

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

Service Appeal No. 789/2018

Date of Institution ... 11.06.2018

Date of Decision ... 21.08.2019

Aurangzeb Khan, Assistant Sub Inspector No.125/H, District Abbottabad.
... (Appellant)

VERSUS

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

MR. ASLAM KHAN TANOLI,
Advocate

--- For appellant.

MR. MUHAMMAD BILAL,
Deputy District Attorney

--- For respondents

MR. AHMAD HASSAN
MR. MUHAMMAD HAMID MUGHAL

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

JUDGMENT

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

ARGUMENTS.

2. Learned counsel for the appellant argued that he was held guilty of conducting poor investigation in case FIR no. 17.06.2017 under Section-365-B/496-A and was subjected to departmental proceedings. After winding up of the process major penalty of reversion from the rank of Sub-Inspector to Assistant Sub-Inspector was imposed on him vide impugned order dated 19.02.2018. Feeling aggrieved, he filed departmental appeal on 12.03.2018, which was regretted vide order dated 14.05.2018, hence, the present service appeal. Enquiry was not conducted in the mode and manner prescribed in Police Rules-1975. Statements of

the concerned were neither recorded nor opportunity of cross examination was afforded to him through a show cause notice was served on the appellant but copy of enquiry report was not provided to him which was a serious illegality and a sufficient cause for declaring the entire process as nullity in the eyes of law.

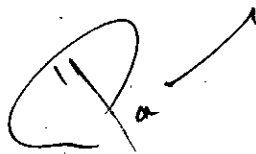
3. Learned Deputy District Attorney argued that as an Investigation Officer, the appellant failed to discharge duty in accordance with the spirit of the laid down procedure thus showed culpable negligence. Departmental proceedings were initiated against the appellant and thereafter, major penalty was imposed on him after observance of all codal formalities.

CONCLUSION

4. In the present service appeal, the appellant was held guilty of not conducting proper investigation in case FIR no. 17.06.2017 under Section-365-B/496-A and also failed to record statements under Section 164 CrPC of the abductee. It amply proved inefficiency and lack of interest in official work on his part. Departmental proceedings were initiated against him by serving charge sheet and statement of allegation to which he replied. Defense offered by the appellant was not taken into consideration by the enquiry officer. In his written statement he had referred to the directions of the superiors which were followed by during investigation. The enquiry officer was duty bound to have ascertained the veracity of the statement of the appellant by recording statements of the concerned including the then S.P Investigation (Mr. Sajid Khan). It is also quite strange that statements of the abductee was not recorded by the enquiry officers which made the enquiry report inconclusive, defective and against the established procedure laid down in Police Rules 1975. He failed to give his findings whether recording of statement of

abductee in such cases under Section-164 CrPC was mandatory or otherwise? Moreover, show cause notice was served on the appellant but copy of the enquiry report was not appended with the same which was a gross illegality and a sufficient cause to render the entire proceedings as nullity in the eyes of law. By not providing a copy of enquiry report, the appellant was deprived of his fundamental right of due process and fair trial. The deficiencies/discrepancies pointed out above necessitated holding of de-novo enquiry strictly in accordance with the procedure laid down in the Police Rules 1975.

5. As a sequel to above, the appeal is accepted, impugned orders dated 19.02.2018 and 14.05.2018 are set aside and the appellant is reinstated in service. The respondents are directed to conduct de-novo enquiry strictly in accordance with law and rules. Parties are left to bear their own costs. File be consigned to the record room.



(MUHAMMAD HAMID MUGHAL)
Member



(AHMAD HASSAN)
Member
Camp Court Abbottabad.

ANNOUNCED
21.08.2019

Order

21.08.2019

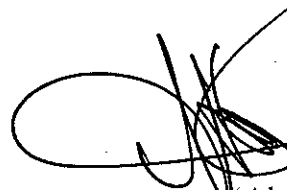
Appellant with counsel and Mr. Muhammad Bilal, Deputy District Attorney alongwith Mr. Shamriaz Khan, ASI for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, the appeal is accepted, impugned orders dated 19.02.2018 and 14.05.2018 are set aside and the appellant is reinstated in service. The respondents are directed to conduct de-novo enquiry strictly in accordance with law and rules. Parties are left to bear their own cost. File be consigned to the record room.

Announced:
21.08.2019



(Muhammad Hamid Mughal)
Member




(Ahmad Hassan)
Member
Camp Court Abbottabad

Service Appeal No. 789/2018


20.02.2019

Clerk of counsel for the appellant present. Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Shamrez Khan, ASI for the respondents present. Written reply on behalf of respondents not submitted. Learned Deputy District Attorney requested for further adjournment. Adjourned. To come up for written reply/comments on 18.04.219 before S.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad


18.04.2019

Clerk to counsel for the appellant present. Mr. Muhammad Bilal, DDA alongwith Mr. Shamriaz Khan, ASI for respondents present. Written reply/comments not submitted. Requested for adjournment. Adjourned but as a last chance. Case to come up for written reply/comments on 20.06.2019 before S.B at camp court Abbottabad.


(Ahmad Hassan)
Member
Camp Court A/Abad

20.06.2019

Counsel for the appellant and Mr. Muhammad Bilal, DDA alongwith Mr. Shamriaz Khan, ASI for respondents present. Written reply on behalf of the respondents submitted which is placed on file. Case to come up for rejoinder and arguments on 21.08.2019 before D.B at camp court Abbottabad.



(Ahmad Hassan)
Member
Camp Court A/Abad

18.10.2018

Counsel for the appellant Aurangzeb Khan present. Preliminary arguments heard. It was contended by the learned counsel for the appellant that the appellant was serving in Police Department as Sub-Inspector and he was deputed investigation officer in case FIR No. 367 dated 07.06.2017 under sections 365-B/469-A/406/496-B Havelian. It was further contended that later on he was imposed major penalty of reduction in rank from the post of Sub-Inspector to the rank of Assistant Sub-Inspector on the allegation that he has conducted poor investigation in the aforesaid criminal case and also failed to record statement under section 164 Cr.PC of the abductee. It was further contended that neither inquiry was conducted nor opportunity of personal hearing and defence was provided to the appellant therefore, the impugned order is illegal and liable to be se-aside.


