Form- A

FORM OF ORDER SHEET

Court of_____

Case No.-_____1295/**2022**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/09/2022	The appeal of Mr. Zafar Ali presented today by Mr. Shahid Qayyum Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on_____ . Notices be issued to appellant and his counsel for the date fixed. By the order of Chairman REGISTRAR

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 1295 /2022

Zafar Ali..... Appellant

Versus

Inspector General of Police and others .....Respondents

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Appellant

Through

ShahidQayumKhattak
Advocate Supreme Court
of Pakistan
Mob No. 0333-9195776

Dated: 31 /08/2022

(1)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWAPESHAWAR

Service Appeal No. /2022

Zafar Ali Sub Inspector Police Line Karak ..... Appellant

Versus

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
2. Additional, Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
3. The Regional Police Officer, Kohat Region, Kohat
4. District Police Officer Karak
5. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar .....Respondents

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 02/01/2021 PASSED BY RESPONDENT NO. 4 BY WHICH THE APPELLANT HAS BEEN AWARDED MAJOR PUNISHMENT OF REDUCTION IN PAY FOR TWO YEARS, AND AGAINST THE ORDER DATED 21/06/2021 PASSED BY RESPONDENT NO. 3 VIDE WHICH THE DEPARTMENTAL REPRESENTATION/ APPEAL FILED BY APPELLANT HAS BEEN REJECTED AND AGAINST THE ORDER DATED 06/07/2022 PASSED BY RESPONDENT NO. 2, VIDE WHICH THE REVISION PETITION FILED BY APPELLANT HAS BEEN REJECTED AND AGAINST ORDER DATED 03/08/2022 VIDE WHICH THE MERCY PETITION FILED BY APPELLANT HAS BEEN FILED

PRAYER

On accepting this service appeal, the impugned orders dated 02/01/2021, 21/06/2021, 06/07/2021 and 03/08/2022 may graciously be set aside by declaring it illegal, unlawful, without authority, based on mala fide, void abinitio and thus not sustainable in the eyes of law and appellant is entitled for all back benefits of pay and service

Respectfully Sheweth;

1. That Respondent No. 4 initiated disciplinary proceeding against appellant and issue charge sheet and statement of allegation. (Copy attached as Annexure "A")

2. That thereafter inquiry was initiated against the appellant and respondent No. 4 passed an order dated 02/01/2021 vide which the major punishment of " Reduction in pay for two years" has been passed against appellant without collecting any evidence. (Copy of impugned order is attached as Annexure "B")

3. That appellant filed departmental appeal /representation (the facts and ground agitated therein may please be treated as part and parcel of this appeal) against the impugned order before respondent No. 3, who vide order dated 21/06/2021 rejected the same without complying codal formalities. (Copy of appeal and impugned order are attached as Annexure "C" and "D")

4. That thereafter, the appellant filed revision petition (the facts and ground agitated therein may please be treated as part and parcel of this appeal) before the worthy Respondent No. 1, but the same has been rejected by respondent No. 2 vide order dated 06/07/2022. (Copy of revision and order are attached as Annexure "E" & "F")

5. That appellant filed mercy petition before the worthy Respondent No. 1 who vide order dated 03/08/2022 filed the same. (Copy of the Order is attached as Annexure "G")

6. That now appellant feeling aggrieved from the above orders hence, filling this appeal on the following amongst other grounds inter alia

GROUNDS:

a. That the impugned orders of the respondents are illegal, unlawful, without authority, based on mala fide intention, against the natural justice, voilative of the Constitution and Service Law and equally without jurisdiction, hence the same are liable to be set aside in the best interest of justice.

b. That the impugned orders passed by respondents are very much harsh, without any evidence based on surmises & conjectures and is equally against the principle of natural justice.

c. That during enquiry proceedings none was examined in support of the charges leveled against appellant neither has proper opportunity of hearing been provided to appellant. No allegations mentioned above are practiced by the appellant nor proved against him through any cogent reason or evidence.

d. That the impugned penalty is not clear because reduction in pay for two year without specifying the quantum of reduction does not serve the purpose, therefore, the impugned order is worth to be set aside.

e. That the inquiry officer failed to collect any evidence in support of the charges. No one was examined as witness in presence of appellant nor was appellant confronted with any documentary or other kind of evidence on the basis of which the impugned orders were passed.

