

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 786/2018

Date of Institution ... 08.06.2018
Date of Decision ... 09.06.2021

Noor Salam Khan S/O Mir Salam Khan Constable No.295 Police
Line, Bannu.

... (Appellant)

VERSUS

Inspector General of Police near Civil Secretariat, Khyber
Pakhtunkhwa, Peshawar and two others.

... (Respondents)

Arbab Saiful Kamal,
Advocate

... For appellant.

Kabir Ullah Khattak,
Additional Advocate General

... For respondents.

AHMAD SULTAN TAREEN
ROZINA REHMAN

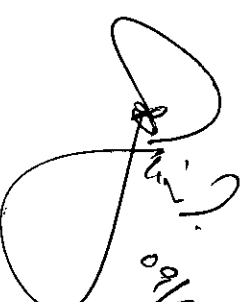
... CHAIRMAN
... MEMBER (J)

JUDGMENT

ROZINA REHMAN, MEMBER : Appellant was a Constable. He was
dismissed from service vide order dated 27.02.2018. It is the legality
and validity of this order which has been challenged by him in the
present service appeal filed U/S 4 of the Khyber Pakhtunkhwa Service
Tribunal Act, 1974.

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09/06/21

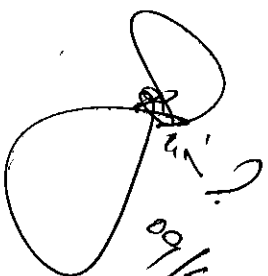
2. The relevant facts in the background are that the appellant was appointed as a Constable in the year 1995. During service, he was awarded cash prizes by superiors in view of his best performance. He was also assigned important task to provide spy information about terrorist activities and due to his information, network of terrorists was traced out. As a result, some of his colleagues were annoyed and they started conspiracy against the appellant by making verbal complaints to the respondents. He was charge sheeted and was departmentally proceeded against and lastly, was dismissed from service which was challenged before the respondent No.1. His appeal was partially accepted and his order of dismissal was converted into compulsory retirement vide order dated 22.12.2015. Feeling aggrieved from the said order, he filed Service Appeal No.04/2016 which was allowed with direction to the respondents to hold de-novo inquiry. In view of the direction of Service Tribunal, he was reinstated in service and de-novo inquiry was ordered to be initiated against him. He was again charge sheeted and inquiry was also conducted. Final show cause notice was issued to appellant which was replied and lastly, he was dismissed from service. He filed departmental appeal which was also dismissed. He then filed appeal under Rule 11-A of the Khyber Pakhtunkhwa Police Rules, 1975 but the same was not responded to, hence, the present service appeal. During pendency of appeal, departmental appeal was partially accepted and his major penalty of dismissal from service was converted into major penalty of


09/6/21

compulsory retirement from service vide order dated 31.07.2018, therefore, amended appeal was filed.

3. Learned counsel for the appellant argued that main point under discussion is the survival of the right to sue following the death of a civil servant. In the instant case, admittedly the appellant Noor Salam Khan died during pendency of his appeal and now, the matter in issue relates to the survival of the right to sue following his death. It was argued that appeal of decedent on a matter relating to some terms and conditions of service was undoubtedly pending before this Tribunal at the time of his death and now his legal heirs have filed the petition for bringing on record legal heirs of the appellant in the instant service appeal. The learned counsel further submitted that the orders dated 31.07.2018, 16.05.2018 and 27.02.2018 are against law and facts and that allegations of general nature were leveled against the appellant and the findings of the respondents are based on assumptions and presumptions. He contended that the appellant was not provided an opportunity of being heard and he was condemned unheard. He submitted that inquiry was conducted against the appellant in shape of questions answers which mode of inquiry is against law and procedure and on the strength of this mode of inquiry, appellant could not be given major penalty. Reliance was placed on 2013 SCMR 752 and 2015 PLC (C.S) 1442.

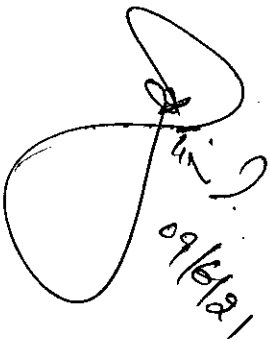
4. Conversely, learned A.A.G argued that appellant was appointed as Constable, whose services were found unsatisfactory. He was found involved in extracting money from Police Officers threatening


09/6/21

them of negative reports to high-ups against them and was hand in gloves with anti-social elements and immoral activities. He submitted that different complaints were made by Police Officers to the superior officers against his wrong reporting, therefore, he was charge sheeted and proper inquiry was conducted after observing all the codal formalities.

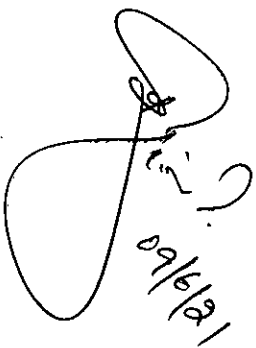
5. First question relates to the survival of the right to sue following the death of the appellant (civil servant). Undoubtedly, matter relating to the terms and conditions of service of appellant was pending before this Tribunal at the time of his death. In the instant case the abatement of proceedings on the death of appellant (civil servant) in a case, where the cause of action carries a survivable interest will deprive the decedent civil servant as well as his legal heirs of their constitutional rights. It was held by the Hon'ble Supreme Court of Pakistan in the case of Regional Operation Chief National Bank of Pakistan, Human Resource Department, Regional Office, Sargodha, etc. Vs. Mst. Nusrat Parveen, etc. in C.P.2717-L of 2015 that;

"Other than pecuniary and pensionary benefits that inure to the benefit of the legal heirs, the right to restore one's reputation is also a survivable right and flows down to the legal heirs to pursue and take to its logical conclusion. Any slur on the reputation of a civil servant impinges on his human dignity and weighs equally on the dignity and honour of his family."


09/16/21

6. In view of the above discussion, petition for impleadment of legal heirs of appellant (civil servant) is accepted.

7. From the record, it is evident that appellant was deputed on intelligence duties as Incharge of the District Special Branch. He had been awarded cash and Commendation Certificate for 23 times by his seniors. The appellant had been dismissed from service vide order dated 18.08.2015 which order was challenged by him and his appeal was placed before the Review Petition Board meeting held on 26.11.2015 wherein appellant was heard in person. It was observed by the Board that no solid evidence had been collected in support of the charges leveled against the appellant. Hence, his departmental appeal was allowed vide order dated 22.12.2015 and his major penalty of dismissal was converted into that of compulsory retirement from service. He then knocked at the door of this Tribunal in shape of Appeal No.04/2016 which was allowed as there was no solid proof against appellant which fact was also admitted by the appellate authority. Upon reinstatement in service, again he was served with charge sheet and statement of allegations containing almost all the charges leveled against the appellant in the previous round of allegations. D.S.P Headquarters Bannu was appointed as inquiry officer who submitted his inquiry report with the conclusion that the allegations have partially proved despite the fact that all the three witnesses examined against the appellant uttered not a single word against the appellant. The appellant had also filed departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975


09/12/16

which was decided vide order dated 31.07.2018, whereby, major penalty of dismissal from service was converted into major penalty of compulsory retirement because there was no solid evidence regarding his involvement in anti-social activities and corruption. It was also held by the Appellate Board that he was a Constable, therefore, his involvement in corruption and corrupt practices without support of the supervisory officer, does not appeal to prudent mind. From the record, it becomes crystal clear that respondents failed to collect solid and cogent evidence against the appellant but even then, he was awarded major penalty. The appellant was having long service of 22 years, 10 months and 22 days at his credit. He was awarded cash prizes and Commendation Certificates but nothing was taken into consideration by the respondents while awarding major punishment. The inquiry report in shape of questions answers is available on file which shows that the allegations of dealing in stolen vehicles was false and no such allegation had ever come forward against the appellant during his 22 years service. He was having no personal vehicle as nothing was brought on record in black and white. It was also observed by the inquiry officer that the appellant had not done any corruption during his service of 22 years and he never violated discipline. Both the witnesses did not depose against the appellant.

8. For what has been discussed above, we consider that the appeal in hand merits acceptance. It is, therefore, accordingly allowed as prayed for.

J. S. J.
09/06/21

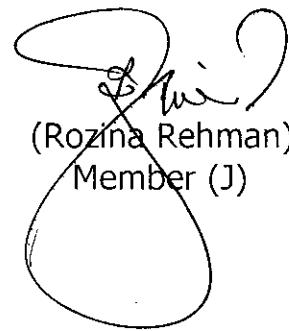
9. Before parting, we deem it necessary to expound for removal of difficulties in giving effect to operative part of the judgment that due to death of the appellant during pendency of appeal, his posthumous reinstatement into service will be ordered and he will be treated to have died during service. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

09.06.2021


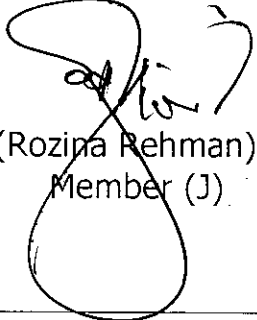


(Ahmad Sultan Tareen)
Chairman



(Rozina Rehman)
Member (J)

Service Appeal No. 786/2018

S.No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	09.06.2021	<p><u>Present:</u></p> <p>Arbab Saiful Kamal, Advocate ... For Appellant</p> <p>Kabir Ullah Khattak, Additional Advocate General ... For respondents</p> <p>Vide our detailed judgment of today this Tribunal placed on file, instant service appeal is allowed as prayed for. Before parting, we deem it necessary to expound for removal of difficulties in giving effect to operative part of the judgment that due to death of the appellant during pendency of appeal, his posthumous reinstatement into service will be ordered and he will be treated to have died during service. Parties are left to bear their own costs. File be consigned to the record room.</p> <p><u>ANNOUNCED.</u> 09.06.2021</p> <p style="text-align: center;">  (Ahmad Sultan Tareen) Chairman </p> <p style="text-align: center;">  (Rozina Rehman) Member (J) </p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 786 /2018

Noor Salam Khan.....Appellant

VERSUS

Inspector General of Police & others.....Respondents

I N D E X

S.No	Description of Documents	Annexure	Pages
1.	Service Appeal		1-7
2.	Affidavit		8
3.	Addresses of Parties		9
4.	Copies of service book refernce No. 543		10
5.	Copy of recommendation dated 26/10/2010 alongwith performance list of appellant	" A "	11-17
6.	Copy of impugned order dated 27/02/2018 passed by respondent no. 1	" B "	18
7.	Copy of departmental appeal dated 22/03/2018	" C "	19-24
8.	Copy of impugned order dated 16/05/2018 passed by respondent No. 2	" D "	25
9.	Copy of statement of allegations alongwith charge sheet dated 15/11/2017	" E "	26-27

10.	Copy of reply to the charge sheet	"F"	28-29
11.	Copy of final show cause notice dated 16/02/2018	"G"	30
12.	Copy of reply to the show cause notice dated 25/02/2018	"H"	31-33
13.	Copy of de'no inquiry dated 04/01/2018	"I"	34-38
14.	Copy of judgment of appeal of service tribunal dated 26/02/2017	"J"	39-41
15.	Copy of charge sheet dated 29/06/2015 before den'vo inquiry	"K"	42-43
16.	Copy of departmental inquiry before judgment of service tribunal	"L"	44-45
17.	Copy of order of dismissal order dated 18/08/2015 before judgment of service tribunal	"M"	46
18.	Copy of order of compulsory retirement dated 22/12/2015 before judgment of service tribunal	"N"	47
19.	Wakalat Nama	—	48

Appellant

Through

Aman Ullah Marwat

Advocate, Peshawar

Cell: 0334-9054585

Date: 06.06.2018

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1039

Dated 08-06-2018

Service Appeal No. 786 /2018

Noor Salam Khan S/o Mir Salam Khan Constable No. 295
Police Line Bannu

.....Appellant

VERSUS

1. Inspector General of Police near Civil Secretariat,
Khyber Pakhtunkhwa Peshawar
2. Deputy inspector General of Police Bannu Region
Police line Bannu.
3. District Police officer, Police Line Bannu

.....Respondents

Filed to-day

Registrar

08/6/2018.

SERVICE APPEAL U/S 4 OF
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974,
AGAINST THE ORDER DATED
16/05/2018 PASSED BY
RESPONDENT NO. 2, WHEREBY
DEPARTMENTAL APPEAL FILED
BY THE APPELLANT AGAINST
THE DISMISSAL ORDER DATED
27/02/2018 PASSED BY THE

RESPONDENT NO. 3 WAS
DISMISSED.

Prayer:-

On acceptance of the appeal, the order dated 16/05/2018 and 27/02/2018 passed by respondent No. 2 & 3 respectively may please be set aside and the appellant be reinstated in to service with all bank benefits.

Respectfully Sheweth:-

1. That the appellant was appointed as a constable in 1995 since then, he was performing his duties to the entire satisfaction of the superiors.
2. That keeping in view his performance, appellant was promoted at constable during his service on 22/07/2007 vide service book reference No. 543 he carried out successful operation in which dozen proclaimed offenders were arrested, as a result of which he was awarded cash prizes by superiors. Details of which are annexed with appeal.

3. That it is pertinent to mention here that he was also assigned important task to provide spy information about terrorist activities & due to his information, network of the terrorist activities were traced out and was destroyed. Moreover he was also assigned a task to watch activities of police officials and was providing the same information to the superior, as a result of which, a member of police officials were annoyed from him & started conspiracy against the appellant by marking verbal compliant to respondents.
4. That appellant was charged sheeted by respondent No. 2 and thereafter so called inquiry was conducted against him. After so inquiry he was dismissed from service by respondent No. 2 vide order dated 18/08/2015. which was challenged by the appellant before respondent No. 1 where his appeal was partially accepted and, a removal order was converted into compulsory retirement vide order dated 22/12/2015.
5. That against the impugned order dated 22/12/2015 appellant filed appeal before Hon'ble Service tribunal No. 4/2016. which was allowed and was

GRUNDS:

following grounds.

before this Hon'ble tribunal, inter alia, on the respondents No. 2 & 3 respectively assailed the same

27/02/2018 and 16/05/2018 passed by the orders dated

dismissed by him vide order dated 16/05/2018.

22/03/2018 before respondents No. 2. which was

Against such order, he filed departmental appeal on

dismissed the appellant from service on 27/02/2018.

That after so called inquiry the respondent No. 3

26/02/2018.

