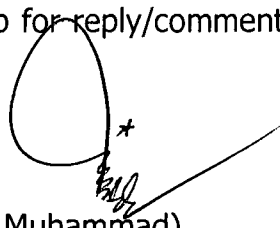


25.08.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Ahmad Jan. SI for the respondents present.

Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments. Last opportunity is extended subject to payment of costs of Rs. 2000/-. Adjourned. To come up for reply/comments on 03.10.2022 before S.B.

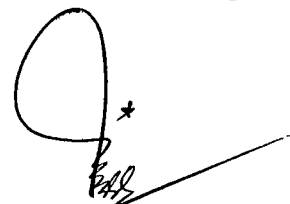


(Mian Muhammad)
Member (E)

21.07.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Ahmad Jan, ASI for the respondents present.

It is evident from the previous order sheet dated 07.06.2022 that the respondents department had been given last chance for submission of reply/comments. Despite last chance, the respondent department could not submit the requisite reply/comments today. Learned Additional Advocate General appeared on behalf of the respondents at fault and requested for yet another chance enabling him to contact and consult the respondents to submit reply/comments. The request is acceded to but as last chance whereafter coercive measures ^{shall} invariably be initiated against the respondents at fault. Adjourned. To come up for reply/comments on 25.08.2022 before S.B.


(Mian Muhammad)
Member (E)

**Service Appeal No. 489/2022
(Hidayatullah)**

06.04.2022

Counsel for the appellant present and heard.

The appeal is within time. Admitted for full hearing. The appellant is directed to deposit security and process fee and security within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 19.05.2022 before S.B.

Rs-500/-
Appellant Deposited
Security & Process Fee

Hidayatullah
08/04/22


Chairman

19.05.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Written reply/comments on behalf of respondents not submitted. Learned AAG requested for time to contact the respondents for submission of written reply/comments. Granted. To come up for written reply/comments on 07.06.2022 before S.B.


(Mian Muhammad)
Member (E)

07.06.2022

Clerk to counsel for the appellant present.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General alongwith Muhammad Raziq HC for respondents present.

Reply of respondents is still awaited. Representative of respondents requested for time to submit reply/comments. Last opportunity is granted. To come up for reply/comments on 21.07.2022 before S.B.


(Rozina Rehman)
Member (J)

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: Hidayat Ullah vs Police Deptt.

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>Mir Zaman Safi</u>	✓	
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?	✗	✓
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on _____		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on _____		
26.	Whether copies of comments/reply/rejoinder submitted? on _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Mir Zaman Safi Advocate

Signature: Mir Zaman Safi

Dated: 06.04.2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 489 /2022

HIDAYAT ULLAH

VS

POLICE DEPTT:

INDEX

S.NO.	DOCUMENTSst	ANNEXURE	PAGE
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2	Affidavit	5.
3	FIR & Statement	A & B	6- 7.
4	FIR	C	8.
5	Application alongwith orders	D	9- 12.
6	Show cause notice & reply	E & F	13- 14.
7	Impugned order	G	15.
8	Departmental appeal	H	16- 17.
9	Rejection order	I	18.
10	Wakalat nama	19.

APPELLANT

THROUGH:


MIR ZAMAN SAFI
ADVOCATE

Office: Room No. 6-E, 5th Floor,
Rahim Medical Centre, Hashtnagri,
Peshawar.

Cell: 0333-9991564
0317-9743003

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 489 /2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 556

Dated 06/4/2022

Mr. Hidayat Ullah, Sub Inspector No. 427-P,
Police Lines, Peshawar.

..... APPELLANT

VERSUS

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Additional Inspector General of Police HQrs, Khyber Pakhtunkhwa, Peshawar.
- 3- The Capital City Police Officer, Peshawar.

..... RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 25.08.2021 WHEREBY MINOR PENALTY OF FORFEITURE OF ONE YEAR APPROVED SERVICE HAS BEEN IMPOSED UPON THE APPELLANT AND AGAINST THE APPELLATE ORDER DATED 11.03.2022 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS.

