

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1482/2018

Date of Institution ... 11.12.2018

Date of Decision ... 26.12.2019

Farhan Adil, Belt no. 1203, District Police Sawabi R/O Yar Hussain Tehsil Razzar Swabi. ... (Appellant)

VERSUS

Inspector General of Police Khyber Pakhtunkhwa Police Line Peshawar and three others. ... (Respondents)

MR. AMIR NAWAZ,
Advocate

--- For appellant.

MR. MUHAMMAD JAN,
Deputy District Attorney

--- For respondents

MR. AHMAD HASSAN
MR. MUHAMMAD HAMID MUGHAL

--- MEMBER (Executive)
--- MEMBER (Judicial)

JUDGMENT:

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

ARGUMENTS:

02. Learned counsel for the appellant argued that he joined the police department as Constable on 30.07.2012. He was charged in a criminal case registered through FIR no.207 under Section-376 PPC Police Station, Ghazi. The appellant surrendered to law and disciplinary proceedings were initiated against him and upon culmination, he was discharged from service vide order dated 30.06.2014. He filed service appeal no. 922/2015 in this Tribunal and was accepted vide judgment dated 05.04.2018 and the matter was also remitted to the respondents to conduct de-novo enquiry. De-novo enquiry

was conducted and again major penalty of dismissal from service was imposed on him vide impugned order dated 22.06.2018 but this order was not communicated to the appellant. Moreover, he was acquitted of the criminal charge by the court of Additional Sessions Judge, Haripur, Ghazi. Action against the appellant being devoid of merit was patently illegal, hence, not tenable, in the eyes of law.

03. Learned Deputy District Attorney at the very outset raised preliminary objection on the maintainability of the present service appeal. Against impugned order dated 22.06.2018 an undated departmental appeal was filed by the appellant which was dismissed on 22.11.2018 and present service appeal was filed on 11.12.2018. He further clarified that stance of the learned counsel for the appellant that order dated 22.06.2018 was not communicated to him was against the available record/facts. He was called for personal hearing on 21.06.2018 which clearly indicated that he was well aware of the disciplinary proceedings being conducted against him. As such his departmental appeal was barred by time and thus the present service appeal was not maintainable. Neither, any application for condonation of delay has been submitted by the learned counsel for the appellant nor delay was justified during the course of arguments. He further argued that on the charge committing immoral act FIR no. 207 dated 10.06.2014 under Section 376/379/491/337-F(V) PPC PS, Ghazi was registered against the appellant. Disciplinary proceedings were initiated and after observance of all codal formalities major punishment of dismissal from service was awarded to the appellant vide impugned order dated 22.06.2018. DNA report was also positive.


CONCLUSION:

04. We have carefully examined the record and reached the conclusion that impugned order dated 22.06.2018 was in the knowledge of the appellant and plea taken by him about non-service of the same was without substance. Our view point is further

strengthened that the appellant was called for personal hearing on 21.06.2018 and his claim that he was ^{not} aware about the above order appears to a afterthought. As such his departmental appeal was barred by time. In the absence of application for condonation of delay and any justification during the course of arguments provided sufficient support that request for condonation of delay does not merit consideration. During the course of proceedings, the appellant failed to prove his innocence. Being involved in an immoral act that has been proved against him, he deserves no leniency.

05. Even on merits, the plea of the appellant lacks substance. The way he was acquitted of the criminal charge is a sufficient proof of some sort of quid pro quo between the appellant and the complainant. It can be easily inferred that he got acquitted on technical grounds. Acquittal from criminal case will have no bearing on departmental proceedings, as both can run parallel.

06. As a sequel to the above, the instant appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.



(MUHAMMAD HAMID MUGHAL)
Member



(AHMAD HASSAN)
Member

ANNOUNCED
26.12.2019

ORDER

26.12.2019

Counsel for the appellant present. Mr. Muhammad Jan, DDA
for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed
on file; the appeal is dismissed. Parties are left to bear their own cost.

File be consigned to the record room.

Announced:
26.12.2019



(Muhammad Hamid Mughal)
Member



(Ahmad Hassan)
Member

27.06.2019

Junior to counsel for the appellant present. Written reply not submitted. Atta ur Rehman Inspector (for respondent No.2) absent. Respondents as well as absent representative be put to notice for submission of written reply/comments. Adjourn. To come up for written reply/comments on 22.08.2019 before S.B.



Member

22.08.2019

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Fazal Subhan Head Constable for the respondents No. 1 to 3 present and submitted written reply. Respondent No.4 relies on the same. Adjourned. To come up for rejoinder and arguments on 14.11.2019 before S.B.



(Hussain Shah)
Member

14.11.2019

Learned counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present. Member copy of the present service appeal was not found available. Learned counsel for the appellant seeks adjournment to furnish Member copy. Adjourn. To come up for arguments on 26.12.2019 before D.B.



Member

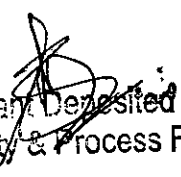


Member

order of dismissal of appellant from service passed on 22.06.2018. In view of learned counsel by virtue of acquittal of appellant, the very foundation of departmental proceedings was lost, therefore, the impugned order was not sustainable.

On the last date the respondent department was required to produce complete record of enquiry as well as a reply to the appeal. The representative of respondents, however, stated today that the requisite record was presently misplaced, therefore, could not be produced nor the reply could be prepared.

In view of the averments of learned counsel and the available record, instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 27.06.2019 before S.B.


Appellant Deposited
Security & Process Fee


Chairman

29.03.2019

Learned counsel for the appellant present. Complete inquiry record be requisitioned and respondent department to furnish reply on 30.04.2019 before S.B. To come up for further proceedings/preliminary hearing on the date fixed before S.B



Member

30.04.2019




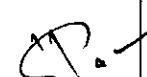
Counsel for the appellant and Mr. Fahim Khan, Inspector (Legal) for the respondents present.

Contends, inter-alia, that the appellant was enroped in a case under FIR No. 207 recorded on 10.06.2014. The recording of said FIR was the only basis for departmental proceedings against the appellant which culminated into order dated 30.06.2014, whereby, the appellant was discharged from service. Service Appeal No. 922 of 2015 was preferred by the appellant which was decided on 05.04.2018, whereby, the respondent department was required to conduct denovo enquiry against the appellant. During the denovo enquiry only a final show cause notice was issued to the appellant on 13.06.2018 which was followed by impugned order dated 22.06.2018. It is also the contention of learned counsel that the appellant stood acquitted on 20.04.2015 from the criminal charge by a court of competent jurisdiction, however, the said fact was disregarded by the DPO Swabi while recording the impugned

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1482/2018

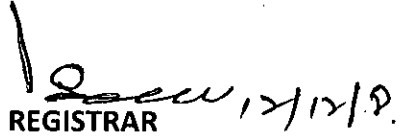
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/12/2018	<p>The appeal of Mr. Farhan Adil resubmitted today by Mr. Amir Nawaz Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 13/12/2018</p>
2-	24/12/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21/01/2019.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	21.01.2019	<p>Clerk to counsel for the appellant present. Due to general strike of the bar, the case is adjourned. To come up for preliminary hearing on 22.02.2019 before S.B.</p> <p style="text-align: right;"> Member</p>
	22.02.2019	<p>Learned counsel for the appellant present and seeks time for proper assistance. Adjourn. To come up for preliminary hearing on 29.03.2019 before S.B.</p> <p style="text-align: right;"> Member</p>

The appeal of Mr. Farhan Adil constable no. 1203 Distt. Police Swabi received today i.e. on 11.12.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Annexures of the appeal may be flagged.
- 3- Memorandum of appeal may be got signed by the appellant.
- 4- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 5- one copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

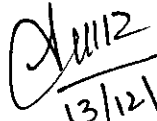
No. 2376 /S.T,

Dt. 12/12 /2018.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

M.Amir Nawaz Adv. Pesh.

Resubmitted after compliance.


13/12/18

1

BEFORE THE CHAIRMAN SERVICE
TRIBUNAL KHYBER PUKHTOON
KHAWA PESHAWAR.

Appeal no. 1482/2018
FARHAN ADIL

VERSUS

I.G.POLICE OF KPK AND OTHERS

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Dated: 02.12.2018

Through

APPELLANT


Amir Nawaz

Muhammad Zia Ullah
Advocate, High Court

**BEFORE THE CHAIRMAN SERVICE
TRIBUNAL KHYBER PUKHTOON
KHAWA PESHAWAR.**

Appeal No. 1482/2018

FARHAN ADIL BELT NO:1203, DISTRICT POLICE SAWABI R/O YAR
HUSSAIN TEHSIL RAZZAR SWABI.....APPELLANT

Khyber Pakhtukhwa
Service Tribunal

VERSUS

Diary No. 1740

Dated 11/12/18

1. INSPECTOR GENERAL OF POLICE KPK POLICE LINE PESHAWAR.
2. DEPUTY INSPECTOR GENERAL, MARDAN-1, MARDAN.
3. DISTRICT POLICE OFFICER, SWABI.
4. MUHAMMAD ARIF SP INVESTIGATION POLICE OFFICER SWABI.

.....RESPONDENTS

APPEAL U/S: 4 OF THE KHYBER PUKHTOON KHAWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 22.06.2018, WHEREBY THE ORDER OF DISMISSAL FROM SERVICE AND AGAINST ORDER DATED: 02.11.2018 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED.

PRAYER IN APPEAL:

Filed to-day

[Signature]
Registrar

11/12/18

Re-submitted to -day
and filed.

ON ACCEPTANCE OF THIS APPEAL THE ORDER DATED 22.06.2018 AND ORDER DATED: 02.11.2018 PASSED BY RESPONDENT NO: 3 MAY PLEASE BE SET-ASIDE AND THE APPELLANT BE RE-INSTATED BACK TO HIS SERVICE WITH ALL BACK BENEFITS.

[Signature]
Registrar

13/12/18

RESPECTFULLY SHEWETH:

Facts leading the institution of the instant appeal are:

BRIEF FACTS:

1. That the appellants was appointed as a constable on 03.07.2012 and was performing his duty accordance with Rules and Regulation, procedure and Law of the country and to the best of his superiors in department .

2. That the appellant was charged in a criminal case registered vide F.I.R U/S 376 PPC, at police station Ghazi, District Haripur at the instance of complainant Mst, Aneesha.

(Copy of F.I.R is attached as annexure "A").

3. That the appellant after getting the information of the groundless charge on 14.06.2014 volunteer his arrest to the District Police Officer Sawabi for treatment according to Law and was later on sent for trial before the Learned Additional Session Judge Ghazi Haripur.

4. That during the trial of the appellant before the Additional Session Judge Ghazi, the said complainant of the case appeared as PW-2 and recorded her statement/evidence on 30-03-2015.

(Copy of PW-2 statement is attached as annexure "B")

5. That thereafter the appellant moved an application for his acquittal U/S 265-K Cr.P.C, whereupon the appellant was acquitted from all the charges leveled against him by the complainant, vide Order/Judgment on 20-04-2015.

(Copy of Order/Judgment is annexed as "C").

6. That the District Police Officer without considering the reply of the appellant and without waiting for the fate of the trial which was pending adjudication before the learned trial court of Law, discharged the appellant from the service vide order dated 30-06-2014.

(Copy of discharge Order is attached as annexure "D").

7. That feeling aggrieved from the discharge Order of appellant from service by the District Police Officer Swabi and rejection of departmental appeal the appellant moved a service appeal No 922/2015, to this Hon'ble tribunal and on dated 05-04-2018 this Hon'ble Bench has pleased to set aside the impugned order of the District Police Sawabi and further directing the Department for conducting a de novo inquiry within stipulated period of time.

(Copy of the service appeal and Order/Judgment is attached as annexure are "E&F").

8. That on dated 13-06-2018 the appellant received a show cause notice from the office of District Police Officer Sawabi, to which the appellant has submitted his written reply by negating all the false charges imposed by the complainant upon the appellant.

(copies of the showcause notice and written reply are attached as annexure G&H).

9. That the inquiry officer ignored all the documentary evidence(statement of the complainant as PW-2), before the Additional Session Judge Ghazi, written reply of the appellant in response to the show cause notice ,and the Order/Judgment of the Additional Session Judge Ghazi, Haripur, i.e the Acquittal order of the present appellant, submit his report according to his personal whims & wishes and thereby showing his malafide intention towards the appellant upon which the respondent No;3 imposed a major penalty of Dismissal from Service upon the appellant.