f. That the impugned orders have been passed in violation of law and rules of disciplinary proceedings and principles of natural justice. The authority wrongly and malafidly based the impugned orders without giving any reason with proof whatsoever, therefore the impugned order is bad in law.

g. That it is the settle principle of justice that no one should be condemn un heard but in the instant case no proper enquiry has been conducted to enquire regarding the allegations. No independent witness has been examined in front of appellant nor any opportunity of cross examination has been provided to appellant. Both the impugned orders are based on non reading and mis reading of available record.

h. That respondent No. 3 and 2 has not decided the departmental appeal / representation/ revision in accordance to the rules and regulation which clearly shows mala fide intention thus, has no sanctity in the eyes of law thus the act of respondents

are totally based on male fide intention which clearly shows discrimination and undue victimization.

i. That the appellate authority has not provided any personal hearing opportunity to the appellant nor the order passed is speaking one.

It is, therefore, most humbly prayed that on accepting this service appeal, the impugned orders dated 02/01/2021, 21/06/2021, 06/07/2022f and order dated 03/08/2022 may graciously be set aside by declaring it illegal, unlawful, without authority, based on mala fide, void abinitio, and thus not sustainable in the eyes of law and appellant is entitled for all back benefits of pay and service.

Any other relief not specifically prayed for but deems appropriate in the circumstances of the case may also be granted.

Appellant

Through

Shahid Qayum Khattak
Advocate Supreme Court
of Pakistan

Dated: 31/08/2022

Certified that as per instruction of my client no such appeal has been filed before this Hon'ble Forum.

Advocate

AFFIDAVIT

I, Zafar Ali Sub Inspector Police, do hereby solemnly affirm and declare on Oath that the contents of the above appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon'ble Tribunal.

Deponent

(5)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. /2022

Zafar Ali..... Appellant

Versus

Inspector General of Police and others .....Respondents

ADDRESSES OFTHE PARTIES

APPELLANT

Zafar Ali Sub Inspector Police Line Karak

RESPONDENTS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
2. Additional, Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
3. The Regional Police Officer, Kohat Region, Kohat
4. District Police Officer Karak
5. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar

Appellant

Through

ShahidQayumKhattak
Advocate Supreme Court
of Pakistan

Dated: 31/08/2022

(6) Annexure "A"

No _____/ECIB

Dated ____/____/2020

CHARGE SHEET

I, IRFAN ULLAH KHAN District Police Officer, Karak as a competent authority hereby charge you SI Zafar Ali (suspended) Police Lines Karak as follows -

"As per the findings report of the preliminary enquiry conducted by SP Investigation Wing Karak that you SI Zafar Ali while posted as SHO PS Karak registered case FIR No. 590 dated 16.09.2020 u/s 154A PS Karak against accused Abdul Hakim s/o Nasib Ghulam r/o Warana Ghari Khel on ill intention. Accused was charged by the complainant in case FIR No. 256 dated 16.09.2020 u/s 302, 34 PPC PS Band Korai in district Dera Ismail Khan. This illegal act was done with the collaboration of Maddad Moharrar and DFC PS Karak. Furthermore, it has also been reported that you SI took illegal gratification amounting to Rs. 5 lac from the accused party to provide shelter in the said case. This state of affair is quite adverse on your part and shows your malafide intention, disruptive behavior and irresponsibility in the discharge of your official obligations being a member of discipline Force. This act on your part is against service discipline and amounts to gross misconduct."

1. By the reason of your commission/omission, constitute miss-conduct under Police disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department, you have rendered your-self liable to all or any of the penalties specified in Police Rule-1975 ibid.

2. You are, therefore, required to submit your written defense within 07-days of the receipt of this charge sheet to the enquiry Officer DSP A.D. Shah is hereby appointed for the purpose of conducting enquiry.

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

3. Intimate whether you desire to be heard in person.

4. A statement of allegation is enclosed.

District Police Officer, Karak

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to be true Copy

11/2020

DISCIPLINARY ACTION

(7)

I, **IRFAN ULLAH KHAN**, District Police Officer, Karak, as a competent authority, is of the opinion **SI Zafar Ali (suspended) Police Lines Karak** has rendered himself liable to be proceeded against on committing the following act/commission within the meaning of Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt. of Khyber Pakhtunkhwa, Police Department.