PRAYER:

Filed to-day

Registrar

That on acceptance of this appeal the impugned orders dated 25.08.2021 and 11.03.2022 may very kindly be set aside and the forfeited service of the appellant be restored/counted in service of the appellant with effect from the date of issuance of impugned order i.e. dated 25.08.2021. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

1. That appellant is the employee of respondent Department and is presently serving as Sub Inspector/Investigation Officer No.427-P at Police Station Mattani quite efficiently and upto the entire satisfaction of his superiors.
2. That appellant while posted at Police Station Mattani as Investigation Officer an FIR No. 413 lodged against unknown criminals, Under Section, 392/412 PPC vide dated 08.04.2021 and the same was preferred to the appellant for investigation. That later on the complainant recorded statement before the Illaqa Magistrate under Section-164crpc whereby criminals/accused involved in the aforementioned criminal act was nominated in the aforementioned

FIR/criminal case. Copies of the FIR and statement of the appellant are attached as annexure.....A & B.

3. That unfortunately in the same criminals one of them namely Asif S/O Habib Ur Rehman R/O Sherikera, was arrested in some other case Under Section, 15AA/11 B (CNSA), FIR No.787, vide dated 11.6.2021 in Police Station Mattani. That after arrest the above named accused appeared by the Police before the Illaqa Magistrate for the grant of physical Custody of the accused which has been granted for two days in both the cases. Copies of the FIR and applications alongwith orders dated 12.06.2021 of the Magistrate are attached as annexure.....C & D.

4. That astonishingly the appellant received a copy of show cause notice from the high ups vide dated 02.07.2021 with the allegations that:-

i- That a video went viral on social media in which an accused namely Asif Khan R/O Mattani has stated that the OII has called his brother and demanded money/bribe by giving relaxation/concession in Police Custody.

ii- As per Police Station Record accused Asif Khan was involved in case FIR No. 787, dated 11-06-2021, U/S 15AA/11B CNSA and FIR No.473, dated 08.04.2021 U/S 392/412 PPC, PS Mattani.

iii-As per report of SSP/Investigation Peshawar that allegations of demanding money from the accused party by OII Hidayat Ullah were found correct as per video clip of accused Asif Khan.

That in response to the show cause notice dated 02.07.2021 the appellant submitted his detail reply and denied all the allegations leveled against him. Copies of the Show cause notice and reply are attached as annexure.....E & F.

5. That the authority concerned did not consider the said reply of the show cause notice and straight away issued the impugned order dated 25.08.2021 whereby penalty of forfeiture of one year approved service has been imposed upon the appellant. Copy of the impugned order dated 25.08.2021 is attached as annexure.....G.

6. That the appellant feeling aggrieved from the impugned order dated 25.08.2021 preferred departmental appeal before the respondent No.1 but the same has been rejected vide impugned appellate order dated 11.03.2022 on no good grounds. Copies of the departmental appeal and rejection order dated 11.03.2022 are attached as annexure.....H & I.

7. That the appellant feeling aggrieved and having no other remedy but to file the instant service appeal on the grounds amongst the others.

GROUND:

- A- That impugned orders dated 25.08.2021 & 11.03.2022 are against the law, facts, material on record and norms of natural justice hence not tenable in the eye of law and liable to be set aside.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- C- That no charge sheet and statement of allegations have been issued to the appellant before issuing the impugned order dated 25.08.2021.
- D- That only a show cause notice has been served on the appellant and the same has properly been replied by the appellant and denied all the allegations leveled against him, but reply of the appellant has not been considered by the authorities, therefore, the impugned order dated 25.08.2021 is not tenable in the eye of law and liable to be set aside.
- E- That no fact/preliminary inquiry has been conducted by the respondents before issuing the impugned order dated 25.08.2021.
- F- That neither statement of the accused has been recorded nor any chance of cross examination has been provided to the appellant before issuing the impugned order dated 25.08.2021.
- G- That no chance of personal hearing/defence has been provided to the appellant before issuing the impugned order dated 25.08.2021 which is necessary as per judgment of the Apex Court before taking punitive action against any civil servant.
- H- That the allegations leveled against the appellant are not based on fact, therefore, the impugned order dated 25.08.2021 is null and void in the eye of law.
- I- That the impugned order dated 25.08.2021 has been issued by the incompetent authority; hence the same is not tenable and liable to be set aside.
- J- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 06.04.2022

APPELLANT


HIDAYAT ULLAH

THROUGH:


MIR ZAMAN KHAN SAFI,
ADVOCATE

CERTIFICATE:

It is certified that no other earlier appeal was filed between the parties.