(copy of dismissal order is attached as annexure "I")

10. That the order of dismissal of appellant was passed by respondent No;3 on dated 22-06-2018 but no such fact/order was serviced or given to appellant despite several request and lastly on date 28-09-2018 the appellant got his dismissal order from the office of District Police Officer Sawabi, against which the appellant move a departmental appeal within time to the respondent No;2 which was also rejected by maintaining the order of Dismissal of appellant made by the respondent No;3 on dated 22-11-2018.

(Copy of departmental appeal and rejection order are attached as annexures J&K).

GROUND

- A.** That the act, action and both the impugned orders are illegal, beyond the rules and regulations and in utter disregard of Law, procedure and regulations hence untenable.
- B.** That the appellants reply to the show cause notice, statement of the complainant as PW-2, and the acquittal order of the appellant by the additional Session Judge Ghazi, Haripur, was totally ignored by the inquiry officer and the respondent No;3 passed an order according to his own sweet will, which clearly shows the malafide intension of the respondents towards the appellant .
- C.** That the act, action of the respondents is against the Golden principal of criminal dispensation of justice that an accused person is to be presumed as innocent until & unless proved guilty by the court of Law.
- D.** That the appellant was vexed twice one in court of Law and another departmental for a single alleged wrong , which is barred by article 13 of the constitution of Pakistan 1973, section 26 of the General Clauses Act 1897, and section 403 of the Cr.P.C.
- E.** That as provided in the Fundamental Rules (FR-54) any civil servant after his acquittal would be entitled for all benefits even his period of suspension , abscondance and detention to be treated as spent on duty.

- F. That appellant as in the view of law and ratio decidendi of the Hon'ble Apex court on the subject issue, is entitled for re-instatement in service along with all back benefits to which he is entitled under the Law and procedure.
- G. That, be that as it may, case of the appellant has not been treated in accordance with law which is the utter violation of Article 4 of the constitution of Pakistan 1973.
- H. That any rate, act action and the impugned orders of the respondents are illegal, have no legal effects in the eye of law, untenable and the appellant is entitled for the relief sought.
- I. That any other ground not raised here may graciously be allowed to be raised at the time of arguments.

PRAYER

IT IS THEREFORE MOST HUMBLY PRAYED THAT ON ACCEPTANCE OF THIS APPEAL, THIS HON'BLE BENCH MAY GRACIOUSLY BE PLEASED TO SET ASIDE BOTH THE IMPUGNED ORDERS DATED; 22-06-2018 & 22-11-2018 OF THE RESPONDENTS AND THE APPELLANT MAY KINDLY BE RE-INSTATEMENT IN SERVICE WITH ALL BACK BENEFITS ALONG WITH GRANT OF ANY OTHER REMEDY DEEMED FIT BY THIS HON'BLE BENCH.

Dated: 10-12-2018

Through


APPELLANT


Amir Nawaz

Muhammad Zia Ullah
Athar Abbas
Advocates Peshawar High Court

BEFORE THE CHAIRMAN SERVICE
TRIBUNAL KHYBER PUKHTOON
KHAWA PESHAWAR.

FARHAN ADIL

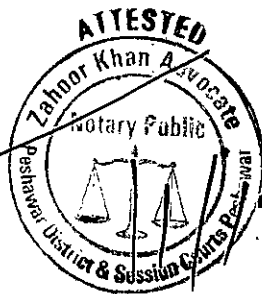
VERSUS

INSPECTOR GENERAL OF POLICE AND OTHERS

AFFIDAVIT

It is verified upon oath that the contents of this appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


Deponent



**BEFORE THE KHYBER PUKHTOONKHAWA SERVICE
TRIBUNAL PESHAWAR**

SERVICE APPEAL NO-----/2018

FARHAN ADIL.....APPELLANT

VERSUS

IGP KPK & OTHERS.....RESPONDENTS

ADDRESSES OF THE PARTIES

ADDRESS OF THE APPELLANT

FARHAN ADIL BELT NO 1203,DISTRICT POLICE SWABI
R/O YAR HUSSAIN TEHSIL RAZZAR DISTRICT SWABI

ADDRESSES OF THE RESPONDENTS

1. Inspector General of Police ,KPK,CPO,Peshawar.
2. Deputy Inspector General ,Region-1 Mardan.
3. District Police Officer,Swabi.
4. Muhammad Arif SP Investigation Swabi.

Farhan Adil (Appellant)

Dated; 10.12.2018

Through



Amir Nawaz

Muhammad Zia ullah
Advocate,High court Peshawar.

PW-2

Statement of Mst. Aneesha d/o Fazal Hakim aged about 20/21 years r/o Village Sikandrey, District Swabi (complainant) on oath

30.03.2015

Stated that since 15/20 days from the present occurrence, one person namely Farhan, whose father name is not known to me used to call me on my mobile phone and always asked me to contract marriage with him. On the day of occurrence, at about 09:00 AM, while I was present in my house, the above named person called me and asked me to go with him. I came out from my house and a person, who introduced himself as Farhan boarded me on his motorcycle and took me to village Kheroch cum Sirrikot side. At that time, I was having golden rings, fingerings weighing 2 ½ tolas. There he parked his motorcycle at a deserted area and took me to a hill, where at about 12:00 noon, he committed Zina bil Jabr with me and took my golden ornaments. I told him that he had promised me that he will marry me on which he dragged me and threw me due to which I sustained injuries on my left wrist, right foot and on my left leg. On arrival of police, I made report and charged that person as an accused. I have seen my report Ex.PB, which bears my thumb impression correctly.

XX

Prior to the occurrence, the accused was not personally known to me. The person disclosed himself as Farhan constable on mobile phone and his father name and his residence is still not known to me. The person who had committed the offence had met with me first time on the day of occurrence. During investigation, the accused was not put before me for identification. Today, I can identify the accused, who had committed the offence if brought before me. The person present before the Court is not my accused. As the person present in the Court as an accused is not real culprit, therefore, I do not want to proceed further against the present accused and have got no objection, if the accused be acquitted from the present case.

30.03.2015

ASJ, Ghazi,
Haripur

Amir Nawaz
Advocate High Court Peshawar

Access to Justice Law Chambers
Shabbir Hussain Qayani
Advocate High Court/Federal Shariat Court
Office No. 206, 2nd Floor City Gate Tower
Opposite City No. 1 School Malir, T. Road, Peshawar
Cell: 0300-8917921, 0333-9152592
E-mail: shabbir@shabbir.com

R.O & A.C

Attested as
true copy

Amir Nawaz

20/3/15

ATTESTED TO BE TRUE BETTER COPY

ALBERT BROWN
Associate High Court Justice

FORM "A"
FORM OF ORDER SHEET

ANNEXURE-"C"

Court of FAKHAR ZAMAN, ADDITIONAL SESSIONS JUDGE-GHAZI,
HARIPUR

Case No. 21/7 of 2014

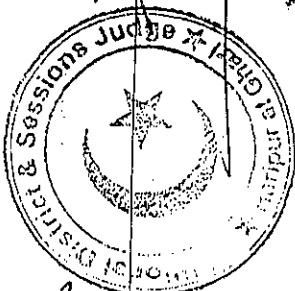
The State...vs....Farhan Aadil

Sl No. of Order or Proceeding	Date of Order or Proceeding	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
O.....17	20.04.2015	<p>Accused Farhan Aadil is present in custody alongwith counsel. Learned SPP is appearing on behalf of the State. Counsel for the complainant also present. Arguments on application for acquittal of accused u/s 265-K of CrPC heard and record perused.</p> <p>Accused Farhan Aadil s/o Ibrar Khan stands charged vide case FIR.No. 207 dated 10.06.2014 u/s 376/379/337-F(v)/411 of PPC registered at police station Ghazi of district Haripur. Report in the instant case was made by complainant Mst. Aneesha, who charged accused for rape followed by injuries to her person and snatching of gold ornaments.</p> <p>Accused was formally charged for the commission of offence on 30.10.2014, to which he pleaded not guilty and claimed trial. The star prosecution witness was complainant, who entered the witness box as PW-2 and owned her initial report. In cross-examination, however, she categorically deposed that accused facing trial is not the one who had committed the offence on her. She also confirmed that she can identify the actual accused, if brought before her and that she knows his name only, with no clue about his parentage and address. It was also confirmed that since the accused present in the Court is not the real culprit, therefore, she does not want to prosecute him anymore. With this statement the whole prosecution story got shattered and the chances of</p>

TO BE TRUE & CORRECT COPY

Access to Justice Law Centre
Abhir Hussain Gignani
Advocate High Court/Federal Shariat Court
Office No.206, 2nd Floor City Gate
Old City No.1 Scheme, Main Office, Peshawar
Cell: 0300-8912901, 031-72557
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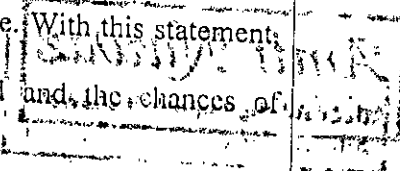
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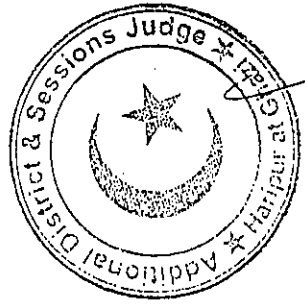
For (A)

Alleged as
Duplicate copy

Amir Nawaz
Advocate High Court Peshawar



Order or Proceeding	Date of Order or Proceeding	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
		<p>conviction of the accused almost vanished. Needless to say that when the only eyewitness has not supported the prosecution case, further proceeding in the case and recording further evidence would serve no purpose. Though, some recoveries are shown to have been made from the accused facing trial, but such corroborative piece of evidence would be of no use to the prosecution once it has lost its foundation.</p> <p>In the circumstances, to proceed with the trial would amount to pre-trial incarceration of accused and is likely to cause miscarriage of justice. Resultantly, I would invoke my jurisdiction conferred vide Section 265-K of CrPC and would order acquittal of accused Farhan Aadil in this case. He is in custody; he be released forthwith if not required in any other case. Case property, if any, be kept intact till the expiry of period fixed for appeal/revision, where after it be disposed of in accordance with law. File be consigned to RR after its completion.</p> <p>Announced 20.04.2015</p> <p>(FAKHAR ZAMANY) ASJ-GHAZI, HARIPUR</p> <p>20/4/15</p> <p>ATTESTED TO BE TRUE COPY</p> <p>Amir Nawaz Advocate High Court Peshawar</p> <p>Shabbir Hussain Gigyani Advocate High Court/Federal Shariat Court Office No. 206, 2nd Floor, City Centre, Peshawar Opposite City No. 1 School, Main G.T. Road, Peshawar Cell: 0300-891292, 0333-913252 E-mail: shabbirgigyani@gmail.com</p>



Amir Nawaz Advocate High Court Peshawar

Access to Justice Law Chamber Shabbir Hussain Gigyani

Handwritten notes and stamps at the bottom right.


Confidential


Government of Khyber Pukhtunkhawa.


Office of the District Police Officer, Swabi
Phone No. 0938-221399, Fax No. 0938-222434

From: The District Police Officer, Swabi.
To: The Superintendent,
Central Jail Hariipur.
No. 1020 I/A, dated Swabi, the 30-06-2014.
Subject: Discharge Order
Memo:

Enclosed please find herewith Discharge Order, in r/o Constable Farhan Adil No.1203, now confined in Central Jail Hariipur, for service upon him under intimation to this office, please.


District Police Officer,
Swabi.


DS/ASW/ASII

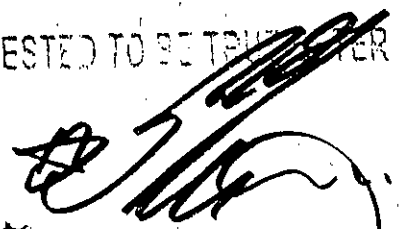

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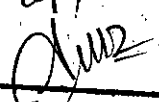
صہ عالی
سید ڈسپانچ آرڈر
آج صبح 08:07 کو نزلہ
2014
سرپرست کانسٹیبل
فہرہ کور



ATTESTED TO BE TRUE COPY


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Advocate High Court/Peshawar
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Opposite City No. 1 School Main G.T. Road, Peshawar
Call: 0300-8912921, 0300-9132592
E-mail: shabbirghyani60@gmail.com

السید فیضان عادل
والقوالی سید فیضان
7-7-14

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Amir Nawaz
Advocate High Court Peshawar

Hariipur

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

ORDER.

