
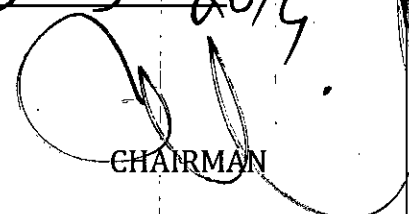


Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_


Case No. 501/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	08/04/2014	<p>The appeal of Mr. Abdul Saboor presented today by Mr. Ijaz Anwar Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p> REGISTRAR</p>
2	14-4-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>23-5-2014</u></p> <p> CHAIRMAN</p>


Appeal No. 501/2014  
Mr. Abdul Subhan

3. 23.05.2014

Appellant with counsel present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the original order dated 31.12.2013, he filed departmental appeal, which has been rejected on 10.03.2014, hence the present appeal on 08.04.2014. He further contended that the impugned order dated 10.03.2014, has been issued in violation of Rule-5 of the Civil Servant (Appeal) Rules 1986. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. Counsel for the appellant also filed an application for suspension of operation of orders dated 31.12.2013 and 10.03.2014. Notice of application should also be issued to the respondents for reply/arguments. To come up for written reply/comments on main appeal on 20.08.2014 as well as reply/arguments on application on 12.06.2014.

  
Member

4. 23.05.2014

This case be put before the Final Bench  for further proceedings.

  
Chairman

11.6.2014

Siraj Khan, Attorney for the appellant alongwith Counsel for the appellant and AAG with Mir Faraz, Inspector (Legal) for the respondents present. Power of attorney placed on file. Respondents need further time. To come up for written reply on main appeal as well as reply/arguments on application for interim relief on 20.8.2014.

  
MEMBER

  
MEMBER

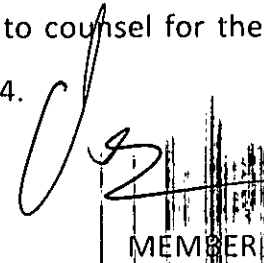
19.08.2014

Counsel for the appellant and Mr. Muhammad Jan, GP for the respondents present. The learned Member is on official tour to Abbottabad. To come up for the same on 09.09.2014.

  
READER

09.09.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Mir Faraz, Inspector (Legal) for the respondents present. Written reply received and copy handed over to counsel for the appellant. To come up for rejoinder on 24.10.2014.

  
MEMBER

24.10.2014

Junior to counsel for the appellant, and Mr. Muhammad Adeel Butt, AAG for the respondents present. The learned Member is on leave, therefore, case to come up for proceedings as before on 19.11.2014.

  
READER

19.11.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Mir Faraz, Inspector for the respondents present. The Tribunal is incomplete. To come up for the same on 29.12.2014.

  
READER

30.12.2014

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP with Mir Faraz, Inspector (Legal) for the respondents present. The Tribunal is incomplete. To come up for the same on 30.1.2015.

  
READER

30.1.2015

Counsel for the appellant and Mr. Muhammad Jan, GP with Mir Faraz Khan, Inspector (Legal) for the respondents present. Rejoinder received, copy whereof is handed over to the learned GP. To come up for arguments on 16.3.2015.

  
MEMBER

16.3.2015

Appellant with counsel (Mr. Sajid Amin, Advocate) and Mr. Ziaullah, GP with Mir Faraz, Inspector (Legal) for the respondents present. Arguments heard. To come up for order on 04.5.2015.

  
MEMBER

  
MEMBER

4.5.2015

Appellant in person and Mr. Ziaullah, GP with Mir Faraz, Inspector (Legal) for the respondents present. Arguments heard. Record perused. Vide our detailed judgment of to-day in connected Service Appeal No. 498/2014, titled "Jamshed Ali Shah Versus Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar etc.", this appeal is also disposed of as per detailed judgment. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
04.5.2015.

  
MEMBER

  
MEMBER

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

Appeal No. 501 /2014

Abdul Saboor S/O Hafiz Kiramat Khan, Ex- Constable No. 293,  
District Police, Bannu.

*(Appellant)*

**VERSUS**

The Provincial Police Officer, Khyber Pakhtunkhwa,  
Peshawar and others.

*(Respondents)*

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*S. Saboor*

*Appellant*

Through

*Ijaz Anwar*

**IJAZ ANWAR**

Advocate Peshawar

&

*Sajid Amin*

**SAJID AMIN**

Advocate, Peshawar

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

Appeal No. 501 /2014

523  
08/4/14

Abdul Saboor S/O Hafiz Kiramat Khan, Ex- Constable No. 293,  
District Police, Bannu.

*(Appellant)*

**VERSUS**

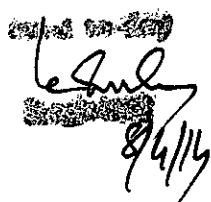
1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer Bannu Region Bannu.
3. District Police Officer Bannu.

*(Respondents)*

**Appeal under Section 4 of The Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 31.12.2013, whereby the appellant has been awarded the major penalty of Dismissal from Service, against which his departmental appeal has also been rejected vide order dated 10.03.2014 communicated to the appellant on 14.03.2014.**

Prayer in Appeal: -

**On acceptance of this appeal the impugned orders dated 31.12.2013 and 10.03.2014 may please be set-aside and the appellant may be re-instated in service with all back benefits of service.**



Respectfully Submitted:

1. That initially the appellant was enlisted as Constable in police department in the year 2004.
2. That ever since the appointment, appellant had performed his duties as assigned to him with zeal and devotion and there was no complaint whatsoever regarding his performance. It is pertinent to mention here that during the entire service, the performance of the appellant remained commendable, he traced and arrested criminals

who were required to the Police in some high profile cases. Beside this, during the roar of militancy, he always remained in the front line against the militants and demonstrated exceptional performance, gallantry and devotion beyond the call of duty. His performance was also appreciated by the High Ups and he was awarded number of Commendation Certificates and Cash awards. *(Copies of the Commendation Certificates are attached as Annexure A)*

3. That while serving in the said capacity the appellant was suspended from service allegedly on account of having tainted reputation and involvement in anti-social activities. *(Copy of suspension order dated 7.11.2013 is attached as annexure B).*
4. That the appellant was served with Charge Sheet and statement of allegations dated 06.12.2013, containing certain unfounded and baseless allegations. The allegations leveled in the Charge Sheet are reproduced bellow, for ready reference:

***“You have been suspended by the regional Police Officer Bannu on the basis of your tainted reputation and your alleged involvement in anti social activities.”***

*(Copy of the Charge Sheet and Statement of Allegations is attached as Annexure C)*
5. That the appellant duly replied the Charge Sheet and refuted the allegations leveled against him as false and baseless vide reply dated 13.12.2013. *( Copy of the Reply is attached as Annexure D )*
6. That a partial inquiry was conducted and the inquiry officer without properly associating the appellant with the inquiry proceedings conducted inquiry and submitted his findings wherein he recommended the appellant for major punishment vide the inquiry report dated 23.12.2013. It is pertinent to mention that another inquiry was also conducted against the appellant regarding certain unfounded and baseless charges for which the appellant was never served with any charge sheet nor associated with the inquiry proceedings. *(Copies of the Inquiry Report and Final Inquiry Report are attached as Annexure E and F).*
7. That thereafter without issuing upon him any Final Show Cause Notice, the appellant was awarded the major punishment of “Dismissal from Service” vides order dated 31.12.2013 to the appellant. *(Copy of the Order dated 31.12.2013 is attached as Annexure G)*

8. That the appellant submitted his departmental appeal, however it has also been rejected vide order dated 10.03.2014. Copy of the rejection order was however communicated to the appellant on 14.03.2014. (*Copies of the departmental appeal and rejection order are attached as Annexure H & I*)
9. That the impugned Orders are illegal unlawful against law and facts hence liable to be set aside inter alia on the following grounds :

