S.No.	Date of order/ proceedings	Order or other proceedings with signature of judge or Magistrate
1.	2	3
		KHYBER PAKHTUNKHWA SERVICE TRIBUNAL Service Appeal No. 233/2014, Balizar Versus Inspector General of Police, Khyber Pakhtunkhwa Peshawar etc.
	.10.03.2015	<u>PIR BAKHSH SHAH, MEMBER</u> Appellant with counsel (Sahibzada Assadullah, Advocate) and Mr. Muhammad Jan, GP with Imranullah, S.I (Legal) for the respondents present.
		 2. Summarizing facts of the case are that the District Police Officer, Buner, (respondent No. 3), issued charge sheet dated 28.11.2013 and statement of allegations to the appellants who are 11 in numbers in the following terms:- "As per source report, you the (following Upper/Lower Subordinates) were found involved under corruption during the posting of various places. A collective enquiry report dated 30.11.2013 was submitted by DSP (H.Qs) against the officials. Thereafter DPO, Buner vide his impugned order dated
		06.12.2013 awarded major punishment of compulsory retirement to all 11 appellants and their departmental appeals were also turned down vide order dated 06.2.2014, hence the instant appeal before this Tribunal on 21.2.2014. Each of the appellants have filed their

separate appeals. In view of the same single charge levelled in the charge sheet issued to the appellants as well as a single collective enquiry report, it is proposed that all the appeals may be disposed of by way of this single judgment.

3. The detail of which is as under:-

2	<u>S.No.</u>	<u>Appeal No.</u>	Name of Appellant. D	esignation
	1.	233/2014	Balizar	S.I
	2. 3.	234/2014 235/2014	Muhammad ZahidASI Aman Khan	ASI H.C
	4.	236/2014	Khan Sher	H.C
	5.	237/2014	Zaib Ahmad	ASI
	6.	238/2014	Anwar Saeed	ASI
	7.	239/2014	Bahrawar Said	H.C
/	8.	240/2014	Sher Afzal	H.C
,	9.	241/2014	Muhammad Wahab	ASI
	10.	257/2014	Sher Muhammad Khan	H.C
	11.	288/2014	Sher Wali Khan	H.C
			•	

4. Arguments heard and record perused.

5. It was submitted by the learned counsel for the appellants that the appellants were exonerated by the enquiry officer, therefore, they should not have been punished per norms of justice. It was further submitted that the appellants were not associated in the enquiry proceedings, the whole proceedings are just formality in character and nature and further that no show cause notice was issued to the appellants despite the fact that major penalty was going to be imposed. It was further submitted that the impugned orders are liable to be set

aside according to rules and norms of justice. Reliance was placed on 2011-SCMR-1327.

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6. Conversely, the learned Government Pleader while defending the impugned order submitted that all codal formalities were complied with before imposition of the impugned penalty and as the appellants were found involved in corruption, therefore, they were legally awarded punishment according to law and rules.

7. We have thoroughly perused the record. It is evident that a single and same charge was levelled against all appellants alleging them for corruption on the basis of source report. No any instance or case has been cited wherefrom it could be inferred that aim of the inquiry was to collect evidence, give findings and not as a mere formality. The enquiry report on thorough perusal would also show that the same is based on the previous service record of the appellant but it was only the office record and not any field performance record. Here the question may arise as to how no action was taken against the respective appellant at that relevant time. No evidence whatsoever has been collected by the enquiry officer. It can safely be stated that there is not an iota of evidence available on the file pertaining to allegation of corruption against the appellant. Ranking of some of the appellants runs from constable upto Sub Inspectors and one of the arguments of the learned counsel for the appellants was competency of the DPO for awarding the punishment of compulsory retirement to the appellants. In view of the above situation, the Tribunal is left with no alternative but to set aside the impugned orders and to remand the case to respondent No.2 (Regional Police Officer, Malakand Region) for doing proceedings strictly in accordance with law and rules which should be completed within a period of three months for which purpose the appellants are reinstated in service. Back benefits etc. will be subject to the outcome of fresh departmental proceedings. Parties are left to bear their own costs. All the above appeals are disposed of in the above terms. File be consigned to the record room.

ANNOUNCED 10.3.2015 (ABDUL LATIF) MEMBER

(PIR BAKHSH SHAH) MEMBER

26.2.2015

۲),

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

MEMBER

BER MI















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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

2.2.2015

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.

ĎER

Appellant with counsel and Mr. Muhammad Adeel Butt, AAG with Imranullah, SI (Legal) for the respondents present. Arguments heard.





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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.

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Khawas Khan, SI (Legal) for the respondents present. The learned Member (Judicial) is not working due to a recent order of the Hon'ble Peshawar High Court affecting his status as District & Sessions Judge. To come up as before on 10-10-2014

HAN REP 1

Sector Sector

10.10.2014

15:09.2014

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

24.11.2014

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.

Appenho; 933/2014. Mr. Bulizon

16.04.2014

02.05.2014.

0 205:2014

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.

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, 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.

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

-Chàirmai

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FORM OF ORDER SHEET

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Court of_____

Service Form-Asses

Case No.______233/201

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S.No. Order or other proceedings with signature of judge or Magistrate Date of order Proceedings 2 1 3 alterna in instanta al • • • • 5. at ÷. The appeal of Mr. Balizar presented today by Mr. 21/02/2014 1 Sahibzada Asadullah Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary .. hearing Sec. 1. Sec. REGISTRAR 71 12/14 and the second · `i _` This case is entrusted to Primary Bench for preliminary 2 승규는 가지만 : $\frac{1}{2}$ \sim $\frac{1}{2}$ hearing to be put up there on <u>19</u> <u>Ø</u>./ JRM 27 10 1 . .. 1.1.3 5. I'r AC SHOW 1 .::.: 1.00 被招援合定 2 8 1 5.10<u>0.1</u>11 . El legit . 1. • . . . , ÷.

