26.2.2015

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

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.

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.



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.

ADER

MEMBER

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

08.08.2014

Appellant with counsel and Mr. Imranullah, SI (Legal) on 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

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

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.

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.

Appeal No. 234/2014 Mr. Michon macal Zalice.

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.

From 1801 - Bank

02.05.2014

Member

Chairmah

0%05.2014

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

3.6.14

The Hont's bench is on Now Degra can is afred TO

8 8.14

Form- A

FORM OF ORDER SHEET

Court of

234/2014

Case No. Date of order S.No. Order or other proceedings with signature of judge or Magistrate Proceedings 1 2 3 21/02/2014 The appeal of Mr. Mohammad Zahid presented today · 1 by Mr. Sahibzada Asadullah Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing. REGISTRAR >1/>/14 26-2-2014 2 This case is entrusted to Primary Bench for preliminary hearing to be put up there on ____ - 1 CHÀIRMÀ

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 234/2014

Mohammad Zahid(Appellant)

VERSUS

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	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.	Copy of certificates/ remarks of SHOs	15-18
8.	Copies of inquiry report and order dated 06/12/2013	19-27
9.	Copy of appeal and order dated 06/02/2014	28-30
10.	Wakalat Nama	31

INDEX

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. 234/2014

W.F. Providence 245-1 241-2-14

 Mohammad Zahid S/o Noor Muhammad

 R/o Village Totally, 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:

1.

That the appellant joined the Police Department on 01/04/1991 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 1997 owing to the trust of the high-ups the appellant performed his duties whole heartedly finally in the year 2004 was promoted to the post of Head Constable. That in the year 2010 the appellant passed his intermitted course and was promoted to the post of ASI in 2011.

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). 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).

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. (Copy of certificates/ remarks of SHOs are attached).

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).

6.

5.

4.



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.

В.

That the appellant has served the department since 01/04/1991 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 ASI, throughout his career the high-ups trusted him and no complaints whatsoever was made against him during his stay at various police stations.



E.

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.
 - 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.

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.

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.

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.

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.

G.

Ĥ.

I.

F.

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. Q_{r}

Appellant

Through

Dated: 14/02/2014

J.

Sahibzada Asadullah Advocate Supreme Court Of Pakistan.

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. ____/2014

Mohammad Zahid(Appellant)

VERSUS

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.



ADVÓCATE

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. ____/2014

Mohammad Zahid(Appellant)

VERSUS

ADDRESSES OF THE PARTIES

<u>APPELLANT:</u>

Mohammad Zahid S/o Noor Muhammad

R/o Village Totally, 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.

as

	WHEREAD, as you the follow	ing officers / officials involved in Corruption
s per source i <u>S.No.</u>	epori. <u>Name & Fank</u>	Place of Posting
1.	SI Balizar (Invest.)	I/C Invest: PS Totalai.
2.	ASI Mulia mad Wahab	PS Daggar.
3.	ASI Aniva Saeed	PS Gagra
4	ASI Muhammad Zahid	Police Lines
5.	ASI Zeb Annual	PS Totalai
6.	HC Khan ther	MHC PS Jowar
7.	HC Sher Nuhammad	I/C Guard Koga Camp
8.	HC Sher Afzal	PPP Durmai.
9.	HC Bahra yar Said	MM PS Daggar.
10.	HC Sher Vali	I/C PPP Kalil Kandaw
11.	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 <u>I ASIF IOBAL</u> <u>MORMAND District Police Officer, Buner call upon to show cause as to why you should not</u> be awarded major punishiner 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 2009 your written explanation is not received within the specified period, it should be presumed that you have no defence to offer.

T POLICE OFFICER, BUNER.

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

TED

۷ وماحق بران مقلق منو کارلو لسی ت . كوالد مشور از لولس مسر عن 529.39/ ورح <u>13</u> 23 قارب ونتى خلاب DPO ما بو سر معدوش خدمت بول م ما شل مان المجا كر محمد لولسو، من بحشت كنين عبرتى بوكرساتين خ سان 200 مين استر ميرمين كورس باس يحت حال جي س، محنية Asi ترقياب موتر عام تواكن ، عام طرطان د تواكر بحشت ٢٢٦ لعنيات را يون دورن ورن ورن من من غ اين ولوني باين ايا ندارى . عادرى ، حا لعشاف سے سرا خام دى ج. علاد ازب دوران سروس میں نے مختلف کارو شوں میں اسلے المو سیش مستیاب ، چرس ۱۰ فیون ونسره برامر دی تعام تواتی متعام طرطانی مقام ذکر ع دنهارد ير و و د يس حن افتران در SHO ما حان تسالد لعتات دا برن توسر معلى ان سے معلومات کر کی دیں. ين س تيكراب تك سايل في تسى الم عمار لعنى سفارستى حبر بر السيالى كيس اغران ٢٢ سے كسى تسم في مسارمشن بين في اور ند عى الس جبكون بر لعيات ك من يوسعا رمشى عمام بو ساب رية دورن مازي حوف حداكو مد تسطر دكعت مرح اعا مداري مس و يوتى ا قيام دى ج اور د مرما مول مر ب خلاف سورس در ور من تسطاع من الرامات ما المكل مر سين م مسنى يو ارر يساد ، منگوت يو من بحشت مسمان ، در ار اول اسمر کاسی اسی مسکتا ، استرعاديمة مير ب حراف جارى متوكار فولو كو لعند كسى كاردواني عاسل ومانى جاونى قوتا حيات دماكى دميروستا فحروابه الاعم منعية بوليالين ذقر

CHARGE SHEET

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

No

Dated

2~/EC,

/2013

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	Previous Posting	Closed to Police Lines on 12/10/013
•			· · · · ·	On the cause of corruption
	1.	SI Balizar Khan	I/C Invest: Totalai	-do-
•	2.	ASI Muhammad Wahab	PS Daggar	-do-
	3.	ASI Anwar Saeed	PS Gagra	-do-
	A.'	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.	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 exparte action will be followed against you.

