

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA. SERVICE
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD**

SERVICE APPEAL NO. 12095

SCANNED
KPST
Peshawar

Tariq Saleem s/o Abdul Salam Constable No.121 of District Police Haripur r/o village
Aram Dara P.O Serikot, Tehsil Ghazi District Haripur.

..... (Appellant)

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others.

..... (Respondents)

COUNTER AFFIDAVIT

I, do hereby solemnly affirm and declare, that the contents of comments / reply, are true to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.



28/2/22
District Police Officer,
Haripur
(Respondent No.3)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD**

SERVICE APPEAL NO.12095

Tariq Saleem s/o Abdul Salam Constable No.121 of District Police Haripur r/o village
Aram Dara P.O Serikot, Tehsil Ghazi District Haripur.

..... (Appellant)

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others.

..... (Respondents)

Reply/comments by respondents No.1,2&3.

Respectfully Sheweth.

PRELIMINARY OBJECTIONS:-

1. That the instant Service Appeal is not maintainable in the present form.
2. That the appellant is estopped by his own conduct.
3. That the appellant has not come to the Honorable Tribunal with clean hands.
4. That the appellant has suppressed the material facts from the Honorable Tribunal.
5. That the instant Service Appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
6. That the instant Service Appeal is badly barred by law and limitation.
7. That the appellant has filed the instant service appeal just to pressurize the respondents.
8. That the order passed by the authorities are based on facts & rules, after fulfilling of all codal formalities, hence, the appeal is liable to be dismissed without any further proceeding.
9. That vide order No.1576 dated 15.04.2021 the punishment of appellant of reversion in rank from head constable to constable was converted into reduction in pay by one stage for 02 years by the competent departmental authority i.e. Additional Inspector General of Police HQrs Khyber Pakhtunkhwa, Peshawar. The instant service appeal is not maintainable under the law/rules.

REPLY ON FACTS:-

1. In reply to this para, it is submitted that the appellant Constable Tariq Saleem No.121, while posted as incharge Police Post Panian Haripur, a complaint vide dairy No.533-C-Cell, dated 20.03.2020, of a citizen namely Ghulam Jan Said s/o Jan Muhammad caste Mushwani r/o Serikot, was received about the incident of theft/extortion on 19.03.2020 at Panian Chowk Serikot Road. The complainant reported that was taken away by the unknown accused in their vehicle and the accused extorted Rs.60400/-, a mobile phone and ATM card from him. The said Chowk i.e. place of occurrence is located beside the Police Post Panian, where the appellant was incharge of Police Post. The appellant did not bother to respond well in time and did not take legal action against the unknown accused. Moreover, he did not inform his senior officers. The acts and omissions of the appellant were misconduct under Khyber Pakhtunkhwa, Police Rules 1975. Therefore, the

appellant was served with charge sheet along with statement of allegations vide this office memo No.163-64/PA dated 16.04.2020. (Copy of charge sheet with statement of allegations is attached as annexure "A"). Deputy Superintendent of Police, Circle Saddar Mr. Adalat Khan was appointed as inquiry officer, who conducted proper departmental inquiry and submitted his findings, vide his office Memo No.87 dated 06.05.2020. (Copy of inquiry findings is attached as annexure "B") The inquiry officer held the charges proved and recommended the appellant for appropriate punishment. Hence, being found guilty of gross misconduct, the appellant was awarded major punishment of dismissal from service vide OB.No.403 dated 29.05.2020. (Copy of order is attached as annexure "C"). The appellant filed departmental appeal to the Regional Police Officer, Hazara Region, Abbottabad who converted his major punishment of dismissal from service was converted into reversion in rank from head constable to constable, and the period he remain out of service was treated as leave without pay vide order No.23215/PA dated 16.09.2020. (Copy of order is attached as annexure "D"). The appellant filed revision petition against the appellate order to the Provincial Police Officer Khyber Pakhtunkhwa, Peshawar. Consequently, Additional Inspector General of Police HQrs Khyber Pakhtunkhwa, Peshawar vide order No.1576/21 dated 15.04.2021 set aside the major punishment of reversion in rank from head constable to constable and converted into reduction in pay by one stage for a period of two years. (Copy of order is attached as annexure "E").

2. Incorrect, the appellant could not give satisfactory reply of the charge sheet, rather the charges were proved through strong evidence. Therefore, he was recommended for punishment by the inquiry officer.
3. In reply to this para, it is submitted that the appellant did not take prompt action on the complaint of a citizen namely Ghulam Jan s/o Muhammad Jan r/o Shftaloo Sharif Serikot. The complaint narrated that he was deprived of Rs.60400/-, a mobile phone and ATM card by unknown accused. The allegations were of severe nature, however, the appellant failed to take appropriate action well in time. This attitude of the appellant signified his inefficiency and concealment of heinous crime. The acts of the appellant encouraged the criminals to commit more such offences. He failed to discharge his lawful duties.
4. In reply to this para, it is submitted that the appellant is adducing false stories to conceal the facts. He did not take legal action on the report of complainant which was inefficiency, melafide and dishonesty on his part. It was the duty of the appellant to respond the aggrieved citizen and redressed his grievance. The misconduct of the appellant was proved through strong evidence.
5. Incorrect, the matter was probed in the departmental inquiry in which appellant was held guilty of gross misconduct. Therefore, the appellant was awarded lawful punishment.
6. Incorrect, the appellant is suppressing martial facts. He did not take any legal action against the thieves and let the citizen at the mercy of criminals in the area of jurisdiction. The appellant was held guilty through strong evidence.
7. Incorrect, the appellant was reported for heinous offence i.e. theft/extortion, but the appellant did not take prompt action against the accused and he also failed to inform his seniors regarding the occurrence. The negligence on part of appellant was gross misconduct, for which lawful action was taken and he was awarded appropriate punishment. The appellant is adducing lame excuses.
8. Incorrect, the appellant was in knowledge of the said occurrence well in time, however, he did not take appropriate action for the registration of case, arrest of

accused and recovery of case properties. The allegations were proved in the departmental inquiry. Therefore, being held guilty of misconduct he was awarded lawful punishment of dismissal from service.

9. Incorrect, the appellant was held guilty on strong evidence. Therefore, he was awarded major punishment of dismissal from service as per law/rules.
10. Incorrect, proper departmental inquiry was conducted. The appellant was given right of personal hearing and self defense. Having fulfilled all legal requirements the appellant was awarded major punishment of dismissal from service.
11. Incorrect, the appellant committed gross misconduct for which departmental action was taken and he was awarded appropriate punishment.
12. In reply to this para, it is submitted that the appellant filed departmental appeal against the order of punishment to Regional Police Officer, Hazara Region, Abbottabad, who converted the major punishment of dismissal from service of the appellant into major punishment of reversion in rank from Head Constable to Constable vide order No.23215/PA dated 16.09.2020 and on the revision petition of appellant of reversion in rank was converted into reduction in pay by one stage for 02 years vide order No.1576/21 dated 15.04.2021. Hence, the instant service appeal is infructuous as the order challenged in the instant service appeal has already been modified by the departmental authority on the revision petition of the appellant.

REPLY ON GROUNDS:-


- A) Incorrect, the order of respondents dated 2.05.2020 and 16.09.2020 and 15.04.2021 are quite legal, based on facts, evidence and principles of natural justice, hence, the orders are lawful and maintainable.
- B) Incorrect, proper departmental inquiry was conducted. The appellant was issued charge and statement of allegations, he was also given right of personal hearing and self defense. The charges were proved through cogent evidence. Hence, the punishment is lawful and maintainable.
- C) Incorrect, the appellant was dealt with in accordance with law, rules and constitution. He was proceeded against on charges of misconduct as per law/rules. Hence, the punishment is maintainable under the law.
- D) Incorrect, the appellate authority took into consideration all facts, circumstances and relevant evidence which held the appellant guilty. The appellate authority converted the major punishment of dismissal from service of the appellant into major punishment of reversion in rank from Head Constable to Constable and the period he remain out of service was treated as leave without pay.
- E) Incorrect, the appellant did not perform his duties fairly, honestly and with devotion, rather, he remained negligent in discharge of official duties. Therefore, he was awarded lawful punishment.
- F) Incorrect, the appellant was served with charge sheet and statement of allegations containing charges of misconduct. The charges were thoroughly probed and appellant was held guilty of gross misconduct. Therefore, the appellant was awarded quite legal punishment.
- G) Incorrect, the appellant was awarded major punishment of dismissal from service on charges of misconduct. His punishment was converted into reversion in rank and the period he remained out of service was treated as leave without pay by the departmental appellate authority. Hence, the period of dismissal cannot be treated as leave of kind due on the ground that the appellant was dismissed from service

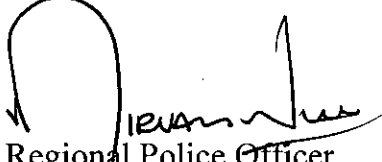
on charges of gross misconduct. The order of punishment is quite legal and maintainable.