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No <u>33</u>/2014

Balizar(Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

And others.....(Respondents)

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.	Copies of certificates/ remarks of SHOs/ Inspectors	15-16
8.	Copies of inquiry report and order dated 06/12/2013	17-25
9.	Copy of appeal and order dated 06/02/2014	26-27
10.	Copies of the F.I.R, injure sheets	28-34
11.	Wakalat Nama	35

INDEX

Appellant

Through

Dated: 17/02/2014

Sahibzada Ásadullah

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

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 23/2014

Balizar S/o Sabat Khan

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

VERSUS

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

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:

the terms

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

1.

FACTS:

That the appellant joined the Police Department as constable in the year 1976 during this time the appellant performed his duties in various police stations and police posts. During his service the appellant remained punctual, devoted and showed great commitment towards his duties and never ever tried to avoid difficult situations and because of his devotion towards the department he was promoted to the rank of Sub Inspector (S.I) in the year 2008.

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).

2.

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 29/11/2013. (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. (Copies of certificates/ remarks of SHOs/ Inspectors are attached).

5.

7.

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).

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.

B.

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

That the appellant has served the department since 1976 and has done well not only in the arrest of criminals, but in eradicating crimes in the areas he served. The appellant attachment with the department was so great that he never hesitated even to sacrifices his life for the betterment of the department in general and the public in particular. The appellant can point out so many examples to substantiate his stance in this respect, one of the greatest example is case F.I.R No. 137 dated 13/03/2010 u/s 302, 324, 353, 120-B/ 427/ PPC, 3/4 ESA/ 7ATA, Police Station Saidu Sharif where the appellant while performing his duties fell a prey to a suicide bomber where the appellant got severely injured. (Copies of the F.I.R, injure sheets are attached).

That the appellant struggled hard and even retained his position at the time when Bunir as well as numerous areas of Swat were passing through hard times when the terrorists challenged the writ of the Government without caring for his life.

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

D.

E.

C.

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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.

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.

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

F.

H.

I.

leveled allegations which could justify the stance of the respondents.

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: 17/02/2014

Sahibzada Aşadullah Advocate Supreme Court Of Pakistan.

J.

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. ____/2014

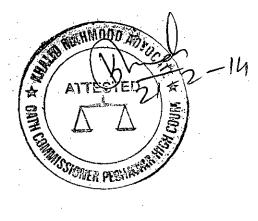
Balizar(Appellant)

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

	ERSUS
Service Appeal No/2	2014

ADDRESSES OF THE PARTIES

APPELLANT:

Balizar S/o Sabat Khan

R/o Village Ambila, 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: 17/02/2014

Sahibzada Asadullah Advocate Supreme Court Of Pakistan.

SHOW CRUSE NOTICE.

	WHEREAS, as you the following offic	cers / officials involved in Corruption
as per source i <u>S.No.</u>	report. <u>Name & Fank</u>	Place of Posting
<u>, 1.</u> .	SI Balizar Khan (invest:)	I/C Invest: PS Totalai.
2.	ASI Muhasimad Wanab	PS Daggar.
3.	ASI Anwar Sneed	PS Gagra
4, 5	ASI Muha mad Zahid	Police Lines
5	ASI Zeb Alimad	PS Totalai
б.	HC Khan ther	MHC PS Jowar
7.	HC Sher Muhammad	I/C Guard Koga Camp
8.	HC Sher Alizat	PPP Durmai.
9.	HC Bahrarar Said	MM PS Daggar.
10.	HC Sher Vali	I/C PPP Kalil Kandaw
11.	HC Aman Khan	PP Budal.
· ·		

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

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

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

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

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

DISTRICT POLICE OFFICER, BUNER.

No. 529-39/12 Dated 2 3- 1 - 1/20

F:\ROUTINE\EC\Str tice\Blank.d 10/22/2013

184 6 م - ٥٩٩ م خما بر شريس مريض خريت مرن . كه مشعلة شوكاز مزن وهذا ما - مروع م مرجع ل بر سرما الم الم الم الم الم الم من مر م مر م مر م سررس رور معدن وبنه کارزم -2. اندرس ما عرص دسته من سال کرد اس دست قبل فی در عبرتی برایری منت رسم رسم عمیرن ... بر رسید تک سخ ما مرد ، خار ارز منده من رس میردن در مرده و ما مرن خان ما زمانده مرد می ارز می ارز می از می وند میں جند ای ج انرائی تن از رجعا ہوں . اس عرص لینا ک لا تسراد الم مترات كى قنيت من وأسط مركاح. جركا صابى سى ميدارى من الرشة مراب دهنتاري اررانسم من طادر من سال عن ال وروا تک خبل سرات وی دوری تر در ان عما کال سرا د ارد سرات را به فرد د بم دهماکه میں الک کر تر مدرخی والت میں مررکب های کا دی مدی جا ہے در ت درك سوتما . اس راقع تي شي س سر، ملت جوا در في المراج مراج الم كا غذات وفر ورف كرما مرل -اس عرصه در وت بس سر مد خدف تا مال کی قسم کی رون ى خاب رفيران الد مر مرمول مريدي 2. الدين مالى س مر صر کر سبت کی مست نبرت میشی کر کے حسن میں ناجلہ مدرمت ریا نداری درمانت داری ادر عدارت سرور اف دى ج. مر فلا كر فيتر كالتا المر المزارم ب شاد ار مكاهر حر صميت كمي توكري واسط منس _ م مرارسترما دور انترکار نوش فی ما ای کاند ای کاند از داری PL D ~ 00 28/10/2013

/EC. /2013 Dated.