Constable Farhan Adil No.1203, while posted to Police Station IDS involved himself vide case FIR No.207 dated 10.06.2014 u/s 376 PPC Police Station Ghazi District Haripur, which is highly against the discipline and amounts to gross mis-conduct.

Therefore, he was placed under suspension and was served with Charge Sheet and Summary of allegations. Mr. Arbab Shafiullah, DSP, Rozzar was appointed as Enquiry Officer. The Officer conducted proper departmental enquiry, collected evidence and recorded statements of all concerned. He submitted his findings wherein he found Constable Farhan Adil No.1203, guilty for the mis-conduct and recommended him for Major punishment. The undersigned perused the enquiry papers and findings and by agreeing with the Enquiry Officer served him with Final Show Cause Notice through Superintendent, Central Jail, Haripur on 20.06.2014. His reply to the Final Show Cause Notice was received, perused and found un-satisfactory.

Therefore, I, Sajjad Khan, PSP, District Police Officer, Swabi, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules 1975, hereby award Constable Farhan Adil No.1203, Major Punishment of discharge from service under Rules 12-21 with immediate effect.

O.E No. 324
Dated 27/06/2014.

(SAJJAD KHAN) PSP
District Police Officer, Swabi.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

No. 104-17/PA, dated Swabi, the 27/06/2014.

Copies to the: -

- 1. Pay Officer.
- 2. Establishment Clerk.
- 3. Fauji Missal Clerk.
- 4. Official concerned.

صوابی

میں دستاویز آرڈر
آج صفحہ 7/14 کو بڑا سے
دوسرا کپی -

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شہنشاہ عادل
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Amir Nawaz
Advocate High Court Peshawar

Access to Justice Law Chambers
Shabbir Hussain Gignani
Advocate High Court/Federal Shariat Court
Office No.206, 2nd Floor, City Gate, Peshawar
Opposite City No.1 School M.A.J.G.T. Road, Peshawar
Cell: 0300-8912921, 0311-9112922
E-mail: shabbirgignani@gmail.com

Haripur

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Annexure = E

(14)

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

Service Appeal No: _____/2015

Farhan Adil

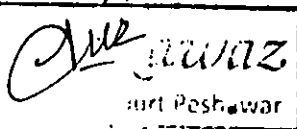
Versus

IGP KPK & Others

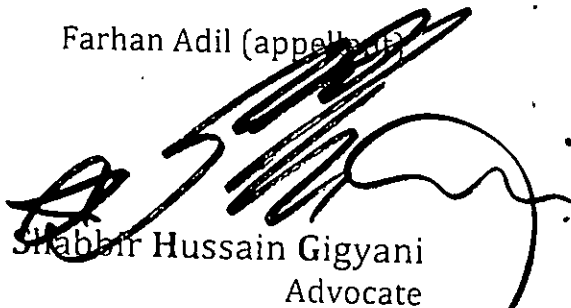
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Advocate Peshawar

Farhan Adil (appellant)


Shabbir Hussain Gigyani
Advocate

Office# 206, 2nd Floor, City Gate Tower
Opposite City No.1 School, G. T. Road, Peshawar
0300-8912921, 0333-9152592

Dated: 17-08-2015

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

Service Appeal No: _____/2015

Farhan Adil Belt No: 1203, District Police Swabi

R/O Yar Hussain Tehsil Razzar Swabi-----Appellant

Versus

1. Inspector General Police (IGP/PPO) Khyber Pakhtunkhwa Police line Peshawar.
2. Deputy Inspector General, Region -I, Mardan.
3. District Police Officer, Swabi
4. Mr. Arbaba Shfiullah, DSP, Razzar Swabi-----Respondents

APPEAL U/S 4 OF KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED
30/06/2014 OF THE DISTRICT POLICE OFFICER, SWABI,
WHEREIN THE APPELLANT WAS DISCHARGE FROM THE
SERVICE AND ORDER DATED 24/06/2015 OF THE
DEPUTY INSPECTOR GENERAL, REGION -I, MARDAN,
WHEREIN APPEAL OF THE APPELLANT WAS DISMISSED

PRAYER-IN-APPEAL:

By accepting this appeal, both the impugned orders of the Respondents may graciously be set-aside and the appellant may kindly be re-instated in service with all back benefits alongwith grant of any other remedy deemed fit by this Hon'ble Bench.

Respectively Sheweth:

Accepted on Facts leading the institution of the instant appeal are;
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Amir Nawaz
Advocate High Court Peshawar

10

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BRIEF FACTS:

PAGE NO.

16.

- a) That the appellant was appointed as a constable on 03.07.2012 and was performing his duty accordance with Rules, Regulations, procedure and law of land, and to the best satisfaction of his superiors in Swabi, after completion of his training.
- b) That the appellant was charged in a criminal case registered vide F.I.R No 207 dated 10.06.2014 U/S 376 PPC at Police Station Ghazi, District Haripur at the instance of complainant namely, Mst. Aneesha. Copy of F.I.R is annexed-"A".
- c) That the appellant after getting the information of the said groundless charge, on 14.06.2014 volunteer his arrest to the District Police Officer, Swabi (Respondent No.3) for treatment according to law, and was later on sent for trial before the learned Additional Session Judge, Ghazi, Haripur.
- d) That apropos to the registration of the subject FIR No. 207, during his confinement, he appellant was served with a Final Show Cause notice in central Jail Haripur, issued by the District Police Officer (Respondent No.3), the bedrock of the said final show cause notice was the said F.I.R No. 207. Copy of Final show cause notice is annexed-"B".
- e) That appellant after receiving the final show cause notice, made a gentle and supplicating reply, and made request the authorities (Respondent No.3) to postpone the proceeding, till the fate of the case and release of the appellant, being the said matter was sub-judice before the learned competent Court of law, Copy of reply is annexed-"C".
- f) That the District Police Officer (Respondent No.3), without considering the reply of the appellant and without waiting fate of the trial which was pending adjudication before the learned competent Court of law, discharged the appellant from the service vide order dated 30/06/2015 which was served upon the appellant at Central Jail Haripur, copy of which is annexed-"D".

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Advocate High Court Peshawar

- g) That during the trial of the appellant before Additional Session Judge, Ghazi, Haripur, the said complainant of the case appeared as PW-2 and recorded her evidence on 30/03/2015, copy of which is annexed-"E".
- h) That thereafter the appellant moved an application for his acquittal U/S 265-k Cr.P.C, whereupon he was acquitted from all the charges leveled against him by the complainant, vide order & judgment dated 20/04/2015, copy of which is annexed-"F".
- i) That after acquittal from the learned trial Court, the appellant moved an appeal to the Deputy Inspector General of Police, Mardan Region, Mardan but the authority, without considering the facts & circumstances of the case and without consulting the Rules, Regulations, law & Procedure on the subject issue, thrown the matter into trash. Copy of appeal and order thereon are annexed-"G" & "H" respectively.

Now, the appellant, being aggrieved of the illegal, un-procedural, beyond the rules & regulation act of the Respondents and of both the impugned orders, begs to seek indulgence f this Hon'ble forum for re-instatement in service with all back benefits inter-alia on the following grounds.

GROUND:

1. That act, action and both the impugned orders illegal, without justification, without lawful authority and in utter disregards of law, procedure, rule and regulations, hence, untenable.
2. That the appellant has neither been served with any charge sheet, summary of allegation nor Show Cause Notice, rather, he has been surprised and confronted only with the Final Show Cause Notice, which too; was served upon him at Central Jail, Haripur as admitted by Respondent No.3 in the impugned discharge order.

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copy*
Amir Nawaz
Advocate, High Court Peshawar

3. That despite of having the knowledge by the Respondents regarding the detention of the appellant in Central Jail Haripur, astonishingly neither has he been apprised of the constitution of any inquiry committee nor the inquiry officer (Respondent No.4) has bothered to visit the jail for recording plea of the appellant which all alone enough to crumble the whole act & action of the respondents to ground.
4. That he was also deprived by the authority/Respondents from his valuable right of hearing in person, confrontation with the allegation, with the so-called inquiry report and cross-examination, rather, all the proceedings have been conducted ex-parte, which is in utter disregard to the principles of justice and clear provisions of the Constitution especially Article 10-A which says that;

10-A. Right to fair trial:-

For the determination of his civil rights and obligations or in any criminal charge against him a person shall be entitled to a fair trial and due process.

5. That the entire act, action and the impugned orders were passed against the principle of natural justice as the appellant has been discharged from service without providing him any opportunity of hearing, which is a clear violation of Principle of Natural Justice and Maxim, "No one should be condemn unheard".
6. That due to his detention in the judicial lock-up, the appellant was neither aware of initiation of any inquiry against him, nor he was in position to join the same to defend his cause and explain his position, hence, the law does not compel one to do which cannot possibly be done as the law immune a person, exercising in impossible work.
- (Interpretation of Statutes by N.S.Bindra 4th Edition, P-102)
7. That the Respondents were all aware of the fact that the appellant's trial is sub-judice before the learned competent Court of law but without waiting the fate of the trial they discharged the appellant from service which is abuse of the process of law and mockery with the learned trial Courts.

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8. That act and action of the Respondents is against the golden principal of criminal dispensation of justice that and accused person is to be presumed as innocent until & unless proved guilty by the Court of law.
9. That the entire enquiry proceedings against the appellant were conducted under Khyber Pakhtunkhwa Police Rules 1975 and the powers conferred upon the Competent Authority (DPO/SSP/SP) for inflicting departmental punishment against a constable under Rules 4 (*supra*) are as under;
- (a) Minor Punishments.
- (i) Confinement of Constable and Head Constable for 15 days to Quarter Guards.
 - (ii) Censure.
 - (iii) Forfeiture of approved service up to two years.
 - (iv) Withholding of promotion up to one year.
 - (v) Stoppage of increment for a period not exceeding three years with or without cumulative effect.
 - (vi) Fine up to Rs.15000/- as per schedule -I
- (b) Major Punishments.
- (i) Reduction in rank/pay.
 - (ii) Compulsory retirement.
 - (iii) Removal from service.
 - (iv) Dismissal from service.
10. That the appellant as been discharged from service, which is nowhere provided in Rule-4 (*supra*) and discharge of the appellant under Rules 21, Chapter 12 of Police Rules 1934 is against the law, procedure, rules, regulation and natural justice being discriminatory and unjustifiable in nature.
11. That be that as it may, at present the Disciplinary Rules applicable on police department is The Khyber Pakhtunkhwa Police Rules, 1974, amended up to 2014, and as per section 14 of the Rules (*supra*) any other disciplinary rules have been repealed as its reads that;

14. Repeal:- Any disciplinary Rules applicable to Police Officers to whom these rules apply are hereby repealed but the repeal thereof shall not affect any action taken or anything done or suffered there under.

12. That as provided in Article 264 of the Constitution, 1973 and section 6 of the General Clauses Act, 1897, any repeal law has no legal effect as its reads that;

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Advocate High Court Peshawar

STANDARD TIME
KANSAS CITY, MO.

264. Effect of repeal of laws:-

Where a law is repealed, or is deemed to have been repealed, by, under, or by virtue of the Constitution, the repeal shall not, except as otherwise provided in the Constitution,—

- (a) revive anything not in force or existing at the time at which the repeal takes effect;
- (b) affect the previous operation of the law or anything duly done or suffered under the law;
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the law;
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the law; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the law had not been repealed.

5. Effect of repeal -

Where this Act, or any (Central Act) or Regulation made after the commencement of this Act, repeals any enactment hitherto made or hereafter to be made, then, unless a different intention appears, the repeal shall not—
 Revive anything not in force or existing at the time at which the repeal takes effect, or
 Affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder, or
 Affect any right, privilege, obligation or liability acquired, accrued or incurrent under any enactment so repealed, or
 Affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed, or
 Affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid.

13. That the edifice of penalty inflicted upon the appellant nowhere stand in legal parlance being reflecting the colour of "the doctrine of pick and choose".

14. That under Police Rules 1975 a self-explanatory procedure for inflicting of penalty is architected, hence, it exclude the application of any other procedure and penalty for wrong doer and "The express mention of one thing implies the exclusion of another" will squarely applies.