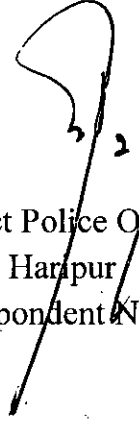
H) Incorrect, the instant service appeal is badly time barred and not maintainable under the law.

PRAYER:-

In view of above stated facts it is most humbly prayed that the instant service appeal does not hold any legal force, may kindly be dismissed with costs, please.


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


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


District Police Officer,
Haripur
(Respondent No.3)

23/

21

2022

CHARGE SHEET

I, Syed Ashfaq Anwar, PSP, District Police Officer, Haripur, competent authority, hereby charge you HC Tariq Saleem No. 121 as enclosed statement of allegations.

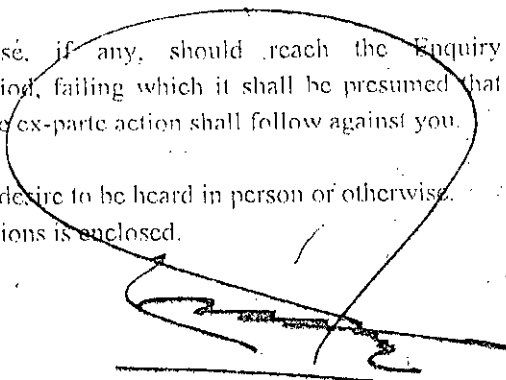
(1) You appear to be guilty of misconduct under Police Efficiency & Discipline Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the said Rules.

(2) You are, therefore, required to submit your written defense within 07 days of the receipt of this charge sheet and statement of allegation to the Committee/Enquiry Officer as the case may be.

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

(4) Intimate whether you desire to be heard in person or otherwise.

(5) A statement of allegations is enclosed.



Syed Ashfaq Anwar, PSP
District Police Officer
Haripur

DISCIPLINARY ACTION

I, Syed Ashfaq Anwar, PSP, District Police Officer, Haripur am competent authority of the opinion that you HC Tariq Saleem No. 121 have rendered yourself liable to be proceeded against as you committed the following acts/omissions within the meaning of Police Efficiency & Discipline Rules 1975.

STATEMENT OF ALLEGATION

"It has come to the notice that you while posted as I/C PP Panian, a complaint No. 533-C-Cell, dated 20.03.2020, was received in the PP but ^{you} didn't bother to respond well in time, neither you took any legal action against the unknown accuseds mentioned in above reference nor informed your seniors. Your act shows irresponsible behavior towards your service, severe violation of discipline and shows that you are not following the law, which is gross misconduct on your part in terms Police E&D Rules 1975" hence, charge sheeted".

(2) For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, an Enquiry Committee consisting of the following is constituted.

Mr. Adalat Khan, SDPO Saddar, Haripur

(3) The Enquiry Officer/Committee shall in accordance with the provision of this Ordinance, provide reasonable opportunity of hearing to the accused, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or the appropriate action against the accused.

(4) The accused and a well conversant representative of departmental shall in the proceedings on the date, time and place fixed by the Enquiry Officer/Committee.

Syed Ashfaq Anwar, PSP
District Police Officer
Haripur

No: 163-64 /PA dated Haripur the 16/04/2020.

Copy of above is submitted to the: -

- 1) Enquiry Officer for initiating proceedings against the said accused under Police Efficiency & Discipline Rules 1975.
- 2) HC Tariq Saleem No. 121 with the direction to submit his defense within 7 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purpose of departmental proceedings.

Syed Ashfaq Anwar, PSP
District Police Officer
Haripur

سب ڈویژنل پولیس آفیسر سرکل صدر ہری پور

ضلعی پولیس آفیسر صاحب ہری پور

نمبر 87 مورخہ 12020 615

محکمہ انکوائری بر خلاف طارق سلیم HC

بحوالہ چارج شیٹ نمبر PA/64-163 مورخہ 16.04.2020 بر خلاف طارق سلیم HC برائے انکوائری

موصول ہوئی۔

الزام:

مذکورہ پر الزام ہے کہ دوران تعیناتی انچارج چوکی پنیاں نوٹس میں آیا ہیکہ ایک کمپلیٹ نمبر C-533 مورخہ 20.03.2020 چوکی پنیاں میں موصول ہوئی مگر آپ نے بروقت جواب دہینے کی زحمت نہ کی نہ ہی آپ نے اس کمپلیٹ کے متعلق نامعلوم ملزمان کے خلاف کوئی کارروائی کی۔ اور نہ ہی اپنے سپینرز افسران کو مطلع کیا جس نفل سے آپ کی کارسکار میں غیر ذمہ داری، ڈسپلن کی خلاف ورزی اور قانون پر عمل درآمد نہ کرنا ظاہر ہوتا ہے۔ جو کہ پولیس رول 1975 کے تحت سنگین بد عنوانی ہے۔

کارروائی:

انکوائری کا آغاز کرتے ہوئے الزام علیہ HC طارق سلیم کو دفتر طلب کر کے سنا گیا۔ جس نے تحریری بیان دیا اور بتلایا کہ غلام جان سید ولد محمد جان سکنہ سربکوٹ کے ساتھ وقوعہ مورخہ 19.03.2020 کو پیش آیا جس نے مورخہ 20.03.2020 کو ایڈیشنل SP صاحب پر پیش ہو کر اس وقوعہ کی نسبت درخواست دی جو SHO صاحب سٹی کے نام مارک ہوئی اسکے پاس درخواست برائے کارروائی مورخہ 10.04.2020 کو تھانہ کوٹ سے چوکی پنیاں موصول ہوئی جس نے SHO کے نوٹس میں زبانی لگا کر درخواست پر مورخہ 15.04.2020 تک سرسری دریافت کرتے ہوئے CCTV فونج حاصل کر کے درخواست پر مورخہ 15.04.2020 کو مقدمہ علت 579 جرم 382/34 تھانہ کوٹ درج رجسٹر ہوا۔ اس نے کوئی کوتاہی نہیں کی۔ اسی طرح شعیب IHC اینٹی کار لفٹنگ کا بیان لیا گیا جس نے بتلایا کہ مورخہ 20.03.2020 کو درخواست ازاں غلام جان اسکے نام مارک ہوئی جس نے درخواست دہندہ کو ہمراہ رکھ کر CCTV کیمرے وغیرہ چیک کیے اور وقوعہ حدود چوکی پنیاں کا پانچواں درخواست مورخہ 25.03.2020 کو واپس محرر تھانہ سٹی کی۔ محرر سٹی واجد HC کا بیان لیا گیا جس نے بتلایا کہ غلام جان سید کی درخواست مورخہ 20.03.2020 کو کمپلیٹ سیل سے تھانہ سٹی موصول ہوئی جو SHO صاحب نے اینٹی کار لفٹنگ سیل شعیب IHC کے نام مارک کی جس نے درخواست پر تحریر کیا کہ وقوعہ حدود چوکی پنیاں تھانہ کوٹ کا ہے۔ درخواست مورخہ 25.03.2020 کو واپس اسکے حوالہ کی جس پر SHO صاحب نے اپنی رپورٹ تحریر کر کے 27.03.2020 کو دفتر DSP ہیڈ کوارٹر بھجوائی انکوائری کو جاری رکھتے ہوئے کمپلیٹ کلرک خضر 341 کا بیان لیا گیا جس نے بتلایا کہ غلام جان کی مارک شدہ درخواست ڈائری نمبر C-533 مورخہ 20.03.2020 کو درخواست دہندہ کے بدست تھانہ سٹی بھجوائی جو مورخہ 31.03.2020 کو واپس دفتر کمپلیٹ سیل موصول ہوئی جس پر SHO صاحب سٹی نے تحریر کیا تھا کہ وقوعہ کا تعلق حدود چوکی پنیاں تھانہ کوٹ سے ہے نزد SHO صاحب کوٹ بھجوائی جاوے اور DSP/HQ صاحب سے فاروڈ ہوئی تھی جو اس نے اسی روز مورخہ 31.03.2020 کو ہی ڈاک ڈیوٹی والے کانسٹیبل گلداد نمبر 270 کے بدست تھانہ کوٹ بھجوائی۔ ڈاک بھی کی کالی بطور ثبوت پیش کی جولف انکوائری ہے۔ کانسٹیبل گلداد نمبر 270 تھانہ