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

Charge Sheets\CHARGE SHEET NEW 2.do

6. Statement of allegation is enclosed.

HEAD

ENOLD DATAIOLD DATA -INEC

DISTRICT POLICE OFFICER, BUNER

ATT

الا وطاحق بيان معلى جارشك با

والم منحول جار شن مندى EC ا EC قارم ما، OPO محرف 572 - 82 / EC ما، OPO محرف المحرف المحو محرف المحرف المحرف المحرف المحرف المحرف المحرف المحرف المحرف المحرف المحوف المح

.

حالف الم مرس بولی س ن این و بو فی ساب ایا مردی ادیان داری . عالف اف سادری سے سالحام دی ج

علاده اذی دوران سرور می ن کی اور می اسل می کی اور موں س اسل اعد سنین ، صنیات ، چرس، شراب ، اصون و شر سام کے قیام اور آئی ، دسام طوطاتی ، دیان درج ی دلیے ارڈ یم عود د جیس

حن السنزن ، 5 HO, 5 ط حان تسب تع لفسات ربا بن . لو فير ب فعلوان سي فعلومات ترسيليم فين

ع م لعسانی کی اعتران بالا سے کسی میں ایم مارشی معارشی عبد م لعسانی کی اعتران بالا سے کسی صح کی سطارشی بھن کی ح اور ہم ہی ایس جگوں م آحسات کیا تی و سطارشی مقارس -سی نا این دوران ملار میں وق حتراجہ و مداخط دیتے سو اعار ای

سے ڈلونی سرا بنام دی ہے۔ اور دے رہا ہوں ، دوران موازمت میں ہند جنوں دھا، جات ج کیا ہے، ماردات لغنیات دہ جگا ہوں ، مگر میرے خواب کسمی جی تیجی نے کا بیشن نے ہار میں امیرن نام کو قریم ایزانی سرط نے بنس کی 2

ميرا ملى برداع ج. من بر هستام دلوتي توعبادت مي سط ري مي مي مي و قير بر قلاف سورس ريور من سطح من المراحات بالسل ما منتي برميني ج اور بي مسياد اور منطق ج

من حسب سلان ، ذمر ولان انسر ترلیش کا سوج لی بین سلت استر علوم میر صفلاف طاری طار ست لیسیر تسی کارونی ما سل و ماق طارح تو با طار دیگرین میکی میکی ما سل و ماق مارج تو با طار دیگری ما کا دیگر مارج تو با طار کا دیگر میکی میکی کارونی ما کا و ماق مارج تو با طار کا دیگر میکی کار میکی کارونی می میں سلت

DISCIPLINARY ACTION

1. I, <u>ASIF IOBAL MOHMAND</u> 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 cortraited 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>	Name & Rank	Previous Posting	Closed to Police Lines on 12/20/013
1. 2. 3.	SI Balizar Khan ASI Muhammad Wahab ASI Anwar Saeed	00 1	-do-
A	ASI Muhammad Zahid ASI Zeb Ahmad	PS Gagra Police Lines PS Totalai	-do- -do- -do-
	HC Khan Sher HC Sher Muhammad HC Sher Afzal	MHC PS Jowar I/C Gurad Koga	-do- -do-
9. 10.	HC Bahrawar Said HC Sher Wali	PPP Durmai MM PS Daggar I/C PPP Kalil PP Budal	, 20
*, * *		rr duuai	-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 sl ill provide reasonable opportunity of defense and hearing to the accused officer, record its indings and make within twenty five (25) days of the receipt of this order, recon...nenualc... 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.

2. Defaulter concerned.

DISTRICT POLICE OFFICER BUNER

DISTRICT POLICE OFFICER, BUNER

ENOLD DATANOLD DATA - INECYCharge Sheets/CHARGE SHEET NEW 2.doc

೯ ಕಿಲ್-೫

im - 103 1-3 AS ای جرح جلی می تحواس در ارتی ار بی سے سے ملی اور ارتی ارتی ا 17 SIN 11/ 2013

ها، وز صلحوسر SHO in 11-7 615- 810 Cm 3838 Cm ليسات لما- سر عاكم كارر إ ما لوسد من فن جراهر ال العنا - فا الرال لعناى مرود > فلا فرى عا JOWAN SHO 28.11.13

الطيلي ا المراقي في حالي حسر من تمام ططاني، تمام لوآتي، كما سما اور سان ڈی میں خشی 540 معان دہ حکا سوں ، میر حاف کعنیا تھا ت دوران شردان المحم ميري ساتم الخرر ما، يسر ما ما، الجارج كما رد درن، وك ترا، الما، لذاك سن الحشي ما حت ره حيا جو رن عام تعام حات س مزور iAsi عداب في سى بع معن ن ت لين ا د مدر سى قسم کی شکارت بسیا کی جانز کو انکم نے اپنی ڈلوٹی بیا بی ایا نداری اور دایت داری سے مر ا باری وی جبی میں تصدیق کر اول 1

.

