

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

SERVICE APPEAL NO. 1348/2018

Date of institution ... 26.10.2018

Date of judgment ... 11.07.2019

Asif Khan, Constable No. 493, Presently posted at Police Lines, Haripur.

... (Appellant)

VERSUS

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

... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 15.05.2018 OF THE DISTRICT POLICE OFFICER HARIPUR WHEREBY APPELLANT WAS REVERTED IN RANK FROM "LHC TO CONSTABLE" AND THE REGIONAL POLICE OFFICER HAZARA REGION ABBOTTABAD ORDER DATED 09.10.2018 WHEREBY HIS DEPARTMENTAL APPEAL HAS BEEN "FILED".

Mr. Muhammad Aslam Tanoli, Advocate.

.. For appellant.

Mr. Muhammad Bilal Khan, Deputy District Attorney

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. HUSSAIN SHAH

.. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Counsel for the

appellant and Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Misal Khan, ASI for the respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant was serving in Police Department as Lower Head Constable (LHC). He was awarded major punishment of reversion in rank from LHC to Constable with effect from 15.05.2018 vide order dated 15.05.2018 on the allegation that he

Muhammad Amin Khan
11.7.2019

while posted as Incharge Industry Barrier he entered in the Dera of Waqar Ahmad without informing senior officers. The appellant filed departmental appeal on 04.06.2018 which was rejected on 09.10.2018 hence, the present service appeal on 11.07.2019.

3. Respondents were summoned who contested the appeal by filing of written reply/comments.

4. Learned counsel for the appellant contended that the impugned major punishment of reduction in rank from lower Head Constable to Constable was passed by the competent authority in violation of Fundamental Rules 29 as under FR-29 the competent authority was required to mention specific period of reduction in rank from Lower Head Constable to Constable. It was further contended that the inquiry officer has recorded the statements of Constable Imran, S.I Muhammad Ilyas, Malik Nisar General Councilor V.C, Akhtar Nawaz, Imran Elahi and Ghulam Jalani as well as Waqar Ahmed but the appellant was not provided the opportunity of cross examination therefore, the appellant was deprived from the right of defence. It was further contended that neither proper inquiry was conducted nor the appellant was proved guilty therefore, the impugned order of reduction in rank from Lower Head Constable to Constable is illegal and liable to be set-aside and prayed for acceptance of appeal.

5. On the other hand, learned Deputy District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant had entered into Dayra of one Waqar Ahmed without informing the senior officers. It was further contended that all the codal formalities were fulfilled before passing the impugned order, the appellant was proved guilty by the inquiry officer therefore, the competent authority has rightly imposed the major penalty of reduction in rank from Lower Head Constable to Constable and prayed for dismissal of appeal.

Waqar Ahmad
11.7.2019

6. Perusal of the record reveals that the appellant was imposed major penalty of reduction in rank from Lower Head Constable to Constable vide order dated 15.05.2018 on the allegation that he had entered in Dayra of one Waqar Ahmed, allegedly, on the ground that the appellant was having some information about illegal activities in the said Dayra but the competent authority has not taken into consideration the mandatory provision of Fundamental Rule 29 whereby the competent authority was bound to mention specific period for reduction in rank from Lower Head Constable to Constable but the competent authority has not mentioned any specific period of reduction in rank and has violated the mandatory provision of Fundamental Rule 29. Moreover, the inquiry officer has also recorded the statement of the aforesaid witnesses, copies of the statements of said witnesses are available on the record but the appellant was not provided opportunity of cross examination. Meaning thereby that the appellant was deprived from defence and the inquiry was not conducted in accordance with rules by depriving the appellant from opportunity of cross examination which has rendered the whole proceeding illegal and liable to be set-aside. As such, we partially accept the appeal, set-aside the impugned order. However, the respondent-department is at liberty to conduct de-novo inquiry in accordance with Police Rules, 1975 within a period of 90 days from the date of receipt of copy of this judgment. Parties are left to bear their own costs. File be consigned to the record room.


ANNOUNCED

11.07.2019




(HUSSAIN SHAH)
MEMBER

CAMP COURT ABBOTTABAD


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
CAMP COURT ABBOTTABAD

20.05.2019

Counsel for the appellant and Mr. Misal Khan, ASI alongwith Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Written reply on behalf of respondents submitted. Adjourned to 11.07.2019 for rejoinder and arguments before D.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

11.07.2019

Counsel for the appellant and Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Misal Khan, ASI for the respondents present. Arguments heard and record perused.

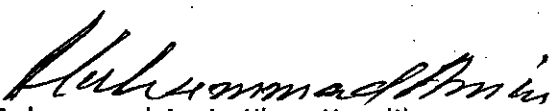
Vide our detailed judgment of today consisting of three pages placed on file, we partially accept the appeal, set-aside the impugned order. However, the respondent-department is at liberty to conduct de-novo inquiry in accordance with Police Rules, 1975 within a period of 90 days from the date of receipt of copy of this judgment. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

11.07.2019


(Hussain Shah)

Member
Camp Court Abbottabad


(Muhammad Amin Khan Kundi)

Member
Camp Court Abbottabad

THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

The matter of
Appeal No. 1348/2018

Asif Khan.....V/S.....PPO/IGP KPK & Others
(Appellant) (Respondents)

REJOINDER ON BEHALF OF THE APPELLANT

Respectfully Sheweth:

The appellant submits his rejoinder as under:-

Preliminary Objections:

1. Contents incorrect and misleading; the appellant has filed instant appeal according to procedure prescribed by law and rules governing the terms and conditions of appellant's service thus maintainable.
2. Contents incorrect and misleading, no rule of estoppel is applicable in the instant case.
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4. Contents incorrect and misleading, all necessary material facts have been incorporated in the instant appeal and nothing suppressed for having just and proper decision on merits from this Honourable Tribunal.
5. Contents incorrect and misleading, all necessary parties required for just and proper decision of the case have been arrayed in the instant appeal.
6. Contents incorrect and misleading; the appellant has filed instant appeal according period prescribed by law and department rules is therefore well within time.
7. Contents incorrect and misleading; the appellant has been awarded the penalty by respondents against the rules and regulations. Thus instant appeal has been filed. Hence question of pressurizing the respondents does not arise.

8. Contents incorrect and misleading; both the orders i.e. original as well as appellate are illegal and against the departmental rules and regulations for which the instant appeal has been filed so that grievance could be settled from this Honourable Tribunal.

ON FACTS:



Contents of para No.1 to 09 of the appeal are correct and the reply submitted to these paras by respondents in para-1 to 12 is incorrect and misleading hence denied.

GROUND:

All the grounds "O" to "U" taken in the memo of appeal are legal and will be substantiated at the time of hearing of appeal and reply submitted to these paras by respondents from "O" to "U" is incorrect and misleading hence vehemently denied.

It is, therefore, humbly prayed that the appeal of the appellant may kindly be accepted as prayed for.

THROUGH



APPELLANT

(MOHAMMAD ASLAM TANOLI)
ADVOCATE HIGH COURT
AT HARIPUR

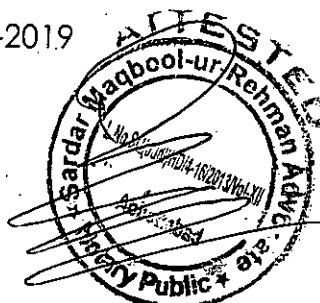
Dated: 11-07-2019

AFFIDAVIT:

I, Asif Khan appellant do hereby solemnly declare that contents of this rejoinder as well as that of titled appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Dated: 11-07-2019


Deponent/Appellant



11-07-2019

13
2021-14

14
2021-14

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SERVICE TRIBUNAL PESHAWAR**

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Asif Khan
Deponent/Appellant



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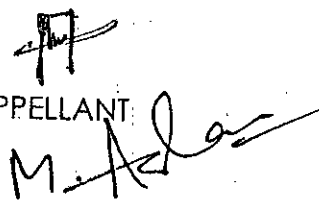
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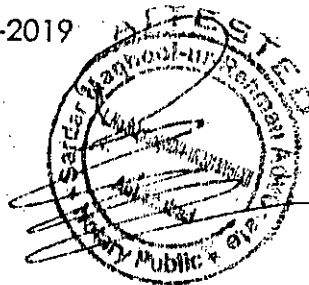
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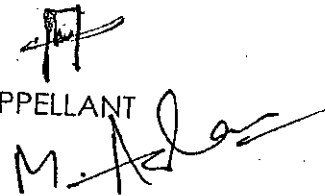
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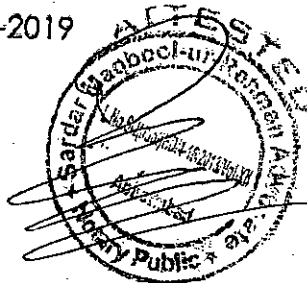
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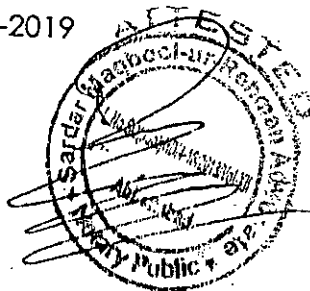
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Deponent/Appellant



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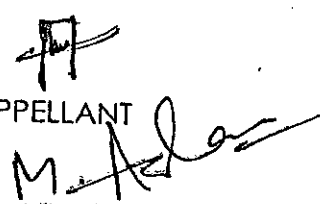
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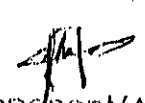

(MOHAMMAD ASLAM TANOLI)
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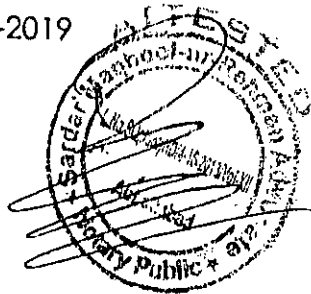
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Dated: 11-07-2019


Deponent/Appellant



11-07-2019

18.01.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the order dated 15.05.2018 whereby he was awarded punishment of reversion in rank from LHC to Constable on the charge of misconduct. The appellant has also challenged the order dated 09.10.2018 through which his departmental appeal was rejected/filed.


