

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	21.11.2019	<p style="text-align: center;"><u>BEFORE THE YBER PAKHTUNKHWA SERVICE TRIBUNAL</u> <u>At Camp Court, Abbottabad.</u> Service Appeal No. 1347/2018</p> <p style="text-align: right;">Date of Institution 26.10.2018 Date of Decision 21.11.2019</p> <p>Asad Saeed son of Muhammad Saeed, Head Constable No.297 presently posted at Police Lines, Haripur.</p> <p style="text-align: right;">Appellant</p> <p style="text-align: center;">Versus</p> <p>1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar. 2. The Regional Police Officer, Hazara Region Abbottabad. 3. District Police Officer, Haripur</p> <p style="text-align: right;">Respondents</p> <p>Mr. Muhammad Hamid Mughal -----Member(J) Mr. Ahmad Hassan-----Member(E)</p> <p style="text-align: center;"><u>JUDGMENT</u> <u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney present.</p> <p>2. The appellant (LHC) has filed the present service appeal against the order of the appellate authority dated 10.10.2018 whereby the appellate authority while taking lenient action in view of prolong service of the appellant, modified the punishment of demotion of</p>

21.11.2019


appellant from LHC to Constable and converted the same into reduction in pay by three years.

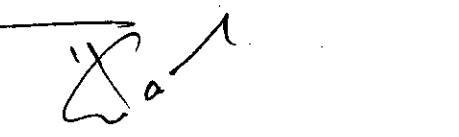
3. The appellant was awarded punishment on the ground that he unnecessarily interfered in criminal case vide FIR No.542 dated 26.05.2018 U/S 493-A/506/406/34 PPC P.S City Haripur.

4. Arguments heard. File perused.

5. Learned counsel for the appellant assailed the impugned order on the ground that punishment was awarded to the appellant without observing the legal requirements/codal formalities. The District Attorney however defended the impugned order and also referred to the punishments previously imposed upon the appellant.

6. During course of arguments it transpired that the appellant was awarded punishment on the basis of inquiry however the same was conducted without issuing to the appellant any charge sheet/statement of allegation. Consequently the impugned order being found not tenable, is hereby set aside with the direction to the respondent department to conduct de-novo inquiry against the appellant in accordance with law/rules. The present service appeal is accepted in the above noted terms. Parties are left to bear their own costs. File be consigned to the record room.

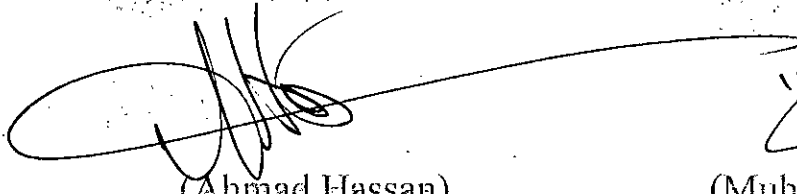

(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member
Camp Court, A/Abad

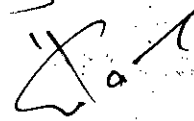
ANNOUNCED
21.11.2019

21.11.2019

Learned counsel for the appellant present, Mr. Usman Ghani learned District Attorney present. Vide our separate judgment of today of this Tribunal placed on file, the impugned order being found not tenable, is hereby set aside with the direction to the respondent department to conduct de-novo inquiry against the appellant in accordance with law/rules. The present service appeal is accepted in the above noted terms. Parties are left to bear their own costs. File be consigned to the record room.



(Ahmad Hassan)
Member




(Muhammad Hamid Mughal)
Member
Camp Court, Abbottabad

ANNOUNCED.
21.11.2019

19.06.2019

Counsel for the appellant and Mr. Muhammad Bilal, DDA alongwith Mr. Misal Khan, ASI for respondents present. Written reply on behalf of respondents not submitted. Requested for adjournment. Adjourned. Case to come up for written reply/comments on 20.08.2019 before S.B at camp court Abbottabad.


(Ahmad Hassan)
Member
Camp Court A/Abad

20.08.2019


Learned counsel for the appellant present. Mr. Muhammad Bilal learned Deputy District Attorney alongwith Misal Khan ASI present. Representative of the respondent department submitted written reply/comments. Adjourn. To come up for rejoinder if any, and arguments on 21.10.2019 before D.B at Camp Court, Abbottabad.


Member
Camp Court A/Abad

21.10.2019

Clerk to counsel for the appellant present. Mr. Usman Ghani, District Attorney 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 21.11.2019 before D.B at Camp Court, Abbottabad.



Member


Member
Camp Court Abbottabad

18.02.2019


Counsel for the appellant Asad Saeed present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Police Department as LHC, he was imposed major penalty of demotion from the rank of LHC to Constable vide order dated 29.08.2018 on the allegation of misconduct. The appellant filed departmental appeal on 10.09.2018 which was partially accepted and the demotion from the rank of LHC to Constable was converted into reduction in pay for three years vide order dated 10.10.2018 hence, the present service appeal. It was further contended that neither charge sheet, statement of allegation was served upon the appellant nor proper inquiry was conducted nor opportunity of persona hearing and defence was provided to the appellant therefore, the impugned order is illegal and liable to be set-aside.

The contentions raised by the learned counsel for the appellant needs consideration. The 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, notice be issued to the respondents for written reply/comments for 16.04.2019 before S.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

16.04.2019

Counsel for the appellant present. Mr. Muhammad Bilal, DDA alongwith Mr. Misal Khan, ASI for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. Case to come up for written reply/comments on 19.06.2019 before SB at camp court Abbottabad.



(Ahmad Hassan)
Member
Camp Court A/Abad

Appeal Deposited
Security & Process Fee

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1347/2018

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. Asad Saeed 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>
2-	19-11-2018	<p style="text-align: right;">REGISTRAR <u>26/10/18</u></p> <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>18-02-2018</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 13.47./18

Head
Asad Saeed S/O Mohammad Saeed, Constable No. 297,
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

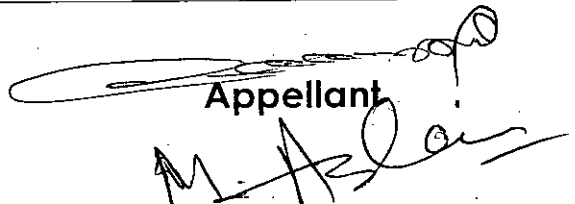
SERVICE APPEAL

INDEX

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1.	Appeal and application for condonation.		01-12
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3.	Reply dated 04-07-2018 to Show Cause	"B"	14-16
4.	Impugned order dated 29-08-2018 of DPO	"C"	17
5.	Affidavit dt.17-05-18 & Application 21-05-18	"D&E"	18-19
6.	Daily Dairy dated 05-06-2018, Application dt.1-6-18 & Affidavit dt.2-6-18	"F,G,H"	20-22
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Through

Dated: 26-10-2018


Appellant
(Mohammad Aslam Tanoli)
Advocate High Court
at Haripur

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1564 Appeal No. 1347/18

Dated 26/10/2018

Asad Saeed S/O Mohammad Saeed, Head Constable No. 297, presently posted at Police Lines, Haripur.

Appellant

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 29-08-2018 OF THE DISTRICT POLICE OFFICER HARIPUR WHEREBY APPELLANT WAS DEMOTED 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 29-08-2018 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,

1. That appellant while posted at Police Lines Haripur was issued with a Show Cause Notice dated 13-06-2018 by the District Police Officer Haripur. **(Copy of Charge Sheet dated 13-06-18 is attached as annex-"A")**.
2. That aforementioned Show Cause Notice was duly replied on 04-07-2018 by appellant explaining all facts

Filed to-day

Registrar

26/10/18

②

and circumstances of the matter in detail denying the allegations leveled against him being incorrect and baseless. **(Copy of reply dated 04-07-2018 to the Charge Sheet is attached as annex- "B")**.

3. That without giving any consideration to the reply submitted by the appellant, the District Police Officer Haripur through impugned order dated 29-08-2018 awarded the appellant with the penalty of "Demotion in rank from Head Constable to Constable" without any proof and justification. **(Copy of impugned order dated 29-08-2018 is attached as annex- "C")**.
4. That in fact on 15-05-2018 one Mst. Sonia Abdul Malik D/O Abdul Malik R/O Pathan Colony, Swat Chowk Haripur, wife of my brother-in-law Umair Ashraf charged the following persons for preparing her forged "Nikah Nama" :-
 - * **Umair Ashraf (complainant's own husband).**
 - * **Mehboob-ur-Rehman (Brother-in-law of her husband).**
 - * **Imran (Brother-in-law of here husaband).**
 - * **Mohammad Asharaf.**
 - * **Appellant (Asad Aaeed).**

However, the stance of the complainant Mst. Sonai was that she had got legally married to the said Umair Ashraf **(her husband)** but her objection/complaint was that her Nikah Nama was forged. During investigation of the complaint, the SHO City, Oll PS City and I/C PP TIP frequently called the appellant to appear before them due to which he had to attend their offices and answer their questions. However, soon it came to complainant's

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knowledge that Appellant as well as one Mohammad Ashraf had no concerned with her Nikah Nama and were inadvertently and incorrectly incorporated in her complaint. She, therefore, immediately executed an Affidavit dated 17-05-2018 and presented it before the Investigating Officer for deletion the names of Appellant Asad Seed and Mohamad Ashraf and taking action against rest of the accused. She also submitted an application dated 21-05-2018 explaining his intention with regard to registration of forged nikahnama. **(Copies of Affidavit dated 17-05-2018 and application dated 21-05-2018 is attached as annex- "D & E")**.

5. That as per request of the complainant Mst. Sonia, after having deleted the names of Appellant (Asad Saeed) and Mohammad Ashraf, a Case' FIR No.542 dated 26-05-2018 u/s 493-A/506/406/34 PPC at PS City Haripur was registered against rest of the accused and then necessary investigation started against accused persons.
6. That accused party (in-laws of the appellant) was not on speaking terms with the appellant and relations were strained with him due to their civil litigations in the courts. When they came to know that the name of appellant had been deleted from the complaint, they became much furious against appellant and on their own accord submitted an application to the DPO Haripur that appellant was involved in influencing the case. Whereupon, the DSP/HQrs Haripur summoned the appellant on 04-06-2018 to his office and directed to get

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the dispute patched up between the parties within 24 hours and report compliance on 06-06-2018 otherwise appellant and his father would be involved in the case. The DSP/HQrs also remembered the appellant that he had been inquiring the matter against him.

7. That on 05-06-2018 when appellant alongwith SI Naik Mohammad Oll City Haripur appeared before the DSP/HQrs (Sabir Khan) in his office. DSP gave the appellant a paper to read and told the appellant that it was statement of Molvi Sarfraz against him. Appellant after reading replied the DSP that it was forged/fabricated and appellant presented to the DSP a copy of actual statement recorded by Oll U/S-161. Whereupon the DSP became furious and stretched his hand to catch appellant from the neck but police officials intervened and saved him. The DSP asked SI Naik Oll "To take paper and I dictate you Zimini to record against Appellant & his father". Appellant recorded the very incident in Daily Dairy No. 26 dated 05-06-2018 of Police Lines Haripur. Mohammad Sarfraz S/O Abdur Razak the so-called Molvi denied citation of any nikah between the parties. **(Copies of Daily Dairy No. 26 dated 05-06-2018, Application dated 01-06-2018 and Affidavit dated 02-06-2018 of Molvi Sarfraz are attached as annex-"F, G & H")**.
8. That the inquiry initiated against the appellant was based on a forged and fabricated statement of Molvi

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Sarfraz prepared by Investigation Officer on the direction of DSP/HQrs Haripur otherwise there is nothing true against the appellant that he has committed any wrong on his part. Appellant has been involved falsely and got punished due to personal grudge and enmity developed by DSP HQrs Haripur against him. Even the dispute between complainant and accused party has been patched-up. **(Copy of Affidavit dated 19-06-2018 is attached as Annex-"1")**.

9. That to prove the allegation against the appellant no proper departmental enquiry was conducted against him. Neither any Charge Sheet was issued nor was any Enquiry Officer appointed against the appellant. Even the appellant was not afforded with the opportunity of personal hearing before awarding major punishment of "demotion in rank" and principle of natural justice was violated in the case of appellant hence impugned order needs to be set aside on this score alone.
10. That appellant has rendered more than 11 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.
11. That appellant aggrieved of the impugned order preferred a departmental appeal dated 10-09-2018

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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 Show Cause Notice. **(Copy of the departmental appeal dated 10-09-2018 is attached as annex-"J").**

12. That the Regional Police officer, Hazara Region, Abbottabad while accepting appellant's departmental appeal converted the penalty of demotion 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-"K").**

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

GROUND:

- a) That both the impugned orders dated 29-08-2018 and 10-10-2018 of respondents are illegal, unlawful, without lawful authority, void-an-initio, passed in slipshod, perfunctory and arbitrary manner, against the law, departmental rules/regulation, facts & circumstances of the matter hence are liable to be set aside.
- b) That no proper departmental inquiry was conducted against the appellant. Neither Charge Sheet was issued nor was any Enquiry Officer appointed against the appellant. Even the appellant was not afforded

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with the opportunity of personal hearing before awarding major punishment of "demotion in rank" and principle of natural justice was violated in the case of appellant hence impugned order needs to be set aside on this score alone.

- C.** 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.
- D)** 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.
- E)** 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

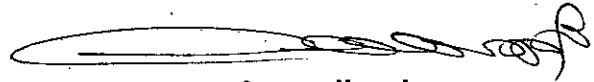
of General Clause Act 1897 read with Article 10A of the Constitution of Islamic Republic of Pakistan 1973.

F(a) 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.

G) That instant appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudication upon the same.

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Service Appeal both the orders dated 29-08-2018 and 10-10-2018 of respondents may graciously be set aside and appellant be resorted his pay with all consequential service back benefits.



Appellant

Through:

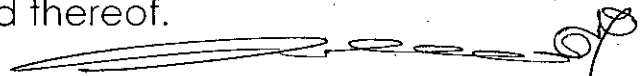


(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

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**

Asad Saeed S/O Mohammad Saeed, Head Constable No. 297, 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, Asad Saeed S/O Mohammad Saeed 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**

Asad Saeed S/O Mohammad Saeed, Head Constable No. 297, presently posted at Police Lines, Haripur.

Appellant

VERSUS

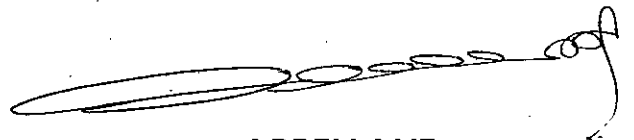
1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer Haripur.

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

Asad Saeed S/O Mohammad Saeed, Head Constable No. 297, 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 29-08-2018 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.
3. That Applicant/appellant for review of aforesaid illegal order submitted a departmental appeal to the

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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.


