

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
CAMP COURT ABBOTTABAD.

Service Appeal No.1345/2018

Date of Institution ... 26.10.2018

Date of Decision ... 19.11.2019

Atlas Khan, Head Constable no. 477, presently posted at Police Lines, Haripur.  
... (Appellant)

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and two others.  
... (Respondents)

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MR. MOHAMMAD ASLAM TANOLI,  
Advocate

---

For appellant.

MR. USMAN GHANI,  
District Attorney

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For respondents

MR. AHMAD HASSAN  
MR. MUHAMMAD HAMID MUGHAL

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MEMBER (Executive)  
MEMBER (Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the  
parties heard and record perused.

ARGUMENTS.

02. Learned counsel for the appellant argued that the departmental proceedings were conducted against the appellant on the allegations contained in the charge sheet and statement of allegations and thereafter, major penalty of reduction in rank from Head Constable to Food Constable was awarded to the appellant vide impugned order dated 07.08.2018. Feeling aggrieved, he filed departmental appeal on 03.09.2018, which was dismissed on 10.10.2018 followed by the present service appeal. Defense offered by the appellant was not taken into consideration during the enquiry proceedings. The charges leveled against the appellant were concocted and

frivolous. Neither statements of witnesses were recorded nor opportunity of cross examination was afforded to the appellant. Due to these legal infirmities, it could not be termed as proper enquiry and in these circumstances the appellant was condemned unheard.

03. Learned District Attorney argued that the appellant while posted at P.S Shah Maqsood, P.S Sarai Saleh, Haripur, a complaint was lodged by Mr. Muhammad Asif S/O Muhammad Sadiq, that allegedly he was tortured by the appellant and other police officials. He was medically examined at the DHQ, Hospital, Haripur, which confirmed allegations of torture. Thereafter, the appellant was proceeded departmentally and upon winding up penalty contained in the impugned order was awarded to him. Enquiry was conducted in the mode and manner prescribed in the invogue rules. All codal formalities were observed before issuance of the impugned order.

### CONCLUSION

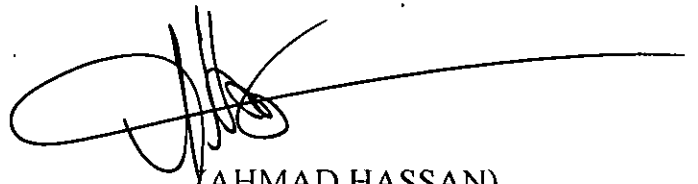
04. An application was submitted by Muhammad Asif, Mohallah Tanki, Sector no. 3KTS that he was tortured by the appellant and other police officials. His medical was carried out at DHQ, Hospital, Haripur and the report confirmed the charge of torture. Thereafter, he was proceeded departmentally and upon culmination major penalty of reduction in rank from Head Constable to Food Constable was awarded to him vide impugned order dated 07.08.2018. We have gone through the enquiry report and observed that the enquiry officer failed to record the statement of the complainant and in the absence of the same we were not able to infer how charges leveled against the appellant were proved? Statements of some of the police officials were recorded but it is not clear whether these were recorded in the presence of the appellant or otherwise? The crux of these statements was that the matter patched up between the appellant and the complainant. The

claim of the appellant was that these statements were not recorded in his presence and the same has not been rebutted by the respondents in their written defence. It denotes that enquiry was not conducted in the prescribed manner though show cause notice was served on the appellant but copy of the enquiry report was not annexed with the same. It further denied the opportunity of defense to the appellant and was a serious illegality which could not be condoned. In view of inherent defects in the enquiry proceedings and the matter having been patched up, we are of the view that penalty awarded to the appellant appeared to be harsh and there was ample room for modification and mandate given by Section-07 of Khyber Pakhtunkhwa Service Tribunal Rules 1974 to this Tribunal.

05. As a sequel to above, the appeal is partially accepted and impugned order dated 07.08.2018 and 10.10.2018 are set aside. The major penalty of reduction from rank from Head Constable to Food Constable is modified into minor penalty of stoppage of two annual increments for two years. Parties are left to bear their own costs. File be consigned to the record room.



(MUHAMMAD HAMID MUGHAL)  
Member




(AHMAD HASSAN)  
Member  
Camp Court Abbottabad.

ANNOUNCED  
19.11.2019

21.10.2019

Clerk to counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Misal Khan, ASI for respondents present. Clerk to counsel for the appellant seeks adjournment due to general strike of the bar. Adjourn. To come up for arguments on 19.11.2019 before D.B at Camp Court, Abbottabad.

  
Member

  
Member  
Camp Court Abbottabad

**ORDER**

19.11.2019

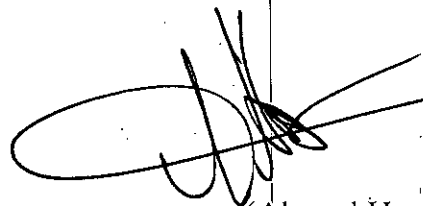
Appellant with counsel present. Mr. Usman Ghani, District Attorney alongwith Mr. Misal Khan, ASI for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, the appeal is partially accepted and impugned order dated 07.08.2018 and 10.10.2018 are set aside. The major penalty of reduction from rank from Head Constable to Food Constable is modified into minor penalty of stoppage of two annual increments for two years. Parties are left to bear their own cost. File be consigned to the record room.

Announced:  
19.11.2019




(Muhammad Hamid Mughal)  
Member

  
(Ahmad Hassan)  
Member  
Camp Court Abbottabad


20.05.2019

Counsel for the appellant and Mr. Misal Khan, ASI alongwith Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for further adjournment. Adjourned to 08.07.2019 for written reply/comments before S.B at Camp Court Abbottabad.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad


08.07.2019

Counsel for the appellant and Mr. Misal Khan, ASI alongwith Mr. Muhammad Bilal Khan, Deputy District Attorney for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for further adjournment. Adjourned to 16.09.2019 for written reply/comments before S.B at Camp Court Abbottabad.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad

16.09.2019

Counsel for the appellant and Mr. Misal Khan, ASI alongwith Mr. Muhammad Bilal Khan, Deputy District Attorney for the respondents present. Representative of respondents No. 1 to 3 submitted written reply which is placed on record. Case to come up for rejoinder and arguments on 21.10.2019 before D.B at Camp Court Abbottabad.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad

18.01.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the order dated 07.08.2018, whereby he was awarded major punishment of reduction from HC to FC on the charge of misconduct. The appellant has also challenged the order dated 10.10.2018 through which the appellate authority while taking lenient view converted the punishment of reduction in rank into reduction in pay for three (03) years.

Points urged need consideration. The present appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 18.03.2019 before S.B at camp court Abbottabad.

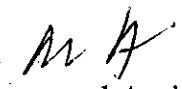
Amount Deposited  
Security & Process Fee

  
Member

Camp Court A/Abad

18.03.2019



Counsel for the appellant present. Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Misal Khan, Head Constable for the respondents present. Written reply on behalf of respondents not submitted. Learned Deputy District Attorney requested for further adjournment. Adjourned. To come up for written reply/comments on 20.05.2019 before S.B at Camp Court Abbottabad.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad

**Form- A**  
**FORM OF ORDER SHEET**

Court of \_\_\_\_\_

Case No. 1345/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/10/2018	<p>The appeal of Mr. Atlas Khan presented today by Mr. Muhammad Aslam Khan Tanoli Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 26/10/18</p>
2-	19-11-2018	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>18-01-2019</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

Appeal No. 1345/18

Atlas Khan, Head Constable No. 477, presently posted at Police Lines, Haripur.

**Appellant**

**VERSUS**

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer Haripur.

**Respondents**

**SERVICE APPEAL**

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**Appellant**

Through

  
(Mohammad Aslam Tanoli)  
Advocate High Court  
at Haripur

Dated: 26-10-2018



**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Appeal No. 1345/18

Atlas Khan, Head Constable No. 477, presently posted at Police Lines, Haripur.

Khyber Pakhtunkhwa  
Service Tribunal  
**Appellant**

Diary No. 1566

Dated 26/10/2018

**VERSUS**

1. The Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. The Regional Police Officer, Hazara Region, Abbottabad.
3. The District Police Officer, Haripur

**Respondents**

**SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 07-08-2018 OF THE DISTRICT POLICE OFFICER HARIPUR WHEREBY APPELLANT WAS REDUCTED IN RANK FROM "HEAD CONSTABLE TO CONSTABLE" AND THE REGIONAL POLICE OFFICER HAZARA REGION ABBOTTABA ORDER DATED 10-10-2018 WHEREBY PENALTY HAS BEEN CONVERTED INTO "REDUCTION IN PAY BY 03 YEARS".**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH THE IMPUGNED ORDERS DATED 28-07-2018 AND 10-10-2018 OF THE RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND THE APPELLANT BE RESTORED HIS PAY WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.**

Respectfully sheweth,

That appellant while posted as HC at Police Post Shah Maqsood was issued with a Charge Sheet alongwith statement of allegations dated 13-07-2018 by the District Police Officer Haripur. **(Copy of the Charge Sheet dated 13-07-2018 is attached as annex-"A")**.