STATEMENT OF ALLEGATIONS

"As per the findings report of the preliminary enquiry conducted by SP Investigation Wing Karak that SI Zafar Ali while posted as SHO PS Karak registered case FIR No. 590 dated 16.09.2020 u/s 15AA PS Karak against accused Abdul Hakim s/o Nasib Ghulam r/o Warana Ghari Khel on ill intention. Accused was charged by the complainant in case FIR No. 258 dated 16.09.2020 u/s 302, 34 PPC PS Band Korai in district Dera Ismail Khan. This illegal act was done with the collaboration of Maddad Moharrar and DFC PS Karak. Furthermore, it has also been reported that SI took illegal gratification amounting to Rs. 5 lac from the accused party to provide shelter in the said case. This state of affair is quite adverse on his part and shows his malafide intention, disruptive behavior and irresponsibility in the discharge of his official obligations being a member of discipline Force. This act on his part is against service discipline and amounts to gross misconduct."

1. The enquiry Officers DSP B. D. Shah in accordance with provision of the Police Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt. of Khyber Pakhtunkhwa, Police Department may provide reasonable opportunity of hearing to the accused official, record his finding and make within 10-days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

2. The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

District Police Officer, Karak

No 375 /EC(Enq), dated 02/10/2020.

Copy to:-

1. The enquiry Officers for initiating proceeding against the accused under the Provision of the Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt. of Khyber Pakhtunkhwa, Police Department.
2. SI Zafar Ali (suspended) Police Lines Karak.

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(8) Annexure-"B"

ORDER

My this Order will dispose off the departmental enquiry against SI Zafar (suspended) of this district Police.

Facts are that as per the findings report of the preliminary enquiry conducted SP Investigation Wing Karak that SI Zafar Ali while posted as SHO PS Karak registered an FIR No. 590 dated 16.09.2020 u/s 15AA PS Karak against accused Abdul Hakim s/o Nas Ghulam r/o Warana Ghari Khel on ill intention. Accused was charged by the complainant case FIR No. 256 dated 16.09.2020 u/s 302, 34 PPC PS Band Korai in district Dera Ismail Khan. This illegal act was done with the collaboration of Maddad Moharrar and DFC PS Karak. Furthermore it has also been reported that SI took illegal gratification amounting to Rs. 5 lac from the accused party to provide shelter in the said case. This state of affair is quite adverse on his part and shows his malafide intention, disruptive behavior and irresponsibility in the discharge of his official obligations being a member of discipline Force. This act on his part is against service discipline and amounts to gross misconduct.

He was issued with Charge Sheet and Statement of allegations and Mr. Ali Khan the then SDPO Karak was appointed as an Enquiry Officer to conduct proper departmental enquiry against him and to submit his findings within the stipulated time.

The Enquiry Officer reported that during the course of enquiry, DFC/LHC Mudassir Nazar and LHC/Moharrar Akhtar Nawaz while recording their statement before the previous Enquiry Officer recorded false statement regarding arrest of Abdul Hakim and timing of registration of FIR. Now they stated arrest of accused 10 o'clock and registration of FIR before arresting. Similarly, SI Zafar Ali had earlier made a statement in support of the FIR but now he stated during cross-examination that FIR was registered by the Moharrar on his instructions while the exact time of arrest of the accused and the registration of the FIR was placed on the responsibility of Muharrar. Moreover, all three have shown negligence and carelessness in performing their official duties, whether intentionally or unintentionally. Furthermore, a case FIR 590 was emitted due to claim, recovery of weapon of offense, and place of occurrence in case FIR No. 256 dated 16.09.2020 u/s 302,324, 34 PPC PS Bandkorai district D.I.Khan. So, any relief was given to accused Abdul Hakim is terminated due to the above case. Therefore, the E.O recommended him for suitable punishment.

He was served with Final Show Cause Notice, in response to the Final Show Cause Notice the accused official submitted implausible reply, placed on file.

He was called and heard in person in this office but he could not produce any cogent reason in his defense.

Keeping in view of the available record and facts on file, perusal of enquiry papers and recommendations of the Enquiry Officers, he is found guilty of charges, therefore, I, Irfan Ullah Khan, District Police Officer, Karak as competent authority under the Police Rules 1975 (amended in 2014) is hereby imposed major punishment of reduction in pay for two years from SI Zafar Ali with immediate effect. He is reinstated in service from the date of suspension.