Applicant/Appellant

Through:


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

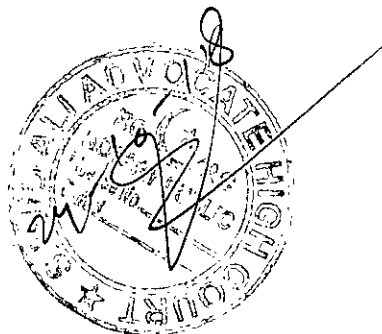
Dated: 26-10-2018

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





OFFICE OF

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THE DISTRICT POLICE OFFICER, HARIPUR

Annex-A

No: 157 Dated 13.16.2018

Ph. # 0995-614712 / 0995-611291

Fax # 0995-614714

E-Mail: spharipur@gmail.com

SHOW CAUSE NOTICE

1. That you LHC Asad Saeed No. 297 while posted at Police Lines have rendered yourself liable to be proceeded under Rules 5 (3) of the Khyber Pakhtunkhwa, Police E&D Rules 1975 for following misconduct;

"That you while posted at Police Lines, Haripur, it has come to the notice of the undersigned vide letter No. 169 dated 06.06.2018 by DSP HQrs, Haripur that you are unnecessarily interfering in Case FIR No. 542 dated 26.05.2018 u/s 493-A/506/406/34 PPC PS City. Your act is above the law and against the norms of discipline force. In this regard complainant Mehboor Ur Rehman s/o Muhammad Iqbal r/o Moh Kund submitted written application against you and DSP/HQrs was entrusted an enquiry officer to conduct enquiry on the subject application. You were summoned by DSP/HQrs and you also misbehaved with him, which shows your connivance with miscreants. Your act is severe violation of discipline and is gross misconduct on your part in terms of Police Rules 1975.

2. That by reason of above, sufficient material is placed before the undersigned; therefore it is decided to proceed against you in general Police proceedings without aid of enquiry officer.
3. That the misconduct on your part is prejudicial to good order of discipline is the Police force.
4. The your retention in the Police force will amount to encourage inefficient and unbecoming of good Police Officers;
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.
6. Your, therefore called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa, Police E&D Rules, 1975 for the misconduct referred to above.
7. You should submit reply to this show cause notice within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.
8. You are further directed to in for the undersigned that wish to be heard in person or not.

District Police Officer,
Haripur

Received by _____

Dated: / /2018

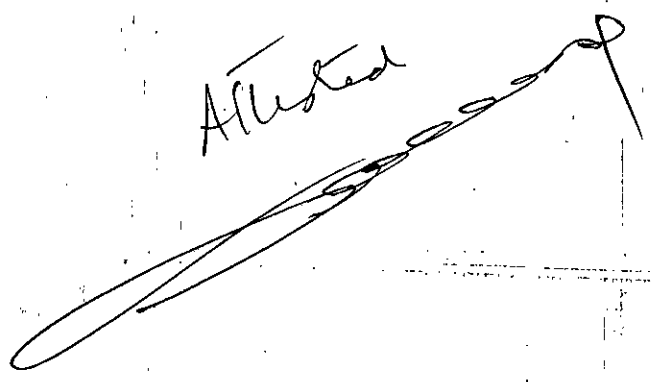
Attested

لینا شکار ڈسٹریکٹ میں 157 جرم 13/6/2018 کلیم دفتر ضابطہ
 صاحب کو پورے حوض خستوں کے مدعیہ سماء سونیا عبدالمکرم کے ساتھ
 زوجہ نے اسے شہری درخواست اپنے جعلی نکاح کی نسبت رجسٹری TTP میں
 جس میں ملزمان میں میرا نام جی شامل رہا جو بیابا مابین جہنہ یوکر حلقہ
 تعریفہ ڈسٹریکٹ جی جا کر میرا نام درخواست سے بے نواہ ثابت ہونے پر نکال دیا
 گیا۔ جس کی نسبت مدعیہ سونیا نے ایسا شہری رجسٹری میں پیش کیا اور باقی
 ملزمان کے خلاف مقدمہ عدالت S42 جرم 493A/506 کلیم دفتر ضابطہ
 18/406/34

مقدمہ عنوان بالا میں لکھا گیا ملزمان میں شہری 2 نم نزلہ، ساس اور سالہ جی جی کے
 ساتھ میرے والدین دیوالی میں مقدمات چلے رہے ہیں اور آپس میں خانگی رجسٹریشن
 چلی آ رہی ہے جنکو مقدمہ میں سے بے نواہ ثابت ہونے اور میرا نام نکل جانے کا
 بہت خوف تھا اور رجسٹریشن تھی جو اس رجسٹریشن کی وجہ سے ملزمان نے ایسا شہری
 درخواست میں خلاف مقدمہ پیر الٹراڈز ہونے کی دی۔ جبکہ میرے میرا نام
 درخواست میں ہونے کی وجہ سے وہی سٹی صاحب، نندہ صاحب، اور جوی TTP
 کے طلب کرنے پر جوی اور خانہ جانا رہا ہوں۔

ملزمان کی شہری درخواست پیر خا - صاحب خان 58/409 صاحب نے مقدمہ 6/6/18 کو دفتر
 بلاڈنگ کروم میں راہی نافہ کروانے کا کیا اور بصورت دیگر مجھے اور میرے والد صاحب
 کو مقدمہ عنوان بالا میں ملزمان بنانے کی دھمکی دی اور 24 گھنٹے کا ٹائم دیا اور
 حصارہ 6/6/18 کو دفتر میں پیش ہونے کا کیا اور کیا کے آڈیو میں کر رہا ہوں
 یہ بات نہ ہونی سے رکھ لینا۔

تاریخ 5/6/18 کو میں میرا نہیں ملے گا ڈسٹریکٹ کے دفتر ضابطہ 58/409 میں پیش ہوا تو

Attest


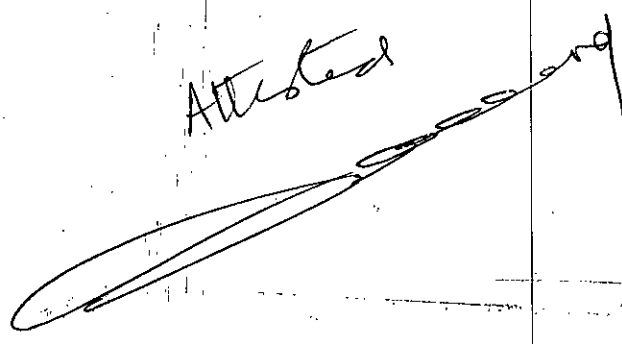
خج - صاحب خان صاحب نے اس عمر کی بیان جو ان سرفراز کا دیا کر لیا
 میں مولیٰ صاحب نے تمہارے خلاف بیان دیا ہے اسے پڑھ لو جو پڑھنے
 بعد میں نے ۵۶ صاحب کو بتایا ہے یہ (جعلی) ہے اور سرفراز
 بیان چولیں کو دیا اس اسٹامپ پیری نقل دیکھائی اور بتایا ہے کہ
 کا بیان اللہ صاحب نے یہ کہ شامل فعلی حد کیا جو اس بیان کے بعد
 ہے آپ یہ جعلی دستخط انوکھے شے کر کے جھوٹا بیان نہ کرے یہ آئے

جس پر خج صاحب خان ۵۶ صاحب غفہ میں آئے اور نیک جمع تو کیا کے کاغذ
 لگا کر میں ملنی بونٹا ہوں ملو اور اسد کو اور اس کے والد کو ملنے بناؤ اور
 ساغدی سے جسے گا می نکال دی اور کرسی سے اٹھ کر یہ دست کر بیان ہونا
 کی روشنی کی جو بیان جو چولیں اشرف نے خرگ کرانی جو اس واقعہ کی
 جس پر ریکورڈ (پر 26 روز نامہ ۱۵/6) پر لکھی ہو ہے پور میں عمر کی جس کی
 نقل ایک آج تک میں طلب کر رہی ہوں جس کا اس بیان نے نہ دیا ہے جو
 یہ ایک سرٹال دینے میں ہے صاحب ناراض ہونگے ان سے اجازت یہ
 کر آؤ

مگر خلاف جعلی جو دانا سرفراز کا بیان لگا کر انوائس ملنی ہے جو
 پڑا ہے یہ سرفراز کو میں ان کے پاس یہ حکم پڑا ہے پیر پیر جسے کر سکتا ہوں
 بیان پر جعلی انوکھے کا نشان خود سے لگایا گیا ہے جس کی کورس کی جائے تو
 ہم سانس آجائے گا جو خج صاحب ۵۶ صاحب خان صاحب نے جب انوائس میں
 جہانے اور مخلصانہ سرفراز دوانے آئے یہ لکھوایا ہے

تفہم علت 542/18 جم 493-A/506 406/34 سے میں ماسرین فلتین

Attested



راہی نام ہو چکا ہے خود اعلیٰ سے والدین یا جا چکا ہے عرفیہ
صاحب خان صاحب نے ایسے عمدہ اور فروری کا ناجائز استعمال کرتے ہوئے
ایسے زرقی خداداد سے ایسے ماتحت کو زراعتیات کا نشانہ
ہے اور دفتر میں گامیاں دی ہے اور جوٹی انوائسز جعلی دستاویزات خود
لگا کر (Suspend) کر دیا

عام پیشی آبرہ صلت دہشت کی لکھنا
وٹس (قرآن پاک) پر حلف یہ کر چکا ہے اور صاحب DSP صاحب
خان صاحب سے ی جاغے نامہ سچ اور جوٹ سانس آجائے اور ٹوٹا
سفرز آج جوٹ بیان کی جی انوائسز کی جاغے نامہ سچ کی
کی نالی کافی سانس آتے

اس کے ساتھ ساتھ جوٹ زراعتیات کا نشانہ بنایا گیا
یہ سٹیٹ کوٹی خرافہ و سبیلن حکم لکھنے کی ہے جوٹ میں راہی نامہ ہو
کر جمع ہو چکا ہے نقل بیانہ سفرز، اسٹاپ سپر، ٹمپہ ڈیولپمنٹ
سفرز، سپر ناغز و ہم اہ لکھنے کے ساتھ یہ جمع کرتے ہوٹ
داخل دفتر فلٹر جاغے

اس کے ساتھ
297
4-7-2018

Attested

Police Department

17

District Haripur

ORDER

LHC Assad Saeed No.297, while posted in Police Lines, Haripur, it came in the notice of undersigned vide letter No-169 dated 06.06.2018, DSP/HQ, Haripur, that he is unnecessarily interfering in case FIR No. 542 dated 26.05.2018 u/s 493-A/506/406/34 PPC PS City, Haripur, his act is against the norms of discipline force. In this regard complainant Mehboob Rehman s/o Muhammad Iqbal r/o Mohalla Kund, Haripur submitted written application against LHC Assad Saeed. To probe the matter DSP/HQ appointed as enquiry officer, he was summoned by DSP/HQ and also misbehaved with him. The acts and omissions of defaulter official were misconduct under Khyber Pakhtunkhwa, police efficiency and discipline rules 1975. Therefore, He was issued show cause notice, vide office letter No.157 dated 13.06.2018.

To probe the allegations, Mr. Sabir Khan, SDPO Headquarter, Haripur was appointed as enquiry officer, who conducted proper departmental enquiry and submitted his finding, vide his office Memo No.169 dated 06.06.2018, in which, he held the accused police official guilty, on receiving recommendation of enquiry officer, he was called in orderly room and was heard in person.

Having gone through enquiry paper recommendation of enquiry officer and after personal hearing of accused LHC Assad Saeed No.297, the charges of misconduct against the defaulter official stands proved, I am fully satisfied that LHC Assad Saeed committed misconduct, therefore, I, Mansoor Aman District Police Officer, Haripur being competent authority under Khyber Pakhtunkhwa efficiency and discipline rules 1975, awarded major punishment of "Demoted from the rank of LHC to Constable" reinstated in service, with immediate effect.

Order announced.
OR No. 520 dated 07-08-2018

District Police Officer
Haripur

No. 5328

/SRC, dated 29/8/2018

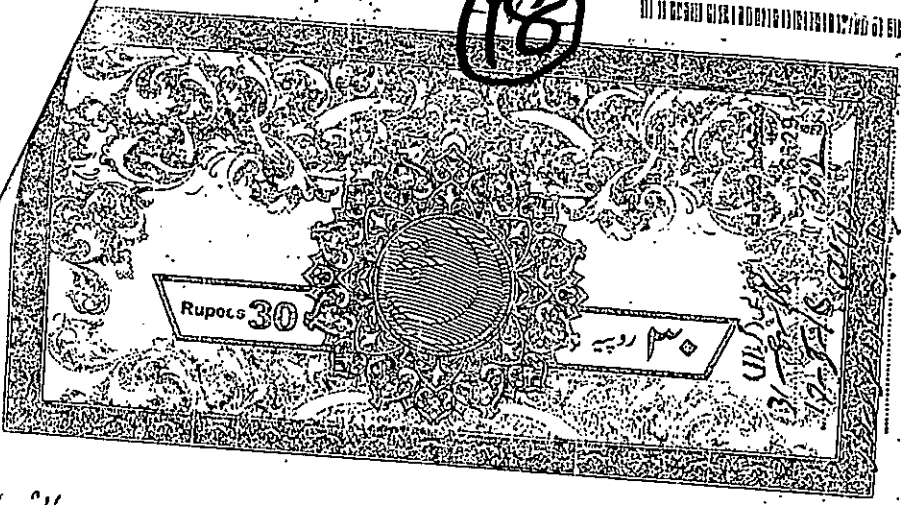
Copy of above is forwarded to Superintendent of Police Investigation Wing Haripur for favor of information please.