The contentions raised by the learned counsel for the appellant needs consideration. The appeal is admitted to regular hearing subject to deposit of security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments for 14.01.2019 before the S.B at Camp Court, Abbottabad.

Appellant Deposited
Security & Process Fee


Member
Camp court, A/Abad

14.01.2019




Learned counsel for the appellant and Mr. Muhammad Bilal learned Deputy District Attorney alongwith Shamrez Khan ASI present. Written reply not submitted. Representative of the respondents seeks time to furnish written reply. Granted. To come up for written reply/comments on 20.02.2019 before S.B at Camp Court Abbottabad.


Member
Camp Court Abbottabad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 789/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/06/2018	<p>The appeal of Mr. Aurang Zeb Khan presented today by Mr. Muhammad Aslam Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	11-07-2018	<p>This case is entrusted to Touring S. Bench at A.Abad for preliminary hearing to be put up there on 30-08-2018</p> <p style="text-align: right;"> CHAIRMAN</p>
30.08.2018		<p>Due to summer vacations, the case is adjourned .To come up for the same on 18.10.2018 at camp court Abbottabad.</p> <p style="text-align: right;"> Reader</p>

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 789/2018

Aurangzeb Khan, Assistant Sub Inspector No.125/H District
Abbottabad.

Appellant

VERSUS

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


Respondents

SERVICE APPEAL

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THROUGH

APPELLANT

(MOHAMMAD ASLAM TANOLI)
ADVOCATE HIGH COURT
AT HARIPUR

Dated: // -06-2018

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 789/2018

Aurangzeb Khan, Assistant Sub Inspector No.125/H District
Abbottabad.

Khyber Pakhtunkhwa
Service Tribunal **Appellant**

Diary No. 1041

VERSUS

Dated 11-6-2018

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

Respondents

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST ORDER DATED 19-02-2018 OF THE DISTRICT POLICE OFFICER ABBOTTABAD WHEREBY THE APPELLANT HAS BEEN AWARDED WITH MAJOR PENALTY OF REVERSION IN RANK FROM SUB INSPECTOR TO ASSTT. SUB INSPECTOR AND ORDER DATED 14-05-2018 WHEREBY APPELLANT'S DEPARTMENTAL APPEAL HAS BEEN REJECTED.

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH THE AFOREMENTIONED IMPUGNED ORDERS DATED 19-02-2018 AND 14-05-2018 MAY GRACIOUSLY BE SET ASIDE AND APPELLANT BE RESTORED IN HIS RANK OF SUB INSPECTOR FROM 19-02-2018 WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respectfully sheweth,

1. That appellant while performing his duties as Investigating Officer PS Havelian (Abbottabad) was served upon with a Charge Sheet alongwith statement of allegations issued under No. 06/PA dated 05-01-2018 by the District Police Officer Abbottabad with the following allegations:

Filed to-day
Registrar
11/6/18

②

That you while OI in case FIR No.367 dated 17-06-2017 U/S-365-B/496-A/406/496-B Havelian conducted poor investigation and also failed to record statement U/S-164 Cr.PC of the abductee. It shows your inefficiency and lack of interest in official duties.

(Copy of the Charge Sheet dated 05-01-2018 is attached as Annex- "A").

2. That on 11-01-2018 the aforementioned Charge Sheet was replied by the appellant explaining all facts and circumstances of the matter in detail and straightaway denying the allegations as recorded against him in the Charge Sheet being incorrect and baseless. **(Copy of reply to the Charge Sheet dated 11-01-2018 is attached herewith as Annex-"B").**
3. That thereafter the appellant was served with a Final Show Cause Notice dated 07-02-2018 by the District Police Officer Abbottabad which was replied with the same statement as that of Charge Sheet and the allegations were vehemently denied. **(Copy of the Final Show Cause Notice dated 07-02-2018 is attached as Annex-"C").**
4. That the District Police Officer Abbottabad without taking into consideration the detailed reply to the Charge Sheet as well as Final Show Cause Notice submitted by the appellant awarded him with Major Penalty of **"Reversion in rank from Sub Inspector to Asstt. Sub Inspector"** vide impugned order dated 19-02-2018 and that too without any proof or reason. **(Copy of the order dated 19-02-2018 is attached as Annex-"D").**

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5. That aforementioned order dated 19-02-2018 of the District Police Officer Abbottabad was appealed against before the Regional Police Officer, Hazara Region, Abbottabad, but the appellant authority did not look into consideration the grounds taken in the memo of appeal. **(Copy of departmental appeal is attached as Annex-"E").**
6. That the Regional Police Officer, Hazara Region, Abbottabad (Appellate Authority) vide his order dated 14-05-2018 rejected the departmental appeal of the appellant without giving any heed to the details of the matter advanced by appellant. **(Copy of the order dated 14-05-2018 of RPO is attached as Annex-"F").**
7. That so far as the allegations leveled against the appellant are concerned, the same are totally incorrect and baseless because the appellant has conducted investigation entrusted to him with devotion, dedication and honesty and strictly in accordance with the instructions passed by his senior officers as well as according law and procedure in vogue.
8. That in fact the appellant was entrusted with the investigation of case FIR No. 367 dated 17-06-2017 U/S-365-B registered with Police Station Haveliab (District Abbottabad) by his Senior SI Mohammad Younus Oll. According to FIR a women namely Adeela Bibi wife of Zabar Hussain was missing from her husband's house with cash money and gold ornament. During investigation Adeela Bibi was found with Mohammad Usman and they both were arrested. As per direction

④

of the SI Mohammad Younus Oll the matter was discussed with the then S.P. Investigation who advised addition of Sections 496A & 496-B/406-PPC in FIR because Adeela Bibi was a married lady and wife of one Zabir Hussain and had gone at her own accord with Mohammad Usman. Hence above sections were added in FIR. **(Copies of the FIR dated 17-06-2017 & Nikahnama are attached as Annex-"G & H").**