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

Appellant Deposited
Security & Process Fee


Member

Camp Court A/Abad



18.03.2019: Counsel for the appellant present. Mr. Muhammad Bilal Khan, Deputy District Attorney, along with Mr. Misal Khan, Head Constable for the respondents present. Written reply on behalf of respondents not submitted. Learned Deputy District Attorney requested for further adjournment. Adjourned. To come up for written reply/comments on 20.05.2019 before S.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1348/2018

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. Asif Khan presented today by Mr. Muhammad Aslam Khan Tanoli Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p>
2-	19-11-2018	<p style="text-align: right;">  REGISTRAR > 6/10/18 </p> <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>18-01-2019</u>.</p> <p style="text-align: right;">  CHAIRMAN </p>
18.03.2019		<p style="text-align: center;"> Counsel for the appellant present, Mr. Muhammad Bilal Qaim, Deputy District Attorney alongwith Mr. Misal Khan, Head Constable for the respondents present. Written reply on behalf of respondents submitted learned Deputy District Attorney requested for further adjournment. Adjourned. To come up for written reply on 20/03/2019 before S.B at Camp Court Abbottabad. </p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member Camp Court Abbottabad </p>

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 1348.....

Asif Khan, Constable No. 493, presently posted at Police Lines,
Haripur.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
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3. District Police Officer Haripur.

Respondents

SERVICE APPEAL

INDEX

S/No	Description of Document	Ann- exure	Page No.
1.	Appeal and application for condonation.		01-10
2.	Charge Sheet	"A"	11-12
3.	Reply to the Charge Sheet	"B"	13-
4.	Reply to Show Cause Notice	"C"	14
5.	Impugned order dated 15-05-2018 of DPO	"D"	15
7.	Departmental Appeal dated 04-06-2018	"E"	16-19
8.	Order dated 09-10-2018 of RPO A/Abad	"F"	20
9.	Wakalatnama		

Appellant

Through

(Mohammad Aslam Tanoli)
Advocate High Court
at Haripur

Dated: 26-10-2018

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No. 1348/18...

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Haripur.

Khyber Pakhtunkhwa
Service Tribunal
Appellant

Diary No. 1565

Dated 26/10/2018

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DEPARTMENTAL APPEAL HAS BEEN "FILED".**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH
THE IMPUGNED ORDERS DATED 15-05-2018 AND 09-10-2018 OF
THE RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND THE
APPELLANT BE RE-INSTATED IN HIS RANK OF HEAD CONSTABLE
FROM THE DATE OF REVERSION WITH ALL CONSEQUENTIAL
SERVICE BACK BENEFITS.**

Respectfully sheweth,

1. That appellant while posted as I/C Police Post Industrial
Barrier Hattar (Haripur) was issued with a Charge Sheet
dated 04-04-2018 by the District Police Officer Haripur.
(Copy of the Charge Sheet dated 04-04-2018 is attached
as annex-"A").

Filed to-day

Registrar

26/10/18

2

2. That aforementioned Charge Sheet was duly replied by appellant explaining all facts and circumstances of the matter in detail denying the allegations leveled against him being incorrect and baseless. **(Copy of reply to the Charge Sheet is attached as annex- "B")**.
3. That thereafter the appellant was served upon with a Final Show Cause Notice with same allegations as in the Charge Sheet which was also replied by denying the allegations incorporated therein. **(Copy of reply to Final Show Cause Notice is attached herewith as annex- "C")**.
4. That without giving any consideration to the replies submitted by the appellant, the District Police Officer Haripur through impugned order dated 15-05-2018 awarded the appellant with the penalty of "Reversion in rank from Head Constable to Constable" without any proof and justification. **(Copy of impugned order dated 15-05-2018 is attached as annex- "D")**.
5. That in fact appellant while posted as I/C PP Industrial Barrier Hattar (Haripur) received spy information that some persons were smoking **CHARAS at "DAYRA"** (a place for animals outside the residential area) of one Waqar Ahmed S/O Khani Zaman. Believing the information as correct, appellant informed Moharrir of P.S and proceeded to the said Dayra, knocked the door whereupon Waqar Ahmed came out. When he was asked about the Charas Smokers he told that there was

③

no one at Dayra except his animals and he took the appellant inside the DAYRA of animals. Waqar Ahmed also called Chairman of the locality who came there alongwith one Imran Ellahi. They discussed the matter with appellant and Chairman promised that no chance of such objection would be provided in future, whereupon appellant returned to his place of duty. But complainant making it the matter of prestige had filed false complaint where upon the appellant has been penalized without any proof and reason.

6. That to prove allegations against appellant, no proper departmental inquiry was conducted. Neither a witness in presence of appellant was called for to appear before the so-called inquiry officer and to record his evidence nor was appellant ever provided with the chance of cross-examination. Neither copy of inquiry findings was provided to the appellant alongwith Final Show Cause Notice nor was he provided with the opportunity of personal hearing before awarding major penalty of reversion in rank from Head Constable to Constable.
7. 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 on occasions for his tremendous services he has been awarded with the commendation certificates and cash rewards by his High-Ups.

4

8. That appellant aggrieved of the impugned order preferred a departmental appeal dated 04-06-2018 before the Regional Police officer, Hazara Region, Abbottabad agitating all the facts and circumstances of the matter and vehemently denied the allegations leveled against him in the Charge Sheet as well as in the Final Show Cause Notice. **(Copy of the departmental appeal dated 04-06-2018 is attached as annex-"E")**.
9. That the Regional Police officer, Hazara Region, Abbottabad has "filed" the appellant's departmental appeal and upheld the penalty of "Reversion in rank from Head Constable to Constable" vide order dated 09-10-2018. **(Copy of the order dated 09-10-2018 is attached herewith as annex-"F")**.

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

GROUND:

- o) That both the impugned orders dated 15-05-2018 and 09-10-2018 of respondents are illegal, unlawful against, without lawful authority, void-ab-initio, passed in arbitrary, superficial and whimsical manner, passed against the facts and circumstances of the matter hence are liable to be set aside.
- p) That no proper departmental inquiry was conducted. The so-called Inquiry Officer acted in a flimsy and

5

whimsical manner. He conducted inquiry in utter violation and negation of the procedure set forth by the law for the dispensation of justice at the preliminary stages during the course of departmental inquiries, hence penalty awarded on the basis of such inquiry through orders impugned herein is liable to be set aside on this score alone.

- q) 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. The appellant was also not provided with copy of findings, if any, of so-called inquiry, of which provision is mandatory under law.
- r) 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.
- s) 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

6

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

- t) 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.
- u) 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 15-05-2018 and 09-10-2018 of respondents may graciously be set aside and appellant be reinstated in his rank of Head Constable from the date of reversion 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

7

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Asif Khan, Constable No. 493, 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, Asif Khan appellant do hereby solemnly declare and affirm on oath that the contents of the instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Service Tribunal.



Deponent/Appellant

Dated: 26-10-2018

Identified By:



Mohammad Aslam Tanoli
Advocate High Court
At Haripur



Appellant



8

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Asif Khan, Constable No. 493, 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

9

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Asif Khan, Constable No. 493, 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:

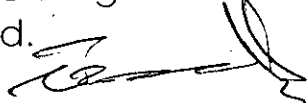
1. That the Applicant/Appellant has today filed the Service Appeal, which may be considered as part and parcel of this application, against the order dated 15-05-2018 of the District Police Officer Haripur whereby appellant has been awarded the penalty of reduction in rank from HC to Constable and order dated 09-10-2018 of the Regional Police Officer Hazara Region Abbottabad whereby his departments appeal has been rejected against the law, rules and regulations and 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 Appellate Authority/Respondent but the same has been rejected and his grievance is still unsettled which will cause a recurring loss in future with an ultimate loss in pension as well.

10

4. That as the orders of departmental authorities are void, being passed in sheer violation and derogation of the statutory provisions governing the terms and condition of service of the appellant, therefore the same are nullity in the eyes of law and being a void and unlawful orders, causing a recurring cause of action to the Applicant/Appellant can be challenged and questioned irrespective of a time frame.
5. That instant application is being filed as an abundant caution for the condonation of delay, if any.
6. That the impugned orders are illegal, void ab-initio, a nullity in the eyes of law thus liable to be set aside/modified in the interest of justice.

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

Through:


Applicant/Appellant

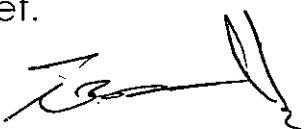

(Mohammad Aslam Tanoli)
Advocate High Court
At District Bar Haripur

Dated: 26-10-2018

AFFIDAVIT:

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

Dated: 26-10-2018


Applicant/Appellant



(M)

Amu-A

CHARGE SHEET

(1) I, Syed Khalid Hamdani (PSP, QPM), District Police Officer, Haripur as competent authority, hereby charge you LHC Asif Khan No. 493 as enclosed statement of allegations.

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

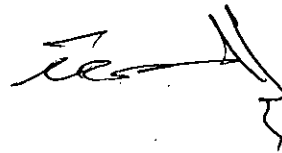
(3) You are, therefore, required to submit your written defense within 07 days of the receipt of this charge sheet and statement of allegation to the Committee/Enquiry Officer as the case may be.

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

(5) Intimate whether you desire to be heard in person or otherwise.
(6) A statement of allegations is enclosed.