دیارتی س بن السير روش داده سال ٢٥٥٢ كليس الجارج وكى حسيقل لعنيات تما ١٠٠٠ يورن فحد رام ٢٨٦ و ٢٠ يس حسب فرر لعسات تما ١٠٠٠٠ خرج على صفح مين تعان حيث من محتيب ملك لعسات تعا، حسر قررام Asi مارد درن مين ميرامانحت محتي انجاره محايرد لعسات تعاد اورسال 1-110 من جنين ٥٢٦٥ ثمان لحطالى لعنيات تها - صبر فرور ١٢٨ فيرما حت جبك يوس شر تعان من حدثت ، في رج لعنيات تعا - شم المتيا يتون ورون ورو م ASI في مارسرکار بی بنا بی دلچیسی کسی مون یی دوخون ۲. سند میں کاردردی اور بادری کا مسطاح کیا ہے اور کیم بھی فروج انعمی خلاف شکایات یا شکر لیش وول س مرقى في فرود المم آنك الراد ومن النا مرد له السر ال 10,12, 10, 20 S. 2 (0) invertiend 29.11.2013

اردى بى كى ۱ الملرك وكبوالري C/3 28 3 9 572-82 22 6 562-72 Elit Je المرت فرد المرجم المرج 0 P أركز 12-82 12 12 6 5 02-7 8 j 9 / Juli 1 ÐB Hora St. US ACISTUL $O\hat{O}$ 3 水 ASICとき ひらていと Dé 5 ap My Juisich $O \in \mathcal{C}$ 05 4 ele ASI MILE USTUL Ę, 0S 540% ASTOPATOR VETUC 25 03 2 of the USTOL 07 4 6 010 114 2 CU 6 2 0/ 396 Jest USTUE $p\beta$ * 3 0) ~ 372 ~ 123 (15) GL eg ~ 60% 173 (2 USTUG 8-17 · 5 0/2 255 & CTUSTUS ØÉ. alight light Ê. C lip for 71 TISTEL

(20) فالمرتك نصيط موال جاج تي 12-272 وفي الموجد جار مذرجات مرام مسترد با it is برزخان الحاج الالمى تخت خطاف مال المرجان التي التي 2 Ast 2 روحاب بولسين طبق ذيق حال بيا لان ASi الفرسميد لينب سين الحكى كال ليلب لالى 4 AS محسد بوليس شين بوليس لابي ذي Asis ميت 12 بي بي مليش طوطان طل ليس مال ك 2-2H کان شہر فسین کا نہ وڑ کال ہے ان لاتی ڈکر Ć おらりしよりしたちらちては、そのデルし7 6 Britisher ولين وسط درواتي حال ولرس (133 204 محسوسي حدق المست المتين والترسال المستوليان Glis 01 ما الم مشروفى الجاج توليس توسي كليل حال تولي لك \bigcirc ال HC تمان خان فيسف تبل خان ليس مان في مان خرج ġ į [] عنوب الموليي مرطاني تجريب ولب المتسرين طاعاتي! الحالم بت من مارج تعلق عمر 100-672 حيث الله الم الم من الله من 40472-77 2 56-56 - 070 - 1070 - 1070 - 070 - 562-72 2 562-72 - 562-72 2 5 562-72 - 562-72 2 5 562-72 - 562-72 محد في 25 في منابع مل - وجمع منه ولا مراجع المراجع المراجع في مواقع فون في مع العرود الن الحيد مسلم الترات البرها مع المات من ق م حدث مد الريات موس مغرف مريستى مي عالم مح مرجب يرالزلم على من وزن ويسى عنام طالح تيشي وفترطا - مروجا بوغيري جارى بوترمن علام كل توالزام على عيده داريك بوليس تخطلف بخ طول المكولي على حرب لات كاحكم صارف التي علم من وقد الم م)- PRdap الكر شريف المحال عدة الم 200 مريد المحرف الم (3,6)