CRARGE SHEET

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

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

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

<u>S.No</u>	Name & Rank	Previous Posting		Lines on 12/10/013
			On the cause of	corruption ,
1	S! Balizar Khan	I/C Invest: Toʻtalai	-do-	
2	ASI Muhammad Wahab	PS Daggar	-do-	· .
3.	ASI Anwar Sacod	PS Gagra	-do-	
4.	ASC Muhammad Zahid	Police Lines	: [:] -do-	
5.	AS1 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. s	HC Jahrawar Said	MM PS Daggar	-do	- .
10.	HC Sher Wali	I/C PPP Kalil	-do	1 ••
11.	HC Aman Khan	PP Budal	-do	
. ·.				

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

2. By reason of above, you appear to be guilty of nis-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.

Year 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? 6. Statement of allegation is enclosed.

ENOLD DATA OLD DATA - NECYCharge Sheets/CHARGE SHEET NEW 2.466

DISTRICT POLICE OFFICES, BUNER

دار د تولم طرح بر بر از علی 28 - 27 2 ور م 13 28 از مر از دخر ضا- ٥٩٩ ٢ مروض خرمة مرن ، وعارج شم عنالي جا -مجومة مع مرجول يم معرفة مر مالي من مرع في و مرم معرف مرر مح دلان کر بین کارز اس م المدين سام من هذه من جرادا ترفي ولي من طبقة ب معرق مواميون. مفتر منت عسيرن سد اند تد مد من خرم مرات / ومن د عنون من الم عسرون و اره وعامران - ذماره مترفرا قب المرمي في وند مرام جي بيرن . اس عرصه مينا تي دينة ري زيري تي لاتيراد مي فسرمات في تعبير إسرائي المركالي - حذار كالمالي م مينار كا مس مرتبة دهشته وي فرا- اور السيم سي عام 2008 م من دور فی عنام مل مرد حساب رو مرات رو فرد ترج د حمال میں الك مسترمين على مرير مرالي ها كاليم على حالج لي 41.4 ن 1.5 4 كاعترات وعنير فاسترش فرستا بيون اس عرصه مدرز مت مدن مدین خدف کسی مرتب از مار مار مار مار المسران الد مرحول ، يرعمن الريم اس علم س كران مر الم م مسالی محالیت تیرت ویشا کر کت صب ، اگر میں کر تی ہے دارت برتا . تر ما ب لميرسي مرم المامير و مروح مين الم . حيا ري ، و مرم 2 من ع جد مدر ما بالدر الدر دما مدر الم مرا مرا الم معد المرا مع مدا م مر عضد و تن كالمالي الزام و سادار سكوز 2. م لار الى سندان فى رى رى رى رو مى مام رى مام رى ما مر مى دى ر · Re hipus ب المحالي مسر ولم الى عام الى عام والرعار Δ_{11} 5:17110"8029/11/013

DISCIPLINARY ACTION

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

STATEMENT OF ALLEGATION

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

<u>S.N</u>	o. Name & Rank	<u>Previous Posting</u>		Police Lines on 12/20/013 ise of corruption	
1	SI Balizar Khan	I/C Invest: Totalai	<u>yn ne cat</u>	-do-	
2.	ASI Muhammad Wahab	PS Daggar		-do-	
3.	ASI Anwar Saeed	PS Gagra	·	-do-	•
4	ASI Muhammad Zahid	Police Lines		-do-	
5.	ASI Zeb Ahmad	PS Totalai	·" ·	-do-	
6.	FiC Khan Sher	MHC PS Jowar	•	-do-	
7.	HC Sher Muhammad	I/C Gurad Koga		-do-	
01	HC Sher Afzal	PPP Durmai		-do-	
9.	HC Bahrawar Said	MM PS Daggar		-do-	
10.	HC Sher Wali	I/C PPP Kalil		-do-	
11.	HC Aman Khan	PP Budal		-do-	

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

-For the purpose of scrutinizing the conduct of said officer with reference to the above 2. allegations Mr. Ghulam Muhammad Khan DSP HQr: is appointed as enquiry officer. 3.

The Enquiry officer shall conduct proceedings in accordance with provision of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused officer, record its undings and make within twenty five (25) days of the receipt of this order, recon...nendado... as to pupishment or other appropriate action against the accused officer. 462

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

DISTRICT POLICE OFFICER

BUNER

/2013

2. Defaulter concerned.

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

Dated

DISTRICT POLICE OFFICER, BUNER

STED

DATAVOLD DATA - NECVCharge Sheets/CHARGE SHEET NEW 2 Joe

بحار مر - in Entre wien wie the constant الوالى كىشى دى تى مى خوالى س تىسى تى الى مى تع دوران لمسابق م وركون سراي مر كري في م حستاب مرت كرم في مست ملى في - ار فرقون مات فر تى أسلونى سے أيا دلوى الحاج دى م - او فر كور و ال Es a di conde pi les and the series

م بحارت قريص لمنرخان ادانوج تين در الع تهانه جنعى أور علباندى دنمرد مس نجت اخارج الفرخ ترتي لمحاسجات مره محاج مر عونات بخت رول المر الوح ترب فك تے رول ان الد خان ای خلاف کی تج زمای با تحدیز استطار با به از بون مومول Med 5 - in 210/2 - in 210/- - in 1 -- E La Ic-Tur Ester) an E در فیلم ادر بی ی می تقدیق کترس ب مساقد ا Co. Daggar

اردی کی الی کی HO Â) affer C/3 28 1 P3 572-92 J: R. 6 562-72 تحضول كالخراث Ĩ13 انركى جراد المراجر الراج 09 03 This & up Sty Uls int 05 3 % AS 4 2 3 2 1 5 1 4 4 5 DY فآران الور مراه ج 06 لتحجر 05 4 our ASI Min USTUL Į. ØŠ 4 4 0 AST AST AST AST OF 3 03 4 2 01 M - 010 (157 ch Ìj v7 4 6 0) 174 2 (L 4 2 0/ 396 Jos (USTUL ÛЗ » 3 0) ~ 372 Jug (1) 2 04 " boje 173 22 USTUC 07 · 5 0/0 265 6 61 015702 06 2 L, 5, T Ling, 04 Clip A 71 AMTRISTED 1. Sulpe