(Syed Khalid Hamdani) PSP, QPM
District Police Officer
Haripur

Allesed



12

DISCIPLINARY ACTION

I, **Syed Khalid Hamdani (PSP, QPM)**, District Police Officer, Haripur as competent authority of the opinion that you **LHC Asif Khan No. 493** have rendered yourself liable to be proceeded against as you committed the following acts/omissions within the meaning of Police Efficiency & Discipline Rules 1975:

STATEMENT OF ALLEGATION

"That while you posted as I/C Industry Barrier it has come to the notice of the undersigned vide preliminary enquiry No. 724-C dated 28.03.2018, conducted by DSP Khanpur that you have entered in the house of Waqar Ahmed s/o Khani Zaman r/o of Chamba Pind without informing the senior officers. You were appointed Guard Commander at Industry Barrier, if you had some information about illegal activity, you should inform concerned SHO to take legal action. Moreover, you remained absent vide Daily Dairy No. 19 dated 12.03.2018 PP Jhari Kas, which also confirms that you are not serious with your official duties. Your act is gross misconduct on your part in terms of Police Rules 1975, hence, charge sheeted"

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

DSP-HQVR

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

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

(**Syed Khalid Hamdani**) PSP, QPM
District Police Officer
Haripur

No: 57-59 /PA, dated Haripur the 04/04/2018.
Copy of above is submitted to the:-

- 1) Regional Police Officer, Hazara Region, Abbottabad please.
- 2) Enquiry Officer for initiating proceedings against the said accused under Police Efficiency & Discipline Rules 1975.
- 3) **LHC Asif Khan No. 493** with the direction to submit his defense within 7 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purpose of departmental proceedings.

District Police Officer
Haripur

Alleged

[Signature]

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7/6

بیان ازان آہل خانہ ۱۹۹۳ء بعد الحجاز انڈسٹری سرگرمیوں کے لیے
 یوں آج بھی فقہ ذوالحجۃ کے ساتھ ساتھ دیگر ازان و قارآن مجید کے لیے
 زمانہ کے جسم نازک فرعون اشخاص سے بھی کر دوسرے نوٹس کرتے
 ہیں جس پر سزا عزم ۱۹۹۳ کو وہ عمر ان کئی ۱۹۹۲ کے تعلیمات کے
 سرکاری کے ذمہ دار کے ذمہ دار کے (بصورتہ کے بارے) سزا کے گندہ
 رشتہ دی نوٹس قارآن مجید کی سزا کے لیے جس سے میں نے
 کتاب کے آگے سے کچھ تعلیمات کے ذمہ دار کے آگے کے ذمہ دار کے
 منقہ سرگرمیوں کے لیے بہتر اور قارآن کے آگے آگے انہیں
 اتنے ذمہ دار کے لیے ہے میں نے ذمہ دار کے آگے آگے
 کے لیے انہیں کوئی کہہ سکتا ہوں تاہم انہیں عام لوگوں کی آوازوں
 میں نہیں دیکھی جوتھی بات نہیں ہے جس سے ہم ذمہ دار کے
 کے ذمہ دار کے تعلیمات کے متعلق ذمہ دار کے تعلیمات کے ذمہ دار
 کے انہیں کوئی نہیں دیکھی جوتھی بات نہیں ہے جس سے ہم ذمہ دار کے
 کے ذمہ دار کے تعلیمات کے متعلق ذمہ دار کے تعلیمات کے ذمہ دار
 کے انہیں کوئی نہیں دیکھی جوتھی بات نہیں ہے جس سے ہم ذمہ دار کے
 کے ذمہ دار کے تعلیمات کے متعلق ذمہ دار کے تعلیمات کے ذمہ دار
 کے انہیں کوئی نہیں دیکھی جوتھی بات نہیں ہے جس سے ہم ذمہ دار کے
 کے ذمہ دار کے تعلیمات کے متعلق ذمہ دار کے تعلیمات کے ذمہ دار
 کے انہیں کوئی نہیں دیکھی جوتھی بات نہیں ہے جس سے ہم ذمہ دار کے
 کے ذمہ دار کے تعلیمات کے متعلق ذمہ دار کے تعلیمات کے ذمہ دار
 کے انہیں کوئی نہیں دیکھی جوتھی بات نہیں ہے جس سے ہم ذمہ دار کے

Allestee

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ORDER

Annex 'D'

LHC Asif Khan No.493, while posted as Incharge Industry Barrier, it came the notice of undersigned, through preliminary enquiry No.724-C, dated 28.03.2018, conducted by DSP Khaupur, that he entered in the house of Waqar Ahmed s/o Khani Zamanir/o Chamba Pind without informing senior officers. He was posted Guard Commander at industry Barrier, if he had some information about illegal activities, he should inform concerned SHO for taking legal action. Furthermore, he absented himself from duty on 12.3.2018. Due to which, he was served with statements of allegations, vide this office Endst No.57-59/PA dated 04.04.2018, under Police Rules 1975.

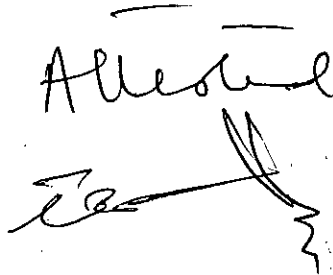
To probe the matter Mr. Sabir Khan Deputy Superintendent of Police, Headquarter, Haripur appointed as enquiry officer, who conducted proper departmental enquiry and submitted his finding, vide his office Memo No.112 dated 26.04.2018. In which, he held charges of misconduct stand proved and recommended him for appropriate punishment.

Having gone through enquiry proceeding and finding of enquiry officer, he was served with final show cause notice, and called in orderly room, for personal hearing, in which he could not give any plausible defense on charges leveled against him, therefore, Lt. Syed Khalid Mehmood Hamdani, District Police Officer, Haripur being competent authority under Khyber Pakhtunkhwa efficiency and discipline rules 1975, am fully satisfied that the charges of misconduct are fully proved. Hence, he is awarded major punishment of "Reversion in rank from LHC to Constable" with effect from 15.05.2018.

Order announced.

OR No. 345 dated -15-05-2018


District Police Officer
Haripur



(16)

Amer-E

BEFORE HONOURABLE REGIONAL POLICE OFFICER,
HAZARA RANGE, ABBOTTABAD.

(Departmental Appeal by Asif Khan Constable No. 493 District Police Haripur)

Through Proper Channel:

DEPARTMENTAL APPEAL AGAINST ORDER OB NO. 345 DATED 15-05-2018 OF THE DISTRICT POLICE OFFICER, HARIPUR DELIVERED ON 30-05-2018 WHEREBY APPELLANT HAS BEEN AWARDED WITH MAJOR PENALTY OF "REVERSION IN RANK" FROM LHC TO CONSTABLE.

PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL IMPUGNED ORDER DATED 15-05-2018 MAY KINDLY BE SET ASIDE AND THE APPELLANT BE RE-INSTATED IN HIS RANK OF LHC FROM THE DATE OF HIS REVERSION WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respected Sir,

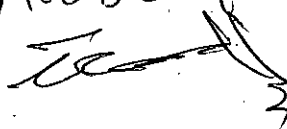
With most reverence the appellant submits as under:-

1. That while appellant posted as I/C PP Industrial Barrier Hattar he was served with a Charge Sheet alongwith statement of allegations vide No.57-59 dated 04-04-2018 issued by the District Police Officer Haripur with the allegation that:

"while posted as I/C Industry Barrier it has come to the notice of the undersigned vide preliminary No.724-C dated 28-03-2018 conducted by DSP Khanpur that you have entered in the house of Waqar Ahmed S/O Khani Zaman R/O Chamba Pind without informing the senior officers. You were appointed Guard Commander at Industry Barrier, if you had some information about illegal activity, you should inform concerned SHO to take legal action. Moreover, you remained absent vide Daily Dairy No.19 dated 12-03-2018 PP Jhari Kas, which also confirms that you are not serious with your official duties. Your act is gross misconduct on your part in terms of Police Rules 1975, hence charge sheeted."

(Copy of Charge Sheet dated 04-04-2018 and Statement of Allegations is attached as "A").

2. That aforementioned Charge Sheet was duly replied by the appellant explaining all facts and circumstances of the matter and denied the allegation mentioned therein. **(Copy of reply is attached herewith as "B").**
3. That thereafter the appellant was issued with the Show Cause Notice by the District Police Haripur incorporating therein the same allegations as in the Charge Sheet. The Show Cause

Attested


Notice was replied by the appellant clarifying his position by explaining all the facts and circumstances of the situation. **(Copy of reply of Show Cause Notice is attached as "C").**

4. That no proper departmental inquiry was conducted. The so-called Inquiry Officer without paying any heed to the procedure set forth by law for conducting departmental inquiries to disperse justice at preliminary stages and without taking into consideration the material brought on record by appellant in shape of reply to the Charge Sheet as well as Show Cause Notice, superficially completed his process and submitted inquiry report to the District Police Officer Haripur.
5. That after receiving inquiry report, the worthy District Police Officer Haripur without taking into consideration the detailed reply to the Charge Sheet and Show Cause Notice submitted by the appellant explaining all facts and circumstances of the matter awarded him with Major Penalty of "Reversion in rank from LHC to Constable" vide impugned order dated 15-05-2018 and that too without any proof or reason. **(Copy of the order dated 15-05-2018 is attached as "D").**

FACTS:

6. That factually while appellant posted as I/C PP Industrial Barrier Hattar was informed that some persons using intoxication (Charas) were available at the "**Dayra**" (where animals are kept situated out side the village at an isolated place) of one Waqar Ahmed S/O Khani Zaman. Knowing the information as correct, Appellant informed Moharrir of the PS and proceeded to said Daira situated at a small distance from the Industrial Barrier. Appellant knocked outer door upon which Waqar Ahmed came out, he was asked about the matter who told that there was no one but only his animals and he took us inside the Dayra. Said Waqar called the Chairman Waqar Ahmed who came alongwith one Imran. They discussed the matter and Chairman assured that no chance of such objection would be provided in future thus we returned.