کے ناماً بیان لیا گیا جس نے بتلایا کہ وہ تھانہ کوٹ میں ڈاک ڈیوٹی پر تعینات ہے۔ جس نے مورخہ 31.03.2020 کو دفتر کسپلیٹ سیل سے درخواست ڈائری نمبر C-533 مورڈیگر ڈاک کے وصول کر کے ہمراہ لاکر محرر شاف تھانہ کوٹ کے حوالہ کی دیگر وہ لاعلم ہے۔ انکوآزری کو مزید جاری رکھتے ہوئے SHO تھانہ کوٹ جن زیب SI کو طلب کر کے سنا گیا اور تحریری بیان لیا جس نے بتلایا کہ اسے نہ ہی اس وقوعہ کے بارے میں علم تھا اور نہ ہی غلام جان سید کی درخواست کے بارے سے انچارج چوکی یا محرر تھانہ نے نوٹس میں لگایا (مفصل بیان ہمراہ لف ہے)۔ محرر تھانہ کوٹ محمد عباس HC کو سنا جا کر بیان لیا گیا جس نے بتلایا کہ غلام جان سید کی درخواست تھانہ میں نہیں آئی وہ اس درخواست سے لاعلم ہے (مفصل بیان ہمراہ لف ہے)۔

اسی طرح نذیر LHC چوکی پنیاں کو بھی سنا جا کر بیان لیا گیا کہ جس نے بتلایا کہ وہ مورخہ 10.04.2020 کو وہ جمعہ کی نماز ادا کرنے کے لیے گیا جب واپس چوکی آیا تو غلام جان سید کی درخواست چوکی پنیاں میں دفتر محرر کی میز پر پڑی پائی اسی وقت اس نے انچارج صاحب چوکی طارق سلیم ASI کے نوٹس میں لگا کر درخواست اسکے حوالہ کی دیگر وہ لاعلم ہے کہ درخواست چوکی میں کس طرح پہنچی ہے (بیان لف ہے)۔

فائیٹنگ:

دوران انکوآزری حالات و واقعات اور بیانات سے اس نتیجہ پر پہنچا ہوں کہ روز اول سے غلام جان سید سے ہونے والے وقوعہ کے بارے میں الزام علیہ طارق سلیم HC انچارج چوکی پنیاں کو علم تھا۔ مگر اس نے نہ تو کوئی کارروائی کی۔ نہ ہی وقوعہ کے مرتکبان واردات کو ٹریس کر نیکی کوشش کی اور نہ ہی افسران بالا کے نوٹس میں اس وقوعہ کے بارے میں لگایا بلکہ افسران بالا تو درکنار تھانہ کے SHO کو بھی آگاہ نہ کیا اور نہ ہی غلام جان کی درخواست چوکی میں موصول ہونے پر کوئی کارروائی کی اور نہ ہی SHO یا کس سینئر کے نوٹس میں لگانا گوارا کیا اسی طرح غلام جان کی درخواست بذریعہ ڈاک تھانہ میں موصول ہوئی ہے پھر تھانہ سے نہ جانے کس طرح چوکی میں پہنچی جو اس درخواست کی نسبت محرر عباس HC نے لاعلمی کا اظہار کیا جو اس ضمن میں محرر عباس HC کی بھی غفلت پائی جاتی ہے اور ثابت ہوا کہ درخواست تھانہ میں ڈاک ڈیوٹی کنسٹیبل نے محرر شاف کے حوالہ دیگر ڈاک کے ساتھ کی۔ اور اسی طرح SHO کے علاقہ میں اتنی بڑی واردات ہوئی ہے اور تقریباً 23/24 دن اسے علم تک نہ ہونا بھی SHO کی کمزور سپرویزن ثابت ہوتی ہے تاہم الزام علیہ طارق سلیم HC پر جارج شیٹ میں لگائے گئے الزامات درست ثابت ہوتے ہیں جسے مناسب سزا دیے جانے کی سفارش کی جاتی ہے۔ انکوآزری رپورٹ مرتب ہو کر گزارش خدمت ہے۔

سب ڈویژنل پولیس آفیسر
سرکل صدر ہری پور

Dismissed for Service.

1/2/20

ORDER

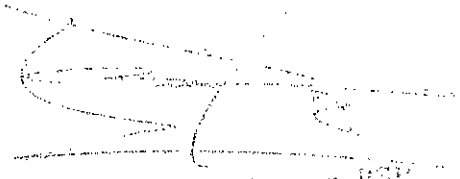
ASI Tariq Saleem, while posted at PP Panian, received a complaint 533-C-Cell, dated 20.03.2020, in the PP about the incident of dacoity but he didn't bother to respond well in time. Neither ~~you~~ took any legal action against the unknown accused nor he informed his seniors about the incident. This act of omission of defaulter official was a misconduct under the Khyber Pakhtunkhwa Police Efficiency and Discipline Rules 1975. Hence, he was charge sheeted, vide this office Endst: No.163-64/PA dated 16.04.2020.

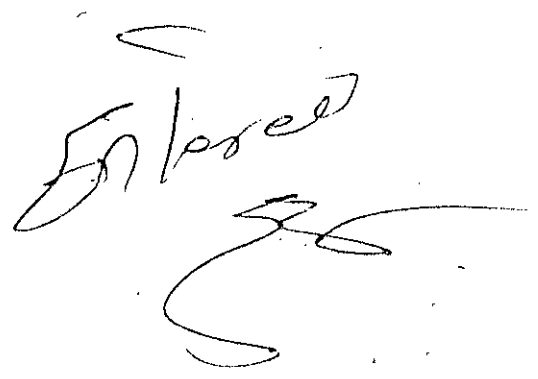
To probe the matter, Deputy Superintendent of Police, Saddar Mr. Adalat Khan, was appointed as Enquiry Officer, who conducted proper departmental enquiry and submitted his findings, vide his office Memo No. 87/R dated 06.05.2020. The charges of misconduct were proved against the delinquent police official. Therefore, enquiry officer recommended him for suitable punishment. He was called in Orderly Room for personal hearing by the undersigned.

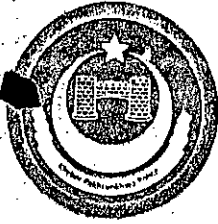
Having perused the findings of the Enquiry Officer, relevant record, the charges of misconduct are proved against the defaulter police official. The delinquent officer deliberately and intentionally tried to conceal a heinous crime which not only earned a bad name for police but also encouraged the criminals to commit more such crimes. Therefore, I, **Syed Ashfaq Anwar (PSP)**, District Police Officer, Haripur being competent authority under the Khyber Pakhtunkhwa Police Efficiency and Discipline Rule 1975, am fully satisfied that ASI Tariq Saleem, committed gross misconduct. Therefore, he is awarded major punishment of "DISMISSAL FROM SERVICE" with immediate effect.

Order announced in his presence.

Order Book No. 43
Dated 29/05/2020


Syed Ashfaq Anwar, PSP
District Police Officer
Haripur


Debra Bose.



OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.pohazara@gmail.com

0345-9560687

NO: 23215 /PA DATED 16/9/2020

ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex. HC Tariq Saleem No. 121 of District Haripur against the order of punishment i.e. *Dismissal from service* awarded by District Police Officer, Haripur vide OB No.403 dated 29.05.2020.

Brief facts leading to the punishment are that the appellant while posted at PP Panian, received a complaint No.533-C/Cell dated 20.03.2020 about an incident of dacoity but he did not bother to respond well in time. Neither he took any legal action against the unknown accused nor did he inform his seniors about the incident.

The appellant was issued charge sheet alongwith summary of allegations and SDPO Saddar was deputed to conduct departmental enquiry. During the course of enquiry the allegations leveled against the appellant were proved and EO recommended him for suitable punishment. He was heard in person, however he failed to advance any cogent reason. Consequently, DPO Haripur awarded him major punishment of dismissal from service.

After receiving his appeal, comments of DPO Haripur were sought and examined/perused. The undersigned called the appellant in OR, heard him in person. The appellant failed to advance any plausible justification in his defence while allegations leveled against the appellant were proved during the course of enquiry. However, keeping in view his prolong service, I take lenient view and in exercise of the powers conferred upon the undersigned under Rule 11-4 (c) of Khyber Pakhtunkhwa Police Rules, 1975 major punishment of dismissal from service is hereby set aside and *converted into reversion to the rank of constable while the appellant is transferred to district Upper Kohistan* with immediate effect. The period during which the appellant remained out of service may be treated as leave without pay.