**Filed to-day**  
**Registrar**  
**26/10/18**

②

2. That aforementioned Charge Sheet was duly replied on 17-07-2018 by appellant explaining all facts and circumstances of the matter in detail denying the allegations leveled against him being incorrect and baseless. **(Copy of reply dated 17-07-2018 to the Charge Sheet is attached as annex- "B")**.
3. That thereafter the appellant was served upon with a Final Show Cause Notice dated 30-07-2018 with same allegations as in the Charge Sheet which was also replied by denying the allegations incorporated therein. **(Copy of Final Show Cause Notice dated 30-07-2018 is attached herewith as annex- "C")**.
4. That without giving any consideration to the replies submitted by the appellant the District Police Officer Haripur through impugned order dated 07-08-2018 awarded the appellant with the penalty of "Reduction in rank from Head Constable to Constable" and that too without any proof and justification. **(Copy of impugned order dated 07-08-2018 is attached as annex- "D")**.
5. That in fact on 07-07-2018 the appellant was on routine patrolling duty and returned to PP at about 1215 hours. Appellant saw a person namely Mohammad Asif in PP. On query it came to the appellant's knowledge that he was brought to PP by his cousin (Mohammad Irshad) on complaint filed by his father (Mohammad Sadiq). As the appellant after having performed 12 hours long duty was

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tired then and went to bed in his room. In the evening when appellant arose from sleep it came to his notice that (ASI Sher Afghan) I/C PP had released Asif on producing of personal bond. Appellant has never tortured any body; hence the allegation is false & baseless.

6. That it is incorrect and baseless that Mohammad Asif was ever tortured by appellant at PP Shah Maqsood. On 07-07-2018 after release, Mohamad Asif filed a false and fabricated application against police officials because he knew that his father had already filed another application against him before the DPO Haripur which had been marked to PP Shah Maqsood for necessary action whereupon police would take action against him. **(Copy of Mohammad Sadiq's complaint is attached as annex- "E")**.
7. That aforementioned application dated 09-07-2018 of Mohammad Sadiq father of complainant (Asif) needs to be perused which would itself speak about his character. Just to save his skin he has submitted a false and fabricated application against the police officials whereupon the District Police Officer Haripur without any proof and justification awarded the appellant with punishment.
8. That to prove allegations against appellant neither a witness was called for to appear before the so-called

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inquiry officer to record his evidence nor was appellant ever provided with the chance of cross-examination.

9. That appellant has rendered more than 20 years service in the police department. He always performed his assigned duties with devotion, dedication and honesty and on occasions for his tremendous services he has been awarded with the commendation certificates and cash rewards by his High-Ups.
10. That appellant aggrieved of the impugned order preferred a departmental appeal dated 03-09-2018 before the Regional Police officer, Hazara Region, Abbottabad agitating all the facts and circumstances of the matter and vehemently denied the allegations leveled against him in the Charge Sheet as well as in the Final Show Cause Notice. **(Copy of the departmental appeal dated 03-09-2018 is attached as annex-"F")**.
11. That the Regional Police officer, Hazara Region, Abbottabad while accepting appellant's departmental appeal converted the penalty of reduction in rank into "Reduction in pay by 03 years" vide order dated 10-10-2018. **(Copy of the order dated 10-10-2018 is attached herewith as annex-"G")**.

Hence instant service appeal, inter alia, on the following amongst others:-

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GROUNDS:

- h) That both the impugned orders dated 07-08-2018 and 10-10-2018 of respondents are illegal, unlawful against the facts and circumstances of the matter hence are liable to be set aside.
- i) That no proper departmental inquiry was conducted. The so-called Inquiry Officer acted in a flimsy and whimsical manner. He conducted inquiry in utter violation and negation of the procedure set forth by the law for the dispensation of justice at the preliminary stages during the course of departmental inquiries, hence penalty awarded on the basis of such inquiry through orders impugned herein is liable to be set aside on this score alone.
- j) That neither a single witness was produced in presence of appellant before the so-called Inquiry Officer nor was appellant provided a chance to cross examine such witness, if any. That the appellant was never confronted with documentary evidence, if any, produced against him. The appellant was also not provided with the copy of findings, if any, of so-called inquiry, of which provision is mandatory under law.

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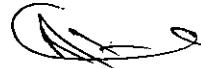
- k) That the respondents have not treated the appellant in accordance with law, departmental rules & regulations and policy on the subject and have acted in violation of Article-4 of the constitution of Islamic Republic of Pakistan 1973 and unlawfully issued the impugned orders, which are unjust, unfair hence not sustainable in the eyes of law.
- l) That the appellate authority has also failed to abide by the law and even did not take into consideration the grounds taken in the memo of appeal. Thus the impugned order of respondent is contrary to the law as laid down in the KPK Police Rules 1934, other departmental rules regulations read with section 24-A of General Clause Act 1897 read with Article 10A of the Constitution of Islamic Republic of Pakistan 1973.
- m) That the appellant was also not provided with an opportunity of personal hearing before awarding the penalty which is also necessary and mandatory thus has been condemned unheard.
- n) That instant appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudication upon the same.

**PRAYER:**

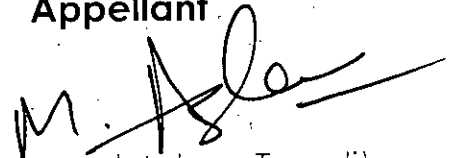
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It is, therefore, humbly prayed that on acceptance of instant Service Appeal both the orders dated 07-08-2018 and 10-10-2018 of respondents may graciously be set aside and appellant be resorted his pay with all consequential service back benefits.

Through:



**Appellant**



(Mohammad Aslam Tanoli)  
Advocate High Court  
At Haripur

Dated 26-10-2018

**VERIFICATION**

It is verified that the contents of instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed thereof.

Dated 26-10-2018



**Appellant**

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**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Atlas Khan, Head Constable No. 477, presently posted at  
Police Lines, Haripur.

**Appellant**

**VERSUS**

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer Haripur.

**Respondents**

**SERVICE APPEAL**


**AFFIDAVIT:**

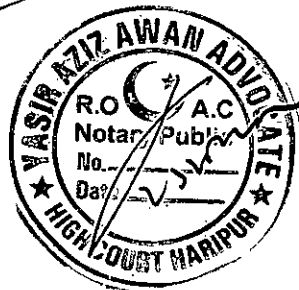
I, Atlas Khan appellant do hereby solemnly declare and  
affirm on oath that the contents of the instant Service  
Appeal are true and correct to the best of my knowledge  
and belief and nothing has been suppressed from this  
Honourable Service Tribunal.

  
**Deponent/Appellant**

Dated: 26-10-2018

Identified By:

  
Mohammad Aslam Tanoli  
Advocate High Court  
At Haripur



  
**Appellant**



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**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Atlas Khan, Head Constable No. 477, presently posted at  
Police Lines, Haripur.

**Appellant**

**VERSUS**

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer Haripur.

**Respondents**

**SERVICE APPEAL**

**CERTIFICATE**

It is certified that no such Appeal on the subject has ever  
been filed in this Honourable Service Tribunal or any other  
court prior to the instant one.

  
**APPELLANT**

Dated 26-10-2018

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

Atlas Khan, Head Constable No. 477, presently posted at Police Lines, Haripur.

**Appellant**

**VERSUS**

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer Haripur.

**Respondents**

**SERVICE APPEAL**

**APPLICATION FOR CONDONATION OF DELAY IN FILING THE**  
**APPEAL BEFORE THIS HONOUR SERVICE TRIBUNAL.**

Respectfully Sheweth:

1. That the Applicant/Appellant has today filed the Service Appeal, which may be considered as part and parcel of this application, against the order dated 07-08-2018 of the District Police Officer Haripur whereby appellant has been awarded the penalty of reduction in rank from HC to Constable and order dated 10-10-2018 of the Regional Police Officer Hazara Region Abbottabad whereby while accepting departmental appeal penalty of reduction in rank has been converted into "Reduction in pay by 03 years" against the departmental rules and regulations and against the facts of the matter.
2. That as the appellant has been deprived of his legal, lawful and factual right therefore the orders passed by the departmental authority is illegal and is in sheer violation of mandatory statutory provisions of law thus being void ab-initio is ineffective against the rights of Applicant/Appellant.

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3. That Applicant/appellant for review of aforesaid illegal order submitted a departmental appeal to the Appellate Authority/ Respondent but the same has been rejected and appellant's grievance is still unsettled which will cause a recurring loss in future with an ultimate loss in pension as well.
4. That as the orders of departmental authorities are void, being passed in sheer violation and derogation of the statutory provisions governing the terms and condition of service of the appellant, therefore the same are nullity in the eyes of law and being a void and unlawful orders, causing a recurring cause of action to the Applicant/Appellant can be challenged and questioned irrespective of a time frame.
5. That instant application is being filed as an abundant caution for the condonation of delay, if any.
6. That the impugned orders are illegal, void ab-initio, a nullity in the eyes of law thus liable to be set aside/modified in the interest of justice.

It is therefore respectfully prayed that on acceptance of the instant application the delay, if any, in the filing of the above titled appeal may graciously be condoned.

Through:

Applicant/Appellant

(Mohammad Aslam Tanoli)  
Advocate High Court  
At District Bar Haripur

Dated: 26-10-2018

**AFFIDAVIT:**

It is solemnly declare and affirm on oath that the contents of the instant application/appeal are true and correct to the best of my knowledge and belief.

Dated: 26-10-2018



Applicant/Appellant

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CHARGE SHEET

Aman-A

(1) I, **Capt. @ Mansoor Aman, (PSP)** District Police Officer, Haripur as competent authority, hereby charge you HC Atlas No. 477 as enclosed statement of allegations.

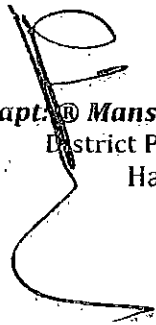
(2) You appear to be guilty of misconduct under Police Efficiency & Discipline Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the said Rules.

(3) You are, therefore, required to submit your written defense within 07 days of the receipt of this charge sheet and statement of allegation to the Committee/Enquiry Officer as the case may be.

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

(5) Intimate whether you desire to be heard in person or otherwise.

(6) A statement of allegations is enclosed.

  
**Capt. @ Mansoor Aman, (PSP)**  
District Police Officer  
Haripur



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**DISCIPLINARY ACTION**

I, **Capt: @ Mansoor Aman, (PSP)**, District Police Officer, Haripur as competent authority of the opinion that you **HC Atlas No. 477** have rendered yourself liable to be proceeded against as you committed the following acts/omissions within the meaning of Police Efficiency & Discipline Rules 1975.