9. That after arrest Adeela Bib was produced before the Lady Doctor for medical examination but she was not willing to get herself medical examined and recorded her unwilling on the bottom of the application submitted by Oll. **(Copy of application dated 19-06-2017 is attached as Annex-"I").**
10. That one day custody of both the accused was granted by the Judicial Magistrate on 19-07-2017 and thereafter on 20-06-2017 they were sent to Jail. **(Copies of custody application dated 19-06-2017 and Jail warrants dated 20-06-2017 are attached as Annex-"J, K & L").**
11. That after release on bail from Jail the accused Adeela Bibi on her own choice got herself medically examined and she was then found pregnant of 07 weeks. **(Copy of Ultrasound report dated 26-07-2017 is attached as Annex-"M").**
12. That according to the advice of the then SP Investigation Sajid Khan after addition of sections 496A, 496B & 406 PPC in FIR, Adeela Bibi had become an

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accused, therefore, her statement u/s-164 CrPC could not be recorded. Appellant has done nothing at his own accord rather under direction/advice of his superiors. The allegation that appellant has failed to record statement u/s/164 CrPC of the abductee is incorrect and baseless. Hence both the impugned orders dated 19-02-2018 and 14-05-2018 are liable to be set aside.

13. That the Appellant has been awarded with major punishment of "Reversion in rank from Sub Inspector to ASI" illegally, unlawfully against the facts and circumstances without any reason and rhyme, hence this service appeal, inter alia, on the following:

GROUND

- a) That both the impugned orders dated 19-02-2018 and 14-05-2018 of the departmental authorities are void ab-initio, illegal, unlawful, without lawful authority and have been passed perfunctorily, arbitrarily, whimsical and slipshod in manner, against the facts and circumstances of the case, without any reason and proof, hence are liable to be set aside.
- b) That respondents have not treated appellant in accordance with law, departmental rules & regulations and policy on the subject and have acted in violation of Article-4 of the Constitution of Islamic Republic of Pakistan 1973 and unlawfully issued the impugned orders, which are unjust, unfair and hence not sustainable in the eye of law.

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- c) That no proper departmental inquiry was conducted before awarding the appellant with major punishment of "Reversion of Rank" of which conduction was mandatory under law for dispersion of justice at preliminary stages during the course of departmental inquiries.
- d) That neither the appellant was confronted with documentary proof, if any, against him nor was provided with the copy of inquiry report, if any, before issuance of Final Show Cause Notice, nor was afforded with the opportunity of personal hearing. Hence the mandate of natural justice was violated.
- e) That the appellate authority has also failed to abide by the law and even did not look into consideration the grounds taken in the memo of appeal. Thus the impugned order of the appellate authority is contrary to the law as laid down in the KPK Police (Efficiency and Disciplinary) Rules 1975 read with Section 24-A of the General Clauses Act 1897 read with Article 10A of the Constitution of Islamic Republic of Pakistan 1973.
- f) That the appellant is innocent and has discharge his assigned duties with full sense responsibility and honesty without any omission, commission or fault on his part for which he has been awarded with above referred major punishment of reversion in rank.

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PRAYER:

It is, therefore, humbly prayed that on acceptance of instant service appeal, the impugned orders dated 19-02-2018 and 14-05-2018 passed by the District Police Officer Abbottabad and the Regional Police Officer Hazara Region Abbottabad respectively whereby the appellant has been awarded with the punishment of "**REVERSION IN RANK FROM SUB INSPECTOR TO ASI**" and his departmental appeal rejected may graciously be set aside and the appellant be re-instated in his rank of Sub Inspector from the date of reversion with all consequential service back benefits in the interest of justice.

Any other relief which this Honourable Tribunal deems fit in the circumstance of the case may also graciously be awarded.

THROUGH

Azib
APPELLANT

M. Aslam
(MOHAMMAD ASLAM TANOLI)
ADVOCATE HIGH COURT
AT HARIPUR.

Dated: // -06-2018

Verification

It is verified that the contents of instant appeal are true and correct to the best of my knowledge and nothing has been concealed there from.

Dated: // -06-2018

Azib
Appellant

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**BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Aurangzeb Khan, Asstt. Sub Inspector No.125/H District
Abbottabad.

Appellant

VERSUS

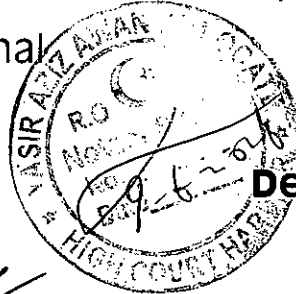
1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

Respondents

SERVICE APPEAL

AFFIDAVIT:

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



Azib

Deponent/Appellant

Dated: // -06-2018

Identified By

M Aslam

Mohammad Aslam Tanoli
Advocate High Court
At Haripur,

Azib

Appellant

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**BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Aurangzeb Khan, Assistant Sub Inspector No.125/H District
Abbottabad.

Appellant

VERSUS

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

Respondents

SERVICE APPEAL

CERTIFICATE

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

Aash

APPELLANT

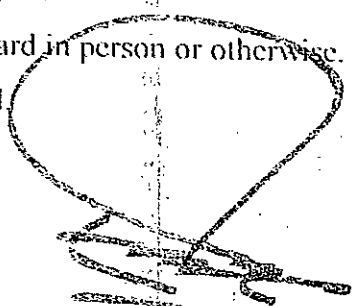
Dated: // -06-2018

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Annex-A

CHARGE SHEET

- 1). I Syed Ashfaq Anwar (PSP) District Police Officer Abbottabad as competent authority hereby charge you SI Aurangzeb Khan OH Police Station Havelian as explained in the attached statement of allegations.
- 2). You appear to be guilty of misconduct under Police disciplinary Rules 1975, and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.
- 3). You are therefore, directed to submit your written defense within seven days on the receipt of this Charge Sheet in the Enquiry Officer.
- 4). Your written defense, if any shall reach the Enquiry Officer with in the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
- 5). Intimate whether you desire to be heard in person or otherwise.
- 6). A statement of allegations is enclosed


SYED ASHFAQ ANWAR (PSP)
District Police Officer
Abbottabad

Attested
Arif



DISCIPLINARY ACTION

I Syed Ashfaq Anwar (PSP) District Police Officer Abbottabad as Competent Authority of the opinion that you SI Aurangzeb Khan OII Police Station Havelian rendered yourself liable to be proceeded against as you committed the following act/omission within the meaning of Police Disciplinary Rules 1975.