DEPONENT

LIST OF BOOKS:

- 1- CONSTITUTION OF PAKISTAN, 1973
- 2- SERVICES LAWS BOOKS
- 3- ANY OTHER CASE LAW AS PER NEED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2022

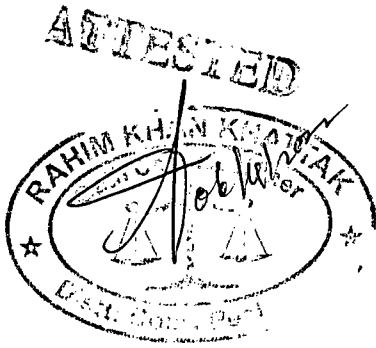
HIDAYAT ULLAH


VS

POLICE DEPTT:

AFFIDAVIT

I **Mir Zaman Safi**, Advocate High Court, Peshawar on the instructions and on behalf of my client do hereby solemnly affirm and declare that the contents of this **service appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.




MIR ZAMAN SAFI,
Advocate
High Court, Peshawar

B-7

بعد الت جناب سلمان رعایت صاحب JMIC، پشاور

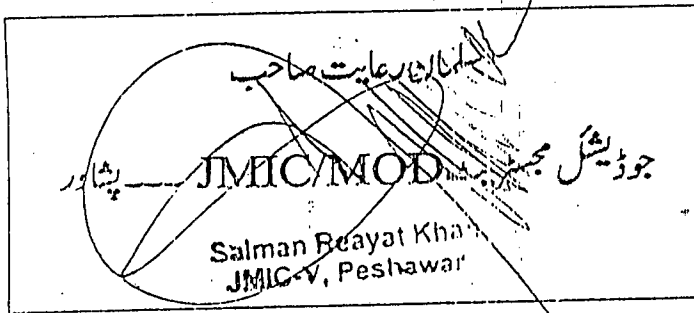
مورخہ: 08/04/2021 بجرم: 392/412 PPC: تھانہ: تہی

بیان زیر دفعہ 164 ازاں مسی محمد وقاص ولد سید نواز: ہسٹری نمبر: 18/19 سال، قوم جاناں کڑا فریدی، موبائل نمبر: 0342-8141290 ساکن: سہ بڈھ بیر پشاور

میر حلف بیان کرتا ہوں: کہ میں نے موٹر سائیکل نمبری LA-7582 بذور چھین کر لے جانے 3 کسان نا معلوم کے خلاف مورخہ 08.04.2021 کو رپورٹ کی تھی نا معلوم کسان کی تلاش دینتہ براری میں خود بھی کر رہا تھا اب مجھے تین کسان کے نام معلوم ہوئے ہیں۔ (1) سراج عرف چرخ ولد حیات خان (2) شفیق عرف پھانگے ولد وزیر اکبر (3) آصف ولد حبیب الرحمان ساکنان شرکیرہ ارٹ بابا ہیں۔ ان 3 کسان نے مجھ سے موٹر سائیکل متذکرہ بالا بذور چھین کر لے گیا تھا۔ میں موٹر سائیکل نمبری LA-7582 بذور چھین کر لے جانے برخلاف ملزمان سراج عرف چرخ ولد حیات، شفیق عرف پھانگے ولد وزیر اکبر اور آصف ولد حبیب الرحمان ساکنان شرکیرہ ارٹ بابا عویدار ہوں۔

یہی میرا بیان ہے جو سن کر درست تسلیم کیا۔

المرقوم: 27 مئی 2021ء



نام: محمد وقاص ولد سید نواز

ساکن: سہ بڈھ بیر پشاور

موبائل نمبر: 0342-8141290

شناخت کنندہ۔

محمد اسحاق ولد میر داد

شناختی کارڈ نمبر: 225011-547287-3

موبائل نمبر: 0346-9223390

ATTESTED

(Signature)



D-9

قسط منقوب

خبر لکھنؤ

درخواست خرید زمین لوئیس سٹیشن (7)

473 فورم 8 4/8 جبر 392 Pp 412

بنائے آصف ولد حبیب الرحمن ساکن شہر بکرہ ایٹھ بابا

لوہانہ جہان علاقہ جوڈیشل قسطنطنیہ لکھنؤ

جہان علی

حق خرید عنوان بابا میں ملزم بابا صاحب جہانم گرفتار ہے جسکی جائز خرید زمین لوئیس ختم ہے ملزم بابا سے حق خرید ہزار کے بارے میں لوگوں کو کچھ اور موقع کی نشاندہی از خود ضروری ہے اشرفی ہنگوئی ملزم سٹیشن لوہانہ خریدنے لوئیس منظور ہو فوائے

ASi PSMatt
12-6-c 21

Sis Forwarded
ASi PSMatt
12-06-c 21

Forwarded
12/6/21

order annexed.