**STATEMENT OF ALLEGATION**

That while you posted at PP Shah Maqsood, it has come to the notice of the undersigned vide complaint No. 1579-C dated 10.07.2018, that you have physically tortured Mohammad Asif s/o Mohammad Sadiq r/o Mohallah Tanki, KTS, without any legal authority. Torture was proved in a medical report and also in preliminary enquiry conducted by DSP Elite. Your act not only defaced the image of police but also brought bad name of the department in general public. Your above mentioned act is highly objectionable, severe violation of discipline and is gross misconduct on your part in terms of Police Rules 1975, hence charge sheeted"

(2) For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, an Enquiry Committee consisting of the following is constituted.

**DSP Saddar Zulfigar Jadoon**

(3) The Enquiry Officer/Committee shall in accordance with the provision of this Ordinance, provide reasonable opportunity of hearing to the accused, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or the appropriate action against the accused.

(4) The accused and a well conversant representative of departmental shall in the proceedings on the date, time and place fixed by the Enquiry Officer/Committee.

**Capt: @ Mansoor Aman, (PSP)**  
District Police Officer  
Haripur

No: 187-90 /PA, dated Haripur the 13-07/2018.  
Copy of above is submitted to the:-

- 1) Regional Police Officer, Hazara Region, Abbottabad, please.
- 2) Enquiry Officer for initiating proceedings against the said accused under Police Efficiency & Discipline Rules 1975.
- 3) **HC Atlas No. 477** with the direction to submit his defense within 7 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purpose of departmental proceedings.

District Police Officer,  
Haripur



کہ یہ ہفت روزہ خیر و برکت ہے جس میں ہر روز ایک نیا نیا حکایت ہے  
جو ہرگز نہ کہے کہ اس میں ہر روز ایک نیا نیا حکایت ہے  
شہداء -

3 - یہ من مہم کا ہفت روزہ ہے جو کہ ہر روز ایک نیا نیا حکایت ہے  
یا کہ ہر روز ایک نیا نیا حکایت ہے۔ ہفت روزہ  
صرف ہفت روزہ ہے جو کہ ہر روز ایک نیا نیا حکایت ہے۔ ہفت روزہ  
ان میں ہر روز ایک نیا نیا حکایت ہے۔ ہفت روزہ  
ہر روز ایک نیا نیا حکایت ہے۔ ہفت روزہ  
ہر روز ایک نیا نیا حکایت ہے۔ ہفت روزہ  
ہر روز ایک نیا نیا حکایت ہے۔ ہفت روزہ  
ہر روز ایک نیا نیا حکایت ہے۔ ہفت روزہ

4 - یہ ہفت روزہ ہے جو کہ ہر روز ایک نیا نیا حکایت ہے  
ہر روز ایک نیا نیا حکایت ہے۔ ہفت روزہ  
ہر روز ایک نیا نیا حکایت ہے۔ ہفت روزہ  
ہر روز ایک نیا نیا حکایت ہے۔ ہفت روزہ  
ہر روز ایک نیا نیا حکایت ہے۔ ہفت روزہ  
ہر روز ایک نیا نیا حکایت ہے۔ ہفت روزہ  
ہر روز ایک نیا نیا حکایت ہے۔ ہفت روزہ

5 - یہ ہفت روزہ ہے جو کہ ہر روز ایک نیا نیا حکایت ہے  
شہداء ہفت روزہ ہے جو کہ ہر روز ایک نیا نیا حکایت ہے  
خیر و برکت ہفت روزہ ہے جو کہ ہر روز ایک نیا نیا حکایت ہے  
صدا ہفت روزہ ہے جو کہ ہر روز ایک نیا نیا حکایت ہے  
خوبی اندازہ لگایا جاسکتا ہے کہ ہر روز ایک نیا نیا حکایت ہے  
والدین کے ساتھ اتنا ظلم کر سکتا ہے کہ تو کیا وہ

17/18  
13851  
The 1st of July 1930

Handwritten text in Urdu script, appearing to be a list or a series of notes. The text is written in a cursive style and is somewhat difficult to decipher due to the handwriting and the angle of the page. It seems to contain several lines of text, possibly numbered or organized in some way.



- 17 -

Annex - C

## FINAL SHOW CAUSE NOTICE


I, Capt: @ Mansoor Aman, (PSP), District Police Officer, Haripur as Competent Authority under Police Rules 1975, do hereby serve Final Show Cause Notice upon you HC Atlas No. 477 on the following grounds: -

**"That while you posted at PP Shah Maqsood, it has come to the notice of the undersigned vide complaint No. 1579-C dated 10.07.2018, that you have physically tortured Mohammad Asif s/o Mohammad Sadiq r/o Mohallah Tanki, KTS, without any legal authority. Torture was proved in a medical report and also in preliminary enquiry conducted by DSP Elite. Your act not only defaced the image of police but also brought bad name of the department in general public. Your above mentioned act is highly objectionable, Your this acts is severe violation of discipline and also gross misconduct on your part under Police E&D Rules 1975"**

(1) For the purpose of scrutinizing the conduct on your part with reference to the above allegation, you was serve with Charge Sheet/Statement of allegation and Deputy Superintendent of Police, Saddar, Haripur was appointed as enquiry officer against you for the conduct of proper departmental enquiry vide this office Endst No. 187-90 dated 13.07.2018.

(2) The enquiry officer after conducting proper departmental enquiry submitted his finding vide his office letter No. 195 dated 23.07.2018, in which he had the charges of misconduct proved and recommended for minor punishment under section-4 of the KPK Police E&D Rules 1975.

(3) Keeping in view of above allegation on your part, you are hereby called upon. To Show Cause within (07) days of the removed of this Final Show Cause notice as to why you should not be awarded punishment under the Police Rule 1975, if your written reply is not received with in stipulated period. It shall be presumed, that you have no defense to affirm, you are also allowed to appear before the undersigned, if you so desired.

  
Capt: @ Mansoor Aman, (PSP)  
District Police Officer  
Haripur

No. 198-99 / dated Haripur the 30 / 07 / 2018

Copy of above is submitted to the Regional Police Officer, Hazara Region Abbottabad please.

  
District Police Officer  
Haripur



(18)  
ORDER

Annex-D

Head Constable Atlas Khan No.477, while posted in PP Shah Maqsood, Haripur, it came in the notice of undersigned vide complaint No.1597-C dated 10.07.2018, that he has physically tortured to applicant Muhammad Asif s/o Muhammad Saddique r/o Mohalla Tanki, KES, Haripur without any justification or legal authority, later on applicant Asif Khan was examined by Medical officer, opined that Asif Khan has been tortured by local police. Furthermore, DSP Elite Force also conducted preliminary enquiry, in which she held him responsible. The acts and omissions of defaulter official were misconduct under Khyber Pakhtunkhwa, police efficiency and discipline rules 1975. Therefore, He was served with statements of allegations, vide this office lndst No.187-90/PA dated 13.07.2018.

To probe the allegations, Mr. Zulfiqar Khan Jadoon, SDPO, Saddar, Haripur was appointed as enquiry officer who conducted the proper departmental enquiry and submitted his finding, vide his office Memo No.195 dated 23.07.2018, in which, he held the accused police official guilty, on receiving recommendation of enquiry officer the accused official was served with final show cause notice, vide this office lndst: NO.198-99/PA dated 30.07.2018 to which he submitted his reply which was not found satisfactory, so he was called in orderly command and was heard in person.

Having gone through enquiry paper, recommendation of enquiry officer and after personal hearing of accused head Constable Atlas Khan No.477, the charges of misconduct against the defaulter official stands proved, I am fully satisfied that Atlas Khan committed gross misconduct, therefore, I, Mansoor Anjum District Police Officer Haripur being competent authority under Khyber Pakhtunkhwa efficiency and discipline rules 1975, awarded major punishment of "Reduction in Rank from HC to FC" reinstated in service with immediate effect.

Order announced.

OR No. 578 dated 07 08 2018

District Police Officer  
Haripur

/SBC, dated

Copy of above is forwarded to Superintendent of Police Investigation Wing Haripur for favor of information please.

District Police Officer  
Haripur



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BETTER COPY

ORDER

Head Constable Atlas Khan No.477, while posted in PP Shah Maqsood, Haripur, it came in the notice of under signed vide complaint No. 1597-C dated 10-07-2018, that he has physically tortured to applicant Muhammad Asif s/o Muhammad Saddique r/o Mohalla Tanki, KTS, Haripur without any justification or legal authority. Later on applicant Asif Khan was examined by Medical Officer, opined that Asif Khan has been tortured by local police. Furthermore, DSP Elite Force also conducted preliminary enquiry, in which she held him responsible. The acts and omission of defaulter official were misconduct under Khyber Pakhtunkhwa, police efficiency and discipline rules 1975. Therefore, He was served with statements of allegations, vide this office Endst No.187-90/PA dated 13-07-2018.

To prope the allegation, Mr. Zulfiqar Khan Jadoon SDPO, Saddar, Haripur was appointed as enquiry officer who conducted the proper departmental enquiry and submitted his finding vide his office Memo No. 195 dated 23-07-2018 in which he held the accused police official guilty, on receiving recommendation of enquiry officer the accused official was served with final show notice vide this office endst: No. 198-99/PA dated 30-07-2018 to which he submitted his reply which was not found satisfactory, so he was called in orderly room and was heard in person.

Having gone through enquiry papers and recommendation of enquiry officer and after personal hearing of accused Head Constable Atlas Khan No. 477, the charge of misconduct against the accused official stands proved. I am fully satisfied that accused official committed gross misconduct, there, I Mansoor Aman District Police Officer Haripur being competent authority under Khyber Pakhtunkhwa efficiency and discipline rule 1975, awarded major punishment of **“Reduction in Rank from HC to FC”** reinstated in service with immediate effect.

Order announced.