الرام على عبر وزين لولس من سل سي الرزم ترسل من قدان إجامع تعيدا تون سي حكم الحد ابن الا ماحان لولي الى ذكر لوم كلوزيوك أف ي جنك الرى مارى طب كرت التي بانات حلمد الرام المن ملاسان موبس مسلم فراتا الارسي أسرف تراجات المراجات مدخون فال مرتبع (المتارى بى حن مين سے مرابع (ميں آيك فرض شاں » مان ، دار كرمين مع ماك علك كافقا در اورعوم كاظرم الين سانات من ظامر رابع حین میں سے تحفی نے اپنے حیاتی میں سر او بات سر اپنے محملہ کا حال سے تصرفی سرشنانی اپنی (بالزر) اور فرض شناسی سے محق بیش کرتے سراہ باتات منخده عظيره لفاع - النرام على ملاحات موليس تراعال ماس بارى القط العطالم ولى سالم سزال بون ، کار کرد کی اور تونیا ہوں تے صفلی کو لکھن حسب زمل حال ملاحظ (2) بستان is مال مستند لولب لالى - ارج حجرتى 75 (ريكرون كورو) 77. ويرسكول كررس محدوق 3: 28 المردسية حول كورس موا 88/02 لتصبا تمان خلع سولت: - لولس لائن مد مشرف - توجي هم آباد ، لولس لای سند سوات ، معاشر عالی کی سنی ای اس (Ai) سرات ، معاسر طرح و مرز این می می می می این معاشر عالی کی معامر طرح و مرز این می می می منابع این می این معامر می می منابع و می می می می الی میں ایک ایک (AIS) تو بہر ج تمامہ مارہ بی تو بہر ج تمامہ مارہ بی تو بیر ج ایک میں ایک ایک ایک (AIS) تو بہر ج تمامہ مارہ بی تو بیر ج تو بیر بی تو بیر ج المجامع ملاقتر، صلح لوته رنگولس، تحلبا بری بو رس، ۲۰۰۵ ی بو در از از مراع ، تعالم منه ، تعام حيفتلي لوننم ، تعام طوا الى لونم ، تعام طرائرى صل فريش خان طوطالحد لويس لوي وتريد مرتال عل تا ف رون الحيني المرجعين المرتجم التي الماسي الذاري المرسو الماسي المرسو المرسو الماسي المرسو ا کاند میں معنی عالی سمیہ لیک ولی تا ماج جبری مرض از ارام کورے جو لو سرکوری 10 مر ان رفتار میں کی جبری مرض مرود ارام تعبیا تما میں اولی ولی کاری و دوکی سوائری و تقام نا وی ولی ولی وطل Caller · وَيَ طَبَا بَرْى لولس لاتَ الحرى وَي المَرْهِ الولس كور س

بنارج كارداري وي (1) في في في المركب من الى الماريد مدينا الى الم المراجع والمراجد (١٦) المياج حيك توامعى (١٩) معطل لاري حدار فكر نى الاي كاركري المنادع بي حكر بيلرانتري كالمراج بي ح .. ج معنى توعي ي سنزل ب (ف) Asi الإرسم منه المك التي تام عدي مدف اله المراب المرافي ك $\frac{2}{ge} = \frac{2}{ge} = \frac{2}{ge}$ تصاليات - 1 ميسون لاف توكر (2) سكرز التي المراجي الكرام طولا في المراجي صِيلًا (ى تولسس لاين دلگر مى تولى كاكر و (٢) خانه ذكر (٥) تولس لاي ترته (٩) لي س لان لاي المريض غلف (١٠) بارتك مشاف (١٠) (بخاج مردى تحوط المونس لاي ال ((1) انتظر عشين - كول كورى (13) جولى مدارى (14) خانه لا تمردار) حار تكرى (۵۷) تی از کارو (۱۲) نولس لائن فی تر ایم الزرسد، مان در ال کی فرم ولايت تعدين الحي كارتردي ارتدار المنا د برتدار الاس الرازكي جکم بر اسطراب می بالاس او صوبی نوعدت سی س (4) <u>نعم خسان</u> متصر وليس لان تاريخ حسري اود ال^ع يكر في حضر ا جام المواركول كونت 20 (مارولي من 20 مراجع المرك كور المراجع المرك كور الم لَحْسَاتِيان: فَصُولُسِ لائى فَرْكُ (2) تَحَاسَ مَرْلال (3) كَا در كُولاكُور (4) الم المن مال (٥) جاء تا وقى ٤) شرىك طاف ٢٢) شطور خراب ٤ (مرط معارف كوس) المرجى الإرانية بني كمر حفية في ٢٦٨ فاس ق (١١) مسروت مارد) رفسيل (٤٦) تكر قرارا بولسول الحكم في راحد في مراحد مراد في ون ماه سال مراد في فرد القرق القراق في فرد فرد القرق القراح القرق ا المال القرق الق القرق الق (ت) Asi (ت) المسطون مشعنه حال الحسن للك فركر كارخ هرتى المحتان $G_{M}(y) \rightarrow M$ $(3) = \left(\frac{1}{2}, \frac{1}{2}\right) \rightarrow \mathcal{J}_{AK} \rightarrow \mathcal{J}_{AK$

