله جار سارسطان على مي فوهدي نوعست ي <u>اعمر قر منابع منت</u> برائي ارم هياري <u>اوي الموت کوي</u> الم المراع كريد على وتنونه حال الولس لائن ذكر ماريم هراي الووا الم المراع كريد على الووا المراع كريد على الووا المراع كريد على المراع كريد عل ن من المال (3) كولس لائك AR (2) مرك وكى (3) ما كولس لاك من المال في المال

ンド(10)まいのとうくしいのではいしてのいいししいの 4 (19) Post of (13) 20 6 16 (19) 25 (11) 15 50 (19) روى المال (19) والكاليو ولوكاه (19) وي تيرل (20) حامة ASi رسی الحبی کاردگی اور الحبی کاردگی کی الحبی کاردگی کی الحبی کاردگی کا مل لاهام حكم حمدي لاعب كر تين مريال (ع) خان آن مي ميروس لاي ذگر تاريخ هرتي <sub>1996</sub> و ميروس وي 2000 Job J - 1997 لَمَنَا مَانَ وَ وَلُولِ لَائِنَ ﴿ فَنَكَرِيرِنَكُ كُورِي رَقِ فَرُكُورِي (3) مُرْتَفِ كُورِينَ (4) وكاسوارى (5) خانه ذكر (6) لولس لائ سكاميًّا (7) و كي كا گره (8) لويم کول کویس فی طریف (۱۱) کادر سره هانه (۱۱) مرمر یخاکه این سولا (S) - MAC (16) 37 AMAC (15) 65 (5 (14) 2 (2) (13) 13. MHC 20 BED MHC (18) ED VED (18) (۱۱) لولس لائی: 174 = 174 Email Charles 174 / 3 min HC (7) ويعي هوور مع الرسائي عامل المرسي منه بلادر سي عامل موسي المر تحریقی اساری تعدید کھے ہی اور سے کی دیاہے کی وسور المراد المر

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1 198, 5, 2 1 5 5 5 5 5 5 5 5 5 5 6 1 1 (10) المناركرة الله وللوال المراك والمالي الله المالي الله المالية المائي المروفي عرفي المرواني ا الموحرات من فورا ن من كاماي بن سوى إس كاركري ي بن در بولاً 1980 مرف المراب عنيه وسيد كسيل عرفيات كما كلب رها كالم مان الحق کار کردی کار نزار ج (ع) جبکہ سزایا ہوں کی تعداد (18) ہے عمر ملازی کے در (18) ہے عمر ملازی کے تعداد (18) ہے عمر ملازیت یون مادہ ملازی کے در (18) ہے اور اللہ ملازی کے در (18) ہے در اللہ ملازی کی در اللہ ملی کی در اللہ ملازی کی در اللہ ملازی کی در اللہ ملازی کی در اللہ ملی کی در اللہ ملازی کی در اللہ ملی لحسانان کادلان کی عمار ڈکر عامد بانگؤے ماکاد آسنے وی بلاہ لولسيس لائى، كاردا مىزى مى كۈاكى يامدىنات كى لولىس لائن المدعان كوك الحاسب لاف الحارد تدل المحارد بالماء خانه و كرى تمان سرايا، لولس لائى معطل الحامديات كى ، لولس لائن ا كارد شام ، نونس لائت ، كارد كالكلم الولب لائت ، كار د كليل كنازو م المالي المالي الولني الذي D

الم المروث كورس كا مهد المروث كورس كالى و المروث و كارم هر المروث المرو

مندرنی برج ، دول کورس الفنگو ، بولیس لائن ، نویترکول کورید . بولیس کلیل کمداد ، یی نی سی سیکو ، پولیس دان مرد فسر رفعا نم فرگر ، نسترکشر كالره مدد فسر يوك زال، مدد فسرندام سرمايا ، ناش نها يوس ولك تعام دیگری ، درسی وائی ، جوکی درال اور تولب وائن النام المسيد ملاحات العاس والمنات الناران علما عد أيد ك مد من بد بر مدخ الله وي وسب الم افسان بالنا الله التي الذي والمراد المراكب المراكب المراكب المراكب المها الم المراكبة المراك سمالما والمراجعات إلى تعملات مندسيل في معظم المالية تعالداني الريش سيدر شرب سعات سب يملع ايك سن مويم رشوت سان يما برام ميكرسوس مريد والله والله سين ع المسيد مي المالية ليشار سرى كياك سره الدوم مرايس عدال الموت المد معدين مثلوث المنظم المساور المنظم ا ولنراهات أن رئيدانات مورمدك مورميل بي مديد وجه أمرام عليه بعد ملانعان المواتين كن رئيدان ما تدري منه كرد خيل كردان دان دان المياس تنيية معرف من بين الكواليم في الم Copper Superinter

ATTESTED



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.