District Police Officer
Haripur

Entered in his service book

Attested

[Signature]



(18)

17-5-18 9:39 AM

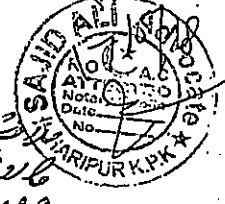
D

بیت قلم اسٹاپے مائٹھی 30

بیان حلی

منکہ سجادہ سونیا عبد الامانک زفرہ حمید اشرف کہتہ سوات
 جون پٹھان گاؤں ہری پور کی پڑھن
 خانقاہیانی پڑھن کہتہ منظرہ ہے جو درخو است بر صدف
 حمید اشرف صیغہ دل ہے اس میں حمید اشرف و لہ اصم
 اور مول علیہ کی اسفند شوی و لہ حم سعید کہتہ سہو لہ کو جن
 دیکھ مول علیہ سے ہمراہ شامل ہیں خانقاہیانی منظرہ ہے
 نسائی کٹر ہے کہ اس واقع میں مندرجہ بالا پڑھن اشیا میں
 شامل ہیں جسے جن کے نام درخو است ڈاکٹر کی ہے 1145
 روزہ 15-5-18 دفتر DP کیمپٹ سیل اور ٹھکانے
 سے رجسٹرڈ SA/818 سے خانقاہ فرمائے جاویں گے
 خانقاہیانی پڑھن کہتہ منظرہ ہے جو درخو است بر صدف
 مول علیہ سے ہمراہ شامل ہیں خانقاہیانی منظرہ ہے
 اور جن کے نام درخو است ڈاکٹر کی ہے 1145
 سجادہ سونیا عبد الامانک - منظرہ عنوان ہے خانقاہیانی پڑھن
 درجہ لہ طالع تدارک

توان لہ
 مولیٰ خان و مولیٰ خان کہتہ
 خانقاہیانی پڑھن کہتہ
 خانقاہیانی پڑھن کہتہ



13301 14107224-1

13303-99061374-9

0300-5823753

13503-6660705-9

Oct-06-2018

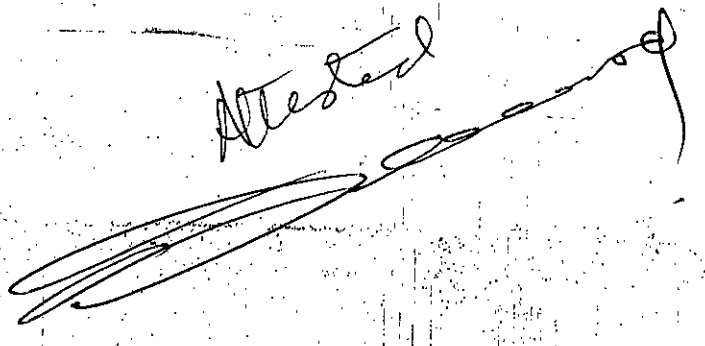
بیت قلم اسٹاپے مائٹھی 30

Attest

محمد علی خان
 محمد علی خان صاحب

نہایت حقیدہ منہ ساندہ نے کوٹھہ 15/18/58 کو ایک آدمی کے ذریعہ
 بہت جمل سازگار چشمہ نشین نکاح پر خطوط تشکیل ملے انہیں - عمران
 کے نام سے - عمیر اشرف ولد محمد اشرف، مساندہ گل ناز آباد کے مساندہ
 محمد علی خان صاحب سے - جو ایک چارج ہو کر 15/18/58 کو اپنے اپنے نام سے
 کر کے میرے رپورٹ کو جعلی نکاح چشمہ نشین کے جگہ جعلی نکاح کو
 کہ طرف سے گئے -
 یہ کہ مساندہ نکاح کو تسلیم کرتا ہے کہ میرے نکاح عمیر اشرف سے
 سے ہوا ہے -

یہ کہ نکاح کا دن عمران اور شکیل نے نکاح چشمہ نشین نام پر جو
 کہ پتر نہ تھے در میرے دستخط کردے اور کیا کہ چشمہ نشین نام پر
 15 دن میں نکاح نامہ نامہ آپ کو دے دینگے - جو مساندہ کا پتہ
 بعد عمران نے نکاح نامہ دیا تو اس پر عمیر اشرف نے نام لگا
 جگہ پرے شمس محمد اشرف کا نام لکھا تھا جو میں نے غلط نام
 دیا ہے اور کیا جو شکیل اور عمران نے کیا کہ وہ مساندہ کے
 گے جو ایک ماہ بعد گو کے اندر شکیل - عمران اور اشرف صاحب
 شخص کر کے میں نکاح نامہ نامہ پتر کر کے لے جو میں نے
 جو چھانو چھپا یا اور در میرے دن جو جو سے پتر نہ نام
 پر دستخط کردے - اور شکیل نے پتوں کے طور کا گو لکھ کر
 عمران اور مساندہ گل ناز کے لکھ گیا اور اسے دربار
 نکاح چشمہ نشین نامہ پر زبردستی دستخط کردے -

Attested


جناب عالی جناب سائڈ کے سکاے کو باضابطہ طور پر حیدر
یہ کیس ریگیا تو جو جعلی مایم پر من سائڈ سے بار بار
بھون دستخط کر دئے گئے تھے اور وہ جعلی سکاے نامہ
جات کیاں تھے۔

اور سائڈ میں اس جعلی سکاے کی بابت سبھیان سکاے کے
خبردار کا جواب ہے کہ فوراً سکاے سے اور من سائڈ

سے تندرستی کا رازہ انجارج جو کہ TIP سپر سکاے کو
بھلا گیا جس نے ایک سبھیان سکاے کو مثال تحقیق کیا
کیا اور انہیں انکو سکاے میں اسکا زمرہ کیا گیا ہے
اس سکاے پر مثال شول سے کام لیا گیا اور سبھیان
پر خبردار کو سکاے سے زیادہ ڈال کر پورے ختم کرنا
کا نتیجہ ہے۔

یہ کہ سائڈ سے اسکاے اور سکاے کے اور اس جناب
سے فوراً سکاے تندرستی کا رازہ ہے جس سے سبھیان کو مثال
تحقیق کیا جائے اور سبھیان سکاے انکو سکاے کی جائے
تندرستی کا رازہ ہے کہ خبردار سکاے میں کیا جائے۔

اعظم 21/05/18

سکاے سبھیان سکاے کے خبردار سکاے

سکاے سبھیان سکاے کے خبردار سکاے

21/05/18

Dr. Ali

تاریخ 26 جولائی 2018ء

26 19 ریکورڈ ایس ایچ 418 05/6 وقت 15:10 بجے ریکورڈ ایس ایچ او سر صاحب

DSP صاحب نے سب سے پہلے آلو اسٹیجی ڈسٹر طلب کیا جو
 DSP صاحب کو کون سا پیر پریسٹ کیا گیا جو انڈر ٹیکہ
 DSP صاحب نے کہا اور پھر DSP صاحب کو دریافت
 کے دوران وہ نے کہا کہ اس کے لئے اس کا بیان
 جو اس وقت کے پیر پریسٹ کرتے کیا گیا جو
 DSP صاحب کو دیا جو بیان پیر پریسٹ
 DSP صاحب نے کہا کہ اس کے لئے اس کا بیان
 کیا گیا ہے اس کے لئے اس کا بیان
 DSP صاحب نے کہا کہ اس کے لئے اس کا بیان
 کیا گیا ہے اس کے لئے اس کا بیان
 DSP صاحب نے کہا کہ اس کے لئے اس کا بیان
 کیا گیا ہے اس کے لئے اس کا بیان
 DSP صاحب نے کہا کہ اس کے لئے اس کا بیان
 کیا گیا ہے اس کے لئے اس کا بیان
 DSP صاحب نے کہا کہ اس کے لئے اس کا بیان
 کیا گیا ہے اس کے لئے اس کا بیان

تاریخ 26 جولائی 2018ء

سید بنزلعم بیسج لغایا بنا ہے
میں نے اس کے لئے طلبت و اسقاط عرض و اسے

خاکاکی

نہی سے اس کے لئے

~~_____~~
use of P. Line - Handwritten
S. 6-18

Attested

~~_____~~

جناب آئی جی پی قناد، جناب آئی ایس آئی

(21)

جناب ڈسٹرکٹ پولیس آفیسر، جناب سید جواد حسین
جناب ایڈووکیٹ جنرل، جناب ایڈووکیٹ جنرل
جناب عالی

لڈارتس قبیلہ 17 مئی کو جے سی محمد سرور، ایدلہ عبدالرزاق و لوہی

چوٹی مزید انچارج نے بلدیہ اور لوہی سے ایک نکاح کے بارے میں پوچھا

اور آپ کو لکھے گی دہلو دیگھائی

جناب عالی میں نے انچارج کو بتایا کہ میں نے نکاح تو کوئی نہیں پڑھا ہے

پھر انچارج نے میرے بیان کا عندیہ لکھے اور پھر جے سی دد علی سے

پیر دستخط کروائے ایک سادہ پتھر اور ایک جہان والے پتھر

تو میں نے سادہ پتھر کو دستخط کرنے سے انکار کیا تو انچارج نے جے سی لکھن

د جہانی کروائی پھر حلقہ دو پتھر سے پتھر لکھی یہی بیان لکھیں گے

اب جے سی معلوم ہوا ہے کہ پولیس، جوی، انچارج، سائیس، پتھر کے بیان

لکھے ہوئے ہیں کہ میں نے نکاح پڑھا ہے اور پتھر سے پتھر لکھی ہیں

جناب عالی انچارج نے پتھر، خلاف جھوٹی شہادت لکھی ہے میری شہادت کو جس طرح کیا

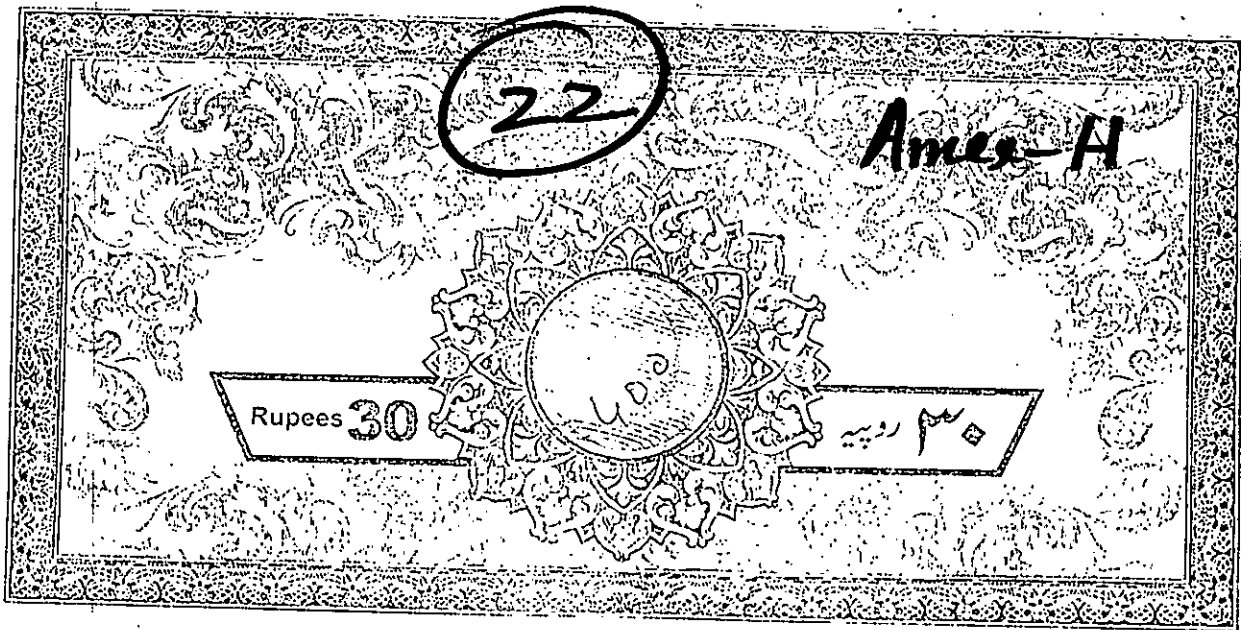
جناب عالی خدمت میں لڈارتس پتھر، خلاف بیانی اور علاقہ شہر لڈارتس

والوں کے خلاف قانونی کارروائی کی جائے اور جے سی انصاف دلایا جائے

جناب عالی میں فوراً شہر لڈارتس

13503-6660705-9
0300-5623753
الکلیڈ
2018-06-01
محمد سرور، ولد علی لڈارتس ساکنہ کاندھلہ کالونی لڈارتس

محمد سرور



بک اسٹاک مالفی پورہ

بیان حلفی

مقدمہ عدالت 542، تاریخ 26-5-2018ء، بصرہ 506-493-992، خانہ لکھی 406/992

متمم محمد سرفراز ولد عبد الرزاق ساکن نزد درپور لاٹن سیکٹر لاہور کا گروہ
کانونی ختمیل و ضلع جوہا پور کا یہوں -

حلفاً بیان ہوں کہ مقدمہ عنوان میں مسلسلہ تفتیش من منظر کو سالی
پولیس نے طلب کیا جو من منظر بیان ہے کہ میں نے عمید اشرف
ولد محمد اشرف روستا لاٹن سیکٹر لاہور کے ساتھ ساتھ
تھانہ پڑھایا اور نہ ہی مذکورہ کے تھانہ کسی
طور کوئی علم تھا جو من منظر نے ایک دوست کی دعوت پر
مذکورہ کے ولیمہ میں شرکت کی تھی جو ولیمہ میں شرکت
عینی محض دوست کے پھر ان کی کسی جملہ حالت یا نہ درست ہو

صحیح ہے اس لئے بیان حلفی سنہ ۲۰۱۸ء - ۱۲-۴۰-۲۰۱۸
۱۳۵۰۳ - ۶۶۶۰۷۰۵
محمد سرفراز (منظر عنوان)
۵۲/۰۶
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23



عبد القادر صاحب

اقرارنامہ

عند ولیمہ سو فیہا عیالہ اب دقت عیالہ اب

ذو بیہ اللہ سے سوان پوک پیمان قانونی قمار و قیلہ

پوک پور حال اولیٰ احوال پوک پور

قلنا اقرار پور ہند ہذا لہو کا لہو عنوان بالہ

علاقہ 542 سے 26 کو 2018 6/406 506/506

سائرف / ملزمان بالہ سے جو الہ اسٹیٹ بڈ 1555

پوک 1906 وافی نامہ لہ پوک گیا ہے جس پوک

لہ لہو سے پوک پوک قیلہ اپنے لہو سے پوک

علاقہ رقم / 50000 ڈالر پوک و ہول پوک

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میں نے پونڈیہ سے غلامی کی صورت میں
عام شدہ دار کی لکھو پید علی روپیہ
اور ادا ہوئی ہے۔ وہی رقم روپیہ کو
میں نے لکھی ہے۔

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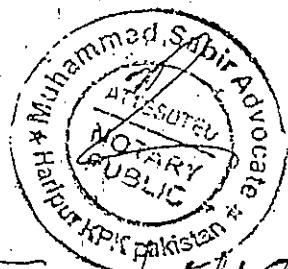
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محمد اسحاق صاحب فرزند

صیانتی کارڈ نمبر



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Annex-J

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

(Departmental Appeal by FC Asad Saeed No. 377 District Police Haripur).

(THROUGH PROPER CHANNEL)

**DEPARTMENTAL APPEAL AGAINST ORDER OB NO. 520
DATED 29-08-2018 OF THE DISTRICT POLICE OFFICER
HARIPUR WHEREBY APPELLANT HAS BEEN AWARDED THE
PUNISHMENT AS "DEMOTED FROM THE RANK OF LHC TO
CONSTABLE".**

**PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL
APPEAL THE IMPUGNED ORDER DATED 29-08-2018 MAY
KINDLY BE SET ASIDE AND APPELLANT BE RESTORED HIS
RANK OF L.H.C. WITH GRANT OF ALL CONSEQUENTIAL
SERVICE BACK BENEFITS.**

Respected Sir,

1. That appellant while posted at Police Lines Haripur was served with a Show Cause Notice dated 13-06-2018 by District Police Officer Haripur incorporating allegation therein as reproduced here below:

"that while posted at Police Lines Haripur, it has come to the notice of the undersigned vide letter No. 169 dated 06-06-2018 by DSP Headquarters Haripur that you are unnecessarily interfering in Case FIR No.542 dated 26-05-2018 u/s 493-A/506/406/34 PPC PS City. Your act is above the law and against the norms of discipline force. In this regard complainant Mehboob-ur-Rehman S/O Mohammad Iqbal R/O Moh Kund submitted written application against you and DSP/HQrs was entrusted an enquiry officer to conduct enquiry on the subject application. You were summoned by DSP/HQrs and you also misbehaved with him, which shows your connivance with miscreants. Your act is severe violation of discipline and is gross misconduct on your part in terms of Police Rules 1975". (Copy of Show Cause Notice dated 13-06-2018 is attached as "A").