Attest
[Signature]

(18)

7. That it is incorrect that appellant or his colleague went to the house of Waqar Ahmed and entered therein. The "Dayra" is a place where animals are kept and is established at an isolated place in a cultivation land away from village or residential area. It has wrongly been mentioned as house instead of "Dayra" which created mis-understanding and resulted into award of instant major punishment of "Reversion in Rank" from LHC to Constable by the District Police Officer Haripur. Otherwise there is nothing correct in the allegations as leveled against the appellant. During the inquiry Chairman Waqar Ahmed and his companion Imran were also called by Inquiry Officer but they categorically denied the allegations and supported the stance of appellant.
8. That in view of the facts and circumstance explained here above the appellant cannot be held responsible for incorrect and baseless allegation as leveled against him.
9. That no proper departmental inquiry was conducted. None of the allegations as leveled in Charge Sheet could be proved through any independent witness or credible evidence against the appellant. Neither was appellant given a copy of inquiry report nor was afforded with an opportunity of personal hearing. Reply to Charge Sheet as well as Show Cause Notice including all other facts brought on record by the appellant were never taken into consideration at the time of deciding the matter otherwise appellant is totally innocent and did nothing wrong on his part.
10. That appellant has rendered more than 14 years service in the police department. Appellant is a well but police officer having educational qualification with departmental courses, trainings and experience. Appellant always performed his assigned duties with devotion, dexterity, honesty and never provided a chance of reprimand to his officers. Appellant has excellent rather meritorious service record at his credit. Throughout his service the appellant earned good and very good annual evaluation reports.

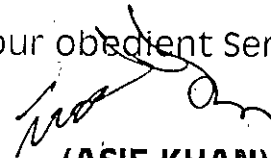
Attested
[Signature]

(19)

11. That appellant shall be very grateful, if he is provided with an opportunity of personal hearing enabling him to bring the real picture of the matter into the notice of your Highness and to clear his position as well.

Sir, in view of the facts and circumstances narrated here above, it is earnestly requested that impugned order dated 15-05-2018 whereby the appellant has been awarded with major penalty of "Reversion in rank from LHC to Constable" by the District Police Officer Haripur may kindly be set aside and the appellant be reinstated in his rank of LHC from the date of reversion with all consequential service back benefits for which act of kindness the appellant shall pray for your good and long life. Thanking you sir in anticipation.


Your obedient Servant



(ASIF KHAN)

Constable No. 493
District Police Haripur

Dated: 04-06-2018

Attested


(20)

Annex-F

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 submitted by *Constable Asif Khan No: 493* Haripur district against the order of punishment i.e. *Reversion in rank from LHC to Constable* awarded to him by the DPO Haripur his OB No: 345, dated 15.05.2018.

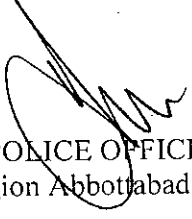
Facts leading to punishment awarded to him are that he while posted as Incharge road barrier entered in the house of Waqar Ahmed s/o Khani Zaman r/o Chamba Pind without informing senior Officers. He was posted Guard Commander at industry Barrier, if he had some information about illegal activities, he should inform concerned SHO for taking legal action. Furthermore, he absented himself from duty on 12.03.2018.

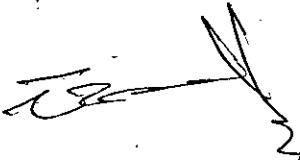
After receiving his appeal, comments of DPO were obtained which were perused. The undersigned called appellant in O.R on 03.10.2018 where he failed to explain any plausible reason in his defence. Therefore the punishment awarded to him by DPO Haripur *Reversion in rank from LHC to Constable* is genuine, hence his appeal is *filed*.


REGIONAL POLICE OFFICER
Hazara Region Abbottabad

No. ⁴⁸⁷⁶ /PA Dated Abbottabad the ^{09/10} /2018.

Copy of above is forwarded to the District Police Officer, Haripur vide his office Memo: No: 3851, dated 26.06.2018 for information and necessary action.
Service Roll & Fauji Missal containing enquiry file is returned herewith for your office record.


REGIONAL POLICE OFFICER
Hazara Region Abbottabad

Attested


DBA No: 206
 BC No:
 Name of Advocate: محمد اسلم نوری

S.No: 29773



وکالت نامہ



بعدالت: صاحب صدر منصف فیمنٹون خواجہ سرور احمد نوری
 عنوان: آصفیہ
 منجانب: اسلم نوری
 نوعیت مقدمہ: سرکاری
 باعث تحریر آنکہ:

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام ایف ایچ اے کے لیے
 محمد اسلم نوری ایڈووکیٹ کی طرف سے۔

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت
 پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر 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 مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مٹانے کے واپس کرنے کے بھی صاحب
 موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر 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 تالیفی و راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیرونجات از پکھری صدر
 اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا طرفہ درخواست حکم امتناعی یا ترقی یا گرفتاری قبل از گرفتاری و اجرائے ڈگری بھی صاحب
 موصوف کو بشرط ادائیگی علیحدہ جتانہ 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 کروں گا تو صاحب
 موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی شکل کا صاحب موصوف کے
 برخلاف نہیں ہوگا۔

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

محمد اسلم نوری
 (آصفیہ)

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

SERVICE APPEAL NO.1348/2018

Asif Khan Constable No. 493, presently posted at Police Lines, Haripur

.....(Appellant)

VERSUS

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

.....(Respondents)

RESPECTFULLY SHEWETH!

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

PRELIMINARY OBJECTIONS:-

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

OBJECTIONS ON FACTS:-

1. In reply to this Para, it is submitted that the appellant Ex-LHC Asif Khan, No. 493 while posted as Incharge industrial barrier, Police Station Kotnajibullah, was complained against by a citizen namely, Waqar Ahmed S/o Khani Zaman R/o Chamba pind, for entering in his house on 09.03.2018, The complainant narrated that the appellant searched his house, tortured him and demanded Rs. 10000. (Copy of application is attached as Annexure "A"). Similarly the appellant was reported absent from his duty point at industrial barrier on 12.03.2018, vide Daily Diary No.19 dated 12.03.2018 Police Station Kotnajibullah. (Copy of Daily Diary is attached as Annexure "B"). The acts and omissions of the appellant were gross misconduct, therefore, the appellant was served with charge Sheet and statement of allegations, vide this office Endst No. 57-59 / PA dated 04.04.2018, proper departmental was conducted and being found guilty of misconduct, the appellant was awarded major punishment of reversion in rank from LHC to Constable, vide OB No. 345 dated 15.05.2018, by the then District Police Officer, Haripur.
2. Incorrect, the appellant could not give satisfactory reply of charge Sheet, and he was found guilty of gross misconduct by the enquiry officer, the appellant was

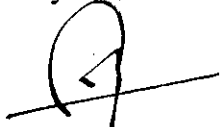
recommended for appropriate punishment by enquiry officer. (Copy of enquiry is attached as Annexure "C").


3. Incorrect, as the charges of misconduct were proved against the appellant in departmental enquiry, therefore, he was issued final Show Cause Notice as per law.
4. Incorrect, the allegations were proved beyond any doubt in departmental enquiry, he was also heard in person by the then District Police Officer, Haripur, in which the appellant could not give any justification of his acts. Having taken into consideration all the facts and evidence, the appellant was awarded appropriate lawful punishment by the competent authority.
5. Incorrect, as stated in the preceding paras, moreover, the appellant committed misconduct by entering in the house of complainant without any justification and informing the senior officers, he was also found absent from his duty point, his absence was reported in Daily Diary No. 19 dated 12.03.2018, the charges of misconduct against the appellant were fully proved through strong evidence in departmental enquiry, the appellant is generating concocted stories to absolve himself from liability, the statement of witnesses established the guilt of appellant.
6. Incorrect, proper departmental enquiry was conducted, DSP / Hqrs Haripur, was appointed as enquiry officer, who concluded the enquiry and submitted his findings vide his office memo No. 112 dated 26.04.2018, the appellant participated in enquiry proceedings and he was also heard in person, so, all legal requirements were fulfilled before passing the punishment.
7. Incorrect, the appellant was awarded following punishments during his past service:-
 - i. Awarded 06 days extra drill, vide OB NO. 94 dated 21.04.2005.
 - ii. Fine Rs. 100, vide OB No. 257 dated 22.12.2006.
 - iii. Warning, vide OB No. 836 dated 23.11.2011.
 - iv. Censure, vide OB NO. 837 dated 23.11.2011.
 - v. Stoppage of increment for 01 year without cumulative effect, vide OB No. 173 dated 07.03.2012.
 - vi. Warning vide OB No. 208 dated 28.05.2013.
 - vii. 07 days leave without pay and 01 extra drill, vide OB No. 329 dated 28.10.2013.
 - viii. 05 days without pay, vide OB No. 87 dated 20.02.2014.
 - ix. Censure and 02 days leave without pay, vide OB No. 35 dated 09.01.2017.
 - x. Stoppage of increment for 01 year without cumulative effect, vide OB No. 348 dated 05.05.2017.
 - xi. Censure, vide OB NO. 555 dated 21.06.2017.
 - xii. Censure, vide OB NO. 753 dated 18.08.2017.
 - xiii. Reversion in rank from LHC to Constable, vide OB No. 345 dated 15.05.2018.
 - xiv. 03 days leave without pay, vide OB NO. 31 dated 16.01.2019.
8. Incorrect, the appellant filed departmental appeal to the then Regional Police Officer, Hazara Region, Abbottabad, which was rejected, vide his office order Endst No. 4876 /PA dated 09.10.2018, on quite legal grounds, hence, the punishment is lawful and maintainable.
9. As stated above.