STATEMENT OF THE ALLEGATIONS

- 1). You while IO in case vide FIR No.367 dated 17-06-2017 U/S 365-B/496-A /406/496-B PPC PS Havelian conducted poor investigation and also failed to record statement U/S 164 Cr.PC of the abductee. It shows your inefficiency and lack of interest in official duties.
- 2). For the purpose of scrutinizing your conduct with reference to the above allegations, Mr. Ishtiaq Ahmed DSP Cantt is appointed as Enquiry Officer.
- 3). The Enquiry Officer shall in accordance with the provision of this ordinance, provide reasonable opportunity of hearing to the accused, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or the appropriate action the accused.
- 4). The accused a well conversant representative of departmental shall in the proceedings on the date, time and place fixed by the Enquiry Officer.

SYED ASHFAQ ANWAR (PSP)
District Police Officer
Abbottabad

No: 06 /PA, Dated Abbottabad the 5 01 /2018.
CC:

1. SI Aurangzeb Khan OII Police Station Havelian with the direction to submit his defense within 07 day of the receipt of this statement of allegations and also to appear before the Enquiry Officer of the date, time and place fixed for the purpose of departmental proceedings.

Attested
Dr. Rizk

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Annex-2

OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD

No: 59/PA, Dated Abbottabad, the 07/02/2017.

FINAL SHOW CAUSE NOTICE

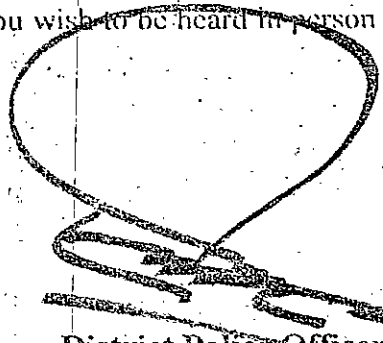
(Unit Rule (3) KPK Police Rules, 1975)

1. That you SI Aurangzeb Khan OII Police Station Havelian, rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 for following misconduct;
 - I. You while IO in case vide FIR No.367 dated 17-06-2017 U/S 365-B/496-A/406/496-B PPC PS Havelian conducted poor investigation and also failed to record statement U/S 164 Cr.PC of the abductee. It shows your inefficiency and lack of interest in official duties.
 - II. During proper departmental enquiry the allegations have been proved against you.
2. That by reason of above, as sufficient material is placed before the undersigned therefore it is decided to proceed against you in general Police proceeding without aid of enquiry officer.
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the police force will amount to encourage in efficient and unbecoming of good Police officers;
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.
6. You are, therefore, called upon to Final Show Cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred to above.
7. You should submit reply to this Final Show Cause Notice within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

J.S.P.
A.S.P.
2-2-17

Received by _____
Dated / / 2017.

Attested
A.S.P.


District Police Officer
Abbottabad



(14)

OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD

No: 59 /PA, Dated Abbottabad, the 07/02/2018.

GROUNDS OF ACTION

That you SI Aurangzeb Khan OII Police Station Havelian, committed following misconduct:-

- I. You while IO in case vide FIR No.367 dated 17-06-2017 U/S 365-B/496-A /406/496-B PPC PS Havelian conducted poor investigation and also failed to record statement U/S 164 Cr.PC of the abductee. It shows your inefficiency and lack of interest in official duties.
- II. During proper departmental enquiry the allegations have been proved against you.

By reasons of above you have rendered yourself liable to be proceeded under Khyber Pakhtunkhwa Police Rules, 1975; hence these grounds of action.

Sd-

District Police Officer
Abbottabad

Attested
Asst

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Annex-D

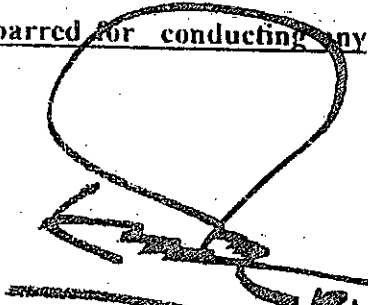
ORDER

This office order will dispose of the departmental enquiry against ~~SI Aurangzeb Khan OII Police Station Havelian~~. He while IO in case vide FIR No.367 dated 17-06-2017 U/S 365-B/496-A /406/496-B PPC Police Station Havelian conducted poor investigation and also failed to record statement U/S 164 Cr.PC of the abductee.

He was issued Charge Sheet along with statement of allegations. ~~Mr. Ishfaq Ahmed DSP, Cantt~~ was appointed as Enquiry Officer. He conducted proper departmental enquiry against the delinquent officer and recorded statements of all concerned. He was provided ample opportunity to defend himself and rebut the allegations leveled against him. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings, wherein allegations have been proved. Consequently he was issued Final Show Cause Notice. He was summoned to appear in Orderly Room on 15-02-2018. He was given a patient hearing but he had nothing plausible to state in his defence.

Therefore, in exercise of the powers vested in the undersigned under Police Disciplinary Rules-1975, I, Syed Ashfaq Anwar PSP, District Police Officer, Abbottabad as a competent authority, am constrained to award him the punishment of Reversion from the rank of SI to ASI and also debarred for conducting any serious investigation for 02 years with immediate effect.

Order announced.


District Police Officer
Abbottabad

No. 456-58/PA 19-2-18
CC.

1. Establishment Assistant alongwith complete Enquiry File containing 29 pages for completion of record.
2. Pay Officer, DPO Office Abbottabad.
3. OASI DPO Office for necessary action.

Attested
A 2/6

محضوٰر جناب DIG صاحب، ہزارہ ریجن، ایبٹ آباد۔

اپیل برائے بحالی عہدہ

مقدمہ علت 367 مورخہ 2017-06-17م (B) (A) 496 / 406 / 365-B PPC

بناہ

- (1) عثمان ولد عبدالستار، قوام اعوان، سکنہ مکان نمبر 928، گلی نمبر 2، محلہ فیروز پور، راولپنڈی۔
- (2) مسماۃ عدیلہ زوجہ ذابرحسین سکنہ کوکل برسین، تحصیل حویلیاں، ضلع ایبٹ آباد۔

جناب عالی!