ATTESTED
Attested to be true copy

OB No. 359

(9)

Annexure-"C"

To:- The Regional Police Officer,
Kohat Region, Kohat

THROUGH PROPER CHANNEL

SUBJECT:- **REPRESENTATION**

Respected Sir,

With due respect, appellant submit representation against the order of learned District Police Officer Karak bearing OB No. 559 dated 02.01.2021 vide which penalty of reduction in pay for two years has been awarded to appellant.

FACTS:

1. That in the year 2020 appellant was posted as Station House Officer Karak City appellant and two others were rendered to departmental charges on the basis of registration of wrong case vide FIR No. 590 dated 16.09.2020 u/s 15AA Police Station Karak.
2. That appellant defended the charge and contended that registration of any case does not amount to misconduct, because wrong case could be easily cancelled, but non-registration of a case is serious misconduct. However the departmental proceeding culminated in passing the impugned order, hence this representation on the following grounds.

GROUNDS:

a. That the impugned penalty is not clear because reduction in pay for two year without specifying the quantum of reduction does not serve the purpose. Therefore, the impugned order is worth to be set aside.

b. That the whole departmental file was proposed in violation of law and rules. no one was examined as a witness in presence of applicant. No chance and opportunity of cross examination of any witness was provided to appellant.

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(10)

c. That the enquiry officer had based his opinion on assessment and the enquiry officer failed to bring any evidence on file in support of the charges and his finding report that wrong registration of case without any mala-fide motive does not fall within the ambit of commission of miss-conduct. To error is a human being and the supervisory officer are posted with sole object of rectifying any non-culpable wrong allegedly committed by the subordinate officer. That good performance of appellant have not taken into account before passing the impugned order. Major penalty was imposed on appellant for commission of no wrong.

It is therefore, requested that the impugned order may be set-aside with all back benefits.

Dated: 05.03.2021

Thanks

Yours obediently,

Zafar Ali Sub-Inspector
Police Lines, Karak

(11)

Annexure-"D"

POLICE DEPTT:

KOHAT REGION

ORDER.

This order will dispose of a departmental appeal moved Offg: SI Zafar Ali of Operation Staff Karak against the punishment order, passed by DPO Karak vide OB No. 559, dated 02.01.2021 whereby he was awarded major punishment of **reduction in pay for two years** on the allegations of charging an accused in case FIR No. 590, dated 16.09.2020 u/s 15-AA PS Karak while he was already charged in case FIR No. 256, dated 16.09.2020 u/s 302, 34 PPC PS Band Korai at district D.I.Khan.

Comments as well as relevant record were requisitioned from DPO Karak and perused. The appellant was also heard in person in O.R held in this office on 16.06.2021. During hearing the appellant did not advance any plausible explanation in his defense to prove his innocence.

Above in view, the undersigned reached to the conclusion that the allegations leveled against the appellant are fully proved and the same has also been established by the E.O in his findings. From the perusal of relevant record, it transpires that the registration of FIRs in both districts probably with the difference of one and half hour is full of doubts and cannot be considered mere a genuine coincidence. Therefore, his appeal being devoid of merits is hereby **rejected.**

Order Announced
16.06.2021

(MOHAMMAD ZAFAR ALI) PSP
Region Police Officer,
Kohat Region.

No. 9471 /EC, dated Kohat the 21-6- /2021.

Copy to District Police Officer, Karak for information and necessary action w/r to his office Memo: No. 3533/EC, dated 17.05.2021. His Service Record containing 02 Service Books & Fauji Missal is returned herewith.

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(MOHAMMAD ZAFAR ALI) PSP
Region Police Officer,
Kohat Region.

(12)

Annexure-"E"

To: - The Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

THROUGH PROPER CHANNEL

SUBJECT:- **REVISION PETITION UNDER RULE 11-A OF KP POLICE RULES 1975 (AMENDED 2014).**

Respected Sir,

Petitioner very humbly submits a revision petition for raising the orders of District Police Officer Karak dated 02.01.2021 vide which penalty of reduction in pay for two years was imposed on petitioner and orders of Regional Police Officer Kohat dated 21.06.2021 vide which the representation of petitioner lodged against the aforementioned order of District Police Officer Karak was rejected.