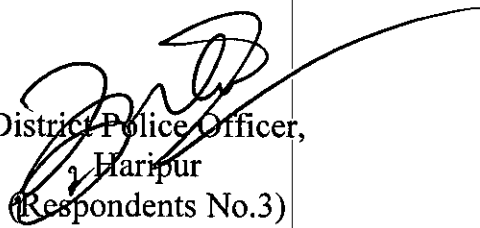
GROUND:-

- o) Incorrect, the order of punishment as well as appellate order are quite legal, in accordance with law and maintainable.
- p) Incorrect, proper departmental enquiry was conducted, moreover, all principles of natural justice were observed. Having fulfilled legal requirements the appellant was awarded lawful punishment.
- q) Incorrect, the appellant participated in enquiry proceedings, the evidence was taken in his presence, moreover, the enquiry officer collected the evidence which held the appellant guilty. Hence, the punishment is in accordance with law and maintainable.
- r) Incorrect, the appellant was treated in accordance with law, he exceeded his authority and entered in the house of citizen without authority and searched the house, he did not inform the senior officers for taking any such action, his conduct was motivated with ulterior motives, hence, lawful action was taken and appellant was awarded lawful punishment.
- s) Incorrect, all facts and evidence were taken into consideration, being found guilty, the appellant was awarded punishment as per law.
- t) Incorrect, the appellant was given right of personal hearing and self defense, but he failed to defend himself against the charges of misconduct.
- u) 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)

"A"

نمبر من حساب DPo صاحب ہر لکھ

DSP Kot report

وقار لکھ ولد خانہ نماز سے جہد میں داخل ہو گیا ہے۔

بنا ہے

بمقام ایف آئی اے کے نگران کوٹ نجیب اللہ کے وقار لکھ ولد

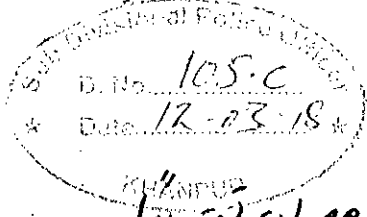
کو اقبال سے جہد میں شامل کرنا ناظم ایف آئی اے کے پاس پیشہ و اشس جہد میں

میزان میں سمجھنا کوٹ نجیب اللہ کے

درخواست گزار بابت ایف آئی اے کے قانونی کارروائی پر مفروضہ سوال ایف آئی اے

دیکھنا اور اس کے بارے میں سائل ایف آئی اے کے

حجاب ملال کے درخواست گزار کے



یہ کہ درخواست عنوان بالا میں من سائل مورخ 03/09/18 کو توجہ دیا

کہ ایک کے قریب میں ایف آئی اے میں موجود لکھ ولد صاحب کے ساتھ

والدہ صاحبہ بھی گھر میں موجود تھی کہ سوال ایف آئی اے کے پاس درج میں

میلوں لکھ ولد کے ساتھ گھروں میں ملے ہوئے لکھ ولد کے داخل ہوئے

لکھ ولد کے داخلہ کے ساتھ لکھ ولد کے پاس اس کے لکھ ولد کے پاس اس کے

کی نوک پر لکھ ولد کے گھر میں جا چکے تھے کی لکھ ولد کے گھر میں بھی

ادرس سائل لکھ ولد کے گھر میں موجود تھے یہ سائل ایف آئی اے کے پاس

سائقوں نے جو پیشہ رہے ہیں وہ لکھ ولد کے پاس ہے یہ لکھ ولد کے پاس

پہلے تو میں نے ایف آئی اے میں جہد میں کوٹ نجیب اللہ کے پاس لکھ ولد

ناظم ایف آئی اے کے پاس لکھ ولد کے پاس لکھ ولد کے پاس لکھ ولد کے

لکھ ولد کے پاس لکھ ولد کے پاس لکھ ولد کے پاس لکھ ولد کے پاس

ایسٹ گورنمنٹ میں سے جب سوال الیہ لکھو تو فون کیا تو اس سے میرا گھر آئے
سے انکار کیا اور کہا کہ اس کے بعد کئی دفع ۱۹۸۷ء میں سوال الیہ سے دوبارہ نائب
ناظم فون کیا تو اس وقت کے بعد وہ بھی میرا گھر آ گیا تو نائب ناظم نے
سوال الیہ سے بات کی تو اس کے بعد مجھے پتہ چلا کہ رقم ملنے پر ۵۵۵۵/۱ روپیہ
کا مطالبہ کر دیا ہے۔ میں نے جواب دیا کہ میرا پاس کچھ نہیں ہے اور اس
وقت میرے پاس صرف ۲۵۵۵ روپیہ تھا تو سوال الیہ لکھنے کے بعد

۷۵۵۵ روپیہ کے کہ اس وقت ۱۹۸۷ء کو دیا گیا
یہ کہ سوال الیہ سے اسلئے کی نوبت نہ تھی کہ یہاں رقم ملنے پر ۷۵۵۵
روپیہ مل لکھ دینا ہے اس بات کا کچھ کسی نے کوئی نہ علیا کہ پولیس
انکار کر کے کہتی تھی کہ کسی سے بات کی تو میں انکار سے سنا تو دیکھتی
کہ وہاں کون سے بیٹھان ہیں اور پولیس کا ملازم کون ہے
اس لئے کہا ہے کہ درخواست گزار نے یہاں سے سوال الیہ کے خلاف
سخت قانونی کارروائی کی جلد سے کہ سوال الیہ لکھنا ہے محفوظ
رہا جاوے۔ اگر مجھے کچھ بھی پتا تو اس کا راز سنا کر سوال الیہ لکھنا ہے

0310-2490633

الغرض ۱۲/۳/۱۸

وقار احمد
سائل

13362-6484269-5

0310-2490633

11-99

ORDER


LHC Asif Khan No.493, while posted as Incharge Industry Barrier, it came the notice of undersigned, through preliminary enquiry No.724-C, dated 28.03.2018, conducted by DSP Khanpur, that he entered in the house of Waqar Ahmed s/o Khani Zaman r/o Chamba Pind without informing senior officers. He was posted Guard Commander at industry Barrier, if he had some information about illegal activities, he should inform concerned SHO for taking legal action. Furthermore, he absented himself from duty on 12.3.2018. Due to which, he was served with statements of allegations, vide this office Endst No.57-59/PA dated 04.04.2018, under Police Rules 1975

To probe the matter Mr. Sabir Khan Deputy Superintendent of Police, Headquarter, Haripur appointed as enquiry officer, who conducted proper departmental enquiry and submitted his finding, vide his office Memo No.112 dated 26.04.2018, in which, he held charges of misconduct stand proved and recommended him for appropriate punishment.

Having gone through enquiry proceeding and finding of enquiry officer, he was served with final show cause notice, and called in orderly room, for personal hearing, in which he could not give any plausible defense on charges leveled against him, therefore, I, Syed Khalid Mehmood Hamdani, District Police Officer, Haripur being competent authority under Khyber Pakhtunkhwa efficiency and discipline rules 1975, am fully satisfied that the charges of misconduct are fully proved. Hence, he is awarded major punishment of "Reversion in rank from LHC to Constable" with effect from 15.05.2018.

Order announced.

OR No. 345 dated -15-05-2018


District Police Officer
Haripur

FINAL SHOW CAUSE NOTICE

I, Syed Khalid Hamdani (PSP, QPM), District Police Officer, Haripur as Competent Authority under Police Rules 1975, do hereby serve Final Show Cause Notice upon you LHC Asif No. 493 on the following grounds: -

"That while you posted as I/C Industry Barrier it has come to the notice of the undersigned vide preliminary enquiry No. 724-C dated 28.03.2018, conducted by DSP Khanpur that you have entered in the house of Waqar Ahmed s/o Khani Zaman r/o of Chamba Pind without informing the senior officers. You were appointed Guard Commander at Industry Barrier, if you had some information about illegal activity, you should inform concerned SHO to take legal action. Moreover, you remained absent vide Daily Dairy No. 19 dated 12.03.2018 PP Jhari Kas, which also confirms that you are not serious with your official duties. Your act is gross misconduct on your part in terms of Police Rules 1975"

(1) For the purpose of scrutinizing the conduct on your part with reference to the above allegation, you was serve with Charge Sheet/Statement of allegation and Deputy Superintendent of Police, Investigation, Haripur was appointed as enquiry officer against you for the conduct of proper departmental enquiry vide this office Endst No. 57-59 dated 04.04.2018.

(2) The enquiry officer after conducting proper departmental enquiry submitted his finding vide his office letter No. 112 dated 26.04.2018, in which he had the charges of misconduct proved and recommended for minor punishment under section-4 of the KPK Police E&D Rules 1975.

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

(Syed Khalid Hamdani) PSP, QPM
District Police Officer
Haripur

No. 100 / dated Haripur the 04 / 05 / 2018
District Police Officer

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

OB No 345
15.05.2018
District Police Officer
Haripur

Entered in his book
in cell
24-5-18

OR/OHC

کون سا دیکھ لو سب خطا رہے گا ...