**GROUND OF APPEAL .**

- A. That the appellant has not been treated in accordance with law hence his rights secured and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed before awarding the major penalty of Dismissal from Service, to the appellant. No proper inquiry has been conducted, the appellant has not been associated with the inquiry proceedings, statements of witnesses if any were never taken in his presence nor he has been allowed opportunity of cross examination, moreover he has not been served with any show cause notice, thus the whole proceedings are defective in the eyes of law.
- C. That the allegations leveled against the appellant are general in nature and no specific instance has been shown where he has been found involved in the charges leveled against him, thus the Charge Sheet in itself is ambiguous and not warranted under the law.
- D. That the appellant has not been allowed opportunity of personal hearing, thus he has been condemned unheard.
- E. That in the Charge Sheet/ Statement of allegations it was alleged that the appellant is having *tainted reputation and allegedly involved in anti social activities*, however not a single instance has been mentioned wherein he has been found involved in such like such like activities, thus he has not been allowed fair opportunity to defend himself against the charges.
- F. That the charges leveled against the appellant were never proved in the enquiry, the enquiry officer gave his findings on surmises and conjunctures, moreover the inquiry officer had stated in the inquiry report that he secretly collected information from the local people about the character, however neither the names of



those person (if any) were brought on record nor the appellant has been allowed to cross examine those person on whom statements the inquiry officer relied and recommended him for major punishment. Thus the inquiry report is defective in nature.

- G. That the appellant has been also been proceeded against for those charges which were neither mentioned in the charge sheet nor any separate charge or show cause notice was served on him, thus he has been denied opportunity to defend himself against those charges.
- H. That the appellant has never been served with Show Cause Notice, nor has he been provided the copy of the inquiry report, before the imposition of penalty upon him, which is mandatory in case of awarding major penalty.
- I. That the appellant has never indulged in any such activities beneficial to his person except the performance of good duty. The allegations leveled against the appellant are quite baseless, based on hearsay evidence which has got no footings in the service laws. The Superior Courts have always held that no one should be condemned without solid reasons.
- J. That appellant has never committed any act or omission which could be termed as misconduct, albeit been awarded the penalty of "*Dismissal from Service.*"
- K. That the appellant has not been associated with the inquiry proceedings, his statement has not been recorded by the inquiry officer, nor any witness have been examined or if so examined the appellant has not been allowed to cross examine those who may have deposed against me.
- L. That the appellant has at about 9 years bright and spotless service career at his credit, the service record of the appellant bear testimony of his spotless service career, the appellant has never communicated any adverse entries nor has any bad entries in his ACRs, the penalty imposed upon him is too harsh and liable to be set aside.
- M. That the appellant never committed any act and omission that could be termed as misconduct albeit he has been awarded the penalty of dismissal from service. The charges leveled against the appellant were based on mere presumptions, moreover the same

also remained unproved during the inquiry. All the proceedings conducted against the appellant and the penalty awarded to him was predetermined.

- N. That the facts and grounds mentioned in the reply to the Charge Sheet and the departmental appeal of the appellant may also be read as integral part of the instant departmental appeal.
- O. That the appellant is jobless since his illegal *Dismissal from Service*.
- P. That the appellant also seeks permission of this Honorable Tribunal to rely on additional grounds at the time of hearing of the instant appeal.

*It is, therefore, humbly prayed that on acceptance of this appeal the impugned orders dated 31.12.2013 and 10.03.2014 may please be set-aside and the appellant may be re-instated in service with all back benefits of service*

*S*  
Appellant

Through

*Ijaz Anwar*  
IJAZ ANWAR

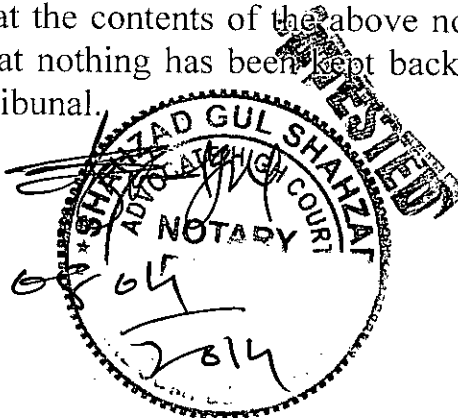
Advocate Peshawar

&  
*Sajid Amin*  
SAJID AMIN

Advocate, Peshawar

**AFFIDAVIT**

I, Abdul Saboor S/O Hafiz Kiramat Khan, Ex- Constable No. 293, District Police, Bannu, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal are true and correct and that nothing has been kept back or concealed from this Honourable Tribunal.



*S*  
Deponent

## ORDER

The following Police Officers/officials are suspended with immediate effect for their failure to fulfill legal obligations coupled with the fact that majority of them have got tainted reputation and allegedly involved in anti-social activities:-

1. Inspector Gul Nawaz SHO PS Haved, District Bannu.
2. ASI Rasool Khan No. 460 PS Jani Khel, District Bannu.
3. ASI Hamdullah Jan No. 407 ASI PS Mandan, District Bannu.
4. ASI Gul Ayub No. 1249 PP Baran Bridge, District Bannu.
5. HC Jamshid No. 782 PS Cantt., District Bannu.
6. HC Pir Hamid Ullah Shah No. 892 I/C Guard KGN Hospital, District Bannu.
7. HC Noor Subhani Shah No. 214 TO Traffic (Now Police Lines), Bannu.
8. HC Shafid Ullah No. 376 PS Ghoriwala, District Bannu.
9. LHC Mushtaq No. 649 PS Jani Khel, District Bannu.
10. Constable Tariq Ijaz No. 1335 PS Kakki, District Bannu.
11. Constable Jamshid No. 1896 PS Jani Khel, District Bannu.
12. Constable Arif Ullah No. 955 Police Lines, District Bannu.
13. Constable Aman Ullah No. 1977 QRF, Police Lines, District Bannu.
14. Constable Shahid Aslam No. 2067 (Gunner with ASI Saadullah PS City)
15. Constable Saboor No. 293 Police Lines, District Bannu.
16. Constable Shah Qiaz No. 1572 Police Lines, District Bannu.
17. Constable Azmat Ullah No. 1667 Police Lines, District Bannu.
18. Constable Halim Ullah Shah No. 1767 QRF, Police Lines, District Bannu.
19. Driver/Constable Attique No. 1609 PS Township, District Bannu.
20. Driver/Constable Tawab No. 1269 PS Mandan, District Bannu.
21. Driver/Constable Khushdil No. 261 PS Haved, District Bannu.

(SAJID ALI KHAN) PSP  
Regional Police Officer,  
Bannu Region, Bannu

No. 2608-09/EC, dated Bannu the

07/11/2013

Copies to:-

1. The Provincial Police Officer, Khyber Pakhtunkhwa for favour of information please.
2. The Additional Inspector General of Police, Operation Khyber Pakhtunkhwa, Peshawar for favour of information please.
3. The Additional Inspector General of Police, Investigation, Khyber Pakhtunkhwa, Peshawar for favour of information please.
4. The District Police Officer, Bannu for necessary action with the direction to initiate proper departmental proceedings against the above mentioned Police Officers (except S/No.1), under Police Rules 1975 and submit the result of action taken within 25 days.

(SAJID ALI KHAN) PSP  
Regional Police Officer,  
Bannu Region, Bannu

9

ANNEX-C

CHARGE SHEET

1. MUHAMMAD IQBAL District Police Office, Bannu, as competent authority, hereby charge you Constable Saboor No.293 of Police Line, Bannu as you have been suspended by the Regional Police Officer, Bannu on the basis of your tainted reputation and your alleged involvement in anti-social activities. Your activities are against the norms of a disciplined service, morality and impartialness which are badly required for the police force.

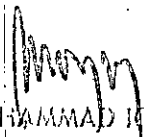
2. By reason of the above you appear to be guilty of misconduct under the police Rules (Amended vide NWFP gazette, 27 January 1976) and have rendered yourself liable to all or any of the penalties specified in the said rules.

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

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

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

6. A statement of allegations is enclosed.

  
(MUHAMMAD IQBAL)  
District Police Officer,  
Bannu.