FACTS:

1. That petitioner which posted as Station House Officer Karak was rendered to disciplinary action on charges of registration of case FIR No. 590 dated 16.09.2020 u/s 15AA Police Station Karak as the above mentioned as case was also involved in case FIR No. 256 dated 16.09.2020 u/s 302/34 PPC Police Station Band Korai District DI Khan.
2. That the accuse arrested in case FIr No. 590 District Karak was arrested in case FIR No. 256 District DI Khan and he is shifted to Judicial Lockup. The lower courts as well as high courts has rejected his bail petition because his plea of alibi was reported manipulated.
3. That petitioner condemned the lower authorities that the impugned action on the past of petitioner was manipulated by the lower subordinate and involvement of the arrested accuse in murder case was supported by petitioner which failed his nefarious designs of manipulated plea of alibi.
4. That the reference of petitioner was neither taken into account by the lower authority nor appellate authority and the impugned orders were passed hence this revision petition on the following grounds:

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GROUNDS:

a. That the impugned orders have been passed against the law, rules and facts on record on lower authority and appellate authority did not proper evaluate the facts and evidence on record. The alleged action on the past by the petitioner was not culpable and award of harsh and major penalty on charges of non-culpable action is against the interrupts of providing law and Rules and natural justice.

b. That accuse charges in murder case of another district was arrested and he is still behind the bar and the authorities did not considered the action of petitioner. The accuse urged in murder made attempt of spoiling the evidence of murder case by manipulating plea of alibi, but his plea was failed. Therefore, the impugned penalty has wrongly been imposed on petitioner.

c. That the authorities has not specified the stages of reduction in pay. Therefore, the impugned order is bad in law, therefore worth to be set aside.

d. That the good performance rendered by petitioner during posting period as Station House Officer were ignored and the impugned order were passed on the basis of no evidence.

e. That the enquiry was conducted against law and Rules and no fair opportunity was provided to appellant, therefore the impugned orders are not sustainable.

It is therefore, requested that the impugned order may be revised and petitioner revised dossier may be cleared from stigma of major penalty, please.

Dated: 01.07.2021

Thanks.

Yours obediently,

Zafar Ali Khan
AGO S.B Karak

(14)

Annexure-"F"

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by **Sub-Inspector Zafar Ali No. 123/K.**

The petitioner was awarded punishment of reduction in pay for two years by District Police Officer, Karak vide OB No. 559, dated 02.11.2021 on the allegations that as per finding report of the preliminary enquiry conducted by Superintendent of Police, Investigation, Karak, he while posted as SHO Police Station Karak registered case FIR No. 590, dated 16.09.2020 u/s 15-AA Police Station Karak against accused Abdul Hakim s/o Nasib Ghulam r/o Warana Ghari Khel on ill intention. Accused was charged by the complainant in case FIR No. 256, dated 16.09.2020 u/s 302, 34 PPC Police Station Band Korai at district DIKhan. This illegal act was done with the collaboration of Maddad Moharrar and DFC Police Station Karak. Furthermore, it has also been reported that the petitioner took illegal gratification amounting to Rs. 5 lac from the accused party to provide shelter in the said case. His appeal was rejected by Regional Police Officer, Kohat vide order Endst: No. 9471/EC, dated 21.06.2021.

Meeting of the Appellate Board was held on 29.06.2022, wherein the petitioner was present and heard in detail.

Perusal of enquiry papers reveals that the allegations against the petitioner were proved. Petitioner failed to advance any plausible explanation in rebuttal of the charges. Therefore, the Board decided that his revision petition is hereby rejected as without merit.

Sd/-
SABIR AHMED, PSP
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/1404-11/22, dated Peshawar, the 6/7/2022.

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat.
2. Deputy Inspector General of Police, Special Branch, Khyber Pakhtunkhwa, Peshawar. Two Service Books and one enquiry file (770 pages) of the above named appellant received vide your office Memo: No. 7038/EB, dated 22.09.2021 is returned herewith for your office record.
3. District Police Officer, Karak.
4. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-III, CPO Peshawar.
8. Officer concerned.

(DR ZAHID ULLAH) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

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(15) Annexure-G

OFFICE OF THE
INSPECTOR GENERAL OF

KHYBER PAKHTUNKHWA
Central Police Office, Peshawar.