فالمرقب رمراط موالم طرح من عرى 572-82 وفت المركة عايد دورجات pp من بر نام: 1 ای لم شرحان انجاج الخ شی گخین طولای حال لاس لاک ڈ تھ AS! جرماب بولين شيتن ذكر حال بيب لان 2 ASI 3 الأرسميد لينسب سين ذكر حال ليلب لائى 4 ish محسدا بولا بوليس سيتن بوليس لابق لاتحر Asi S زمین ۱۷ بولیس سلینی طوطای طل لیس لائی دیچر AL خان شهر فخسر خطام فرخان لوليس لالى في ترجر FUH - برايجارج ظور كوظ طال وليس لاى 25 B 2H - بر افسطل لولس يوسط درماني طل يولس لائي ذق 9 XH محسور مرجع مرجع مد توبس سنين ذكر حال مولس لائن تطاف $\langle \rangle$ ال HL آمان طان لولسن توسي مثل طال لولس لائن خ د عنون الكوليري سرطلف تخريف يولس افسرين ظايحاني! $\frac{1}{2}$ الكين مر 17-62 من "88 في مرد في خار 1000 من 15 562 من 1904 - 1900 من 1904 - 1904 - 1900 - 1900 - 1900 - 1900 - 1 مورخ الم 25 تي ريم حار RA مي ولا مرجما مرين موات طرين ها مردم بالاعمرة داران لوبس ملسله غراتا " برقعاف معامات من تحساب ى دول مرسواتى محالى موس ملوران موسى ما لد مى ما لد مى محالى مى ما لد مى محالى مى محالى مى محالى مى محالى مى محالى مى محالى مى مرالزلم على عنده (أن دوس ت عنا) طاع تسلس دفيترط - of a عن نون مارى مريم من مارى مريم من مارول كو المرام على عمره دارن لولم س تعطاف ب طحكام الكولري على عب لات كاحكم صاريف والألياب جلم الكوليري من ما- RPO ماحب ولائد سترون موار محصر الم 30 كو شخب راور من مل ANTISTED (حکری)

الزام على عمر ولرين لولب السل من الزوم كم سلم من قسل جائع تعييدا تون من حكم أحد لف بالا ماحبان لولي لاى ولو م كلوزيوك أفح مي جنكى بارى مارى طلب كرت (يك سانات حديث في الزام عليه ملازمان مولس سيسلم فراتما الأرمين أسر التقال في المرامات مذيق في في كرسف المنظرى بى حن مي سے ميرتب اسى آيكى غرض شاں، راہت دار كرمين سى باك طلك كافعاد اردوس كاظدم رسي سانات من كالمركز ما ب جن من من بجدى المي مناق من مرده مكن تر المن فلا ماحان م لصرفي مسرسفيك منى (غايررى (موجرم شامى محصف يبش كر مراه بانات على على المعالي على النرام على ولازمان لولس تراعال مان لمرى لمرى لمراحظ ا وطالح وفي سالم سزال بون ، کار کرد کی اور توساموں تے صفلی کولاف حسب زمل خابل قاند (1) بست خان is حال مستند لوليس لافي ار مخ معرتي 7: 19 راكم وف كوري 77 . در سکول کردس می 28 5 . ۵۶ انگر میریش سکول کورس مراح 88 / ۵۶ تصنایان خلع سونی: دلولیسی لائی مدون و بوی درم (باد : لولس) لای مند سون ، تعاشر عالیگی ، سبی ایی اے (مای سون ، تعام طرف و بن نوکی منع مورے ہولیسی لیک سیند سوت، یہ جوی جنگی صلع ہوئیں، دیکی رمیس بیار باد بادی ای ای (CIA) بو نمبر ، تعانهٔ ناده می بوشیر ، موی را ۲۳۹۶ ملافند، صلح يوندر الكولير، تكليا روى يوني، تاره في يو وزر المرائل موات ، تعام منه ، تعام جنعتلی تو سر ، تعام طوط فی تو سر ، تعام طرانی صلح لومكر تحام طحظ لحد لومن الوت لات التي المرتب لاتك الم بالکماند is باب رخان کی سرحہ میلازمین دن ماہ سال سے معانی رون مرجعها المرجع المرجع المراجع المراجع المرجع المراجع المراجع المرجع ی تعداد باد عین جس میں کر ی میکن سزائلی من سے جد مند سرعان ع موج کا از جسم ملک دی کا اکار نفا انکی لی میں سرور الف قطائم مرد میں بری در کفا ہے (2) احم مر موجاب حال مستحد لولس لای دیار محری مورم الم الله کورس 2 د لو مرکورس 10 ما ، الله مشرف کرا محدی مورم اود الله دو ساتیا ای . لولس لای ، ویک سوری ، خیا مزیادی ولس لای معل CAV جى ظبائرى، بولس لاقى دى جى بگرە ، بولمركوس