OB No ~~518~~ dated ~~07~~./~~08~~./2018

District Police Officer  
Haripur

No.....SRC, dated.....

Copy of above is forwarded to Superintendent of Police, Investigation Wing Haripur for favor of information please.

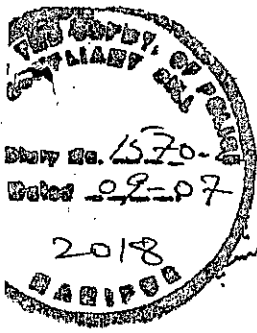
District Police Officer  
Haripur



محفوظ بنا - D.P.O صاحب پری پور

Annex-E  
S. Salak

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For necessary  
legal action as  
Per law and

(مائل)

Submitted report

Janina

7DP6-446  
09-07-2018

محمد آصف ولد محمد صائق ساکنہ ٹینکی کلاہٹ ٹاؤن  
ٹاؤن سٹیٹ جنیل و فیل پری پور

(رسول الیہ)

درخواست براد قاتل مارواں کے بیان پر خدمت رسول الیہ

جدا - مائل :-

بال  
اسد  
کاروانی  
S.M.  
14/7/18

یہ کہ مائل صیغہ العمر شخصیت جبکہ رسول الیہ صیغہ  
یہ کہ مائل مائل مائل ڈرنیوہ مائل ہی نہیں

یہ کہ رسول الیہ انتہائی سینہ زہر اور قبیلہ  
شخصیت یہ کہ مائل (بیتہ والدہ صیغہ) کی کسی دفعہ مائیں  
رہیں مائل مائل مائل مائل مائل مائل مائل مائل مائل

یہ کہ مائل ہے اس نسبت درخواست تھانہ کلاہٹ میں  
دی جس پر کوئی عمل درآمد نہ ہو مائل رسول الیہ، غلام و تندر  
کی وجہ سے یہاں لکھو یہ رہا ہے رشتہ داروں کو لوندہ پانہ کیا  
وہاں ہی رسول الیہ بیچ گیا اور سب مائل مائل مائل مائل مائل مائل  
طرح دستہ کیا مائیں مائل مائل مائل مائل مائل مائل مائل مائل  
درجہ راز - مائل مائل مائل مائل مائل مائل مائل مائل مائل  
مائل مائل مائل مائل مائل مائل مائل مائل مائل مائل مائل  
کو جان سے مار دینے کو دھمکیاں دیتے تھے۔

22/7/18  
گورنمنٹ سٹیٹ جنیل  
مائل مائل  
S.M.  
14/7/18

اندریں مالدار - اسٹند صاحبہ رسول الیہ  
مائل مائل مائل مائل مائل مائل مائل مائل مائل مائل

محمد صفاق  
13302-0370138  
07/17

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Annex-F

**BEFORE HONOURABLE REGIONAL POLICE OFFICER,  
HAZARA REGION, ABBOTTABAD.**

(Departmental Appeal by HC Atlas Khan No. 477 District Police Haripur).

**(THROUGH PROPER CHANNEL)**

**DEPARTMENTAL APPEAL AGAINST ORDER OB NO. 518  
DATED 07-08-2018 OF THE DISTRICT POLICE OFFICER  
HARIPUR WHEREBY APPELLANT HAS BEEN AWARDED THE  
PENALTY OF REDUCTION IN RANK FROM HEAD CONSTABLE  
TO CONSTABLE.**

**PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL  
APPEAL THE IMPUGNED ORDER DATED 07-08-2018 MAY  
KINDLY BE SET ASIDE AND APPELLANT BE RESTORED HIS  
RANK OF HEAD CONSTABLE WITH GRANT OF ALL  
CONSEQUENTIAL SERVICE BACK BENEFITS.**

Respected Sir,

1. That appellant while posted at PP Shah Maqsood was issued with a Charge Sheet alongwith a statement of allegation dated 13-07-2018 by District Police Officer Haripur alleging therein:

*"that while posted at PP Shah Maqsood, it has come to the notice of the undersigned vide complaint No. 1579-C dated 10-07-2018, that you have physically tortured Mohammad Asif S/O Mohammad Sadiq R/O Mohallah Tanki KTS, without any legal authority. Torture was proved I a medical report and also in preliminary enquiry conducted by DSP Elite. Your act not only defaced the image of police but also brought bad name of the department in general public. Your above mentioned act is highly objectionable, severe violation of discipline and is gross misconduct on your part in terms of Police Rules 1975, hence charge sheeted". (Copy of the Charge Sheet dated 13-07-2018 is attached as "A").*

2. That the aforementioned Charge Sheet was duly replied on 17-07-2018 explaining all facts and circumstances of the matter in detail denying the allegation leveled against the appellant being incorrect and baseless. (Copy of reply dated 17-07-2018 to the Charge Sheet is attached as "B").

3. That thereafter the appellant was served upon with a Final Show Cause Notice dated 30-07-2018 with the same allegation which was replied with the same assertion as was to Charge Sheet. **(Copy of Final Show Cause Notice dated 30-07-2018 is attached herewith as "C").**
4. That without giving any consideration to the reply furnished by the appellant against Charge Sheet and Final Show Cause Notice the District Police Officer Haripur vide his order OB No. 518 dated 07-08-2018 awarded the appellant with the major penalty of "Reduction in rank from Head Constable to Constable" without any proof and justification. **(Copy of impugned order dated 07-08-2018 is attached as "D").**
5. That in fact on 07-07-2018 appellant was on routine patrolling duty and returned to PP at about 1215 hours. Appellant saw a person namely Mohammad Asif in PP. On query it came to the appellant's knowledge that he was brought to PP by his cousin (Mohammad Irshad) on complaint filed by his father (Mohammad Sadiq). Appellant asked the man to please his father by seeking his forgiveness. The man sought apology from his father but he did not agree. As appellant after having performed 12 hours long duty was tired then and went to bed in his room. In the evening when appellant arose from sleep it came to his notice that (ASI Sher Afghan) I/C PP had released Asif after discussing the matter with his relatives including one Mohammad Ilyas Khan of Havalian on producing personal bond and they had taken him with them. Appellant did not have any further talk with Asif and also had nothing to indulge in his problem. Hence in these circumstances the question of torturing him by appellant does not arise.
6. That matter came to his knowledge when appellant along with his colleagues (Mumtaz and Javed) was confined in Police Line's Quarter Guard on 09-07-2018 at 23:25 hours vide Daily Dairies

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No. 21 & 22 dated 09-07-2018 that one Mohammad Asif had filed a false and fabricated complaint against police officials. **(Copies of Daily Dairies dated 09-07-2018 are attached as "E&F").**

7. That appellant along with his colleagues remained confined in Quarter Guard of Police Lines Haripur till released on 13-07-2018 at 16:30 hours vide Daily Diary No.38 dated 13-07-2018. **(Copy of Daily Dairy dated 13-07-2018 is attached as "G").**
8. That it is incorrect and baseless that Mohammad Asif was ever tortured etc by appellant at PP Shah Maqsood. On 07-07-2018 after release, Mohamad Asif filed a false and fabricated application against police officials because he knew that his father had filed another application before the DPO Haripur which had been marked to PP Shah Maqsood for necessary action whereupon police would take action against him. **(Copy of Mohammad Sadiq's complaint is attached as "H").**
9. That aforementioned application dated 09-07-2018 of Mohammad Sadiq father of complainant (Asif) needs to be perused which would itself speak about his attitude against his father. Just to save his skin he has submitted a false and fabricated application against the police officers whereupon the District Police Officer Haripur without any proof and justification has awarded the appellant with punishment. Appellant neither interacted with nor maltreated him. The appellant is totally innocent and has been involved falsely.
10. That to prove the allegation against the appellant neither any witness was ever called for to appear before the inquiry officer to record his evidence with regard to torturing the complainant (Asif) by appellant nor was appellant ever provided with the chance to cross-examine such witness.
11. That the inquiry officer was fully satisfied with the statement

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of appellant as well as other police officials and had reached the conclusion that complaint was false, fabricated and had been filed with malafide intention.

12. That before issuing Final Show Cause Notice the appellant was not provided the inquiry findings of which provision was mandatory nor was he afforded with the opportunity of personal hearing before awarding major punishment thus principle of natural justice was violated in his case.
13. That appellant has rendered more than 25 years service in the police department. He always performed his assigned duties with devotion, dedication and honesty and even on occasions for tremendous service he has been awarded with the commendation certificates and cash rewards by his High-Ups.
14. That in view of the facts narrated here above by no stretch of imagination the appellant can be held responsible for the allegation as leveled against him due to which he has been awarded with the punishment without any reason.
15. That if the appellant is afforded with the opportunity of personal hearing he will really prove him as innocent by adducing credible facts of the matter.

Sir, in view of the facts and circumstances narrated here above, it is earnestly prayed that impugned order dated 08-07-2018 passed by the District Police Officer Haripur may kindly be set aside and the appellant be restored his rank of Head Constable with grant of all consequential service back benefits. Thanking you sir in anticipation,

You're obedient Servant

  
(Atlas Khan)

HC No. 477

District Police Haripur

Dated 03-09-2018





(24)  
ORDER

Annex 'G'

This order is hereby passed to dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 submitted by *Constable Atlas Khan No: 477* Haripur District against the order of punishment i.e. *Reduction in Rank from HC to Constable* awarded to him by the DPO Haripur vide his OB No: 518 dated 07.08.2018.

Facts leading to punishment awarded to him are that he while posted at PP Shah Maqsood, PS Sarai Saleh, complaint received to DPO Haripur that he has physically tortured to applicant Muhammad Asif s/o Muhammad Sadiq r/o Mohalla Tanki, KTS without any justification or legal authority later on applicant Asif Khan was examined by Medical Officer, opined that Asif Khan has been tortured by local police.