سائل نے مقدمہ عنوان میں مذکور ان بالا کو حسب ضابطہ گرفتار کر کے پیش عدالت کیا مقدمہ ابتدائی طور پر 365-B میں درج رجسٹرڈ ہوا۔ مسماۃ مذکورہ کو میڈیکل ملاحظہ کیلئے پیش کیا گیا جس نے اپنا میڈیکل ملاحظہ نہ کروایا تحریری طور پر لیڈی ڈاکٹر صاحبہ کو لکھ کر دیا۔ جیل جانے کی حد تک اپنا ٹیسٹ Pregnancy کروایا جس میں بھی رد و بدل کیا جس کی رپورٹ Negative آئی۔ جس کی کاپی لف ہے۔ جیل سے رہا ہونے پر مذکورہ نے اپنا دوبارہ ٹیسٹ کروایا جس میں مذکورہ بالا 7 ہفتوں کی حاملہ ہے جو دوران وقوعہ کا ہی ہو سکتا ہے۔ جس کی کاپی بھی لف ہے۔ مذکورہ یہ شادی شدہ تھی جو ملزم عثمان کے موبائل پر رابطہ ہونے کی وجہ سے راولپنڈی چل گئی جو زناء بالرضا کی مرتکب ہوئی ہے اور زنا کی مباشرت بھی کر چکے ہیں جس بناء پر جرم (B) (A) 496 عائد کئے گئے۔ اسی طرح مدعی مقدمہ نے اپنی رپورٹ میں مذکورہ کی تحویل میں 8 لاکھ 25 ہزار روپے نقد اور طوائی زیورات ہونے کا تحریر کرایا کہ وہ بھی جاتے وقت اپنے ہمراہ لے گئی جرم PPC 406 بدیں وجہ عائد کیا گیا۔ جملہ دفعات افسران بالا سے Discus ہو کر اور تفتیش کے مطابق عائد کئے گئے جس پر مذکورہ نے جناب DPO صاحب ایبٹ آباد کو درخواست گزاری کہ میرا روبرو عدالت بیان 164 ض۔ ف IO نے قلمبند نہ کرایا ہے جبکہ مذکورہ ملزمہ ہوئی تو اس کا بیان روبرو عدالت 164، 364 ض۔ ف روبرو عدالت قلمبند ہونا تھا جس نے ملزم عثمان کو فائدہ دینے کی خاطر اپنے جرم کو تسلیم نہ کیا بدیں وجہ بیان 164 ض۔ ف روبرو عدالت قلمبند نہ کرایا جس بناء پر سائل کو شو کاز نوٹس جاری ہوا انکو واری ہو کر جناب DPO صاحب نے اردلی روم میں طلب کر کے سب انسپکٹر سے تنزل کر کے اسٹنٹ سب انسپکٹر کا آرڈر کیا ہے۔ سائل بے گناہ ہے۔ سائل کو عہدہ پر بحال کرنے کے احکامات جاری فرمائے جاویں۔ سائل کے چھوٹے چھوٹے بچے ہیں سائل عدالتی چکر کاٹنے سے قاصر ہے۔

بذریعہ مٹو بانہ اپیل ہذا آنجناب سے گزارش ہے کہ سائل کو سب انسپکٹر کے عہدہ پر بحال فرمایا جائے۔

المرقوم: 3/2018

Amir

ما تہ
اورنگزیب ASI، پولیس اسٹیشن، حویلیاں۔

Amir

(17)

ORDER

Annex-F

This order is hereby passed to dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 submitted by ASI Aurangzeb No: 125/H Abbottabad District against the order of punishment i.e. *Reversion in rank from SI to ASI* awarded to him by the DPO Abbottabad his order Endst: No: 456-58/PA, dated 19.02.2018.

Facts leading to punishment awarded to him are that he while posted as OII PS Havelian conducted poor investigation in case vide FIR No: 367 dated 17.06.2017 u/s 365-B/496-A/406/496-B PPC and also failed to record statement u/s 164 CrPC of the abductee.

After receiving his appeal, comments of DPO were obtained, which were perused. The undersigned called appellant in O.R on 09.05.2018 where he failed to explain any plausible reason in his defence. Therefore the punishment awarded to him by DPO Abbottabad i.e. *Reversion in rank from SI to ASI* seems to be genuine, hence his appeal is *filed*.

REGIONAL POLICE OFFICER
Hazara Region Abbottabad

No. 2146 /PA Dated Abbottabad the 14/5 /2018.

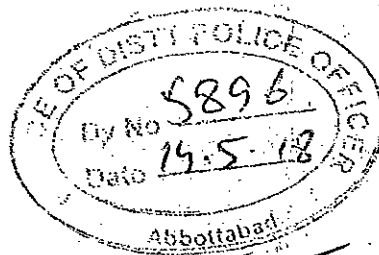
Copy of above is forwarded to the District Police Officer, Abbottabad vide his office Memo: No: 1536/ dated 02.05.2018 for information and necessary action. Fauji Missal containing enquiry file is returned herewith for your office record.

REGIONAL POLICE OFFICER
Hazara Region Abbottabad

Dr. Jay Meir
EA ed OASI

Dr. N/A action PL2

20/9/18
14/5/18



Attestation
ASL

مسلم خاندانی قوانین کے آرڈی نیشن مجریہ 1971ء (شمارہ 1971) کے تحت وضع کیے گئے قواعد کے قاعدہ نمبر 18 اور نمبر 10 کے تحت مجوزہ فارم

نکاح نامہ

روز نمبر 13

۱۔ وارڈ اسٹوٹ
اور ضلع
۲۔ ڈولہا اور اس کے والد کا نام معہ ان کی سکونت بالترتیب
قومی شناختی کارڈ نمبر

۳۔ ڈولہا کی عمر یا تاریخ پیدائش
۴۔ ڈولہن اور اس کے والد کا نام معہ ان کی سکونت بالترتیب
قومی شناختی کارڈ نمبر

۵۔ آیا دلہن کنواری ہے یا بیوہ یا مطلقہ
۵۔ (الف) اگر دلہن بیوہ یا مطلقہ ہے اور اس کے بچے ہیں تو ان کی تعداد اور نام