عارج كارمازى كوش (٥) د مركث كورى (١) مدد قررها مرد و 26) گار داناری (3) ایجاج جنگ توله کی (14) مصطن لائی (3) خام در کر 16 مونس لای ترکتر تحر مردها - ist Sie مرجم ولانوس ارتر ون ماه مال من الحسي کارکردی ، ترمنی اسفاد مح ب جبکه بیتر انتظرف کی تحدر و میں جدمعنى توعيت ى سنرطاب ب (ف) is الإسميد متحد مولس التي تاريخ حرق مرض المرار ريكر فك ا المركول كور المركول كوري و13 الم منظر منظر من كول كرو المرك الم تحساليان :- 1 موسون فري (2) سكرمت كور (3) تمار طولاد) وي حِنْظَىٰ (ى) كولسس لالى دلگر (ى) حوى كاكرم (٣) خطائة خركر (0) كولس لاي تمرين (9) ليليس لاتن تريخ (10) طريفك شطات (11) (يحياج وردى تحوذم ليونسس لاق (9) طانعت تعدين الحوي كالمرجر فكالدر تعريبي اشا وستعدد جاسم فأراجه جا بر سطواب مل بالم من وحولى نوعت مي () is the subject of الا الا مركول كور الم 20 (مد مرفتر من - كول كورى - 20 مر 1998 (مد مرفتر من - كول كورى كورى - كول كمشاتيان: حولس لائى فرك (چ) تحام سرايا (3) كادر كروابي (4) ١ سمر ما (۵) قدامة تا وه في (۵) شريك طلف (۲) كادر دون 8 (منظر مشريك كويس) (ج) لاد انستركي مفتكر (۱) RTN طامع (۱) مده تعامز (د) اسلم (٤) تكر مراد لولس لا is فرزهای عرص مان می ون ماه سال ی دون الحقی کار دری اور تری (- المرايي جيكر المرايي في المرحوى لولاية المراي الم الم الى المحاريب المرضي وتسويم طال الحليس لانى در كار تج هرتى المحال المحليس لانى در كار تج هرتى المحال المحال المحلي لا المحال المحال المحلي المحال المحال المحلي ا محلي المحلي ال و تعنایات (1) تولسن لائی AR (2) مرك جدى (3) مارس لائی

(D) بالحام طوطالی (ی) با حرف خاصی محمد سنزمی (م) تورس کونی کوری ((ج) نواس (ی) (8) خانه تاده کی (۹) تاب کوت (۵) کارد ند المرال حرك المراك (4) تحاد ططال (3) كالمستار المرال مع من به (15) ناب كوف (16) مندر الا الميل (17) (تر در ما من كول ول (18) ASI (19) (20) التكليو دو ماه (16) توكى ترل (20) توام كالمرك (23) حامر تكرى (24) حامر طوطلى (25) لولس لائن Asi مسراح رائ مان مان مان Asi منان Asi مان مان مان Asi مان مان الحي كارد في اور لحد في المار كل لوه، ب جكم معوى لاعد م معرى لاعد م معرى $(2) = \frac{7}{7} \int_{1}^{7} \frac{29}{7} \int_{1}^{7} \frac{1}{7} \int_{1}^{7} \frac{$ 26-3 2005 201 20 20 200 200 200 200 4 لمساتمات: (لولب لاتى ٢) فنگر برن كورس (3) مرتف كورس (4) و کی سونٹری (ی) خوانہ ڈگر (ک) کولس لائی سکا بتا (7) جو کی کا گر م (8) لولم كول كويس @ مرتك (٥١) كادرمو تهار: (١١) مرم. تراكر م (٤) مول (5) 50 CH (16) 57 AMHI (15) 55 50 (14) 200 CH (13) (72) حکام ور (8) جری موری (19) CHIC حبقی 20 MHC 20 (اج) ليرتسس لايى ا خان تيم <u>محمد كي عرم ماروسي ون 66 مال دن س الحج كا درو</u>لي ع جنه مزالی 2 ارمحی نوان کا م (7) بالترجيم المراح من التي تاريخ هرتي و المربع ا مربع المربع الله اللي طوري مسال عضف بعثر ملك متر قبل مدل المحيى كاركر قرى / الله المرابع المحيني المسال عن معدان المرمع في المربع في منال مول في المحيني كاركر قرى / المحال المربعي المسال في المرابع في المرابع في وزيد في في منال مول في بالا المربح عبار المربح مربح المربقان بر تسع المربح أ ترب س

لا الم الم الم الم الم مارين عن 60 مل بن جار لسنامان لوس لاب وی سوای ، اس ان از اولسی لاک ، وی اول ، در ان کادر ، سال کا ططالی محادر سیس ج مل لولیس لاک کا در شیاری ، لولیس لاک دی معرفری، کردنون کی موجی سراطی، کردر بر مرجب ولیس لان، کرد خانان خصرى ٤ كادر درمانى ٢ جىك لوسى دولره ٢ كارد درز، نوى موهد جری مرامزی بیجنی بوسط جرخ به کارد خانا نو دهری ، کارد سولنگ ک کادر کوکا اور لیاس لای (B) با شهر المقل متحنة الح بي لاى الج عدى الح الارا المراطى موسى 60 ما دار مراكب من تعجل تحسال حسائل حلك نوس كالوار و مركمسل و فوى تكرم م كاردورانى عظور و فاز ها، ططائد، تشر محد طخالد، وي ور ، كارد كم كالوجر عد حاجرى سرخاستكى موف 23 الروار الحالى ومورخ 3 و 2 ، 2) طالا - كار خانانود حو کار ترقبانی تا محوج مرجوا تعام سر الما ، تحار حقی مکاد خارم خانا تو دهم ک، گارد درمای ، لات لی ، کارد درمانی ، بولس CT كنشل شهر اصل ى عرص حارات ون ماه مال الحقى كاد كردلان بي د اراب على الحق عدم حارات قال 3 حدد الحقى كاد كردلان بي خرب کارک د آلیان سولی س () خرور مد 370 متعنه لولس لائن ڈکر تاریخ جرتی 370 برور می ایس این ڈکر تاریخ جرتی 996 الکار میکروٹ کوئی بی وجھ کو ترکوری جو مجھ کا کر دوسر 175 کی الکار کا لی تعالی کی تعصل حسن در میں کولیس لاتی ڈکر ، کوئی فتکر پر مالی ، کو ترکوری ، کو لائی ، کارد THO نون ظهر، وی موادی، وی تکری، کمراد مور، کارد کر کر کا وی ورسین ، کارد دوله نابا ، تشر زوم نوش عکام گر ، TF ... ور تعام طح الدر مدد في مام سطان الماني كور سيش بح عظام ور