اللہ ... ۱۹۹۳

انگوشه‌های ایران امضا خان 493

توضیحات	قطعات	تفصیل کاغذات	ردیف
		اندر کتب هوزا - انگوشه‌های فاسطه زورج	1
	24 قطعه	خارجی 1 - 2 - 3 - 4 - 5 - 6 - 7 - 8 - 9 - 10 - 11 - 12 - 13 - 14 - 15 - 16 - 17 - 18 - 19 - 20 - 21 - 22 - 23 - 24	2
	3 "	بستان 1 - 2 - 3 - 4 - 5 - 6 - 7 - 8 - 9 - 10 - 11 - 12 - 13 - 14 - 15 - 16 - 17 - 18 - 19 - 20 - 21 - 22 - 23 - 24 - 25 - 26 - 27 - 28 - 29 - 30	3
	9 "	اندر کتب هوزا - ایران الی - بستان 1 - 2 - 3 - 4 - 5 - 6 - 7 - 8 - 9 - 10 - 11 - 12 - 13 - 14 - 15 - 16 - 17 - 18 - 19 - 20 - 21 - 22 - 23 - 24 - 25 - 26 - 27 - 28 - 29 - 30	4
	6 "	اندر کتب هوزا - فاسطه زورج - بستان 1 - 2 - 3 - 4 - 5 - 6 - 7 - 8 - 9 - 10 - 11 - 12 - 13 - 14 - 15 - 16 - 17 - 18 - 19 - 20 - 21 - 22 - 23 - 24 - 25 - 26 - 27 - 28 - 29 - 30	5
	8 "	اندر کتب هوزا - ایران الی - بستان 1 - 2 - 3 - 4 - 5 - 6 - 7 - 8 - 9 - 10 - 11 - 12 - 13 - 14 - 15 - 16 - 17 - 18 - 19 - 20 - 21 - 22 - 23 - 24 - 25 - 26 - 27 - 28 - 29 - 30	
	2 "	اندر کتب هوزا - بستان 1 - 2 - 3 - 4 - 5 - 6 - 7 - 8 - 9 - 10 - 11 - 12 - 13 - 14 - 15 - 16 - 17 - 18 - 19 - 20 - 21 - 22 - 23 - 24 - 25 - 26 - 27 - 28 - 29 - 30	

30 قطعات

انگوشه

منجانب: ڈپٹی سپرنٹنڈنٹ آف پولیس، (ہیڈ کوارٹر) ہری پور۔

بجانب: ڈسٹرکٹ پولیس آفیسر، ہری پور۔

نمبر: ۱۱۵ مورخہ: ۲۰۱۸ - ۰۴ - ۲۶

عنوان: انکوائری پر خلاف LHC آصف خان نمبر 493

جناب عالی:-

بحوالہ مشمولہ انکوائری نمبر 57-59/PA مورخہ 04.04.2018 پر انکوائری ہو کر ذیل معروض ہوں۔

انکوائری کا آغاز کرتے ہوئے LHC آصف خان نمبر 493 سے چارج شیٹ کی نسبت جواب حاصل کیا گیا جس نے اپنی جواب میں تحریر کیا کہ اسے معتبر ذرائع سے اطلاع ملی کہ ڈیرہ اذال وقار احمد ولد خانیزمان سکنہ چمبہ پنڈ کے ڈیرہ پر جوان العرٹ کے چرس نوشی کرتے ہیں۔ جس پر وہ مورخہ 09.03.2018 کو معہ کنسٹیبل عمران نمبر 149 کے معلومات دیتے براری کے لیے بھینسوں کے باڑے جو کہ درخواست دہندہ کا ہے گئے گیٹ پر دستک دی ایک شخص آیا جس سے کہا کہ آپ سے کچھ معلومات کرنی ہے۔ درخواست دہندہ نے کہا کہ آپ اندر آ جائیں جو وہ معہ کنسٹیبل کے ڈیرہ کے اندر چلا گیا اور منشیات نوشی کے متعلق معلومات کی جو درخواست دہندہ انکاری ہو اور کہا کہ وہ چرس نہیں پیتا البتہ اس کے کچھ رشتہ دار کبھی کبھار یہاں آ کر چرس پیتے ہیں۔ مزکورہ نے کہا کہ میں چیئر مین / ناظم صاحب کو بلاتا ہوں آپ تھوڑا انتظار کریں۔ وقار احمد نے کسی سے ناظم صاحب کا نمبر لے کر اس کو بلایا جس کو اس نے ساری صورت حال بتلائی۔ ناظم وقار احمد نے کہا کہ آئندہ کوئی شکایت نہیں ہوگی وہ وہاں سے واپس آ گیا اس نے رقم کا کوئی مطالبہ نہیں کیا تھا۔

(۲) کنسٹیبل عمران علی نمبر 149 کا بیان لیا گیا جس نے اپنے بیان میں بتلایا کہ وہ انچارج انڈسٹری بیریل LHC آصف خان کے ساتھ گاؤں چمبہ پنڈ گیا ہوتا تھا وہاں ڈیرے پر کوئی شخص نہ تھا۔ وقار احمد اپنے ڈیرے پر موجود تھا جس نے ڈیرہ کھولا ہم اندر چلے گئے۔ مالک ڈیرہ وقار احمد نے فون کر کے ناظم صاحب وقار احمد کو بلایا تھا پیسوں کی کوئی لین دین نہیں ہوئی۔

(۳) ASI محمد الیاس انچارج چوکی جھاری کس نے اپنے بیان میں تحریر کیا کہ آصف خان LHC انڈسٹری بیریل پر بطور انچارج تعینات ہے وہ مورخہ 09.03.2018 کو شام کے اوقات میں اپنی من مرضی اور اپنی اطلاع پر چمبہ پنڈ گاؤں میں وقار احمد کے گھر گیا ہے جو کہ میرے علم میں نہ ہے اور نہ ہی وقار احمد کے خلاف چوکی جھاری کس میں کسی قسم کی کوئی درخواست یا رپورٹ وغیرہ ہے۔ چمبہ پنڈ گاؤں میں جو معاملہ ہوا ہے وہ اس سے لاعلم ہے۔

(۴) ملک شارجزل کونسلر VC چمبہ پنڈ نے اپنے بیان میں کہا ہے کہ وہ مورخہ 10.03.2018 کو اپنے گھر میں موجود تھا کہ اس کے پھوپھی زاد بھائی وقار احمد نے اطلاع دی کہ رات کو اس کے گھر پولیس آئی تھی جو وہ اس اطلاع پر وقار احمد کے گھر آیا وقار احمد نے بتلایا کہ رات کو پولیس والے اس سے 2500 روپے لے گئے ہیں اور 7500 روپے مزید مانگ رہے ہیں اس کے بعد وہ چوکی جھاری کس چلے گئے مگر انچارج موجود نہ تھا۔ دو دن یعنی ہفتہ اور اتوار کو چھٹی تھی وہ وقار احمد کے گھر میں موجود

تھے تقریباً دن 10 بجے کا نام ہوگا وقار احمد کے گھر 8/10 اشخاص موجود تھے آصف پولیس ملازم آگیا اور معافی مانگنے لگا کہ اس سے غلطی ہوئی ہے۔ قبل ازیں بھی اس سے دوران تعیناتی تھانہ سٹی میں بھی ایک غلطی ہو چکی ہے۔

(۵) اختر نواز ولد سلطان محمود سکنتہ سکنتہ چمبہ پنڈ نے اپنے بیان میں کہا کہ مورخہ 10.03.2018 کو وقار احمد نے اس کو اطلاع دی کہ رات کو تقریباً 8 بجے اس کے گھر پولیس والے آئے تھے جو گھر میں اس کے علاوہ صرف اسکی والدہ تھی۔ آصف پولیس اہلکار نے اس کی والدہ کے سامنے اسے تھپڑ مارے ہیں۔ وہ دیگر کے ہمراہ جھاری کس چوکی انچارج کے پاس گئے مگر ملاقات نہ ہو سکی۔ اتوار و لے دن وہ وقار احمد کے گھر موجود تھا کہ آصف پولیس ملازم آگیا اور معافی مانگی کہ اس سے غلطی ہوئی ہے۔

(۶) عمران الہی ولد محمد زمان سکنتہ چمبہ پنڈ نے اپنے بیان میں کہا کہ وقار احمد اور اس کا گھر بالکل ساتھ ساتھ ہیں وہ سرائے گدائی جا رہا تھا کہ وقار احمد کے ڈیرے کے باہر ایک کیری ڈبہ کھڑا دیکھ کر وہ ڈیرے کے اندر گیا وہاں پولیس ملازم بیٹھا تھا اور اس کے علاوہ لیزان کمیٹی کا وائس چیئر مین وقار احمد بھی موجود تھا۔ اس نے پولیس والے سے پوچھا کہ کیوں آئے ہو جس نے کہا کہ یہاں لوگ چرس پیتے ہیں اس کو تسلی دی کہ یہاں ایسا کوئی کام نہیں ہوتا وہ اس کے کہنے پر وہاں سے آگیا۔

(۷) ملک غلام جیلانی ولد ملک ریاض اختر سکنتہ چمبہ پنڈ نے اپنے بیان میں تحریر کیا کہ مورخہ 09.03.2018 کو وہ اپنے گھر میں موجود تھا اس کے پڑوسی وقار احمد نے اس سے لیزان کمیٹی کے وائس چیئر مین کا موبائل نمبر لیا تھا

(۸) وقار احمد ولد محمد اقبال نائب ناظم VC چمبہ پنڈ وائس چیئر مین لیزان کمیٹی تھانہ کوٹ نجیب اللہ نے اپنے بیان میں تحریر کیا کہ مورخہ 09.03.2018 کو وہ اپنے گھر میں موجود تھا کہ وقار احمد نے فون کر کے اپنے ڈیرے میں آنے کا کہا۔ وہ اس کے ڈیرے پر گیا تو وہاں پولیس والے موجود تھے اس نے پولیس والے سے دریافت کیا کہ آپ لوگ کیوں آئے ہیں۔ آصف پولیس ملازم نے کہا کہ یہاں لوگ چرس پیتے ہیں وہاں واقعی سگریٹ کے ٹوٹے پڑے ہوئے تھے اس نے پولیس ملازم سے کہا کہ آئندہ ایسی شکایت نہیں ہوگی۔ اس کے کہنے پر پولیس ملازم مان واپس چلے گئے۔ پیسوں کی کوئی بات نہیں ہوئی اور نہ ہی اس نے رقم لیکر پولیس والوں کو دی ہے سراسر جھوٹ ہے۔