Attested

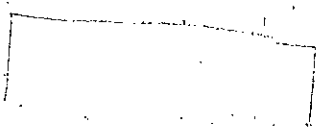
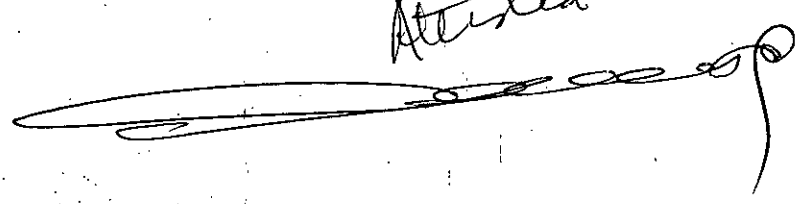
2. That the aforementioned Show Cause Notice was duly replied on 04-07-2018 explaining all facts and circumstances of the matter in detail denying the allegation incorporated therein against the appellant being incorrect and baseless. **(Copy of reply dated 04-07-2018 to the Show Cause Notice is attached as "B").**

4. That without giving any consideration to the reply of Final Show Cause Notice the District Police Officer Haripur vide his order OB No. 520 dated 29-08-2018 awarded the appellant with the major punishment as "Demoted from the rank of LHC to Constable" without any reason and justification. **(Copy of impugned order dated 29-08-2018 is attached as "C").**

5. That in fact on 15-05-2018 one Mst. Sonia Abdul Malik D/O Abdul Malik R/O Pathan Colony, Swat Chowk Haripur, wife of my brother-in-law Umair Ashraf charged the following persons for preparing her forged "Nikah Nama" :-
 - * **Umair Ashraf (complainant's own husband).**
 - * **Mehboob-ur-Rehman (Brother-in-law of her husband).**
 - * **Imran (Brother-in-law of here husaband).**
 - * **Mohammad Asharaf.**
 - * **Appellant (Asad Aaeed).**

However, the stance of the complainant Mst. Sonai was that she had got legally married to said Umair Ashraf (her husband) but her objection/complaint was that her Nikah Nama was forged. During investigating of the complaint, the SHO City, OII PS City and I/C PP TIP frequently called the appellant to appear before them due to which he had to attend their offices and answer their questions. However, soon it came to complainant's knowledge that **Appellant as well as one Mohammad Ashraf** had no concerned with her Nikah Nama and were inadvertently and incorrectly incorporated in her complaint. She, therefore, immediately executed an Affidavit dated 17-05-2018 and presented it before the Investigating Officer for deletion the names of Appellant Asad Seed and

Attested



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Mohamad Ashraf and taking action against rest of the accused. She also submitted an application dated 21-05-2018 explaining his intention with regard to registration of forged nikahnama. **(Copies of Affidavit dated 17-05-2018 and application dated 21-05-2018 is attached herewith as "D & E").**

6. That as per request of the complainant Mst. Sonia, after having deleted the names of Appellant (Asad Saeed) and Mohammad Ashraf, a Case FIR No.542 dated 26-05-2018 u/s 493-A/506/406/34 PPC at PS City Haripur was registered against rest of the accused and then necessary investigation started against accused persons.
7. That accused party (in-laws of the appellant) was not on speaking terms with the appellant and had developed enmity and relations were extremely strained with him due to their civil litigations in the courts. When they came to know that the name of appellant had been deleted from the complaint, they became much furious against appellant. They on their own accord submitted an application to the DPO Haripur that appellant was involved in influencing the case. Whereupon, the DSP/HQrs Haripur summoned the appellant on 04-06-2018 to his office and directed to get the dispute patched up between the parties within 24 hours and report compliance on 06-06-2018. otherwise appellant and his father would be involved in the case. The DSP/HQrs also remembered the appellant that he inquiring the matter against him.
8. That on 05-06-2016 when appellant alongwith SI Naik Mohammad Oll City Haripur appeared before the DSP/HQrs (Sabir Khan) in his office. DSP gave the appellant a paper to read and told that it was statement of Molvi Sarfraz against him. Appellant after reading told the DSP that it was forged/fabricated and presented to the DSP a copy of actual statement recorded by Oll U/S-161. Whereupon the DSP became furious and stretched

Attested

his hand to catch appellant from the neck but police officials intervened and saved him. The DSP asked SI Naik Oll "To take paper and I dictate you Zimini to record against Appellant & his father". Appellant has recorded the very incident in Daily Dairy No. 26 dated 05-06-2018 of Police Lines Haripur. But now copy of the same is not issued to appellant on one pretext or other. Mohammad Sarfraz S/O Abdur Razak the so-called Molvi, has denied citation of any nikah between the parties. **(Copies of application dated 01-06-2018 and Affidavit dated 02-06-2018 of Molvi Sarfraz are attached herewith as "F & G").**

- 9. That the inquiry initiated against the appellant was based on a forged and fabricated statement of Molve Sarfraz prepared by Investigation Officer on the direction of DSP/HQrs Haripur otherwise there is nothing true against the appellant that he has committed any wrong on his part. Appellant is totally innocent, involved falsely and ultimately has been got punished due to personal grudge and enmity developed by DSP HQrs Haripur against him. *Even the dispute has been patched up between complainant (Mst. Soria and accused party). Affidavit dt. 19/6/18 is attached (As-H)*
- 10. That to prove the allegation against the appellant no proper departmental enquiry was conducted against him. Neither any Charge Sheet was issued nor was any Enquiry Officer appointed against the appellant. Even the appellant was not afforded with the opportunity of personal hearing before awarding major punishment of "demotion in rank" and principle of natural justice was violated in the case of appellant hence impugned order needs to be set aside on this score alone.
- 11. 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 major punishment without any reason.

Attested

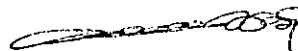
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(2-8)

12. That appellant has rendered more than 16 years service in the police department. He always performed his assigned duties with devotion, dedication and honesty and even on occasions for his tremendous service the appellant has been awarded with the Commendation Certificates and Cash Rewards by his High-Ups.
13. 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 major punishment without any reason.
14. 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 29-08-2018 passed by the District Police Officer Haripur may kindly be set aside and the appellant be restored his rank of LHC with grant of all consequential service back benefits. Thanking you sir in anticipation.

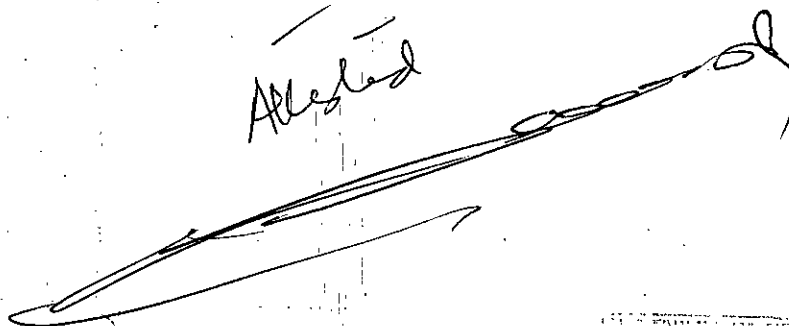
You're obedient Servant



(Asad Saeed)
Constable No. 297
District Police Haripur

Dated 10-09-2018

Attested



29

Annex. K

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 submitted by *Constable Assad Saeed* No: 297 Haripur District against the order of punishment i.e. *Demoted from the rank of LHC to Constable* awarded to him by the DPO Haripur vide his OB No: 520 dated 29.08.2018.

Facts leading to punishment awarded to him are that he while posted in Police Lines, he is un-necessarily interfering in case FIR No: 542 dated 26.05.2018 u/s 493-A/506/406/34 PPC PS City, his act is against the norms of discipline force. In this regard complainant Mehboob Rehman s/o Muhammad Iqbal r/o Mohalla Kund submitted written application against him. To probe the matter DSP Hqrs: appointed EO, he was summoned by the EO and also misbehaved with him.

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, keeping in view his prolong service I take lenient action and punishment of *Demotion from the rank of LHC to Constable* awarded to him by DPO Haripur is modified and converted into **Reduction in pay by 03 years.**

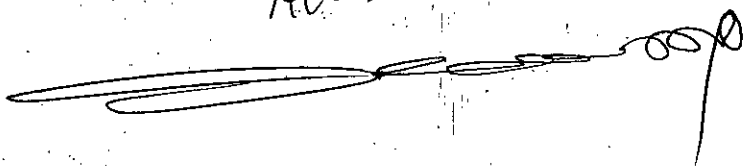
REGIONAL POLICE OFFICER
Hazara Region Abbottabad

No. 4908 /PA, dated Abbottabad the 10/10 /2018.

Copy of above is forwarded to the DPO Haripur vide his office Memo: No: 6031/, 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

Attested





ڈی۔ بی۔ اے

RA No: 206
 BC No:
 Name of Advocate: مدرسہ اسلامیہ

S.No: 29763

وکالت نامہ



بعدالت: جناب جسٹس جسٹس بی بی جہاںگیر
 عنوان: اسرار احمد
 منجانب: اسرار احمد
 نوعیت مقدمہ: سروکل
 باعث تحریر آئیکہ:

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصدیقہ مقدمہ بمقام مدرسہ اسلامیہ کے لیے
مدرسہ اسلامیہ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں 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 پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ
 ہوں گے اور مقدمہ پکھری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا پکھری 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 محتانہ کے واپس کرنے کے بھی صاحب
 موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر ساختہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو
 عرض دعویٰ یا جواب دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی
 اختیار ہوگا اور اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار 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 بیر و نجات از پکھری صدر
 اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا ترقی یا گرفتاری یا اذیت دہی و اجرائے ڈگری بھی صاحب
 موصوف کو بشرط ادائیگی علیحدہ محتانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ
 مزکور یا اس کے کسی جزوی کاروائی 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 کر دے گا تو صاحب
 موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے
 برخلاف نہیں ہوگا۔

Accepted by
M. Aslam

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: 2018/10/26
 دن 26 | ماہ 10 | سال 2018

(اسرار احمد)

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

SERVICE APPEAL NO.1347/2018

Asad Saeed S/o Muhammad Saeed, Head Constable No. 297, 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 respondents 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 stopped by his own conduct.
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 necessary 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 both the 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 complainant Mehboob-ur-Rehman S/o Muhammad Iqbal Khan R/o Mohallah Kund, Darwaish and Malik Imran S/o Muhammad Banaras, R/o choniyan, District Haripur, submitted an application to the then District Police Officer, Haripur, regarding the interference of appellant in case FIR No. 542 dated 26.05.2018, u/s 493-A / 506 / 406 / 34 PPC, Police Station City, District Haripur, the application was entrusted to the then DSP HQrs to probe the allegations. (Copy of application is attached as Annexure "A"). The appellant LHC Asad Saeed was called by the enquiry officer to participate in the enquiry proceeding, who misbehaved with the enquiry officer, the fact was reported in Daily Diary No. 22 dated 05.06.2018, Police Lines Haripur. (Copy of Daily Diary is attached as Annexure "B"). The enquiry officer probed the matter and submitted his findings vide his office Memo No. 169 dated 06.06.2018, in which he held the allegations leveled in the application by the complainants as proved. There was strong evidence before the then District Police Officer, Haripur, which held the appellant guilty of gross misconduct, therefore, the appellant was issued Show Cause Notice vide this office Memo No. 157 dated 13.06.2018. The

appellant could not give satisfactory reply of Show Cause Notice, he was called in orderly room and was heard in person by the then District Police Officer, Haripur. The appellant failed to prove his innocence, hence, being found guilty of gross misconduct, the appellant was awarded lawful major punishment of demotion in rank from LHC to Constable vide OB No. 520 dated 07.08.2018, by the then District Police Officer, Haripur. (Copy of order is attached as Annexure "C").

2. Incorrect, the appellant could not give satisfactory reply of Show Cause Notice issued to him.
3. Incorrect, all facts, circumstances and relevant evidence was taken into consideration by the then District Police Officer, Haripur, and being found guilty of gross misconduct, the appellant was awarded major punishment of demotion in rank from Head Constable to Constable as per law.
4. In reply to this Para, it is submitted that the complainants leveled severe allegations of unnecessary interference by the appellant in case FIR NO. 542 dated 26.05.2018, U/s 493-A/506/406/34, therefore, the matter was probed through DSP HQrs Haripur, the appellant became angry and harsh towards enquiry officer. The appellant committed gross misconduct, which was proved in enquiry, moreover, the appellant is generating concocted stories to absolve him from liabilities. The fact of interference in criminal case by appellant was proved beyond any doubt.
5. In reply to this Para, it is submitted that the role of appellant involving in the investigation of the case and influencing it was proved in enquiry conducted by the DSP HQrs. The acts and the omissions of the appellant were highly objectionable and misconduct under the law.
6. Incorrect, as the appellant was complained against with specific allegations of interference in criminal case, the matter was being probed by the enquiry officer, the appellant behaved rudely towards the enquiry officer, and quarreled with the senior officer, the attitude of appellant is against the good conduct and norms of discipline force.
7. Incorrect, the appellant hampered the enquiry proceedings and threaten the enquiry officer also. The appellant was found fully involved for unnecessary interference in the referred case. The appellant committed misconduct for which, he was awarded appropriate legal punishment.
8. Incorrect, the appellant was complained against by citizens, moreover, the allegations were found correct during the enquiry, conducted on the application against the appellant.
9. Incorrect, preliminary enquiry was conducted, the enquiry officer recorded and collected the evidence which held the appellant guilty of gross misconduct. There was strong evidence which established the guilt of appellant. Hence, he was awarded quite legal punishment.
10. Incorrect, the appellant does not possess meritorious service record, he was awarded the following punishments during past service :-
 - I. Period of absence three days treated leave without pay, vide OB No. 314 dated 24.06.2008.
 - II. Leave without pay, vide OB No. 689 dated 24.11.2008.
 - III. Absence period treated as leave without pay, vide OB No.403 dated 17.06.2009.
 - IV. Period of absence treated as leave without pay, vide OB No. 524 dated 07.08.2009.

- V. Warning, vide OB No. 729 dated 04.12.2015.
- VI. Warning, vide OB No. 415 dated 29.06.2016.
- VII. Reversion in pay scale, vide OB No. 229 dated 30.03.2017.
- VIII. Forfeiture of approved service for 02 years, vide OB No. 353 dated 05.05.2017, (Both the punishments mentioned at serial No. VII and VIII were converted into minor punishment of censure by Regional Police Officer, Hazara Region Abbottabad, vide Order Endst No. 4539 /PA dated 27.10.2017).

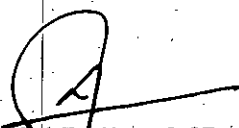
11. In reply to this Para, it is submitted that the appellant preferred departmental appeal to the then Regional Police Officer, Hazara Region, Abbottabad, against the punishment, who took lenient view and converted the major punishment of demotion in rank from LHC to Constable into reduction in pay by 03 years vide his office order Endst No.4908 dated 10.10.2018. (Copy of order is attached as Annexure ""D").