Qazi Jamil ur Rehman (PSP)
REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

No. 23215 /PA, dated Abbottabad the 16-9 /2020.
CC:

The District Police Officer, Haripur for information and necessary action with reference to his office Memo No 3784 dated 22-07-2020. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

SRC/OHC
For information

DPO - HR
17-09-2020

OB No. 695

17-09-2020

6188

17/9/2020

Before Chairman KPK Service Tribunal Pedana
Cemp. Court at Haripur

Appeal No. 12095/20

Tariq Saleem — v/s — IGP KPK & others
Service Appeal

Petition for withdrawal subject Service Appeal.

Respectfully Sheweth:-

1. That titled Service appeal is pending adjudication before this honorable & today heard & argued.
2. That relief sought for in the instant appeal has been granted by the IGP/KPK & others. vide order dated 2-4-2022.
3. That instant Service appeal needs to be withdrawn.

It is further prayed that instant appeal may graciously be allowed to be withdrawn.


Appellant
M. Azhar
(Muneeb Aslam Tauli)
Advocate High Court
at Abbottabad

Dated 18-07
2022

16.05.2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General along with Mr. Afzal Khan, ASI for the respondents present.

Written reply/comments on behalf of respondent No. 1 to 3 submitted which is placed on file. A copy of the same is also handed over to the appellant. To come up for rejoinder as well as arguments on 18.07.2022 before D.B at camp court Abbottabad.


Kalim Arshad Khan
Chairman
Camp Court, Abbottabad

18th July, 2022

Learned counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney for respondents present.

2. Learned counsel for the appellant submitted an application for withdrawal of the instant service appeal wherein he stated that grievance of the appellant has been redressed and does not want to pursue the case further. This appeal is dismissed as withdrawn in the above terms. Consign.

3. *Pronounced in open court in Abbottabad and given under my hand and seal of the Tribunal on this 18th day of July, 2022.*



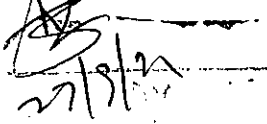

(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

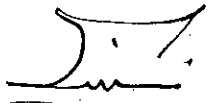
23.09.2021

Mr. Mohammad Aslam Tanoli, Advocate, for the appellant present. Preliminary arguments heard.

Points raised need consideration, hence the appeal is admitted to regular hearing subject to all legal and valid objections. The appellant is directed to deposit security and process fee within 10 days, where-after notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments before the D.B on 24.12.2021 at Camp Court Abbottabad.

Appellant Deposited
Security & Process Fee

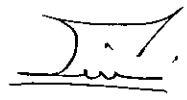



(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD

24.12.2021

Learned counsel for the appellant present. Mr. Sher Afzal Khan, ASI alongwith Mr. Riaz Ahmed Painsdakhel, Assistant Advocate General for the respondents present.

Respondents have failed to submit their written reply/comments even today, therefore, last opportunity is given to the respondents with the direction to submit reply/comments on the next date positively, failing which their right for submission of reply/comments shall be deemed as struck off. To come up for submission of written reply/comments on 14.03.2022 before the S.B at Camp Court Abbottabad.

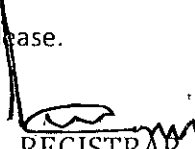
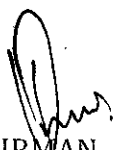
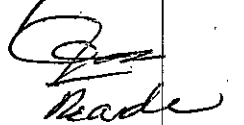

(Salah-Ud-Din)
Member (J)
Camp Court Abbottabad

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 12095 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/10/2020	<p>The appeal of Mr. Tariq Saleem presented today by Mr. Muhammad Aslam Khan Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	22-1-21	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>22-01-2021</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p><i>Due to COVID-19, case is adjourned to 23-9-2021 for the same.</i></p> <p style="text-align: right;"> Judge</p>

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No.....

Tariq Saleem S/O Abdul Salam, Constable No.121, of District Police Haripur (Presently posted at Upper Kohistan) R/O Village Aram Dara, P.O. Serikot, Tehsil Ghazi, District Haripur. (**Appellant**)

VERSUS

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

Respondents

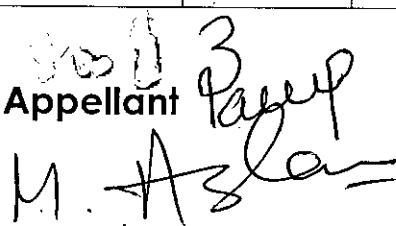
SERVICE APPEAL

INDEX

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3.	Reply dated to Charge Sheet 20-04-2020	"B"	12-14
4.	Complaint dated 20-03-2020	"C"	15-17
5.	Report of SHO City dated 25-03-2020	"D"	18
6.	Dismissal Order dated 29-05-2020	"E"	19
7.	Departmental Appeal dated 10-06-2020	"F"	20-24
8.	Appellate order dated 16-09-2020	"G"	25
9.	Wakalatnama		

Through

3
Appellant


(Mohammad Aslam Tanoli)
Advocate High Court
at Haripur

Dated: 15-10-2020

①

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Appeal No. 12095

Diary No. 11567

Dated 15/10/2020

Tariq Saleem S/O Abdul Salam, Constable No.121, of District Police Haripur (Presently posted at Upper Kohistan) R/O Village Aram Dara, P.O. Serikot, Tehsil Ghazi, District Haripur. (**Appellant**)

VERSUS

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

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 29-05-2020 OF THE DISTRICT POLICE OFFICER HARIPUR WHEREBY APPELLANT HAS BEEN "DISMISSED FROM SERVICE" AND ORDER DATED 16-09-2020 WHEREBY WHILE ACCEPTING HIS DEPARTMENTAL APPEAL THE REGIONAL POLICE OFFICER HAZARA REGION ABBOTTABAD HAS CONVERTD PEALTY OF DISMISSAL INTO REDUCTION IN RANK FROM HEAD CONSTABLE TO CONSTABLE AND THE PERIOD APPELLANT REMAINED OUT OF SERVICE (FROM 29-05-2020 TO 15-09-2020) HAS BEEN TREATED AS LEAVE WITHOUT PAY.

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH ORDERS DATED 29-05-2020 AND 16-09-2020 OF RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND APPELLANT BE RESTORED HIS RANK OF ASSISTANT SUB INSPECTOR AND THE PERIOD HE REMAINED OUT OF SERVICE BE TREATED AS ON DUTY OR AT LEAST LEAVE OF THE KIND DUE BE ALLOWED WITH GRANT OF ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respectfully Sheweth:

Filed to-day

Registrar
15/10/2020

That while appellant posted as (Head Constable) Incharge Police Post Panian Haripur was served with a Charge Sheet alongwith statement of allegations dated 16-04-2020. (Copy of Charge Sheet dated 16-04-2020 is attached as Annexure-"A").

2. That the aforementioned Charge Sheet was duly replied on 20-04-2020 explaining all facts and circumstances of the matter in detail and denying the allegations incorporated therein against the appellant being incorrect and baseless. **(Copy of reply dated 20-04-2020 is attached as Annexure-"B")**.
3. That facts of the matter are that a person namely Ghulam Jan S/O Mohammad Jan R/O Shtaloo Sharif Serikot, Tehsil Ghazi, District Haripur routed a complaint dated 20-03-2020 directly to the Superintendent of Police Complaint Cell Haripur disclosing the episode that while receiving a lift from a Motor Car near Panian Chowk on 19-03-2020 at about at 1930 hours he had been deprived of a handsome amount of Rs.100000/-. This complaint was directly received and entered in Dairy No. 533-C dated 20-03-2020 by the Superintendent of Police Complaint Cell Haripur. **(Copy of the complaint dated 20-03-2020 is attached as Annexure-"C")**.
4. That thereafter the said complaint was marked to SHO City Haripur which he received vide Dairy No. 384 dated 20-03-2020 and was sent to Incharge Cars Lifting Cell Haripur for further necessary action.
5. That after doing the needful, the Incharge Cars Lifting Cell Haripur forwarded it to the SHO City Haripur on 25-03-2020 and then was routed to DSP Headquarters Haripur on 30-03-2020. **(Copy of a report by I/C Cars Lifting Cell and SHO PS City is attached as Annexure-"D")**.