۶۔ ڈولہن کی عمر یا تاریخ پیدائش
۷۔ اگر ڈولہن کی طرف سے کوئی وکیل مقرر کیا گیا ہے تو اس کا نام معہ ولایت و سکونت قومی شناختی کارڈ نمبر

۸۔ ڈولہن کے وکیل کے تقرر کے بارے میں گواہوں کے نام معہ ولایت و سکونت اور ان کی ڈولہن کے ساتھ رشتہ داری

۹۔ اگر ڈولہا کی طرف سے کوئی وکیل مقرر کیا گیا ہے تو اس کا نام معہ ولایت و سکونت

۱۰۔ ڈولہا کے وکیل کے تقرر کے بارے میں گواہوں کے نام معہ ولایت و سکونت

۱۱۔ شادی کے گواہوں کے نام معہ ولایت و سکونت

۱۲۔ شادی سرانجام پانے کی تاریخ

۱۳۔ مہر کی رقم

۱۴۔ مہر کی کتنی رقم منگنی ہے کتنی رقم منگنی

۱۵۔ آیا مہر کا کچھ حصہ شادی سے موقع پر ادا کیا گیا اگر کیا گیا ہے تو کس قدر

۱۶۔ آیا پورے مہر اس کے کسی حصہ کے عوض میں کوئی جائیداد دی گئی ہے اگر دی گئی ہے تو اس جائیداد کی مزاحمت اور اس کی قیمت جو یقین کے کاغذوں میں لکھی گئی ہے۔

13101-9996233-3

23-10-1975
37425-9371261-6

42301-9850305-1

13101-845127-3

13101-8926669-5

13101-3369442-1

13101-499607-3

زیر دستہ
اور مکان
تاریخ

17/10/1971

Handwritten signature

کے لیے خاص شرائط اگر کوئی ہوں

۱۸۔ آیا شوہر نے طلاق کا حق بیوی کو تفویض کر دیا ہے

اگر کر دیا ہے تو کوئی شرائط کے تحت؟

۱۹۔ آیا شوہر کے طلاق کے حق پر کسی قسم کی پابندی لگائی

گئی ہے؟

۲۰۔ آیا شادی کے موقع پر مہر و نان نفقہ وغیرہ سے

متعلق کوئی دستاویز تیار کی گئی ہے۔ اگر کی گئی

ہے تو اس کے مختصر مندرجات۔

۲۱۔ آیا دولہا کے یہاں پہلے سے کوئی بیوی موجود ہے اگر ہے تو آیا اس

نے دوسری شادی کرنے کے لئے مسلم خاندانی قوانین کے آرڈیمنس

۱۹۶۱ء کے تحت چیئر مین عائشی کونسل سے اجازت نامہ حاصل کر لیا ہے۔

۲۱۔ (الف) آیا دولہا بٹھرا ہے یا طلاق یافتہ؟

۲۱۔ (ب) آیا دولہا کے یہاں پہلے سے بیوی یا بیویاں موجود ہیں؟

اگر دولہا بٹھرا یا طلاق یافتہ ہے تو

اس کے بچوں کی تعداد اور نام

۲۲۔ نمبر و تاریخ مراسلہ جس کے ذریعے عائشی کونسل نے

دولہا کو دوسری شادی کرنے کی اجازت دی ہے۔

۲۳۔ نکاح خواہ کا نام اور ولدیت متعہ پتہ۔

۲۴۔ شادی کو درج رجسٹر کرنے کی تاریخ

۲۵۔ فیس رجسٹریشن جو ادائیگی گئی۔

دولہا یا اس کے وکیل کے دستخط

زاہر حسین

دولہا کے دستخط

دولہا کے وکیل کے دستخط

شادی کے گواہان کے دستخط

۱۔

دولہا کے وکیل کے دستخط

۲۔

نکاح رجسٹرار کے دستخط اور مہر سکریٹری عدالت

۱۔

نکاح خواہ کے دستخط

۲۔

۱ 3 1 0 1 - 5 1 3 7 0 4 2 - 7

۱۵۵۵۵
مبلغ وکس میزبانوں کا شمار لکھو
میزبانوں

لکھو سکریٹری عدالت

۱۵۵۵۵
مبلغ وکس میزبانوں کا شمار لکھو
میزبانوں

۲۰۱۶-۱۷

دولہا کے وکیل کے تقرر کے گواہان کے دستخط

(۱)

دولہا کے وکیل کے تقرر کے گواہان کے دستخط

(۲)

دولہا کے وکیل کے تقرر کے گواہان کے دستخط

۱۔

(۱)

دولہا کے وکیل کے تقرر کے گواہان کے دستخط

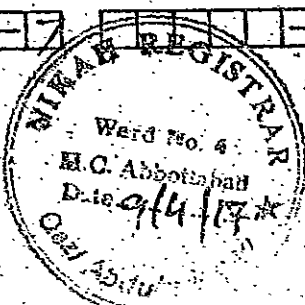
(۲)

نکاح خواہ کے دستخط

۱۔

نکاح خواہ کے دستخط

۲۔



Handwritten signature and initials.

مبلغ وکس میزبانوں کا شمار لکھو

Annex 3

عزیز خدیو

درخواست برائے شہریت
ملا کر منجھ

فصل اول

شمارہ 367 جون 17/6/1968
R 365 B
406.496

پاکستان عظیم کی ایک نئی نئی قومیت

عزیز خدیو کی درخواست پر

جواب

1. شہریت قانون 1947ء میں شہریت حاصل کرنے والے
سیکرٹری جنرل کی طرف سے ایک نئی نئی قومیت
کا ایک نیا قانون 1947ء میں شہریت حاصل کرنے والے
کا ایک نیا قانون 1947ء میں شہریت حاصل کرنے والے

19-6-17
SI/PS HVN

Team
Medical
She is not well
Dr. David Norman
19.6.17
The D. Hospital

sir
for wedd
Dr
SI/PS HVN
19-6-17

Dr. Alister

19.6.17
The D. Hospital

میں اپنی مرضی سے اپنے
میراثے کی سوانح جاری

Dr



Amex-J
ڈیپارٹمنٹ آف پولیس
ڈیپارٹمنٹ آف پولیس
ڈیپارٹمنٹ آف پولیس

367
365B
406
ڈیپارٹمنٹ آف پولیس
ڈیپارٹمنٹ آف پولیس

ڈیپارٹمنٹ آف پولیس
ڈیپارٹمنٹ آف پولیس
ڈیپارٹمنٹ آف پولیس
ڈیپارٹمنٹ آف پولیس

ڈیپارٹمنٹ آف پولیس
ڈیپارٹمنٹ آف پولیس

SI: PS-HVN
19-6-17

Forwarded.