12. As stated above.

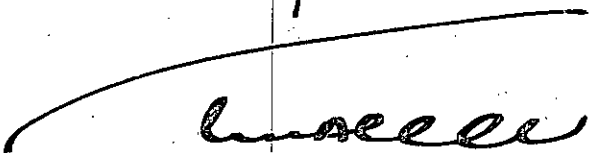
GROUND:-

- a) Incorrect, both the orders passed by the departmental authorities are based on facts, strong evidence and cogent reasons. Hence, the orders of punishments are quite legal, in accordance with law and maintainable.
- b) Incorrect, a preliminary enquiry was conducted, the appellant was given right of personal hearing, and self defense, the appellant agressed against the enquiry officer, and failed to prove his innocence. Moreover, the appellant was also issued Show Cause Notice vide this office Memo No. 157 dated 13.06.2018, to which the appellant could not give any plausible defense. The appellant was also heard in person in orderly room by the competent authority, hence, all legal requirements were fulfilled, while passing the lawful punishment to the appellant.
- c) Incorrect, the appellant was estopped by his own conduct, he misbehaved with the enquiry officer to restrain him from proceeding with the enquiry. The appellant's conduct was negative, which did not reflect him a gentle man police official. His acts and omissions were proved gross misconduct, which rendered him for lawful departmental punishment.
- d) Incorrect, the appellant was dealt with fairly, in accordance with law, and principles of natural justice. Therefore, the orders of punishments are lawful and maintainable.
- e) Incorrect, the appellant authority abided by the law and having taken into consideration all facts, evidence and personal hearing of appellant, lenient view was taken towards appellant and major punishment of demotion in rank from LHC to Constable was converted into reduction in pay by 03 years by the then Regional Police Officer, Hazara Region Abbottabad.
- f) Incorrect, the appellant was given right of personal hearing and self defense, having fulfilled the legal requirements, the appellant was awarded lawful punishment.
- g) Legal.

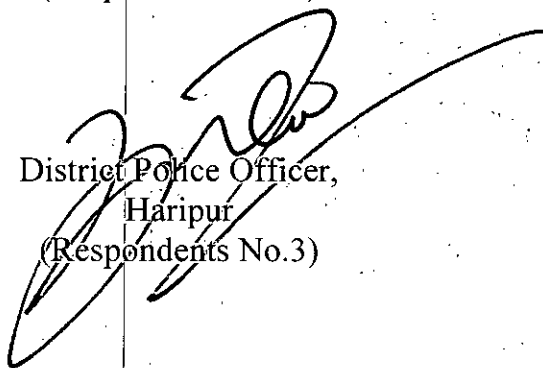
In view of above, it is therefore, most humbly prayed that the instant service appeal does not hold any legal force, which may graciously be dismissed.



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)

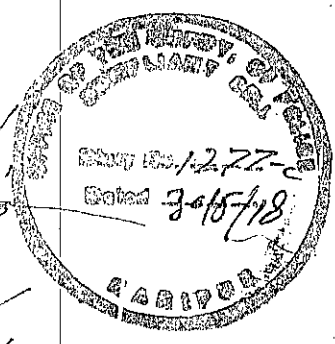
کتابت فی ذیل

DSP Hg

رقم	تاریخ
493-A-506-406	26/5/18
34 the	

for inquiry Report

ذیل کی تاریخ سے شروع کر کے
 تمام کیسز کی جانچ کر لی جائے
 اور ان کی ترقی کی رپورٹیں
 جمع کر کے پیش کی جائیں۔



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 13302-680 21 9 11/11/18

مہاراجہ پری لود

نقل رپٹ اور 22 در 22 رات 5/06/18

در 22 آندیشی فون / رپورٹ 5/06/18 1400 عم رپورٹ ہندہ اس وقت
 دفتر جناب DSP سید کونڈ کے ریگرا آف حمید نے سرکاری نمبر سے بتدیا کہ انوائس
 اذان ولد عمران و فو۔ اسٹیشن حوالہ رقم 442/18 جم 506/4938
 سے فون پر مبنی آڈیو ٹیکہ محمد یونس وید شاہ ایڈ 2 فون 718 طارق AMHC
 اس کے بعد 11 بجے کو جناب DSP سید انوائسری طلب کیا گیا جو کہ طلبہ
 پولیس افرین دفرہ ٹائم پر حاضر آئے تھے جبکہ اس کے بعد 11 بجے پولیس اسٹیشن پر
 ٹائم پر حاضر آیا جو کہ بعد میں دفتر آیا اور اس کے آنے کی وجہ دریافت کر کے فون
 نے اسٹیشن منڈیٹ سے پورے زبان استعمال کی اور جناب سے صرف ہم جناب DSP
 سے وہی ٹیکہ لیا گیا ہے بدتمیزی کی وجہ سے سینٹر اور جوینر کا وقت بھی نہ صرف باطل
 ہوا بلکہ دیگر فورسز پر بھی فوننگ کی ایسی وقت سے فقہ اثرات مرتب ہوتے
 ہوئے ہیں اور سفاقت ظاہر ہے اور چند دیگر پولیس افرین نے بھی فوننگ کی بدتمیزی
 کو جتنا بلکہ پورے حرکات کو سیکھا فوننگ 11 بجے سے صرف سینٹر افسر کو روکھی
 دی بلکہ بلک میں کرنے کی بھی کوشش کی اسکی رپورٹ میں روزنامہ کی
 نقل رپٹ فرما دفتر جناب DSP کو فوننگ کا رپورٹ بھیجانی چاہئے اور
 اطلاع صرف صرف ہر روز نامہ میں نقل رپٹ میں ملے اس کے فوننگ کی اطلاع

فاب عالی

نقل عطا علی

mm)mm
 mm Police Inic.
 5/06/18

Sir
 Forwarded RLZ
 Ri Inic HR
 11/18

P. Saba
 11/18

Police Department

ORDER

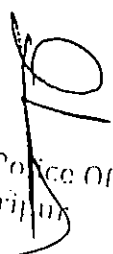
District Haripur

LHC Assad Saeed No.297, while posted in Police Lines, Haripur, it came in the notice of undersigned vide letter No-169 dated 06.06.2018, DSP/HQ, Haripur, that he is un-necessarily interfering in case FIR No. 542 dated 26.05.2018 u/s 493-A/506/406/34 PPC PS City, Haripur, his act is against the norms of discipline force. In this regard complainant Mehboob Rehman s/o Muhammad Iqbal r/o Mohalla Kund, Haripur submitted written application against LHC Assad Saeed. To probe the matter DSP/HQ appointed as enquiry officer, he was summoned by DSP/HQ and also misbehaved with him. The acts and omissions of defaulter official were misconduct under Khyber Pakhtunkhwa, police efficiency and discipline rules 1975. Therefore, He was issued show cause notice, vide office letter No.157 dated 13.06.2018.

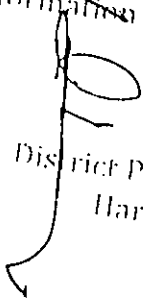
To probe the allegations, Mr. Sabir Khan, SDPO, Headquarter, Haripur was appointed as enquiry officer, who conducted proper departmental enquiry and submitted his finding, vide his office Memo No.169 dated 06.06.2018, in which, he held the accused police official guilty, on receiving recommendation of enquiry officer, 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 LHC Assad Saeed No.297, the charges of misconduct against the defaulter official stands proved, I am fully satisfied that LHC Assad Saeed 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 "Demoted from the rank of LHC to Constable" reinstated in service, with immediate effect.

Order announced.
OR No. 520 dated 07-08-2018


District Police Officer
Haripur

/SRC, dated 29/8/2018
Copy of above is forwarded to Superintendent of
Police Investigation Wing Haripur for favor of information please.


District Police Officer
Haripur

No. 5328

Recd in
Service Qd.


(M)

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 submitted by *Constable Assad Saeed No: 297* Haripur District against the order of punishment i.e. *Demoted from the rank of LHC to Constable* awarded to him by the DPO Haripur vide his O/B No: 520 dated 29.08.2018.

Facts leading to punishment awarded to him are that he while posted in Police Lines, he is un-necessarily interfering in case FIR No: 542 dated 26.05.2018 u/s 493-A/506/406/34 PPC PS City, his act is against the norms of discipline force. In this regard complainant Mehboob Rehman s/o Muhammad Iqbal r/o Mohalla Kund submitted written application against him. To probe the matter DSP Hqrs: appointed EO, he was summoned by the EO and also misbehaved with him.


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, keeping in view his prolong service I take lenient action and punishment of *Demotion from the rank of LHC to Constable* awarded to him by DPO Haripur is modified and converted into **Reduction in pay by 03 years.**


REGIONAL POLICE OFFICER
Hazara Region Abbottabad

No. 6908 /PA, dated Abbottabad the 10/10

/2018.

Copy of above is forwarded to the DPO Haripur vide his office Memo: No: 6031/, 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

10/10

1/21
1/11

DPO Hqrs
10/10

6534
15/10/18
DSP Hqrs

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

9

TB

No.

Inspector Genl
For n/a - court
appeal

Appeal No. 1347 of 2018

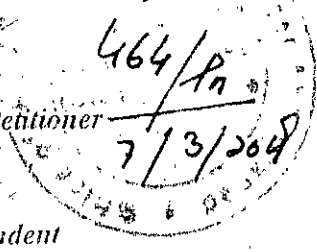
Azad Saeed

Appellant/Petitioner

Versus

The P.P.O. K.P.P. Pesh.

Respondent



DPO HR
11-03-19

Respondent No. 2

Notice to: - Mr. Regional Police Officer Hazara
Region Molethalabad

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 16-4-2019 at 8:00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

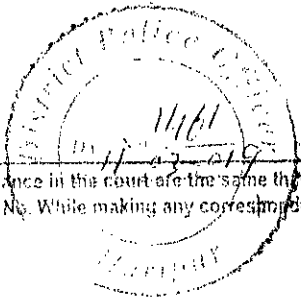
office Notice No. dated 7-3-2019

Given under my hand and the seal of this Court, at Peshawar this 26/11/2018

Day of Feb 2019

at Camp Court A. Saeed

DPO Hafiz
For n/a action.



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
- 2. Always quote Case No. While making any correspondence.

BEFORE HONOURABLE KHYBER PAKHTUNKHWA.
SERVICE TRIBUNAL PESHAWAR

Appeal No. 1347/18

Asad Saeed S/O Mohammad Saeed, ^{Head} Constable No. 297,
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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3.	Reply dated 04-07-2018 to Show Cause	"B"	14-16
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5.	Affidavit dt.17-05-18 & Application 21-05-18	"D&E"	18-19
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Through

Appellant

M. Aslam Tanoli
(Mohammad Aslam Tanoli)
Advocate High Court
of Haripur

Dated: 26-10-2018

3047
22-5-19

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No.....

Asad Saeed S/O Mohammad Saeed, Head Constable No. 297, presently posted at Police Lines, Haripur.

Appellant

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 29-08-2018 OF THE DISTRICT POLICE OFFICER HARIPUR WHEREBY APPELLANT WAS DEMOTED 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 29-08-2018 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,

1. That appellant while posted at Police Lines Haripur was issued with a Show Cause Notice dated 13-06-2018 by the District Police Officer Haripur. (Copy of Charge Sheet dated 13-06-18 is attached as annex-"A").
2. That aforementioned Show Cause Notice was duly replied on 04-07-2018 by appellant explaining all facts

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and circumstances of the matter in detail denying the allegations leveled against him being incorrect and baseless. (Copy of reply dated 04-07-2018 to the Charge Sheet is attached as annex- "B").

3. That without giving any consideration to the reply submitted by the appellant, the District Police Officer Haripur through impugned order dated 29-08-2018 awarded the appellant with the penalty of "Demotion in rank from Head Constable to Constable" without any proof and justification. (Copy of impugned order dated 29-08-2018 is attached as annex- "C").

4. That in fact on 15-05-2018 one Mst. Sonia Abdul Malik D/O Abdul Malik R/O Pathan Colony, Swat Chowk Haripur, wife of my brother-in-law Umair Ashraf charged the following persons for preparing her forged "Nikah Nama" :-

- * Umair Ashraf (complainant's own husband).
- * Mehboob-ur-Rehman (Brother-in-law of her husband).
- * Imran (Brother-in-law of here husaband).
- * Mohammad Asharaf.
- * Appellant (Asad Aaeed).

However, the stance of the complainant Mst. Sonai was that she had got legally married to the said Umair Ashrat (her husband) but her objection/complaint was that her Nikah Nama was forged. During investigation of the complaint, the SHO City, OII PS City and I/C PP TIP frequently called the appellant to appear before them due to which he had to attend their offices and answer their questions. However, soon it came to complainant's

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knowledge that Appellant as well as one Mohammad Ashraf had no concerned with her Nikah Nama and were inadvertently and incorrectly incorporated in her complaint. She, therefore, immediately executed an Affidavit dated 17-05-2018 and presented it before the Investigating Officer for deletion the names of Appellant Asad Seed and Mohamad Ashraf and taking action against rest of the accused. She also submitted an application dated 21-05-2018 explaining his intention with regard to registration of forged nikahnama. **(Copies of Affidavit dated 17-05-2018 and application dated 21-05-2018 is attached as annex- "D & E")**.

5. That as per request of the complainant Mst. Sonia, after having deleted the names of Appellant (Asad Saeed) and Mohammad Ashraf, a Case FIR No.542 dated 26-05-2018 u/s 493-A/506/406/34 PPC at PS City Haripur was registered against rest of the accused and then necessary investigation started against accused persons.
6. That accused party (in-laws of the appellant) was-not on speaking terms with the appellant and relations were strained with him due to their civil litigations in the courts. When they came to know that the name of appellant had been deleted from the complaint, they became much furious against appellant and on their own accord submitted an application to the DPO Haripur that appellant was involved in influencing the case. Whereupon, the DSP/HQrs Haripur summoned the appellant on 04-06-2018 to his office and directed to get

The dispute patched up between the parties within 24 hours and report compliance on 06-06-2018 otherwise appellant and his father would be involved in the case. The DSP/HQrs also remembered the appellant that he had been inquiring the matter against him.

7. That on 05-06-2018 when appellant alongwith SI Naik Mohammad Oil City Haripur appeared before the DSP/HQrs (Sabir Khan) in his office. DSP gave the appellant a paper to read and told the appellant that it was statement of Molvi Sarfraz against him. Appellant after reading replied the DSP that it was forged/fabricated and appellant presented to the DSP a copy of actual statement recorded by Oil U/S-161. Whereupon the DSP became furious and stretched his hand to catch appellant from the neck but police officials intervened and saved him. The DSP asked SI Naik Oil "To take paper and I dictate you Zimni to record against Appellant & his father". Appellant recorded the very incident in Daily Dairy No. 26 dated 05-06-2018 of Police Lines Haripur. Mohammad Sarfraz S/O Abdur Razak the so-called Molvi denied citation of any nikan between the parties. (Copies of Daily Dairy No. 26 dated 05-06-2018, Application dated 01-06-2018 and Affidavit dated 02-06-2018 of Molvi Sarfraz are attached as annex-"F, G & H").