(Interpretation of Statutes by N.S.Bindra 4th Edition, P-108)

15. That the Khyber Pakhtunkhwa Police Rules, 1975 was legislated in pursuance of section 7 of The Police Act, 1861, hence, the present charge/show cause against the appellant does not, in any stretch of imagination, fall within the definition of police under Khyber Pakhtunkhwa police rules, 1975. Section 7 (*supra*) reads as under:

7. Appointment, dismissal, etc, of inferior officers

subject to such rules as the Provincial Government may from time to time make under this act, the Inspector General, Additional Inspector General, Deputy Inspector General, Assistant Inspector General and District superintendents of police, may, at any time dismiss, compulsory retire, suspend, or reduce either in Rank or within time-scale any police officer of the subordinate ranks whom they shall think remiss or negligent in the discharge of his duty, or unfit for the same:

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Or

May award any one or more of the following punishments to any police officer of the subordinate ranks who shall discharge his duty in **careless or negligent manner, or who by any act of his own shall render himself unfit for the discharge thereof:**

- a) Fine to any amount not exceeding one month's pay;
- b) Confinement to quarters for a term not exceeding 15 days, with or without punishment, drill, extra guard, fatigue or other duty;
- c) Deprivation of good-conduct pay;
- d) Removal from any office of distinction or special emolument;
- e) Stoppage of increments.

16. That the present show cause notice does not fall within the definition of "**misconduct**", hence, the appellant's discharge is not sustainable in legal parlance. The "**misconduct**" has been defined in **Rule 2(iii)** of the Khyber Pakhtunkhwa police Rules, 1975 that;

Rule 2(iii) :- "Misconduct" means conduct prejudicial to good order of discipline in the police force or contrary to the government servant (conduct) rules or unbecoming of a police officer and a gentleman, any commission or omission which violates any of the provisions of law and rules regulating the function and duty of police officer to bring or attempt to bring political or other outside influences directly or indirectly to bear on the government or any government officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other condition of service of a police officer.

17. That Rule of Conduct applicable on the employees of Police department is Khyber Pakhtunkhwa government servants (conduct) Rules, 1987 which has been specified in **Rule 4 A**, in the words that;

Rule 4 A: No Government servant shall.....

- a) Accept or obtain or agree to accept or attempt to obtain from any person for himself or for any other person, any gratification (other than legal remuneration) as a motive or reward such as is mentioned in section 161 of the Pakistan penal code; Or
- b) Do or forbear to do any official act or show or forbear to show, in the exercise of his official function, favour or disfavor to any person or render or attempt to render any service or disservice to any person, in violation or contravention of any provision of any law for the time being enforce, or of rules made under article 119, or 139 of the constitution of Pakistan or Khyber Pakhtunkhwa civil servant Act, 1973 or any other law for the time being enforce including the Khyber Pakhtunkhwa government rules of business 1985 in a manner which may appear to facilitates acceptance or obtaining or agreeing to accept or attempting to obtain from any person for himself or for any other person any gratification whatsoever, other than legal remuneration as a motive or reward; or
- c) Accept or obtain or agree to accept or attempt to obtain for himself or for any other person any valuable thing without consideration or for a consideration which he knows to be inadequate from any person he knows to have been, or to be likely to be, concerned in any proceeding or business transacted or about to be transacted by him, or having any connection with the official function of himself or any of government servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned; or

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Advocate High Court Peshawar

- d) Misappropriate, dishonestly or fraudulently, or otherwise convert for his own use or use of other person any property entrusted to him or under his control as a government servant or willfully allow any other person to do so; or
- e) Obtain by corrupt, dishonest improper or illegal means, or seek for himself or for any other person any property, valuable thing, pecuniary advantage or undue favour; or
- f) Possess directly or through his dependents or benamidars, any moveable or immovable property or pecuniary resources, disproportionate to his known sources of income which he cannot reasonably account for.
- g) Shall attend such function and meetings in which Islamic moral values are not regarded or which are in violation of such values like function of music and dancing by women etc.]

18. That the appellant was vexed twice one in a Court of law and another departmental for a single alleged wrong, which was barred by Article 13 of Constitution of Pakistan, 1973, Section 26 of the General Clauses Act, 1897 and section 403 Cr.P.C. which says that;

13. Protection against double punishment and self incrimination:-

No person—

- (a) shall be prosecuted or punished for the same offence more than once; or
- (b) shall, when accused of an offence, be compelled to be a witness against himself.

26. Provisions as to offences punishable under two or more enactments:-

Where an act or omission constitutes an offence under two or more enactments, then the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence.

403. Person once convicted or acquitted not to be tried for same offence :

(1) A person who has once been tried by a Court of Competent Jurisdiction for an offence and convicted or acquitted of such offence shall whiles such conviction or acquittal remains in force, not liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under Section 236, or for which he might have been convicted under Section 237.

19. That as provided in the Fundamental Rules, (FR-54) any civil servant after his acquittal would be entitled for all benefits and even his period of suspension, abscondence and detention to be treated as spent on duty, as it says that;

F.R. 54:- In case where suspension of Government Servant is held to have been unjustifiable or not wholly justifiable or he is re-instated after being dismissed, removed from service or suspended, the revising or appellate authority may grant him the following pay and allowances for the period of absence:-

- (a) If the Government Servant is honorably acquitted, he may be given the full pay to which he would have been entitled but for his dismissal, removal or suspension. The period of absence in such cases is treated as spent on duty. For this purpose FR-54 should be treated as absolute and unconditional and no question should be raised as to whether there was a post or not against which he could be adjusted for the period of his absence or he had no longer any lien or any other Government Servant was appointed substantively in his place

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Advocate High Court Peshawar

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20. That appellant, as in view of law and *ratio decidendi* of the Hon'ble Apex Court on the subject issue, is entitled for reinstatement in service along with all back benefits to which he is entitled under the law and procedure as held;

1999-SCMR-2870 (M. Iqbal Zaman...Vs...S.E. Irrigation Bannu)

Article 212 Constitution of Pakistan---Civil Service---Suspension---arrears of pay relating to suspension period---Entitlement---Civil Servant who was involved in murder case and was convicted and sentenced by trial Court was acquitted of murder charge by the High Court in appeal---Civil Servant who after his acquittal was re-instated in service, prayed for arrears of pay relating to his suspension period but his prayer was turned down by authority on ground that Civil Servant was not entitled to arrears as he was not honorably acquitted, but was given benefit of doubt--Validity---Acquittal of Civil Servant, even if based on benefit of doubt, was honorable---Acquittal of Civil Servant even based on benefit of doubt, could not become hurdle in payment of arrears of pay to Civil Servant regarding his suspension period provided he had not been found to be gainfully employed during suspension period.

2007-SCMR-537 (S.E. GEPCO...Vs...Muhammad Yousaf)

S. 4 Service Tribunal Act---Article 212(3) Constitution of Pakistan, 1973---Acquittal on benefit of doubt from criminal charge---Honorable acquittal---Back benefits---entitlement---Civil Servant was taken on duty, after his acquittal from criminal charge and his period of suspension was treated as leave on due basis---Grievances of Civil Servant was that the authorities did not pay him salary for the period---Service tribunal allowed the appeal of Civil Servant and directed the authorities to pay him back benefits---Validity---Civil Servant who was acquitted by extending benefit of doubt would be deemed to have been acquitted honorably---Civil Tribunal has rightly directed the authorities to treat him on duty and give him all financial benefit during the period of his confinement in custody on account of his involvement in criminal case---Leave to appeal was refused.

1998-SCMR-1993 (Govt of NWFP...Vs...Dr. Muhammad Islam)

FR-54, Fundamental Rule---Civil Services---Civil Servant was involved in a case U/S. 302/34 PPC for a murder---No evidence could be brought against the accused Civil Servant on charge of murder, thus, proving that allegation leveled against him were baseless---Acquittal of Civil Servant from a criminal case---Accused Civil Servant in case of acquittal was to be considered to have committed no offence because the competent criminal Court had freed/ cleared him from the accusation of charge of crime---Such Civil Servant, therefore, was entitled for grant of arrears of his pay and allowances in respect of the period he remain under suspension on the basis of murder case against him.

21. That, be that as it may, case of the appellant has not been treated in accordance with law which is in utter violation of Article 4 of the Constitution which says that;

4. Right of individuals to be dealt with in accordance with law, etc:-

(1) To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Pakistan.

(2) In particular—

(a) no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law;

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Amir Nawaz
Advocate High Court Peshawar

BRITISH AIR FORCE
1944-1945

(b) no person shall be prevented from or be hindered in doing that which is not prohibited by law; and (c) no person shall be compelled to do that which the law does not required him to do.

22. That, at any rate, act, action and the impugned orders of the Respondents are illegal, have no legal effect in the eye of law, untenable and the appellant is entitled for the relief sought.

PRAYER:

It therefore most humbly prayed that on acceptance of this appeal, this Hon'ble Bench may graciously be pleased to set-aside both the impugned orders of the Respondents and the appellant may kindly be re-instated in service with all back benefits alongwith grant of any other remedy deemed fit by this Hon'ble Bench.

Farhan Adil (appellant)

Through

1. Shabbir Hussain Gigyani

2. M. Yousaf Khan

Advocates, Peshawar

Dated: 17-08-2015

NOTE:

- Appeal in hand is 1st one on the subject issue before this Hon'ble Bench by or on behalf of the appellant.

List of Books:

1. Constitution of Pakistan 1973.
2. Interpretation of Statute N.S. Bindra.
3. Police Act 1861.
4. Police Rules 1934.
5. Khyber Pakhtunkhwa Police Rules 1975.
6. Khyber Pakhtunkhwa Service Tribunal Act 1974.
7. Khyber Pakhtunkhwa government servants (conduct) Rules, 1987.
8. The General Clauses Act, 1897.
9. The Code of Criminal Procedure, 1898.
10. 1998-SCMR-1993
11. 1999-SCMR-2870
12. 2002-SCMR-916
13. 2007-SCMR-537
14. Any other book or case law as per need.

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Advocate High Court Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No: _____/2015

Farhan Adil ----- **A**ppellant

Versus

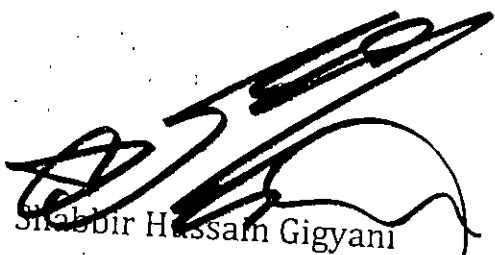
IGP KPK & others ----- **R**espondents

AFFIDAVIT

I, Farhan Adil Belt No: 1203, District Police Swabi R/O Yar Hussain Tehsil Razzar Swabi do hereby solemnly affirm and declare on oath that contents of the accompanying service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

DEPONENT

Identified by:


Shabbir Hussain Gigyani

Access to Justice Law Chartered
Advocate High Court
Shabbir Hussain Gigyani
Advocate High Court/Federal Shariat Court
Office No.206, 2nd Floor City Gate District
Opposite City No.1 School Main G.T. Road Peshawar
Cell: 9300-8912921, 8333-9112392
E-mail: shabbirgigyani@rediffmail.com

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the copy*
Amir Nawaz
Advocate High Court Peshawar

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

Service Appeal No: _____/2015

Farhan Adil-----Appellant

Versus

IGP KPK & others-----Respondents

ADDRESSES OF THE PARTIES

Address of the appellant:

Farhan Adil Belt No: 1203, District Police Swabi
R/O Yar Hussain Tehsil Razzar District Swabi

Addresses of the Respondents:

1. Inspector General Police, KPK, CPO, Peshawar.
2. Deputy Inspector General, Region -I, Mardan.
3. District Police Officer, Swabi
4. Mr. Arbaba Shfiullah, DSP, Razzar Distrct Swabi

Farhan Adil (appellant)

Through

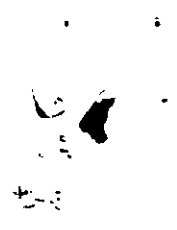
Shabbir Hussain Gigyani

Advocate, Peshawar

Dated: 17-08-2015

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Advocate High Court Peshawar

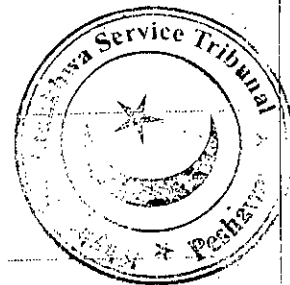


RENTAL SERVICE
Address: H. 10 Court Westwood

Serial No. of Order/Proceeding

2

Order or other proceedings with signature of Judge or Magistrate



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 922/2015

Date of Institution ... 17.08.2015

Date of Decision ... 05.04.2018

Farhan Adil Belt No.1203, district Police Swabi resident of Yar Hussain Tehsil Razzar Swabi

Appellant

Versus

1. Inspector General of Police (IGP/PPO) Khyber Pakhtunkhwa Police Line Peshawar.
2. Deputy Inspector General, Region-I, Mardan.
3. District Police Officer, Swabi.
4. Mr. Arbaba Shafiullah, DSP Razar Swabi

Respondents

JUDGMENT

MUHAMMAD HAMID MUGHAL, MEMBER: - Learned

counsel for the appellant and Learned Additional Advocate General for the respondents present.