(۹) وقار احمد ولد خانیزمان سکنتہ چمبہ پنڈ درخواست دہندہ نے اپنے بیان میں کہا کہ وہ اپنے گھر میں موجود پولیس والے میرے گھر میں داخل ہوئے کمروں کی تلاشی لی گھر سے کچھ برآمد نہ ہوا آصف پولیس ملازم نے اس کی والدہ کی موجودگی میں اسے تھپڑ مارے جو اس نے اپنے ہمسائے غلام جیلانی سے نائب ناظم وقار احمد VC چمبہ پنڈ کا نمبر حاصل کر کے اس کو اپنے گھر بلایا۔ نائب ناظم پولیس والوں سے ملا اور تھوڑی دیر بعد اس نے آکر کہا کہ پولیس والے 10,000 روپے مانگ رہے ہیں۔ اس کے پاس 2500 روپے تھے اس نے ان کے حوالہ کیے۔ اگلے دن اس نے اپنے رشتہ داروں کو یہ بات بتلائی۔ اس کا پولیس میں ایک رشتہ دار ملازم ہے اس کو واقع بتلایا جو اسے تھانہ کوٹ لے کر گیا مگر SHO صاحب سے ملاقات نہ ہوئی اسے اس کا رشتہ دار اسے انڈسٹری بیرئیر لے کر گیا وہاں پر اس نے پولیس ملازم کو پہچان لیا اور پتہ چلا کہ اس کا نام آصف ہے۔ دو دن چھٹی تھی بروز اتوار اس کے گھر میں گاؤں کے 8/10 لوگ اور رشتہ دار موجود تھے آصف پولیس ملازم معافی مانگنے اس کے

گھر آیا تھا۔

فائینڈنگ۔

انکوائری کا آغاز کرتے ہوئے درخواست دہندہ اور اس کے پیش کردہ گواہان کے بیانات لیے گئے۔ جن کے بیانات کی روشنی میں یہ پایا گیا ہے کہ LHC آصف خان درخواست دہندہ وقار احمد کے گھر میں ایک کنسٹیبل کے ہمراہ گیا ہے یہ بات ثابت ہے۔ جہاں تک رقم مبلغ 2500 روپے لینے کا تعلق ہے صرف درخواست دہندہ ہی کہہ رہا ہے۔ وقار احمد نائب ناظم چیمبر پنڈ جس کے بارے درخواست دہندہ نے اپنے بیان میں تحریر کیا کہ رقم مبلغ 2500 روپے اس کے ذریعے آصف خان کو دیے تھے مگر نائب ناظم وقار احمد نے اپنے بیان میں صاف بتلایا کہ اس نے درخواست دہندہ سے کوئی رقم لے کر پولیس والوں کو نہیں دی۔ انکوائری سے پایا گیا ہے کہ LHC آصف خان نمبر 493 جس کی ڈیوٹی انڈسٹریل بیریر پر لگی ہوئی تھی جو بنا کسی سینئر افسر کو بتائے گاؤں چیمبر پنڈ میں وقار احمد کے گھر داخل ہوا اگر اس کے پاس کوئی انفارمیشن تھی تو پھر بھی یہ اس بات کا مجاز نہیں کہ کسی کے گھر میں داخل ہو اس وجہ سے مذکورہ قصور وار پایا جاتا ہے گو کہ رقم لینا ثابت نہ ہے لیکن وقار احمد کے گھر ضرور گیا ہے۔

مناسب سزا کی سفارش کی جاتی ہے۔ انکوائری رپورٹ بمبراد مناسب حکم پیش خدمت ہے۔

ڈپٹی سپرنٹنڈنٹ آف پولیس

(ہیڈ کوارٹر) ہری پور۔

بیان پیدل عمران علی 149 جسٹس انڈسٹریل سیکورٹی

بیان چیک 2000000000 9/3/2018 کو اپنی ڈپوٹی پر موجود تھا انچارج سپر

نہر آصف نے کیا ہے چھبہ سنگھ گاؤں میں ایک دروازے پر دستخط

توڑنے کے لئے ہے میرا تو محلہ میں انچارج صاحب نے کیا ہے گاؤں میں

گی انچارج صاحب نے گاؤں چھبہ سنگھ میں ایک دروازہ پر دستخط

دی ایک شخص یا ہوا جس سے انچارج نے نام پوچھا کہ کیا ہے ان کے

ڈرائیور کے لئے کو جو ان کے پاس ہے جس سے میں اس آدمی کے نام پوچھا

پتلا کر گیا یہ جانوروں کا ڈرائیور ہے پتلا کر ہم نے پتلا کر کے ان کے

کے اندر آجائیں جو ہم ڈرائیور کے لئے دے لے گا تو اس شخص کو

تھا وہ مارا لہنے کیا ہے کسی بھی مار اس کے رشتہ دار آجاتے ہیں اور

میں وغیرہ دیتے ہیں البتہ وہ وہ مارا لہ خود نہیں پیتا

وہ مارا لہنے فون کر کے میرے صاحب وہ مارا لہ کو لایا وہ بھی کچھ دیر

بعد ڈرائیور آگے میرے صاحب نے کیا ہے پتلا کر اسے پتلا کر کے

میں ابلو سجاؤں گا اب چلے جائیں ہم وہاں سے نکل کر اپنے سپر

کا طرف آگے میرے ساتھ انچارج صاحب نے کولا کر ہم وہاں پہنچے

اور یہی رقم گاؤں ڈسپانڈر پہنچا ہے میرا یہی بیان ہے

ATTESTED

Sabir

ATTESTED

بیان کے واسطے ASI اور ایسی جگہوں کے

بیان چھوڑ کر صرف 493 کے اندر ہی رہیں گے
 لیکن ایسی جگہوں کے لیے تاریخ 9/3/2018 کو تمام کے
 اوقات میں ایسی جگہوں اور ایسی اطلاع پر چھوڑ دینا
 سے وہاں رہنے والے خاندان کے گھر کے ہونے سے
 سے ہے اور جگہ کے دیگر کسی ذمہ دار کو ہونے سے اور
 نہ ہی وہاں کے خلیفہ کسی قسم کی ذمہ داری سنبھالنے سے
 ہے اور نہ ہی خلیفہ LHC کے ہونے سے چھوڑ دینے سے
 سے خلیفہ کے ہونے سے خلیفہ کے ہونے سے
 سے خلیفہ کے ہونے سے خلیفہ کے ہونے سے
 سے خلیفہ کے ہونے سے خلیفہ کے ہونے سے

Asst. P. S. Kas...

ATTESTED

Signature

بیان مسکن سٹار جنرل کونڈر VC وچھی بند

بیانی جسٹس خورشید 10/3/2018 کو مجھے اپنے نوازتے پندرانہ وقار الہ
جو کہ میرا چھوٹی زاد ہے کے گرو میں رات کو گورنمنٹ والے اے کے
ہنگامے پندرانے کے لئے ہم دونوں اخبارچ پوسٹ ہوئی تھاری
کہ اس وقت اس وقت کے پاس کے بلگروہ وکین جو جو دن کا اطلاق
نہ ہوئی تھی علم ہوا کہ رات کو جو پوسٹ والے اے تھے وقار الہ
سے - 2500 روپے کے لئے پوسٹ اور - 7500 روپے اور مائیک
رہے ہیں بقیہ اور اٹوار والے دن تھی تھی میں وقار الہ
کے گرو میں ہی موجود تھا تقریباً دن تین کے کا وقت ہر کا
آصف پوسٹ حیدرم وقار الہ کے گرو اٹوار جم اس وقت 10/3
اشخاص وکین بیکھے تھے اس سے آئے ہیں عافی مائیک نے جو
سے علاقے ہوئے ہے اس طرح کی ایک علاقے جو سے پہلے ہی
تفاح پہلے میں ہوئے تھی 1 روز سو چار دن کے وقار الہ کے
سابق آصف پوسٹ حیدرم کے NPف در خواست دیتے کے
لئے PDPف میں آئے تھے -

سٹیٹ کارڈ ایڈریس 13302-0406755-1 - مہنگا سٹار
0301 8138978

ATTESTED

Sub

بیان اخذ نواز ولد سلطان محمد صاحب سند

بیان صاحب وقار احمد سے امانوں زاد کھالی کے حوالے سے 10/3/2018

کو اس نے مجھے اطلاع دی کہ رات کو تقریباً 8 بجے کو گھر میں پولیس والے آئے ہیں اس پر 2 گھر میں میرے علاوہ والدہ کی موجودگی پولیس

انصار آصف نے مجھے فوری والدہ کے سامنے تعہد مارا جس میں وہ اپنی

اطمانوں وقار احمد کے گواہوں کے ساتھ پولیس کو گواہی کرائی اور اس کی

کے پاس ملے جانے والے حلوہ موجود تھا ہم والدہ کے پولیس میں سہارا دینے

رہنہ دار، رہنہ دہی کے اس کو ہم نے سہارا دینے سے انکار کیا

کوٹے سے سات بجے کے بعد دن 11:30 بجے کو گھر سے پھرتے ہوئے

پلاٹا ہم گھاتے کے لئے 11:30 بجے پہنچنے کے بعد دو دن کے بعد

یقینہ انوار کے ساتھ دن تین کے بعد آصف پولیس حلیہ میں وقار احمد

کے گواہوں کے ساتھ وہاں موجود تھے اس نے ہم سے وفاقی امانوں

کے حوالے سے غلطی ہوئی ہے جو کہ ^{رہنہ دار} رہنہ دہی کے ساتھ یہ غلطی

ہوئی تھی اور دوسرے دن ہم نے ایک DPo صاحب کو

اس پولیس حلیہ میں آصف کے خلاف درخواست دے دی

M. No. N. No. 13302-0412123-5
سنائی کارڈ نمبر 0345 9553694

ATTESTED
cab

بیان عمران الہی ولد ہرزمان نے

بیانی چند سے 9/2018 کو اپنے گھر میں وجود کا حصار اور وقار الہ
کا گھر قریب قریب سے وہ دوالی لینے کے لیے سرکاری ٹرانسپورٹ
وقار الہ کے گھر سے باہر نکلنے کے لیے گھبرا گیا تھا وہ تہہ دیکھا تو میں وقار الہ
کے گھر کے اندر چلا گیا وقار الہ کے گھر میں اسی وقت تک تھا
اور لیجان کئی دکانیں وقار الہ کے گھر میں وجود کا حصار نے آہستہ
کولیس والے سے پوچھا کہ وہاں آئے ہو میں نے کہا کہ وہاں نہیں
ہوتے ہیں اور فروخت کی گئی ہیں وہاں کوئی شے بھی نہیں ہے
چونکہ وہ دوری کرتے ہیں اس لیے کہ وہاں پائپ لائن ہے وہ وہاں
کھینے پر وہاں سے پانی نہ نکال سکتے تھے

