

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT, SWAT.

Service Appeal No.4522/2021

Date of Institution ... 26.03.2021
Date of Decision ... 05.07.2022

Ibrahim Khan son of Asfandiyar Khan Resident of Bajawo, Talash, Tehsil
Timergara, District Lower.

... (Appellant)

VERSUS

Provincial Police Officer/Inspector General of Police, Khyber
Pakhtunkhwa Peshawar and two others.

... (Respondents)

Muhammad Javid Khan,
Advocate

... For appellant.

Noor Zaman Khattak,
District Attorney

... For respondents.

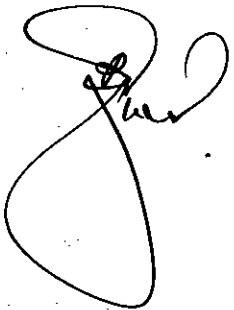
Rozina Rehman
Fareeha Paul

... Member (J)
... Member (E)

JUDGMENT

ROZINA REHMAN, MEMBER (J): The appellant has invoked the
jurisdiction of this Tribunal through above titled appeal with the prayer
as copied below:

**"On acceptance of this service appeal the impugned
orders dated 25.02.2021 and 20.04.2020 passed by
respondent No.1 may kindly be rectified/modified to the
extent that three stopped increments may be restored
alongwith the salaries of the intervening period (09 months)
to the appellant with all other service benefits".**



2. Brief facts of the case are that appellant was appointed as Constable on 30.06.1989. During service, when appellant was posted at P.S Balambat District Dir Lower, one Muhammad Fawad lodged a report in respect of death of his father, who insisted that his father had committed suicide while according to the investigation, his death was the result of homicide and not suicide. In retaliation, complainant Muhammad Fawad lodged a false complaint against appellant and others. As a result, an inquiry was initiated and it was on 30.07.2019 when appellant was dismissed from service. He filed departmental appeal which was also dismissed. He then filed a review petition which was partially accepted. He was reinstated in service but the period during which he remained out of service was treated as leave without pay with stoppage of three annual increments with cumulative effect vide order dated 20.04.2020. He filed a review petition which was not accepted, hence, the present service appeal.

3. We have heard Muhammad Javid Khan, Advocate learned counsel for the appellant and Noor Zaman Khan Khattak, learned District Attorney for respondents and have gone through the record and the proceedings of the case in minute particulars.


4. Muhammad Javid Khan Advocate, learned counsel for the appellant argued inter alia that the appellant was not treated in accordance with law and rules regulating the services of the appellant. It was submitted that according to the judgment of the superior courts the deciding factor in cases of intervening period and other service benefits is to see whether the appellant had joined other jobs during the said period. In the instant case, it was argued that the important factor



had not been considered and that the orders were passed in violation of Articles-4, 9, 10(A), 25, 27 and 38(E) of the Constitution of Islamic Republic of Pakistan, 1973. He submitted that the investigating officer Muhammad Anwar ASI was reinstated in service by the appellate authority, whereas, the appellant was punished; that the complaint filed by one Muhammad Fawad was filed just to pressurize the Police to convert the homicide of his father into suicide which is very much evident from the record in shape of medical report wherein, the entrance wound was on left side of the deceased, whereas, the exit wound was on right side. He, therefore, requested for acceptance of the instant service appeal.

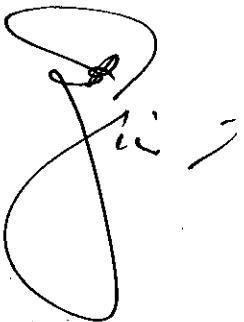
5. Conversely, learned District Attorney submitted that appellant was found guilty of misconduct by making demand of illegal gratification through his subordinate in the suicide case of Malak Khaliq. That the act had been proved through audio clip and bank cheque which were taken into custody in a detailed enquiry carried out by DPO Dir Upper. Lastly, it was submitted that the appellant was punished after fulfillment of all codal formalities and that upon the report of complainant Muhammad Fawad, an inquiry was initiated to unearth the hidden facts. The medical report received and statement of legal heirs were recorded wherein, they all declared the occurrence as suicide and not homicide.