16/02/2018 which was also replied by him on

final show cause notice to the appellant on

That after so called inquiry, the respondent issued

on 15/11/2017 which was replied by him.

respondent No. 3 on the grounds mentioned therein

That appellant was again charged sheeted by

inquiry was ordered to be initiated against the him.

appellant was reinstated in service and de'nove

That in the light of order of service tribunal

charges leveled against him.

with the liberty to hold de'nove inquiry for the

directed to respondent to reinstate the appellant

Ms. Mahesh

A. That the impugned order dated 16/05/2018 and 27/02/2018 passed by respondent No. 2 & 3 respectively are against law, facts and record of the case. Hence untenable.

B. That the allegation of general nature have been leveled against the appellant and no specific incident had been referred neither in the first charge sheet nor 2nd charge in de'nove inquiry, thus findings of the respondents are based on assumption and presumption which are liable to be set aside.

C. That the appellant was not provided an opportunity of being heard neither in 1st inquiry nor in 2nd de'nove inquiry. So he was condemned unheard, therefore action of the respondent are violation of principle of natural justice.

D. That it is settled principle of law when any allegation is leveled against the accused. The person who alleges the allegation will prove the same but in case in hand allegation leveled against the appellant have not been proved. Rather respondent have shifted the burden to the appellant by observing in the impugned order, that appellant failed to prove his innocence. So the order passed by the respondents are against settled principle of law which deserve to be set aside.

E. That so called inquiry has been conducted against the appellant in shape of question and answer such a mode of inquiry is against the law and procedure and has been depreciated by the supreme court in various judgments. So on the basis of such mode of inquiry the appellant cannot be given such a major of penalty i.e. removal from service. On this score alone the order passed by the respondents are not sustainable in the eye of law.

F. That statement recorded by the witnesses in the inquiry deposed in favour of the appellant so the respondents have also ignored this aspect of the case and passed the orders totally against the record of the case.

G. That in de novo inquiry the respondent was provided the opportunity by this Hon'ble court to prove the allegation leveled against the appellant but in inquiry, inquiry officers failed to collect any incriminating material against the appellant so the inquiry officer recorded his findings on the basis of assumptions, presumptions. On this assumptive inquiry report, the appellant cannot be dismissed or removed from service.

H. That appellant remained out of service since long and is not engaged in any profit oriented activity so he is entitled for all back benefits.

I. That applicant was assigned to watch the activities of the police officials due to which a number of police officials have been annoyed against him. So action of respondent by dismissing the applicant form service is based on malafide. On one side petitioner efforts are being appreciated on the other side appellant was dismissed form service.

J. That order passed by the respondent is illegal, void without lawful authority and without jurisdiction thus deserve to the set aside.

K. That any other ground may be raised at the time of arguments, with the kind permission of this Honourable Tribunal, if needed so.

It is, therefore, most humbly prayed that on acceptance of the appeal, On acceptance of the appeal, the order dated 16/05/2018 and 27/02/2018 passed by respondent No. 2 & 3 respectively may please be set aside and the appellant be reinstated in to service with all bank benefits:

Appellant

Through

Aman Ullah Marwat

Advocate, Peshawar

Date: 06-June-2018

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. _____/2018

.....Mir Salam Khan.....Appellant

VERSUS

.....Inspector General of Police & others.....Respondents

AFFIDAVIT

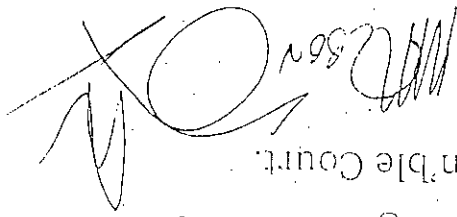
I, Mir Salam Khan S/o Mir Salam Khan Constable No. 295

Police Line Bannu, do hereby solemnly affirm and declare on

oath that the contents of the accompanying Service Appeal

is 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 PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. _____/2018

Noor Salam Khan.....Appellant

VERSUS

Inspector General of Police & others.....Respondents

ADDRESSES OF PARTIES

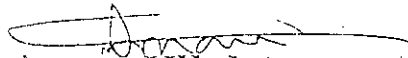
APPELLANT:

Noor Salam Khan S/o Mir Salam Khan Constable No. 295
Police Line Bannu

RESPONDENTS

4. Inspector General of Police near Civil Secretariat,
Khyber Pakhtunkhwa Peshawar
5. Deputy inspector General of Police Bannu Region Police
line.
6. District Police officer, Police Line Bannu
Appellant

Through


Aman Ullah Marwat
Advocate, Peshawar

Date: 06-June-2018

10

HC Noor Salam Khan NO. 543

FORM OF CHARACTER ROLL

Noor Salam Khan
Mir Salam Khan
Muslim Pakistani Pashtoon (Marwat)
Mir Hazrat Khanzad Khel Ghazni Khel
5-04-1977
Police Department Bannu
10th

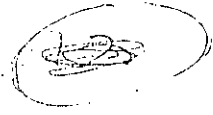
STATEMENT OF SERVICE

Post	Appointment	Pay	Date
Bannu	as Constable	1400/P.M	05.04.1995
Promoted as	offg Head Constable in	@ 4700/P.M	w.e.f 18.10.07.

[Signature]
 District Police Officer
 Bannu

[Signature]

71



"A"



OFFICE OF THE
DISTRICT POLICE OFFICER,
BANNU.

10558

Dated 25/10/2010

The Regional Police Officer,
Bannu Region, Bannu.

RECAMANDATION

As per report of Incharge DSB Bannu, HC Noor Aslam
543 has passed on useful information to Bannu Control Room for conveying
Lakki Control. His case is forwarded for consideration please.

District Police Officer,
Bannu.

C.T.C

(2)

Upple

Upple

(DSB)

DSB

Upple - Upple

Upple

Upple

Upple to RPO - DSB
for consideration

Upple to RPO - DSB

Upple to RPO - DSB

Upple

Upple

Upple to RPO - DSB
for consideration

Upple

Upple

Upple



(B)

القادر مہاشین ڈائری

دفتہ DSB
18.10.10

ضابطہ مالی! آج مورخہ 18/10 بوقت 06.15 بجے نور علی خان صاحب
 DSB سٹاف رومز نے اڈہ ٹنڈن جیلنگ ایجنسی سے بندوبست
 دفتہ DSB رومز کو اطلاع دی کہ ایک سرکاری گاڑی
 کوالٹی ٹیسٹ جسٹس کا ڈرائیونگ ایک ٹوٹے پڑے گاڑی ہے۔
 لکیرت غلط اور نشاوں ڈرائیونگ کے باعث ہے۔
 خودکش صلوم بتیا ہے۔ اطلاع کو تصدیق جان کر فوراً
 رومز کو بندالیم فونز اطلاع دی۔ رومز ٹھکانے سے
 اطلاع فوراً لگی سروس کنڈرین کو۔ کہ ٹھکانے پر
 حاضر کرتے نہ ٹنڈن جیلنگ لکیرت کو اطلاع دی۔
 ٹنڈن جیلنگ لکیرت پولیس سے تعاقب کرنا تھا۔
 سکنہ کوئٹہ بھائی خان جابلو جیلنگ تھا نہ ٹنڈن جیلنگ لکیرت
 کہ کہ بندبست ہوا۔ جس کے نتیجے میں روپوشان ہلاک
 کی بیوہ دیوار سے نیچے گر کر زخمی ہوئی۔ اور اس کے
 بیٹے۔ اسے طرح نردیکہ خان ازان قادر رفا
 سکنہ کوئٹہ بھائی خان جابلو جیلنگ تھا نہ ٹنڈن جیلنگ لکیرت
 سنی جیلنگ سے پیسے خرچ کرنا ہے۔
 کارروائی DSB رومز

pm
 DSB Bann
 18.10.10

no: 5695/PA
 dt: 20/10/10

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 - The word "Recommendation" written vertically.
 - The word "for" written vertically.
 - A date "20/10/10" written at the bottom.

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(14)

- 1۔ مجرم اشتہاری عمر قیاز ولد امیر زمان سکنہ شہباز عظمت خیل کی گرفتاری پر جناب نوران خان DPO مورخہ 07/05/2001/CCIII اور 100 روپے نقد انعام سے نوازا۔
 - ۱۔ بحوالہ مقدمہ نمبر 1997/400-11-27 جرم 302/324 تھانہ غوری والہ
 - ۲۔ بحوالہ مقدمہ نمبر 1996/265-11-17 جرم (3) 4/3/17 تھانہ بسہ خیل
 - ۳۔ بحوالہ مقدمہ نمبر 1997/102-03-25 جرم 324/148/149 تھانہ صدر
 - ۴۔ بحوالہ مقدمہ نمبر 2000/656-09-22 جرم 13AO تھانہ صدر
- 2۔ مورخہ 08-01-2003 OB نمبر 08-01/2003/11 جناب SP بنوں راجب علی شاہ صاحب نے ملزم کی گرفتاری اور اسلحہ کی برآمدگی پر CCIII اور پچاس روپے نقد انعام سے نوازا۔
- 3۔ مورخہ 19/02/2003 جناب SP بنوں محمد اقبال خان اچھی کارکردگی ملزم بسع اسلحہ کی گرفتاری پر CCIII اور 100 روپے نقد انعام سے نوازا۔
- 4۔ مورخہ 19-08-2003 SP بنوں محمد اقبال نے مجرم اشتہاری محمد آمین ولد عمر خان قوم وڑیہ کا سہ ماہی ملزم کی گرفتاری اور 100 روپے نقد انعام سے نوازا۔ OB نمبر 19-08-2003/1298
- 5۔ مورخہ 02-2009 مجرم اشتہاری محمد رادف سکنہ ظلیف خیل بکا خیل گرفتاری پر جناب DPO صاحب نور عالم صاحب نے گرفتاری اور 200 روپے نقد انعام سے نوازا۔ CCIII
- 6۔ مورخہ 13/04/2009 جناب DPO صاحب نے مجرم اشتہاری کی گرفتاری پر CCIII اور 500 روپے نقد انعام سے نوازا۔ OB نمبر 13-04-2009/502
- 7۔ مورخہ 26/05/2009 جناب DPO صاحب اقبال مردت نے مجرم اشتہاری میر خاتم ولد میر قادر خان سکنہ بکا خیل بحوالہ مقدمہ 1996/22-01-31 جرم 324/334-4/5 EXP تھانہ بکا خیل
- بحوالہ مقدمہ 1996/101-06-03 جرم 302/324 تھانہ بکا خیل CCIII اور 500 روپے نقد انعام سے نوازا۔ OB نمبر 26-05-2009/792
- 8۔ مورخہ 22/08/2009 جناب DPO اقبال مردت نے مجرم اشتہاری حکم زاد ولد کر جان سکنہ بکا خیل
- 9۔ مورخہ 09/12/2013 جناب DPO صاحب اقبال نے اچھی کارکردگی اور انفارمیشن پر CCIII اور 500 روپے نقد انعام سے نوازا۔ OB نمبر 09-12-2013/1372
- 10۔ مورخہ 06/03/2013 جناب DPO صاحب اقبال اچھی کارکردگی اور انفارمیشن پر CCIII اور 500 روپے نقد انعام سے نوازا۔ OB نمبر 06-03-2014/224

ح. آ. ع.

(۱۳)

- 1۱- مورخہ 14/2017 DPO صاحب اقبال نے اچھی کارکردگی اور انفارمیشن پر OCCII کو سراہا۔
- نوازل OB نمبر 17-02-2014/168
- 12- مورخہ 08/2009 DPO اقبال مروت نے بحرم اشتہاری شیرین زبان ولد سید جان سکندر کا خط لکھا۔
OCCIII اور 2009/1365 OB سے نوازل۔ 25-08-2009
بحوالہ مقدمہ نمبر 17/2000/117 مورخہ 09/2009/25 DPO صاحب جنوں نے بحرم اشتہاری اسمنڈ ولد گل نواز سکندر کا خط لکھا۔
اور نفاذ 09-2009/1537 OB سے نوازل۔ 25-09-2009
- 13- مورخہ 03/2013 مورخہ 09/12/2013 کو جناب DPO صاحب اقبال نے اچھی کارکردگی کی بنیاد پر اقبال نوازل OB نمبر 09-12-2013/1372
- 14- مورخہ 10/2010/1810 مورخہ 10/2010 کو بارود بھاری گاڑی جو چیل کے مقام پر SHO تھانہ غزنی چیل محمد سلیم نے بحری انسپکشن پر پٹا رنگ کر کے جہا کر دیا۔ جس پر DIG محمد افتخار نے 1000 افتر روپے اور 11-01-2010/29-10-2010/5956 نمبر OB سے نوازل۔
- نوٹ: بعد میں اس کارروائی پر جناب محمد ثار تھولی صاحب DIG جنوں نے سن ہیڈ سٹیبل کو مورخہ 13/04/2013 اور 13-01-2013/1372 نمبر OB سے نوازل۔
- 15- مورخہ 10/2010/2311 جناب DPO صاحب جبار خان نے فائرم ماہر رازک سکندر کو بڑا شاہ جہاں سے (2) مورخہ 10/2010/23-11-2010/7086 RPO Bannu Order Memo/No. 23-11-2010/7086/2010
- 17- مورخہ 10/2010/05 بحرم اشتہاری نعیم اللہ ولد امیر نواز سکندر کا چیل کے گرفتاری پر جناب DPO صاحب اقبال اور OCCIII اور 2009/200 روپے نفاذ نام سے نوازل۔
- 18- مورخہ 10/2013/13 مورخہ 10/2013/13 جناب DPO صاحب جبار خان نے میرے انفارمیشن پر SHO کا چیل محمد رفیع اور چیل میں درجنوں نجران اشتہاریوں کے گرفتاری پر 5000 روپے نقد اور OCCIII سے نوازل۔ نمبر 13-01-2013/30
- 19- مورخہ 10/2013/07 مورخہ 10/2013/07 جناب DIG جنوں صاحب نے بحرم اشتہاری گرفتاری پر OCCIII سے نوازل۔ نمبر 07-10-2013/8898 OB
- 20- مورخہ 14/2014/23 جناب DPO اقبال صاحب نے اچھی کارکردگی اور انفارمیشن پر OCCIII سے نوازل۔ نمبر 07-10-2013/8898 OB

(16)