After receiving his appeal, comments of DPO were obtained and perused. The undersigned called appellant in O.R on 10.10.2018 where he failed to explain any plausible reason in his defence. However due to his long service I take lenient view and punishment of reduction in rank is converted into Reduction in pay by 03 years and placed on special report for 03 months; not to be posted for 06 months at a place where he has interacted with the public.

REGIONAL POLICE OFFICER  
Hazara Region Abbottabad

No. 4906 /PA, dated Abbottabad the 10-10-2018.

Copy of above is forwarded to the DPO Haripur vide his office Memo: No: 6032/, dated 01.10.2018 for information and necessary action.

Service Roll & Fauji Missal are returned herewith for your office record.

REGIONAL POLICE OFFICER  
Hazara Region Abbottabad

DBA No: 206  
BC No: 10-1875  
Name of Advocate: محمد اسلم تنزیل

S.No: 29559



# وکالت نامہ



بعدالت: صاحب کمرہ عدالت چیمبروں فورہ کمرہ عدالت تنزیل 19  
عنوان: اطللس خان  
مخانب: اسٹیشن  
نوعیت مقدمہ: سرکل ایبل  
باعث تحریر آنکہ:

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے بیروی و جوابدہی برائے پیشی یا تصنیف مقدمہ بمقام اسٹیشن کے لیے  
کہا گیا کہ تنزیل اسٹیشن ایبل

کو حسب ذیل شرائط پروکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار داخل رو برو عدالت حاضر ہوتا رہوں گا اور بروقت  
پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری  
غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب  
موصوف صدر مقام کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ  
ہوں گے اور مقدمہ کچہری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے  
پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مٹانے کے واپس کرنے کے بھی صاحب  
موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داختہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو  
عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل بگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی  
اختیار ہوگا اور اور کسی حکم یا ڈگری کرانے اور ہر قسم کارروپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور  
اس کے ثالثی و راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیرونجات از کچہری صدر  
اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم انتہائی یا ترقی یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب  
موصوف کو بشرط ادائیگی علیحدہ محتانہ بیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ  
مذکورہ یا اس کے کسی جزوی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو  
بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ  
التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب  
موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے  
برخلاف نہیں ہوگا۔

Accepted by

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ مورخہ: 26/10/2018  
دن 26، ماہ 10، سال 2018

اطلس خان

(1)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA, SERVICE  
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD**

SERVICE APPEAL NO.1345/2018

Atlas Khan, Head Constable No. 477, presently posted at Police Lines, Haripur.

.....(Appellant)

**VERSUS**

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar, and others.

.....(Respondents)

**RESPECTFULLY SHEWETH!**

The para-wise comments on behalf of respondent No.1, 2 and 3 are submitted as under:-

**PRELIMINARY OBJECTIONS:-**

1. That the instant Service Appeal is not maintainable in the present form.
2. That the appellant is estopped by his own conduct to file the present appeal.
3. That the appellant has not come to the Hon'ble Tribunal with clean hands.
4. That the appellant has suppressed material facts from the Hon'ble Tribunal.
5. That the instant Service Appeal is not maintainable for non-joinder/ mis-joinder of unnecessary parties.
6. That the instant Service Appeal is badly time barred.
7. That the appellant has filed the instant service appeal just to pressurize the respondents.
8. That the both orders passed by the authorities are as per law and rules after fulfilling all the codal formalities, hence, the appeal is liable to be dismissed without any further proceeding.

**OBJECTIONS ON FACTS:-**

1. In reply to this Para, it is submitted that the appellant Head Constable Atlas Khan No. 477, while posted in Police Post Shah Maqsood, Police Station Sarai Saleh, District Haripur, was complained against by citizen, namely Muhammad Asif s/o Muhammad Sadiq, r/o Mohallah Tanki, Sector No. 3 KTS, that the appellant along with other police officials committed torture on him, (Copy of application is attached as Annexure "A"). In this respect appellant had medically examined himself from DHQ Hospital Haripur, wherein physical torture was observed on him (Copy of OPD slip of DHQ Hospital dated 08.07.2018 is attached as Annexure "B"). The acts and omissions of the appellant were misconduct under Khyber Pakhtunkhwa, Police efficiency and Discipline Rules 1975, therefore, the appellant was issued charge Sheet and statement of allegations by the then District Police Officer, Haripur, vide this office Endst No. 187-90/ PA dated 13.07.2018.

(Copy of charge Sheet and statement of allegations are attached as Annexure "C" & "D").

DSP Circle Saddar Haripur, Mr. Zulfiqar Khan Jadoon, was appointed as enquiry officer, who conducted the proper departmental enquiry and submitted finding vide his office Memo No. 195 dated 23.07.2018. (Copy of enquiry is attached as Annexure "E"), In which the enquiry officer, held the appellant guilty of misconduct, and recommended him for appropriate punishment. Therefore, the appellant was issued final Show Cause Notice by the then District Police Officer, Haripur, vide office Endst No. 198-99 dated 30.07.2018. (Copy of Final Show Cause Notice is attached as Annexure "F").

2. Incorrect, the appellant could not give satisfactory reply of charge Sheet during the departmental enquiry, the appellant was held guilty of misconduct through strong evidence, and was recommended for appropriate punishment by the enquiry officer.
3. In reply to this Para, it is submitted that after receiving the enquiry papers with findings from the enquiry officer, the appellant was issued Final Show Cause Notice as per law.
4. Incorrect, the appellant could not prove his innocence in departmental enquiry as well as he also failed to give plausible reason during personal hearing in orderly room before the then District Police Officer, Haripur, Hence, having considered all facts, circumstances and relevant evidence, the appellant was held guilty of gross misconduct. Therefore, he was awarded major punishment of reduction in rank from Head Constable to Constable by the then District Police Officer, Haripur, vide OB No. 518 dated 07.08.2018 (Copy of order is attached as Annexure "G").
5. Incorrect, the appellant is generating after thought stories, the appellant was complained against by name with specific allegations of torture and threat, the petitioner Muhammad Asif, narrated the facts in the application. It is of worth mentioning that the applicant Muhammad Asif was resident of KTS, and Police Post Shah Maqsood, Police Station Sarai Saleh, had no jurisdiction to proceed with the matter as the petitioner Muhammad Asif and his father Muhammad Sadiq, were resident of Mohallah Tanki, Sector No. 3 KTS, Police Post Shah Maqsood had no jurisdiction to deal with the matter, the appellant took the law in his hands, and committed torture on citizen. This signified melafide and excess of authority by appellant, which were misconduct under the law.
6. Incorrect, the appellant had committed torture on a citizen, and the allegations were thoroughly probed in departmental enquiry in which the appellant was held guilty of misconduct.
7. Incorrect, the appellant exceeded his authority, and committed torture on Muhammad Asif, the allegations were proved beyond any doubt in departmental enquiry.

8. Incorrect, the appellant associated the enquiry proceedings and enquiry officer collected and recorded the relevant evidence, in which the appellant was found guilty of misconduct. (3)

9. Incorrect, the appellant was awarded several punishments during his past service which are given below:

- i. Period of absence treated as leave without pay on half pay vide OB No. 50 dated 18.02.1996.
- ii. One day leave without pay and fine Rs. 50, vide OB No. 50 dated 18.02.1996.
- iii. 08 days leave without pay and fine Rs. 400, vide OB No. 96 dated 20.03.1996.
- iv. Two days leave without pay and fine Rs.100, vide OB No. 121 dated 16.04.1996.
- v. One day leave without pay and fine Rs. 50, vide OB NO. 138 dated 07.05.1996.
- vi. One day leave without pay, vide OB No. 150 dated 15.05.1996.
- vii. Two days leave without pay and fine Rs. 50, vide OB No. 174 dated 09.06.1996.
- viii. One day leave without pay and fine Rs. 50 vide OB No. 187 dated 19.06.1996.
- ix. Three days leave without pay and fine Rs. 50 vide OB No. 271 dated 03.09.1996.
- x. Three days leave without pay and fine Rs. 150 vide OB No. 341 dated 05.11.1996.
- xi. Two days leave without pay vide OB No. 401 dated 29.12.1996.
- xii. 05 days Quarter guard vide OB No. 44 dated 22.03.1999.
- xiii. Censure, vide OB NO. 199 dated 10.11.2003.
- xiv. Fine Rs. 50 vide OB No. 167 dated 18.07.2005.
- xv. 02 days Quarter Guard, vide OB NO. 149 dated 02.03.2018.

10. In reply to this Para, it is submitted that the appellant filed departmental appeal against the punishment order of reduction in rank from Head Constable to Constable, to the then Regional Police Officer, Hazara Region, Abbottabad, who took lenient view and converted the punishment of reduction in rank into reduction in pay for 03 years, vide office order Endst No. 4906/PA dated 10.10.2018. (Copy of order is attached as Annexure "H").

11. As stated above.

**GROUND:-**

h) Incorrect, both the orders of departmental authorities are quite legal, in accordance with law and maintainable.

i) Incorrect, proper departmental enquiry was conducted, the appellant participated in enquiry proceedings, moreover, the appellant was given right of personal

hearing and self defense, hence, the punishment is sound and maintainable under the law. (4)

j) Incorrect, the enquiry officer recorded the evidence and witnesses were examined in his presence, the documentary as well as oral evidence held the appellant guilty of misconduct, hence, the punishment is in accordance with law.


k) Incorrect, the appellant committed misconduct, for which he was proceeded against under the law, quite legal action was taken and being found guilty he was awarded punishment as per law.

l) Incorrect, having taken into consideration all facts, circumstances and relevant evidence of the case, the appellant was awarded lawful punishment, so, punishment is strictly in accordance with law and maintainable.


m) Incorrect, the appellant was given right of personal hearing and self defense in the departmental enquiry and orderly rooms, but the appellant badly failed to defend his illegal acts and omissions. Hence, all legal requirements were fulfilled before passing the punishment.

n) Legal.