بالمعالم (د) برا فرست مستر مشرف (۲) المالي المراج بالله يولس لاى (8) حام تاده تا د (9) تاب كرف مردى (جرور) كار الم منظر الله حرى الترويك ((1) تعانه ططاني (1) تا ب مدالتكويم (1) منه مربع المربع المربع المربع (١٤) مربع الح السطى (٦٠) (بغير مدر مع المركز المربع المربع المربع المربع المربع المربع ((0)) (20) (20) (20) (انگلو در ماه (16) حکی نیزل (66) حام تحلی رای (32) حکام تکری (24) حکام طرط کی (25) ولس (10) المسلم مشالف کی عرص جانوت ف^{ل کار} سال ۲۵ فی کارد کی اورلودی اسل كل لوم من جكم معرى لخس م من من من من من من $\bigcirc \Box \overset{29}{\to} \overset{7}{\to} \overset{7}{\to} \overset{6}{\to} \overset{7}{\to} \overset{1}{\to} \overset{1}{\to$ لِمَسْلَاحَاتَ: ۞لوكم مَن لاتى ۞ بَنْكَرِيرَنْ كُورْفٍ (3) تَرْبُكُ كُورْت (4) وي موترى (ت) خانه فرك (ت) لولس لائى ختارة (٢) بوك كاكرم (٥) لولر كول كورس فى مريك (١٥) كادومس تحامة (١١) ١٩.٠٠ ترابح م الماسولي (S) 63 53 5 (14) 63 5 3 5 (15) AMAR (15) 5 5 (14) MAR (15) (77) حَادَة رَضِّ (8) جَنَ مُولَى مُولَى MHC (19) MHC حَبَّى مَ MHC حَدَّ · (15) لونسس لائى · من تير <u>محمد محمد من من من المحمد من المحمد من المحمد محمد من المحمد من من المحمد من محمد من المحمد من المحمد من المحمد من المحمد من المحمد من المحمد من م</u> 2 جبك سراعى 2 ارتصوفى فياست كاس (ع) المشهر في المرا منظم لولس لاى تاريخ عيرتى الح المرابع لا كوي وقوة ما الحريث الرئيس لاى كالأركيس شريلان كالأركوس المن طبی محصی المن عصر و میں بعث علام الرضل برنے المحیی کار کر تھی / الم الترمنی الم خاری السار - 33 می اور معربی الاستی کا شرائے ہوں کی

وى مولى ، بعض بابك ، تولس (() ، و) و) باز از کاد ، کر از کاد ، کر کاد ططالع متطديقين ج مه لي مان تح در شياي اليسي للن ي مولوى، مكررتون كلي تعدى سالوى، تكادر الرحاب الحاليس لان بالكار كالفرخصرى عظور وتركانى عصب ليسك ومرزه عظالد ورزر، وي وها جوی ارزی عطب میسط جین کاردخانا نو دهری اکارد سرایک محادر كوكا اور لي لس لا ي محصى وور ٥ الولير وراك في محصل توباتها ل حيالي ح جب معنى كالربية مم تسلم و فوى بتراه كارد دراي عاكار وي ٤، والعالية = كار المحالية عن والله = كارد لي كالوجر عار كالع سرطستگی حرف ₆₀ 3 اعواری کا ی وجود کی وجود کی در طرف کا د خاللود حرجان شرقانى شامح ورجه الحانيس الما حان حقاد ما د خاط، خانا تو دهری، گارد درمای ، لاتک لو ، کار درمانی ، نیاس T) کیل شہر افض کی مرحم والاسے دن ۵۵ سال الجی کاد کردگیں ہے د در رائد کی ایک محمد والاسے والی 23 دول الجی کاد کردگیاں ہے حرب كاركد دكيان سولي م 5 7 370 2 1 33 C 1 0 370 2 370 2 370 تعنا تون می لفظل جست می این مولس لای ڈکر ، کوری میکرین ، کو ترکوی ، کو لس لای ، کارد الخان علمه ، وی سوالوی ، وی فکری ، کنرزادم او کر ، کارد ککر ک ويحاد ويقاع كالد لول بابا تخذ توه لونب عجار وي المراد المحالة طي معد محامر بالمحالية المحالية الحرف الحق في الحقيقة الحرقي

بالمرجى فيتقلى المراسية فالمتالي في مسرف قاركا وي مدين في ししょうちにたい 声いとし 生くこし、 きっしいを 55% S AMAR 9 555 6 0 17. 9 34 - 22 - 25 372 - 17. 9 34 e with stille الجرفاري الماد مليون تراب المراجع التي تحاطر مسل شهرونی نم 173 بیرکاری ک^۲ شروی کا شروی کا لیک کار استاری محصرات من كاميلى من كاميلى من كامري اس كاركرد في في بنيا در مر من وي ا محاليم 1980 مورف 10 م عشير علي المحلي تحليل تحريل حريب المال تاوز مالای الحلی کارترین کارندان (1) جبک سرایا بول کی تعدار (10) جسیم مالایت الحقی کارتدان (10) جبک سرایا بول کی تعدار (10) جسیم لحسبالان المولالى كلى ، حمار فرال عالما باللوب المور المحد ، مور على بلام كليد عارى كوب الخليب لافى يحارد ترار المحارة المراج كرا حكارتكا ليسى لاى الكروليكاني محام ططالير، م موحام خكارتا لول تعاشيت مالا، لوليسى لالى حصطل الحاسان محد لوليس لالى ا محارد بناخ ، لولس لابن ، کارد کا لکام کولس لاف ، کار کل کن فرا 7 بولس لابی ATTASTED RZ 500 2153 30 US 265 265 2010 11 Why whethere and the first and the stand of the and th ب کر اچی کر کر کے بی اور سیالیاں کی ہے تھا توں کی تعالی جارى بى لولى لارى كى تى ئامار بى تارى بى جارى ب