2. The appellant has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 30.06.2014 whereby he was awarded punishment/order of discharge from service and against the order dated 24.06.2015 whereby the departmental appeal of the appellant for reinstatement in service was filed being badly time barred.

3. FIR 307 dated 10.06.2014 u/s 376 PPC P.S Ghazi Haripur

ATTESTED

[Signature]
 MEMBER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

[Signature]
 Alleged

Amir Nawaz

Advoc. High Court Peshawar



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NO FOREIGN DISSEM

was chalked out against the appellant on the allegation that he committed rape of the complainant. Consequently the departmental action was initiated against the appellant and vide impugned order dated 30.06.2014 the appellant was awarded punishment/order of discharge from service. After earning acquittal in the above mentioned criminal case the appellant filed departmental appeal for reinstatement in service which departmental appeal was rejected/filed being badly time barred.

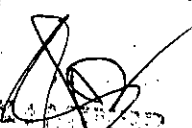
4. Learned counsel for the appellant argued that upon the registration of criminal case against the appellant, he went behind the bars, and the departmental proceedings were conducted at the back of the appellant, while he was in lockup. That appellant was not treated in accordance with law. That neither the charge sheet was served upon the appellant nor the statement of complainant was recorded in the presence of appellant nor he was afforded opportunity to cross-examine her.

5. As against that learned Additional Advocate General argued that the appellant committed heinous crime but earned his acquittal on the basis of compromise/concessional statement. That the inquiry officer recorded statement of appellant as well as complainant and found the appellant guilty, hence the impugned orders are not open to any exception.

6. Arguments heard. File perused.

7. The discharge order of appellant was issued after departmental inquiry against him. Admittedly during the

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Service Tribunal,
Peshawar

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departmental action against the appellant he was in the lockup. The record does not suggest that any charge sheet was served upon the appellant. Learned Additional Advocate General could not rebut the argument of the learned counsel for the appellant that the statement of complainant was not recorded in the presence of the appellant and he was also not afforded any opportunity to cross-examine the complainant. Consequently the impugned discharge order is not tenable in the eyes of law.

8. As a sequel to above this Tribunal is constrained to set aside the impugned orders. The respondent department is directed to conduct de-novo inquiry against the appellant, by providing him opportunity of defense in accordance with law/rules, within a period of three (03) months of the receipt of this judgment. The issue of reinstatement of appellant shall be subject to the final outcome of de-novo inquiry. The present appeal is decided in the above terms. Parties are left to bear their own costs. File be consigned to the record room after its completion.

Ed/- M. Hamid Mughal
Member

ANNOUNCED
05.04.2018

Ed/- Ahmad Hassan
Member

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Khyber Pakhtunkhwa
Sessions Court,
Peshawar

Date of Presentation of Application 25-04-18
Number of Words 1200
Copying Fee 8-00
Urgent 2-00
Total 10-00
Name of Copyist [Signature]
Date of Completion of Copy 25-04-18
Date of Delivery of Copy 25-04-18

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Advocate High Court Peshawar

(30)

FINAL SHOW CAUSE NOTICE

Whereas you Constable Farhan Adil Belt No. 1203, while posted to Police Station IDS involved yourself in immoral act upon which a proper case vide FIR No. 207 Dated 10.06.2014 U/s 376 PPC PS Ghazi District Haripur has been registered, which is highly against the discipline and amounts to gross misconduct.

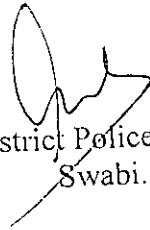
In this connection, you were charge sheeted and served with summary of allegation and SP, Investigation Swabi was appointed to conduct denove departmental enquiry in compliance with the judgment of Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar dated 05.04.2018 passed in service appeal No. 922/2015. The enquiry officer held enquiry and submitted his findings, wherein you were found guilty for the immoral offence.

Therefore, it is proposed to impose Major/Minor penalty including dismissal as envisaged under Rules 4(b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence, I, Sohail Khalid, PSP, District Police Officer, Swabi in exercise of power vested in me under Rules 5(3) of the Khyber Pakhtunkhwa Police Rules 1975 call upon you to show cause finally as to why the proposed punishment should not be awarded to you.

Your reply should reach to the office of the undersigned within seven days of the receipt of this notice failing which it will be presumed that you have no explanation to offer.

You are also at liberty to appear for personal hearing before the undersigned.


District Police Officer,
Swabi.

No. 353 /PSO,
Dated: 13 1 06 /2018.

Attested as

True copy 

Amir Nawaz
Advocate High Court Peshawar

CHRYSLER CREDIT CORP.
100 EAST WASHINGTON ST. CHICAGO, ILL. 60601

محفوظ جواب DPO صاحب ضلع سوہاگی۔

سائل۔ فرہان عادل

وفنا جنتی جواب حسب ذیل ہے۔

جناب عالی 17 سائل 2012ء میں بجیٹ پولیس کانسٹیبل ضلع سوہاگی میں بھرتی ہوا

اور 2014ء میں سائل نمبر 18 ضلع سوہاگی میں ڈپوٹی ایچ ایم کے ریٹائر

کے اسی دوران میرے خلاف ایپ بے بنیاد، جھوٹی اور من گھڑت دعوہ داری ہوئی

میں پر سائل نے خود DPO سوہاگی سجاد خان کو گرفتاری دی۔ جس کے بعد

مجھے نمبر 18 منتقل کیا گیا اور وہاں سے مجھے نمبر 19 غازی ضلع ہری پور

منتقل کیا گیا۔ بوقت گرفتاری جس موٹر سائیکل پر میں سوہاگی آیا تھا

وہی موٹر سائیکل اور میرے استعمال کا موبائل فون برآمدی میں دکھایا گیا۔

اس کے علاوہ مجھ سے یا میرے رشتہ داروں سے کسی قسم کی ~~تحریر~~ نہیں ہوئی۔

جناب عالی سائل نے گناہ ہونے ہونے بھی 11 ماہ پابند سلاسل دیا۔

11 ماہ بعد جب عدالت غازی میں میرے خلاف ~~بجیٹ~~ فریقہ فریقہ فریقہ ہوئی

و مسماہ نے عدالت میں مجھے بے گناہ قرار دیا۔ اسی وقت میں فاضل عدالت

غازی نے سائل کو بائرنٹ بری کر دیا۔

جناب عالی استدعا ہے کہ سائل نے جو دفعہ ماں باپ پر رجمد لگے اور فرما

سائل کو ڈپوٹی پر واپس آنے کے احکامات صادر فرما کر مشورہ و مہنوں فرم

سائل کے ماں باپ دعا گو اور سائل نابعدار رہے گا۔

فرہان عادل

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Amir Nawaz Advocate High Court Peshawar

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(32)

OFFICE OF THE DISTRICT POLICE OFFICER, SWABIORDER

Constable Farhan Adil Belt No. 1203/FC, while posted to Police Station IDS involved himself in immoral act consequent upon a proper case vide FIR No. 207 Dated 10.06.2014 U/s 376 PPC PS Ghazi District Haripur has been registered, which is against the discipline and amounts to gross misconduct.

On account of above misconduct, he was proceeded against departmentally and dismissed from service vide this office OB No. 824 Dated 27.06.2014. Feeling aggrieved from such order, he filed departmental appeal which was filed being time barred vide Region office Mardan Memo: No. 3788/ES, Dated 24.06.2015. Feeling aggrieved from the orders of department, he filed Service Appeal No. 922/2015 before the Khyber Pakhtunkhwa Service Tribunal Peshawar. The tribunal vide judgment dated 5.04.2018, set aside the orders of department and directed for denove enquiry against appellant. In compliance with the judgment of tribunal, delinquent Constable Farhan Adil was served with Charge Sheet and Summery of allegations vide this office Diary No. 25/CC/PSO Dated 05.06.2018 and in the light of directions of DIG Enquiry & Inspection, Khyber Pakhtunkhwa Peshawar vide Memo. No. 800/E&I, Dated 31.05.2018, Muhammad Arif SP Investigation Swabi was appointed to conduct denove departmental enquiry in accordance with rules. The Enquiry Officer conducted proper enquiry in accordance with the rules and proper opportunity of defence / hearing was provided to the delinquent. The official under enquiry recorded his statement wherein he stated that he was falsely charged in the case in which he was also acquitted by the trial Court. The delinquent Constable negated all the charges and stated for exoneration in the case. The Enquiry Officer recorded statements of all concerned and also requisitioned the case file from PS Ghazi district Haripur and thoroughly perused the case file and thereby concluded that the delinquent Farhan Adil is involved in the immoral act and not fit for the disciplined force. Though he has been acquitted from the Court on technical grounds but departmental and criminal proceedings are two different proceedings and under the well established jurisprudential principles of administrative law, the findings of criminal case got no bearing on the departmental proceedings. In light of above, the undersigned perused the enquiry findings and by agreeing with enquiry officer, served the delinquent with Final Show Cause Notice vide this office diary No. 353/PSO, Dated 13.06.2018. His reply was received, perused and he was also heard in Orderly Room held on 21.06.2018 but he could not produced any cogent evidence in his defence nor he could convince the undersigned regarding falsely charged in the above case and malafide on the part of Ghazi Police. Hence, the delinquent constable was found guilty for the charges.

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Therefore, I, Sohail Khalid, PSP, District Police Officer, Swabi, in exercise of the powers vested in me under Rules 5(3) of the Khyber Pakhtunkhwa Police Rules 1975, hereby award Constable Farhan Adil 1203/FC Major punishment of Dismissal from service.

Order announced:
21.06.2018

O.B No. 720
Dated 22/06/2018

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Nawaz
High Court Peshawar

District Police Officer,
SWABI.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

No. 588-92/PSO, dated Swabi, the 22/6/2018.

Copies to the: -

1. Deputy Inspector General of Police, Enquiry & Inspection-Khyber Pakhtunkhwa, Peshawar for favor of information with reference to above.
2. Establishment Clerk.
3. Pay Officer.

ATTESTED
PIO
District Police Officer, Swabi.
28/6/18

WILLIAMS
167700297 7007 0101

To,

The Deputy Inspector General of Police
Khyber Pakhtun Khwa,

Subject: - **DEPARTMENTAL APPEAL AGAINST THE DISMISSAL
ORDER DATED 22.06.2018 WHEREBY SERVICE OF THE
APPELLANT HAS BEEN DISMISSED.**

Respected Sir,

With due honour and respect I submit the
departmental appeal on the following reasons and grounds.

1. That appellant was appointed in police department as constable in the year 2012.
2. That appellant has performed his duties to the entire satisfaction of his superiors and during his service of three years no adverse remarks or black spot was found on part of the appellant.
3. That on dated 10.06.2014 a false case was registered against the appellant vide FIR No.207 dated 10.06.2014 under section 376-PPC at police station Ghazi District, Haripur while appellant was posted at police station IDS, District Swabi.
4. That vide OB No.824 dated 27.06.2014 the appellant was previously dismissed, feeling aggrieved the appellant after departmental appeal filed service appeal No.922 by 2015 before Service Tribunal KPK, Peshawar.
5. That on dated 05.04.2018 the Service Tribunal has set aside the order of dismissal of the department and passed an order for denov inquiry.

*Alleged to
be true copy.*

Amir

appellant after departmental appeal filed service appeal No.922 by 2015 before Service Tribunal KPK, Peshawar.