ATTESTED
12/6/2021

10

IN THE COURT OF NOOR UL HAQ
JUDICIAL MAGISTRATE-IV/MOD, PESHAWAR

FIR No. 473 dated 08/4/2021 u/s 392/412 PPC of Police
Station Mathani, Peshawar

Order.
12/6/2021

Accused namely Asif s/o Habib Ul Rahman produced in custody by IO of police station concerned being MOD along with case property. The IO through separate application requested for physical custody of the accused for the reasons mentioned therein.

Today the Accused named above complained of physical torture by local police of Police Station Mathani Peshawar, after his arrest in the present case. Jail Superintendent Peshawar is directed to examine the accused through Senior Medical Officer thoroughly and submit detailed report before the concerned Court/MOD on 14/6/2021, as to whether any torture was actually inflicted upon accused named above or not. Copy of this order be sent to Jail Superintendent Peshawar and Senior Medical Officer, Jail for compliance.

As per contention of the IO, the accused is involved in heinous offence and in order to collect proper evidence in the case, leading to the involvement of other co-accused, custody of the accused is necessary. Plausible reason exists hence, request stands accepted.

However, as the accused has already complained of physical torture by the local police of Police Station concerned therefore, keeping in view the interest justice, Two (02) days custody of the accused is granted inside jail subject to his pre and post medical examination and IO is directed to interrogate the accused inside jail in presence of Superintendent and SMO as per law.

Superintendent Central Jail Peshawar is directed to make arrangements for interrogation of the accused inside the jail. He is further directed to facilitate the IO by permitting him to make pointation etc (if required) subject to ensuring entry in the relevant register about departure and arrival timings of the accused.

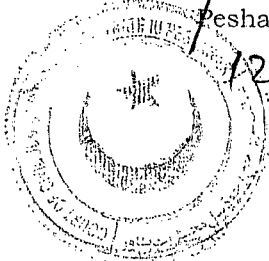
Accused be produced before the court/MOD on 14/6/2021.

Copy of this order be sent to the Hon'able Sessions Judge, Peshawar for information.

ATTESTED

m- [Signature]

[Signature]
Noor Ul Haq
Judicial Magistrate-IV,
Peshawar.



12/6/2021

ضلع لیٹا اور

قائم رہتی درخواست عہدہ پولیس فوجی ملازم 7 نومبر

حوالہ مقدم نمبر 787 حورافہ 6/11/21 اجسام 11BCNSA 15AA 011 مکان عدالت

بنام افسدولرحیب الرحمان صاحب سٹریٹنگ آرٹسٹ بابا

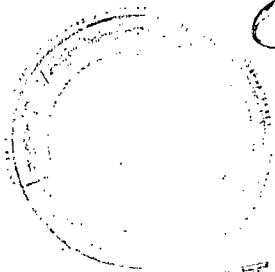
صاحب مال

مقدمہ بعنوان بالا میں ملازم بالا صاحب صاحب کو گرفتار ہے۔ ملازم سے موقع
کی نشاندہی اور دیگر جوچ گھبراہٹ کی بنا پر عہدہ سے ہٹا دیا گیا ہے۔ ہزاروں درخواست
استدعا عہدہ عہدہ پولیس فوجی ملازم 7 نومبر منظور فرما کر حوالہ احوال
پولیس کے حاکم صادر فرمایا جائے۔

شہد
Sifat/Mattan
12-6-21

Fauzuel
Shah
12/6/21

order annexed.



12/6/2021

ATTESTED

Signature of the attesting officer.

12

IN THE COURT OF NOOR UL HAQ
JUDICIAL MAGISTRATE-IV/MOD, PESHAWAR

FIR No. 787 Dated 11/6/2021 u/s 11B-CNSA r/w 15AA of
Police Station Mathani, Peshawar

Order.

12/6/2021

Accused namely Asif s/o Habib Ul Rahman produced in custody by IO of police station concerned being MOD along with case property. The IO through separate application requested for physical custody of the accused for the reasons mentioned therein.

Today the Accused named above complained of physical torture by local police of Police Station Mathani Peshawar, after his arrest in the present case. Jail Superintendent Peshawar is directed to examine the accused through Senior Medical Officer thoroughly and submit detailed report before the concerned Court/MOD on 14/6/2021, as to whether any torture was actually inflicted upon accused named above or not. Copy of this order be sent to Jail Superintendent Peshawar and Senior Medical Officer, Jail for compliance.