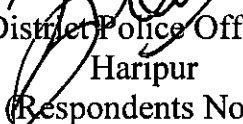
In view of above, it is therefore, most humbly prayed that the instant service appeal does not hold any legal force, which may graciously be dismissed.



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



Regional Police Officer,  
Hazara Region,  
Abbottabad  
(Respondents No.2)



District Police Officer,  
Haripur  
(Respondents No.3)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA, SERVICE  
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD**

5

SERVICE APPEAL NO.1345/2018

Atlas Khan, Head Constable No. 477, presently posted at Police Lines, Haripur.

.....(Appellant)

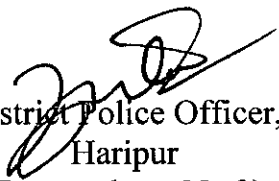
**VERSUS**

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar, and others.

.....(Respondents)

**COUNTER AFFIDAVIT**

I, do hereby solemnly affirm and declare, that the contents of comments / reply, are true to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

  
District Police Officer,  
Haripur  
(Respondents No.3)





"B"

2

7

EMERGENCY Rs.10/-  
**DHQ HOSPITAL HARIPUR**  
OUT-PATIENTS DEPARTMENT

FACE VALUE RUPEES 10/-

NAME محمد علي

YEARLY NO. 2736

DATE 8-7-19

DISEASE \_\_\_\_\_

Multiple bowises seen  
on Back (upper + back lower)  
of both buttocks. (Pink blue)

Tab Voltal SR  
1+1

Cap Velosef 500  
1+1

Tab Danzen D  
1+1

Sup Vidarylm  
2+2

Mob: 0334 0000  
CNIC: 13302-0337528-3



بولق دوم خدیصارق ولد مرداد قوم سماں بے عمره و...

کوفتہ

"C"

HEET

5  
8

(1) I, **Capt. Mansoor Aman, (PSP)** District Police Officer, Haripur a competent authority, hereby charge you **HC Atlas No. 477** as enclosed statement of allegations.

(2) You appear to be guilty of misconduct under Police Efficiency & Discipline Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the said Rules.

(3) You are, therefore, required to submit your written defense within 07 days of the receipt of this charge sheet and statement of allegation to the Committee/Enquiry Officer as the case may be.

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

(5) Intimate whether you desire to be heard in person or otherwise.

(6) A statement of allegations is enclosed.

**Capt. Mansoor Aman, (PSP)**  
District Police Officer  
Haripur

*[Handwritten scribbles]*

① 22  
DISCIPLINARY ACTION 9

I, Capt: @ Mansoor Aman, (PSP), District Police Officer, Haripur competent authority of the opinion that you HC Atlas No. 477 have rendered yourself liable to be proceeded against as you committed the following acts/omissions within the meaning of Police Efficiency & Discipline Rules 1975.

STATEMENT OF ALLEGATION

"That while you posted at PP Shah Maqsood, it has come to the notice of the undersigned vide complaint No. 1579-C dated 10.07.2018, that you have physically tortured Mohammad Asif s/o Mohammad Sadiq r/o Mohallah Tanki, KTS, without any legal authority. Torture was proved in a medical report and also in preliminary enquiry conducted by DSP Elite. Your act not only defaced the image of police but also brought bad name of the department in general public. Your above mentioned act is highly objectionable, severe violation of discipline and is gross misconduct on your part in terms of Police Rules 1975, hence charge sheeted"

(2) For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, an Enquiry Committee consisting of the following is constituted.

DSP Saddar, Zulfiqar Jadoon

(3) The Enquiry Officer/Committee shall in accordance with the provision of this Ordinance, provide reasonable opportunity of hearing to the accused, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or the appropriate action against the accused.

(4) The accused and a well conversant representative of departmental shall in the proceedings on the date, time and place fixed by the Enquiry Officer/Committee.

*(Signature)*  
Capt: @ Mansoor Aman, (PSP)  
District Police Officer  
Haripur

No: 187-90

/PA, dated Haripur the 13-07/2018.  
Copy of above is submitted to the:-

- 1) Regional Police Officer, Hazara Region, Abbottabad, please.
- 2) Enquiry Officer for initiating proceedings against the said accused under Police Efficiency & Discipline Rules 1975.
- 3) HC Atlas No. 477 with the direction to submit his defense within 7 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purpose of departmental proceedings.

*(Signature)*  
District Police Officer,  
Haripur

جانب: ڈپٹی سپرنٹنڈنٹ آف پولیس سرکل صدر ہری پور  
 بجانب: جناب ضلعی پولیس آفیسر صاحب  
 نمبر: ۱۹۵ مورخہ 107/2018  
 عنوان: محکمانہ انکوائری برخلاف ہیڈ کنسٹیبل اطلس خان نمبر 477

بحوالہ چارج شیٹ نمبر 187-90/PA مورخہ 13.07.2018 برخلاف ہیڈ کنسٹیبل اطلس خان نمبر 477 برائے انکوائری موصول ہوئی۔

الزام:

کہ آپ نے بدوران تعیناتی چوکی شاہ مقصود محمد آصف ولد محمد صادق سکٹہ محلہ ٹینکی کھلاٹ کو بلا کسی قانونی جواز جسمانی تشدد کا نشانہ بنایا آپ کا یہ فعل نہ صرف قواعد ضوابط کی خلاف ورزی ہے۔ بلکہ محکمہ پولیس کے لئے بدنامی کا بھی باعث بنا ہے۔

کارروائی:

الزام علیہ IHC اطلس خان کو بسلسلہ انکوائری طلب کیا گیا۔ جس نے دفتر حاضر ہو کر تحریری بیان پیش کیا اور زبانی بھی سنا گیا۔ جس نے اپنے اوپر چارج شیٹ میں لگائے گئے الزامات کی تردید کی۔ اسی طرح انچارج چوکی شاہ مقصود شیر افگن ASI، کنسٹیبلان نذیر نمبر 4، فیصل نمبر 501 کو بھی طلب کر کے بیانات لئے گئے۔ جن کے مطابق درخواست دہندہ محمد آصف کی چوکی میں آمد کے وقت الزام علیہ IHC چوکی میں موجود تھا اسی طرح محمد آصف مذکورہ کو طلب کر کے سنا گیا۔ جس نے تحریری راضی نامہ پیش کیا اور اپنی شکایت پر مزید کسی قانونی کارروائی کا خواہاں نہ ہونا بتلایا۔ جملہ کاغذات لف انکوائری ہیں۔

فائنلنگ:

بدوران انکوائری ہمراہ لف بیانات ملازمان پولیس، نقل ریٹ مد نمبر 16 روز نامہ، 08.07.2018 میڈیکل رپورٹ سے یہ بات عیاں ہوتی ہے کہ شکایت کنندہ محمد آصف کے خلاف دی گئی درخواست کے ساتھ اطلس IHC کا کوئی سروکار نہ تھا۔ محمد آصف کی چوکی میں آمد کے وقت الزام علیہ IHC مذکورہ کی چوکی میں موجودگی بھی ظاہر ہوتی ہے۔ اور محمد آصف نے اپنے اوپر تشدد کرانے کی نسبت اطلس IHC کی نشاندہی بھی کی ہے۔ جس سے درخواست دہندہ محمد آصف پر تشدد کرنا پایا گیا ہے تاہم درخواست دہندہ محمد آصف نے پیش ہو کر تحریری راضی نامہ اور اپنی درخواست پر مزید کوئی قانونی کارروائی نہ کرانے کی نسبت تحریر پیش کی جسے مناسب سزا کی سفارش کی جاتی ہے۔ انکوائری رپورٹ برائے مناسب حکم ارسال خدمت ہے۔

ڈپٹی سپرنٹنڈنٹ آف پولیس  
 سرکل صدر ہری پور

محکمہ انکوائری بر خلاف H.C اطلالیں خان نمبر 477 سٹیٹہ ہری پور

نمبر شمار	تاریخ کارروائی	خلاصہ	کل قطعات
1	16-07-2018	چارج شیٹ سمری آف ایکشن بر خلاف اطلالیں خان H.C کے بارے میں آرڈر کے موصول ہونے پر	2
2	17-07-2018	چارج شیٹ کا جواب موصول ہوا۔ الزام علیہ H.C کے 18 <sup>07</sup> / <sub>2018</sub> کے لیے طلب کیا گیا۔	6
3	18-07-2018	الزام علیہ H.C دفتر جہانگیر پور کا تحریری بیان لیا گیا۔ اسی طرح شکایت کنندہ محمد آصف از خود دفتر جہانگیر پور تحریری راجی نامہ پیش کیا۔ اسی طرح کنسلٹ فیصل میراگی، نئی پور 9 کے بارے میں تحریری بیان طلب کیا گیا۔ جن کے بیانات لیے گئے۔	5
4	19-07-2018	پشراپن ASI ایچ آر جی کے نام سے موصول طلبیہ جہانگیر پور آفس کا تحریری بیان لیا گیا۔	2
5	20-07-2018	دیگر ضروری ماعدات لف انکوائری ہری پور	3
6	23-07-2018	فائنل رپورٹ دی گئی۔	1

19

کتابت فی ذی الحجۃ ۱۲۸۵ (۱۸۶۸-۱۸۶۹)

عنوان: تاریخ طبرستان

ص ۱۳۷ / ۱۸  
۱۳۷ / ۱۸  
۱۳۷ / ۱۸  
۱۳۷ / ۱۸

۱- کہ جو کہ ۱۳۷ / ۱۸  
۱۳۷ / ۱۸  
شخص محمد باقر اپنے حقیقی مہر آصف (سائمان سنگر) نے  
کھلی ہوئی حالت میں جو کہ اس کے لیے بیٹھا تھا اور کہ آصف  
کے پاس جو کہ آصف کے والد سے معافی مانگنے کے بعد اس کے راضی کر کے  
ص ۱۳۷ / ۱۸  
ص ۱۳۷ / ۱۸  
آرام کر سکیں۔ یہ کہ وہ ص ۱۳۷ / ۱۸  
آرام کر سکیں۔ یہ کہ وہ ص ۱۳۷ / ۱۸  
آرام کر سکیں۔ یہ کہ وہ ص ۱۳۷ / ۱۸  
آرام کر سکیں۔ یہ کہ وہ ص ۱۳۷ / ۱۸