Sis
Forwarded


SI: OII-PS-HVN
19-6-17

Deputy
App. Hon.
19.06.17.

Order
19-06-17
Ahsan
Ahsan

Accused namely Muhammad
Usman & Mst Adeela Bibi
produced in custody with
request of 05 days police
custody for the purpose of
running of gold ornaments
P-7-0

and cash amount. Request is
given herein one day (1) custody
of accused namely numbered 131
& Aderi. Bibi is granted Sub-
ject to pre a post medical
examination. custody of
Bibi is subject to wife in
custody till sum sent a
again sum rise. be sent
copy of this order to
to Honorable District & Sessions
Judge for information.


(Farkhanda Nosheen)
C.J/JFC/RC/JM Magistrate
17/39 Cr. P. 3 201/01, Havelian
Abbottabad

بعدالت جناب جوڈیشل مجسٹریٹ صاحب، حویلیان ایبٹ آباد

مرکز نام: محمد عثمان ولد عبدالستار قوم احوال نامہ رقم نمبر 0928
گلی عبدالوہاب

شمارہ نمبر: 367 مورخہ: 17-6-17

جرم: 365B-406 حویلیان

سپیریٹنڈنٹ، جیل ایبٹ آباد

مقدمہ عنوان بالا میں ملزم بالا کو زیر حراست پولیس ریمانڈ جوڈیشل جیل
بھجوا یا جاتا ہے۔ احالات میں رکھا جا کر مورخہ 4-7-13 کو پیش عدالت
کریں۔

جوڈیشل مجسٹریٹ صاحب

حویلیان ایبٹ آباد

20-6-17

(Farhanda Noor) J.C. M.F.C. Magistrate
No. 28 Cr. PG & SDO, Rawalpindi
Abbottabad

استاد
ASL

بعدالت جناب جوڈیشل مگسٹریٹ صاحب حویلیان ایبٹ آباد

مقدمہ عدالت بالا کو زیر حراست پولیس ریمانڈ جوڈیشل پروجیل

نمبر 367 مورخہ 17-6-17

رقم 865B-406 حویلیان

سپرٹنڈنٹ پروجیل ایبٹ آباد

مقدمہ عنوان بالا میں ملزم بالا کو زیر حراست پولیس ریمانڈ جوڈیشل پروجیل
بھیجا گیا جاتا ہے۔ احراجات میں رکھا جا کر مورخہ 17-6-17 کو پیش عدالت
کریں۔

جوڈیشل مگسٹریٹ صاحب

حویلیان ایبٹ آباد

Magistrate (Provisional)
C. JUDGE
uis 53 Ca. P.O. & D.D.O, Havelian
Abbottabad

ملزم
کریں

24
Annex - 'M'
DEPARTMENT OF MEDICAL IMAGING
HOLY FAMILY HOSPITAL RAWALPINDI
PHONE: 9290321-27

Patient Name	Adela
Date	26-07-2017
Referred By	MAIN ER

ULTRASOUND ABDOMEN

Liver: Normal in size. Echo texture of liver is normal. Intra hepatic biliary channels appear normal. Echogenicity of liver is normal. 12cms (N)

Gall bladder: (N)

Spleen: Normal in size. No internal lesion is seen. (N)

Right Kidney: It is normal in size. No calculus, hydronephrosis is noted. Corticomedullary differentiation is normal. (N)

Left Kidney: It is normal in size. No calculus, hydronephrosis is noted. Corticomedullary differentiation is normal. (N)

Urinary bladder: empty

General survey: No evidence of abdomino pelvic free fluid is noted. ✓

Gravid uterus @ SAF

IMPRESSION:

Essentially unremarkable study

CLL ≈ 10mm

Corresponding to 7 weeks

Accepted
Date

Dr. Umair

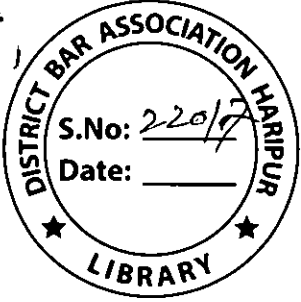
26/7/17

DBA No: 266
 BC No:
 Name of Advocate: ضلع اسم جنوی

S.No: 22017



وکالت نامہ



بعدالت: جناب میر سید محمد رفیق خاں سردار
 عنوان: امیر قذیب خان
 منجانب: اپیلانٹ
 نوعیت مقدمہ: سروس سبیل
 باعث تحریر آئیکہ:

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیٹی یا تصدیقہ مقدمہ، مقام ایبٹ آباد میں دیکھ لیے
 محمد اسم جنوی ایبٹ آباد کی کورٹ

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

Accepted
 M. Azhar

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ مورخہ: 2018/06/11 دن 11/ ماہ 06/ سال 2018

Deik
 (Aurangzeb Khan)
 Appellant

From: The Dy: Superintendent of Police,
Cantt Abbottabad.

To : The District Police Officer,
Abbottabad.

No. 149 /Dated Abbottabad the 2- 01/2018.

Subject: **DEPARTMENTAL ENQUIRY AGAINST SI
AURANGZEB KHAN OII POLICE STATION
HAVELIAN DISTRICT ABBOTTABAD.**

Memo:

BRIEF FACTS.

While I.O in case vide FIR No. 367 dated 17.06.2017 U/S 365-A/496-A/406/496-B PPC PS Havelian conducted poor investigation and also failed to record statement U/S 164 CrPC of the abductee. It shows his inefficiency and lack of interest in official duties.

For the purpose of scrutinizing his conduct with reference to the above, allegations, undersigned was appointed as enquiry officer.