As per contention of the IO, the accused is involved in heinous offence and in order to collect proper evidence in the case, leading to the involvement of other co-accused, custody of the accused is necessary. Plausible reason exists hence, request stands accepted.

However, as the accused has already complained of physical torture by the local police of Police Station concerned therefore, keeping in view the interest justice, **Two (02) days** custody of the accused is granted inside jail subject to his pre and post medical examination and IO is directed to interrogate the accused inside jail in presence of Superintendent and SMO as per law.

Superintendent Central Jail Peshawar is directed to make arrangements for interrogation of the accused inside the jail. He is further directed to facilitate the IO by permitting him to make pointation etc (if required) subject to ensuring entry in the relevant register about departure and arrival timings of the accused.

Accused be produced before the court/MOD on 14/6/2021.

Copy of this order be sent to the Hon'able Sessions Judge, Peshawar for information.

ATTESTED

M. Javed



Noor Ul Haq
Noor Ul Haq
Judicial Magistrate-IV,
Peshawar.

12/6/2021



E - (13)

OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 2047 /PA, dated 2.7.2021

SHOW CAUSE NOTICE
(Under Rules 5(3) of KPK Police Rules 1975)

That you **SI Hidayat Ullah** have rendered yourself liable to be proceeded under Rules 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 for following misconduct:-

- i) That a video went viral on social media in which an accused namely Asif Khan r/o Mattani has stated that the OII has called his brother and demanded money/bribe by giving relaxation/concession in Police Custody.
- ii) As per Police Station Record accused Asif Khan was involved in case FIR No.787, dated 11-06-2021 u/s 15AA/11B CNSA and FIR No.473 dated 08-04-2021 u/s 392/412 PPC PS Mattani.
- iii) As per report of SSP/Investigation Peshawar that allegations of demanding money from the accused party by OII Hidayat Ullah were found correct as per video clip of accused Asif Khan.

This act of yours comes within the definition of misconduct as defined in the rules mentioned.

- 2) That by reason of the above, as sufficient material is placed before the undersigned; therefore, it is decided to proceed against you in general Police proceedings without aid of the enquiry officer.
- 3) That the misconduct on your part is prejudicial to good order of discipline in the Police Force.
- 4) I therefore, called upon you to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules 1975 for the misconduct referred above.
- 5) You should submit reply to this show cause notice within 07 days of the receipt of the notice, failing which an ex-parte action shall be taken against you.
- 6) You are further directed to inform the undersigned that you wish to be heard in person or otherwise.

ATTESTED

M. J. Khan

[Signature]
CAPITAL CITY POLICE OFFICER,
PESHAWAR.

جناب عالی:-

بحوالہ مشمولہ شوکاز نوٹس مجاریہ جناب سی سی پی او صاحب پشاور معروض خدمت ہوں کہ مورخہ 11.06.2021 کو مجرم اشتہاری آصف خان ولد حبیب الرحمان سکنہ شکریرہ ہاٹ بابا مطلوب مقدمہ نمبر 473 مورخہ 08.04.2021 جرم 392، 412 تھانہ مٹی گرفتار ہو کر جس کے خلاف عابد خان ASi کی طرف سے علیحدہ مقدمہ نمبر 787 مورخہ 11.06.2021 جرم 15AA/11BCNSA تھانہ مٹی بھی درج رجسٹرڈ ہو کر تفتیش من Si کو حوالہ ہو کر نقشہ مرتب کیا۔ ملزم کو ہمراہ نفری پولیس ہر دونوں مقدمات بالا میں 7/7 یوم کسٹڈی حاصل کرنے JMIC/MOD صاحب کو پیش کر کے 2/2 یوم کسٹڈی منظور ہو کر مقدمہ نمبر 473/021 جرم 392، 412 مٹی کی تفتیش شمشاد خان ASi نے کیا۔ جبکہ مقدمہ نمبر 787/021 جرم 15AA 11B CNSA کی تفتیش من Si نے کیا۔ دوران انٹارو گیشن ملزم نے جرم خود کو تسلیم کیا ہے جس سے موقع کی نشاندہی کرائی ہے۔ (درخواست کسٹڈی و آرڈر عدالت ہمراہ لف ہے)۔