- 11- مورخہ 17/2014 DPO صاحب اقبال نے اچھی کارکردگی اور انفارمیشن پر CCIII نوازا۔
نوازا۔ OB نمبر 17-02-2014/168
- 12- مورخہ 25/08/2009 جناب DPO اقبال مروت نے مجرم اشتہاری شیرین زبان ولدہ سے جان سکنہ بکا خیل کے قریبی
CCIII اور 200 روپے نقد انعام سے نوازا۔ OB نمبر 25-08-2009/1365
بحوالہ مقدمہ نمبر 2000/117 جرم 324/148/149 تھانہ بکا خیل
- 13- مورخہ 25/09/2009 جناب DPO صاحب بنوں نے مجرم اشتہاری اصغر ولد گل نواز سکنہ بکا خیل کی گرفتاری پر
اور نقد 100 روپے انعام سے نوازا۔ OB نمبر 25-09-2009/1537
- 14- مورخہ 09/12/2013 کو جناب DPO صاحب اقبال نے اچھی کارکردگی کی بنیاد پر CCIII نوازا۔
نوازا۔ OB نمبر 09-12-2013/1372
- 15- مورخہ 18/10/2010 کو بارود بھاری گاڑی جو بخیل کے مقام پر SHO غنی خیل محمد سلیم نے میری انفارمیشن پر
فائرنگ کر کے تباہ کر دیا۔ جس پر DIG محمد افتخار نے 1000 روپے نقد انعام اور CCIII نوازا۔
نوازا۔ OB نمبر 29-10-2010/5956
- نوٹ: بعد میں اس کارروائی پر جناب محمد ثار تنولی صاحب DIG بنوں نے من ہیڈ کنسٹیبل کو مورخہ 13/04/2013 کو ترقی
ASI ترقیاب کیا گیا۔
- 16- مورخہ 23/11/2010 جناب DPO صاحب سجاد خان نے فلزم عابد رادف سکنہ گریڈ شاہ جہان سے (2) عدد گناہ
سمیت گرفتار کر لیا۔ DPO صاحب نے CCIII اور 2000 نقد انعام سے نوازا۔
OB نمبر 23-11/2010/1274 RPO Bannu Order Memo/No.7086/2010
- 17- مورخہ 05/2010 مجرم اشتہاری نصیب اللہ ولد امیر نواز سکنہ بکا خیل کے گرفتاری پر جناب DPO صاحب اقبال
CCIII اور 200 روپے نقد انعام سے نوازا۔
- 18- مورخہ 13/01/2013 کو جناب DPO صاحب سجاد خان نے میرے انفارمیشن پر SHO بکا خیل محمد رخصت
بکا خیل میں درجنوں مجرم اشتہاریوں کے گرفتاری پر 5000 روپے نقد اور CCIII سے نوازا۔
نمبر 13-01-2013/30
- 19- مورخہ 07/10/2013 کو جناب DIG بنوں ساجد علی صاحب نے مجرم اشتہاری گرفتاری پر CCIII سے نوازا۔
نوازا۔ OB نمبر 07-10-2013/8898
- 20- مورخہ 23/04/2014 جناب DPO اقبال صاحب نے اچھی کارکردگی اور انفارمیشن پر CCIII

محمد

(17)

نوازا۔ OB نمبر 23-04-2014/480

21۔ مورخہ 01/10/2014 کو مجرم اشتہاری نذر ولد بلقیاز سکینہ ملک میتھانیل بنوالہ مقدمہ 495 مورخہ 27/12/2013

381/A تھانہ سٹی کے گرفتاری پر موجودہ DPO عبدالرشید صاحب نے ڈائری کے اوپر Good Job Done

ہے۔

22۔ مورخہ 05/07/2014 کو بدنام زمانہ ڈاکو عمر فرید ولد فرید سکینہ نائل نائل حیدر تھانہ ڈوئیل

مقدمہ 26-03-2014/61 جرم 384/506 تھانہ ڈوئیل کے گرفتاری پر DSP ہیڈ کوارٹر حاجی ثناء اللہ

Well Done ڈائری پر لکھ دیا ہے۔ OB نمبر 09-04-2014/920HQ

23۔ مورخہ 08/04/2014 کو سعید اللہ شاہ ولد منزل شاہ سکینہ حویجہ منڈان بنوالہ مقدمہ 223-12-2013/227

تھانہ منڈان کے گرفتاری پر DSP ہیڈ کوارٹر حاجی ثناء اللہ خان نے ڈائری کے اوپر Well Done

ہے۔ OB نمبر 09-04-2014/918HQ

ORDER

This order of the undersigned will dispose of the de-novo departmental proceeding, initiated against accused Constable Noor Salam No. 295 in the light of Khyber Pakhtunkhwa Service Tribunal Peshawar Judgment dated 26.10.2017 under general proceeding of police rule 1975 (As amended vide Khyber Pakhtunkhwa gazette Notification No. 27th of August 2014) for committing the following commissions/omissions:

- That Constable Noor Salam No. 295 was supporting car-lifting gangs/ groups.
- That he also involved in dealing of stolen vehicles.
- That he was known for corruption.
- That he was asserting Political pressure for filling/ dropping of departmental enquiry.
- That he had relations with smugglers.
- That he was dismissed from service on the above allegations vide Regional Police Officer, Bannu Region, Bannu Order Endst: No. 1794/EC, dated 18.08.2015.
- That his dismissal order converted into major punishment of compulsory retirement vide CPO Peshawar Order No. S/6209/15, dated 22.12.2015.

Charge sheet and statement of allegation were issued to him. DSP HQrs: Bannu was appointed as Enquiry Officer to scrutinize the conduct of the accused official. The Enquiry Officer submitted finding report and reported that the allegations leveled against Constable Noor Salam No. 295 have been proved, placed on file.

Final Show Cause Notice was issued to the accused official. In response to the final show cause notice, the accused official submitted un-satisfactory reply, placed on file.

The Official heard in person in orderly room on 27.02.2018. Record perused. In the light of de-novo departmental enquiry proceedings, the accused officer is found guilty of the charges leveled against him as he badly failed to prove his innocence. Hence, I, Sadiq Hussain, District Police Officer, Bannu in exercise of the power vested in me under Police Rule 1975 (As amended vide Khyber Pakhtunkhwa gazette Notification No. 27th of August 2014), hereby imposed Major punishment of "Dismissal from Service upon the accused Police officer" with immediate effect. The out of Service period i.e. from the date of dismissal till re-instatement is treated as without pay.

OB No. 236
Dated: 27.2.2018.

(SADIQ HUSSAIN) PSP
District Police Officer
Bannu

No. 2747-52/SRC dated Bannu, the 27/02/2018.

Copy of above is submitted for favor of information to the Regional Police Officer, Bannu Region, Bannu w/r to his office Endst: No. 6671, dated 13.11.2017.

1. Reader, Pay officer, SRC, OASI for compliance.
2. Fauji Misal Clerk along with enquiry file for placing it in the Fauji Misal of the concerned official.

(SADIQ HUSSAIN) PSP
District Police Officer
Bannu.

10

The Regional Police Officer

Bannu Region, Bannu

DEPARTMENTAL APPEAL UNDER RULE: 11 OF THE
KPK POLICE RULES-1975

Being aggrieved by and dissatisfied with the punishment of dismissal inflicted upon the worthy DPO Bannu on the Appellant below named vide order dated 27-2-2018 otherwise than in accordance with law, the Appellant below named prefers this appeal; inter alia; on the following facts and grounds:

Copy of the impugned punishment order dated 27-2-2018 is filed herewith and marked as Annex "A".

FACTS

1. That the Appellant below named joined service as Constable in the year 1955. After passing recruit course, the Appellant has also passed Lower Class and Intermediate Courses. The Appellant was promoted to the rank of Head Constable during the year 2007 and has performed his duties to the entire satisfaction of his seniors. Because of his exemplary conduct in service, the Appellant was deputed on intelligence duties as Incharge of the District Special Branch. It is pertinent to submit that because of his excellent performance that Appellant has been awarded cash and commendation certificate for 23 times by his seniors.

Copy of the list of 23x Cash Awards/Commendation Certificates is filed herewith and marked as Annex "B".

2. That during his service as Incharge DSB, the Appellant has to collect intelligence information and submit the same to his seniors for consideration. In this respect, the then worthy DPO Bannu

became annoyed with the Appellant on submission of some intelligence information to the worthy DIG Bannu during the year 2015, because of which the worthy DPO Bannu entangled the Appellant in a departmental disciplinary proceedings and imposed upon the Appellant the major punishment of reduction in rank from the officiating rank of Head Constable to that of the time scale constable without regular inquiry, vide OB No. 217 dated 09-3-2015 and office order No. 3352-55/EC dated 10-3-2015. The Appellant was again charged with the same allegations by the worthy RPO Bannu Range Bannu and dismissed from service vide Order No. 1794/EC dated 18-8-2015.

Copies of the worthy DPO Bannu Punishment order dated 10-3-2015 and worthy RPO Bannu order dated 18-8-2015 are filed herewith and marked as Annex "C/1&2".

3. That the Appellant below named challenged the order of his dismissal from service passed by the worthy Regional Police Officer Bannu on 18-8-2015 before the worthy Inspector General KPK Peshawar vide his departmental Appeal dated 26-8-2015.

Copy of the Appellant's Departmental Appeal dated 26-8-2015 is filed herewith and marked as Annex "D".

4. That the worthy IGP (KPK) placed the appeal of the Appellant dated 26-8-2015 before the Review Petition Board in its meeting held on 26-11-2015, who observed that "no solid evidence has been collected in support of the charges levelled against the Appellant". Hence, the worthy IGP (KPK) was please to allow the Departmental Appeal of the Appellant partially vide order No. S/6209-18/15 dated 22-12-2015 and converted the major penalty of dismissal from service into that of compulsory retirement.

Copy of the IGP (KPK)'s order dated 22-12-2015 is filed as Annex "E".

5. That feeling aggrieved by the conversion of major penalty from dismissal from service into compulsory retirement from service.

the Appellant filed his Service Appeal No. 14 of 2016 in the Hon'ble KPK Service Tribunal at Peshawar, which was allowed vide judgement/order dated 26-10-2017 and the Appellant was re-instated in service with liberty to the Department to hold a denovo inquiry against the Appellant within a period of 06 months, while directing that the issue of back benefits shall be subject to outcome of the fresh inquiry.

Copy of the judgement dated 26-10-2017 is filed as Annex "F".

6. That upon reinstatement in service, the worthy DPO Bannu again served the Appellant with charge Sheet and Statement of Allegations dated 15-11-2017 containing almost all the charges levelled against the Appellant in the previous round of allegations with addition of last three (03) allegation i.e. that (1) the worthy RPO Bannu has inflicted upon the Appellant major penalty of dismissal from Service; (2) worthy IGP (KPK) converted the penalty of dismissal of the Appellant from Service and (3) such act on his part is against service discipline. The said charges were replied by the Appellant vide his reply dated 22-11-2017.

Copies of the Charge Sheet dated 15-11-2017 and its reply dated 22-11-2017 are filed herewith and marked as Annex "G1&2".

7. That DSP Headquarters Bannu was appointed as Inquiry Officer for investigation into the truth or otherwise of the allegations levelled against the Appellant, who after hearing the Appellant and three (03) other witnesses against him, submitted his Inquiry Report to the worthy DPO Bannu on 04-1-2018 with baseless and predetermined conclusion to the effect that the allegations partially proved against the Appellant despite the fact that all the three (03) witnesses examined against the Appellant did not say even a single word against the Appellant. Moreover, he has quoted secret sources in support of his conclusion of the Inquiry report which cannot be accepted in evidence against an accused because of having not

honesty for saving his skin and the aims and objectives of establishing the special branch in police will be defeated. As the Appellant's punishment will become a precedence for avoiding proper performance of duties by the special branch of Police.

(C) That even otherwise the inquiry Officer has, without considering the evidence of the departmental witnesses against the accused/Appellant, the findings recorded in the IGP's Review Petition Board meeting held on 25-11-2015 and the findings of the KPK Service Tribunal in its judgement dated 26-10-2017 on the same charges levelled against the Appellant earlier, rendered the predetermined/engineered conclusion of his findings, which are not only baseless but also malicious.

(D) That all the allegations levelled against the Appellant are paid and baseless, which have not been established against the accuse/Appellant, rather the three (03) witnesses examined against the Appellant have exonerated the Appellant instead of accusing him. Therefore, the Inquiry Officer as well as the Authority (i.e. DPO Bannu) should have, in their fairness to their path of office while entering the service, to have exonerated the Appellant and closed the case once for all but this has not been done. Hence the entire proceedings are null and void ab-initio.

(E) That the Appellant has tried his best to clarify his position for his exoneration from the charges and his entitlement for reinstatement in service. However, if Your Honour deem it proper to question the Appellant on any other aspect of the case, then the Appellant may kindly be granted an opportunity of hearing for addition of further grounds about his innocence.

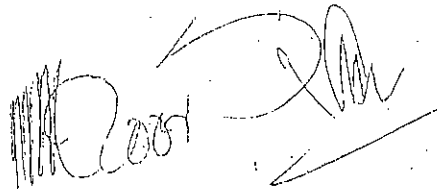
24

PRAYER

10. That in view of the above humble submissions, Your Honour may kindly be pleased to allow the instant Appeal by setting aside the impugned penalty order dated 27-2-2018 and issue appropriate order for reinstatement of the Appellant in service with all back benefits from the date of his first dismissal from service on 16-3-2015.

Prayed accordingly in the interest of justice and fair play.

APPELLANT



NOOR SALAM

Ex-Constable No. 295

Police Line Bannu

R/O: Village Mir Hazar
Khanzard Khel, P/S: Ghazni
Khel, Lakki Marwat

Cell No: 0344-2766688

Bannu

Dated: 22.3.2018

25

POLICE DEPARTMENT

BANNU REGION

In this order will dispose of the appeal preferred by Ex-Constable Noor Salam No.295 of Bannu District Police, wherein, he has prayed for setting aside the order of punishment i.e "dismissal from service" imposed upon him by PPO Bannu, vide OB No.236 dated 27.02.2018.

42
17/5

BRIEF FACTS OF THE CASE

1. That on 29.06.2015, RPO Bannu proceeded the appellant departmentally on the charges of supporting car thief gangs/groups, involvement in dealing of stolen vehicles, corruption, exerting political pressure for filing/departmental proceedings and relation with smugglers. Muhammad Riaz, the then Addl. SP/Bannu conducted probe into the allegations levelled against the appellant and held him guilty of the charges in his findings and as a result of which, RPO Bannu imposed major punishment of dismissal from service upon the appellant, vide order Endst: No.1794/EC dated 18.08.2015.
2. Aggrieved from the order, the appellant preferred an appeal to PPO, KP Peshawar that was partially accepted by converting the penalty of dismissal from service into major punishment of compulsory retirement.
3. Aggrieved again from the order of PPO, KP Peshawar, the appellant preferred an appeal No.14/2016 before the KP Service Tribunal Peshawar against the order of RPO Bannu & PPO, KP Peshawar that was accepted, however, the department was given liberty to hold a de novo inquiry against the appellant within a period of six months and the issue of his back benefit was ordered to be subjected to final outcome of the fresh inquiry.
4. That in the light of decision of KP Service Tribunal, de novo departmental proceedings was initiated against the appellant on the charges mentioned in para-01 and the inquiry papers were entrusted to Mr. Aqil Hussain, DSP/HQr. Bannu. Who (Inquiry Officer) recorded the statements of appellant, driver Constable Pervez No.525, Ex-Constable Imran r/o Kot Jamal Din Asperka Wazir and Hazrat Usman Mughal Khel of PS Ghoriwala. Cross questions/examination of the appellant was also carried out. Opportunity of self defence was also afforded to the appellant and, thereafter, the E.O recorded his findings, wherein, the allegations were reported to be partially proved. After services upon FSN upon the appellant, the competent authority imposed upon him major punishment of dismissal from service, vide impugned order quoted above.