۲- یہ کہ جو کہ ۱۳۷ / ۱۸  
۱۳۷ / ۱۸  
کو کہ اس کے والد نے اس سے معافی مانگنے کے بعد اس کے راضی کر کے  
ص ۱۳۷ / ۱۸

کہ یہ ہفت روزہ پندرہ روزہ کے لئے لکھا گیا ہے۔  
 کہ اس کے لئے ایک ماہ کے لئے لکھا گیا ہے۔  
 شکر ہے۔

3۔ یہ من مہم کا ہفت روزہ ہے۔ ہفت روزہ۔  
 یا دیگر کسی بھی ماہ کوئی تعلق دار نہیں ہے۔  
 صرف ہفت روزہ ہے۔ اس میں دیکھا۔ اور ہفت روزہ ازراہ  
 ان مہمات کو دیکھا گیا۔ دیگر مہمات کے لئے  
 کوئی بات چیت نہ ہوئی ہے۔ اس کے لئے ہفت روزہ۔  
 کوئی بات چیت نہ ہوئی ہے۔ اور ہفت روزہ۔  
 علی۔ من مہم اور ہفت روزہ۔ اس کے لئے ہفت روزہ۔  
 میں اس معاملہ میں قطعاً ہے۔

4۔ یہ من مہم ہفت روزہ ہے۔ ہفت روزہ۔  
 تا 13/7 کو اور ہفت روزہ ہفت روزہ۔  
 ہفت روزہ ہفت روزہ ہفت روزہ۔

5۔ یہ من مہم ہفت روزہ ہے۔ ہفت روزہ۔  
 شاہ ہفت روزہ ہفت روزہ ہفت روزہ۔  
 ہفت روزہ ہفت روزہ ہفت روزہ۔  
 ہفت روزہ ہفت روزہ ہفت روزہ۔  
 ہفت روزہ ہفت روزہ ہفت روزہ۔

کسی دیگر شخص سے متعلق جوئی درجہ میں نہ دیکھا گیا۔ چونکہ  
 اس نے والدین سے سادہ علم کیا۔ اسی لئے اس کا شمار وراثت میں تھا۔ نہ  
 جوئی کا مدد میں اس کے والد کی درجہ میں اس کے خلاف کارروائی  
 کی گئی۔ جو اس کی جان بچانے اور مدد میں کوئی نہ اور نہ کردہ  
 نشانہ میں ملوث کرنے کے لئے ایک جوئی اور میں جوئی درجہ میں  
 دیکھا گیا۔ صحت سے دور کارروائی میں جوئی کے لئے  
 درجہ میں سے عامہ الزام کی پروردگی میں نہیں۔ کہوئے میں  
 اس کے خلاف ملکہ کے حضور میں ہے اس واقعہ سے کوئی تعلق نہیں۔  
 6۔ یہ کہہ کر جوئی کے 25 سال مدد میں ہو چکی ہے۔ اور میں اسے مدد میں  
 ایسا نہ دیکھا ہے کہ۔ کہہ کر ان کو شہادت کا موقع دیا۔ اور ان کے  
 مختلف واقعات پر بہترین کارروائی کا حکم سے نقد الامان اور لغز میں  
 اسناد سے فوری ہے۔ تاہم کہ بہترین کمزور اور کارروائی ہے۔  
 7۔ یہ کہہ کر جوئی کے مدد میں بہت سے ضمیمے کی شہادت کا موقع دیا گیا۔ جو  
 اس کے لئے ثابت رہا۔

اس کے بعد ان کے حقائق کی روشنی میں جانے لیا گیا  
 کہ یہ مدد میں کارروائی درجہ میں ہے۔ اس کے خلاف کارروائی ہے۔

HC اظہار 477  
 17/18  
 18/17



بيان اول (طلبه) خان 1425 هـ  
مجلس اول  
1/1/1

بيان سابع  
مجلس اول - 1425 هـ  
1/1/1

و

بیان اذکار نبیل محمد نذیر علیہ صلی اللہ علیہ وسلم

حلفاً بیان کیا کہ مورخ ۱۸۷۶ء کو صغیر کی دفن ۱۲ بجے سے شام ۶ بجے تک ہوئی  
 شہداء حضور میں سنتی ڈیوٹی تھی۔ میں تو نبیاً ۱۲ بجے نبیل حضرت علیؑ  
 سے ڈیوٹی کے لیے آیا تھا کہ اسی دوران ۷ بجے کو شہداء علیؑ جو کٹر مسافر تھے وہاں پہنچے  
 میں آئے۔ ہمیں حضرت نبیل انظر فرما رہے تھے کہ ہمارے پاس آ کر فرما دو کہ  
 کبھی پیر آصف نامی شخص نے حضرت نبیل کو قتل کیا ہے اگر ہمارے کسی گناہ سے یہ واقعہ  
 ہوا ہے تو ہمیں بتا دو اور ہمیں سزا دے دو۔ اور مجھے ڈیوٹی کا جان بوجھ کر ختم کر دیا  
 اسی دوران ایک بوڑھا شخص، اسی بوڑھے کا بیٹا تھا، ان کو اپنے پاس لے آیا اور کہنے لگا  
 کہ وہ بوڑھا ہی عورت ہے۔ صبح و شام دعا پڑھا کرتا تھا۔ اسی شخص نے ان کو اپنے پاس لے گیا کہ وہ  
 آئے بے عزت کیا ہے۔ حضور صلی اللہ علیہ وسلم نے ان کو اپنے پاس لے لیا اور فرمایا کہ  
 جاؤ یہ ۱۸۷۶ء بھی چوٹی میں موجود تھے۔ میں باپ پر سنتی ڈیوٹی پر موجود تھا۔  
 میں نے نہ تو خود آصف فرکارہ یا کوئی شخص دیکھا ہے اور نہ ہی اس سے  
 سنا ہے کسی دیکھنے والا کہ وہ کوئی شخص ہے اور نہ ہی اس سے کوئی چیز  
 آصف کی والدہ کی صحبت و نکاح اور اس پر تشدد کیا ہے۔ اللہ فرکرہ  
 اور چھوٹی لہجہ جاوید ۱۸۷۶ء جو بائبل ڈیوٹی پر عدالت بنا اور آصف کے والدین  
 بھی داخلہ کے تھے۔ میرا بھی بیان ہے۔ سن لیا ہے۔ جرح ہے۔

انور سید  
 0300-6334228

بیان میں عدل علیہ - 50 صفحہ جوئی شاہ تصفحہ

لفظ بیان کیا مودت 7/8 کو میں جوئی شاہ تصفحہ سنتی ڈیوٹی پر  
 موجود تھا۔ تو ارشاد اعلیٰ ہوئے سائیکل پر سوار جوئی شاہ ارشاد اعلیٰ  
 تو بیٹا 12 بجے کا وقت تھا۔ ایک ارشاد اعلیٰ شخص نے مجھے بتایا کہ جوئی  
 آدمی جو اس کے ساتھ تھا وہ رفا کے گھر آ کر رہیں اور دیگر اہل خانہ  
 کو بھی مگھوڑ کر رہا ہے۔ جو میں نے دعویٰ ارشاد اعلیٰ کو قرار دیا کہ  
 اسے اندر لے گیا۔ قرار دیا کہ یہ سب کچھ دیکھ کر آپ شخص کو عدل علیہ کا  
 بعد میں نام محمد اعظم معلوم ہوا جو بائیں گٹ لینڈ بلدیہ میں منتقل ہو  
 جا رہا ہے ساتھ ساتھ بائز ہو رہا۔ جو میں نے اسے کو قرار دیا کہ اپنے پر عقلمندوں کے بار  
 چارائی کے ساتھ بائز ہو دیا اور ڈیوٹی پر آ گیا۔ جاویر 1112 - اور اگلے 1113  
 میں بعد 12 بجے میں منتقل ہو گیا کی سنتی ڈیوٹی  
 میں نے اسے چارے دیا۔ اور دردی تبدیل آ گیا بازار علیہ گیا۔ میں نے  
 اسے کسی پولیس اہلکار نے آگے تو نہیں مارا ہے۔ اور آگے میں نے اسے  
 کوئی ٹکٹ لگا کر دیا ہے۔ گھر میں لاگم ہو گیا۔ میرا بھی بیان ہے۔ سن لایج

لے



مذکورہ کے جسم پر تہہ در تہہ زینت تھی۔ وہ کسی بھی بار کبھی کے  
 بدن میں کبھی دھلائے نہ تھا۔ جس پر وہی سے اسے مارا گیا۔ وہ بچے  
 ان کے ہاتھ سے کھڑے ہائیں علیہذا کھینچا تو میں نے کہا کہ وہ بچہ  
 14 لایا اسے رکھے کے اپنے رشتہ داروں کو کھانا کھائی۔ وہ کھانا کھا کر  
 نے فوارہ لے کر جانے کے لئے ماہر کے ہاتھوں میں رکھا اس کا ہاتھ  
 کوئی اندر نہ گئی۔ اس جسم کو لائق سے بچھڑا اور جو وہاں رہا  
 نے مجھے بے خبر رکھا۔ اور ان تمام عملوں کو جو ہوئی ہوگی میں نے بتائی تھی۔  
 ان تمام عملوں سے ان ہندوؤں کو کبھی کبھی نہ رہا۔ وہاں تھی کہ کسی نے اسے  
 کھڑے رکھا۔ تو پھر وہ اسے اس کے پاس لے گیا۔ وہاں تھی کہ کسی نے اسے  
 کھڑے رکھا۔ تو پھر وہ اسے اس کے پاس لے گیا۔ وہاں تھی کہ کسی نے اسے  
 کھڑے رکھا۔ تو پھر وہ اسے اس کے پاس لے گیا۔ وہاں تھی کہ کسی نے اسے