Elhabib

سنائی کارڈ: 7-0405184-13302
0300 5172084

ATTESTED
cab

بیان شد کہ عنقریب جیلانی و دیگر مسلمانان کو پھانسی دیا جائے گا

۲ ماہ ۱۰ دن ۱۱ گھنٹے ۱۱ منٹ ۱۱ سیکنڈ

وفاقی عدالت عالیہ میں درخواست کی گئی ہے کہ اس کی روک تھام کی جائے

وفاقی عدالت عالیہ میں درخواست کی گئی ہے کہ اس کی روک تھام کی جائے

G. Jilani

133029-24168-1

0347 5714743

ATTESTED

۲

Sabir

بیان وقار اللہ ولد محمد اقبال نائب ناظمی ع/لا وکھنڈ
وائس چیمبر میں ع/لا کے نام سے نوٹس دیا گیا

بیانی دورہ جوڑنے کے لئے کہہ دیا جو جوڑ دیا گیا وقار اللہ خان نے
کے دوپہر کے بجائے جو یاشل پر فون کرتے ہیں تاکہ وہ گزرا جاوے
تے کیا کم دین کے بجائے ابوں میں اور گزرا جاوے کہ وہ گزرا کرے کہ
کو لیس والے آئے ہوتے ہیں اس سے پہلے میں ان کو دلا گیا ہے
اس کے گزرا گیا جو کمال لیس والے جوڑ دیا گیا ہے ان سے درمیان
تاکہ کوئی آپ لوگ آئے ہوں اور وہ لیس کے لئے نہ رہے کہ وہ
وقار کے ڈیڑھے پر یہ کہہ کر دیاں دیتے ہیں اب وہ کہہ رہے ہیں کہ
وہاں کافی تعداد میں سگٹ تے تو تے کہہ رہے ہیں تے آصف کو لیس
حلہ زخم کو تمام الکی بات کہہ رہے ہیں کہ آصف سے مزاج کو تمام
انہ کے لئے کہہ رہے ہوں کہ انہ کے دین وقار نے سب لیا ہے
کہنے سے وقار اللہ کو چھوڑ دیاں دینے کہہ رہے ہیں کہ وہ حلہ زخم
کی کوئی بات نہیں ہے اور نہ ہی میں تے وقار سے رقم لے
آصف کو لیس کے لئے زخم کے حوالے سے

محمد اقبال

ATTESTED

Sub
Headquarter
pur

بیان وقار احمد ولد حاجنیزمان کیم و محمد شہد

بیان میرے حیرت انگیز سفر 2018ء کو شام کے وقت اپنے گھر میں ہو گیا
وہ 15/10 کو میں گھر میں میری والدہ کی شام کے وقت لوہے میں حلزوم
پر دی میں ان کے ساتھ لوہے میں حلزوم میں حلزوم میں حلزوم میں
کلاسیک تھی میرے گھر میں داخل ہوئے وہ اکتا کھلا ہوا تھا پر دی
والے لوہے میں حلزوم کے نام ایک ماہی جو میں نے بنا اپنی مدد سے
وہ میرے ہاتھ اور وہ لوہے میں حلزوم میں حلزوم میں حلزوم
حلزوم میں حلزوم میں حلزوم میں حلزوم میں حلزوم میں حلزوم
اور شام کسی کو بلاؤ میں نے اپنے پاس میں حلزوم میں حلزوم
حلزوم میں حلزوم میں حلزوم میں حلزوم میں حلزوم میں حلزوم
نے حلزوم میں حلزوم میں حلزوم میں حلزوم میں حلزوم میں حلزوم
اور اس لوہے میں حلزوم کے کیمے پر وقار احمد نے ان کے خون سے
کیمے پر وہ نے آیا لوہے میں حلزوم میں حلزوم میں حلزوم میں
کی 15/10 وقت کے بعد وائس میں میں ان کے جو اس لوہے میں
کے ساتھ جو حلزوم میں حلزوم میں حلزوم میں حلزوم میں حلزوم
رکے اس کو دے دو وہ ہے اس میں 2500 روپے کے ہیں
دے گئے ہیں میں نے جو کیمے میں حلزوم میں حلزوم میں حلزوم
وہ 50 کے ہیں میں نے اپنے ماہوں زیاد اختیار تو کر لیا اور
دیگر رشتہ داروں کو بھی بات شامی لوہے میں حلزوم میں حلزوم
راشد ہے اس کو کیمے میں حلزوم میں حلزوم میں حلزوم میں

سے ایسا کی قیمت کہاتے رہا یا جگر 5400 نام سے بھاری
و ملاقات ہوگی راستہ پر ہوا شہہ دار ہے دفعہ اولہ اندر
بدرتہ بریلا و کون سے لوگوں کے ناموں سے اس کو بھران
ن سے 7 کے لئے اس کا نام آصف ہے اور اس کا پتہ (1)
کا دو دن کے بعد اتوار کی روز اتوار کے گھر سے
اسٹیشن پہنچے تھے وہی لوگوں کے نام آصف انا اور محمد
حفاظی مانگی۔ اگلے روز سہوا آدب کے لئے اس کو
اس کے خلاف درخواست دے دی۔

12

سنائی کے دفتر 5-09-2002
0.310 2490 633

RECEIVED
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CHARGE SHEET

(1) I, *Syed Khalid Hamdani (PSP, QPM)*, District Police Officer, Haripur as competent authority, hereby charge you LHC Asif Khan No. 493 as enclosed statement of allegations.

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

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

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

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

(6) A statement of allegations is enclosed.

Syed Khalid Hamdani
(*Syed Khalid Hamdani*) PSP, QPM
District Police Officer
Haripur

DISCIPLINARY ACTION

I, **Syed Khalid Hamdani (PSP, QPM)**, District Police Officer, Haripur as competent authority of the opinion that you **LHC Asif Khan No. 493** have rendered yourself liable to be proceeded against as you committed the following acts/omissions within the meaning of Police Efficiency & Discipline Rules 1975.

STATEMENT OF ALLEGATION

"That while you posted as I/C Industry Barrier it has come to the notice of the undersigned vide preliminary enquiry No. 724-C dated 28.03.2018, conducted by DSP Khanpur that you have entered in the house of Waqar Ahmed s/o Khani Zaman r/o of Chamba Pind without informing the senior officers. You were appointed Guard Commander at Industry Barrier, if you had some information about illegal activity, you should inform concerned SHO to take legal action. Moreover, you remained absent vide Daily Dairy No. 19 dated 12.03.2018 PP Jhari Kas, which also confirms that you are not serious with your official duties. Your act is gross misconduct on your part in terms of Police Rules 1975, hence, charge sheeted"

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

DSP-HQVr.

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

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

(Syed Khalid Hamdani) PSP, QPM
District Police Officer
Haripur

No: 57-59 /PA, dated Haripur the 04/04 /2018.
Copy of above is submitted to the:-

- 1) Regional Police Officer, Hazara Region, Abbottabad please.
- 2) Enquiry Officer for initiating proceedings against the said accused under Police Efficiency & Discipline Rules 1975.
- 3) **LHC Asif Khan No. 493** with the direction to submit his defense within 7 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purpose of departmental proceedings.

District Police Officer
Haripur

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 submitted by *Constable Asif Khan No: 493* Haripur district against the order of punishment i.e. *Reversion in rank from LHC to Constable* awarded to him by the DPO Haripur his OB No: 345, dated 15.05.2018.

Facts leading to punishment awarded to him are that he while posted as Incharge road barrier entered in the house of Waqar Ahmed s/o Khani Zaman r/o Chamba Pind without informing senior Officers. He was posted Guard Commander at industry Barrier, if he had some information about illegal activities, he should inform concerned SHO for taking legal action. Furthermore, he absented himself from duty on 12.03.2018.

After receiving his appeal, comments of DPO were obtained which were perused. The undersigned called appellant in O.R on 03.10.2018 where he failed to explain any plausible reason in his defence. Therefore the punishment awarded to him by DPO Haripur *Reversion in rank from LHC to Constable* is genuine, hence his appeal is filed

REGIONAL POLICE OFFICER
Hazara Region Abbottabad

No. ⁴¹⁸⁷⁶ /PA Dated Abbottabad the 07/10 /2018.

Copy of above is forwarded to the District Police Officer, Haripur vide his office Memo: No: 3851, dated 26.06.2018 for information and necessary action.

Service Roll & Fauji Missal containing enquiry file is returned herewith for your office record.

REGIONAL POLICE OFFICER
Hazara Region Abbottabad

Jar Jiss

SRC/0110
17/10/2018

F
17/10/2018

W/O
19/10/2018
DPO 33

0/11/18

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1258 /ST

Dated 23-7- / 2019

To

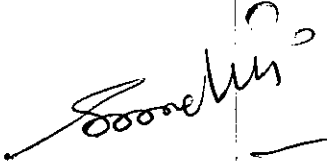
The District Police Officer,
Govt of Khyber Pakhtunkhwa,
Haripur.

Subject: -

JUDGEMENT IN APPEAL NO. 1348/2018, ASIF KHAN VS GOVT.

I am directed to forward herewith a certified copy of Judgement dated 11.07.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.