علاوہ ازیں یہ امر قابل ذکر ہے کہ ملزم خود اور اس کے رشتہ داران الزام تراشی کر رہے تھے کہ مقامی پولیس نے ملزم کو کافی دن پہلے غیر قانونی طور پر گرفتار کر کے نامعلوم مقام منتقل کر کے اس پر سخت تشدد کیا ہے۔ لہذا حالات واقعات اور موقع کی نزاکت کے پیش نظر سائل نے ملزم کے رشتہ داروں سے ہمدردی کا اظہار کیا اور اس سے رابطہ ہو کر ملزم کے رشتہ داروں کو ناراض کرنے اور پولیس کے خلاف الزام تراشی سے ہٹانے کی خاطر گفت و شنید ہوئی اور ان کو عدالت و پچھری میں اپنا بندوبست کرنے کی ہدایت کی ہے۔ اپنے لئے کوئی ڈیمانڈ نہیں کیا ہے۔ نہایت حکمت عملی سے کام لیا ہے۔ ملزم پر تشدد کے بارے میں مجاز عدالت نے مورخہ 12.06.2021 کو کسٹڈی آرڈر میں بھی واضح الفاظ میں ذکر کیا ہے اور جیل سپرنٹنڈنٹ صاحب سے رپورٹ پیش کرنے کی ہدایت کی تھی۔

حلقاً بیان کرتا ہوں کہ میں نے ملزم کے رشتہ دار سے رشوت کا مطالبہ نہیں کیا ہے اور نہ رقم لیا ہے 2 یوم کسٹڈی لیا ہے ملزم کے ساتھ تفتیش میں کسی قسم کوئی نرمی نہیں کیا ہے۔ حقیقت صفحہ مشل پر موجود ہے۔ ملزم ایک چالاک اور مجرمانہ ذہنیت کا حامل ہے اور مقامی پولیس کو پھنسانے کی ناکام کوشش کرتا ہے۔ تاکہ وہ علاقہ میں اپنی چوری چکاری، منشیات فروشی کے دھندے آزادی سے کرتے رہے۔ ملزم کا ایک ساتھی شفیق عرف پالکے ابھی بھی مجرم اشتہاری ہے۔ جو کہ ایف آئی آر سے صاف واضح ہے۔ ملزم کے خلاف مقامی لوگوں نے بذریعہ موبائل بھی ملزم کے خلاف باتیں کیا ہے۔ جو پرنٹ وغیرہ لف ہے۔ سائل کو بہترین تفتیش پر اور ملزمان کا کیفر کردار تک پہنچانے افسران بالا صاحبان نے وقتاً فوقتاً نقد انعامات اور سرٹیفکیٹ سے نوازا ہے۔

عاجز اندہ استدعا ہے کہ حقیقت کو پیش نظر رکھ کر سائل کے شوکاز نوٹس کو بغیر کسی کاروائی کے داخل دفتر کرنے کا حکم صادر فرمایا جائے۔

سائل دعا گو رہے گا۔

ATTACHED

M

سائل

ہدایت خان سب انسپکٹر

پولیس لائن پشاور



OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

Phone No. 091-9210989 Fax: No. 091-9212597

ORDER

G-15

This order will dispose of the inquiry of SI Hidayat Ullah No.427/P, OII Police Station Mattani initiated against him by SP/Investigation Peshawar on an audio clip which went viral on social media in which he is talking on phone with the brother of accused Asif Khan s/o Habib Ur Rehman r/o Sheri Kera Mattani and demanding money by giving concession/ relaxation to the accused in Police custody who was arrested in case vide FIR No.473, dated 08-04-2021 u/s 392/412 and FIR No. 787, dated 11-06-2021 u/s/15AA/11BNCNSa PS Mattani.

Subsequently, SI Hidayat Ullah OII PS Mattani was placed under suspension, closed to Police Lines and was issued Show Cause Notice under Rules 5(3) of Khyber Pakhtunkhwa Police Rules 1975 for his above alleged misconduct.

In response to the Show Cause Notice he submitted his reply in which he negated the allegations of demanding money/bribe from the accused's brother and stated that the accused has been properly interrogated and no relaxation/concession has been granted to the accused. A report has also been asked from SDPO Badaber who submitted that although the official is competent and responsible and fulfilled each task assigned to him irrespective of the fact whether the task related to operation or investigation wing. There is no denying of dialogue of official in audio clip which went viral on social media but keeping in view his long service career he may be reprimanded for his misconduct.