المرجى فينتكد مرد حابة اع في مدر حد ما تكرف مديستا الحق AMHO حار و حدار المروق ، نام من من سل ، ج ، حدار ور ال جا بداندی میں ہے HC DH تهروى فر 173 متين ولى ولا تر تاريخ بر في ولا ا المرافي وي 30 تاونير م ب من موج الكريم عن من موج الكري الكري من 25 من عند 25 من عند 25 من عند 25 من من 25 من 25 من 25 من 25 من 25 من 25 م جم 367-34 عام 3 فر قرم التهاي فريد ولرجار رفي كرت تشريكار كرت اسى أنما وملكر فيسات التبيها بي مي اسى في التي ترك في ال مسل شهرونی مر <u>173</u> برطارف کرے شریر بی کی لنگ تاری استیاری محصرات من فحر ان من كاماني بن مرى إس كاركردي في بنيا در مر مندوى بخالم 97 BO مرج 10 م عسيرة مع المنظل ترقيل كراني الحال ما فر میں الھی کار ترجنگ کارندزج (2) جبکہ سزایا ہوں کی تک رد (10) بے عرف حالاست یون ماہ سالی ہے 28 ج 28 لحسباتان "كارونواف كلى ، خعام وحر عكارد بانكوب عاكرد أ من مربع لولسس لابی ، کاردا منوب، ج کولاک، کاردیش کلی لولس لائی سحارد عازى كوب ، ليكسب لاي يكور رو رو المراسط المراج كرى شكابتا لولس لاى اكارد لركاند محام طوطادر، م سردتها، شكاتا لول تعانه يسربابا، لولس لالى معطل متحاد لول ، لولس لالى ، كارد شاق مولس لاين يسجارد كالمكام كولس لالى يسجار د كليل كند و بولس لاتی 1) آمان خان بر 265 مسیندلولسی لای ڈر تاریخ هرتی 251 ب حكرا في ورحظ في المرسوليان (3) من لصالون في لقول المرجب والى ب لولس لى ، كونى شام ، الكرين تحوي الطامر

بى مربح، زرل مورى حسكى المحلس لاسى الومركول كورى، ولسن لاكى الروي في مى عينك، لولس زانى مرد فرر حك م الحكر، سر لمركون مدد جسر وی نبل ، مدد جر ها سرمان ناش اح بولس نان ع المعجر ، الولسي لالى محرى ترك الدر لولس لالى الإلام على الذعات لوليس وما تحسّات معلى / دونى) مترولتون مجالزالا يين الميدين المدهرين المراسطة المنار الدهر كما المستان الأمم المستان الأمماحيا ت ب الم ترجر على مرجل من الربي خدر المكسيس المهكا إن ت المراد عرام الناس کالوٹ تک پہنی ہے کہ الزام علیہ جاری نے لولیس کے خیلاہ کریشن کے بزام من ونكو بزري سيردم بي كيت باحال تيبي بيراني تترمين الكي لان بان حسد من كريا الزم علم حل بان يوني اعمال الى الدموج شل مطالعه بركتر الميزرخان إي ت خلاف مقدم على حية بي وحرم روا 1611Pe/5 حداث المعلم المنتقى محرفت معدت معنى المنتقل المنتقل المنتقل المنتقل المنتقل المرام المنتقا المرام الم برتام بوكر حسن من تحكم مدين <u>10</u> و بدالت سيشن ج / سيشل شخ E بيناءر برى كما كمام بي جدايا ديروم على حرف اعمال نامون ا در خوج حتلون من کیتی تر بارے ہور میں بلی ہے۔ ریام علی مدانیات ہوسی تے حالات انکے تحنیا ہوت کے معنی کرتے ہے المرابعة المرابعة المرابعة المرابعة المرابع الم ى ربية في تندي منه كرور فعيل، ولاتر حت يوليس تسلي معترون من من رند شرى يزر Coper a cere DSPIHQ DY: SB: MI AGENED

ORDER

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 Saced
	4.	ASI Muhammad Zahid
	5.	ASI Zeb Ahmad
	6.	HC Khan Sher No. 29
	7.	HC Sher Muhammad No. 174
	8.	FC Sher Afzal No. 396
	9.	HC Bahrawar Said No.372
	10.	HC Sher Wali No. 173
	11.	HC Aman Khan No. 265

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

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

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

Order announced.

DISTRICT POLICE OFFICER,

BUNER

DISTRICT POLICE OFFICER, BUNER

OB No. 159. Dated $6 \cdot 12 / 2013$.

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.



06-Dec-13

بحفور جناب ريجنل يوليس آفسر صاحب ملاكته بمقام سيدوشريف سوات (Zb) سائیل_بلیزرخان سابقہ SI یولیس ڈیپار ٹمنٹ بونیر ساکن امبیلہ مسلح بونیر عنوان-ايل بدي مراد كه علم نميري 159 مور خد 06.12.2013 ماريد ذي- بي-ادصاحب ضلع بونير كوكلعدم قرار د باجاکر سائیل کولیٹی طازمت پر بحال کرنا۔

جناب عالی ا گزارش ھیکہ سائیل سال 1976 کو تحکمہ پولیس صلح سوات میں بحیثیت کنسٹیبل بھرتی ہو کر مختلف تھانہ جات اور چو کیات میں ڈیوٹی سر انجام دیتار ہاد بد دران تعیناتی اینا ڈیوٹی نہایت دیانت داری ادر ایماند اری کے ساتھ سر انجام دیتے ہوئے رفتہ رفتہ ترتی کرتے ہوئے سال 2008 میں بچد دسب انسپکٹر ترقیاب ہوا۔