8. That the inquiry initiated against the appellant was based on a forged and fabricated statement of Molvi

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Sarfraz prepared by Investigation Officer on the direction of DSP/HQrs Haripur otherwise there is nothing true against the appellant that he has committed any wrong on his part. Appellant has been involved falsely and got punished due to personal grudge and enmity developed by DSP HQrs Haripur against him. Even the dispute between complainant and accused party has been patched-up. **(Copy of Affidavit dated 19-06-2018 is attached as Annex-"I")**.

9. That to prove the allegation against the appellant no proper departmental enquiry was conducted against him. Neither any Charge Sheet was issued nor was any Enquiry Officer appointed against the appellant. Even the appellant was not afforded with the opportunity of personal hearing before awarding major punishment of "demotion in rank" and principle of natural justice was violated in the case of appellant hence impugned order needs to be set aside on this score alone.
10. That appellant has rendered more than 11 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.
11. That appellant aggrieved of the impugned order preferred a departmental appeal dated 10-09-2018

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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 Show Cause Notice. **(Copy of the departmental appeal dated 10-09-2018 is attached as annex-"J").**

12. That the Regional Police officer, Hazara Region, Abbottabad while accepting appellant's departmental appeal converted the penalty of demotion 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-"K").**

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

GROUND:

- a) That both the impugned orders dated 29-08-2018 and 10-10-2018 of respondents are illegal, unlawful, without lawful authority, void-ab-initio, passed in slipshod, perfunctory and arbitrary manner, against the law, departmental rules/regulation, facts & circumstances of the matter hence are liable to be set aside.
- b) That no proper departmental inquiry was conducted against the appellant. Neither Charge Sheet was issued nor was any Enquiry Officer appointed against the appellant. Even the appellant was not afforded

with the opportunity of personal hearing before awarding major punishment of "demotion in rank" and principle of natural justice was violated in the case of appellant hence impugned order needs to be set aside on this score alone.

C. 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.

D) 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.

E.) 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

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of General Clause Act 1897 read with Article 10A of the Constitution of Islamic Republic of Pakistan 1973.

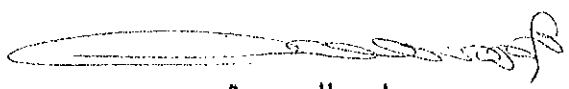
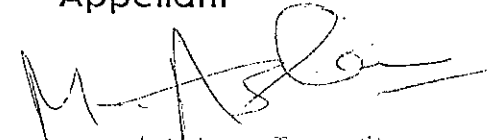
F) That the appellant was also not provided with an opportunity of personal hearing before awarding the penalty which is also necessary and mandatory thus has been condemned unheard.

g) That instant appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudication upon the same.

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Service Appeal both the orders dated 29-08-2018 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

(Moharhmad Aslam Tanoli)
Advocate High Court
Al 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

(9)

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Asad Saeed S/O Mohammad Saeed, Head Constable No. 297, presently posted at Police Lines, Haripur.

Appellant

VERSUS

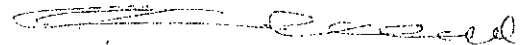
1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer Haripur.

Respondents

SERVICE APPEAL

AFFIDAVIT:


I, Asad Saeed S/O Mohammad Saeed 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.

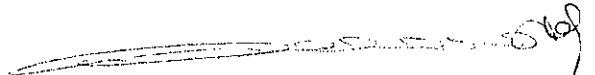


Deponent/Appellant

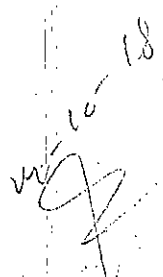
Dated: 26-10-2018

Identified By:


Mohammad Aslam Tanoli
Advocate High Court
At Haripur



Appellant

26-10-18


10

20

BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Asad Saeed S/O Mohammad Saeed, Head Constable No. 297, presently posted at Police Lines, Haripur.

Appellant

VERSUS

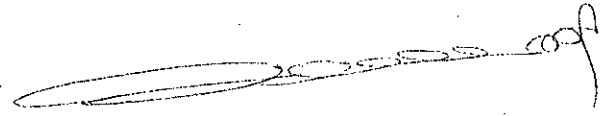
1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer Haripur.

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



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Asad Saeed S/O Mohammad Saeed, Head Constable No. 297, 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 29-08-2018 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.
3. That Applicant/appellant for review of aforesaid illegal order submitted a departmental appeal to the

12

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
Al District Bar Haripur

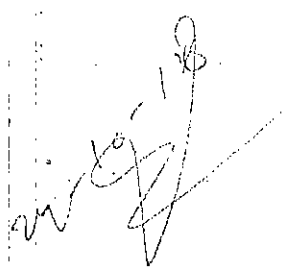
Dated: 26-10-2018

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





OFFICE OF (13)
THE DISTRICT POLICE OFFICER, HARIPUR

Annex A²

No: 157 Dated 13/16/2018

Fl. # 0995-614712 / 0995-611291

Fax # 0995-614714

E-Mail: spharipur@gmail.com

SHOW CAUSE NOTICE

1. That you LHC Asad Saeed No. 297 while posted at Police Lines have rendered yourself liable to be proceeded under Rules 5 (3) of the Khyber Pakhtunkhwa, Police E&D Rules 1975 for following misconduct;

"That you while posted at Police Lines, Haripur, it has come to the notice of the undersigned vide letter No. 169 dated 06.06.2018 by DSP HQrs, Haripur that you are unnecessarily interfering in Case FIR No. 542 dated 26.05.2018 u/s 493-A/506/406/34 PPC PS City. Your act is above the law and against the norms of discipline force. In this regard complainant Mehboor Ur Rehman s/o Muhammad Iqbal r/o Moh Kund submitted written application against you and DSP/HQrs was entrusted an enquiry officer to conduct enquiry on the subject application. You were summoned by DSP/HQrs and you also misbehaved with him, which shows your connivance with miscreants. Your act is severe violation of discipline and is gross misconduct on your part in terms of Police Rules 1975.

2. That by reason of above, sufficient material is placed before the undersigned; therefore it is decided to proceed against you in general Police proceedings without aid of enquiry officer.
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. The your retention in the Police force will amount to encourage inefficient and unbecoming of good Police Officers;
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.
6. You, therefore called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa, Police E&D Rules, 1975 for the misconduct referred to above.
7. You should submit reply to this show cause notice within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.
8. You are further directed to inform the undersigned that wish to be heard in person or not.

District Police Officer,
Haripur

Received by _____

Dated: / / 2018

Attested

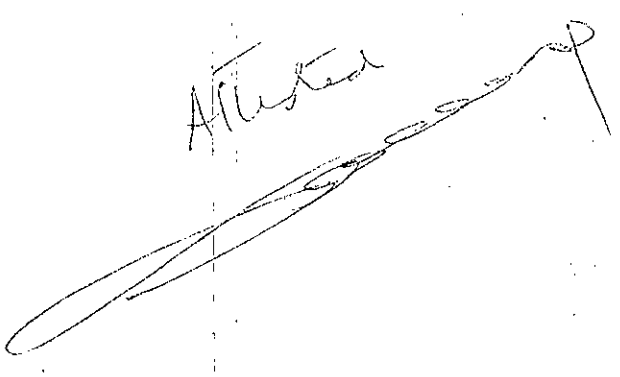
141

لبنان ٹریڈرز ٹرسٹ ڈائری بلی 157 فورم 13/6/2018 کلیم دفتر خراب
 صاحب کو پورے حروف ختم ہونے کے بعد سماء سونیا عبدالمکبر کے سالہ
 زرم پے نے ایسا تحریر کیا درخواست ایسے جعلی نکاح کی نسبت رجسٹری آئی پی
 جس میں ملزمان میں میرا نام ہی شامل تھا جو میرا مابین جہم سے تعلقاً
 تعلق نہ ہی جا کر میرا نام درخواست سے ہے بناہ ثابت رہونہ جہم سے دیا
 گیا۔ جس کی نسبت سونیا نے ایسا تحریر کیا جہم سے پیش کیا اور باقی
 ملزمان کے خلاف مقدمہ عدالت 542 جہم 493A/506 کلیم دفتر خراب رجسٹری ہو گیا
 18 406/34

مقدمہ عنوان بالا میں لکھا گیا ہے کہ جہم سے تعلق ہاں اور سالہ سے جس کے
 ساتھ میرے والدت رجسٹری میں مقدمات چلے رہے ہیں اور آپس میں خانگی رجسٹری
 جہم سے ہے جسکو مقدمہ میں سے ہے بناہ ثابت ہونہ اور میرا نام تعلق جانے کا
 بہت حد تک تھا اور رجسٹری تھی جو اس رجسٹری کی زرم سے ملزمان نے ایسا تحریر
 درخواست میرا خلاف مقدمہ ایسے تعلق ہونے کی دی۔ جسکو میرے میرا نام
 درخواست میں ہونے کی وجہ سے 5110 سٹی صاحب، ننہ صاحب، کلیم دفتر خراب
 کے طلب کردہ جہم سے تعلق اور خانہ جانا رہا ہوں۔

ملزمان کی تحریر درخواست میرا۔ صاحب خان 1118 صاحب نے مقدمہ 4/6/13 کلیم دفتر
 بلاد کر مقدمہ میں واقعی ناقص پروانہ کا کیا اور بصورت رجسٹری اور میرے والد صاحب
 کو مقدمہ عنوان بالا میں ملزمان بناے کی دیکھی دی اور 24 گھنٹے کا ٹائم دیا اور
 جواب 6/6/13 کو دفتر میں پیش ہونے کا کیا۔ اور کیا کے آئیڈیٹی میں کر رہا ہوں
 یہ بات زرم سے مل رہا ہے۔

فورم 5/6/13 کو میں میرا نہیں لکھ رہی تھی کہ دفتر خراب۔ 518/13 میں پیش ہوا ہے

استغاثہ


15

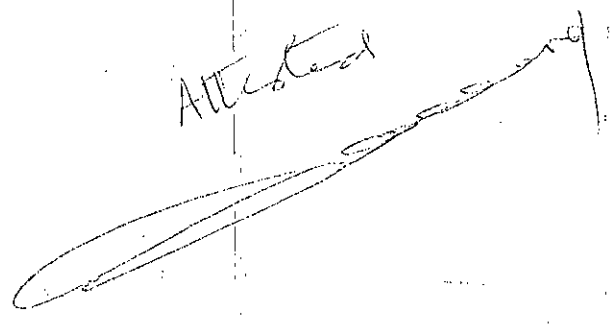
خبا - صاحبزادہ صاحب نے اس کے بیان کو رد کیا اور فرمایا کہ یہ بیان
 میں مزید صاحب نے غلطی ظاہر کیا ہے اس کے لئے کہ جو چیز
 لہجہ میں ہے وہ صاحب کو بتا رہا ہے یہ (جسلی) ہے اور صاحب
 بیان چھوڑ کر دیا اس میں صاحب نے غلطی نقل دیکھی اور بتایا کہ
 اس کا بیان نہ صاحب نے یہ کہہ کر شامل نہیں کیا جو اس بیان کے
 ہے آپ یہ جسلی دیکھ کر انوکھے شہادت کر کے جوڑنا بیان کو
 سے لے آئے

جس پر خبا صاحبزادہ صاحب نے غصہ میں آ کر اور کئی دفعہ کہہ کر کہا کہ
 لکھو میں منی جرنلوں کو اور اس کے والد کو لکھ کر بتاؤ اور
 ساتھ ہی خبا صاحب نے کہا کہ وہ اور کسی سے انوکھے شہادت
 کی کوشش کی جو یہاں ہو رہی ہے انہوں نے خبا کو اس واقعہ کی
 بحوالہ دیکھ کر (26 روزنامہ پیر 5/6) پر لکھ کر پبلشر میں
 لکھ کر آج تک میں طلب کر رہا ہوں جسے لائن پبلشر نے نہ
 یہ کہہ کر شامل دیتے ہیں کہ صاحب ناراض ہونگے ان سے اجازت
 لے آؤ

مگر خبا جسلی کو رد کر کے فرمایا کہ اس کا بیان لکھا
 ہوا ہے کہ میں نے اس کے لئے حکم دیا ہے کہ وہ پبلشر
 بتانے پر جسلی انوکھے کا نشان خود سے لکھایا گیا ہے
 یہ سنا ہے آجائے گا جو خبا صاحبزادہ صاحب نے غصے
 میں لکھا ہے اور خبا نے اس کے لئے کہہ دیا ہے

تقدیم عدلت 542/18 ج 493-1/506 سے میں ماہرین فریڈین

Attested



(16)

راضی نامہ یو جی کھاپے خود احوالت سے والین لیا جا چکا ہے مگر نیا
صاحب خان صاحب نے اپنے سہم اور حوری کا ناجائز استعمال کرتے ہوئے
اپنے برائی خداداد سے اپنے ماتحت کو زہریات کا نشانہ
بھی اور دفتر میں گامیان دی ہے اور ٹیوٹی انوائسزں جعلی دستاویزات خود
تعمیر (Suspend) کر دیا

تمام پیشین آہرہ حالت دروغت کی ٹیوٹی
دیکھی (قلم پانے) میر سلف سے کر چکا ہے اور صاحب $\frac{558}{40}$ صاحب
خان صاحب سے ی جائے نامہ سہم اور جوٹہ سانس آجائے اور فریڈ
سفر گزارے جوٹے بیان کی جی انوائسزں کی جائے نامہ سہم سانس کی
کی ناکامی سانس آتے

اسٹیشن سٹیل خود نیا زہریات کا نشانہ بنایا گیا
یہ سانس کوئی خرافہ ڈسبیلن حکم کی نیا کی ہے مقدم میں راضی نامہ یو
جی کھاپے سے نقل بیان سے سفر گزارے اسٹاپ بہرے، ٹیوٹی دروغت
سفر گزارے سہم نامہ سہم لہ سے سانس سہم رسم کرتے جوٹ
دافل دفتر سفر گزارے

Case No. 267
4-7-2018

Attested

[Handwritten signature]

Police Department

(17)

District Haripur

ORDER

LHC Assad Saeed No.297, while posted in Police Lines, Haripur, it came in the notice of undersigned vide letter No-169 dated 06.06.2018, DSP/HQ, Haripur, that he is un-necessarily interfering in case FIR No. 542 dated 26.05.2018 o/s 493-A/506/406/34 PPC PS City, Haripur, his act is against the norms of discipline force. In this regard complainant Meldoob Rehman s/o Muhammad Iqbal r/o Mohalla Kund, Haripur submitted written application against LHC Assad Saeed. To probe the matter DSP/HQ appointed as enquiry officer, he was summoned by DSP/HQ and also misbehaved with him. The acts and omissions of defaulter official were misconduct under Khyber Pakhtunkhwa, police efficiency and discipline rules 1975. Therefore, He was issued show cause notice, vide office letter No.157 dated 13.06.2018.

To probe the allegations, Mr. Sabir Khan, SDPO, Headquarter, Haripur was appointed as enquiry officer, who conducted proper departmental enquiry and submitted his finding, vide his office Memo No.169 dated 06.06.2018, in which, he held the accused police official guilty. on receiving recommendation of enquiry officer, he was placed in orderly room and was heard in person.