OB No. 159

Dated 6:12 /2013.

No 7392 - 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

DISTRICT POLICE OFFICER, BUNER

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### بحضور جناب ريجنل بوليس آفسر صاحب ملاكثر بمقام سيدومثر يف سوات

سائیل۔امان خان سابقہ ہیڈ کانشیبل پولیس ڈیپارٹمنٹ بونیر نمبر 265ساکن شلبانڈ کی ضلع بونیر عنوان-اپیل بدیں مراد کہ تھم نمبری 159مور نے۔ 06.12.2013 مجادبید ڈی-پی-اوصاحب ضلع بونیر کو کلعدم قرار دیاجا کرسائیل کو اپنی ملازمت پر بحال کرنا۔

جناب عالى!

گزارش ھیکہ سائیل مور نہ 12.07.2000 کو محکمہ پولیس میں بحیثیت کنسٹیبل بھرتی ہوکر بعد فراغت ریکروٹ کورس ضلع بونیر کے مختلف تھانہ جات اور چو کیات میں ڈیوٹی سرانجام دیتارہا۔ بدوران تعیناتی اپناڈیوٹی نہایت دیانت داری اور ایمانداری کے ساتھ سرانجام دیتے ہوئے (1) A کے امتحانات پاس کرنے کے بعد اعمال نامہ برے افعال سے پاک ہونے کے بناء پر افسران بالانے مجھے لوئیر کورس کے لئے منتخب کیا۔

سال 2007 میں لوئیر کورس سے فراغت پر ضلع بونیر میں افسران بالاکے تھم کے مطابق ڈیوٹی سرانجام دیتارہا۔
سال 2009 میں بعہدہ ہیڈ کانشیبل ترقیاب ہوا بحیثیت ہیڈ کانشیبل اپنے فرائض کی بجا آوری میں سمی قسم کی کو تاہی بغیر
کام کر تار ہا۔ اپنے بالا ترافسران کو کسی قسم کی شکایت کاموقع نہیں دیا۔ اور نہ ہی دوران ملاز مت عوام کی دل آزاری کی۔ اسلئے تاحال سائیل کا
اعمال نامہ ہر قسم برے انٹری سے بلکل پاک ہے۔ جبکہ انجھے کاروائی کے بناء پر وقما فوقما افسران بالانے انعامات کے علاوہ تعریفی اساد سے
نوازاگا۔

اور گزشتہ چند سالوں میں دہشت گردوں کی بونیر آمد کے دوران اپنے جائے تعیناتی پر موجود رہ کر شدت بیندوں کے خلاف ہونے دالے کاروائیوں میں بھر پور حصہ لیا۔ ان جملہ کار کردگی کے ساتھ مور خہ 21.10.2013 کو سائیل پولیس لائن تبدیل کیا گیا۔ مور خہ 23.10.2013 کو جناب ڈی۔ پی۔ او صاحب کی طرف سے شوکاز نوٹس موصول ہو کر جس پر اپنا تفصیلی جواب تحریر کرکے افسران بالا کو اپنی ہے گناہی پیش کی۔ لیکن اس کے بعد 28.11.2013 کو مجھ پر چارج شیٹ تقسیم ہو کر اس کا بھی تفصیلی جواب دیا۔ لیکن افسران بالا کو اپنی ہے گناہی پیش کی۔ لیکن اس کے بعد 28.11.2013 کو مجھ پر چارج شیٹ تقسیم ہو کر اس کا بھی تفصیلی جواب دیا۔ لیکن افسران بالا میر سے ساتھ متفق نہ ہو کر میر سے خلاف بزریعہ ڈی۔ ایس۔ پی ہیڈ کو ارٹر انکو ائری کی گئی۔ بدوران انکو ائری نہ میر سے خلاف کسی نے کر پشن کی الزام عائد کی اور نہ انکو ائری افسر کو بیان دیا۔ لیکن بغیر کسی شہادت اور ثبوت کے مور خہ 201 میں بیٹا ئیر ڈیلیا۔ جو میر سے اور بیٹ نمبر 158 مجھے معطل کرکے مور خہ 206.12.2013 کو بحو الد آرڈر بک نمبر 159 ملازمت سے جری ریٹائیر ڈکیا۔ جو میر سے اور خاندان کے ساتھ سراسر ظلم ہے۔