No. S/ 1815 /22, dated Peshawar the 03/08/2022.

To: The Deputy Inspector General of Police,
Special Branch, Khyber Pakhtunkhwa,
Peshawar.

7867
05-08-2022

Subject: **MERCY APPEAL AGAINST THE PUNISHMENT.**

Memo:

Please refer to your office Memo: No. 7137/EB, dated 13.07.2022.

The Competent Authority has examined and filed the mercy petition submitted by SI Zafar Ali No. 123/K against the punishment of reduction in pay for two years awarded by District Police Officer, Karak vide OB No. 559, dated 02.01.2021.

The applicant may please be informed accordingly.

(NOOR AFGHAN)
Registrar,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

864
10-8-2022

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5/8/2022

E/Mercy Branch 2022 Letters/Letters Pdf

5/8/2022

(16)

بیان از ساں ظفر علی خان SHO

(36)

بحوالہ چارج شیٹ نمبر 314/(EO) ENQ مورخہ 02/10/2020 عرض خدمت ہوں کہ
حاضر DFC نے مجھے اطلاع دی کہ ایک مشکوک شخص ہسپتال کے نزدیک
پستول ہاتھ میں رکھ کر گھوم رہا ہے۔ میں نے حاضر DFC کو بتایا کہ
مذکورہ شخص سے اسلحہ چیک کرو۔ اس نے کہا کہ اس میں دیر کیوں
کر رہے ہو۔ میں نے DFC کو بتایا کہ تمام لے جاؤ اور FIR درج کرو۔
حاضر DFC نے مذکورہ شخص کو تھانہ لے گئے اور FIR درج کی۔ میں نے
قانون کے مطابق کارروائی کی ہے اس میں میرا کوئی مداخلت نہیں ہے
اوپر کو الزامات لگائے گئے ہیں کہ میں نے ذلکو دیئے ہیں
میں حلفاً بیان کرتا ہوں کہ خدا کو حاضر ناظر جان کر کہتا ہوں کہ میرے اوپر جو
الزامات ہیں وہ غلط اور بے بنیاد ہے۔ یہ میرا بیان ہے جو حقیقت
پر مبنی ہے۔

ATTESTED
to be true Copy

Sd/-
06-10-2020

سوال - جب DFC حاضر نے آپ کو فون کیا تو کیا وقت تھا اور کہاں پر موجود تھے۔
جواب - جناب کے مقیس ٹائم کا پتہ نہیں لیکن اتنا معلوم ہے کہ دوپہر سے پہلے
تقریباً 10/15 بجے فون کیا تھا۔ میں علاقہ گشت پر تھا۔
سوال 2 - FIR درج کرنے کے کتنے وقت بعد آپ تھانہ گئے اور ملزم اور ملکیم کو
کس وقت حوالات پر رکھا گیا۔
جواب - FIR درج کرنے کے دوران تقریباً 9:30 یا 10 بجے تھانہ آیا۔ اور ملزم کو
شام کے وقت نماز مغرب شام حوالات پر رکھا گیا۔

P.T.O

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to be true Copy

(Re-Typed Copy)

(17-A)

سوال نمبر 3 - DFC موضع نے ملزم شخص کو کیا اکیلے میں گرفتار کیا تھا یا اس کے ساتھ کوئی دوسرا کنسٹیبل موجود تھا۔

جواب - DFC موضع نے ملزم کو اکیلے گرفتار کیا تھا۔ اس کے ساتھ کوئی دوسرا کنسٹیبل موجود نہیں تھا۔

سوال نمبر 4 - ملزم کو DFC نے گرفتار کیا تھا۔ جبکہ آپ SHO موقعہ پر موجود نہیں تھے۔ تو پھر مراسلہ آپ کی طرف سے کیوں تحریر کیا گیا ہے۔

جواب: ملزم کو DFC نے گرفتار کیا تھا۔ میں موقعہ پر موجود نہیں تھا۔ مراسلہ میری طرف سے اسلئے تحریر ہوا ہے۔ کہ تھانہ میں کوئی دوسرا ذمہ دار شخص نہیں تھا۔ نہ میرے پاس HC تھا۔ اور نہ میرے پاس ASI اور نہ SI تھا۔ اس وجہ سے میں نے خود FIR / مراسلہ میرے طرف سے تحریر ہوا۔