گزشتہ چیز سالوں میں دشت گر دی اور اینسر جنسی حالات میں سال 2008 سے کر سال 2010 تک ضلع سوات کے حساس مقامت تھاند مند ، تھاند خوازہ خیلہ اور تھاند کانجو میں احسن طریقہ سے ڈیوٹی انجام دی ہے۔ دوران ڈیوٹی بمقام گلکدہ میگورہ ضلع سوات ایک خود کش دعمانہ میں زخمی ہو کر جس کے نتیجہ میں مقد مد علت 137 مور خد 13.03.2010 جرم کے نتیجہ میں مقد مد علت 137 مور خد 13.03.2010 جرم کے نتیجہ میں مقد مد علت 137 مور خد 13.03.2010 جرم کے نتیجہ میں مقد مد علت 137 مور خد 2010 مور خد 2010 جرم / 2020 موات ایک خود کش دعمانہ میں زخمی ہو کر جس کے نتیجہ میں مقد مد علت 137 مور خد 2010 مور خد 2010 جرم / 2020 موات ایک خود کش دعمانہ میں زخمی ہو کر جس کے نتیجہ میں مقد مد علت 137 مور خد 2010 مور خد 2010 جرم / 2020 مور خد 2000 موات ایک خود کش دعمانہ میں زخمی ہو کر جس کے نتیجہ میں مقد مد علت 137 مور خد 2010 مور خد 2010 مور خد 2010 موات ایک خود کش دعمانہ میں زخمی ہو کر جس کے نتیجہ میں مقد مد علت 137 مور خد 2010 مور خد 2010 مور خد 2010 مور خد 2010 موات ایک خود کش دعمانہ میں زخمی ہو کر جس کے نتیجہ میں مقد مد علت 137 مور خد 2010 مور خد 2010 مور خد 2000 مور خد 2010 مور 2010 مو

ان جملہ کار کردگی کے ساتھ مور خد 21.10.2013 کو سائیل پولیس لائن تبدیل کیا گیا۔ مور خد 23.10.2013 کوجناب ڈی-پی-اوصاحب کی طرف سے شوکاز نوٹس موصول ہو کر جس پر اپنا تفصیلی جواب تحریر کر کے افسر ان بالا کو اپنی بے گناہی بیش کی۔ لیکن اس کے بعد 2013.2018 کو مجھ پر چارج شیٹ تقسیم ہو کر اس کا بھی تفصیلی جواب دیا۔ لیکن افسر ان بالا میرے ساتھ متفق نہ ہو کر میرے خلاف بزر یعہ ڈی-ایس-پی ہیڈ کو ار ٹر اکو انڑی کی گئی۔ بدوران اکو انڑی ند میرے خلاف کس نے کر پش کی الزام عائد کی اور نہ اکو ان رک دیل نی بغیر کی شہادت اور جوت کے مور خد 2013.2010 کو بحوالہ آر ڈر بک نمبر 158 بچھ معطل کر کے مور خہ 2013.2010 کو بحوالہ آرڈر بک نمبر 159 ملاز مت سے جری ریٹائیر ڈ کیا۔ جو میرے اور میرے خاند ان کے ساتھ سراس ظلم ہے۔

دوران ملاز مت اپنے بالاتر افسر ان کو کسی قشم کی شکایت کاموقع نہیں دیا۔ بلکہ افسر ان بالانے سنگین نوعیت کے مقدمات میں بہترین کار دائی کی بناء پر دقتا فوقنا افسر ان بالانے نفذ انعامات کے علادہ تعریفی اسنادے بھی نوازا گیا۔

جہاں تک میرے خلاف کرپشن کا الزام ہے تو اس سلسلہ میں بلکل بے گناہ ہوں اور میر اگھرانہ بندرہ- میں افراد پر مشتل ہیں۔ جس کا داحد سہارامیں ہوں۔

لہٰذابذریعہ درخواست استدعاصیکہ آپ صاحبان مہر پانی فرما کر جناب ڈی-پی-اوصاحب صلع یو نیر کا جبر کی ریٹائیر منٹ تحم مور خہ 06.12.2013 کالعدم قرار فرما کر سائیل کو ملازمت پر دوبارہ بحال کرنے کا تھم صادر فرمائیں۔ تو سائیل تاحیات ڈعا گوہ

رے گا۔

آرڈر کائی ہمراہ لف ہے۔

AFTESTED my

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

ORDER:

This order will dispose off the appeal preferred by Ex-SI Balizar of Buner District for reinstatement in service.

Brief facts are that the above named Ex-SI 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.

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

No. //)/ /2014 Dated

Copy for information and necessary action to the:-

 District Police Officer, Buner with reference to his office Memo: No. 29/EC, dated 01/01/2014.

Ex-SI Baliza Khan of Buner District.

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ابتدائی اطلاعی رپورٹ

ابتدائي اطلاع نسبت جرم قابل دست اندازي پوليس رپورٹ شدہ زير دفعہ ۱۵ امجموعہ ضابطہ فوجداري

م سوات	تقانه سيدوشريف ضر
يخ وتت وتوعه 13/03/2010 وتت 15:09 بج	علت نمبر 137 تار
13/3/10 وقت 09:30 بي جي كيد گي پر چه 13/3/10 وقت 10:25	تاريخ ووقت ريورب
محمرا براجیم خان انسپکٹر SHo تھانہ سیدوشریف	نام وسکونت اطلاع د ہندہ مستغیث
PPC 302/324/353/120B/427, 3/4 Exp, 7ATA	مختفر کیفیت جرم (معہ دفعہ)حال اگر کچھ لیا گیا ہو
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	نام وسکونت ملزم
برسیدگی تحریری مراسلہ مقدمہ درج رجسڑ کیاجا تاہے	کاروائی جوہ تفتیش کے متعلق کی گئی اگراطلاع درج کرنے میں توقف ہوہوتو وجہ بیان کرد
بطور سپیش ریور ب	تھاندے روائگی کی تاریخ ودقت
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From	:
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`To:

The District Police Officer, Swat

The Administrator, CMH Peshawar

/PC, dated Gulkada the 15/ 3 /2010 No. 10338

INJURY SHEET

Subject: Memorandum:

SI Balizar Khan of this District injured in a bomb blasting, has been remained under treatments in CMH/Peshawar.