Having gone through enquiry report, recommendation of enquiry officer and after personal hearing of accused LHC Assad Saeed No.297, the charges of misconduct against the defaulter official stands proved. I am fully satisfied that LHC Assad Saeed committed misconduct, therefore, I, Mansoor Aman District Police Officer, Haripur being competent authority under Khyber Pakhtunkhwa efficiency and discipline rules 1975, awarded major punishment of "Demoted from the rank of LHC to Constable" reinstated in service, with immediate effect.

Order announced.
OR No. 520 dated 07-08-2018

District Police Officer
Haripur

5328

/SRC, dated 29/8/2018

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

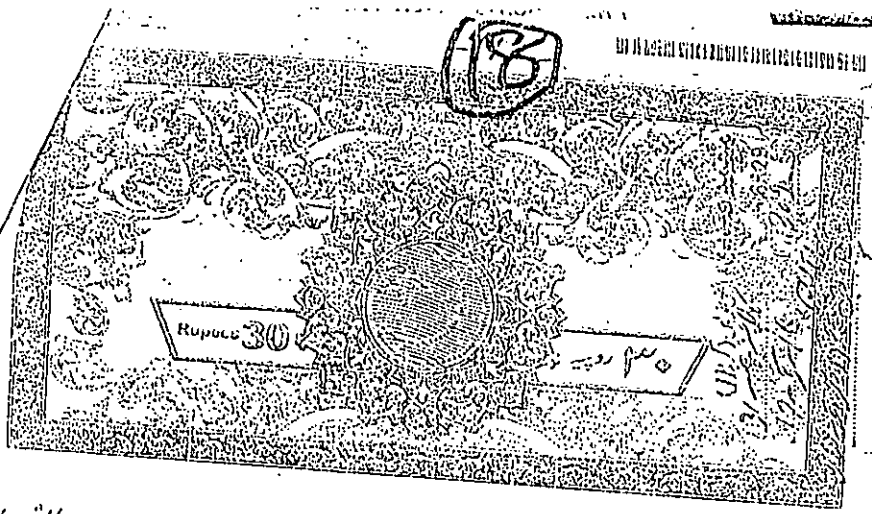
District Police Officer
Haripur

Handwritten notes:
Sd/-
DPO
Haripur

Attested

Signature

'D'



17-5-18 9:59 AM

بیت تھک اسٹاپت ماہی 30

بیت تھک

سنگہ سمانہ سونیا عبد الامانک زویہ عظیمہ اشرفیہ کنہ سورت
 برون بچان کارن پر پرور کار 50 -
 کاغذ بانی پران کہ تیا منورہ تے بو دلوانت سے برقرار تے
 عظیمہ اشرفیہ سیدہ زویہ اس میں تیرا اشرفیہ و تیرا اسلام
 اور مول عبدینک اس قدر تھوری و لہر تھک سیدہ کنہ سونیا پرور
 دیکھتے سول پران تے پیراہ شامیل اپنا تیا تھک کر اب تے منورہ تے
 تھان کھول کے تے اس واقع میں منورہ بالالہ پرور اشرفیہ
 شامیل میں تھکے جنت کے نام دلوانت بو تھکری 1145
 سورت 15-5-18 دفتر 50 لا کھیت تھک سول اور تھانہ
 سول 5-11-18 سے خارج فرمائے جاوے تے دیکھو سورت تھک
 کاغذ بانی پران کہ تیا منورہ تے بو دلوانت سے برقرار تے
 عظیمہ اشرفیہ سیدہ زویہ اس میں تیرا اشرفیہ و تیرا اسلام
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17-5-18 9:59 AM

17-5-18 9:59 AM



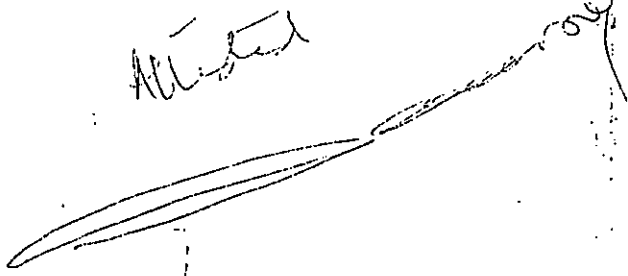
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13503-660705-9

13503-660705-9

بیت تھک اسٹاپت ماہی 30

بیت تھک

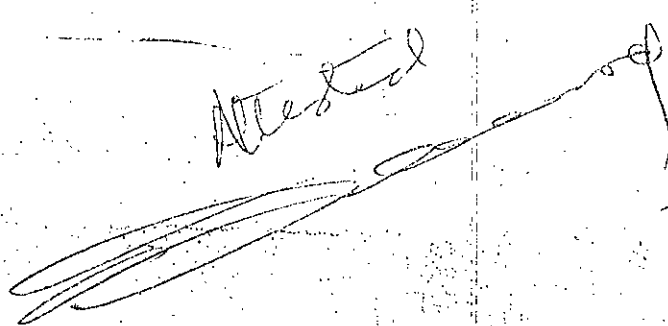


12 - محبت علی (19) دیپٹی سیکریٹری

حضرت مولانا محمد شفیع صاحب مدظلہ العالی

بزرگوارتھ محمد شفیع صاحب مدظلہ العالی ۱۵/۵/۱۳۳۷
نسبت جملہ ناموں و خاندانہ ششگلین اور ششگلین - ششگلین -
عبد بناروں - عمیر الرحمن مدظلہ العالی، سادات گل ناز بھائی صاحبانہ
ششگلین صاحبان - جواہر صاحبان - جواہر صاحبان - جواہر صاحبان
بزرگوارتھ مولانا محمد شفیع صاحب مدظلہ العالی جانشین صاحبان و
کافلہ صاحبان -
بزرگوارتھ مولانا محمد شفیع صاحب مدظلہ العالی مولانا محمد شفیع صاحب مدظلہ العالی
مجاہد صاحبان

بزرگوارتھ مولانا محمد شفیع صاحب مدظلہ العالی مولانا محمد شفیع صاحب مدظلہ العالی
کہ بہتر ہے کہ ہرگز نہ دیکھا گیا اور کیا کہ بہتر ہے کہ
۱۰ دن میں کمال نام اور گورڈ سے دیکھا - جو شانہ گورڈ
محمد شفیع صاحب مدظلہ العالی نام دیا تو ہرگز نہیں میرا ششگلین صاحبان
جانا ہمہ کسیر محمد شفیع صاحب مدظلہ العالی گانا نام لکھا تھا جو محمد شفیع صاحب مدظلہ العالی
والیں گورڈیا جو ششگلین اور ششگلین صاحبان مدظلہ العالی مدظلہ العالی
مجاہد صاحبان گورڈیا گورڈیا گورڈیا ششگلین - ششگلین اور ششگلین صاحبان
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بزرگوارتھ مولانا محمد شفیع صاحب مدظلہ العالی اور ششگلین صاحبان مدظلہ العالی
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Attest


جناب عالی جناب کے ساتھ کو ماننا اور طور پر
یہ کرنا کہ جو کچھ ہمیں ہر منہ سے بار بار
کہوں وہ سب کچھ ہے اور وہ جس کے ساتھ نام
ہاں کیا ہے۔

اور ساتھ ہی میں سزا کی بات بھی کرنا
خوشحالوں کے خوشگوار اور میں

میں نے سزا کے ساتھ ساتھ ہی TIP میں
تو کیا جس کے ساتھ ساتھ ہی میں
کیا اور ساتھ ہی میں ساتھ ہی میں
اس کے ساتھ ہی میں ساتھ ہی میں
میں نے سزا کے ساتھ ہی میں ساتھ ہی میں
تو کیا جس کے ساتھ ساتھ ہی میں

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اس کے ساتھ ہی میں ساتھ ہی میں
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تو کیا جس کے ساتھ ساتھ ہی میں

۱۱/۱۱/۱۱

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کیا اور ساتھ ہی میں ساتھ ہی میں
اس کے ساتھ ہی میں ساتھ ہی میں
میں نے سزا کے ساتھ ہی میں ساتھ ہی میں
تو کیا جس کے ساتھ ساتھ ہی میں

پریزنٹ

20

ظلم و جور

05/6/18
Annex F
ذیل میں جو اس کا خلاصہ اور ترمیم

26

ریٹائرمنٹ کا

05/6/18

وقت 15:10 بجے

ریٹائرمنٹ کے لیے درخواست

DSP صاحب نے سب سے پہلے آواز دہرائی کہ میں نے درخواست دی ہے کہ میرا ریٹائرمنٹ کیا جائے۔
 DSP صاحب نے کہا کہ تمہاری درخواست میں کوئی کمی ہے، تمہاری تاریخوں کے بارے میں جاننا چاہتا ہوں۔
 DSP صاحب نے کہا کہ تمہاری تاریخوں کے بارے میں جاننا چاہتا ہوں۔
 DSP صاحب نے کہا کہ تمہاری تاریخوں کے بارے میں جاننا چاہتا ہوں۔
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 DSP صاحب نے کہا کہ تمہاری تاریخوں کے بارے میں جاننا چاہتا ہوں۔
 DSP صاحب نے کہا کہ تمہاری تاریخوں کے بارے میں جاننا چاہتا ہوں۔
 DSP صاحب نے کہا کہ تمہاری تاریخوں کے بارے میں جاننا چاہتا ہوں۔

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سید محمد رفیع مسیح نقیانی سے رلیف درج ذیل نام کے افراد کو دینا
پیر 20 جولائی 1986ء کو

خانم مکی

کے لئے

~~_____~~
Care of P. Line - Haveli
S. 6-18

Attested
~~_____~~

(21)

جناب ڈائریکٹر ایف ڈی اے
جناب ایگزیکٹو انچارج ایف ڈی اے
جناب ایف ڈی اے

لڈا میں پیدا 17 مئی کو جو سہی محمد سرور زبیر ولد عبدالرزاق ولد لوہاں

جوئی مزید انچارج نے بلدیا اور اُسے ابر کواچ کے بارے میں پوچھا

اور اُس وقت سے ہی ادا ہو دیکھا

جناب عالی میں نے انچارج کو بتایا کہ میں نے کواچ کو کوئی کئی نہیں پڑھوایا

پھر انچارج نے میرا بیان کا غور کیا اور کئی سے دو عدد پتھر

پتھر دستخط کروائے ایک سادہ پتھر اور ایک چھان والے پتھر

تو میں نے سادہ پتھر کو دستخط کرنا سے انکار کیا تو انچارج نے پتھر لقمین

دیکھائی روایتی پتھر لقمین سے لقمین لقمین لقمین لقمین لقمین لقمین

اب پتھر معلوم ہوا پتھر لوہاں جوئی مزید انچارج کے پاس پتھر بیان

کے لئے جوئے میں کواچ پڑھوایا پتھر پتھر پتھر پتھر پتھر پتھر

جناب عالی انچارج نے پتھر خلاف معمولی طور پر لقمین کو فروغ کیا

جناب عالی خدمت میں لڈا میں پتھر خلاف بیانی اور علاوہ پتھر لڈا

والوں کے خلاف نام فنی کارروائی کی جائے اور پتھر انصاف دیکھا جائے

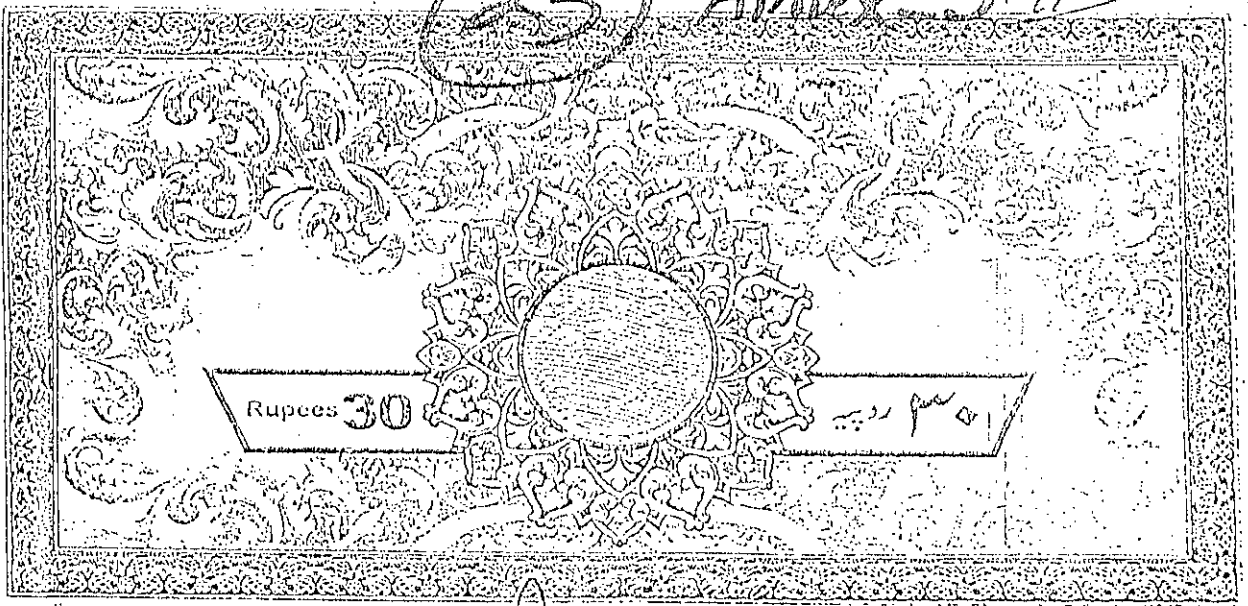
بہاؤی میں کواچ لڈا

13503-6660705-9

محمد سرور زبیر ولد عبدالرزاق صاحب کالنگ ٹاؤن لڈا

Attest

(253) Annex J



میں کو ایسا ہی مانتی ہوں

اقرار نامہ

عند سیدہ سونیا علیہ السلام دفتر عدلیہ لاہور
ذریعہ التذکرہ سے معلوم ہوتا ہے کہ سیدہ سونیا علیہ السلام نے

پہلی بار حالہ اولیٰ احوال کے تحت ایک ایک پور
قلندار خاندان کے ہونے پر لکھنا کہا ہے جو ان کے

تاریخ 542 صفحہ 26 و 27
506/406
1911 34/398-18
2018

سیدہ سونیا علیہ السلام نے جو ان کے
تاریخ 1906ء میں لکھی گئی ہے۔ جس میں
لکھا ہے کہ سیدہ سونیا علیہ السلام نے

پہلی بار رقم 5000 روپے فیڈریشن کے ذریعے
اور سیدہ سونیا علیہ السلام نے

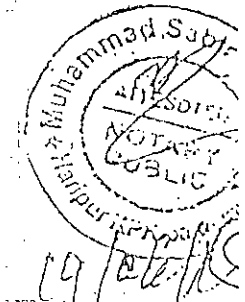
خاندان سونیا علیہ السلام کے ذریعے
تیس سو روپے لکھے ہیں۔