Service record of the appellant depicts that the appellant has served in Police force for about 22 years. During this period of service, the appellant has been awarded minor punishment of four time quarter guards as well as awarded major punishment of reduction to time scale constable.

Inquiry file reveals that most of the severe nature of allegations levelled against the appellant have been proved by DSP/HQr. Bannu (Inquiry Officer). Opportunity of showing cause and hearing has also been afforded to him by the Inquiry Officer as well as competent authority but he badly failed to substantiate his innocence. The undersigned also found the appellant, in person, in orderly room held on 02.04.2018 but he failed to defend his case properly. Moreover, the allegations and reasons offered by the appellant before the undersigned were also verified through reliable sources. The output of the sources was totally supporting the allegations as well as denied his plea for innocence.

In view of the above, the undersigned can safely infer that the appellant is a black sheep, having poor service record and collusion with anti social elements. His retention in Police will be a great injustice not only to KP Police but also to the general public.

Keeping in view the above, I, Dar Ali Khan Khattak, Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Rule, 11(4) (a) of Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014) hereby reject his appeal and endorse the punishment awarded to him by DPO Bannu.

Order announced

(Signature)

(DAR ALI KHAN KHATTAK) PSP
Regional Police Officer,
Bannu Region, Bannu

No 1375 /EC, dated Bannu the

16/05/2018

Copy to the District Police Officer, Bannu w/r to his office Memo: No.3741/EC dated 26.03.2018 along with the service record containing the inquiry file for record in office which may be acknowledged. The appellant may be informed please.

Roll No. 01
MISSAL

(Signature)
For further information

(DAR ALI KHAN KHATTAK) DSP
Regional Police Officer,
Bannu Region, Bannu

28 "E"

STATEMENT OF ALLEGATIONS:

I, Sadiq Hussain District Police Officer, Bannu as competent authority, initiate de novo departmental proceedings against Constable Noor Salam No. 295, who has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Police Rules (As amended in Khyber Pakhtunkhwa gazette Notification, No. 27th of August 2014).

SUMMARY OF ALLEGATIONS:

- That Constable Noor Salam No. 295 was supporting car lifting gangs/groups.
- That he also involved in dealing of stolen vehicles.
- That he was known for corruption.
- That he was asserting Political pressure for filling/ dropping of departmental enquiry.
- That he had relations with smugglers.
- That he was dismissed from service on the above allegations vide Regional Police Officer, Bannu Region, Bannu Order Endst: No. 1794/EC, dated 18.08.2015.
- That his dismissal order converted into major punishment of compulsory retirement vide CPO Peshawar Order No. S/6209/15, dated 22.12.2015.
- Such act on his part is against service discipline and amounts to gross misconduct/carry bad name to the Police Force.

For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations DSP/Haq is appointed as Enquiry Officer.

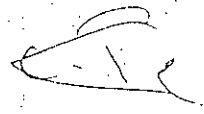
The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, and submit reports and findings within the targeted days after the receipt of this order.

The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.


(SADIQ HUSSAIN) PSP
District Police Officer,
Bannu.

BSRC dt. 15-11-2012

The Enquiry Officer
The Accused Officer/Official.



27

CHARGE SHEET:

I, SADIQ HUSSAIN, District Police Officer, Bannu, as competent authority, hereby charge you Constable Noor Salam No. 295 for the purpose denovo departmental enquiry proceedings as follows:-

- > That you Constable Noor Salam No. 295 were supporting car lifting gangs/groups.
- > That you also involved in dealing of stolen vehicles.
- > That you were known for corruption.
- > That you were assailing Political pressure for filling/dropping of departmental enquiry.
- > That you had relations with smugglers.
- > That you were dismissed from service on the above allegations vide Regional Police Officer, Bannu Region, Bannu Order Endst: No. 1794/EC, dated 18.08.2015.
- > That your dismissal order converted into major punishment of compulsory retirement vide CPO Peshawar Order No. S/6209/15, dated 22.12.2015.
- > Such act on your part is against service discipline and amounts to gross misconduct/carry bad name to the Police Force.


1. By reason of the above you appear to be guilty of misconduct under the Police Rules 1975 (As amended vide Khyber Pakhtunkhwa gazette Notification, No. 27th of August 2014) and have rendered yourself liable to all or any of the penalties specified in the said rules.

2. You are therefore, directed to submit your defense within 07 days of the receipt of this Charge Sheet to the enquiry officer.


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

4. You are directed to intimate whether you desire to be heard in person.

5. A statement of allegation is enclosed.


(SADIQ HUSSAIN) PSP
District Police Officer,
Bannu.

15/1/17



جناب عالی!

حوالہ: چارج شیٹ، سبزی آٹ ایکسپوزیشن نمبر 1794/EC-Date: 18-08-2017 مندرجہ ذیل ہے۔

کہ سال 1995ء میں بطور کنسٹیبل ریگولر پولیس میں بھرتی ہوا ہوں۔ کامیابی سے ریگولر کورس پاس کرنے کے بعد لوئر کلاس کورس اور انٹرمیڈیٹ کورس بھی پاس کر چکا ہوں اور سال 2007ء بطور ایڈ کنسٹیبل ترقیاب ہوا ہوں۔ اپنی سردی کے دوران جہاں کہیں بھی پوسٹ کیا گیا ہوں میں نے اپنا ڈیوٹی انتہائی درست داری اور سختی سے کی ہے۔ مجھے سردی کے دوران اس سے پہلے کبھی سزا نہیں ہوئی ہے۔ میرا اہمال نامہ صاف اور سچا ہے اور میری اچھی کارکردگی اور دستداری کی وجہ سے پلی ڈی ڈی کا ایوارڈ لینا کیا گیا تھا۔

1- الزامات میں سے پہلا الزام یہ ہے کہ میں کار لفٹر گروہوں سے سیل ملاپ رکھتا ہوں۔ اس الزام میں کوئی صداقت نہیں ہے۔ نہ ہی کبھی میں سردی گاڑی کے ساتھ گرفتار ہوا ہوں اور نہ ہی کبھی کسی مقدمہ یا سرگینگ میں نامزد ہوا ہوں اور نہ ہی میرے خلاف عوام کی طرف سے کوئی ایسی شکایت کی گئی ہے اور نہ ہی کسی بلزم نے میرے متعلقہ اشارہ و گیشن کے دوران انکشاف کیا ہے۔ اگر میرے خلاف اس الزام کی کوئی شہادت ہے یا تحریر تو اس کا چارج شیٹ میں خوالہ میں دیا گیا ہے۔ جس سے یہ اخذ ہوتا ہے کہ یہ الزام ہی سناٹی شہادت پر مبنی ہے اور بے بنیاد ہے۔

2- الزام نمبر 2 میں کہا گیا ہے کہ میں چوری کی گاڑیوں کا کاروبار کر رہا ہوں۔ یہ بھی درست نہیں۔ اس کا جواب الزام نمبر 1 میں تقریباً آچکا ہے۔ مجھ سے نہ تو کبھی چوری کی گاڑی برآمد ہوئی ہے اور نہ ہی کبھی اس چارج شیٹ سے قبل ایڈوائس نوٹس جاری کیا گیا ہے۔ اور نہ ہی میرے سردی ریکارڈ میں کوئی ایسی ہسٹری موجود ہے جس سے الزام کی تقویت ملے۔ اور نہ ہی کوئی نوعیت کے کسی مقدمہ میں گرفتار ہوا ہوں۔ اسلئے یہ الزام بے بنیاد ہے۔ اگر اتھارٹی کے پاس اس الزام کے بارے میں کوئی زمانی یا دستاویزی شہادت موجود تھی تو اس کو چارج شیٹ میں درج نہیں کیا گیا ہے۔ اس لئے اس الزام میں بے بنیاد ہوں۔

3- تیسرا الزام یہ ہے کہ میری شہرت کرپشن کی ہے۔ لیکن کبھی بھی کسی کرپشن کے مقدمہ میں گرفتار ہوا اور نہیں اس سے قبل کرپشن کے بارے میں کوئی انکوائری ہوئی ہے۔ اور نہیں اپنی کرپشن ٹھکانے ایسا انکوائری کیا ہے۔ میرے خلاف کرپشن کا عوام میں سے کوئی مدعی نہیں ہے اور نہ ہی کسی پولیس آفسر نے رشوت ستانی کے بارے میں شکایت کی ہے۔ اس لئے اس الزام میں کوئی حقیقت نہیں ہے اور کسی سناٹی شہادت پر مبنی ہے۔ اگر میرے خلاف کوئی ایذا انگیز انکوائری وغیرہ طریقہ سے ہوئی ہے۔ لیکن اس کا کوئی نقل فراہم نہیں کیا ہے۔ اس لئے یہ الزام بھی بے بنیاد ہے۔

4- جہاں تک چارج شیٹ 1514/EC مورخہ 29-06-2015 کا تعلق ہے۔ تو پارٹنر شیٹ مورخہ 29-06-2015 کو ایڈوائس ہوا تھا۔ اور مجھے مورخہ 01-07-2015 کو موصول ہوا تھا۔ جس میں سیاسی دباؤ اور پریشر کا ذکر کیا گیا ہے۔ کہ ڈیپارٹمنٹل انکوائری فائل کی جائے تو یہ انتہائی سوچ و فکر اور غور کرنے کی بات ہے کہ مجھے

ع

چارج شیٹ ملائی ہے تھا اور میں نے اس پر سٹیٹمنٹ لکھی اور نہ ہی چارج شیٹ اصولوں کے مطابق سفارش کی ہے۔ سفارش اور سٹیٹمنٹ کی بات کو اس وقت ختم ہوئی۔ جب مجھے بڑی سزا دی گئی۔ میری فریڈم کے فیصلے کے بعد نیا چارج شیٹ الٹا ہوا ہے۔ تو اس چارج شیٹ میں چارج نمبر 4 کیے ہوئے ہیں۔ دفتر کے کلرکوں نے پرانے چارج شیٹ کو نکال کر صرف تاریخ تبدیل کر دی ہے۔ اس لئے اس چارج شیٹ کا کوئی وجود نہیں بنا ہے۔

5- جہاں تک الزام نمبر 4 کا تعلق ہے۔ تو میرا کسی سنگٹ سے کوئی تعلق نہیں ہے۔ البتہ عمران کنسٹیبل کے خلاف میں نے قانونی طور پر شکایتیں آنسراں بالا کو کی تھی کہ اس کو تبدیل کیا جائے۔ میرے شکایت پر مذکورہ تبدیل ہو چکا ہے۔ اور یہ کنسٹیبل عمران مجھ سے تھا ہو گیا تھا۔ اور یہ عمران گرفتار ہوا ہے۔ جس کا سیکورٹی دیوٹی سے کوئی تعلق نہیں تھا۔ اس برائے سے کالی عرصہ ہو چکا ہے۔ کہ ٹرانسفر ہو چکا تھا۔ انصاف کا بنیادی اصول ہے۔ ایک جرم میں ایک پولیس آفسر سزا ہو جائے۔ تو دوبارہ اس الزام میں سزا نہیں دی جاسکتی ہے۔ موجودہ چارج شیٹ میں جو الزامات لگائے گئے ہیں۔ اس سے ملتے جلتے الزامات جس کا کوئی انکوائری نہیں ہوئی ہے۔ میں اس دفعہ DPO بنوں نے مورخہ 10-03-2015 کو Revert کر کے قائم سکریٹریل کنسٹیبل بنایا گیا ہے۔ مجھے کوئی سزا نہیں دیا گیا۔ اور نہ ہی پھیلی صاف سزاؤں کو مد نظر رکھا گیا ہے۔ جب ایک دفعہ سزا ہو چکا ہوں تو دوبارہ الزامات کے تحت چارج شیٹ کرنا بھی بے انصافی اور غیر قانونی ہے۔

6- میری فریڈم پتارہ اپنے فیصلے مورخہ 26-10-2017 میں صاف طور پر views دے چکا ہے۔ میرے خلاف الزامات کے بارے میں کوئی ٹھوس ثبوت اور شہادت ریکارڈ پر موجود نہیں ہے۔

7- اس لئے استدعا ہے کہ میرے چارج شیٹ داخل دفتر فرمایا جاوے اور مجھے ذاتی سنوائی اور عرض و معرکہ سونج دیا جائے اور باقاعدہ مجھے ان گواہان پر جرح کرنے کا قانونی طور پر موقع فراہم کیا جاوے۔ میرے خلاف الزامات ہوں۔ میرے صفائی ریکارڈ برلائی جادے۔ اور آنسراں بالا کی طرف سے ایوارڈ اور انعامات دیئے گئے۔ یہ سزا میرا ہدف ہے۔

التعاضد
نور اسلام نمبر 112
موبائل نمبر 0331-8008608

ت

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No. 78/SRC
Dated: 16/02/2018

FINAL SHOW CAUSE NOTICE:

I, SADIQ HUSSAIN, District Police officer, Bannu, as competent authority, under Rule 5(3) of the Khyber Pakhtunkhwa Police Rules (As amended vide Khyber Pakhtunkhwa gazette Notification No. 27th of August 2014) for the following misconduct hereby serve upon you Constable Noor Salam No. 295 this final show cause notice.

- That you Constable Noor Salam No. 295 were supporting car lifting gangs/ groups.
- That you also involved in dealing of stolen vehicles.
- That you were known for corruption.
- That you were asserting Political pressure for filling/ dropping of departmental enquiry.
- That you had relations with smugglers.
- That you were dismissed from service on the above allegations vide Regional Police Officer, Bannu Region, Bannu Order Endst: No. 1794/EC, dated 18.08.2015.
- That your dismissal order converted into major punishment of compulsory retirement vide CPO Peshawar Order No. S/6209/15, dated 22.12.2015.
- Such act on your part is against service discipline and amounts to gross misconduct/carry bad name to the Police Force.

That consequent upon the completion of enquiry conducted through enquiry officer DSP HQs, Bannu for which you were given opportunity of hearing and on going through the findings and recommendations of Enquiry officer, the material on record and other connected papers, I am satisfied that you have committed gross misconduct by proving allegations and you have committed the above commission and omission.

As a result, I, as competent authority, have tentatively decided to impose upon you one or more punishments including dismissal as specified in the rules.