It is requested that the Injury Sheet of the above name Officer may please be sent to this office as the same is required in c/w his injury compensation please.

District Police Of icer, Swat





CMH Peshawar

INJURY SHEET

 ×	The second second	Unit /Fmns	Date of Admission	Type of injury
	No, Rank and Name Sub Inspector Balazar Khan	Frontier Police C/O HQ 11 Corps		Victim of Blast. Splinter Injury (Lt) arm.
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Fing I HOSPITAL DISCH SLIP co % Hallups. (Patients Unit) To: Rank 5/1100perton Name Balazer uha No. Of your unit was admitted in CMH Peshawar Cantt on 13/3/10 and was disch on 16/3/10 Disease while in hospital was Blast 17gry Ut Arm S/LX04 Whs. Remove Stiches after 10 days Which was not beyond his/her con. Jaise 1 Signature (MO 1/C case) Date: 16/8/10 COUNTERSIGNED Dated 16/3/18 CO Hosp AFTESTED

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Before The Khyber Pakhtunkhwa Service Tribunal, Peshawar

Service Appeal No. 233/2014

Balezar s/o Sabat Khan Ex-Sub Inspector r/o village Ambela District Buner

.....Appellant

. Respondents

VERSUS

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

2.

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District Police Officer Buner

(Respondent No. 3)

Before The Khyber Pakhtunkhwa Service Tribunal, Peshawar

Service Appeal No. 233/2014

Balezar s/o Sabat Khan Ex-Sub Inspector r/o village Ambela District Buner

......Appellant

VERSUS

1. The Inspector General of Police, Khyber Pakhtunkhwa Peshawar.

2. The Regional Police Officer, (DIG) Malakand Region Swat.

3. The District Police Officer, Buner

..... Respondents

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

Respectfully Sheweth

Preliminary Objections:-

1. That the present appeal is time barred.

2. That the appeal is not maintainable in the present form

3. That the appeal is bad due to misjoinder and non joinder of necessary parties.

4. That the order of the competent authority has got finality and cannot be challenged at this stage.

5. That the appellant has got no cause of action to file the present appeal

6. That the appellant has got no locus standi to file the present appeal.

7. That the appellant is estopped due to his own conduct to file appeal.

8. *That the appeal is bad in the present form and is liable to be dismissed.*

9. That the appellant has not come to this Honorable Tribunal with clean hands.

<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, the Respondent No. 3 received continued secret reports against the appellant regarding his involvement in corruption and misuse of powers. The public opinion and secret reports vehemently spoke about

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

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

On Grounds:

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

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

Prayer:-

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

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

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

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

Before The Khyber Pakhtunkhwa Service Tribunal, Peshawar

Service Appeal No. 233/2014

Balezar s/o Sabat Khan Ex-Sub Inspector r/o village Ambela 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

<u>AFFIDAVIT</u>

We the above respondents do hereby declare and solemnly affirm on oath that the contents of the reply to appeal No. 233/2014 are true / correct to the best of our knowledge / belief and nothing has been kept secret from the Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar.

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

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

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



Before The Khyber Pakhtunkhwa Service Tribunal, Peshawar

Service Appeal No. 233/2014

Balezar s/o Sabat Khan Ex-Sub Inspector r/o village Ambela District Buner

.....Appellant

.. Respondents

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

<u>AUTHORITY LETTER</u>

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. 233/2014

Balezar S/o Sabat Khan, Ex-Sub Inspector, R/o Village Ambela, 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. 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

2.

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.



ΑΟΎΟСΑΤΕ

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Rejoinder

In

Service Appeal No.233 /2014

Balezar.....VS...... I.G.P. K.P.K and others

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

111

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.

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- 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

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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

Sahibzada Asadullah Advocate, Supreme Court of Pakistan.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Rejoinder

In

Service Appeal No.233 /2014

Balezar......VS...... I.G.P. K.P.K and others

<u>AFFIDAVIT</u>

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.

A D V O C A T E

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BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE

TRIBUNAL, PESHAWAR

C.M No:/2014	
In	
S.A. No. 233 /2014	
Balizar	(Petitioner)
VS	
I.G.P and others	(Respondents)

APPLICATION FOR EARLY HEARING.

Respectfully Sheweth:

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Ζ,

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

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

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Sahibzada Ásadullah Advocate, Supreme Court of Pakistan

BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE

TRIBUNAL, PESHAWAR

C.M No/2014		
In		
S.A. No. 233/2014		
·	· ·	
Balizar		(Petitioner)
		· · · ·

VS

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

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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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 34 /ST

Dated 18 /2015 7

То

The Regional Police Officer (D.I.G), Malakand at Saidu Sharif Swat.

Subject: - <u>APPEAL NO. 233/2014 BALIZAR TO 241/2014, 257/2014, 288/2014 VS I.G.P</u> <u>KPK PESHAWAR AND OTHERS.</u>

I am directed to forward herewith a certified copy of Judgement dated 10.03.2015 passed by this Tribunal on subject appeals for strict compliance.

Encl: As above

R KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

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Service Appeal No. 233/2014

a.W.P.Dania 1450 V.1

Balizar..... (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 Centre

Through

Dated: 27/02/2014

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Sahibzada Asadullah Advocate Supreme Court Of Pakistan.

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No.233/2014

Balizar.....(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