10

STATEMENT OF ALLEGATIONS:

I, Muhammad Iqbal, District Police Officer, Bannu as competent authority, am of the opinion that Constable Saboor No.293 of Police Line, Bannu has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Police Rules (amended vide NWFP gazette 27<sup>th</sup> January 1976).

STATEMENT OF ALLEGATIONS:


1. He has been suspended by the Regional Police Officer, Bannu on the basis of his tainted reputation and his alleged involvement in anti-social activities. His activities are against the norms of a disciplined service, morality and impartialness which are badly required for the police force.
2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations Mr. Liaqat Shah, DSP Naurang, District Lakki Marwat, is appointed as Enquiry Officer:
3. The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within (25 days) after the receipt of this order.
4. The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

  
(MUHAMMAD IQBAL)  
District Police Officer,  
Bannu.

No. 668-70/SRC dt. 06-12-2013

Copies to (1) Constable Saboor No.293 of Police Line (2) DSP Naurang, District Lakki Marwat (3) SRC Bannu.



  
(MUHAMMAD IQBAL)  
District Police Officer,  
Bannu.

جناب عالی!

حوالہ چارج شیٹ / سٹیشنٹ آف ایگیشن نمب SRC/70-668 مور نمبر 06-12-2013 بجاریہ جناب ڈسٹرکٹ پولیس آفیسر صاحب بنوں معروض ہوں کہ میرے خلاف ذیل بے جا الزامات عائد ہوئے ہیں۔

- 1- یہ کہ میری شہرت داغدار ہے۔
- 2- یہ کہ سماج دشمن سرگرمیوں میں ملوث ہونا بیان ہوا ہوں۔
- 3- یہ کہ میرے اخلاق تعصبانہ اور طرز عمل ڈسپلن فورس کے منافی ہیں۔

جو کہ اس بناء پر ریجنل پولیس آفیسر بنوں ریجن بنوں نے مجھے معطل رکھا ہے۔

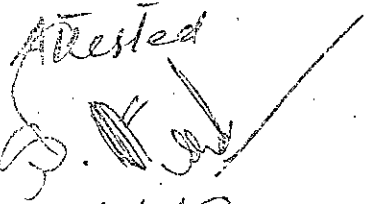
عاجزہ!

من سائل عائد شدہ من گھڑت اور بے بنیاد الزامات کی تردید کرتا ہوں، یہ الزامات ایک مفروضہ اور بہانہ تراشی ہے۔ جس کی کوئی حقیقت یا ثبوت نہیں۔ عائد الزامات کی صریح وضاحت نہیں کی گئی ہے۔ تاکہ ثبوت کے ساتھ اپنی صفائی پیش کر سکوں۔ یہ محض بہتان ہے اور بے جا اتہام طرازی ایک مومن مسلمان کی شان نہیں ہو سکتی۔ ان تین الزامات کے تضاد کی خاطر تو میں نے ملک و قوم کی سالمیت و بقاء کے لیے اپنی قیمتی زندگی وقف کی ہے۔ اگر کسی بھی الزام بارے ٹھوس ثبوت ہے تو پیش کیا جاوے۔ اگر من سائل اپنی صفائی میں ناکام رہا تو موت کو لیکھ کہنے کو تیار ہوں۔

ایک ادنیٰ ماتحت کے خلاف ایسی شہنائی ایک اچھا شگون نہیں۔ ہر انسان کا چہرہ دوسرے کیلئے ایک آئینہ کی مثال رکھتا ہے۔ جو نبی اسکی طرف دیکھتا ہے۔ اپنا عکس نظر آتا ہے۔ لیکن وہ خام خیالی میں سمجھ لیتا ہے کہ یہ وہ ہے لیکن درحقیقت وہ خود اپنے آپ کو دیکھ لیتا ہے جس کسی نے بھی میرے خلاف یہ باتیں / الزامات انجناب کے گوش گزار کی ہیں۔ اس نے اپنی زبان سے خود اپنی تشریح کی ہے۔ میرا دامن ہر قسم کے داروغہ سے بالکل صاف ہے۔ من سائل ان ملایان حرکتوں کو کبھی خاطر میں لائے نہ کی جبارت ہی نہیں کر سکتا۔ بے جا الزامات سے میری حوصلہ شکنی نہ کی جاوے۔ مجھے ملک و قوم کی مخلصانہ خدمت کا موقع دیا جاوے۔ من گھڑت الزامات پر بلا مزید کاروائی داخل دفتر فرمانے کی عاجزانہ / ماتحتانہ استدعا کرتا ہوں۔ زبانی عرض و معروض کا موقع دیا جاوے۔ ماتحت پروری ہوگی۔

درگوئی کی حکومت چھپو، جو گوہی کو چھپو، اس کا دل بیشک گھٹا رہے۔

عبد الصبور خان نمبر 293 حال معطل پولیس لائن بنوں

Attested  


Signature

13/12/13

13-12-13  
 10/10/13  
 13-12-13

(12)

(1)

آزد دفتر DSP سسرمل روزنگ

انکوائری آفند ...

تاریخ . 23 - 12 - 2013

انکوائری فائل رپورٹ - 1

جناب عالی!

مفروض خدمت میں مہربانوں چارج شیٹ ہمیری آف ایڈیشن نہ  
 668.75/دس پیسہ مورم 06.12.13 چارج ڈسٹرکٹ پولیس آفندوں سے  
 گائیل عبدالصبرم 293 مقدمہ پولیس لائنوں کے خلاف  
 الزام عائد کیا کہ وہ سماج دشمن عناصر کے ساتھ ملے ہوئے  
 جو حکم پولیس کے ادرائی کا بائٹ ہے، چارج شیٹ ہمیری  
 آف ایڈیشن جاری کردہ میں DSP سسرمل روزنگ کو انکوائری  
 آفندوں کے اسکامات جاری کر کے انکوائری بوساطت  
 آفندوں کی بذریعہ ڈاک دفتر دیا 12/3 کو وصول ہوئی  
 الزام علیہ آفند نے معزہ معاد 7 یوم میں چارج شیٹ ہمیری  
 آف ایڈیشن وصول کردہ پیر اپنا ہمیری مفصل جواب دیا اور  
 اپنے خلاف لگائے گئے الزامات کو رد کرتے ہوئے خود کو بے گناہ  
 ہے قصور سلب کیا۔

موران انکوائری ذیل گواہان بہ مشمول الزام علیہ آفند طلب گئے مگر آئے  
 جنکے بیانات موجودگی الزام آفند قلمبند کر کے الزام علیہ کو گواہان چم  
 صرح کرنے کا پورا پورا موقع فراہم نہیں کیا۔

Handwritten signature

(2)

(13)

① OASI مل محمد آفس DPo صاحب بنوں

② ایڈیشن انچارج کے احمد خان SRC پراجیکٹ بنوں

③ ٹائٹل عبدالصبور 293 مقیمہ پولیس لائن بنوں

- بطابق ریکارڈ پراجیکٹ لکھنے کے الزامات کے بابت الزام علیہ آفس کے نام کسی بھی بینک کے ساتھ اکاؤنٹ نہیں ہے اور پٹواری رپورٹ کے مطابق مذکورہ کے نام کو کوئی زرعی جائیداد نہیں ہے

- بطابق ریکارڈ مذکورہ ٹائٹل درج 30<sup>12</sup>/<sub>2004</sub> کو حکم FRP سے ہوائی ہوا

اور درج 31<sup>12</sup>/<sub>2009</sub> کو ریگولر پولیس ضلع بنوں حکم آفیزن بالا تبدیل کی گئی تو یہاں چارٹل پولیس لائن بنوں، چوکی کاشو، ٹرنڈیک سٹاف، قلعہ سٹی، INC/Collector میں اپنی ڈوٹیاں سرانجام دے گئے ہیں

- بطابق ریکارڈ SRC، OASI پراجیکٹ مذکورہ ٹائٹل کی ڈو Good اور

ریٹ Beed اٹھری ہو رہی ہے۔ مزید کسی قسم کی سرکاری موجودگی نہیں ہے

مذکورہ عبدالصبور 293 سفار کی بنیادوں پر ڈو نمبر 293 ٹرنڈیک میں قلعہ سٹی اور

نائب گورنر کلکٹر رہ چکا ہے جسکی نسبت مقیمہ معلومات ارنے پر پانچ نام

مذکورہ مذکورہ زعمانی طوروں سے نا جائز تعلقات سے اور ایسی تعلقات کو حل سے

پولیس میں بدنام سے جسکو صاحبانہ سفار کی سفار سے تسمانی سے

30/12/2004



(14)

جناب عالی!