You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you.

If no reply to this notice is received within seven days of its delivery, it shall be presumed that you have no defence to put in and in that case an exparte action shall be taken against you.

The copy of the findings of the Enquiry Officer is enclosed.

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

(SADIQ HUSSAIN) PSP
District Police Officer,
Bannu.

بحوالہ شوکا ز نوٹس نمبر 78/SRC مورخہ 16-02-2018 معروض ہوں کہ

سال 1995 میں بطور کنسٹیبل ریگولر پولیس میں بھرتی ہوا ہوں۔ کامیابی سے ریکروٹ کورس پاس کرنے کے بعد لوئر کلاس کورس اور ایئر میڈیٹ کورس بھی پاس کر چکا ہوں۔ اور سال 2007 میں بطور ہیڈ کانسٹیبل ترقیاب ہوا ہوں اور اپنے سروس کے دوران جہاں بھی پوسٹ کیا گیا ہوں میں نے اپنے ڈیوٹی انتہائی دیانت داری اور محنت سے کی ہے مجھے سروس کے دوران اس سے پہلے کبھی سزا نہیں ہوئی ہے میرا عمل نامہ صاف اور سترہا ہے اور میری اچھی کارکردگی اور دیانت داری کی وجہ سے ضلع ڈی ایس پی (DSB) کا انچارج تعینات کیا گیا تھا۔

1- الزامات میں سے پہلا الزام یہ ہے کہ میں کارلفٹر گروہوں سے میل ملاپ کرتا ہوں۔ اس الزام میں کوئی صداقت نہیں ہے نہ ہی کبھی میں مسروقہ گاڑی کے ساتھ گرفتار ہوا ہے اور نہ کبھی کسی مقدمہ یا سمگلنگ میں نامزد ہوا ہوں اور نہ ہی میرے خلاف عوام کی طرف کوئی ایسی شکایت کی گئی ہے اور نہ ہی کسی ملزم نے میرے متعلق انٹاروگیشن کے دوران انکشاف کیا ہے اگر میرے خلاف اس الزام کی کوئی شہادت ہے یا تھی تو اس کا چارج شیٹ میں حوالہ نہیں دیا گیا ہے جس سے یہ اخذ ہوتا ہے کہ یہ الزام سوسنی سنائی شہادت پر مبنی ہے۔ اور بے بنیاد ہے۔

2- الزام نمبر 2 میں کہا گیا ہے کہ میں چوری کی گاڑیوں کا کاروبار کر رہا ہوں یہ بھی درست نہیں ہے اس کا جواب الزام نمبر 1 میں تقریباً آچکا ہے مجھ سے نہ تو کبھی چوری کی گاڑی برآمد ہوئی ہے اور نہ ہی کبھی اس چارج شیٹ سے قبل ایڈوائس نوٹس جاری کیا گیا ہے۔ اور نہ ہی میرے سروس ریکارڈ میں کوئی ایسی ہسٹری موجود ہے۔ اگر اتھارٹی کے پاس اس الزام کے بارے میں کوئی زبانی دستاویزی شہادت موجود تھی اس کو چارج شیٹ میں درج نہیں کیا گیا ہے اس لئے اس الزام میں بے تصور ہوں۔

3- تیسرا الزام یہ ہے کہ میری شہرت کرپشن کی ہے۔ لیکن کبھی بھی کسی کرپشن کے مقدمے میں گرفتار ہوا اور نہ ہی اس سے قابل کرپشن کے بارے میں کوئی انکوائری ہوئی ہے اور نہ ہی انٹی کرپشن محکمہ نے ایسا انکوائری کیا ہے۔ میرے خلاف کرپشن کا عوام میں سے کوئی مدعی نہیں ہے اور نہ ہی کسی پولیس آفیسر رشوت ستانی کے بارے میں شکایت کی ہے اس لئے اس الزام میں کوئی حقیقت نہیں ہے اور سنی سنائی شہادت پر مبنی ہے۔ اگر میرے خلاف کوئی ابتدائی انکوائری وغیرہ حقیقت سے ہوئی ہے لیکن اس کا کوئی نقل فراہم نہیں کیا ہے اس لئے یہ الزام بھی بے بنیاد ہے۔

4- جہاں تک چارج شیٹ 1514/EC مورخہ 29-06-2015 کا تعلق ہے۔ تو چارج شیٹ مورخہ 29-06-2015 کو ایڈوائس دیا تھا اور مجھے مورخہ 01-07-2015 کو موصول ہوا تھا۔ جس میں سیاسی دباؤ اور پریشر کا ذکر کیا گیا ہے کہ ڈیپارٹمنٹل انکوائری فائل کی رائے تو یہ انتہائی سوچ و فکر اور غور کرنے کی بات ہے کہ مجھے چارج شیٹ ملا ہی نہ تھا تو میں نے اثر و رسوخ کس طرح استعمال کیا تھا اور نہ ہی چارج شیٹ وصولی کے بعد کوئی سفارش کی ہے۔ سفارش اور سیاسی اثر و رسوخ کے بات کو اس وقت ختم ہوئی جب مجھے بڑی سزا دی گئی ہے۔ بسروس ٹریبونل کے فیصلے کے بعد نیا چارج شیٹ ایسا ہوا ہے تو اس چارج شیٹ میں چارج نمبر 4 کیسے داخل ہوا ہے دفتر کے فائلوں نے

پرانے چارج شیٹ کو نکال کر صرف تاریخ تبدیل کر دی ہے۔ اس لئے اس چارج کے حصہ کا کوئی وجود نہیں بنتا ہے۔

5- جہاں تک الزام نمبر 4 کا تعلق ہے تو میرے کسی سمگلر سے کوئی تعلق نہیں ہے البتہ عمران کا نشیمل کے خلاف میں نے قانونی طور پر شکایتیں افسران بالا کو کی تھی کہ اس کو تبدیل کیا جائے میرے شکایت پر مذکورہ کا نشیمل تبدیل ہو چکا ہے اور کا نشیمل عمران مجھے سے خواہاں تھا اور یہ عمران گرفتار ہوا ہے جس کا سیکورٹی ڈیوٹی برانچ سے کوئی تعلق نہیں تھا۔ اس برانچ سے کافی عرصہ ہو چکا ہے کہ ٹرانسفر ہو چکا تھا انصاف کا بنیادی اصول یہ ہے کہ ایک جرم میں ایک پولیس آفیسر کو سزا ہو جائے تو دوبارہ اس الزام میں سزا نہیں دی جاسکتی ہیں موجودہ چارج شیٹ میں جو الزامات لگائے گئے ہیں اس سے ملتی جلتی الزامات جس کا کوئی انکوآئری نہیں ہوئی ہے میں اس وقت کے ڈی پی او (DPO) کے نام سے مورخہ 10-03-2015 کو تنزیلی کر کے ٹائم سکیل کا نشیمل بنایا گیا ہے مجھے کوئی صفائی کا موقع نہیں دیا گیا اور نہ ہی کچھلی صاف سر دیکر اور نظر رکھا گیا جبکہ ایک دفعہ سزا ہو چکا ہوں تو دوبارہ ان الزامات کے ساتھ چارج شیٹ کرنا بھی بے انصافی اور غیر قانونی ہے۔

6- سر دس ٹریبونل پشاور اپنے فیصلہ مورخہ 26-10-2017 میں صاف طور پر Views دے چکا ہے کہ میرے خلاف الزامات کے بارے میں کوئی ٹھوس ثبوت اور شہادت ریکارڈ پر موجود نہیں ہے۔

7- انکوآئری آفیسر نے انکوآئری کے دوران چار گواہان نور سلام 295، کا نشیمل ڈرائیور پرویز و سابقہ کا نشیمل عمران اور حضرت عثمان کے بیانات قلمبند کئے ہیں لیکن ان کے بیانات میں الزامات کی تائید میں کوئی شہادت نہیں ملی ہے۔

8- فائنل رپورٹ انکوآئری آفیسر کے Conclusion کے پیرا گراف نمبر 1، پیرا گراف نمبر 2 میں جو الزامات عائد کئے گئے ہیں کا چارج شیٹ میں درج الزامات سے کوئی تعلق نہیں ہے یہ ایک علیحدہ معاملہ ہے جس کو موجودہ چارج سے ہٹ کر ذیل کرنا چاہیے۔

9- مزید یہ کہ پرائیوٹ پولیس آفیسر صاحب نے میری Dismissal کو جبری ریٹائرمنٹ میں تبدیل کیا ہے کو انکوآئری آفیسر نے اس کو بھی بنیاد بنایا ہے اور انکوآئری کے دوران اس کو کوئی شہادت میرے خلاف نہیں ملی ہے۔ جبکہ اس جبری ریٹائرمنٹ کی سزا کو سر دس ٹریبونل نے ختم کر چکا ہے کا عدم کر دیا ہے تو اس آرڈر کو کس طرح بنیاد پایا جاسکتا ہے۔

10- جب انکوآئری آفیسر کو میرے خلاف کوئی شہادت ان الزامات کے بارے میں دستیاب نہیں ہوئی ہے جو مجھ پر عائد ہوئی ہے تو اس نے Secret Sources کا سہارا لیا ہے جو کس طرح پر کس قانون میں قابل قبول نہیں ہے۔ یہ پیرا گراف انگریزی سنی سنائی شہادت کہی ہے۔

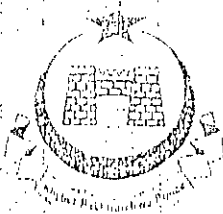
11- انکوآئری آفیسر نے قیاس اور سنی سنائی شہادت پر انحصار کیا ہے جو بنیادی حقوق کے خلاف ہے۔

12- اس لئے استدعا ہے کہ شوکا ز نوٹس داخل دفتر فرمایا جاویں اور مجھے ذاتی عرض معروض کی اجازت بھی دی جائے۔

مورخہ: 25-02-2018

الحارثی
نور سلام نمبر 295

موبائل نمبر: 0333-2766688



34

OFFICE OF THE
DY. SUPERINTENDENT OF POLICE,
HQRS. BANNU.

Handwritten signature and initials

Phone No: 0928-9270078.

Fax No: 0928-9270045

No. 23 - /HQ, Dated. 04. 01. 2018.

DENOVO DEPARTMENTAL ENQUIRY.

Reference. Charge sheet No. 477-78 SRC dated 15.11.2017,
issued by the District Police Officer, Bannu.

Accused. Constable Noor Salam-295.

Allegations. Allegations conveyed to constable Noor Salam-295 in
shape of charge sheet were as follow :-

- * That Constable Noor Salam-295 was supporting car lifting gangs/groups.
- * That he also involved in dealing of stolen vehicles.
- * That he was known for corruption.
- * That he asserting political pressure for filling/dropping of departmental enquiry.
- * That he had relations with smugglers.
- * That he was dismissed from service on the above allegations vide Regional Police Officers Bannu Region, Bannu Order Endst. No.1794/EC dated 18.8.2015.
- * That his dismissal order converted into major punishment compulsory retirement vide CPO Peshawar Order No. S/6209/15, dated 22.12.2015.
- * Such act on his part is against service discipline and amounts to gross misconduct/carry bad name to the police Force. Page-9-10.

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35

Order sheet: Order sheet maintained .Page-6-7.

Reply to Charge Sheet.

Constable Noor Salam-295 replied to charge sheet, which is placed herewith. Page- 11-12

Statements.

The statements of the following officials recorded and documents collected.

1. Constable Noor Salam-295. Page -13-14
2. Constable Driver Pervez-525 PS Basya Khel. Page-15
3. Ex Constable Imran s/o Hafiz ur Rehman r/o Kot Jamal Din Asparka Wazir. Pag-16-17
4. Hazrat Usman s/o Nasib Ghulam r/o Ghulam Maghul Khel PS Ghoriwala. Page-18

Re-instatement order.

He was provisionally re-instated into service purely for the purpose of Denovo departmental enquiry proceedings with immediate effect vide OB No.1095 dated 15.11.2107. Page- 8

Questions/Answers.

Opportunity for self defence given.

The undersigned (E.O) asked questions and Constable Noor salain-295 replied to each as follow :-

Ans. No.1.

Imran was in DSB as constable and than transferred to Police Lines, Bannu and the said imran Constable was arrested by PS Town Police, in connection with stolen cars and it was hear say talk, actually he was dismissed on the ground of his absence from duty and he is resident of Bannu Town.

E.O

Ans. No.2.

He had contacted constable Imran just for getting information and he had no other contact with him.

Ans. No.3.

Constable Pervez was in DSB staff with him and accused Usman s/o Ghulam r/o Ghoriwala had exposed the name of Pervez during interrogation, however he had no relations with constable.

Ans. No.4.

ASI Rizwan Khan was SHO of PS Ghoriwala at that time and he had not leveled any allegation upon him.

Ans. No.5.

The allegation of dealing in stolen vehicles against on him was false and during his 22 years service, no such allegation had been come forward against him and he has no personal vehicle or Motor Cycle.

Ans. No.6.

He has not done any corruption during his service of 22 years service and no one can prove it against him.

Ans. No.7.

He had not approached to police officers for filling his previous enquiry and neither any proof of such activity exists against him.

Ans. No.8.

He has arrested criminals in hundred of numbers, record of it exists in PS Baka Khel, City, Cantt., Mandan and Saddar. Further he does not know the smugglers, who had relations with him.

Ans. No.9.

He has not done any violation of the discipline. Information, he has passed to W.DPO & to W.DIG and the W.DPO was telling him to do not send informative diaries and some times, the W.DPO had told that he is not giving information in shape of informative diaries, however the then W.DPO Abdur Rashid Khan had grudges with him on it to may not send diaries and the W.DPO at first ordered his reversion and after that dismissal took place.

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Short light on the statements.

- a. Driver constable Pervez-525 of PS Basya Khel told on Oath that he does not know Usman and allegations leveled against him were false and he got satisfied the W.DIG on Oath/Holy Quran, therefore he was re-instated in service and Noor Salam was their Incharge and had done only official duty.
- b. Ex -Constable Imran Khan NO.420 r/o Kot Jamal Din Asparka Waziran Sadrawan told that Ex- DSB Incharge Noor Salam had no relations with car lifters and smugglers and there was no doubt in the bravery of Noor Salam. Further he stated that Noor Salam was giving information about corruption and slackness in duties, on which, some officers were not happy.
- c. Hazrat Usman s/o Nasib Ghulam r/o Ghulam Maghul Khel stated that he does not know Noor Salam Hawaldar & he has even not seen him. It is true that he was brought by police to PS Ghoriwala but he did not mention the name of Noor Salam Hawaldar or any other Police official and he also does not know constable Pervez.

Reduction in Rank.