سوال نمبر 5 - CDR سے معلوم ہوتا ہے۔ کہ ملزم کا لوکیشن بوقت وقوعہ پراچہ کرک آتا ہے۔ جبکہ آپ کا نمبر 0344-9796259 کا لوکیشن بوقت 10:00 بجے مین بازار کرک کا تحصیل مارکیٹ آتا ہے۔ ملزم کا لوکیشن کے مطابق CDR بوقت وقوعہ اور وقوعہ کے وقت میں تضاد کیوں پایا جاتا ہے

جواب - سر جی ملزم کو DFC موضع نے گرفتار کیا ہے۔ تھوڑے فاصلے تھانہ کرک کے ساتھ نزدیک ہے۔ اسلئے ٹاور لوکیشن تھوڑے فرق آتا ہے۔ باقی میں تو اکثر گشت کے اوقات طیبہ بازار، کچہری عدالت، تحصیل چوک، جیل چوک گشت پر ہوتا ہوں۔ اسلئے میرے لوکیشن میں تضاد ہے۔

سوال نمبر 6 - ملزم عبدالحکیم ورانہ کرک کا باشندہ ہے۔ کیا آپ کا کوئی ہمسایہ یا رشتہ دار تو نہیں لگتا ہے۔ جبکہ آپ بھی ورانہ کا رہائشی ہے۔

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ب۔ جی سر عبدالحکیم ولد منیر خیل کا رہائشی ہے۔ نہ میرا رشتہ دار ہے
اور نہ رشتہ دار ہے۔ البتہ صرف اور صرف ورانہ کا ہے
اور میں موقع پر حسن خیل سے تعلق رکھتا ہوں

سوال نمبر 7۔ ملزم کی گرفتاری پر تھانہ میں ملزم کا تصویر اتارہ جاتا ہے
اور ڈسٹرکٹ پولیس آفس واٹس اپ گروپ پر بھیجا جاتا ہے کیا
ملزم عبدالحکیم کا تصویر واٹس اپ ڈسٹرکٹ پولیس Page پر موجود ہے

جواب۔ اس سے تصویر نہیں نکالا ہے اور اس کا Picture Page واٹس اپ
پر نہیں رہا ہے۔ عام ملزم سے تصویر نکالتے ہیں۔ جیسا کہ ملزم 324/302 وغیرہ

سوال نمبر 8۔ الزامات میں صلح کا لفظ درج ہے کیا الزام میں شامل ہے کیا
ملزم عبدالحکیم نے موجودہ مقدمہ میں مدعی سے یا اپنے کسی ساتھی نے
وغیرہ کیساتھ رشوت کے طور پر کچھ ایسا کر مقدمہ سے بری کرانے کے لئے
تو رسیا کرنا معلوم ہوتا ہے۔ کیا درست ہے؟

جواب خدا کی قسم میں جانتا ہوں کہ دنیا میں کوئی چیز اوپر جو الزامات ہے میں گرفت
اور سے منیا ہے۔ میں نے جو کام کیا ہے قانون کے مطابق کیا ہے۔ اس میں
میرا کوئی بدنیتی شامل نہیں ہے۔ میرے لئے دونوں فریقین ایک ہے کیونکہ
دونوں فریقین پیس میں تو برابر ہے۔ میں کسی ایک کو دوسرے پر ترجیح
دیتا دونوں برابر ہے۔

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بیان از ظفر علی خان

بحوالہ چارج شیٹ نمبر EC 314/Eng مورخہ 02/10/2020 معروض خدمت ہوں
کہ مدعی DFC نے مجھے اطلاع دی کہ ایک مشکوک شخص ہسپتال کے نزدیک
پستول ہاتھ میں رکھ کر گھوم پھر رہا ہے۔ میں نے مدعی DFC کو بتایا کہ مذکورہ
شخص سے لائسنس چیک کرو۔ اس نے کہا کہ لائسنس وغیرہ کچھ نہیں ہے۔
میں نے DFC مدعی کو بتایا کہ تھانہ لے جاؤ اور FIR درج کرو۔ مدعی DFC نے
مذکورہ شخص کو تھانہ لے گئے۔ اور قرر مہمات FIR درج کی۔ میں نے قانون
کے مطابق کارروائی کی ہے۔ اس میں میری کوئی بدنیتی نہیں ہے۔
میرے اوپر جو الزامات لگائے گئے ہیں کہ میں نے رشوت لی ہے
میں حلفاً بیان کرتا ہوں کہ خدا کو حاضر ناظر جان کر میرے اوپر جو الزامات ہیں
سب گھڑت اور بے بنیاد ہے۔ یہ میرا بیان ہے جو حقیقت پر مبنی ہے

Sd/- Zafar Ali Khan
SI Police Line Karak
24-11-2020

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No 362 /EC(Enq)
Dated 2 / 12 /2020

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FINAL SHOW CAUSE NOTICE.