ى براج، ذرل كورى حيكى كولس لاتى ، كومركول كورى، كولس لاكى زان في في سى عينك الولس وأبي مرد فسررتها م الحركر، وسر كم مرد مدد المر الحري المراب مدد فر محام سرمال، ما تت روم الم الن " سَمَعْهُمُ ، بولسَن لالی ، جوی ترک اور توکس لالی السلام على مالانعات لولس (ما حسان اعلى / أدنى) متر ولون الرالا يين، يَوَرَثْ موصول مَوْتَ بِرَمْدِينَ مَنْ 30 هُ مُوسَبُ المُكْمُ الْمُدِينَ الْأَمَاحِيَانَ ب لای شقر کلور سی کا در برخبر کم الم کا اف تے علاق عوام النام كانون تك يمينى مريمة كمرال الم على حلال ان لوليس الحلاف كريست برام من وتكويزي مشروع ب كميكن باحال كيسي سرايون شيمين آيك ليف بان مارس كريا الزام علم حل وان يجد من اعمال الس الد موی شل مطالعہ ہو کر الم رحات ان ت خلاف مقد سمعلی حرف جو جز اردا 1611Pe/5 روز 5 (2) تعارانی کریش سدر شریف سوات میں متبلع ایک سی رویس رشوت سانی سی الرام برتام بوكر حسن بي محكم مورض من لا لت سيسن ع / سيسل هم والا اليشادر مرى كما قراب تدايا دروم على والمان العد الد فوج متلوت من کرت کر جو دس سلی سے اب از جاری سلی کے جلاف ایک تصلیح کے حدیث کریت کے اس الزامان في ربع تلك موصول موجل بي يدين وحد الزام على ولازيان لولس می رمیس میں بے کر وسط ملار وی بولیس کیلے متوزوں میں بن انداری بور کی رمیس میں بی کر وسط ملار ولار وی بولیس کیلے متوزوں میں بن انداری بور Copra ce ce c DSPI AMPSIE

ORDER

OF)

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.

Heron ce C annel

OB No. 159 Dated 6.12 /2013.

DISTRICT POLICE OFFICER, BUNER

No <u>7392 - 94 E</u>,

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

Page 1

3. All concerned.

ATTESTED

DISTRICT POLICE OFFICER,

BUNER

بجفور جناب ريجنل بوليس آفسرصاحب ملاكند بمقام سيدوشريف سوات

ا بباانت المحمد زامد سابقه ASI بوليس د يبار شنت بو نير ساكن طوطانتي تنك بو نير

جناب عالی!

اپل بدیں مراد کہ تکم نمبری 159 مورخہ 2013-12-06 مجاربیڈی۔ پی ۔اوساحب عنوان: ۲ ضلع بونیرکوکالعدم قراردیا جا کرسائیل کواین ملازمت بربحال کرنا۔

گزارش ہے کہ اپیلانٹ مورخہ 1991-04-04 کو محکمہ پولیس میں بحثیت کنسٹیبل تجرتی ہو کر العد فراغت ریکروٹ کورس ضلع بونیر کے مختلف تھانہ جات اور چوکیات میں ڈیوٹی سرانجام دیتا رہا۔ بدوران تعیناتی اینادیوٹی نہایت دیانتداری اور ایمانداری کیساتھ سرانجام دیتے ہوئے (1) Aاور (1) کے امتحانات پاس کرنے کے بعداعمال نامہ برے افعال ہے پاک ہونے کے بناء پرافسران بالا نے مجھے لوئیر کور کی کیلئے منتخب کیا۔سال 1997 میں لوئیر کوری سے فراغت پر ضلع ہو نیر میں افسران بالا کرچنگم کے مطابق ڈیوٹی سرانجام دیتار ہا۔سال 2004 میں بعدہ ہیڈ کانشیبل تر قیاب ہوا بحثیت ہیڈ کانشیبل اینے فرائض کی بجا آوری میں کسی قسم کی کوتا ہی بغیر کام کرتار ہا۔سال 2010 میں انٹر میڈیٹ کورس پاس کر کے سال 2011 میں ASI عہدے پرتر قیاب ہوا۔اینے بالاتر افسران کوکسی قشم کی شکایت کا موقع نہیں دیا۔ارنہ ہی دوران ملاز امت عوام کی دل آزاری کی ۔اسلئے تا حال سائیل کا اعمال نامہ ہرشم برے انٹری سے بالکل پاک ہے۔ جبکہا چھے کاردائی کے بناء پر دقتاً فو قتاً افسران بالانے انعامات کے علاوہ تعریفی اسادے نوازا۔ادرگزشتہ چند سالوں میں دہشت گردوں کی بونیرآ مدے دوران اپنے جائے تعیناتی پرموجودرہ کرشدت پیندوں کے خلاف ہونیوالے کارردائیوں میں بھر پور حصہ لیا۔ان جملہ بہترین کا کردگی کے باوجود مورخہ 2013-10-21 کو الپيلاني يوليس لائن تبديل كيا گيامورخه 2013-10-23 كوجناب ڈي پي اوصاحب كي طرف سے شوكاز ہوٹس موصول ہوکرجس پراپناتفصیلی جوابتح بر کر کے افسران بالاکواپنی بے گناہی پیش کی ۔کیکن اس کے بعد 28-11-2013 كومجھ برچارج شیٹ تقسیم ہوکراس کا بھی تفصیلی جواب دیا۔لیکن افسران بالا میرےساتھ متفق نه ہوکر میرے خلاف بذریعہ ڈی ایس پی ہیڑکوارٹرانکوائری کی گئی۔ بدوران انکوائری نہ میرے خلاف کسی نے کرپٹن کی الزام عائد کی اور نہ انگوائری افسر کو بیان دیا۔ کیکن بغیر کسی شہادت اور ثبوت کے مورخہ 2013-12-05 كوبحواليہ آرڈريك نمبر 158 بچھے معطل كر كے مورخہ 2013-12-06 كوبحواليہ آرڈر یک نمبر 159 ملازمت سے جبری ریٹائیرڈ کیا۔ جومیرے اور میرے خاندان کے ساتھ ناانسانی کے