HC Noor Salam 295 was reduced to time scale constable vide District Police Officer, Bannu OB No. 217 dated 9.3.2015 and issued under reference No.3552-55/EC dated 10.3.2015.

Dismissal.

He was dismissed from service vide Regional Police Officer, Bannu Region, Bannu order No.1794/EC dated 18.8.2015.

Conversion dismissal into compulsory retirement.

His dismissal order was converted into compulsory retirement by C.P.O vide No.5/6209/15 dated 22.12.2015.

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E.O

Conclusion:-

The reply of the accused constable Noor Salam-295 to question-9, which is attached shows that he had grudges with his senior most officer i.e District Police officer, Bannu, which was his highly in-disciplined activity.

Similarly the accused constable has admitted that he was giving information to the Dy: Inspector General of Police, Bannu Region, Bannu being Incharge of District Security Branch, although, the said constable was a subordinate to District Police Officer, Bannu and his this activity had also been counted as irregular and in-disciplined one and gross misconduct on his part.

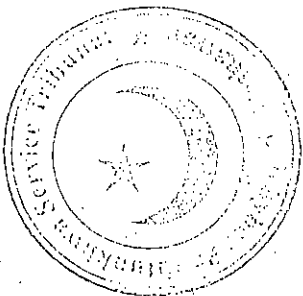
In light of order No.5/6209/2015 dated 22.12.2015, which was passed by the Provincial Police Officer Khyber Pakhtunkhwa about his compulsory retirement is itself a proof against the said constable that he is guilty of misconduct.

Secret sources told that the delinquent official was known for corruption, irregular contacts with seniors, by passing the immediate officers and also used approaches for his reinstatement into police department, thus the allegations partially proved against him please.

EO
(AQIQ HUSSAIN)
DSP/HQrs;BANNU

Appeal No. 14/2016

Date of Institution ... 05.01.2016
Date of Decision ... 26.10.2017



Noor Salam Khan son of Mir Salam Khan, Head Constable No. 295, P.S Miryan, Bannu. (Appellant)

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and 2 others. (Respondents)

For appellant ... MR. AMANULLAH MARWAT, Advocate

For respondents ... MR. MUHAMMAD JAN, Deputy District Attorney,

CHAIRMAN ... MR. NIAZ MUHAMMAD KHAN,
MEMBER ... MR. GUL ZEB KHAN,

JUDGMENT

Arguments of the ... NIAZ MUHAMMAD KHAN, CHAIRMAN.

learned counsel for the parties heard and record perused.

FACTS

2. The appellant was dismissed from service on 18.08.2015 against which he

filed departmental appeal on 26.08.2015. The departmental appeal was partially

accepted on 22.12.2015 and the penalty of dismissal was converted into major

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against the appellant within a period of 6 months. The issue of his back benefits

reinstated in service. The department is at liberty to hold a de novo enquiry

As a sequel to the above discussion, this appeal is accepted and the appellant

enquiry officer was bound to collect reliable evidence which he has failed to collect.

however, in view of the nature of the charges levelled against the appellant, the

On the basis of this appellate order, the present appeal deserves to be accepted

appellant and even then he was awarded major penalty of compulsory retirement

order of appellate authority itself peaks that no solid proof was available against the

Without deliberating in detail about the charges and proof, the impugned

CONCLUSION.

not record the statements of the witnesses in the circumstances of the case.

dismissal into compulsory retirement. That it was the enquiry officer to record

appellate authority had already taken a lenient view by converting major penalty

codal formalities were fulfilled before passing the order of dismissal. That the

On the other hand, the learned Deputy District Attorney argued that all the

record of the appellant and submitted his report.

statement of any witness. That the enquiry officer only relied upon the previous

passed by the appellate authority. That the enquiry officer did not record if

speaks about no proof against the appellant and despite that major penalty has been

3. The learned counsel for the appellant argued that the very appellate order

ARGUMENTS.

appeal against the appellate order on 05.01.2016.

penalty of compulsory retirement. The appellant then filed the present service

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ATTESTED
Enquiry Officer
[Signature]

[Handwritten mark]

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shall be subject to final outcome of fresh enquiry. Parties are left to bear their own costs. File be consigned to the record room.

Announced SD/- Niaz Muhammad Khan
26.10.2017 Chairman

SD/- Gulzeb Khan
Member

Certified
Khyber Pakhtunkhwa
Services Tribunal,
Peshawar

Date of Presentation of	30-10-2017
Number of Writs	1200
Copying Fee	8.00
Urgent	2.00
Total	10.00
Name of Copy	<u>[Signature]</u>
Date of Copy	30-10-2017
Date of Delivery of Copy	30-10-2017

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CHARGE SHEET

WHEREAS, I am satisfied that a formal inquiry as contemplated in the N.W.F.P. Police Rules, 1975 is necessary and expedient.

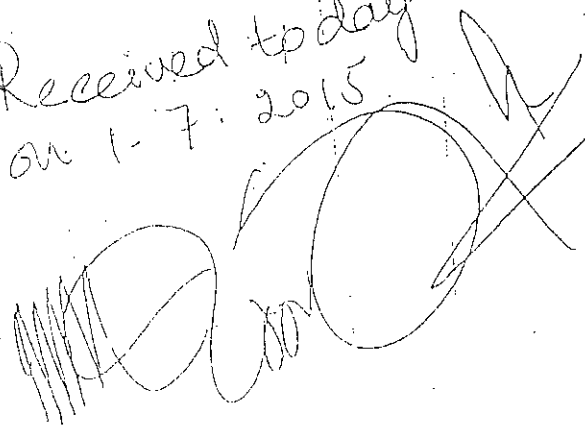
AND WHEREAS, I am of the view that the allegation, if established would call for a Major penalty as confined in Rules 4-1 (b) of the aforesaid Rules.

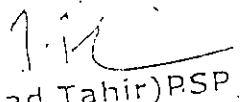
NOW THEREFORE, as required by Rule 6-1 (a) of the aforesaid Rules, I, Muhammad Tahir PSP, Regional Police Officer, Bannu Region, Bannu charge you Constable Noor Salam No.295 for misconduct on the basis of summary of allegations appended herewith.

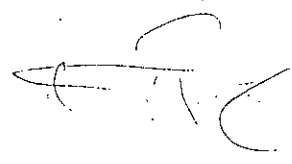
AND WHEREAS, I direct you further under the Rule (6-1) of the aforesaid rules to put in a written defense within 07 days of the receipt of this charge sheet as to why a Major punishment as defined in Rule 4-1 (b) should not be awarded to you. Also state at the same time whether you desire to be heard in person or not.

In case your reply is not received within the prescribed period without sufficient reasons it would be presumed that you have no defense to offer and an ex-parte action will be taken against you.

Received today
on 1-7-2015




(Muhammad Tahir) PSP
Regional Police Officer,
Bannu Region, Bannu.
4/29/6/15



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STATEMENT OF FACTS.

I, Muhammiad Tahir PSP, Regional Police Officer, Bannu Region, Bannu as competent authority, am of the opinion that Constable Noor Salam No. 295 has rendered himself liable to be proceeded against as he committed the following misconduct within the meaning of disciplinary rules-1975 (amendment vide NWFP Gazette 27th: January-1976)

SUMMARY OF ALLEGATION.

- That you Constable, Noor Salam No. 295 of Bannu District Police are supporting Car-lifting gangs/groups.
- That you are also involved in dealing of stolen-vehicles.
- That you are known for corruption.
- That you are asserting Political pressure for filing/dropping of departmental enquiry.
- Having relation with smugglers.

For the purpose of scrutinizing the conduct of the said accused w/r to the above allegations The Addl: Supdt: of Police, Bannu is appointed as Enquiry Officer.

The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc: and findings within 25-days after the receipt of this order.

The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

(Muhammad Tahir)PSP
Regional Police Officer,
Bannu Region, Bannu.

NO. 1514-16 /EC, dated: 29/6/2015
Copy to :-

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar for favour of information.
2. The District Police Officer, Bannu for information.
3. The Enquiry Officer.

(Muhammad Tahir)PSP
Regional Police Officer,
Bannu Region, Bannu.

29/6/15

TK

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Superintendent of Police, Bannu.

The Regional Police Officer,
Bannu Region, Bannu.

346 / 1 dated Bannu, the 31 / 7 / 2015.

DEPARTMENTAL ENQUIRY AGAINST NOOR SALAM NO. 295/FC:

Subject: Kindly refer to your office endst: No. 1514-16 dated 29.06.2015 on the subject noted above.

Following misconduct within the meaning of Police Rules amended vide NWFP Gazette 27th January 1976.

- > That he constable, Noor Salam No. 295 of Bannu District Police are supporting car lifting gangs/groups.
- > That he also involved in dealing of stolen vehicles.
- > That he is known for corruption.
- > That he asserting political pressure for filing/dropping of departmental enquiry.
- > That he has relation with smugglers.

The enquiry papers were marked to the undersigned via Regional Police Officer, Bannu Region, Bannu endst: No. 1514-16/EC dated 29.06.2015. On 01.07.2015, the undersigned served upon the charge sheet on the delinquent official as directed by Regional Police Officer, Bannu Region, Bannu vide his office Memo: No. 1517/EC dated 30.06.2015. On 07.07.2015, the delinquent official submitted his written reply in the response of charge sheet which has been placed on enquiry file. He denied the allegation in his written reply submitted by him in the response of charge sheet. In order to know the real facts the undersigned summoned the delinquent official and recorded his statement wherein he stated that his reply in the response of charge sheet may be considered his statement.

The undersigned perused his service record and it was found that the delinquent official while posted as I/C DSB staff Bannu was charge sheeted based upon the allegation as he supported wrongly DSB constable Pervez Khan who extended support to a notorious peddler Usman r/o Ghulam Kala Ghori Wala. The involvement of DSB staff unearthed when the accused named the constable of who got regular Bhatta in police name. Knowing all this, he (Noor Salam) tried his best to malign the SHO PS Ghori Wala. The then DPO Bannu strictly warned him (Noor Salam) to be careful in future and not to be indulge in such practice vide DPO Bannu OB No. 323 dated 18.03.2014 (copy enclosed as annex: A).

His service record further reveals that he while posted as I/C DSB staff Bannu was awarded major punishment of reduction from Officiating Rank of Head Constable to the Rank of time scale constable vide DPO Bannu OB No. 217 dated 09.03.2015 on the bases of the following charges (copy enclosed as annex: B).

45

1. That he while posted as I/C DSB allegedly involved in extracting money/illegal gratification from police officers, threatening them of negative reporting to high ups. against them.

2. That he was reportedly hand in gloves with anti social elements for taking weekly and monthly as illegal gratification.

3. That he reported indulgence in immoral activities further tarnished the image of the District Police and lead the undersigned (DPO Bannu) to belief that he has ceased to become a competent police officer.

4. That he was carrying bad reputation as per conduct rules he was supposed to be otherwise.

Secret probe was also made and it was found that the delinquent official has close relation with anti social elements/car lifting gangs/dealing of stolen vehicles. Secret sources further disclosed that the delinquent official is known for corruption and using political pressure for filing/dropping of departmental enquiries.

Keeping in view the above facts, perusal of his service record, sufficient evidence was found in his service record which is sufficient for declaring guilty him. It is therefore, concluded that the allegations leveled against the accused official are proved without any shadow of doubt hence recommended him for award of major punishment.

Report is submitted please.

ADDITIONAL SUPERINTENDENT OF POLICE,
BANNU

FC
3/03/15

3/2/15

FC

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POLICE DEPARTMENT.

BANNU REGION

ORDER.

My this order will dispose off the departmental proceedings initiated against Constable Noor Salam No.295 of Bannu District Police on committing the following omissions:-

- That he, Constable, Noor Salam No. 295 of Bannu District Police is supporting Car-lifting gangs/groups.
- That he is also involved in dealing of stolen-vehicles.
- That he is known for corruption.
- That he is asserting Political pressure for filing/dropping of departmental enquiry.
- That having relation with smugglers.

Add: SP/Bannu was appointed as Enquiry Officer to conduct proper departmental proceedings under Police Rules 1975. The E. O. conducted proper departmental proceedings into the matter and submitted his findings, wherein the said delinquent Police Constable has been declared guilty for the said allegations and has been recommended for Major punishment

The said delinquent Police Constable heard in person in orderly room on 18.8.2015 by the undersigned to finally show cause in his defense but he badly failed to rebut the said allegations.

I, Muhammad Tahir PSP, Regional Police Officer, Bannu Region, Bannu in exercise of the powers vested in me, after thoroughly hearing the appellant in orderly room, am agree with the findings of the Enquiry Officer. Therefore, Major punishment of dismissal from service under Police Rules 1975 is hereby ordered with immediate effect.

of

(Muhammad Tahir)PSP
Regional Police Officer,
Bannu Region, Bannu.

No. 1794 /EC, dated. 18/08/2015. 18/8/15

Copy to the District Police Officer, Bannu for information and n/action.

7.9

(Muhammad Tahir)PSP
Regional Police Officer,
Bannu Region, Bannu.

18/8/15

←



47

TO 189259278075070

P. 07/15

6/11/15

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA

Central Police Office, Peshawar

No. SI/6209/15, Dated Peshawar the 22/12/2015

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-a of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Noor Salam No. 295. The appellant was awarded punishment of dismissal from service by the RPO/Bannu vide OB No. 1794 dated 18/08/2015, on the charges that he supported car-lifting gangs/groups, involved in dealing of stolen vehicles, knows for corruption, he asserted political pressure for filing/dropping of departmental enquiry and also having relation with smugglers.

The Review Petition Board meeting was held on 26/11/2015, wherein the appellant heard in person the enquiry papers were also examined in detailed. The charges of corruption and involvement in Anti social activities have been leveled against the appellant while no solid evidence has been collected in support of the charges leveled against appellant. Furthermore, he was a Constable therefore, his involvement in corruption and corrupt practices with support of the supervisory officers does not appeal to prudent mind. In view of his length of service the board recommends that the major penalty of dismissal from service may be commuted into major penalty of compulsory retirement from service.

This order is approved by the Competent Authority.

Najeeb

(NAJEEB-UR-RAHMAN BUCVI)
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

22-12-15

Copy of the above is forwarded to the:

1. Regional Police Officer, Bannu.
2. District Police Officer, Bannu.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PRO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
5. PA to Adtl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. PA to AIG/Establishment CPO, Peshawar.
8. Office Supdt: E-IV CPO Peshawar.
9. Central Registrar, CPO.

[Signature]

BEFORE THE HONOURABLE KHYBER PAKHTUNKHW

RIBUNAL

PESHAWAR

Appeal No. /2018

Noor Salam Khan s/o Mir Salam Khan Constable No.295,

Police Line Bannu,

.....