ان کے بعد سیدہ سونیا علیہ السلام نے
2,40,000 روپے فیڈریشن کے ذریعے

2,50,000 روپے

یا 2,50,000

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19/10/18
349
19.10.18

1916/18

مجلس اعلیٰ پاکستان

مجلس اعلیٰ پاکستان
کراچی

1332-0512803

Donig

343
18.8.18

2.
مجلس اعلیٰ پاکستان
کراچی

مجلس اعلیٰ پاکستان

7850854-2201

مجلس اعلیٰ پاکستان

مجلس اعلیٰ پاکستان

مجلس اعلیٰ پاکستان

3302-0512803

مجلس اعلیٰ پاکستان

مجلس اعلیٰ پاکستان

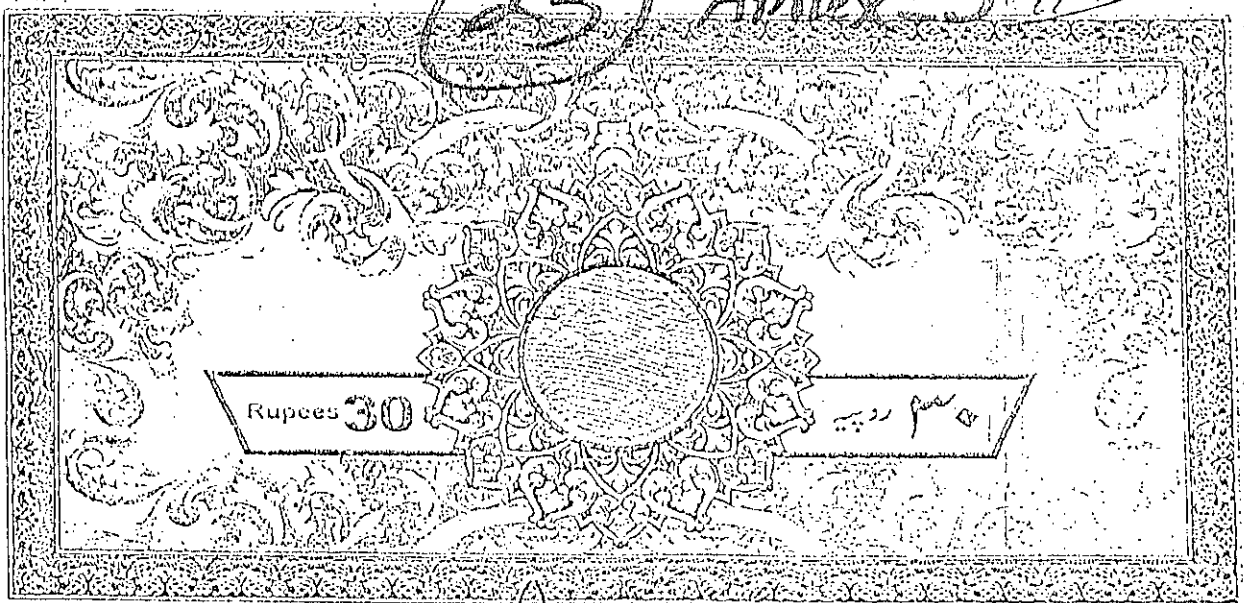


19/10/18

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(23)

Annex



فیدائشی نامہ / 33

اقربان

عند حیاتہ سو بیسے اعلیٰ دفتر علیہ ماہیت

زوجه بنتی سے بیسویں بچے پیمانہ قانونی بقا و قید

بچہ یور حالہ اولہ احوال بیک بیک پور

قلندار خاں بیونس ہذا لکھنؤ کا لکھنؤ عنوان بالہ

تاریخ 542 سے 26 دسمبر 2018 کو 506/406 سے 34/393 تا 1555

سائبر / مندرجات بالہ سے بچہ اولہ اسامیہ بچہ 1555

1956 تا 18 مئی تا 18 مئی 1956

بچہ لکھنؤ بیرون سے 26 دسمبر 2018

بیلار رقم 50000 روپے فیڈرل ڈیپارٹمنٹ

اور بیرون خیر امداد کے لئے لکھنؤ بیونس سے بیسویں بچے

خلف بیونس بیونس بیونس بیونس بیونس بیونس

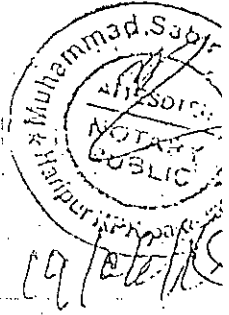
تیس بیونس بیونس - اولہ امداد بیونس بیونس بیونس

بیونس بیونس 50000 روپے اور 54 لکھنؤ بیونس بیونس

بیونس بیونس 2,40000 روپے فیڈرل ڈیپارٹمنٹ 25000 روپے

A. T. A.

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Handwritten signature and date 19.12.18

19/6/18

Handwritten header text, possibly a title or address, including the name "محمد سعید" (Muhammad Saad).

1332-0612803

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Main body of handwritten text, appearing to be a letter or a set of instructions.

Handwritten notes on the right side, including the number "643" and a signature.

Handwritten text at the bottom left, possibly a date or reference.

Handwritten text in the middle right section, possibly a date or reference.

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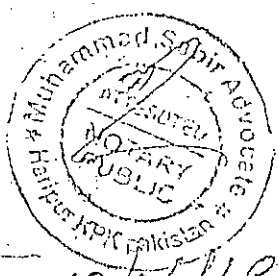
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Handwritten text at the bottom left, possibly a date or reference.



19/6/18

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Annex J

BEFORE HONOURABLE REGIONAL POLICE OFFICER,
HAZARA REGION, ABBOTTABAD.

Departmental Appeal by PC Asad Saeed No. 487 District Police Haripur.

(THROUGH PROPER CHANNEL)

DEPARTMENTAL APPEAL AGAINST ORDER OB NO. 520
DATED 29-08-2018 OF THE DISTRICT POLICE OFFICER
HARIPUR WHEREBY APPELLANT HAS BEEN AWARDED THE
PUNISHMENT AS "DEMOTED FROM THE RANK OF LHC TO
CONSTABLE".

PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL
APPEAL THE IMPUGNED ORDER DATED 29-08-2018 MAY
KINDLY BE SET ASIDE AND APPELLANT BE RESTORED HIS
RANK OF L.H.C. WITH GRANT OF ALL CONSEQUENTIAL
SERVICE BACK BENEFITS.

Respected Sir,

1. That appellant while posted at Police Lines Haripur was served with a Show Cause Notice dated 13-06-2018 by District Police Officer Haripur incorporating allegation therein as reproduced here below:

"that while posted at Police Lines Haripur, it has come to the notice of the undersigned vide letter No. 169 dated 06-06-2018 by DSP Headquarters Haripur that you are unnecessarily interfering in Case FIR No.542 dated 26-05-2018 u/s 493-A/506/406/34 PPC PS City. Your act is above the law and against the norms of discipline force. In this regard complainant Mehboob-ur-Rehman S/O Mohammad Iqbal R/O Moh Kund submitted written application against you and DSP/HQrs was entrusted an enquiry officer to conduct enquiry on the subject application. You were summoned by DSP/HQrs and you also misbehaved with him, which shows your connivance with miscreants. Your act is severe violation of discipline and is gross misconduct on your part in terms of Police Rules 1975". (Copy of Show Cause Notice dated 13-06-2018 is attached as "A").

Asad

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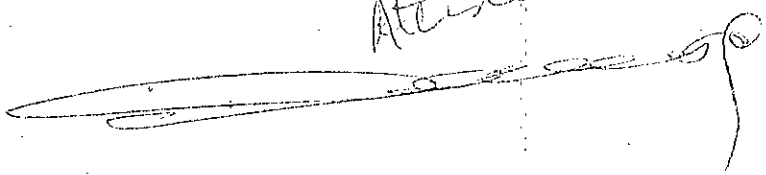
- 2. That the aforementioned Show Cause Notice was duly replied on 04-07-2018 explaining all facts and circumstances of the matter in detail denying the allegation incorporated therein against the appellant being incorrect and baseless. **(Copy of reply dated 04-07-2018 to the Show Cause Notice is attached as "B")**.

- 4. That without giving any consideration to the reply of Final Show Cause Notice the District Police Officer Haripur vide his order OB No. 520 dated 29-08-2018 awarded the appellant with the major punishment as "Demoted from the rank of LHC to Constable" without any reason and justification. **(Copy of impugned order dated 29-08-2018 is attached as "C")**.

- 5. That in fact on 15-05-2018 one Mst. Sonia Abdul Malik D/O Abdul Malik R/O Pathan Colony, Swat Chowk Haripur, wife of my brother-in-law Umair Ashraf charged the following persons for preparing her forged "Nikah Nama" :-
 - * Umair Ashraf (complainant's own husband).
 - * Mehboob-ur-Rehman (Brother-in-law of her husband).
 - * Imran (Brother-in-law of here husaband).
 - * Mohammad Ashraf.
 - * Appellant (Asad Aaeed).

However, the stance of the complainant Mst. Sonia was that she had got legally married to said Umair Ashraf (her husband) but her objection/complaint was that her Nikah Nama was forged. During investigating of the complaint, the SHO City, OI PS City and I/C PP TIP frequently called the appellant to appear before them due to which he had to attend their offices and answer their questions. However, soon it came to complainant's knowledge that Appellant as well as one Mohammad Ashraf had no concerned with her Nikah Nama and were inadvertently and incorrectly incorporated in her complaint. She, therefore, immediately executed an Affidavit dated 17-05-2018 and presented it before the Investigating Officer for deletion the names of Appellant Asad Seed and

Attested



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Mohamad Ashraf and taking action against rest of the accused. She also submitted an application dated 21-05-2018 explaining his intention with regard to registration of forged nikahnama. (Copies of Affidavit dated 17-05-2018 and application dated 21-05-2018 is attached herewith as "D & E").

- 6. That as per request of the complainant Mst. Sonia, after having deleted the names of Appellant (Asad Saeed) and Mohammad Ashraf, a Case FIR No.542 dated 26-05-2018 u/s 493-A/506/406/34 PPC at PS City Haripur was registered against rest of the accused and then necessary investigation started against accused persons.
- 7. That accused party (in-laws of the appellant) was not on speaking terms with the appellant and had developed enmity and relations were extremely strained with him due to their civil litigations in the courts. When they came to know that the name of appellant had been deleted from the complaint, they became much furious against appellant. They on their own accord submitted an application to the DPO Haripur that appellant was involved in influencing the case. Whereupon, the DSP/HQrs Haripur summoned the appellant on 04-06-2018 to his office and directed to get the dispute patched up between the parties within 24 hours and report compliance on 06-06-2018, otherwise appellant and his father would be involved in the case. The DSP/HQrs also remembered the appellant that he inquiring the matter against him.
- 8. That on 05-06-2018 when appellant alongwith SI Naik Mohammad Oil City Haripur appeared before the DSP/HQrs (Sabir Khan) in his office. DSP gave the appellant a paper to read and told that it was statement of Molvi Sarfraz against him. Appellant after reading told the DSP that it was forged/fabricated and presented to the DSP a copy of actual statement recorded by OII U/S-161. Whereupon the DSP became furious and stretched

Attested

[Handwritten signature]

Allegations

11. 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 major punishment without any reason.

10. That to prove the allegation against the appellant no proper departmental enquiry was conducted against him. Neither any Charge Sheet was issued nor was any Enquiry Officer appointed against the appellant. Even the appellant was not afforded with the opportunity of personal hearing before awarding of major punishment of "denial in rank" and principle of natural justice was violated in the case of appellant hence impugned order needs to be set aside on this score alone.

9. That the inquiry initiated against the appellant was based on a forged and fabricated statement of Molve Sarfraz prepared by investigation Officer on the direction of DSP/Hors Haripur otherwise there is nothing true against the appellant that he has committed any wrong on his part. Appellant is totally innocent, involved falsely and ultimately has been got punished due to personal grudge and animity developed by DSP Hors Haripur against him. *Even the dispute has been patently up between complainant (Mrs. Sonia and accused party) Affidavit dt. 19-12-18 (A-11)*

2018 of Molve Sarfraz are attached herewith as "F & C". application dated 01-06-2018 and Affidavit dated 02-06-2018 denied citation of any nikah between the parties. Copies of Mohammad Sarfraz S/O Abdur Razaq the so-called Molve has of the same is not issued to appellant on one pretext or other. No. 26 dated 05-06-2018 of Police Lines Haripur. But now copy father". Appellant has recorded the very incident in Daily Diary paper and I dictate you Zimmi to record against Appellant & his intervened and saved him. The DSP asked SI Naik OI "To take his hand to catch appellant from the neck but police officials

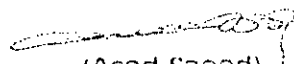
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- 12. That appellant has rendered more than 14 years service in the police department. He always performed his assigned duties with devotion, dedication and honesty and even on occasions for his tremendous service the appellant has been awarded with the Commendation Certificates and Cash Rewards by his High-Ups.
- 13. 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 major punishment without any reason.
- 14. 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 29-08-2018 passed by the District Police Officer Haripur may kindly be sat aside and the appellant be restored his rank of LHC with grant of all consequential service back benefits. Thanking you sir in anticipation.

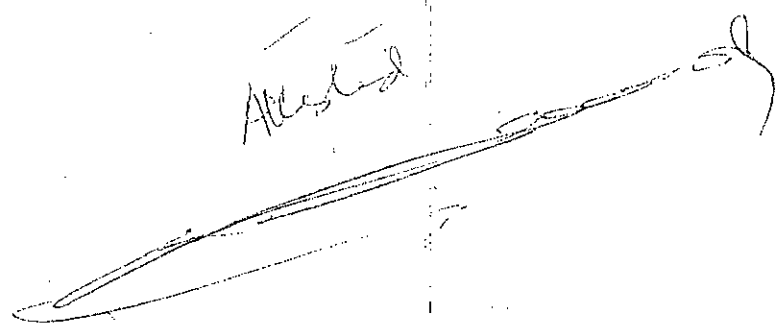
You're obedient Servant



(Asad Saeed)
 Constable No. 297
 District Police Haripur

Dated 10-09-2018

Attested



ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 submitted by *Constable Assad Saeed* No: 297 Haripur District against the order of punishment i.e. *Demoted from the rank of LHC to Constable* awarded to him by the DPO Haripur vide his OB No: 520 dated 29.08.2018.

Facts leading to punishment awarded to him are that he while posted in Police Lines, he is un-necessarily interfering in case FIR No: 542 dated 26.05.2018 u/s 493-A/506/406/34 PPC PS City, his act is against the norms of discipline force. In this regard complainant *Mehboob Rehman s/o Muhammad Iqbal r/o Mohalla Kund* submitted written application against him. To probe the matter DSP Hqrs: appointed EO, he was summoned by the EO and also misbehaved with him.

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, keeping in view his prolong service I take lenient action and punishment of *Demotion from the rank of LHC to Constable* awarded to him by DPO Haripur is modified and converted into *Reduction in pay by 03 years*.

REGIONAL POLICE OFFICER
Hazara Region Abbottabad

No. 4908 /PA, dated Abbottabad the 10/10 /2018.

Copy of above is forwarded to the DPO Haripur vide his office Memo: No: 60317, 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

Attested

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2211 /ST

Dated 16-12 / 2019

To


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

Subject: -

JUDGMENT IN APPEAL NO. 1347/2018, MR. ASAD SAEED.

I am directed to forward herewith a certified copy of Judgement dated 21.11.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.