5. That on dated 05.04.2018 the Service Tribunal has set aside the order of dismissal of the department and passed an order for denov inquiry.
6. That on dated 13.06.2018, the appellant received notice for which the appellant appeared before the Inquiry Officer; the Inquiry Officer recorded his statement and to the notice the appellant also submitted in written form reply to the allegation leveled against the appellant.
7. That after filing of written reply nothing was served upon appellant by the department though the appellant requested many times for findings of the Inquiry Officer but the department did say nothing or give any positive answer to the appellant.
8. That on dated 28.09.2018 the appellant consistently asked for the findings of the Inquiry Officer due to which they handed over the appellant dismissal order which was passed against the appellant on dated 22.06.2018.
(Copy of findings and dismissal order supplied on

*Alleged as
true copy*

Amir Nawaz
High Court Peshawar

9. That the appellant has already been acquitted by the Honourable court from the false charges made against him vide FIR No.207 dated 10.06.2014 under section 376-PPC at police station, Ghazi District, Haripur and the Service Tribunal KPK, Peshawar has already set aside the dismissal order of the department which was made against the appellant on the same charges. (Judgment or order of the Service Tribunal of KPK, Peshawar is attached as annexure "B").

10. That after acquittal of the appellant from false charges leveled against the appellant, there is nothing adverse against the appellant which will amounts to the dismissal from service by the department.

11. That the appellant is only serving member of his huge family and such harsh punishment of dismissal from service not only part him in so many mental worries financial crises but also spoiled his carrier in a very bad way.

It is therefore, prayed that on acceptance of appeal the order dated 22.06.2018 whereby service of the appellant has been dismissed which is being unlawful,

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Amir Nawaz
▲ .voca. High Court Peshawar

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kindly be re-instated back to his services with all his back benefits from the date of his initial dismissal.

Appellant



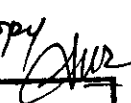
Farhan Adil

Belt No: 1203

S/O Israr Khan

Resident of Dagai, Tehsil Razar,

District Swabi

Attested as
true copy


Amir Nawaz
Advocate High Court Peshawar

50 روپے

59303

ایڈوکیٹ: Amir

بار کونسل ایسوسی ایشن نمبر: BC-10-6638

رابطہ نمبر: 03229133630



پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: صدر مین سروس ٹریبونل لاہور

مخاطب: <u>ایڈووکیٹ</u>	دعویٰ: <u>Service Appeal</u>
<u>فرحان عادل</u>	علت نمبر: <u>اپیل نمبر 1482/18</u>
<u>بنام</u>	مورخہ:
<u>آئی جی پی کی بی کے ونگز</u>	جرم:
	تھانہ:

باعت تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام لاہور کیلئے امیر نو انز، محمد ضیاء الدین، وکیل کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخنتہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 18-12-11

العبد گواہ شد العبد

مقام لاہور کے لیے منظور ہے۔

Accepted
Amir

Accepted
MJ

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

16202-5491942-5

Amir
وکیل

ORDER.

This order will dispose-off the departmental appeal preferred by **Ex-Constable Farhan Adil No. 1203** of Mardan District Police against the order of District Police Officer, Mardan, wherein he was awarded Major Punishment of dismissal from service vide District Police Officer, Mardan OB: No. 720 dated 22.06.2018.

Brief facts of the case are that, the appellant, while posted in PS IDS was found involved in case FIR No. 207 dated 10.06.2014 u/s 376 PPC PS Ghazi, District Haripur which is against the discipline and amounts to gross misconduct.

On account of above misconduct, he was proceeded against departmentally and dismissed from service vide District Police Officer, Swabi OB No. 824 dated 27.06.2014. Feeling aggrieved from such order, he filed departmental appeal which was filed being time barred vide this office order endorsement No. 3788/ES, dated 24.06.2015. Feeling aggrieved from the orders of department, he filed Service Appeal No. 922/2015 before the Khyber Pakhtunkhwa Service Tribunal Peshawar. The Tribunal vide judgment dated 05.04.2018 set aside the orders of department and directed for denovo enquiry against the appellant. In compliance with the judgment of tribunal, appellant was served with Charge Sheet and Summary of Allegations and in the light of directions of DIG Enquiry & Inspections, KPK Peshawar vide Memo: No. 800/E&I, dated 31.05.2018, Muhammad Arif, SP Investigation Swabi was appointed to conduct denovo departmental enquiry in accordance with rules. The Enquiry Officer conducted proper enquiry in accordance with the rules and proper opportunity of defence/hearing was provided to the delinquent. The Enquiry Officer recorded statements of all concerned and also requisitioned the case file from PS Ghazi District Haripur and thoroughly perused the case file and thereby concluded that appellant is involved in an immoral act and not fit for the discipline force. Though he has been acquitted by the Court on technical grounds but departmental and criminal proceedings are two different proceedings and under the well established jurisprudential principles of administrative law, the findings of criminal case got no bearing on the departmental proceedings.

In light of above, the District Police Officer, Swabi perused the enquiry findings and by agreeing with Enquiry Officer, served him with Final Show Cause Notice. His reply was received, perused and he was also heard in Orderly Room but he could not produced any cogent evidence in his defence nor he could convince the DPO/Swabi regarding falsely charged in the above case and malafide on the part of Ghazi Police, hence appellant was found guilty for the charges, therefore he was dismissed from service.

He was called in orderly room held in this office on **15.11.2018** and heard in person. The appellant did not produce any cogent reason for his innocence. Keeping in view the gravity of offence, therefore, I find no grounds to intervene into the order passed by the then District Police Officer, Swabi. **Appeal is rejected.**

ORDER ANNOUNCED.

Attested as true copy
Umit Nawaz
 Advocate High Court Peshawar

o/c **(MUHAMMAD ALI KHAN)PSP**
 Regional Police Officer,
 Mardan.

No. 7455 /ES, Dated Mardan the 22/11 /2018.

Copy to District Police Officer, Swabi for information and necessary action w/r to his office Memo: No. 253/Insp: Legal dated 07.11.2018. The Service

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

Service Appeal No. 1482/2018.

Farhan Adil Ex-Constable No. 1203..... Appellant

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
& 03 Others..... **Respondents.**



WRITTEN REPLY ON BEHALF OF RESPONDENTS.

1. **Preliminary Objections.**

1. That the appellant has got no Cause of action and locus standi to file the present appeal.
2. That the appeal is bad due to misjoinder and nonjoinder of necessary parties.
3. That the appeal is time barred.
4. That the appellant has not come to the Tribunal with clean hands.
5. That this Hon'ble Tribunal has got no jurisdiction to entertain the present appeal.
6. That the instant appeal is not maintainable in its present form.
7. That the appellant concealed the material facts from this Hon'ble Tribunal.
8. That the appellant has been estopped by his own conduct to file the appeal.

2. **REPLY ON FACTS.**

1. Para No. 01 of appeal to the extent of appointment is correct, while rest of para is incorrect, misconceiving and misleading. Appellant at initial stage of service being on probation proved himself unfit for Police force and unbecoming of an efficient official.
2. On account of immoral act, appellant was charged and arrested in case FIR No. 207 dated 10.06.2014 u/s 376/379/411/337-F(v) PPC PS Ghazi District Haripur.
3. Para No. 03 of appeal to the extent of groundless charge and volunteer arrest is incorrect. Appellant was marked absent on the day of occurrence by the MHC PS IDS and arrested by Ghazi Police. During investigation, appellant was fully connected with the commission of office. In this regard, his DNA report was also positive and after completion of investigation, he was sent to prison.
4. Para No. 04 of appeal pertains to Court proceedings, hence need no comments.

5. Appellant got out of Court compromise with complainant, who depose in favour of appellant/accused during cross examination on the basis of which appellant was acquitted on technical ground.
6. Incorrect, departmental proceedings and criminal proceedings have no effect on each other, however appellant was fully involved in the offence of immoral turpitude which brings bad name for the entire force, on account of which being on probation he was discharged from service strictly in accordance with law.
7. Para No. 07 of appeal pertains to the judgment of this Hon'ble Tribunal, in compliance of which proper denovo proceedings were carried out.
8. Para No. 08 of appeal is incorrect. In compliance with the judgment of this Hon'ble Tribunal passed in Service Appeal No. 922/2015, proper denovo proceedings in accordance with rules were initiated and proper Charge Sheet/Summary of Allegations were served upon appellant (Copies of Charge Sheet/Summary of Allegations are annexed as Annexure A & B).
9. Para No. 09 of appeal is incorrect. Proper denovo proceedings through SP Investigation was carried out in presence of appellant, during which the charges against appellant were proved and he was recommended for major punishment. On receipt of recommendation from Enquiry Officer, appellant was served with Final Show Cause Notice and heard him in person but he failed to proved himself innocent, hence dismissed from service through speaking order (Copies of Enquiry, Final Show Cause Notice reply & order are annexed as Annexure C to ).
10. Para No. 10 of appeal is incorrect, misleading and misconceiving. Appellant during personal hearing in Orderly Room was informed about his dismissal, besides received dismissal order, but despite of knowledge, he filed time barred departmental appeal which was rightly dismissed (Copy of order is annexed as Annexure ).

GROUNDS.


- A. Incorrect. The acts of respondents are quite legal in accordance with law & rules.
- B. Incorrect. The charges against appellant were proved during departmental proceedings, hence dismissed from service, however criminal proceedings have no effect on departmental proceedings.
- C. Incorrect. The action of respondents are quite legal and in accordance with the principle of jurisprudence.
- D. Incorrect. Appellant was acquitted on technical ground in criminal case, while during departmental proceedings the charges against him were proved, however

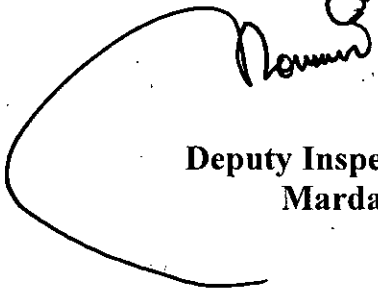
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this is an admitted position of law that acquittal in criminal case per se is no ground for setting aside departmental penalty.

- E. Incorrect. Appellant has committed an immoral act which brings bad name for the entire force, during departmental proceedings the charges against him were proved, however acquittal in criminal case has got no bearing on the departmental proceedings.
- F. That the charges against appellant have been proved during departmental proceedings on account of which he was dismissed from service.
- G. The case of appellant was treated in accordance with law and rules.
- H. The action of respondents are strictly in accordance with law/rules.
- I. That respondents will also raised additional ground at the time of hearing of appeal.

It is therefore humbly prayed that the instant appeal may very kindly be dismissed.


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


**Deputy Inspector General of Police,
Mardan Region-I Mardan
(Respondent No. 2)**


**District Police Officer Swabi,
(Respondent No. 3)**

4

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

Service Appeal No. 1482/2018.


Farhan Adil Ex-Constable No. 1203..... Appellant

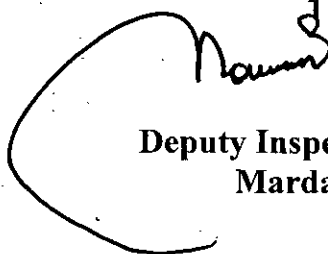
VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
& 03 Others.....**Respondents.**

AFFIDAVIT:-

We the respondent No. 1 to 3 do hereby solemnly affirm and declare on oath that the contents of the written reply are correct/true to the best of our knowledge / belief and nothing has been concealed from the honorable Tribunal.


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


**Deputy Inspector General of Police,
Mardan Region-I Mardan
(Respondent No. 2)**


**District Police Officer Swabi,
(Respondent No. 3)**

5

Ameruse - A

CHARGE SHEET

Whereas I am satisfied that formal enquiry as contemplated by Cyber Pakhtunkhwa Police Rules 1975 is necessary and expedient.

And whereas I am of the view that the allegations if established would call for Major/Minor penalty as defined in Rules 4(b) a & b of the aforesaid Rules. (2)

Now therefore as required by Rules 6(1) of the aforesaid Rules I Sohail Khalid, PSP, District Police Officer, Swabi charge you **Constable Farhan Adil** No. 1203 on the basis of statement of allegations attached to this charge sheet.

In case your reply is not received within seven days without sufficient cause it will be presumed that you have no defense to offer and ex-parte action will be taken against you.


District Police Officer,
SWABI.


(11)

⑥ 'B'

SUMMARY OF ALLEGATIONS

It is alleged that Constable Farhan Adil Belt No.1203, while posted to Police Station IDS involved himself in case vide FIR No. 207 dated 10.06.2014 u/s 376 PPC PS Ghazi District Haripur, which is highly against the discipline and amounts to gross misconduct.