♦ صغه 2 ﴾

مترادف ہے۔ (مصدقة تقل حكم معترضه جناب DPO صاحب بونیر شامل ایل طذاہے)۔ جناب عالی ! اور ڈیوٹی سے وفاداری کی بناء پر جوانعامات اور تعریفی اساد مختلف مواقع پر نواز دیئے گئے ہیں میر ے عمل نامہ اور سروس ریکارڈ سے واضح ہے جو کہ میر ے حکمہ پولیس میں احسن کار کردگی ایک مبینہ شوت ہے۔ علاوہ ازیں ایس ایکی او قصانہ ذکر ضلع ہو نیر نے من ایلانٹ کی کار کردگی اور اچھی فرائض منصبی انجام دینے کی پاداشت میں اپنا تفصیلی رپورٹ بھی دوران انکوائری آفیسر صاحب کو بیش کی ہے، میں سے مزید ایلانٹ کی دیا نداری ، ایس ایکی اور اور بھی کار کردگی کی مزید تائید ہوتی ہے۔

جناب عالی! مزید میر که دیگرایس ایچ اوز صاحبان اورافسران بالا نے اپیلانٹ کی ڈیوٹی اوراحسن کارکردگی سے مطمئن ہوکر تعریفی اسناد دیئے ہیں (نقولات شامل انکوائر کی ہیں)۔ مذکورہ بالاحفائق کے علاوہ پلک سیک سیک سی فرد یا افراد نے انفرادی یا جتماعی طور پر من اپیلانٹ کے خلاف کسی بھی قتم کا تحریری یا زبانی شہادت دربارہ کریشن بدعنوانی نہیں کی ہے۔ بلکہ جناب ڈی پی اوصاحب یو نیر نے ایک گمنا م سورس ر پورٹ کو بنیاد بنا کر اپیلانٹ نا کردہ گناہ کو بے جاطور پر من ادلوا کر جب ریٹائر منٹ کا حکم معتر ضہ صادر کیا ہے۔ جو کہ خلاف انصاف اور خلاف قانون ہے۔

جناب عالی! جناب ڈی پی اوصاحب کا تحکم معترضہ یک طرفہ اور صرف کمنا مربورٹ کی بنیاد پرصا در کیا گیا ہے۔ جوانصاف کے سراسر اصولوں کے خلاف ہے۔ نیز من ایبلانٹ نے تحکمہ پولیس میں 22 سال اپنی ڈیو ٹی نہا یہ ایما نداری ، دیا نتداری اور افسر ان بالا کے اطمینان کے مطابق سرانجام دی ہیں۔ نیز من ایبلانٹ کی بوڑ طبح والدین اور بچ ہیں اور ان کی دیکھ بال کا ذریعہ معاش ایبلانٹ واحد نو کری کی آمد نی ہے۔ اور اگر سز ا ندکور کی کالعدم قرار نہ دیا گیا ۔ تو اس سے نہ صرف ایبلانٹ کے مستقبل پر اثر پڑیگا بلکہ دوسری طرف میرے بوڑ طبح والدین اور چھوٹے بچوں کے منتقبل بھی تاریک ہوگا۔

لہذا بحالات بالا بمنظوری ایل طذا آپ صاحبان سے استدعاء ہے کہ مذکورہ حقائق کی روشنی میں جناب ڈی پی او صاحب ضلع بو نیر کا جب ریٹائر من سی معتر ضہ نمبر 159 مورخہ 2013-20-06 کو کالعدم قرار فرمایا جا کرمن ایپلانٹ کو (All Back Benifits) کیا تھ ملاز مت پر دوبارہ بحال کرنے کا جگم صادر فرمائے۔ سائل تا حیات دُعا گور ہیگا۔ میں میں میں معتر العارض

سابقیہ ASI ساکن طوطالٹی ضلع بو نیر (ابنا انٹ) 13 - مذار - ۵/3



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

ORDER:

This order will dispose off the appeal preferred by Ex-ASI Muhammad Zahid of Buner District for reinstatement in service.

Brief facts are that the above named Ex-ASI 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.

KHAN) PSP

Regional Police Officer, Malakand, at Saidu Sharif Swat *Naqi*

No. 11 - 4 6. /E. °/201**3**. Dated

Copy for information and necessary action to the:-

1.

2

District Police Officer, Buner with reference to his office Memo: No. 28/EC, dated 01/01/2014.

Ex-ASI Muhammad Zahid of Buner District.