ENQUIRY PROCEEDINGS.

Undersigned proceeded accordingly and called the delinquent officer to join the enquiry along with case file.

Delinquent officer SI Aurangzeb appeared before the undersigned. He was heard in person and recorded his statement in which he stated that investigation of the above case was entrusted to him. He arrested the accused and recovered the abductee. He was informed by SI/OII Younis Khan to discuss the case with worthy SP Investigation. After discussion, sections 406/496-A,B were added and after that accused were produced before the court. After fulfilling all the legal formalities and completion of investigation, complete challan against the accused was sent to court on 27.12.2016. he further stated the after applying the above sections abductee was not abducted but she was declared as accused so her statement U/S 164 CrPC was not recorded.

FINDINGS.

Forgoing in view of above, in the light of available recorded, perusal of case file I come to the conclusion that SI Aurangzeb should have to record her statement U/S 164 CrPC but he failed to do so. Similarly no directions of any senior officers seen on the record. Being I.O reason for not recording the statement is not convincing. Therefore allegations leveled against SI Aurnagzeb are proved.

Submitted please.

(MOHAMMAD ISHTIAQ)
Dy: Superintendent of Police,
Cantt Abbottabad.

PA

Ishtiaq

DPOT MIB

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

Service Appeal No. 789/2018

Aurangzeb Khan, Assistant Sub Inspector, No. 125/H District Abbottabad.

(Appellant)

VERSUS

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

(Respondents)

Parawise Comments on behalf of Respondents.

Respectfully Sheweth:

PRELIMINARY OBJECTION:-

1. That the appellant has no cause of action.
2. That the appellant has not come to this Tribunal with clean hands.
3. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
4. That the appellant is estopped by his own conduct.
5. That the appeal is barred by law.
6. That the appeal is time barred.
7. That the appellant has suppressed the material facts from the Honourable Tribunal hence, not entitled for any relief and appeal is liable to be dismissed without further proceeding.

FACTS

- Para No. 01. Pertains to record.
- Para No. 02. Correct tot the extent of charge sheet.
- Para No. 03. The reply furnished by the appellant was found unsatisfactory, therefore proper enquiry was conducted and during enquiry he was held responsible.
- Para No. 04. That the appellant could not produce any plausible and cogent explanation in his defense. Hence, he was awarded major punishment in accordance with law.
- Para No. 05. Incorrect, that the appellant authority sought comments from DPO Abbottabad (Respondent No. 03) and also provided personal hearing

opportunity but he failed to prove any plausible explanation in his defence. Hence, his appeal was dismissed.

Para.No. 06. Incorrect, that he was provided full opportunity of his defense by the competent authority.

Para.No. 07. Incorrect, that the appellant being I.O (Investigating Officer) of case vide FIR No. 367 dated 17.06.2017 u/s 365-B/496-A/406/496-B PS Havelian conducted poor investigation. During proper departmental inquiry the allegation has been proved against the appellant.

Para.No. 08. Incorrect, that there is no such direction on record, he failed to investigate the case in accordance with law, record the statement of abductee u/s 164 Cr.P.C and left many flaws in investigation of the case.

Para.No. 09. Incorrect.

Para.No.10. Pertains to record.

Para.No.11. It was the duty of I.O to investigate the case on merit and to dig out the real facts, he even did not get examine the (lady) medically, due to which very important evidence was lost.

Para.No.12. Incorrect, no such like of direction is available on file. In cases of abduction, recording of statement u/s 164 Cr.P.C is necessary after recovery of abductee, which he failed to do so.

Para.No. 13. Incorrect, the punishment was awarded in accordance with law. The appellant (I.O of the case) failed to investigate the case and proved himself inefficient Police Officer.


GROUND:


- A. Incorrect, that impugned orders dated 19.02.2018 and 14.05.2018 are based on merit in accordance with law.
- B. Incorrect, proper departmental inquiry was held and the appellant was awarded punishment in accordance with law.
- C. Incorrect. Departmental inquiry was conducted in accordance with law no prejudice has been caused to the appellant.

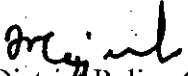
- D. Incorrect, show cause notice alongwith summary of allegation was properly served. The appellatant had joined the inquiry proceeding he was also provided personal hearing opportunity.
- E. The appellatant authority acted in accordance with law and rules on the subject.
- F. That the appellatant failed to investigate the criminal case assigned to him hence, he was awarded departmental punishment in accordance with law/ rules.

PRAYER.

It is therefore, humbly requested that the appeal of the appellatant may graciously be dismissed being meritless.


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


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


District Police Officer,
Abbottabad
(Respondent No. 3)

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(Appellant)

VERSUS

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2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

(Respondents)

AFFIDAVIT.

We, do hereby affirm on oath that the contents of written reply are true to the best of our knowledge & belief and nothing has been concealed from the honorable Service Tribunal.

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

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

Arjun
District Police Officer,
Abbottabad
(Respondent No. 3)

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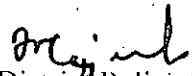
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- E. The appellate authority acted in accordance with law and rules on the subject.
- F. That the appellant failed to investigate the criminal case assigned to him hence. he was awarded departmental punishment in accordance with law/ rules.

PRAYER.

It is therefore, humbly requested that the appeal of the appellant may graciously be dismissed being meritless.

for

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


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


District Police Officer,
Abbottabad
(Respondent No. 3)

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

Service Appeal No. 789/2018

Aurangzeb Khan, Assistant Sub Inspector No. 125/H, District Abbottabad.

(Appellant)


VERSUS


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

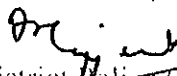
(Respondents)

AFFIDAVIT.

We, do hereby affirm on oath that the contents of written reply are true to the best of our knowledge & belief and nothing has been concealed from the honorable Service Tribunal.

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


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


District Police Officer,
Abbottabad
(Respondent No. 3)

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

No. 1547 /ST

Dated 2-9- / 2019

To


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

Subject: -

JUDGMENT IN APPEAL NO. 789/2018, MR. AURANG ZEB KHAN.

I am directed to forward herewith a certified copy of Judgement dated 21.08.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.