3

6. That on 10-04-2020 the Complaint Cell Haripur through Dock-pad in custody of Gul Dad Constable sent it to the Police Satiation Kotnajibullah and the same day from PS Kotnajibullh the same was sent to Post Panian vide 5A No. 69 dated 10-04-2020. On receipt of the said complaint on 10-0402929, the appellant immediately brought the matter into the notice of SHO PS Kotnajibullah.
7. That actually the complaint was sent to the appellant on 10-04-2020 i.e. after about 21 days of its direct receipt by Superintendent of Police Complaint Cell Haripur. However, the appellant did all that he could and left no stone unturned in discharge of his duties. He immediately collected footage of all the CCTV through Amjad IHC and also got recorded an FIR NO. 579 dated 15-04-2020 at PS Kotnajibullah.
8. That it is very astonishing one that just after directly filing of complaint on 20-03-2020 with the Superintendent of Police Complaint Cell Haripur, the same remained under process for 21 days with different authorities and thereafter was sent to the appellant on 10-04-2020 for action. In such circumstance as to how appellant could be held responsible for non-action. Those who kept the complaint with them for a considerable period of time of 21 days were neither questioned nor held responsible. Appellant had been made scapegoat just to save blue eyed and had been awarded the extreme punishment of dismissal from service and that too without any fault on his part.

4

9. That without taking into consideration the stance adduced by appellant in the shape of reply to his Charge Sheet, the District Police Officer Haripur with predetermined mind dismissed the appellant from service vide order dated 29-05-2020, against the facts, in violation of law, department rules & regulations and principle of natural justice purely with malafide intention. **(Copy of the order dated 29-05-2020 is attached as Annexure-"E")**.
10. That no proper departmental inquiry was conducted. Copy of inquiry findings was not provided to the appellant. No Show Cause Notice was issued to him. Even opportunity of personal hearing was not afforded to the appellant. But the competent authority awarded the appellant with EXTREME PENALTY OF **"DISMISSAL FROM SERVICE"** without giving any reason.
11. That appellant has rendered more than 20 years service in the police department but there has been no complaint against him. Appellant always performed his assigned duties with devotion, dedication and honesty and has been awarded Commendation Certificates and Cash Rewards for his tremendous services. He has meritorious service record at his credit.
12. That appellant aggrieved of order of the District Police Officer Haripur preferred a departmental appeal dated 10-06-2020 before the Regional Police Officer, Hazara Range, Abbottabad, he while accepting appellant's departmental appeal vide order dated 16-09-2020 set aside order dated 29-05-2020, and penalty of dismissal

5

from service converted into reduction of rank from Head Constable to Constable and the period appellant remained out of service treated as leave without pay.

(Copies of departmental appeal dated 10-06-2020 and order dated 16-09-2020 are attached as Annexure-"F & G"). Hence instant service appeal, inter alia, on the following amongst others:-

GROUND:

- a) That impugned orders dated 29-05-2020 and dated 16-09-2020 of the respondents are illegal, unlawful against the facts, departmental rules and regulations and principle of natural justice hence are liable to be set aside.
- b) That no proper departmental inquiry was conducted. No Show Cause Notice was given to appellant. Copy of inquiry report, if any, was never provided, even opportunity of personal hearing was not afforded to him rather he was condemned unheard.
- c) That respondents have not treated the appellant in accordance with law, departmental rules & regulations and policy on the subject and have acted in violation of Article-4 of constitution of Islamic Republic of Pakistan 1973 and unlawfully issued the impugned orders, which are unjust, unfair hence not sustainable in the eyes of law.
- d) That appellate authority has also failed to abide by the law and even did not take into consideration the grounds taken by appellant in the memo of appeal and has

6

converted the penalty of reduction in rank from Head Constable to Constable and the period remained out of service has been treated as leave without pay. Thus act of respondent is contrary to the law as laid down in the KPK Police Rules 1934 read with section 24-A of General Clause Act 1897 and Article 10-A of Constitution of Islamic Republic of Pakistan 1973.

- e) That appellant has discharged his assigned duties with devotion, dedication and honesty. He has left no stone unturned in discharge of his duties and responsibilities and he has wrongly been awarded the punishment.
- f) That the allegations leveled against appellant in the charge sheet are of ambiguous nature, without any reason, reference, justification and based on surmises & conjectures which remained un-proved and un-substantiated to this day. Nothing could be brought on record against appellant for which he has been awarded with the punishment.
- g) That the period (from 29-05-2020 to 16-09-2020) for which appellant was kept out of service has been treated as leave without pay by respondents. The appellant did not refrain himself for performing duties but was forcibly kept out of service hence deserves to be treated as on duty or at least be granted leave of the kind due as he has rendered more than 20 years service and has sufficient leave balance at his credit.

7

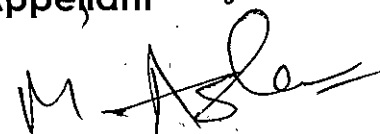
- i) That instant appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudication upon the same.

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Service Appeal order dated 29-05-2020 and 16-09-2020 of the respondents may graciously be set aside and appellant be restored his rank of Head Constable and the period remained out service be treated as on duty or at least he be granted leave of the kind due instead of leave without pay out of his credit with all consequential service back benefits. Any other relief which this Honorable Service Tribunal deems fit and proper in circumstances of the case may also be granted.

Through:


Appellant


(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated 15-10-2020

VERIFICATION

It is verified that the contents of instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed thereof.

Dated 15-10-2020


Appellant



**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Tariq Saleem S/O Abdul Salam, Constable No.121, of District Police Haripur (Presently posted at Upper Kohistan) R/O Village Aram Dara, P.O. Serikot, Tehsil Ghazi, District Haripur. (**Appellant**)

VERSUS

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

SERVICE APPEAL

CERTIFICATE

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


APPELLANT

Dated: 15-10-2020

9

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Tariq Saleem S/O Abdul Salam, Constable No.121; of District Police Haripur (Presently posted at Upper Kohistan) R/O Village Aram Dara, P.O. Serikot, Tehsil Ghazi, District Haripur. (**Appellant**)

VERSUS

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

SERVICE APPEAL


AFFIDAVIT:

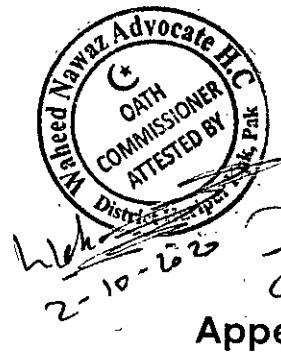
I, Tariq Saleem appellant do hereby solemnly declare and affirm on oath that the contents of the instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honorable Service Tribunal.


Deponent/Appellant

Dated: 15-10-2020

Identified By:


Muhammad Aslam Tanoli
Advocate High Court
At Haripur



CHARGE SHEET

10

Annex - 'A'

I, Syed Ashfaq Anwar, PSP, District Police Officer, Haripur as competent authority, hereby charge you HC Tariq Saleem No. 121 as enclosed statement of allegations.

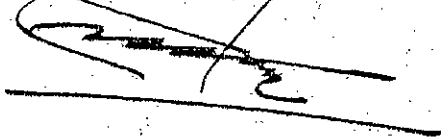
(1) You appear to be guilty of misconduct under Police Efficiency & Discipline Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the said Rules.

(2) You are, therefore, required to submit your written defense within 07 days of the receipt of this charge sheet and statement of allegation to the Committee/Enquiry Officer as the case may be.

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

(4) Intimate whether you desire to be heard in person or otherwise.

(5) A statement of allegations is enclosed.


Syed Ashfaq Anwar, PSP
District Police Officer
Haripur

Attested

3
Tariq

- (11) -
DISCIPLINARY ACTION

1. Syed Ashfaq Anwar, PSP, District Police Officer, Haripur as competent authority of the opinion that you HC Tariq Saleem No. 121 have rendered yourself liable to be proceeded against as you committed the following acts/omissions within the meaning of Police Efficiency & Discipline Rules 1975.

STATEMENT OF ALLEGATION

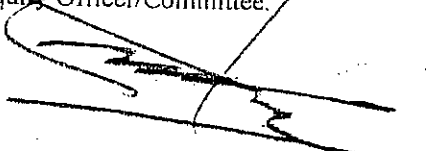
"It has come to the notice that you while posted as I/C PP Panian, a complaint No. 533-C-Cell, dated 20.03.2020, was received in the PP but ^{you} didn't bother to respond well in time, neither you took any legal action against the unknown accused mentioned in above reference nor informed your seniors. Your act shows irresponsible behavior towards your service, severe violation of discipline and shows that you are not following the law, which is gross misconduct on your part in terms Police E&D Rules 1975" hence, charge sheeted".