Appellant

Versus

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar,
2. Deputy Inspector General of Police, Bannu Region, Bannu.
3. The District Police Officer, Bannu

.....

Respondents

PARA WISE COMMENTS/REPLY ON BEHALF OF RESPONDENTS NO.1,2 & 3.

Preliminary Objections

1. That the appeal of the appellant is badly time-barred.
2. That the appeal is not maintainable in its present form.
3. That the appellant has concealed the actual facts from this Honorable Tribunal.
4. That the appeal is bad in law due to mis-joinder and non-joinder of necessary parties.
5. That the appellant has approached the Honourable Tribunal with unclean hands.
6. That the appellant has got no cause of action and locus-standi to file the instant appeal.
7. That the appellant has been estopped by his own conduct.

OBJECTIONS ON FACTS:

Respectfully Sheweth

1. Correct to the extent that appellant was appointed as Constable in 1995 while rest of the para is incorrect. The services of the appellant were found unsatisfactory during the year 2015.
2. Incorrect. The appellant was awarded promotion subject to fitness cum seniority. Reportedly, when the applicant posted as in-charge DSB, Bannu was found involved in extracting money/ illegal gratification from police officers, threatening them of negative reporting to high ups against them and hand in gloves with anti-social elements and immoral activities.
3. Incorrect. While posted as in-charge district Security Branch, his performance was found unsatisfactory. A lot of police officers verbally made complaints to the superior officers against his wrong reporting of police officers.
4. Correct to the extent that the appellant was charge sheeted and Addl: SP Bannu was appointed as Inquiry Officer under police Rules 1975 to probe into the matter. The Inquiry officer conducted proper departmental inquiry and submitted his

findings, wherein the delinquent police official (appellant) has been declared guilty for the allegations leveled against him and was recommended for major punishment. The Respondent No.2 awarded him (appellant) major punishment of dismissal from service after proper hearing in orderly room held on 18.08.2015. While rest of the para pertains to record.

5. Pertains to record. Hence, needs no comments.
6. Pertains to record. Hence, needs no comments.
7. Correct to the extent that the reply of the appellant was found unsatisfactory.
8. Correct to extent that reply of the appellant was found unsatisfactory and badly failed to substantiate his innocence.
9. Pertains to record. Hence needs, no comments.
10. The impugned orders issued by high ups are quite legal according to law/ rules.
11. Pertains to record. Hence needs, no comments.
12. Pertains to record. Hence needs, no comments.

The respondent department also submit their reply on the following grounds.


OBJECTIONS ON GROUNDS

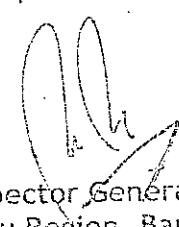
- A. Incorrect. The order of the Respondents No.1, 2 & 3 are based on facts and in accordance with law/rules.
- B. Incorrect. The sensitive nature allegations against the appellant was received to the Respondents so therefore show-cause notice was issued. The reply of the appellant was found unfooting and punished accordingly. The appellant filed an appeal before the Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar which was decided with the directions to the Respondents to hold de novo inquiry against the appellant. After conducting proper de-novo inquiry and providing all opportunities to the appellant but he badly failed to prove himself innocent.
- C. Incorrect, all codal formalities were adopted and opportunities of defense and personal hearing has also been provided to the appellant but he failed to rebut the allegations. The punishment awarded to the appellant are quite legal and as per merit and the Respondent Department did not violate any basic principles of natural justice.
- D. Incorrect. The appellant was treated according to law/rules. The allegations leveled against the appellant was proved during inquiry proceedings.
- E. Incorrect. The inquiry officer conducted impartial inquiry, did not violate any kind of law/ rules.
- F. Incorrect. No statement of the witnesses were in favour of the appellant.
- G. Incorrect. During the de-novo inquiry proceedings, the allegations were proved without any shadow of doubt.
- H. Incorrect. Reply has already been given in the above para.
- I. Pertains to record. Hence, needs no comments.


- J. Correct to the extent that the appellant was assigned the duty of collecting information about police officials. Furthermore, the basic duty is of the DSB is to provide information to the high ups about any illegality, immorality, narcotics peddling, POs etc. in the jurisdiction of district Bannu but he was indulged to convey wrong reporting to the high ups about the police officials.
- K. Incorrect. The order of the Respondents Department is legal and in accordance with law/rules.
- L. The Respondents department may kindly be allowed to advance any other grounds & material as evidence at the time of arguments.

PRAYER:

In view of the above replies, it is most humbly prayed that the appeal of the appellant may kindly be dismissed with cost please.


District Police Officer,
Bannu
(Respondent No.3)


Deputy Inspector General of Police,
Bannu Region, Bannu
(Respondent No.2)


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

بحوالہ چارج شیٹ ڈسٹری آف ایلیمنٹیشن نمبر 1784/EC Date: 18-06-2017 سرفٹ میں۔

کہ سال 1995ء میں بطور کنسٹیبل ریگولر پولیس میں بھرتی ہوا ہوں۔ کامیابی سے ریگولر کورس پاس کرنے کے بعد لوڈ گا س کورس اور انٹرمیڈیٹ کورس بھی پاس کر چکا ہوں اور سال 2007ء بطور ہیڈ کنسٹیبل ترقی ہوا ہوں۔ اپنی سروس کے دوران جہاں کہیں بھی پوسٹ کیا گیا ہوں میں نے اپنا دیوتی انتہائی دیانتداری اور محنت سے کی ہے۔ مجھے سروس کے دوران اس سے پہلے کبھی سزا نہیں ہوئی ہے۔ میرا اہمال نامہ سالانہ اور تھراپے اور ہر سال انتہائی کارکردگی اور دیانتداری کی وجہ سے ضلعی DSB کا ایوارڈ تمیغات کیا گیا تھا۔

1۔ الزامات میں سے پہلا الزام یہ ہے کہ میں کارکنز گروہوں سے سیکل ملاپ رکھتا ہوں۔ اس الزام میں کوئی صداقت نہیں ہے۔ مذہبی کنگھی میں سرورڈ گاڑی کے ساتھ گرفتار ہوا ہوں اور مذہبی کنگھی کس مفرد یا سگنل پر گاڑی ہوا ہوں اور نہ ہی میرے خلاف عوام کی طرف سے کوئی ایسی شکایت کی گئی ہے اور نہ ہی کسی ملزم نے میرے خلاف افکار و گیشن کے دوران استخفاف کیا ہے۔ اگر میرے خلاف اس الزام کی کوئی شہادت ہے یہ تھی تو اس کا چارج ٹیٹ میں خوالہ نہیں دیا گیا ہے۔ جس سے پراخذا ہوتا ہے کہ یہ الزام کسی سٹانی شہادت پر مبنی ہے اور بے بنیاد ہے۔

2۔ الزام نمبر 2 میں کہا گیا ہے کہ میں چوری کی گاڑیوں کا کاروبار کر رہا ہوں۔ یہ کبھی درست نہیں۔ اس الزام پر الزام نمبر 1 میں تقریباً آچکا ہے۔ مجھ سے مذکورہ کبھی چوری کی گاڑی برآمد ہوئی ہے اور نہ ہی کبھی اس چارج شیٹ سے قبل ایڈر اس لائٹس جاری کیا گیا ہے۔ اور نہ ہی میرے سروس ریکارڈ میں کوئی ایسی ہسٹری موجود ہے جس سے الزام کو تقویت ملے۔ اور نہ ہی نوعیت کے کسی مقدمہ میں گرفتار ہوا ہوں۔ اسلئے یہ الزام بے بنیاد ہے۔ اگر اتھارٹی کے پاس اس الزام کے بارے میں کوئی زبانی یا دستاویزی شہادت موجود تھی تو اس کو چارج شیٹ میں درج نہیں کیا گیا۔ اس لئے اس الزام میں بے تصور ہوں۔

3۔ تیسرا الزام یہ ہے کہ میری شہرت کمیشن کی ہے۔ لیکن کبھی کبھی کمیشن کے مقدمہ میں گرفتار ہوا ہوں لیکن اس سے قبل کمیشن کے بارے میں کوئی انکوائری ہوئی ہے۔ ان میں ان کی کمیشن ٹکنے اور انکوائری کیا ہے۔ میرے خلاف کمیشن کے عوام میں سے کوئی مذہبی نہیں ہے اور نہ ہی کسی پولیس آفسر نے رشوت سٹانی ٹکنے کے بارے میں شکایت کی ہے۔ اس لئے اس الزام میں کوئی حقیقت نہیں ہے اور سنی سٹانی شہادت پر مبنی ہے۔ اگر میرے خلاف کوئی ایسی انکوائری وغیرہ بھی طریقہ سے ہوئی ہے۔ لیکن اس کا کوئی اثر الزام نہیں کیا ہے۔ اس لئے یہ الزام بھی بے بنیاد ہے۔

4۔ جہاں تک چارج شیٹ 1514/EC مورخہ 29-06-2015 کا تعلق ہے۔ تو چارج شیٹ مورخہ 29-06-2015 کو ایڈر ہوا تھا۔ اور مجھے مورخہ 01-07-2015 کو موصول ہوا تھا۔ جس میں سیاسی رہا دار پر ایڈر کیا گیا ہے۔ گڈ پارٹیشنل انکوائری ٹائل کی جانے تو یہ انتہائی سوج اور غور کرنے کی بات ہے کہ کتنے

Seen
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چارج شیٹ ملائی نہ تھا تو میں نے اثر رسوخ کسی طرح استعمال کیا تھا۔ اور نہ ہی چارج شیٹ کی سفارش کی ہے۔ سفارش اور سیاسی اثر رسوخ کی بات کو اس وقت ختم ہوئی۔ جب تک کہ بری جوائن سرویس ٹریبیونل کے فیصلہ کے بعد نیا چارج شیٹ الٹو ہوا ہے۔ تو اس چارج شیٹ کے چارج شیٹ کو روکا ہے۔ دفتر کے فائلوں نے پرانی چارج شیٹ کو کال کر صرف تاریخ کو ہی بری کر کے اس کے جسے کوئی جوڈیشن بنا ہے۔

20/11/17

5۔ جہاں تک الزام نمبر 4 کا تعلق ہے۔ تو میرا کسی سیکرٹری کے تعلق نہیں ہے۔ اس کے خلاف میں نے قانونی طور پر شکایتیں آنسر ان ہالاکو کی تھی کہ اس کو تہریں کیا جائے۔ میرے مفادات تبدیل ہو چکا ہے۔ اور یہ کنسٹیبل عمران محمد سے خفا ہو گیا تھا۔ اور یہ سزا اور گرفتار ہوا ہے۔ اس کے تعلق سے کوئی تعلق نہیں تھا اس پر اس سے کافی حوصلہ ہو چکا ہے۔ کہ اسے مغرب پر اس طرف کا تعلق ہے۔ ایک جرم میں ایک پولیس آفسر سزا ہو جائے تو دوسرا اس الزام میں سزا نہیں دی جاسکتی ہے۔ اس میں جو الزامات لگائے گئے ہیں۔ اس سے ملنے جلتے الزامات جسے کوئی انکو تہریں نہیں ہوئی ہے۔ اس کے DPO نے مورخہ 10-03-2015 کو Revert کر کے انہیں سبلی کنسٹیبل بنا دیا ہے۔

6۔ سرویس ٹریبیونل پشاور اپنے فیصلہ مورخہ 26-10-2017 میں صاف طور پر views میرے خلاف الزامات کے بارے میں کوئی ٹھوس ثبوت اور شہادت دیکھا اور پھر یہ ہو گیا ہے۔

7۔ اس لئے استدعا ہے کہ میرے چارج شیٹ دائل دفتر فرمایا جاوے۔ اور نئے ڈاکیومنٹس جمع کروائے اور باقاعدہ ٹیکہ ان گولڈن پر جمع کرنے کا قانونی طور پر سٹیج فراہم کیا جائے۔ اس میں ہوں۔ میرے صفائی ریکارڈ پر لائی جاوے۔ اور آنسر ان ہالاکو کی طرف سے یہ الزام اور اس کے خلاف الزامات ہے۔

20/11/17

20/11/17

امام رضا
20/11/17

سوال نمبر 80086608-331

جائیدگی

پارہی بیگ ہے جو میل اور بیگ
شہر کے جواب سے دلچسپی
اگر وہ اس کے دفتر میں داخل ہو کر

دیکھ لے بیگ کے بارے میں
میں کوئی شہادت کی کارڈ پر
کوئی دیکھ لے بیگ کے بارے میں
اور اس کے بارے میں

سروس کے بارے میں
Engage کیا سروس کے بارے میں

نہا کے بارے میں
دوسرے بارے میں
میں نے دیکھ لے بیگ کے بارے میں

بیگ کے بارے میں
میں نے دیکھ لے بیگ کے بارے میں

میں نے دیکھ لے بیگ کے بارے میں

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بیان برائے فقیر عثمان ولد فقیر غلام شاہی
 عمر 7-6599-341-11101 فوہیشن نمبر 5252952-93200-2300
 غلام شکیل قتل کیس نمبر فورویو ایس آر 1000
 حوالہ درجہ 1000
 ڈیڑھ بجے ہے کہ تمام فورویو ایس آر 1000
 تمام 2 گنا ہے
 یا یہی دیکھ لوں گے میں نے فورویو ایس آر
 اور تمام فورویو ایس آر 1000
 یہی ہے بیان ہے جو دست ہے

غلام شاہی

فقیر عثمان
 18-12-97

38/44
 18-12-97

M. J. Khan
 150

سابقہ ایجنسی (DSB) کے ساتھ میرا کوئی تعلق نہیں رہا، البتہ کہیں کہیں
 کے ساتھ کالج کے رہا۔ ایجنسی (DSB) کے ساتھ جو آپ نے کالج
 کے ساتھ اور نہ سمجھوں کہ ساتھ تعلق کتنا تھا البتہ اس وقت کے
 اور بھاری میں کبھی تک نہیں تھا کہوں اس نے دلچسپی و محنت اور
 کو دلچسپی اور محنت میں کو تاہم تعلق البتہ دلچسپی و محنت اور
 اس سے ناراض تھے۔
 محکمہ میں تشریف لائے ہیں اور پتہ بخور ہو گا۔
 10 سندھ 17

عمران خان ولد عبدالرشید
 کوہستان، کوہستان، کوہستان
 17-12-2015

(Handwritten signature)

جنا جاتی!