بحوالہ درخواست سائلہ مسماة پامیلہ بی بی دختر نصر اللہ خان سکنہ پیر خیل لکی انکواری کی گنی۔ مسماة پامیلہ بی بی نے برخلاف خاندانہ کانشیل عبدالصبور نمبر 293 ولد حافظ کرامت خان سکنہ پیر خیل لکی الزام عائد کی ہے۔ کہ وہ پہلے بھی اسے تنگ کرتی تھی اور گھر بلو جھگڑے اور گالی گلوچ دیتے تھے۔ لیکن اس تکلیف کے باوجود بھی وقت گزار کر اب زبردستی سے ہمراہ تین بیٹے اور ایک بیٹی اپنی گھر سے نکال دی۔ اور بہ نسبت قتل فائرنگ کر کے جس سے وہ بچ گئی ہے۔ سائلہ نے کانشیل عبدالصبور نمبر 293 سے بوقت شادی 7 تولہ سونا اشامپ پیپر پر حق مہر بھی تحریر کی ہے۔ اسے اپنی حق دینے اور بیٹے و بیٹی کی زندگی کو برباد کرنے سے بچائی جائے۔


کانشیل عبدالصبور نمبر 293 کو طلب کر کے بیان لیا گیا جس نے اپنے بیان میں کہا کہ واقعی وہ اپنے بیوی کے ساتھ بدگزران ہو کر گھر میں لڑائی جھگڑے ہوتی ہے۔ کئی بار وہ اپنے نیکے جا چکی ہے۔ لیکن مشران کے ذریعے واپس لائی ہے۔ اس نے اپنے سر نصر اللہ خان کے ساتھ اشامپ پیپر بھی مورخہ 13.10.2010 کو تحریر کی ہے جس میں 7 تولہ سونا بھی اپنے بیوی کو بنانے کا ذکر کر کے کہ اس سونا پر کسی اور کا حق نہ ہوگا۔ بلکہ یہ 7 تولہ سونا اس کی بیوی پامیلہ بی بی کی ہوگی۔ نوٹوٹیٹ کا پی اشامپ پیپر پیش کی ہے۔ لیکن بمطابق اشامپ پیپر 7 تولہ سونا اس نے نہیں بنایا اور مسئلہ دیہہ خود کے مشران کے ذریعے حل کر کے اپنی بیوی کو گھر خود لے آئی۔ لیکن اب پھر 27 رمضان المبارک 2013ء سے بمعہ تین بیٹے اور ایک بیٹی نیکے جا چکی ہے۔ جو تاحال سر کے ساتھ ہیں۔

مسماة پامیلہ بی بی کی والدہ آتش نصر اللہ خان ولد میر کلام خان سکنہ پیر خیل لکی کا بیان لیا گیا جس نے دختر آتش مسماة پامیلہ بی بی کے درخواست کی تائید کر کے کہا کہ داماد عبدالصبور نے دختر آتش کو بمطابق اشامپ پیپر 7 تولہ سونا نہیں بنایا پھر بھی ہم نے رشتہ داری کا احساس کر کے دختر آتش کو خاوند کے گھر بھیج دیا لیکن وہ بارہ داماد عبدالصبور نے دختر آتش کے ساتھ لڑائی جھگڑے شروع کر کے بمعہ تین بیٹے اور ایک بیٹی مورخہ 05.08.2013 کو اس کے گھر آئی ہے۔ تاحال داماد عبدالصبور نے کسی قسم کا خرچہ دختر آتش و نو اسے کو نہیں بھیجا ہے۔ نہ دختر آتش کو خاوند سے طلاق دینا چاہتا ہوں اور نہ اس کی بیٹی طلاق چاہتی ہے۔ استدعا کر کے کہ بمطابق اشامپ پیپر 7 تولہ سونا بنا کر اور ساتھ ہی تنخواہ سے 1/2 حصہ و پیشن میں بھی حصہ دیا جائے۔

(بقیہ صفحہ نمبر ۲ پر)

کانشیل عبدالصبور نمبر 293 ولد حافظ کرامت خان سکنہ پیر خیل لکی کے خلاف درخواست میں  
عائد شدہ الزامات درست ہیں۔ مذکورہ عبدالصبور ایک آوارہ قسم کا سپاہی ہے۔ بروز ایکشن مورخہ 11.05.2013  
بوقت 19:45 بجے شام ڈیوٹی سے جاتے ہوئے کسی نے فائرنگ کر کے جس سے وہ زخمی جبکہ اس کا ہمراہی ایک  
پرائیویٹ شخص لگ کر جاں بحق ہوا ہے۔ نامعلوم ملزمان کے خلاف کانشیل عبدالصبور نے رپورٹ کر کے جس پر  
مقدمہ نمبر 223 مورخہ 11.05.2013 جرم 302/324/353PPC تھانہ منڈان درج رجسٹر ہوا ہے۔  
FIR کاپی لف ہے۔ مزید یہ کہ کانشیل عبدالصبور نمبر 293 غیر سماجی سرگرمیوں میں ملوث ہونے کی بناء پر جناب  
ریجنل پولیس آفیسر بنوں ریجن بنوں نے معطل لائن کیا ہے۔ آرڈر کاپی ہمراہ لف ہے۔

فائرنگ رپورٹ مرتب ہو کر گزارش ہے۔

  
(محمد شفیق)

سپرٹنڈنٹ آف پولیس، انوسٹی گیشن بنوں۔  
(انکواری آفیسر)

S.P.C

Attach these papers with  
main enquiry conducted  
against the constable  
by S.P.C. Mawrang

S.P.C.  
27/11





ANNEX- G  
(16)

**OFFICE OF THE  
DISTRICT POLICE OFFICER,  
BANNU.**

Phone No: 0928-9270 038

Fax No: 0928-9270045

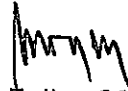
OB No. 1449 /EC


Dated 31.12.2013

To: Constable Abdul Saboor No 293 of District Bannu Police.

**ORDER**

1. You, Constable Abdul Saboor No.293 were charged for the misconduct communicated to you during departmental proceedings, the gist of which is that you had a tainted reputation and remained involved in anti social activities. Accordingly proper departmental enquiry was conducted to find out facts.
2. Mr. liaqat Shah DSP Naurang District Lakki was appointed as Enquiry Officer who has submitted his findings wherein the charges leveled against you have been proved. Besides, your wife, Pameela Bibi charged you that you tried to compel her for zina to get money and on her refusal you expelled her and her children. Preliminary enquiry conducted by another officer also found you guilty of this charge.
3. You were called in the orderly room on 30.12.2013 and were heard in person. You had nothing substantial in your defense. I, Mohammad Iqbal, DPO Bannu, as competent authority under Police Rules (amended vide NWFP gazette, 27 January 1976) have come to the conclusion that charges leveled against you are proved beyond any doubt and that your retention in police service would be harmful for the force. I have, therefore, decided to impose major penalty of dismissal from service upon you. This order will take effect immediately.

  
District Police Officer,  
Bannu.



## بخدمت والا شان ریجنل پولیس آفیسر صاحب بنوں ریجن بنوں

(17)

استدعا: بحال فرمانے سائل باعہدہ کنسٹیبل جناب DPO صاحب بنوں نے ایک ایناؤنگری حکم کے تحت بغیر کسی ثبوت کے ایک بے بنیاد سرسری انکوآری کروا کر بموردہ OB نمبر 1449 مورخہ 31-12-2013 ملازمت سے ڈسمس کیا ہے۔ اور دفاع کا حق سلب کر کے کوئی فائل شوکا ز جاری نہ کیا۔ جو حکمانہ انکوآری کا اہم جزو ہے۔

جناب عالی!