He was called in OR. The audio clip was listened before the accused official. He failed to defend himself during personal hearing. Therefore, he is hereby awarded the minor punishment of forfeiture of approved service for one year. He is also reinstated in service.

(ABBAS AHSAN)PSP
CAPITAL CITY POLICE OFFICER
PESHAWAR

No. 2624-28 /PA Dated Peshawar the, 25 /08/2021.

Copies for necessary action to the:-

1. SSSP/Operations & Investigation, Peshawar.
2. SsP/, HQrs, Investigation, Security & Saddar, Peshawar.
3. DSP HQrs Peshawar.
4. OS, PSO & Reader CCPO.
5. OASI/ EC-I, EC-II, AS, CC, FMC & PO.

↳ Enc (33)

ATTESTED

H-(16)

بھنور جناب انسپکٹر جنرل آف پولیس صاحب خیبر پختونخوا پشاور

عنوان :- اپیل بر خلاف حکم مجاریہ جناب CCPO صاحب پشاور نمبر 28PA-2624 مورخہ

25.08.2021

جناب عالی! سائل حسب ذیل عرض رساں ہے۔

- 1- یہ کہ اپیل مندرجہ بالا عنوان بالا حکم کے خلاف دائر کی جاتی ہے۔
- 2- یہ کہ حکم مجاریہ کو ایک طرف کر کے سائیل کی ایک سال کاٹی ہوئی سروس کو بحال فرمایا جائے۔
- 3- یہ کہ مجھ پر ملزم گرفتار شدہ آصف ولد حبیب الرحمان بحوالہ مقدمہ نمبر 473 مورخہ 08.04.2021 جرم 392/412 تھانہ مٹی ، مقدمہ نمبر 787 مورخہ 11.06.2021 جرم 15AA - CNSA - 11B تھانہ مٹی کے بھائی سے رقم کی ڈیمانڈ اور کسٹڈی (حراست) میں نرمی کا الزام لگایا گیا ہے جبکہ سائیل نے ملزم کا دونوں مقدمات میں 2/2 یوم کسٹڈی لیا تھا اور تفتیش وغیرہ میں کسی قسم کی نرمی نہیں کیا ہے۔ کسٹڈی درخواست، آرڈر عدالت، نقول ایف آئی اے آر لف ہے۔ جبکہ سائیل نے اپنے 29 سال سروس کے دوران کسی سے رقم وغیرہ کا ڈیمانڈ نہیں کیا ہے۔ اور نہ ہی رشوت لیا ہے اور نہ ہی کسی نے شکایت کی ہے۔ لہذا الزام سراسر جھوٹ اور بدینتی پر مبنی ہے۔
- 4- یہ کہ ملزم خود اور اسکے رشتہ داران SHO صاحب مٹی پر الزام تراشی کر رہے تھے کہ ملزم کو کافی دنوں پہلے غیر قانونی طور پر گرفتار کر کے اس پر تشدد کیا ہے۔ حالات واقعات اور موقع کی نزاکت کے پیش نظر سائیل نے ملزم کے رشتہ داروں سے ہمدردی کا اظہار کیا اور رابطہ ہو کر ملزم کے رشتہ داروں کو نارمل کرنے اور پولیس کے خلاف الزام تراشی سے بچانے کی خاطر گفت و شنید ہوئی اور ان کو عدالت و پکچری میں اپنا بندوبست کرنے کی ہدایت کی ہے۔ اپنے لئے کوئی ڈیمانڈ نہیں کیا ہے۔ ملزم ایک چالاک اور مجرمانہ ذہنیت کا حامل ہے مقامی پولیس کو پھنسانے کی ناکام کوشش کرتا ہے تاکہ وہ علاقہ میں چوری چکاری اور منشیات فروشی آزادی سے کرتے رہے۔

ATTESTED

m

(17)

5- یہ کہ ایک سول اور ملزم شخص کی شکایت پر مجھے موجب الا الزام ٹھہرایا گیا اور مجھے ناکردہ گناہ کی سزا سنائی گئی جو سراسر ناجائز اور انصاف کے منافی ہے۔