(2) For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, an Enquiry Committee consisting of the following is constituted.

Mr. Adalat Khan, SDPO Saddar, Haripur

(3) The Enquiry Officer/Committee shall in accordance with the provision of this Ordinance, provide reasonable opportunity of hearing to the accused, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or the appropriate action against the accused.

(4) The accused and a well conversant representative of departmental shall in the proceedings on the date, time and place fixed by the Enquiry Officer/Committee.


Syed Ashfaq Anwar, PSP
District Police Officer
Haripur

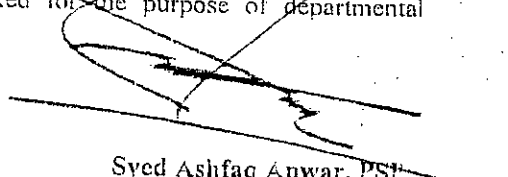
No: 163-64 /PA: dated Haripur the 16/04/2020.

Copy of above is submitted to the:-

- 1) Enquiry Officer for initiating proceedings against the said accused under Police Efficiency & Discipline Rules 1975.
- 2) HC Tariq Saleem No. 121 with the direction to submit his defense within 7 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purpose of departmental proceedings.

Attested

3 Aug


Syed Ashfaq Anwar, PSP
District Police Officer
Haripur

کتابت قیام الیہ ڈی پی پانیاں، سید محمد علی کوہ (انٹرویو آفیسر)۔

عدون: بجاریہ پانیاں سید محمد علی کوہ 163-54-163-54-163-54

عدون: بجاریہ پانیاں سید محمد علی کوہ 163-54-163-54-163-54

1- ایک چارج شیٹ سے زیل الزوم عادل لایا ہے۔

"It has come to the notice that you while posted as UC PP Panian, Complaint No. 533-C-Cell, dated 20-03-2020, was received in the PP but you didn't bother to respond well in time, neither you took any legal action against the unknown accused mentioned in above reference nor informed your seniors. Your act shows irresponsible behavior towards your service severe violation of discipline and shows that you are not following the law which is gross misconduct on your part in terms Police E&D Rules 1975 hence, charge sheeted".

2- ایک مختصر نوٹہ بار الزوم سید محمد علی کوہ ضریف صالحی و ضریف و لقاہت 2- ضریف

3- ایک مختصر نوٹہ بار الزوم سید محمد علی کوہ ضریف صالحی و ضریف و لقاہت 2- ضریف

4- ایک مختصر نوٹہ بار الزوم سید محمد علی کوہ ضریف صالحی و ضریف و لقاہت 2- ضریف

Allored
Pania

5 - کہ کہ مندرجہ ذیل سب کچھ کنڈہ ورنہ 10-04-2020 کو عدالت میں پیش کیا جائے گا۔
 ذرا قریب عدالت کا ٹیبل ڈارک کوڈنگ کے ساتھ
 جمع ہوئے۔ جو ورنہ 10-04-2020 کو عدالت میں پیش کیا جائے گا۔
 صدر 584 کاغذ 69 درج ہے۔ 3 دن مندرجہ ذیل وقت 10-04-2020 کو عدالت میں پیش کیا جائے گا۔

6 - کہ کہ مندرجہ ذیل سب کچھ کنڈہ ورنہ 20-04-2020 کو عدالت میں پیش کیا جائے گا۔
 عدالت میں پیش کیا جائے گا۔ 10-04-2020 کو عدالت میں پیش کیا جائے گا۔
 عدالت میں پیش کیا جائے گا۔ عدالت میں پیش کیا جائے گا۔
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 عدالت میں پیش کیا جائے گا۔ عدالت میں پیش کیا جائے گا۔

7 - کہ کہ عدالت میں مندرجہ ذیل سب کچھ کنڈہ ورنہ 20-04-2020 کو عدالت میں پیش کیا جائے گا۔
 عدالت میں پیش کیا جائے گا۔ عدالت میں پیش کیا جائے گا۔
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8- کہیں سے اس معاملہ میں اس شخص کی شناخت کے لیے اطمینان دہانہ طور پر اس کے خلاف کارروائی کی جائے۔ اس کے ساتھ ساتھ اس کے خلاف دیگر کارروائیاں بھی کی جائیں۔ اس کے ساتھ ساتھ اس کے خلاف دیگر کارروائیاں بھی کی جائیں۔ اس کے ساتھ ساتھ اس کے خلاف دیگر کارروائیاں بھی کی جائیں۔

9- کہیں سے اس معاملہ میں اس شخص کی شناخت کے لیے اطمینان دہانہ طور پر اس کے خلاف کارروائی کی جائے۔ اس کے ساتھ ساتھ اس کے خلاف دیگر کارروائیاں بھی کی جائیں۔ اس کے ساتھ ساتھ اس کے خلاف دیگر کارروائیاں بھی کی جائیں۔ اس کے ساتھ ساتھ اس کے خلاف دیگر کارروائیاں بھی کی جائیں۔

10- کہیں سے اس معاملہ میں اس شخص کی شناخت کے لیے اطمینان دہانہ طور پر اس کے خلاف کارروائی کی جائے۔ اس کے ساتھ ساتھ اس کے خلاف دیگر کارروائیاں بھی کی جائیں۔ اس کے ساتھ ساتھ اس کے خلاف دیگر کارروائیاں بھی کی جائیں۔ اس کے ساتھ ساتھ اس کے خلاف دیگر کارروائیاں بھی کی جائیں۔

اس معاملہ میں اس شخص کی شناخت کے لیے اطمینان دہانہ طور پر اس کے خلاف کارروائی کی جائے۔ اس کے ساتھ ساتھ اس کے خلاف دیگر کارروائیاں بھی کی جائیں۔ اس کے ساتھ ساتھ اس کے خلاف دیگر کارروائیاں بھی کی جائیں۔ اس کے ساتھ ساتھ اس کے خلاف دیگر کارروائیاں بھی کی جائیں۔

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Legal Action as per law

خود کار گزارش جسٹس میں ایسی شکایت خان سید کے محمد جان

جس میں سہولتی سہولت سہولت کوٹ، تاریخ 19/3/2020 کو ہوتی تھی 1930 بجے پورے پنیاں کوٹ

سہولت کوٹ روڈ پر گاؤں جانے کے لئے انتظار کر رہا تھا کہ ایک سہولت کوٹ گاؤں

اگر گھری ہوئی اور فرنٹ سیٹ پر بیٹھے ہوئے شخص نے مجھ سے پوچھا کہ سہولت کوٹ کو

پر راستہ جانا ہے؟ میں نے کہا کہ جی ہاں تو اس نے کہا کہ آؤ ہم سہولت کوٹ کی طرف جا رہے تھے

میں ساتھ بیٹھ گیا تو پتہ چلا کہ 100 فٹ آگے گئے کہ فرنٹ سیٹ والے شخص نے سہولت

اچھے پیشنل پتہ لیا اور پتہ چھوٹے والے سیٹ پر دو آدمی تھے انہوں نے مجھے درمیان

میں کہا اور سہولت کوٹ کوٹ لیا اور پتہ چھوٹے والے سیٹ پر دو آدمی تھے انہوں نے مجھے درمیان

ATM کارڈ تھا وہ بھی انہوں نے لیا اور پتہ چھوٹے والے سیٹ پر دو آدمی تھے انہوں نے مجھے درمیان

ATM کارڈ تھا وہ بھی انہوں نے لیا اور پتہ چھوٹے والے سیٹ پر دو آدمی تھے انہوں نے مجھے درمیان

ATM کارڈ تھا وہ بھی انہوں نے لیا اور پتہ چھوٹے والے سیٹ پر دو آدمی تھے انہوں نے مجھے درمیان

ATM کارڈ تھا وہ بھی انہوں نے لیا اور پتہ چھوٹے والے سیٹ پر دو آدمی تھے انہوں نے مجھے درمیان

ATM کارڈ تھا وہ بھی انہوں نے لیا اور پتہ چھوٹے والے سیٹ پر دو آدمی تھے انہوں نے مجھے درمیان