سائل آنجناب کے حضور حسب ذیل عاجزانہ اپیل کرتا ہے۔

1 کترین مورخہ 31-12-2004 محکمہ FRP میں بطور کانسٹیبل بھرتی ہو کر ٹریننگ کی اور مورخہ 31-12-2009 کو ریگولر پولیس میں تبدیل ہوا۔

2 ریگولر پولیس تبدیل ہو کر بحکم افسران بالا متعدد مقامات پر اپنی ڈیوٹی انجام دیتا رہا اور اس دوران اچھی کارکردگی کا صلہ میں Good 2 انٹری میرے سر دس ریکارڈ میں درج ہوئی ہیں جبکہ چند گھنٹوں کی غیر حاضری بارے ایک Bed انٹری درج ہے۔

3 مورخہ 6-12-13 اچانک میرے خلاف بری شہرت اور سماج دشمن عناصر سے تعلقات رکھنے کا چارج شیٹ اور سرسری الیکشن کا نوٹس جاری ہوا۔ لیکن الزامات بارے صاف وضاحت نہیں کی گئی کہ بری شہرت اور سماج دشمن عناصر سے تعلقات کا کیا ثبوت ہے۔ DSP نورنگ انکوآری افسر تقرر ہوا۔ جنہوں نے ایک سرسری انکوآری عمل میں لائی اور ایک جھوٹی کہانی پر مبنی بے بنیاد رپورٹ تیار کر کے DPO صاحب کو پیش کیا۔

4 چونکہ میں 2 بیویوں کا خاؤندہ اور بال بچے دار ہوں۔ دوسری شادی پر پہلی بیوی ناراض ہو کر گھر بلو بھگڑے شروع کئے اور ناراض ہو کر اپنی میکے چلی گئی۔ جس کو بذریعہ مشران منوا کر واپس اپنے گھر لے آیا۔ اس دوران میری بیوی نے اپنے والد کے وساطت سے میرے خلاف ایک درخواست میرے افسران بالا کو پیش کی تھی جس پر جناب SP انویسٹی گیشن صاحب نے انکوآری عمل میں لائی۔ جس میں انہوں نے میری بیوی کی درخواست کا تفصیلاً ذکر کیا ہے۔ اور یہ بات درخواست میں درج نہیں پائی کہ میری بیوی نے کہا ہے کہ میرا خاؤندہ مجھے زنا کرنے پر مجبور کرتا ہے تاکہ میں پیسے کمادوں اور اپنے خاؤندہ کو دوں۔ اور اس کے آمدنی میں اضافہ کروں۔ کتنی بے غیرتی کی بات ہے کہ میرے اوپر یہ اتہام طرازی کی گئی۔ جناب DPO صاحب بنوں نے حقائق سے ہٹ کر اپنے حکم میں یہ بات لکھی کہ میں اپنی بیوی کو زنا کیلئے مجبور کرتا تھا تاکہ رقم کما کر مجھے دے یہ تو گھریلو ناچاقی تھی جو اب معاملہ حل ہوا ہے۔

دوسرا یہ کہ مجھے کوئی فائل شوکا ز نوٹس جاری نہ کیا گیا تاکہ میں ثبوت کے ساتھ اپنی صفائی پیش کرتا۔ برخواستگی کے علاوہ DPO صاحب نے میری سخت بے عزتی کی ہے۔ اور میرے کم سن اولاد کے مستقبل کو برباد کیا ہے۔ حکم DPO صاحب ایناؤنگری پر مشتمل ہے۔ جس کی کوئی حقیقت نہیں ہے۔ میری وفاداری، قوم و ملک پر کچھڑا اچھال دیا ہے۔

عاجزانہ اپیل کرتا ہوں کہ مجھے اپنی ملازمت باعہدہ کانسٹیبل پر واپس بحال فرمایا جاوے۔ تازیت دعا گور ہوونگا۔

S. J. M. S.

Ex کانسٹیبل عبدالصبور نمبر 293 ڈسٹرکٹ پولیس بنوں

موبائل نمبر 0336-8350336



ORDER

My this order will dispose of departmental appeal preferred by Ex: FC Abdul Saboor No. 293 of Operation Staff, Bannu against the order of Major Punishment of dismissal from service by DPO/Bannu vide Order No. 1449 dated 31-12-2013 for committing of the following omissions:-

- That his reputation was reported to be tainted as well as charged for anti social activities

The said EX: FC was proceeded against departmentally for the above misconduct. Mr. Liaqat Shah, DSP/Naurang, District Lakki Marwat was appointed as Enquiry Officer, who conducted proper departmental enquiry into the allegations and submitted his findings. The delinquent Police-FC was reported to be guilty of the charges. Hence, he was awarded major punishment of Compulsory retirement from service by the competent authority under police rule-1975 vide Order Book No and dated quoted above.

The appellant preferred departmental appeal before the undersigned for set asiding the awarded punishment. The undersigned, besides perusing the departmental enquiry file and contents of the appeal, also verified the allegations through various sources which were found accurate. Opportunity of personal hearing was also afforded to the appellant but failed to satisfy the undersigned regarding the allegations leveled against him.

Keeping in view the above, therefore, I SAJID ALI KHAN, Regional Police Officer, Bannu Region, Bannu in exercise of the powers vested in me under Police Rules 1975. hereby file the instant appeal with immediate effect.  
Order announced.

(Sajid Ali Khan)PSP  
Regional Police Officer,  
Bannu Region, Bannu.

No. 623-24/EC, dated Bannu the 10/03/2014.

Copy to:-

1. The District Police Officer, Bannu along with service record containing departmental proceeding file for information and necessary action w/r to his office memo: No. 813 dated 28-01-2014.
2. ✓ Ex: FC Abdul Saboor No. 293.

(Sajid Ali Khan)PSP  
Regional Police Officer,  
Bannu Region, Bannu

YB

**POWER OF ATTORNEY**

In the Court of KPK Service Tribunal Peshawar  
Abdul Saeed

} For  
} Plaintiff  
} Appellant  
} Petitioner  
} Complainant

**VERSUS**

the P.P.O and others  
} Defendant  
} Respondent  
} Accused  
}

Appeal/Revision/Suit/Application/Petition/Case No. \_\_\_\_\_ of \_\_\_\_\_  
Fixed for \_\_\_\_\_

I/We, the undersigned, do hereby nominate and appoint

**IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN**

I \_\_\_\_\_ my true and lawful attorney, for me in my same and on my behalf to appear at \_\_\_\_\_ to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at \_\_\_\_\_  
the \_\_\_\_\_ day to \_\_\_\_\_ the year \_\_\_\_\_  
Executant/Executants \_\_\_\_\_  
Accepted subject to the terms regarding fee \_\_\_\_\_

  
**SAJID AMIN**  
ADVOCATE HIGH COURT

  
**Ijaz Anwar**

Legal Advisor Services & Labour Laws Consultants  
FR-3-4, Fourth Floor, Bilour Plaza Peshawar Cantt.  
Ph: 091-5272054, Mob: 0333-4584986, 03339155956

Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT  
FR-3 & 4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt  
Ph.091-5272154 Mobile-0333-9107225

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. \_\_\_\_\_/2014

Abdul Saboor ..... Applicant

Versus

Provincial Police Officer and others .... Respondents

APPLICATION FOR THE SUSPENSION OF  
OPERATION OF ORDERS DATED 31/12/2013  
AND 10/03/2014 TILL THE FINAL DISPOSAL  
OF THE TITLED APPEAL.

RESPECTFULLY SHEWETH,

1. That applicant has filed the titled appeal before this Honourable Tribunal in which today i.e. 23/5/2014 is the date fixed for the preliminary hearing.
2. That the facts and grounds mentioned in the titled appeal may be read as integral part of the instant application.
3. That applicant has got very good prima facie case and is sanguine of his success in the same.
4. That balance of convenience lies in favour of the applicant and an irreparable loss would accrue to him if the instant application was not accepted.