6- یہ کہ میرے متعلق جناب DSP صاحب بڈھ بیر سے رپورٹ بھی طلب فرما کر جس نے تحریر فرمایا میرے ذمہ دار پولیس افسر ہونے کے متعلق لکھا کہ جو بھی ٹاسک وغیرہ سونپا گیا بہتر طریقے سے حل کر کے پولیس فورس کی نیک نامی برقرار رکھی اور ساتھ ہی دہشت گردی کے دور میں بہتر کارکردگی کو مد نظر رکھتے ہوئے غلطی کو معاف کرنے لکھا گیا۔ (نقل لف ہے)۔

7- یہ کہ میں نے اپنی سروس میں کوئی ایسا اقدام نہیں کیا ہے جس سے پولیس فورس کی بدنامی ہوئی ہو۔ میں نے سپاہی سے لیکر سب انسپکٹر تک انتہائی احتیاط کے ساتھ ملازمت کر کے تفتیش کرتا رہا ہوں اور اس صلہ میں وقتاً فوقتاً افسران بالا صاحبان سے نقد انعامات اور سرٹیفکیٹ حاصل کر چکا ہوں۔

8- یہ امر قابل ذکر اور قابل غور ہے کہ ایک انسان محکمہ پولیس میں بھرتی ہو کر سب انسپکٹر کے عہدے پر پہنچ کر ایک ملزم شخص کی شکایت پر بغیر کسی جرم ثابت ہوئے سزا دی جاتی ہے۔ جو کہ سراسر نا انصافی ہے۔

9- یہ کہ میرا کوئی گناہ یا غلطی یا کوئی بددینی نہیں ان حالات کی روشنی میں استدعا کرتا ہوں کہ میری اپیل منظور فرماتے ہوئے مجھے دی گئی سزا کو معاف فرمایا جائے میری اپیل کو منظور فرمایا جائے کیونکہ میرے ساتھ میرے اہل و عیال کی زندگیاں بھی وابستہ ہے۔ میں دعا گو رہوں گا۔

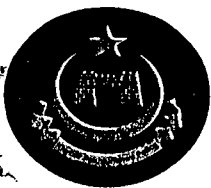
المرقوم: 06/09/2021

العرض

ہدایت خان سب انسپکٹر نمبر P427 پولیس لائین پشاور

موبائل نمبر: 0300-5888174

ATTESTED



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

I-18

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11 of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by **Sub-Inspector Hidayat Ullah No. 427/P**. The petitioner was awarded penalty of forfeiture of approved service for one year by Capital City Police Officer, Peshawar vide order Endst: No. 2624-28/PA, dated 25.08.2021 on the allegations that he while posted as OII Police Station Mattani, an enquiry was initiated against him by SP/Investigation, Peshawar on the allegations that an audio clip went viral on social media in which he is talking on phone with the brother of accused Asif Khan s/o Habib-ur-Rehman r/o Sheri Kera Mattani and demanding money by giving concession/relaxation to the accused in Police custody who was arrested in case vide FIR No. 473, dated 08.04.2021 u/s 392/412 and FIR No. 787, dated 11.06.2021 u/s 15AA/11BNCNSA Police Station Mattani.

Meeting of the Appellate Board was held on 16.02.2022, wherein the petitioner was present and heard in detail.

During hearing petitioner denies the charge. The proof on file i.e transcript of his conversation with the brother of accused prove that he demanded money. Therefore, the Board decided that his petition is hereby rejected.

Sd/-

SABIR AHMED, PSP

Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 463-70 /22, dated Peshawar, the 11-03 /2022.

Copy of the above is forwarded to the:

1. Capital City Police Officer, Peshawar. One Service Roll, one Service Book, one Fauji Missal and one original enquiry file (38 pages) of the above named appellant received vide your office Memo: No. 3864/EC-II, dated 17.11.2021 is returned herewith for your office record.
2. Superintendent of Police, HQrs: Peshawar.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, 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.

ATTESTED

[Signature]

[Signature] 10/03/22

(IRFAN TARIQ) PSP

AIG/Establishment,

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

VAKALATNAMA

BEFORE THE Hyber Pakhtunkhwa Service
Tribunal, Peshawar

_____ OF 2022

Hidayat Allah

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Police Deptt:

(RESPONDENT)
(DEFENDANT)

I/We Hidayat Allah

Do hereby appoint and constitute **MIR ZAMAN SAFI, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 05/04/2022



CLIENT


ACCEPTED

MIR ZAMAN SAFI


&
SAID REHMAN
ADVOCATES

OFFICE:

Room No.6-E, 5th Floor,
Rahim Medical Centre, G.T Road,
Hashtnagri, Peshawar.

Mobile No.0323-9295295

0317-9743003