میں سابق کانٹریبل عمران خان پر وہاں گاؤں کے لوگوں نے
چھوڑ کر درجنات سہراؤں درود قہار گاؤں میں لپکتی ہوئی
میں صرف 7/5 کا بھرتی ہوا اور مختلف مقامات پر لڑائی
DFC دھتکا ہوا۔

Noted
DF

میں لپکتے ہوئے DSB سٹاف کو مئی 2014 میں لڑائی
میری ٹرانسفر کی سزا سننا۔ سابق سربراہ وزیر اعلیٰ
و فاروقی وزیر اعلیٰ تھے۔ اس وقت DPO تھا۔
صاف کہہ سکتے ہیں کہ DSB میں حلقوں کا تو اس وقت
DSB لڑا۔ اس وقت میں لڑا۔ اس وقت میں لڑا۔
DSB مذکورہ بالا قدر لڑا۔ اس وقت میں لڑا۔
تسلیں اس وقت DSB میں لڑا۔ اس وقت میں لڑا۔
تو اس وقت DPO عبد الرشید صاحب تھا۔ میں سابق
مہ جانا تھا۔ اس میں لڑا۔ اس وقت میں لڑا۔
کو لڑا۔ اس وقت میں لڑا۔ اس وقت میں لڑا۔
اشراف علی کوٹہ کے سابق نائب گورنر تھے۔ اس وقت میں لڑا۔
قریبوں کا بھی لڑا۔ اس وقت میں لڑا۔

رہا اور سابق کانٹریبل کے دربار میں کانٹریبل کے
میں لڑا۔ اس وقت میں لڑا۔ اس وقت میں لڑا۔
اس وقت میں لڑا۔ اس وقت میں لڑا۔ اس وقت میں لڑا۔
فکس 2 3/4 میں لڑا۔ اس وقت میں لڑا۔ اس وقت میں لڑا۔
اس وقت میں لڑا۔ اس وقت میں لڑا۔ اس وقت میں لڑا۔
اس وقت میں لڑا۔ اس وقت میں لڑا۔ اس وقت میں لڑا۔

میں جیٹو ہائیڈرو پاور پلانٹ کے لئے زمین کی
اور جیٹو ہائیڈرو پاور پلانٹ کے لئے زمین کی
اور جیٹو ہائیڈرو پاور پلانٹ کے لئے زمین کی
اور جیٹو ہائیڈرو پاور پلانٹ کے لئے زمین کی
اور جیٹو ہائیڈرو پاور پلانٹ کے لئے زمین کی
اور جیٹو ہائیڈرو پاور پلانٹ کے لئے زمین کی

ذریعہ
525
0331-5475095

Attested
EO

36-36
بے پرواہی و غیرت کے لئے
1947

112 - Police Line
1947-1948

1947-1948

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Amended Service Appeal No. _____/2018

Noor Salam Khan.....Appellant

VERSUS

Inspector General of Police & others.....Respondents

I N D E X

S.No	Description of Documents	Annexure	Pages
1.	Service Appeal		1-9
2.	Affidavit		10
3.	Addresses of Parties		11
4.	Copy of impugned order dated 31.07.2018	A	12
5.	Copy of departmental Appeal	B	13-16
6.	Wakalat Nama		

Appellant

Through


AMAN ULLAH MARWAT
Advocate, Peshawar

Date: 30.08.2018

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Amended Service Appeal No. _____/2018

Noor Salam Khan S/o Mir Salam Khan Constable
 No. 295 Police Line Bannu

.....Appellant

VERSUS

1. Inspector General of Police near Civil
 Secretariat, Khyber Pakhtunkhwa Peshawar
2. Deputy inspector General of Police Bannu
 Region Police line Bannu.
3. District Police officer, Police Line Bannu

.....Respondents

SERVICE APPEAL U/S 4 OF
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974, AGAINST
THE ORDER DATED 31/07/2018
PASSED BY RESPONDENT NO. 1,
WHEREBY DEPARTMENTAL
APPEAL FILED AGAINST THE
DISMISSAL ORDER DATED
27/02/2018 WHICH WAS UPHELD

BY RESPONDENT NO 2 VIDE
ORDER DATED 16.05.2018 WAS
PARTIALLY ALLOWED BY
CONVERTING DISMISSAL INTO
COMPULSORY RETIREMENT
FROM SERVICE.

Prayer:-

On acceptance of the appeal, the orders dated 31/07/2018, 16/05/2018 & 27/02/2018, passed by respondent No. 1, 2 & 3 respectively may please be set aside and the appellant be reinstated in to service with all bank benefits.

Respectfully Sheweth:-

1. That the appellant was appointed as a constable in 1995 since then, he was performing his duties to the entire satisfaction of the superiors.

2. That keeping in view his performance, appellant was promoted at constable during his service on 22/07/2007 vide service book reference No. 543 he carried out successful operation in which dozen proclaimed offenders were arrested, as a result of which he was awarded cash prizes by superiors. Details of which are annexed with appeal.
3. That it is pertinent to mention here that he was also assigned important task to provide spy information about terrorist activities & due to his information, network of the terrorist activities were traced out and was destroyed. Moreover he was also assigned a task to watch activities of police officials and was providing the same information to the superior, as a result of which, a member of police officials were annoyed from him & started conspiracy against the appellant by marking verbal compliant to respondents.
4. That appellant was charged sheeted by respondent No. 2 and thereafter so called inquiry was conducted against him. After so called inquiry he was dismissed from service by respondent No. 2 vide order dated 18/08/2015. which was challenged by the

appellant before respondent No. 1 where his appeal was partially accepted and, a removal order was converted into compulsory retirement vide order dated 22/12/2015.

5. That against the impugned order dated 22/12/2015 appellant filed appeal before Hon'ble Service tribunal bearing Appeal No. 14/2016. which was allowed and was directed to respondent to reinstate the appellant with the liberty to hold de'nove inquiry for the charges leveled against him.

6. That in the light of order of service tribunal appellant was reinstated in service and de'nove inquiry was ordered to be initiated against him.

7. That appellant was again charged sheeted by respondent No. 3 on the grounds mentioned therein on 15/11/2017 which was replied by him.

8. That after so called inquiry, the respondent issued final show cause notice to the appellant on 16/02/2018 which was also replied by him on 26/02/2018.

9. That after so called inquiry the respondent No. 3 dismissed the appellant from service on

27/02/2018. Against such order, he filed departmental appeal on 22/03/2018 before respondents No. 2. which was dismissed by him vide order dated 16/05/2018.

10. That feeling aggrieved from the orders dated 16/05/2018, Appellant challenged the same before Respondent no 1 which was partially allowed and dismissal order was converted into compulsory retirement from service vide order dated 31.07.2018.

11. That before passing of order dated 31.07.2018 Appellant filed service appeal before this Hon'ble Tribunal which was noticed to the Respondents. During the pendency of appeal Respondent has issued impugned order dated 31.07.2018, hence amended appeal.

12. That feeling aggrieved from the order dated 31.07.2018, Appellant assails the same before this Hon'ble Tribunal, inter alia on the following grounds.

GROUND S:-

A. That the impugned orders dated 31.07.2048, 16/05/2018 and 27/02/2018 passed by respondent No. 1, 2 & 3 respectively are

against law, facts and record of the case. Hence untenable.

- B. That the allegation of general nature have been leveled against the appellant and no specific incident had been referred neither in the first charge sheet nor 2nd charge in de'nove inquiry, thus findings of the respondents are based on assumption and presumption which are liable to be set aside.
- C. That the appellant was not provided an opportunity of being heard neither in 1st inquiry nor in 2nd de'nove inquiry. So he was condemned unheard, therefore action of the respondent are violation of principle of natural justice.
- D. That it is settled principle of law when any allegation is leveled against the accused. The person who alleges the allegation will prove the same but in case in hand allegation leveled against the appellant have not been proved. Rather respondent have shifted the burden to the appellant by observing in the impugned order, that appellant failed to prove his innocence. So the order passed by the

respondents are against settled principle of law which deserve to be set aside.

E. That so called inquiry has been conducted against the appellant in shape of question and answer such a mode of inquiry is against the law and procedure and has been deprecated by the supreme court in various judgments. So on the basis of such mode of inquiry the appellant cannot be given such a major of penalty i.e. removal from service and compulsory retirement from service. On this score alone the order passed by the respondents are not sustainable in the eye of law.

F. That statement recorded by the witnesses in the inquiry deposed in favour of the appellant so the respondents have also ignored this aspect of the case and passed the orders totally against the record of the case.

G. That in de'nove inquiry the respondent was provided the opportunity by this Hon'ble court to prove the allegation leveled against the appellant but in inquiry, inquiry officers failed to collect any incriminating material against the appellant so the inquiry officer recorded his findings on the basis of assumptions,

presumptions. On this presumptive inquiry report, the appellant can neither be dismissed nor compulsory retired from service.

H. That no one has produced in support of allegation leveled against Appellant nor has any specific incident been referred against Appellant. Moreover the order passed by the Respondent No 1 is self-contradictory on one side it is stated in the impugned order that no evidence has been available in support of charges but on the other hand he was imposed major penalty i.e compulsory retirement, so such punishment is based on assumptions and presumptions and is liable to be set aside.

I. That appellant remained out of service since long and is not engaged in any profit oriented activity so he is entitled for all back benefits.

J. That applicant was assigned to watch the activities of the police officials due to which a number of police officials have been annoyed against him. So action of respondent by dismissing the applicant from service is based on malafide. On one side petitioner efforts are being appreciated on the other side appellant was dismissed from service.



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. SI 3165 /18, dated Peshawar the 31/10/2018.

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Service Rule-1975 submitted by Ex-Constable Noor Salam No. 295. The petitioner was dismissed from service by I/O, Bannu vide order Endst: No. 1794/EC, dated 18.08.2015 on the following allegations:

- (i) He was supporting car-lifting gangs/groups.
- (ii) That he was also involved in dealing of stolen vehicles.
- (iii) That he was known for corruption.
- (iv) That he was asserting political pressure for filing/dropping of departmental enquiry.
- (v) That he had relation with smugglers.

He preferred appeal in CPO which was discussed in the Appellate Board meeting dated 26.11.2015 and by order of dismissal from service was converted into compulsory retirement from service vide CPO order No. 1350/15, dated 22.12.2015.

The appellant approached Khyber Pakhtunkhwa Service Tribunal Peshawar vide service appeal No. 2416. KP Service Tribunal Peshawar vide judgment dated 26.10.2017 re-instated the appellant, however, the appellant was given liberty to hold a de-novo inquiry against the appellant within a period of 06 months and the issue of back benefit was ordered to be subjected to final outcome of the fresh inquiry.

In the light of decision of Service Tribunal, de-novo inquiry was initiated against him and he was again dismissed from service and out of service period i.e. from the date of dismissal till re-instatement is treated as without effect vide I/O/Bannu order dated 27.02.2018.

This appeal was rejected by Regional Police Officer, Bannu vide order Endst: No. 1375/EC, dated 07.07.2018.

Meeting of Appellate Board was held on 19.07.2018 wherein petitioner was heard in person. During the meeting petitioner contended that the allegations leveled against him are baseless.

Inquiry papers were examined in detail. Charges of corruption and involvement in anti-social activities were leveled against the petitioner while no solid evidence has been collected in support of the charges leveled against the petitioner. Furthermore, he was a constable therefore, his involvement in corruption and corrupt practices in support of the supervisory officers does not appeal to prudent mind.

There is long service of 21 years, 10 months and 22 days at the credit of petitioner, therefore, in view of long service the Board decided that the major penalty of dismissal from service is hereby converted into major compulsory retirement from service.

This order is issued with the approval by the Competent Authority.

(IRFAN ULLAH KHAN)
Assistant Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

3166-72 /18.

Copy of the above is forwarded to the:

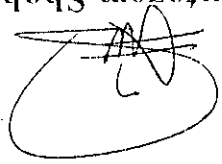
1. Regional Police Officer, Bannu. Service Roll (01) alongwith Fauji Missal including the subject inquiry file (250 pages) of the above named Ex-Constable received vide your office Memo: No. 1763/EC, dated 09.07.2018 is returned herewith for your office record.
2. District Police Officer, Bannu.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: B-IV CPO Peshawar.

Sir,

Court File of Service Appeal No.786/2018 titled Noor Salam Khan Vs. Police Department was missing in which the judgment was composed. After getting approval and order of the Hon'ble Chairman, copy of the titled appeal was collected from the office of the District Attorney and judgment already saved in official Computer, was printed out and the whole file was reconstructed. Judgment was signed by the Hon'ble Chairman and Hon'ble Member (Judicial) and is now ready for further proceedings/issuance to the parties.

Dated: 30.07.2021

(Mutazem Shah)
Sr. Scale Stenographer



Registrar

- 50,
1. PUC's are applications submitted by Mr. Mutazim Shah, Sr. Scale Stenographer and Mr. Pir Muhamamd, Assistant dated 14/07/2021 and 28/07/2021 respectively, wherein they have stated that the following files/service appeals are missing and requested for their reconstruction.

Sr. No.	Service Appeal No.	Title	Department	Last Date	Next Date	Status/Stage
1	786/2018	Noor Salam Khan	Police	09-06-2021	-----	Judgment composed
2	3317/2020	Nusrat Jehan	Education	25-06-2021	01-07-2021	Arguments
3	601/2018	Imranullah	Police	14-07-2021		Arguments

2. If approved, this office may be allowed to reconstruct the said files.
3. Submitted for perusal and appropriate orders, please.

Registrar
28/7/2021

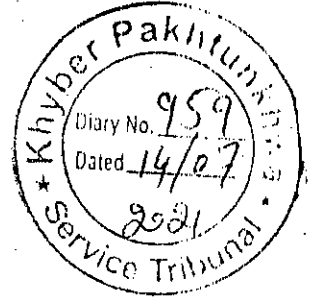
4. Worthy Registrar

Para 2/N is approved, please.

29/7/2021

To,

The Worthy Chairman,
Khyber Pakhtunkhwa
Service Tribunal Peshawar.



Subject: APPLICATION RECONSTRUCTION OF FILE.

Sir,

With due respect it is stated that an appeal bearing No.786/2018 titled Noor Salam Khan Vs. Police, was decided by this Tribunal on 09.06.2021. Judgment was composed (copy annexed with the application) and was sent for signatures but later on, the case file remained untraced. File was searched out a lot but to no avail and still the same is missing.

It is, therefore, humbly requested that the office may be directed to reconstruct the case file and obliged.

Dated: 14.07.2021

(Mutazem Shah)
Sr. Scale Stenographer



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 1720 /ST

Dated: 01/09 /2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

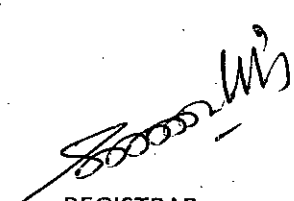
To

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

Subject: JUDGMENT IN APPEAL NO. 786/2018, MR. NOOR SALAM KHAN.

I am directed to forward herewith a certified copy of Judgement dated 09.06.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