Mohammad Arif, SP Investigation Swabi is appointed to conduct proper departmental enquiry against him.


District Police Officer,
SWABI.

No. 25 /CC/PSO,
Dated. 05 / 06 / 2018

①
Total
55
Pages

⑩

7

Annexure - C

Phone: 091-921194

**Office of the Inspector General of Police
Khyber Pakhtunkhwa, Peshawar.**

No. 800 /E&I. dated Peshawar the 31 /05/2018

The District Police Officer,
Swabi.

Subject:

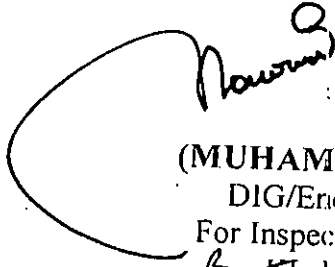
**DENOVE DEPARTMENTAL ENQUIRY AGAINST
EX-FC FARHAN ADIL NO.1203 DISTRICT SWABI**

Memo:

Please refer to your office letter No. 118-19/Insp: Legal dated 28.05.2018, on the subject cited above. (3)

2. Denovo departmental enquiry against Ex-FC Muhammad Adil No. 1203 may be conducted through Mr. Muhammad Arif, SP/Investigation Swabi and final outcome be communicated to this office, on or before 15.06.2018, before issuance of formal order, for the perusal of Worthy IGP.

*Enrol Conflict enquiry
pages 26*

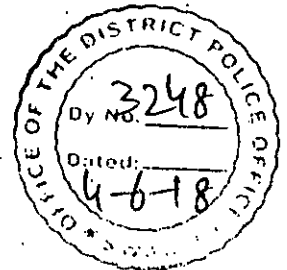


(MUHAMMAD ALI KHAN), PSP
DIG/Enquiry & Inspection
For Inspector General of Police
Khyber Pakhtunkhwa
Peshawar

No:

/E&I,
Copy of above is forwarded for information to:-

1. The Regional Police Officer, Mardan.
2. Mr. Muhammad Arif, SP/Investigation Swabi

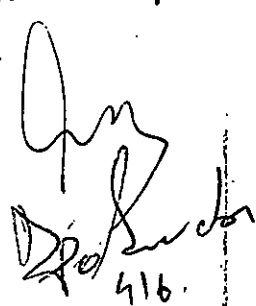


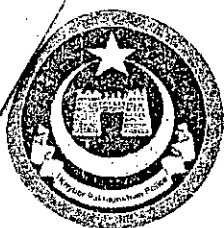
Inspr. Legal

SP Investigation Swabi

*For Denovo Dep'te
Enquiry and report*

(MUHAMMAD ALI KHAN), PSP
DIG/Enquiry & Inspection
For Inspector General of Police
Khyber Pakhtunkhwa
Peshawar





(8)

C/1

OFFICE OF THE
DISTRICT POLICE OFFICER, SWABI
PHONE NO. 0938-221399, 0938-223390
FAX NO. 0938-222434.

EMAIL ADDRESS: dpo_swabi@yahoo.com.
/PSO, dated Swabi the 13 / 06 / 2018

No. 341

To: The Deputy Inspector General of Police,
Enquiry & Inspection, Khyber Pakhtunkhwa,
CPO, Peshawar.

Subject: DENOVE DEPARTMENTAL ENQUIRY AGAINST EX-FC FARHAN ADIL NO. 1203 DISTRICT SWABI.

Memo:

Kindly refer to your office Memo. No. 800/E&I, Dated 31.05.2018 on the subject cited above. (4)

It is submitted that in the light of your kind directions, proper denove departmental proceedings against Constable Farhan Adil 1203 has been conducted through Superintendent of Police, Investigation, Swabi. During the enquiry, proper opportunity of defence was provided to the appellant. The Enquiry Officer recommends that appellant is fully connected with the commission of immoral crime and also recommended him for removal from service.

The recommendations of Enquiry Officer are sent for your kind perusal and further orders as deemed, please.


District Police Officer,
SWABI.

341
DIG, E&I, CPO
Peshawar



(9) C/2

Government of Khyber Pakhtunkhwa.
Office of the Superintendent of Police,
Investigation, Swabi.

Phone No. 0938-280266, Fax No. 0938-280268

To:- The District Police Officer,
Swabi.

No. 789 /GB, dated Swabi, the 13 / 06 /2018.

Subject: **DENOVE DEPARTMENTAL ENQUIRY**
AGAINST EX-FC FARHAN ADIL NO. 1203,
DISTRICT SWABI.

Memo:

Reference to your office letter No. 25/CC/PSO, dated 05.06.2018 and letter from DIG/Enquiry & Inspection, No. 801-02/E&I dated Peshawar the 03.05.2018, Denove Departmental enquiry has been conducted by the undersigned.

During enquiry process record of the Criminal Case No. 207 dated 10.06.2014 U/S 376/379/337F(V)/411 PPC PS Ghazi, District Haripur was obtained from Samiullah Muharrar, PS Ghazi, Haripur. The case record was perused and the following evidences/facts were found against the accused/applicant EX- FC Farhan Adil Belt No. 1203 S/O Israr Khan r/o Dagai, Swabi.

1. That on the day of occurrence i.e 10.06.2014 soon after the occurrence the accused Farhan Adil Belt No. 1203 was intercepted at Beraj Check Post by FC Waqas Ahmad No. 4454/FRP, Platoon No. 102, PS Ghazi. The accused Farhan Adil was riding on Motorcycle and his clothes were stained with blood also. Statement of FC Waqas Ahmad is on record of cases file (Annex A).
2. Motorcycle bearing No. MRL/2766, Hero 70CC, Red Color and Mobile Nokia C7-00 bearing No. 0300-0512363 used by the accused Farhan Adil on the day of occurrence have been recovered by the local Police of PS Ghazi during investigation (Annex "B").
3. The accused Farhan Adil has identified the place of occurrence to the Investigation officer. (Annex "C").
4. The accused Farhan Adil in his statement U/S 161 Cr.Pc has admitted his offence. (Annex "D").

(10)

C/3

Gold ornaments taken by the accused Farhan Adil from the complainant Miss Anesha D/O Fazal Hakeem have been recovered by the investigation officer on the pointation of the accused Farhan Adil. (Annex "E").

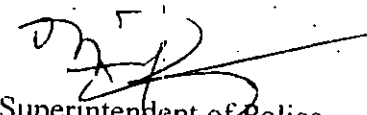
6. Site plan and statement of the witnesses for the recovery of gold ornaments is placed on the case file by the Investigation officer. (Annex F and G).
7. Due to recovery of Gold ornaments from the accused Farhan Adil Section 379/411 PPC and injuries to the complainant Miss Anesha Section 337F(V) PPC have been added to FIR No. 207 dated 10.06.2014 U/S 376 PPC PS Ghazi.
8. The "DNA" test result of the accused Farhan Adil is declared as "Positive" by the National Forensic Science Agency. (Reference Lab case #01A0413). (Annex "H").
9. A special investigation team was ordered by the then SP/Investigation Haripur to investigate the case against the accused Farhan Adil (Annex "I"). It leaves no doubt on the fairness and authenticity of the investigation.

The applicant /accused Farhan Adil Belt No. 1203, was called on to the office of the undersigned for statement. He was heard in person too. He was given time to present proof/evidence regarding his innocence. He submitted a written statement (Annex "J"). He was also asked certain questions regarding the facts present against him on the case file. The applicant/accused Farhan Adil has categorically denied all the facts/points. He has declared him self as innocent and acquitted by the court of law.

In view of the above discussion, I am of the opinion that there are multiple number of evidences present on case file against the accused/applicant Farhan Adil, which make him "Guilty".

His acquittal from the court of law has been based on a singal fact that he was not recognized by the complainant Miss Anesha in the court. That could be however due to courts pressure, fear of the accused, honor of the family and self respect of the complainant Miss Anesha. The other facts have not been considered by the court.

The applicant/accused Farhan Adil is proved "Guilty" in the investigation of the case. Being a disciplined and honored force although he is acquitted by the court, he does not deserve to be a part of KP, Police.


Superintendent of Police,
Investigation, Swabi.

Total enclosed
3+55+68=126
Pages



247-SA

B. Ghazi

Government of Pakistan
Ministry of Interior

C/4

Sr No:

NATIONAL FORENSIC SCIENCE AGENCY

63

11

0461

98

DNA Laboratory

Lab case # 01A0413

Agency/Department Name & Address: The Police Station Ghazi, District Haripur.

Case Submitting Agency: Office of the Superintendent of Police, Investigation, Haripur.

Submitting Officer: Rasool Shah

Designation: Superintendent of Police

Case /FIR No: 207 DATED 10-06-2014 U/S 376 PPC OF POLICE STATION GHAZI, DISTRICT HARIPUR.

Case Received on: 25-06-2014

Report Date: 13-05-2015

Description of Evidence

The following samples in sealed parcels and letter from Superintendent of Police, Investigation Haripur, were received to DNA Lab, NFSA.

(The seals were intact and as per copy sent).

Vaginal swab labeled as victim Anesha D/O Fazal Hakim

DNA samples #:
01A0413-1

Parcel No.02 containing clothes;

A qameez said to be taken from victim Anesha D/O Fazal Hakim

01A0413-2A

A shalwar said to be taken from victim Anesha D/O Fazal Hakim

01A0413-2B

Parcel No.04 one tube containing blood labeled as victim Anesha D/O Fazal Hakim

01A0413-3

Parcel No.05 one tube containing blood labeled as accused Farhan Adil S/O Israr Khan

01A0413-4

Methodologies:

High molecular weight DNA was isolated from above evidence and amplified with AmpF/STR[®] Identifiler Plus[®] PCR Amplification Kit through Polymerase Chain Reaction. The samples were run on 3130xl Genetic Analyzer and the data collected in graphic form was analyzed by Genemapper[®] ID-X software V1.2. Genetic profiles were developed by 15 short tandem repeats loci and Amelogenin (gender specific locus). The laboratory control samples yielded the expected results.

Results/Conclusion:

The DNA profile identified in sample vaginal swab of Anesha (01A0413-1) can be interpreted as a mixture of atleast two human DNA profiles. One DNA profile identified is a female human DNA profile that matches the DNA profile identified in sample blood of Anesha (01A0413-1). The other DNA profile identified is a human male DNA profile that matches the DNA profile identified in sample blood of accused Farhan Adil (01A0413-4).

The DNA profile identified in sample shalwar of Anesha (01A0413-2B) is a single human female DNA profile and a partial DNA profile. The human female DNA profile matches the DNA profile identified in sample blood of Anesha (01A0413-1). The other partial DNA profile identified is insufficient to be interpreted.

Based on DNA analysis, Farhan Adil S/O Israr Khan cannot be excluded as potential contributor to evidence vaginal swab of Anesha D/O Fazal Hakim.

Storage of evidence:

The remaining portion of the evidence is stored at DNA laboratory, NFSA Islamabad for a limited time period. The remainders of the sample may be collected from the lab at the earliest possible.