کیونکہ بدوران ملازمت کوئی ایسا قدم نہیں اُٹھایا جس کی بناء پر میں چھوٹے سز اکا حقد ار رہا۔ لیکن بغیر ثبوت کے محکمہ پولیس کے ساتھ تقریبا3 1 سال وفادار رہنے کی سزادیگئی۔

لہذابذریعہ درخواست استدعاهیکہ آپ صاحبان مہر بانی فرماکر جناب ڈی-پی-اوصاحب ضلع بونیر کا ج<sub>ب</sub>ری ریٹائیر منٹ تھم مور خہ 06.12.2013 کالعدم قرار فرماکر سائیل کو ملازمت پر دوبارہ ٹوسکو کئید بحال کرنے کا تھم صادر فرمائیں۔ توسائیل تاحیات وُعا گوہ رہے گا۔

آرڈر کالی ہمراہ لفہے۔

العارض آپکافرمان بر دار سابقه بید کانشیبل امان خال

سكنه شلباندكي ضلع بونير

ATTESTED

Date: 10-12-013



## <u>OFFICE OF THE REGIONAL POLICE OFFICER, MALAKANI</u> REGION, AT SAIDU SHARIF SWAT

#### ORDER:

This order will dispose off the appeal preferred by Ex-HC Aman Khan No. 265 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 appellant possess bad characters, involved in corruption, maintain bad reputation and took unfair / illegal advantage of his uniform. The Enquiry Officer further submitted that the appellant is corrupt and also not competent for field duties. The appellant 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 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, Buner, whereby the appellant has been awarded major punishment for compulsory retirement from service.

Order announced.

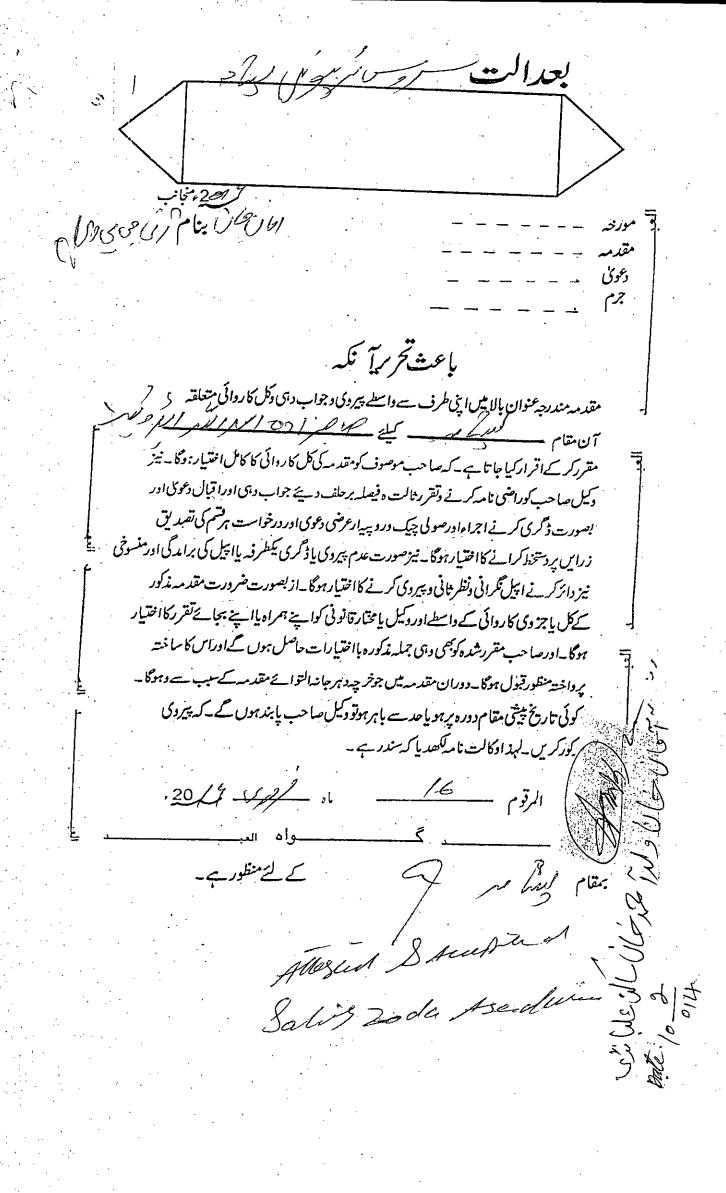
Regional Police Officer, Malakand, ay Saidu Sharif Swat

\*Naqi\*

/201**⋠**. Dated

Copy for information and necessary action to the:-

- 1. District Police Officer, Buner with reference to his office Memo: No. 33/EC, dated 01/01/2014.
- 2. Ex-HC Aman Khan No. 265 of Buner District.