*^^^^^

We (Marion بعرالت معراب بنام ألى معليه مورجه مقدمه دعوكي جم باعث تحريرا نكه مقدمه مندرجه عنوان بالامين ابني طرف سے داسطے پیروی دجواب دہی دکل کاردائی متعلقہ 🧷 Tuning _____ Jun on __ July 100 100 - Jun 1/40 1/10/ مقرركر بےاقراركياجا تأب كەصاحب موصوف كومقدمه كىك كاردائى كاكال اختيار ، دگا بنيز وکیل صاحب کورامنی نامه کرنے وتقرر ثالت ہ فیصلہ برحلف دیتے جواب دہی اورا قبال دعو کی ادر بصورت ذكرى كرف اجراءاورصولى چيك درويد ارعرضى دعوى اور درخواست مرتم كى تصديق زرای پرد یخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا پیل کی برامدگی اور منسوخی نیز دانز کرنے اپیل نگرانی دنظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقد مہذکور <u>کے کل ماجزوی کاردائی کے داسطے اور دکیل یا مختار قانونی کواپنے ہمراہ یا اپنے بجائے تقرر کا اختیار</u> موكا-اورصاحب مقرر شده كوبهى وبى جمله مذكوره بااختيارات حاصل مول مح اوراس كاساخته م واختد منظور قبول ہوگا۔ دوران مقدمہ میں جوخر چدد ہر جانہ التوائے مقدمہ کے سبب سے دہوگا۔ کوئی تاریخ بیشی مقام دورہ پر ہویا حد ۔ باہر ہوتو دلیل صاحب پابند ہوں گے۔ کہ بیروی مدکور کریں۔ لہدادکالت نامہ کھدیا کہ سندر ہے الرقوم في الم .20/1 /1/2 .1 An main pier کے لیے منظور ہے Allested & Acception alibroda Asadella

Service Appeal No. 234/2014

Mohammad Zahid s/o Noor Mohammad Ex-ASI r/o village Totalai 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	Parawise comments	· · · · · · · · · · · · · · · · · · ·	1,2&3
2	Affidavit	·	4
3	Authority letter		5
			· .

District Police Officer Buner

Buner (*Respondent No. 3*)

-14-5⁴ (1924) - 1

Service Appeal No. 234/2014

Mohammad Zahid s/o Noor Mohammad Ex-ASI r/o village Totalai District Buner

.....Appellant

VERSUS

- 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.

<u>Respectfully Sheweth</u>

1

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.

<u>ON FACTS</u>

- 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, 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.

<u>On Grounds:</u>

- 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, Bùner,

(Respondent No. 3)

Service Appeal No. 234/2014

Mohammad Zahid s/o Noor Mohammad Ex-ASI r/o village Totalai 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

<u>AFFIDAVIT</u>

We the above respondents do hereby declare and solemnly affirm on oath that the contents of the reply to appeal No. 234/2014 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. 234/2014

Mohammad Zahid s/o Noor Mohammad Ex-ASI r/o village Totalai 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)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

Service Appeal No. 234/2014

	ANY P Province
·	· 739-Jo
	and 25-4

Muhammad Zahid S/o Noor Mohammad, ASI, R/o Village Totalay District Buner......(Appellant)

VERSUS

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.

1. 1. 1. 1. 1.

 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.

Through

Appellant

Sahibzada Ásad Ullah Advocate Supreme Court Of Pakistan.

AFFIDAVIT:

Dated: 08/08/2014

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.



ADVØCATE

BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE

TRIBUNAL, PESHAWAR

C.M No. ____/2014 In

S.A. No. 234/2014

Muhammad Zahid.....(Petitioner)

· VS

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

APPLICATION FOR EARLY HEARING.

Respectfully Sheweth:

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.

Through

Dated: 05/06/2014

Sahibzada Asadullah Advocate, Supreme Court of Pakistan

Applicant 🥢

BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE

3

TRIBUNAL, PESHAWAR

C.M No. ____/2014 In S.A. No. 2⁹⁴/2014

Muhammad Zahid.....

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

.....(Respondents)

.....(Petitioner)

AFFIDAVIT

VS

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.

Jalet ADVOCATE 10 ^{UV}

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Rejoinder

Service Appeal No.234/2014

Muhmmad Zahid......VS...........VS............

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 nonjoinder 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. 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

Through

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.

Dated: 15/09/2014

Appellant Aug

Sahibzada Asadullah Advocate, Supreme Court of Pakistan.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Rejoinder

In

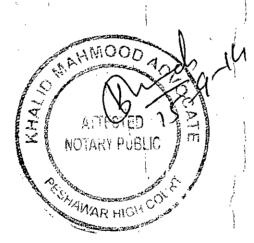
Service Appeal No.234/2014

Muhmmad Zahid.....VS.....I.G.P. K.P.K and others

AFFIDAVIT

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

ADVOCATE



BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 239/2014

(h)

a.V.P.P 77 Stations **168**283 188 - 188 - 188 - 188 - 188 - 188 - 188 - 188 - 188 - 188 - 188 - 188 - 188 - 188 - 188 - 188 - 188 - 188 - 18

Muhammad Zahid.....(Appellant)

VERSUS

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.

That the appellants have got a good case and are sanguine of its success.

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

Juch

Through

Dated: 27/02/2014

3.

4.

Sahibzada Asadullah Advocate Supreme Court Of Pakistan.

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No.239/2014

. 1-1:

Muhammad Zahid.....(Appellant)

VERSUS

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