5. That any grounds will be raised at the time of arguments with prior permission of this Honourable Tribunal.

It is therefore, most humbly prayed that on acceptance of this application operation of the orders dated 31/12/2013 and 10/03/2014 may please be suspended till the final decision of the titled appeal.

*S. Jinnah*

Applicant

Through

*Ijaz Anwar*  
IJAZ ANWAR

And

*Sajid Ameen*  
SAJID AMEEN

Advocates, Peshawar.

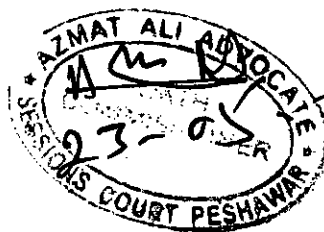
**AFFIDAVIT:-**

I, do hereby solemnly affirm and declare on oath that all the contents of instant application are true and correct and nothing has been concealed from this Honourable Tribunal.

*S. Jinnah*

DEPONENT

ATTESTED





BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 501/2014

Abdul Saboor ..... Applicant

Versus

Provincial Police Officer and others ..... Respondents

APPLICATION FOR THE SUSPENSION OF  
OPERATION OF ORDERS DATED 31/12/2013  
AND 10/03/2014 TILL THE FINAL DISPOSAL  
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3. That applicant has got very good prima facie case and is sanguine of his success in the same.
4. That balance of convenience lies in favour of the applicant and an irreparable loss would accrue to him if the instant application was not accepted.

5. That any grounds will be raised at the time of arguments with prior permission of this Honourable Tribunal.

It is therefore, most humbly prayed that on acceptance of this application operation of the orders dated 31/12/2013 and 10/03/2014 may please be suspended till the final decision of the titled appeal.

Applicant

Through

IJAZ ANWAR

And

SAJID AMEEN

Advocates, Peshawar.

**AFFIDAVIT:-**

I, do hereby solemnly affirm and declare on oath that all the contents of instant application are true and correct and nothing has been concealed from this Honourable Tribunal.

**DEPONENT**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. S01/2014

Abdul Saboor

.... Applicant

Versus

Provincial Police Officer and others

.... Respondents

APPLICATION FOR THE SUSPENSION OF  
OPERATION OF ORDERS DATED 31/12/2013  
AND 10/03/2014 TILL THE FINAL DISPOSAL  
OF THE TITLED APPEAL.

RESPECTFULLY SHEWETH,

1. That applicant has filed the titled appeal before this Honourable Tribunal in which today i.e. 23/5/2014 is the date fixed for the preliminary hearing.
2. That the facts and grounds mentioned in the titled appeal may be read as integral part of the instant application.
3. That applicant has got very good prima facie case and is sanguine of his success in the same.
4. That balance of convenience lies in favour of the applicant and an irreparable loss would accrue to him if the instant application was not accepted.

5. That any grounds will be raised at the time of arguments with prior permission of this Honourable Tribunal.

It is therefore, most humbly prayed that on acceptance of this application operation of the orders dated 31/12/2013 and 10/03/2014 may please be suspended till the final decision of the titled appeal.

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**DEPONENT**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 501 /2014

Abdul Saboor ..... Applicant  
Versus  
Provincial Police Officer and others ..... Respondents

APPLICATION FOR THE SUSPENSION OF  
OPERATION OF ORDERS DATED 31/12/2013  
AND 10/03/2014 TILL THE FINAL DISPOSAL  
OF THE TITLED APPEAL.

RESPECTFULLY SHEWETH,

1. That applicant has filed the titled appeal before this Honourable Tribunal in which today i.e. 23/5/2014 is the date fixed for the preliminary hearing.
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It is therefore, most humbly prayed that on acceptance of this application operation of the orders dated 31/12/2013 and 10/03/2014 may please be suspended till the final decision of the titled appeal.

Applicant

Through

**IJAZ ANWAR**

And

**SAJID AMEEN**

Advocates, Peshawar.

**AFFIDAVIT:-**

I, do hereby solemnly affirm and declare on oath that all the contents of instant application are true and correct and nothing has been concealed from this Honourable Tribunal.

**DEPONENT**

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA PESHAWAR**

**Appeal No. 501/2014**

Abdul Saboor S/O Hafiz Kiramat Khan, Ex-Constable No.293,  
District Police, Bannu.

(Appellant)

**VERSUS**

- 1) The Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
- 2) The Regional Police Officer, Bannu Region, Bannu.
- 3) The District Police Officer, Bannu.

(Respondents)

**REPLY BY RESPONDENT NO.1,2 & 3**

Respectfully Sheweth:

**PRELIMINARY OBJECTIONS:**

- 1) That the appeal is not maintainable in its present form.
- 2) That the appellant has concealed the material facts from the Honorable Tribunal.
- 3) That the appeal of appellant is time barred.
- 4) That the appeal is not maintainable as the appellant has no cause of action.
- 5) That the appellant has no locus standi to file the appeal.
- 6) That the appellant has been estopped by his own conduct to file the appeal.

**OBJECTIONS ON FACTS:**

- 1) Pertains to record.
- 2) Incorrect. The appellant has indifferent record. He has performed duty as a routine and never showed any exceptional performance nor arrested any hardened criminal or terrorist.
- 3) In wake of initiatives of Govt: regarding eradication of corruption from the government servants, the appellant and others were found of tainted reputation and their involvement in anti social activities, thus he was suspended followed by regular inquiry under Police Rules 1975.
- 4) Correct to the extent of charge sheet and statement of Allegation the rest of the para is denied.
- 5) The reply of appellant was found unsatisfactory and based on unsound reasons.
- 6) Incorrect. Impartial two inquiries were conducted through inquiry officers wherein it was established from the statement/application of lady Mst. Pameela bibi who was compelled for zina to get money by appellant and on her refusal she was expelled from house. The charges were explained to the appellant but he failed to satisfy the competent authority. finding of enquiries as annexure "A"&"B".
- 7) Final show-cause notice is not mandatory under the Police Rules 1975. All the opportunities of hearing and defense were afforded to appellant and after proving/establishing of charges, he was given appropriate punishment which is quite lawful and justified.
- 8) Department appeal was found unsatisfactory and based on unsound reasons, thus rightly rejected.
- 9) Incorrect. The orders of respondents are lawful, based on facts, justice and in accordance with law/rules.


**OBJECTIONS ON GROUNDS.**

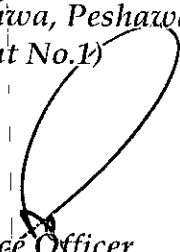
- (A) Incorrect. The appellant has been treated under Police Rules, 1975 which is valid and legal law for the police force and no fundamental or vested right of appellant has been violated by respondents.
- (B) Incorrect. Proper inquiries into the allegations were conducted by the inquiry officers. All the opportunities of defense were provided to the appellant. Whole proceedings were lawful and in according with existing law/rules.

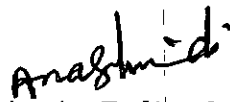
- (C) Incorrect. The allegations of anti social activities i.e compelling of Mst. Pameela bibi for zina to get money by appellant has been proved from her complaint/statement which is a solid proof.
- (D) Incorrect. The appellant was heard in orderly room held on 30.12.2013 but he failed to substantiate his defense as evident from annexure "G" of appeal of appellant.
- (E) Incorrect. Explained in preceeding Paras No. 6 & C.
- (F) Incorrect. Explained in proceed Para No. 6 & C. All the opportunities of hearing/defense etc were provided to appellant.
- (G) Incorrect. All the codel formalities were observed during the course of department proceeding.
- (H) Incorrect. Final show-cause notice is not mandatory under Police Rules 1975. Relevants copies under the rules were provided to appellant whenever he approached for the same.
- (I) Incorrect. The allegations leveled against the appellant were established from the statement of Mst. Pameela bibi and inquiry findings report.
- (J) Incorrect. Misconduct on the part of appellant has been proved from the statement/complaint of Mst. Pameela bibi and others witnesses examined by inquiry officer as evident from inquiry findings reports already enclosed with appeal as annexure "E" & "F"
- (K) Incorrect. All the codel formalities were observed during course of inquiry and opportunities of hearing/defense were provided to appellant.
- (L) Incorrect. During short service, the appellant was found involved in anti social activities i.e compelling of lady for zina to get money which is a solid proof of evidence against the appellant.
- (M) Incorrect. Explained in preceeding Paras No.J.
- (N) Reply and departmental appeal were examined, found unsatisfactory and baseless.
- (O) Incorrect. The appellant was dismissed from service on account of serious allegations leveled against him by various sources.
- (P) That the respondents seek permission of Honorable Tribunal to rely on additional grounds at the time of hearing of appeal.