Service Appeal No. 235/2014

HC r/o village Shalbandai District Buner	Aman Khan s/o Ahmad Khan Ex-F
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Appellar	

#### **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

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District Police Officer

Service Appeal No. 235/2014

#### **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,

Service Appeal No. 235/2014

Aman Khan s/o Ahmad Khan Ex-HC r/o village Shalbandai District Buner	
	ır

#### **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. 235/2014 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)

Service Appeal No. 235/2014

Am	an Khan s/o Ahmad Khan Ex-HC r/o village Shalbandai District Buner
	Appellani
	VERSUS
<i>I</i> :	The Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
2.	The Regional Police Officer, (DIG) Malakand Region Swat.
3.	The District Police Officer, Buner

#### **AUTHORITY LETTER**

We the above respondents do hereby authorize SI (Legal) Buner 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)

.................Respondents

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

> District Police Officer, Buner,

Service Appeal No. 235/2014

Aman	Khan s/o	Ahmad	Khan Ex-HC	No village	e Shalbundai	District Buner
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## **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

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District Police Officer
Buner

Service Appeal No. 235/2014

#### **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

- 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 appealant regarding his involvement in corruption and misuse of powers. The public opinion and secret reports vehemently spoke about

reputed and there were persistent secret complaint against him.

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- 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.
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- F. Incorrect. There we're 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 Gover 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 Pakhtunkliwa Peshawar (Respondent No. 1)

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

> District Police Officer, Buner,

Service Appeal No. 235/2014

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#### VERSUS

- 1. The Inspector General of Police, Khyber Pakhtunkliwa Peshawaria
- 2. The Regional Police Officer, (DIG) Malakand Region Swat.
- 3. The District Police Officer, Buner

 	Respondents

#### <u>AFFIDAVIT</u>

We the above respondents do hereby declare and solemnly affirm on oath that the contents of the reply to appeal No. 235/2014 are true / correct to the best of our knowledge / belief and nothing has been kept secret from the Hönoruble 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)

Service Appeal No. 235/2014

Aman Khan s/o Ahmad Khan Ex-HC r/o village Shalbandai 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) Buner 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,

# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 235/2014

739.50

.(Respondents

Aman Khan S/o Rehmat Khan, Ex-H.C, R/o Village Shalbandai District Buner.....(Appellant)

#### **VERSUS**

The Inspector General of Police K.P.K and others....

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

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SHAWAR HIC

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.

AD VOCATE



# BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE

C.M No/2014			Marian d
In	•	' '	Marin and
S.A. No.235/2014	•		
		. !	
Aman Khan		(Petition	er)
	vs		
I.G.P and others	• • • • • • • • • • • • • • • • • • • •	(Respond	lents)
	•		
<b>APPLICATION</b>	FOR EARLY	HEARING.	
	** ***********************************	I	
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. 23 <sup>5</sup> /2014		
Aman Khan		(Petitioner)
	VS	

I.G.P and others.....

# **AFFIDAVIT**

I, Sahibzada Asadullah, Advocate, Peshawar do hereby as per information convoyed 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.

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ADVOCATE

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.(Respondents)

# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Rejoinder

In

Service Appeal No.235 /2014

Aman Khan......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 explaination.
- 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. Gris 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.

Dated: 15/09/2014

J. Para No. J is incorrect the order is based on malafide and ulterior motive

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

Appellant

Through

Sahibzada Asadullah Advocate, Supreme Court of Pakistan.

# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Rejoinder

In

Service Appeal No.235 /2014

Aman Khan......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.

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ADVOCATE

# BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 238/2014

Aman Khan S/o Ahmad Khan .....(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 06-02-2014PASSED 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

**Sahibza'da Asadullah** Advocate Supreme Court Of Pakistan.

# BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal	No. <u>235</u> /2014
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Khan			

#### **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