/ جو دیکھو /  
 my  
 Ast. P. 30

مولف دوئم محمد صوفی ولد مراد قوم شمالی رتہ رتہ رتہ  
 لکھنؤ

ولی سہ مسعود

لیل ربی کوا / کا دفینا 87 / 18

ولہی سہ فاقن AS 18 / 18 وف مہیا / میں وقت کوا / 10 یالہ لہرا زوبال کسہ / دور جو کسے والی آنا

کرسہ مل فہد صا / ولد میرزا قویم تھا کہ سکرہ کا / نے اپنے بیٹے فہد اصف ولد فہد صا / قویم  
تھا کہ کہ سکرہ کا / کاتے حذف گا / لگو / بر / اور تھا پو / کھرا / بلو / کی / خواست / کو / کی / سی / دی /

جمع مذکورہ / کا / کا / والی / - یہ خواست / قویم / کے / سہ / والی / بر / قس / کی / - / کو / میں / نے / سہ /

اسہ / خواست / کا / لفظ / تھا / کا / ہے / - / اور / صرف / فاصف / تھی / - / قویم / سہ / ان / کی / ضم / کو / تھا / تہ / کے /

تھی / - / تصدیق / ہو / بر / عدلیہ / سی / کی / کی / اور / ان / کی / کو / کی / حق / - / ع / - / وہ / خواست / رضدہ / کے / سہ / کے /

تھے / یہ / - / ارسی / معروف / لہا / کہ / کہ / سہ / ان / کے / الزام / علیہ / کو / پورا / بلکہ / لو / میں / نے / حوالے / کیا / - / الزام /

کو / فقہ / کے / کی / کی / ان / سے / ط / ان / ارسی / رف / ان / تھا / کہ / سہ / کو / جلیا / آیا / - / اور / ان / کے / سہ /

صلح / کوا /

انام / علیہ / اور / اس / کے / رہا / دار / الیہ / میں / نے / میں / لو / میں / میں / نے / لہی / کے / اور / کد / ہوا /

قانون سے فرار ہونے والے افراد سے جملے کے خیر رکھا۔ اہرام علیہ کی روٹی جوئی سے بنائی گی  
 بلکہ سے تیار بھی ہوئی گی۔ یہ سب سے اہم تر ہے۔ / نوفا حیدرہ / اعلیٰ / جیل حسد نمبر 4 کی نئی بندھی ہوئی  
 جیل حسد نمبر 4 کے خیر قانونی دیکھو / رپورٹ دے دو / جیل سے کھینچ کر  
 بلور العیض کے خیر قانونی اہلیت یا بدلی صورت سے ارسال / رپورٹ دے دو / جیل سے کھینچ کر

نوفا حیدرہ / اعلیٰ / جیل حسد نمبر 4 کی نئی بندھی ہوئی  
 رپورٹ دے دو / جیل سے کھینچ کر

MUC M CM  
 8/12/18

ایک بار چھ ماہ سے پہلے کے 29 کو نکالنے سے پہلے میں نے کہا تھا کہ یہ سب سے اہم تر ہے۔ /  
 کہ اس کے لئے یہ سب سے اہم تر ہے۔ / اس کے لئے یہ سب سے اہم تر ہے۔ /  
 اس کے لئے یہ سب سے اہم تر ہے۔ / اس کے لئے یہ سب سے اہم تر ہے۔ /  
 اس کے لئے یہ سب سے اہم تر ہے۔ / اس کے لئے یہ سب سے اہم تر ہے۔ /

MUC M CM  
 8/12/18

" F "

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## FINAL SHOW CAUSE NOTICE

I, **Capt: ® Mansoor Aman, (PSP)**, District Police Officer, Haripur as Competent Authority under Police Rules 1975, do hereby serve Final Show Cause Notice upon you HC Atlas No. 477 on the following grounds: -

*"That while you posted at PP Shah Maqsood, it has come to the notice of the undersigned vide complaint No. 1579-C dated 10.07.2018, that you have physically tortured Mohammad Asif s/o Mohammad Sadiq r/o Mohallah Tanki, KTS, without any legal authority. Torture was proved in a medical report and also in preliminary enquiry conducted by DSP Elite. Your act not only defaced the image of police but also brought bad name of the department in general public. Your above mentioned act is highly objectionable, Your this acts is severe violation of discipline and also gross misconduct on your part under Police E&D Rules 1975"*

(1) For the purpose of scrutinizing the conduct on your part with reference to the above allegation, you was serve with Charge Sheet/Statement of allegation and Deputy Superintendent of Police, Saddar, Haripur was appointed as enquiry officer against you for the conduct of proper departmental enquiry vide this office Endst No. 187-90 dated 13.07.2018.

(2) The enquiry officer after conducting proper departmental enquiry submitted his finding vide his office letter No. 195 dated 23.07.2018, in which he had the charges of misconduct proved and recommended for minor punishment under section-4 of the KPK Police E&D Rules 1975.

(3) Keeping in view of above allegation on your part, you are hereby called upon. To Show Cause within (07) days of the removed of this Final Show Cause notice as to why you should not be awarded punishment under the Police Rule 1975, if your written reply is not received within stipulated period. It shall be presumed, that you have no defense to affirm, you are also allowed to appear before the undersigned, if you so desired.

**Capt: ® Mansoor Aman, (PSP)**  
District Police Officer  
Haripur

No. 194-95 / dated Haripur the 20 / 07 / 2018

Copy of above is submitted to the Regional Police Officer, Hazara Region Abbottabad please.

District Police Officer



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ORDER

Head Constable Atlas Khan No.477, while posted in PP Shah Maqsood, Haripur, it came in the notice of undersigned vide complaint No.1597-C dated 10.07.2018, that he has physically tortured to applicant Muhammad Asif s/o Muhammad Saddique r/o Mohalla Tanki, KTS, Haripur without any justification or legal authority, later on applicant Asif Khan was examined by Medical officer, opined that Asif Khan has been tortured by local police. Furthermore, DSP Elite Force also conducted preliminary enquiry, in which she held him responsible. The acts and omissions of defaulter official were misconduct under Khyber Pakhtunkhwa, police efficiency and discipline rules 1975. Therefore, He was served with statements of allegations, vide this office Endst No.187-90/PA dated 13.07.2018.

To probe the allegations, Mr. Zulfikar Khan Jadoon, SDPO, Saddar, Haripur was appointed as enquiry officer, who conducted the proper departmental enquiry and submitted his finding, vide his office Memo No.195 dated 23.07.2018, in which, he held the accused police official guilty, on receiving recommendation of enquiry officer, the accused official was served with final show cause notice, vide this office endst: NO.198-99/PA dated 30.07.2018 to which he submitted his reply which was not found satisfactory, so he was called in orderly room and was heard in person.

Having gone through enquiry papers, recommendation of enquiry officer and after personal hearing of accused Head Constable Atlas Khan No.477, the charges of misconduct against the defaulter official stands proved, I am fully satisfied that Atlas Khan committed gross misconduct, therefore, I, Mansoor Aman District Police Officer Haripur being competent authority under Khyber Pakhtunkhwa efficiency and discipline rules 1975, awarded major punishment of "Reduction in Rank from HC to FC" reinstated in service, with immediate effect.

Order announced.  
OB No. 528 dated 07/08/2018



District Police Officer  
Haripur

SRC/PO  
For n/w  
*[Signature]*  
SP/Inv. 27/8

No. 5284

/SRC, dated 27/8/18

Copy of above is forwarded to Superintendent of Police Investigation Wing Haripur for favor of information please.

*Along with enquiry papers containing 24 pages.*

District Police Officer  
Haripur

*Handwritten Urdu notes at the bottom left corner.*

"H" 24

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 submitted by *Constable Atlas Khan No: 477* Haripur District against the order of punishment i.e. *Reduction in Rank from HC to Constable* awarded to him by the DPO Haripur vide his OB No: 518 dated 07.08.2018.

Facts leading to punishment awarded to him are that he while posted at PP Shah Maqsood, PS Sarai Salch, complaint received to DPO Haripur that he has physically tortured to applicant Muhammad Asif s/o Muhammad Sadiq r/o Mohalla Tanki, KTS without any justification or legal authority later on applicant Asif Khan was examined by Medical Officer, opined that Asif Khan has been tortured by local police.

After receiving his appeal, comments of DPO were obtained and perused. The undersigned called appellant in O.R on 10.10.2018 where he failed to explain any plausible reason in his defence. However due to his long service I take lenient view and punishment of reduction in rank is converted into Reduction in pay by 03 years and placed on special report for 03 months; not to be posted for 06 months at a place where he has interacted with the public.

REGIONAL POLICE OFFICER  
Hazara Region Abbottabad

No. 4906 /PA, dated Abbottabad the 10.10. /2018.

Copy of above is forwarded to the DPO Haripur vide his office Memo: No: 6032/, dated 01.10.2018 for information and necessary action.  
Service Roll & Fauji Missal are returned herewith for your office record.

REGIONAL POLICE OFFICER  
Hazara Region Abbottabad

*SRC/OTC*  
*for me*  
*[Signature]*

*6532*  
*15/10/2018*  
*فرمانی دستاویز*

دست نئی کالی حوالہ لامران صائی

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1291 /ST

Dated 28-11- / 2019

To


The District Police Officer,  
Government of Khyber Pakhtunkhwa,  
Haripur.

Subject: -

JUDGMENT IN APPEAL NO. 1345/2018, MR. ATLAS KHAN.

I am directed to forward herewith a certified copy of Judgement dated 19.11.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.