**Prayer:**

In view of the above facts and circumstances, it is humbly prayed that appeal of appellant, being not maintainable, may kindly be dismissed with costs.

  
 Provincial Police Officer,  
 Khyber Pakhtunkhwa, Peshawar  
 (Respondent No.1)  
 2014/11

  
 Regional Police Officer,  
 Bannu Region, Bannu  
 (Respondent No.2)

  
 District Police Officer,  
 Bannu.  
 (Respondent No.3)



**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA PESHAWAR**

**Appeal No. 501/2014**

Abdul Saboor S/O Hafiz Kiramat Khan, Ex-Constable No.293,  
District Police, Bannu.

(Appellant)


**VERSUS**

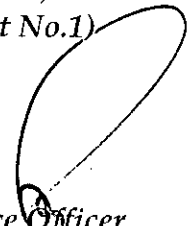
- 1) The Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
- 2) The Regional Police Officer, Bannu Region, Bannu.
- 3) The District Police Officer, Bannu.


(Respondents)

**COUNTER AFFIDAVIT**

We the following respondents, do hereby solemnly affirm and declare that the contents of the attached para wise comments are true and correct to the best of our knowledge and belief and nothing has been withheld or concealed from this Honorable Tribunal.

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

  
Regional Police Officer,  
Bannu Region, Bannu  
(Respondent No.2)

  
District Police Officer,  
Bannu.  
(Respondent No.3)

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA PESHAWAR**

**Appeal No. 501/2014**

Abdul Saboor S/O Hafiz Kiramat Khan, Ex-Constable No.293,  
District Police, Bannu.

(Appellant)

**VERSUS**

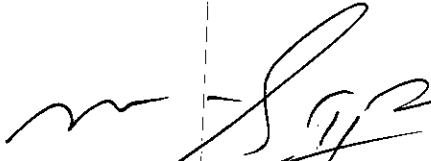
- 1) The Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
- 2) The Regional Police Officer, Bannu Region, Bannu.
- 3) The District Police Officer, Bannu.


(Respondents)

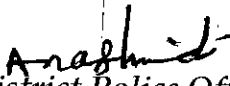
**AUTHORITY LETTER.**

Mr. Mir Faraz Khan Inspector Incharge legal cell Office of DPO Bannu, is hereby authorized to appear before the Service Tribunal Khyber Pakhtunkhwa Peshawar, on behalf of the undersigned in the above cited appeal.

He is authorized to submit and sign all documents pertaining to the present appeal.

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

  
Regional Police Officer,  
Bannu Region, Bannu  
(Respondent No.2)

  
District Police Officer,  
Bannu.  
(Respondent No.3)

(1)

آزد دفتر DSP سیکرٹری لوزنگ

(12)

انکوائری آفس

تاریخ 23-12-2013

انکوائری فائل رپورٹ

جناب عالی!

موضوع درخت یوں کم بلاتوں چارج شیٹ پمپری آف ایگن

668.75/5R، حوزہ 06.12.13، چارج ڈسٹرکٹ پولیس آفس نون سے

کامپلٹ عبدالجورہ 293 مقعدہ پولیس لائن نون کے خلاف

الذائم عائد کیا کہ وہ سماج دشمن عناصر کے ساتھ ملے ہوئے ہیں

جو حکم پولیس کے اندر رہا گیا ہے، چارج شیٹ پمپری

آف ایگنیشن جاری کردہ ہیں جن DSP سیکرٹری لوزنگ کو انکوائری

آفس فوراً کے احکامات جاری کر کے انکوائری بساطت

آفس نون بلکہ بذریعہ ڈاک دفتر لیا گیا 12/13 کو وصول ہوئی

الذائم علیہ آفس نے فوراً نیشنل 7 پوچھ میں چارج شیٹ پمپری

آف ایگنیشن وصول کردہ پیر اپنا تحریری مفصل جواب دیا اور

اپنے خلاف لگائے گئے الزامات کو رد کرتے ہوئے خود کو بے گناہ

بے قصور قرار دیا

موران انکوائری ذیل گواہان بشمول الزام علیہ آفس طلب کیے جا کر آئے

جنکے بیانات پر خود ہی الزام آفس قلمبند کر کے الزام علیہ کو گواہان میں

مراجعات کا اجرا اور موقع فراہم کیا گیا

P.15

- ① OASI مل محمد آفس DP صاحب نون
- ② انڈین ایچارج کے احمد خان SRC مراجح نون
- ③ کائٹل عبدالصبرند 293 مقیم پولیس لائن نون

بسطانی الیکٹریٹیٹی کے لکھنے کے لکھانے کے بابت الراج علیہ آفس کے نام کسی بھی بینک سے ایچارج نہیں ہے اور ٹھکانے کی رپورٹ کے مطابق مذکورہ کے نام کو کوئی زرعی جائیداد نہیں ہے

بسطانی الیکٹریٹیٹی مذکورہ کائٹل خراج 30<sup>12</sup>/<sub>2554</sub> کو حکم FRP سے ہوتی ہے اور خراج 31<sup>12</sup>/<sub>2559</sub> کو ریگولر پولیس ضلع نون حکم آفسن بلا تبدیل کی گئی ہے۔ چارٹل پولیس لائن نون، چوکی کاشور، ٹرنڈیٹ سٹاف، تھن سٹی، INC/Collector میں اپنی ڈیوٹی سروس دے رہے ہیں

بسطانی الیکٹریٹیٹی SRC، OASI مراجح مذکورہ کائٹل کی دو Good اور ایک Bad اپنی موجود ہے۔ زمین کسی قسم کی سرکاری ہے جو نہیں ہے۔ مذکورہ عبدالصبرند 293 سفاری بنیادوں سے دو ٹرنڈیٹ سٹاف میں تھن سٹی اور ٹرنڈیٹ کورٹ کلکٹر اور چیک ہے جسکی نسبت مقیم معلومات کرنے پر ملائی گئی۔ مذکورہ رہنما خراج نونوں سے نا جائز لکھانے سے اور ایسی لکھانے کو ملے پولیس میں رہنما سے جسکو صاحب سٹاف کے سفاری تھن سٹی ہے۔

30/12/2017

جناب عالی!