1. I, **IRFAN ULLAH KHAN**, District Police Officer, Karak as competent authority under the Police Rule-1975 hereby serve you **SI Zafar Ali the then SHO PS Karak (now under suspension at Police Lines Karak)** as follow -

That consequent upon the completion of enquiry conducted against you by Enquiry Officers **Mr. Ali Khan, SDPO Karak.**

2 On going through the finding and recommendation of the Enquiry Officer and materials on the record and other connected papers including your defense before the said Enquiry Officer, the charge against you were proved and you have committed the following acts / omission specified in Police Rule-1975:-

"As per the findings report of the preliminary enquiry conducted by SP Investigation Wing Karak that you SI Zafar Ali while posted as SHO PS Karak registered case FIR No. 590 dated 16.09.2020 u/s 15AA PS Karak against accused Abdul Hakim s/o Nasib Ghulam r/o Warana Ghari Khel on ill intention Accused was charged by the complainant in case FIR No. 255 dated 16.09.2020 u/s 302, 34 PPC PS Band Koral in district Dera Ismail Khan. This illegal act was done with the collaboration of Maddad Moharrar and DFC PS Karak. Furthermore, it has also been reported that you SI took illegal gratification amounting to Rs. 5 lac from the accused party to provide shelter in the said case. This state of affair is quite adverse on your part and shows your malafide intention, disruptive behavior and irresponsibility in the discharge of your official obligations being a member of discipline Force. This act on your part is against service discipline and amounts to gross misconduct."

As a result thereof I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under Police Rule-1975.

4 You are therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you, also intimate whether you desire to be heard in person

5. If no reply to this Notice is received within Seven (07) days of its delivery in the normal course of circumstances, it will be considered/presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

6 Copy of findings of the Enquiry Officer is enclosed

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District Police Officer, Karak

(21)

بیان از ذاکر علی خان

بحوالہ مقدمہ ایف آئی آر نمبر 343/20 مورخہ 12.12.20 جرم 302 ت پ میں عرض ہے کہ مدعی DFC نے مجھے اطلاع دی کہ ایک مشکوک شخص ہسپتال کے نزدیک پستول ہاتھ میں رکھ کر گھوم پھر رہا ہے۔ میں نے مدعی DFC کو بتایا کہ وہ مشکوک شخص سے پوچھ گچھ کرے۔ اس نے کہا کہ آپشن میں کوئی نہیں ہے۔ میں نے DFC کو بتایا کہ اس کے ساتھ جائے اور FIR درج کرے۔ مدعی DFC نے مذکورہ شخص کو تھانہ لے گئے۔ اور FIR درج کی۔ میں SHO نے تفتیش کی اور ملزمان کو گرفتار کیا۔ اس میں میرا کوئی بیان نہیں ہے۔ میرے اوپر جو الزامات لگائے گئے ہیں کہ SHO نے S کو اکسایا ہے جس طرح بیان کرتا ہوں کہ خدا کو حاضر ناظر جان کر جو الزامات ہیں من گھڑت اور بے بنیاد ہے۔ یہ میرا بیان ہے۔

Station House Kohat
03.12.2020

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بعدالت سروس ٹریبونل خیبر پختونخوا

Appellant

2 منجانب ظفر علی بنام IGP وغیرہ

موزخہ _____
مقدمہ _____
دعویٰ _____
جرم _____

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ آن مقام _____ کیلئے شاہ روم خان ایڈووکیٹ و شاہ ایاز خلیل اللہ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارعرضی دعویٰ اور درخواست ہر قسم کی تصدیق زر ایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برامدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سند رہے۔

المرقوم 02 ماہ 09 2022ء

العبد _____ گواہ العبد _____

بمقام _____ کے لئے منظور ہے۔