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میں بیٹھی یا بندھی ہوئی تھی اس سے مجھے پہلی بھولی نظر آ رہا تھا۔ اور کچھ سی دیر کے بعد
 Hazari Express Highway پر مجھے جرد نظر آیا۔ اور اس طرح چلتے چلتے شاہ مقبوضہ اور کمر
 قریبوں اس کے بعد ایسٹ آباد انٹر چینج آئے اور یہ اس کے بعد ایسٹ آباد سٹیشن اور
 پھر سٹیشن ٹو نظر آئے میں پوچھا کہ بھائی مجھے اتنا تو سناؤ کہ مجھے کس طرف لے کر جا رہے
 ہیں انہوں نے کہا کہ آج کی منزل کمر فو ایسا ٹائم پورا کر رہے ہیں اس کے بعد انٹر چینج
 سے اتر کر وہ تقریباً بلند آباد انٹر چینج تھا اس کے آگے آئیں پھر یہ بھی ان کا سابق
 اتر گیا اور باقی مجھے گاؤں میں لگاتے رہے اور پھر کچھ دیر کے بعد دوبارہ اس کے ساتھ کو
 تھکے بٹھایا وہ کباب اور روٹی لے کر آیا تھا اور گاڑی میں کو چلے گئے ہوئے کھار رہے تھے۔ اور
 دوبارہ مجھے نظر آ گیا کہ ایسٹ آباد 500 فٹ آگے تھے اندازہ ہو گیا کہ ہم لوگ والیس پور گئے
 اس کے بعد دوبارہ هزارہ ایکریس پائی پونے پر آ رہے تھے لیکن گاڑی کی سپینڈل کم رکھی تھی
 پھر کس انٹر چینج سے اتر گیا۔ مجھے معلوم نہ ہو سکا اس کے بعد کس سڑک پر گاڑی رکی اور دوپہلی
 جائے کھلنے اڈر کیا جوڑ والہ جائے کھنڈر آیا آگے ڈرائیور والے دروازے سے ٹرک میں چلا
 رہی اور چلے بسنے کے بعد پھر انہوں نے ایک حکم بندھن سدا دی ہال کا بورڈ بھی نظر آیا۔ پھر کس سڑک
 سے پٹرول ڈالو۔ اس کے بعد میرا ATM استعمال کرنا شروع کیا ADNOR پٹرول ملتا بودو
 بھی نظر آیا اور نزدیک میں CNQ کھسک کا بورڈ بھی نظر آیا اور میرا ATM کارڈ
 تین ملرو ATM پر استعمال کیا بقول علیہ السلام طرفان الجندل بینک۔ الہ انڈین بینک اسلامک بینک
 کے نام لے اور مجھے کیا کہ لنگ ڈاؤن ہے۔ لیکن میرا ATM کو استعمال کرتے مذید 50,000 روپے اور
 نکلائے۔ میرا بینک لگا عجیب بینک تھا۔ اس کے بعد مجھے یہ کہ پورے ہنڈی سے پورا ہنڈی سا کھار رہے تھے
 کیا کہ یہ ہنڈی خور ہیں پورے اتر رہے ہیں کیا کہ انارو۔ اور انہوں نے کہا کہ اتر کے 20 قدم
 تک سہلے جانا ہے پیچھے ہیں دیکھنا ہے درنہ گولی آسکی۔

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20/03/2020

القا، علی

محمد جان سید، س/ی محمد جان

گھاڑی شتالو شریف
ڈاکٹر سہیل گوٹ

قصر عساری - منڈلی پور

CNIC NO-- 13301-1330161-9

Lab # 0303 8034364

بین الاقوامی طبی کونسل پاکستان

حالات واقعات سرری درپنڈ سے سرری

صورت جسم 382/34

بہت زیادہ صحت 77 درجہ فارن
کے تھیں 170 درجہ فارن تک - tel

Asi - FR Rawan

15/4/2020

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صاحب عالی

عراقی ایس ایف ڈی اے کے نام سے 533-ع کیس کے تحت درج ذیل

20/3/20

384-SA درخواستیہ اہل ان اہل خانہ جان سے رکن ہمدان سٹیٹس کے

P.S. City

کی درخواست کی پیشہ معارفین مذکورہ سے تمام مدعی درخواستیہ کو

رہنمائی کے لئے پیشہ معارفین سے درخواستیہ نے افسر معارفین

صدر عدالت کے لئے تمام کوٹے کا پتہ درخواستیہ نے اہل خانہ

بلیا کے طور پر حرمی سٹیشن کے لئے پیشہ معارفین کے لئے

درخواست کی تھی جس کے بارے میں درخواستیہ نے اہل خانہ کے

درخواستیہ اہل خانہ کے لئے درخواستیہ نے اہل خانہ کے

کوٹے کے لئے درخواستیہ نے اہل خانہ کے

25/3/2020

صاحب عالی

مگر ہذا کا تعلق معارفین صدر عدالت کی تھی یہاں صدر عدالت

میں اس کے بارے میں درخواستیہ نے اہل خانہ کے

25-3-2020

Forwarded to

Signature

Assisted

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ORDER

ASI Tariq Saleem, while posted at PP Panian, received a complaint No. 533-C-Cell, dated 20.03.2020, in the PP about the incident of dacoity but he didn't bother to respond well in time. Neither he took any legal action against the unknown accused nor he informed his seniors about the incident. This act of omission of defaulter official was a misconduct under the Khyber Pakhtunkhwa, Police Efficiency and Discipline Rules 1975. Hence, he was charge sheeted, vide this office Endst: No.163-64/PA dated 16.04.2020.

To probe the matter, Deputy Superintendent of Police, Saddar Mr. Adalat Khan, was appointed as Enquiry Officer, who conducted proper departmental enquiry and submitted his findings, vide his office Memo No. 87/R dated 06.05.2020. The charges of misconduct were proved against the delinquent police official. Therefore, enquiry officer recommended him for suitable punishment. He was called in Orderly Room for personal hearing by the undersigned.

Having perused the findings of the Enquiry Officer, relevant record, the charges of misconduct are proved against the defaulter police official. The delinquent officer deliberately and intentionally tried to conceal a heinous crime which not only earned a bad name for police but also encouraged the criminals to commit more such crimes. Therefore, I, Syed Ashfaq Anwar (PSP), District Police Officer, Haripur being competent authority under the Khyber Pakhtunkhwa, Police Efficiency and Discipline Rule 1975, am fully satisfied that ASI Tariq Saleem, committed gross misconduct. Therefore, he is awarded major punishment of "DISMISSAL FROM SERVICE" with immediate effect.

Order announced in his presence.

Order Book No. 403
Dated 29/05/2020

Syed Ashfaq Anwar, PSP
District Police Officer,
Haripur

Enforced

[Signature]

Order Book No. :

Attested

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Tariq*

Better Copy

ORDER

ASI Tariq Saleem, while posted at PP Panian, received a complaint No. 533-C-Cell, dated 20-03-2020, in the PP about incident of dacoity but he did not bother to respond well in time. Neither he took any legal action against the unknown accused nor he informed his serious about the incident. This act of omission of defaulter official was a misconduct under the Khyber Pakhtunkhwa Police Efficiency and Discipline Rules 1975. Hence, he was charge sheeted vide this office Endtt: No. 163-64/PA dated 16-04-2020.

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Order announced in his presence.

Order Book No.....
Dated...../05/2020.

Sd/-
Syed Ashfaq Anwar, PSP
District Police Officer
Haripur

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Annex-F

**BEFORE HONOURABLE REGIONAL POLICE OFFICER,
HAZARA REGION, ABBOTTABAD.**

Appeal by Tariq Saleem Ex-Head Constable No.121,
District Police Haripur

DEPARTMENTAL APPEAL AGAINST ORDER OB NO. 406 DATED 29-05-2020 OF THE DISTRICT POLICE OFFICER HARIPUR WHEREBY APPELLANT HAS BEEN AWARDED WITH MAJOR PENALTY OF "DISMISSAL FROM SERVICE".

PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL THE IMPUGNED ORDER DATED 29-05-2020 MAY KINDLY BE SET ASIDE AND APPELLANT BE RE-INSTATED IN HIS SERVICE FROM THE DATE OF DISMISSAL WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respected Sir,

With most reverence the following few lines are laid down before your Highness for kind consideration and favorable order please:-

1. That while appellant posted as I/C Police Post Panian Haripur was served upon with a Charge Sheet alongwith statement of allegations dated 16-04-2020. **(Copy of Charge Sheet dated 16-04-2020 is attached as "A")**.
2. That the aforementioned Charge Sheet was duly replied on 20-04-2020 explaining all facts and circumstances of the matter in detail and denying the allegations incorporated therein against the appellant being incorrect and baseless. **(Copy of reply dated 20-04-2020 is attached as "B")**.
3. That in fact a person namely Ghulam Jan S/O Mohammad Jan R/O Shtaloo Sharif Serikot, Tehsil Ghazi, District Haripur routed a complaint dated 20-03-2020

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directly before Superintendent of Police Complaint Cell Haripur wherein he disclosed the episode that while receiving a lift from a Motor Car owners near Panian Chowk on 19-03-2020 at about at 1930 hours he had been deprived of handsome amount of Rs.100000/- . This complaint was directly received and entered in Dairy No. 533-C dated 20-03-2020 by the Superintendent of Police Complaint Cell Haripur. **(Copy of the complaint dated 20-03-2020 is attached as "C").**

4. That thereafter the said complaint was marked to SHO City Haripur which he received vide Dairy No. 384 dated 20-03-2020 and the same day it was sent to I/C Cars Lifting Cell Haripur for further necessary action.
5. That after doing the needful the I/C Cars Lifting Cell forwarded it to the SHO City Haripur on 25-03-2020 and then the same was routed to DSP Headquarters Haripur on 30-03-2020. **(Copy of a report by I/C Cars Lifting Cell and SHO PS City is attached as "D").**
6. That on 10-04-2020 the Complaint Cell Haripur through Dock-pad in custody of Gul Dad Constable sent it to the Police Station Kotnajibullah and the same day from PS Kotnajibullh the same was sent to Post Post Panian which find 5A No. 69 dated 10-04-2020. On 10-04-2020 on receipt of the said complaint appellant immediately brought the matter into the notice of SHO Police Sation Kotnajibullah.
7. That in fact the complaint was sent to the appellant on 10-04-2020 i.e. after about 21 days of its direct receipt by

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Superintendent of Police Complaint Cell Haripur. However, the appellant still did not leave any stone unturned in discharge of his duties and immediately did what he could and collected footage of all the CCTV through Amjad IHC and also got recorded an FIR NO. 579 dated 15-04-2020 at PS Kotnajibullah.

8. That it is very astonishing and perplexing one that just after filing of complaint on 20-03-2020 directly with the Superintendent of Police Complaint Cell Haripur the same remained with different authorities for proceedings for 21 days and then it was sent to the appellant on 10-04-2020 for action then as to how appellant could be held responsible for non-action. Those who kept the complaint with them for a considerable period of time of 21 days have not been questioned and held responsible. Appellant has been made scapegoat just to save the blue eyed and has been awarded the extreme punishment of dismissal from service and that too without any fault on his part.
9. That the District Police Officer Haripur with predetermined mind has dismissed the appellant from service vide order dated 29-05-2020, against the facts, in violation of law, department rules and principle of natural justice. Malifiede of the authority awarding punishment is floating on the surface of the order. **(Copy of the order dated 29-05-2020 is attached as "E")**.
10. That no proper departmental inquiry was conducted to prove the allegations against the appellant and swift the grain from the chaff. If there was any inquiry against the

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appellant, findings were not provided to the appellant. Show Cause Notice was also not issued to him. Even opportunity of personal hearing was not afforded to the appellant. But the competent authority awarded the appellant with EXTREME PENALTY OF "DISMISSAL FROM SERVICE" without giving any reason.

11. That appellant has rendered more than 20 years service in the police department. Through out his entire service there has been no complaint from any corner against him. Appellant always performed his assigned duties with devotion, dedication and honesty to the entire satisfaction of his officers. Appellant has meritorious service record at his credit.
12. That appellant is a well experienced, educated and qualified police officer. He has also qualified **Commando Course**. He has been awarded Commendation Certificates and Cash Rewards by the Police High-ups on different occasions for his tremendous service in the department.
13. That the appellant 20 years service has been crushed with a single stroke by the District Police Officer Haripur without any reason rather on flimsy grounds. Appellant has been deprived of his livelihood and he is now jobless. Appellant is totally innocent and has discharged his responsibilities with devotion, dedication and honesty.
14. That if the appellant is afforded with the opportunity of personal hearing he will really prove him as innocent by adducing credible facts of the matter.

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Sir, in view of the facts and circumstances narrated here above, it is earnestly prayed that impugned order dated 29-05-2020 passed by the District Police Officer Haripur may kindly be set aside and the appellant be re-instated in his service from the date of dismissal with all consequential service back benefits. Thanking you sir in anticipation.



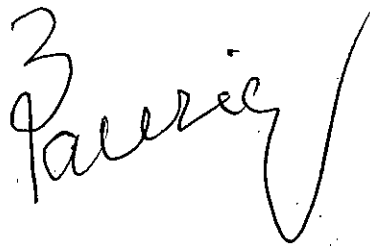
Your obedient servant

(Tariq Saleem)
S/O Abdul Salam
Ex-Head Constable No.121
District Police Haripur

Village Aram Dara,
Post Office: Serikot
Tehsil Ghazi & District Haripur
Cell No. 0343-9998868

Dated: 10-06-2020

Attested





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Annex-9

OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

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0345-9560687

NO: 23215 /PA DATED 16/9/2020

ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex. HC Tariq Saleem No. 121 of District Haripur against the order of punishment i.e. *Dismissal from service* awarded by District Police Officer, Haripur vide OB No.403 dated 29.05.2020.

Brief facts leading to the punishment are that the appellant while posted at PP Panian, received a complaint No.533-C/Cell dated 20.03.2020 about an incident of dacoity but he did not bother to respond well in time. Neither he took any legal action against the unknown accused nor did he inform his seniors about the incident.

The appellant was issued charge sheet alongwith summary of allegations and SDPO Saddar was deputed to conduct departmental enquiry. During the course of enquiry the allegations leveled against the appellant were proved and EO recommended him for suitable punishment. He was heard in person, however he failed to advance any cogent reason. Consequently, DPO Haripur awarded him major punishment of dismissal from service.

After receiving his appeal, comments of DPO Haripur were sought and examined/perused. The undersigned called the appellant in OR, heard him in person. The appellant failed to advance any plausible justification in his defence while allegations leveled against the appellant were proved during the course of enquiry. However, keeping in view his prolong service, I take lenient view and in exercise of the powers conferred upon the undersigned under Rule 11-4 (c) of Khyber Pakhtunkhwa Police Rules, 1975 major punishment of dismissal from service is hereby set aside and *converted into reversion to the rank of constable while the appellant is transferred to district Upper Kohistan* with immediate effect. The period during which the appellant remained out of service may be treated as leave without pay.

Jam

Qazi Jamil ur Rehman (PSP)
REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

No. 23216 /PA, dated Abbottabad the 16-9 /2020.
CC.

The District Police Officer, Haripur for information and necessary action with reference to his office Memo No 3784 dated 22-07-2020. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

SRC/OHC

For information

DPO-HR
17-09-2020

OB No. 695

17-09-2020

6188

17/9/2020

DPO

Accepted

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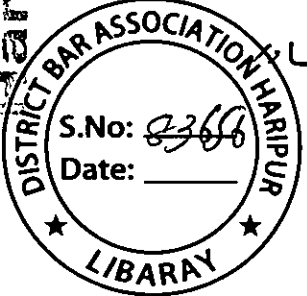
DBA.No: 21
 BC No:

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 Name of Advocate: محمد اسلم تنوکی

S.No: 83656

وکالت نامہ



بعدالت: ہمایہ حسین صاحبہ بیٹن لخواہ سروس ٹریڈنگ کمپنی
 عنوان: طارق سلیم
 منجانب: ایڈورٹ
 نوعیت مقدمہ: سروس ایبل
 باعث تحریر آنکہ:

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصدیقہ مقدمہ بمقام ایڈم انکم کے لیے
محمد اسلم تنوکی کی درخواست کو
 کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا اور بروقت
 پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری
 غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب
 موصوف صدر مقام پچہری کے علاوہ کسی جگہ یا پچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ
 ہوں گے اور مقدمہ پچہری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا پچہری کے اوقات کے آگے پیچھے پیش ہونے
 پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختانہ کے واپس کرنے کے بھی صاحب
 موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر ذاختہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو
 عرض دعویٰ یا جواب دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی
 اختیار ہوگا اور اور کسی حکم یا ڈگری کرانے اور سرگرم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور
 اس کے ثالثی و راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے پیر و نجات از پچہری صدر
 اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قری یا گرفتاری قبل از گرفتاری و اجرائے ڈگری بھی صاحب
 موصوف کو بشرط ادا لگی علیحدہ مختانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ
 مذکور یا اس کے کسی جزو کی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو
 بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ
 التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب
 موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کیسے کیسے کا صاحب موصوف کے
 برخلاف نہیں ہوگا۔

Accepted

لہذا وکالت نامہ لکھ دیا ہے کہ سند ہے۔

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ مورخہ: 15/10/2020 دن 15 ماہ 10 سال

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 (ایڈورٹ طارق سلیم)