سوالہ درخواست سائلہ مسماة پامیلہ بی بی دختر نصر اللہ خان سکنہ پیر خیل گلشن انکوائری کی گئی۔ پامیلہ بی بی نے برخلاف خاندانہ آس کا ٹیبلٹ عبدالصبور نمبر 293 ولد حافظ کرامت خان سکنہ پیر خیل گلشن الزام عائد کیا ہے۔ کہ وہ پہلے بھی اسے تنگ کرتی تھی اور گھر بلو بھگڑے اور گالی گلوچ دیتے تھے۔ لیکن اس تکلیف کے باوجود وقت گزار کر اب زبردستی سے ہمراہ تین بیٹے اور ایک بیٹی اپنی گھر سے نکال دی۔ اور بد نسبت نقل فارتنگ آس سے وہ بچ گئی ہے۔ سائلہ نے کا ٹیبلٹ عبدالصبور نمبر 293 سے اوقات شادی 7 تولہ سونا اسٹامپ خرید کر اپنی حق دینے اور بیٹے و بیٹی کی زندگی کو برباد کرنے سے بچائی جائے۔

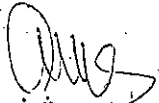
کا ٹیبلٹ عبدالصبور نمبر 293 کو طلب کر کے بیان لیا گیا جس نے اپنے بیان میں کہا کہ اسی وقت اپنے بیوی کے ساتھ بدگزاران ہو کر گھر میں لڑائی بھگڑے ہوتی ہے۔ کئی بار وہ اپنے منیکے جا چکی ہے۔ لیکن مشران کے ذریعے واپس لائی ہے۔ اس نے اپنے سر نصر اللہ خان کے ساتھ اسٹامپ پیر بھی مورخہ 13.10.2010 کو تحریر کی ہے جس میں 7 تولہ سونا بھی اپنے بیوی کو بنانے کا ذکر کر کے کہ اس سونا پر کسی اور کا حق نہ ہوگا۔ بلکہ یہ 7 تولہ سونا اس کی بیوی پامیلہ بی بی کی ہوگی۔ فوٹو شیٹ کا پی اسٹامپ پیر پیش کی ہے۔ لیکن بر مطابق اسٹامپ پیر 7 تولہ سونا اس نے نہیں بنایا اور مسئلہ دہینہ خود کے مشران کے ذریعے حل کر کے اپنی بیوی کو گھر خود لے آئی۔ لیکن اب پھر 27 رمضان المبارک 2013ء سے مجدد تین بیٹے اور ایک بیٹی منیکے جا چکی ہے۔ جو تاحال سر کے ساتھ ہیں۔

سماة پامیلہ بی بی کی والدہ آس نصر اللہ خان ولد میر کلام خان سکنہ پیر خیل گلشن کا بیان لیا گیا جس نے دختر آس مسماة پامیلہ بی بی کے درخواست کی تائید کر کے کہا کہ داماد عبدالصبور نے دختر آس کو بر مطابق اسٹامپ پیر 7 تولہ سونا نہیں بنایا پھر بھی ہم نے رشتہ داری کا احساس کر کے دختر آس کو خاندانہ کے گھر بھیجوائی لیکن وہ بارہ داماد عبدالصبور نے دختر آس کے ساتھ لڑائی بھگڑے شروع کر کے بد نسبتیں بیٹے اور ایک بیٹی مورخہ 05.08.2013 کو اس کے گھر آئی ہے۔ تاحال داماد عبدالصبور نے کسی قسم کا خرچہ دختر آس و اولاد سے کو نہیں بھیجا ہے۔ نہ دختر آس کو خاندانہ سے طلاق دینا چاہتا ہوں اور نہ اس کی بیٹی طلاق چاہتی ہے۔ استدعا کر کے کہ بر مطابق اسٹامپ پیر 7 تولہ سونا بنا کر اور ساتھ ہی تقویہ سے 1/2 حصہ وپیشن میں بھی حصہ دیا جائے۔

(بقیہ صفحہ نمبر 2 پر)

کانشیل عبدالصبور نمبر 293 ولد حافظا کرامت خان سکنہ پیر خیل لکھی کے خلاف درخواست میں  
 عائد شدہ الزامات درست ہیں۔ مذکورہ عبدالصبور ایک ادارہ قسم کا سپاہی ہے۔ بروز ایکشن مورچہ 11.05.2013  
 بوقت 19:45 بجے شام ڈیوٹی سے جاتے ہوئے کسی نے فائرنگ کر کے جس سے وہ زخمی جبکہ اس کا ہمراہی ایک  
 پرائیویٹ شخص لگ کر جاں بحق ہوا ہے۔ نامعلوم ملزمان کے خلاف کانشیل عبدالصبور نے رپورٹ کر کے جس پر  
 مقدمہ نمبر 223 مورچہ 11.05.2013 جرم 302/324/353PPC تھانہ منڈان درج رجسٹر ہوا ہے۔  
 FIR کاپی لف ہے۔ مزید یہ کہ کانشیل عبدالصبور نمبر 293 غیر ساجی سرگرمیوں میں ملوث ہونے کی بنا پر جناب  
 ریجنل پولیس آفیسر بنوں ریجن بنوں نے معطل لائن کیا ہے۔ آرڈر کاپی ہمراہ لف ہے۔

فائرنگ رپورٹ مرتب ہو کر گزارش ہے۔

  
 (سید محمد اشرف شاہ)

سپرٹنڈنٹ آف پولیس، انوشی گیشن بنوں۔  
 (انکوائری آفیسر)

SPL

Attach the papers with  
 main enquiry conduct  
 against the constable  
 by S.P. Manranje

S.P. Manranje

27/11

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

Service Appeal No. 501/2014

Abdul Saboor

....Appellant

**V E R S U S**

The Provincial Police Officer KPK Peshawar & others

....Respondents

**REPLICATION ON BEHALF OF THE**

**APPELLANT**

**Respectfully Sheweth:-**

The appellant submits his replication as under:

**ON PRELIMINARY OBJECTIONS**

1. Contents incorrect and misleading the appeal being filed in accordance with the prescribed rules and procedure hence maintainable in its present form.
2. Contents incorrect and misleading all facts necessary for the disposal of the appeal are brought before the Hon'ble Tribunal and nothing has been concealed.
3. Contents incorrect and misleading the appeal is filed well within in the prescribed period of limitation.
4. Contents incorrect and misleading the appellant has illegally been awarded the major penalty hence has got the necessary cause of action to filed the instant appeal.

5. Contents incorrect and misleading the appellant being an aggrieved civil servant has got the necessary locus standi to filed the instant appeal.
6. Contents incorrect misleading no rule of estopple is applicable in the instant case.

**ON FACTS**

1. Contents need no reply, however contents of para No.1 of the appeal are true and correct.
2. Contents of Para no.2 of the appeal are correct the reply submitted to the para is incorrect and misleading.
3. Contents of Para No.3 of the appeal are correct the reply submitted to the para is incorrect, misleading and without any proof.
4. Contents of Para No.4 of the appeal are correct the reply submitted to the para is incorrect and misleading.
5. Contents of Para No.5 of the appeal are correct the reply submitted to the para is incorrect and misleading.
6. Contents of Para no.6 of the appeal are correct the reply submitted to the para is incorrect and misleading.
7. Contents of Para no.7 of the appeal are correct the reply submitted to the para is incorrect and misleading. Moreover the procedure provided under the Government Servant (E&D) Rules, 2011 has not been adhered to before the imposition of penalty upon



the appellant. The appellant being civil servant, the relevant law for proceeding against him was the said rules.

8. Contents need no reply, however contents of para No.8 of the appeal are true and correct.
9. Contents of Para no.9 of the appeal are correct the reply submitted to the para is incorrect and misleading.

**ON GROUNDS:-**

Grounds "A" to "O" taken in the memo of appeal are legal and will be substantiated at the time of hearing of the appeal. However the replies submitted to the grounds are incorrect misleading baseless and without any proof.

It is therefore, prayed that the appeal of the appellant may kindly be accepted as prayed for

*Mahboob*  
Acting for Appellant  
Through

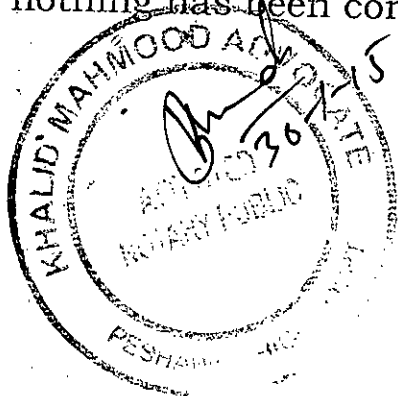
*Ijaz Anwar*  
IJAZ ANWAR  
Advocate, Peshawar

&  
*Said Amin*  
SAID AMIN  
Advocate, Peshawar

Dated 24/10/2014

**AFFIDAVIT**

I, do hereby solemnly affirm and declare on oath that the contents of the above replication as well as the appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



*Mahboob*

*Acting for Appellant*  
DEPONENT