Analyzed by:

Ahmad Farooq 13-05-15

Ahmad Farooq
Scientific Officer DNA/Serology Laboratory
(AHMAD FAROOQ)
Scientific Officer (DNA/Biology)
National Forensic Science Agency
National Police Bureau
Interior Division
Islamabad

Muhammad Saad Siddiq 13-05-2015
Muhammad Saad Siddiq
Incharge DNA/Serology Laboratory
(Muhammad Saad Siddiq)
Scientific Officer (DNA/Biology)
National Forensic Science Agency
National Police Bureau
Interior Division
Islamabad

بیان اذان سرھانہ عاقل ولد امیر ارخان سنگھ ڈاکیومنٹیشن

15/6 کو جرم 376 PP، عیمانہ عاقلی ڈسٹرکٹ ہیری پور میں جو دہریہ

ہوئی تھی۔ وہ FIR صرف غلط فہمی میں کی تھی۔

نہی میں نے لڑائی کیساتھ غلط فعل کیا اور نہ ہی میں اسکو لیلہ لیا ہوں

میں اس لڑائی کو شکل سے بھی نہیں جانتا۔

ایک پولیس کانسٹیبل اور پائلستانی شہری ہونے کے باعث میں نے اپنے ایکو لو لیدر

کے حوالے کیا۔ تاکہ میں اپنی بے گناہی عدالت میں ثابت کر سکوں

14/6 کو میں نے اپنی گرفتاری DP، سجاد خان کو دی۔

جس کے بعد پیس ٹرائل ہوا۔ جیل میں میں نے 10 مہینے گزارے لیکن نہ

کوئی شناخت پر پڑ ہوئی اور نہ ہی میرے خلاف کوئی شہادت ہوئی۔

11 مہینے میں میرے خلاف لڑائی کی شہادت ہوئی جس میں لڑائی سمجھا گیا

نے بیان دیا کہ ہم وہی لڑائی تھے۔ جس کی بنیاد پر عدالت نے میرے

بری ہونے کا حکم دیا۔ یہی میرا بیان ہے۔



[Signature]
12/6/18

0300-0512363
16202-5491942-5

Attestation

[Signature]
12.6.18

وضاحتی سوالوں سے آزاد فرمائیں

Annex F

سوال :- کیا یہ درست ہے کہ آپ کو وقوع کارور وقاص امر کسٹیل FRP فر 162 بلڈون فر 162 نے مورخہ 10/11 کو بعد وقوع حیک پوائنٹ پر خون سا رنگ ہوئے کپڑے پہنے ہوئے تھے ؟

جواب :- نہیں۔ اسی روز مجھے کسی وقاص کا ٹیسٹ کرنے ہی دو قاصات اور وہی ہی الیگونی واقص پیش آیا تھا۔ بلکہ اسی دن میں ڈیوٹی حکم کرتے اچھا اپنے گھر چلا گیا تھا۔

سوال :- کیا یہ درست ہے کہ آپ سے جو بائیل نمبری 0512363-0300 سافت نوڈل NOKIA C7-00 میں پر آپ نے عدیم سے رالیم رکھنے کے اور نوڈل نمبری MRL 2766 پر نہ صرف سافت حیدر و 70 پر آمد ہوئی تھی ؟

جواب :- یہ میرا آہرنی مجھ دوران ٹیفٹس مجھ سے کوئی میرا آہرنی نہیں ہو سکتا ہے۔ لیکن 2 دوران میرے گھر سے مجھ احوال اور موٹر سائیکل پولیس اپنے کے لگی تھی۔

سوال :- کیا یہ درست ہے کہ طاہر علی ولد علی باس قان مکہ صدرہ سکذرات کالو آپ کا رستہ دار ہے ؟

الله
12-6-18

جواب :- جی ہاں یہ میرا رستہ دار ہے۔

سوال :- کیا یہ درست ہے کہ آپ کا رستہ دار طاہر علی ولد علی باس قان مکہ سکذرات کے عدیم کے ملدنی زبیرات (مارو ڈوڈر بابا اور انٹوٹی) پولیس نے پر آمد کی تھی ؟

جواب :- نہیں۔ یہ بالکل غلط ہے۔ جس دن میں نے گرفتاری کا اسکا دن ہے مجھے ضلع لہوائی میں نہیں لایا اور نہ ہی ایسا کچھ میرا احد کیا۔

2

سوال :- کیا آپ نے پولیس کے ایجنٹوں کے ساتھ بیان میں جرم کا انکار کیا ہے؟
جواب :- نہیں۔ میں نے کسی بھی جرم کا اعتراف نہیں کیا۔

سوال :- کیا یہ درست ہے کہ آپ نے فور پولیس کو جانے وقوع کی نشاندہی کی ہے؟
جواب :- نہیں۔ پولیس مجھے کسی بھی جانے وقوع پر نہ لیا گئی ہے اور نہ ہی میں نے نشاندہی کی ہے۔

سوال :- کیا یہ غلط ہے کہ مدعی کے والد فضل محمد ولد فضل رحیم مکہ سکڈرٹ نے آپ کی لڑکی پر ہراسہ ظہری زبورات کی لیجان کی تھی؟
جواب :- نہیں۔ مجھ سے کوئی زبردستی یا ہراسہ ظہری نہیں کیا گیا ہے۔ اور نہ ہی مجھے اسلی لیجان کا

سوال :- کیا یہ غلط ہے کہ پولیس نے آپ کے سرزد ہراسہ کی وہ سے صحت میں دفعات 379
411 P.C اور 337 P.C کی ایزار کی ہے؟
جواب :- نہیں یہ دفعات بالا مجھ سے اوچھ لگائے گئے تھے۔

سوال :- کیا یہ درست ہے کہ مقدم میں آن کا DNA ریڈنگ بائیو میٹریکس (HVE) آرا ہے جو
وقوع کے وقت جانے وقوع پر موجود تھی کو ثابت کرتا ہے؟
جواب :- جی نہیں۔
Attestation
[Signature]
12/06/18

سوال :- کیا یہ غلط ہے کہ آپ نے مدعی اور اس کے خاندان کو دباؤ یا دہش میں لکر
عدالت میں آپ کو لیجان سے الکار پر راہی کیا؟
جواب :- جی نہیں۔ مجھ سے کوئی جلد میں نے عدوی مقصد یا اسے خاندان پر کسی

تہمیت کا دباؤ نہیں ڈالا۔ میں نے اتنی کسی قسم کی رفا مندی جا
دہش نہیں کی تھی۔
مذکورہ بالا تمام سوالوں کا جواب میں نے لکھا ہے جو وہ دوران انٹرویو میں
کو دیا ہے۔

(15)

Annexure - D

FINAL SHOW CAUSE NOTICE

Whereas you Constable Farhan Adil Belt No. 1203, while at Police Station IDS involved yourself in immoral act upon which a proper case FIR No. 207 Dated 10.06.2014 U/s 376 PPC PS Ghazi District Haripur has been registered, which is highly against the discipline and amounts to gross misconduct.

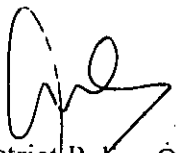
In this connection, you were charge sheeted and served with summary of allegation and SP, Investigation Swabi was appointed to conduct de novo departmental enquiry in compliance with the judgment of Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar dated 05.04.2018 passed in service appeal No. 922/2015. The enquiry officer held enquiry and submitted his findings, wherein you were found guilty for the immoral offence.

Therefore, it is proposed to impose Major/Minor penalty including dismissal as envisaged under Rules 4(b) of the Khyber Pakhtunkhwa Police Rules 1975.

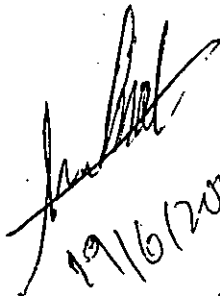
Hence, I, Sohail Khalid, PSP, District Police Officer, Swabi in exercise of power vested in me under Rules 5(3) of the Khyber Pakhtunkhwa Police Rules 1975 call upon you to show cause finally as to why the proposed punishment should not be awarded to you.

Your reply should reach to the office of the undersigned within seven days of the receipt of this notice failing which it will be presumed that you have no explanation to offer.

You are also at liberty to appear for personal hearing before the undersigned.


District Police Officer,
Swabi.

No. 353 /PSO,
Dated: 13 / 06 / 2018.


19/6/2018
✓

محفوظ جواب DPO صاحب ضلع سوای۔

سائل فرہان عادل

وفاختی جواب حسب ذیل ہے۔

جناب عالی سائل 2012ء میں بجٹ پولیس کانسٹیبل ضلع سوای

اور 2014ء میں سائل ٹھکانہ IDS ضلع سوای میں ڈپوٹی ایگاہ

کہ اسی دوران میرے خلاف ایپ بے بنیاد چھوٹی اور من گھڑت دعویٰ

جس پر سائل نے خود DPO سوای سجاد خان کو گرفتاری دی جس نے

مجھے ٹھکانہ IDS منتقل کیا اور وہاں سے مجھے ٹھکانہ عازکی ضلع ہری پور

منتقل کیا۔ وقت گرفتاری جس موٹر سائیکل پر میں سوای آیا

وہی موٹر سائیکل اور میرے استعمال کا موبائل فون برآمدی میں دکھایا

اسے علاوہ مجھ سے یا میرے رشتہ داروں سے کسی قسم کی ~~تعلق~~ ^{برآمدگی} نہیں ہوئی۔

جناب عالی سائل نے لٹا ہونے ہونے بھی 11 ماہ پابند سلاسل دیا۔

11 ماہ بعد جب عدالت عازکی میں میرے خلاف ~~تعلق~~ ^{فریقہ فریقہ} فریقہ فریقہ

کو مسماء نے عدالت میں مجھے لٹا ہوا قرار دیا۔ اسی ~~تعلق~~ ^{فریقہ فریقہ} میں فاضل عدالت

عازکی نے سائل کو باعزت بری کر دیا۔

جناب عالی استدعا ہے کہ سائل نے بوڑھے ماں باپ پر ~~تعلق~~ ^{فریقہ فریقہ} عدالت

سائل کو ڈپوٹی پر واپس آنے کے احکامات صادر فرمائیں ~~تعلق~~ ^{فریقہ فریقہ} و

سائل کے ماں باپ دعا گو اور سائل نابعدار ہے گا۔

فرہان عادل

Annexure - "E" (17)
OFFICE OF THE DISTRICT POLICE OFFICER, SWABI

ORDER

Constable Farhan Adil Belt No. 1203/FC, while posted to Police Station IDS involved himself in immoral act consequent upon a proper case vide FIR No. 207 Dated 10.06.2014 U/s 376 PPC PS Ghazi District Haripur has been registered, which is against the discipline and amounts to gross misconduct.

On account of above misconduct, he was proceeded against departmentally and dismissed from service vide this office OB No. 824 Dated 27.06.2014. Feeling aggrieved from such order, he filed departmental appeal which was filed being time barred vide Region office Mardan Memo: No. 3788/ES, Dated 24.06.2015. Feeling aggrieved from the orders of department, he filed Service Appeal No. 922/2015 before the Khyber Pakhtunkhwa Service Tribunal Peshawar. The tribunal vide judgment dated 5.04.2018, set aside the orders of department and directed for denovo enquiry against appellant. In compliance with the judgment of tribunal, delinquent Constable Farhan Adil was served with Charge Sheet and Summery of allegations vide this office Diary No. 25/CC/PSO Dated 05.06.2018 and in the light of directions of DIG Enquiry & Inspection, Khyber Pakhtunkhwa Peshawar vide Memo. No. 800/E&I, Dated 31.05.2018, Muhammad Arif SP Investigation Swabi was appointed to conduct denovo departmental enquiry in accordance with rules. The Enquiry Officer conducted proper enquiry in accordance with the rules and proper opportunity of defence hearing was provided to the delinquent. The official under enquiry recorded his statement wherein he stated that he was falsely charged in the case in which he was also acquitted by the trial Court. The delinquent Constable negated all the charges and stated for exoneration in the case. The Enquiry Officer recorded statements of all concerned and also requisitioned the case file from PS Ghazi district Haripur and thoroughly perused the case file and thereby concluded that the delinquent Farhan Adil is involved in the immoral act and not fit for the disciplined force. Though he has been acquitted from the Court on technical grounds but departmental and criminal proceedings are two different proceedings and under the well established jurisprudential principles of administrative law, the findings of criminal case got no bearing on the departmental proceedings. In light of above, the undersigned perused the enquiry findings and by agreeing with enquiry officer, served the delinquent with Final Show Cause Notice vide this office diary No. 353/PSO, Dated 13.06.2018. His reply was received, perused and he was also heard in Orderly Room held on 21.06.2018 but he could not produced any cogent evidence in his defence nor he could convince the undersigned regarding falsely charged in the above case and malafide on the part of Ghazi Police. Hence, the delinquent constable was found guilty for the charges.


Therefore, I, **Sobail Khalid, PSP**, District Police Officer, Swabi, in exercise of the powers vested in me under Rules 5(3) of the Khyber Pakhtunkhwa Police Rules 1975, hereby award Constable Farhan Adil 1203/FC Major punishment of **Dismissal** from service.

Order announced:

21.06.2018

O.B No. 720

Dated 22/06/2018.


District Police Officer,
S W A B I.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

No. 588-92 /PSO, dated Swabi, the 22/6 /2018.

Copies to the: -

1. Deputy Inspector General of Police, Enquiry & Inspection- Khyber Pakhtunkhwa, Peshawar for favor of information with reference to above.
2. Establishment Clerk.
3. Pay Officer.
4. Fauji Missal Clerk.
5. *Official concerned*