6. From the record it is evident that one Muhammad Fawad son of Khaliq Zada resident of Balambat Timergara District Dir Lower reported the matter that SHO had demanded an illegal gratification of Rs.10 lacs from him and that his father died as he committed suicide,



whereas, the appellant was not ready to accept the same as suicide. After the receipt of complaint, the appellant was issued charge sheet alongwith statement of allegation and Mian Nasib Jan, DPO Dir Upper was appointed as Inquiry Officer on the direction of Regional Police Officer, Malakand, Swat to conduct proper inquiry. He during the course of inquiry, recorded statements of all concerned and submitted his report wherein he recommended the appellant for major punishment. On the receipt of inquiry report, final show cause notice was issued, reply was submitted and appellant was called in Orderly Room for personal hearing. The appellant was then awarded major punishment of dismissal from service vide order dated 30.07.2019 of District Police Officer, Dir Lower. His departmental appeal was rejected by the RPO; however, his appeal before the Inspector General of Police was entertained and keeping in view his long service of thirty years, lenient view was taken and he was reinstated in service with immediate effect. The period he remained out of service was treated as leave without pay and his major punishment was converted into minor punishment of stoppage of three increments with cumulative effect vide order dated 20.04.2020 of AIG Khyber Pakhtunkhwa. Again, he filed a mercy petition which was rejected vide order dated 25.02.2021.


7. From the above discussion, it is very much evident that there was no sufficient evidence against the appellant in respect of demanding illegal gratification of Rs.1 million, therefore, his major punishment was converted into minor punishment. Right from the charge sheet up to the inquiry report it is crystal clear that there is no

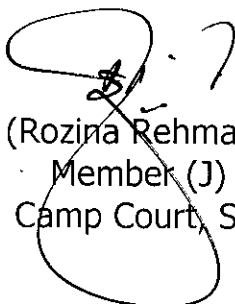


cogent evidence against the appellant. Neither any cheque was brought before this Bench during arguments nor the same cheque was annexed with the comments. During arguments, a cheque for Rs.3 lacs issued on 15.06.2019 was referred to but it was admitted by the learned AAG that the said cheque was pertaining to the account of one Shah Ghafoor and that the said cheque was never produced for encashment. Shah Ghafoor was never examined and produced before this Bench. Audio clip relating to the discussion of the appellant in respect of demand of illegal gratification is also not available and the appellant was also not confronted with the said audio clip during enquiry. No opportunity of cross-examination was ever afforded to the appellant. The respondents have very candidly violated the set norms and rules and conducted the proceedings in an authoritarian manner.

8. We are unison on acceptance of this appeal in the light of our observation in the preceding paras which immediately call for the acceptance of the instant service appeal as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
05.07.2022


(Fareeha Paul)
Member (E)
Camp Court, Swat


(Rozina Rehman)
Member (J)
Camp Court, Swat

ORDER

05.07.2022

Appellant present through counsel.

Noor Zaman Khan Khattak, learned District Attorney for respondents present.

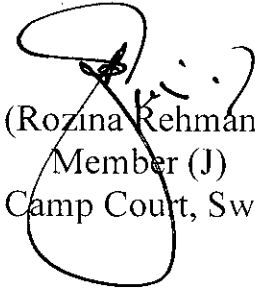
Vide our detailed judgment of today of this Tribunal placed on file, we are unison on acceptance of this appeal. Accordingly, instant appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

05.07.2022



(Faeeha Paul)
Member (E)
Camp Court, Swat



(Rozina Rehman)
Member (J)
Camp Court, Swat

07.06.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, learned Additional Advocate General for the respondents present.

Counsel are on strike. Adjourned. To come up for arguments on 04.07.2022 before D.B at camp court Swat.

(Mian Muhammad)
Member (E)
Camp Court Swat

(Kalim Arshad Khan)
Chairman
Camp Court Swat

04.07.2022

~~Clerk of learned counsel~~

~~for the appellant present. Noor Zaman Khattak, learned District Attorney for respondents present.~~

~~Reading list was adjourned to a later date. Hearing both the parties on 04.07.2022 for arguments before D.B at camp court Swat.~~

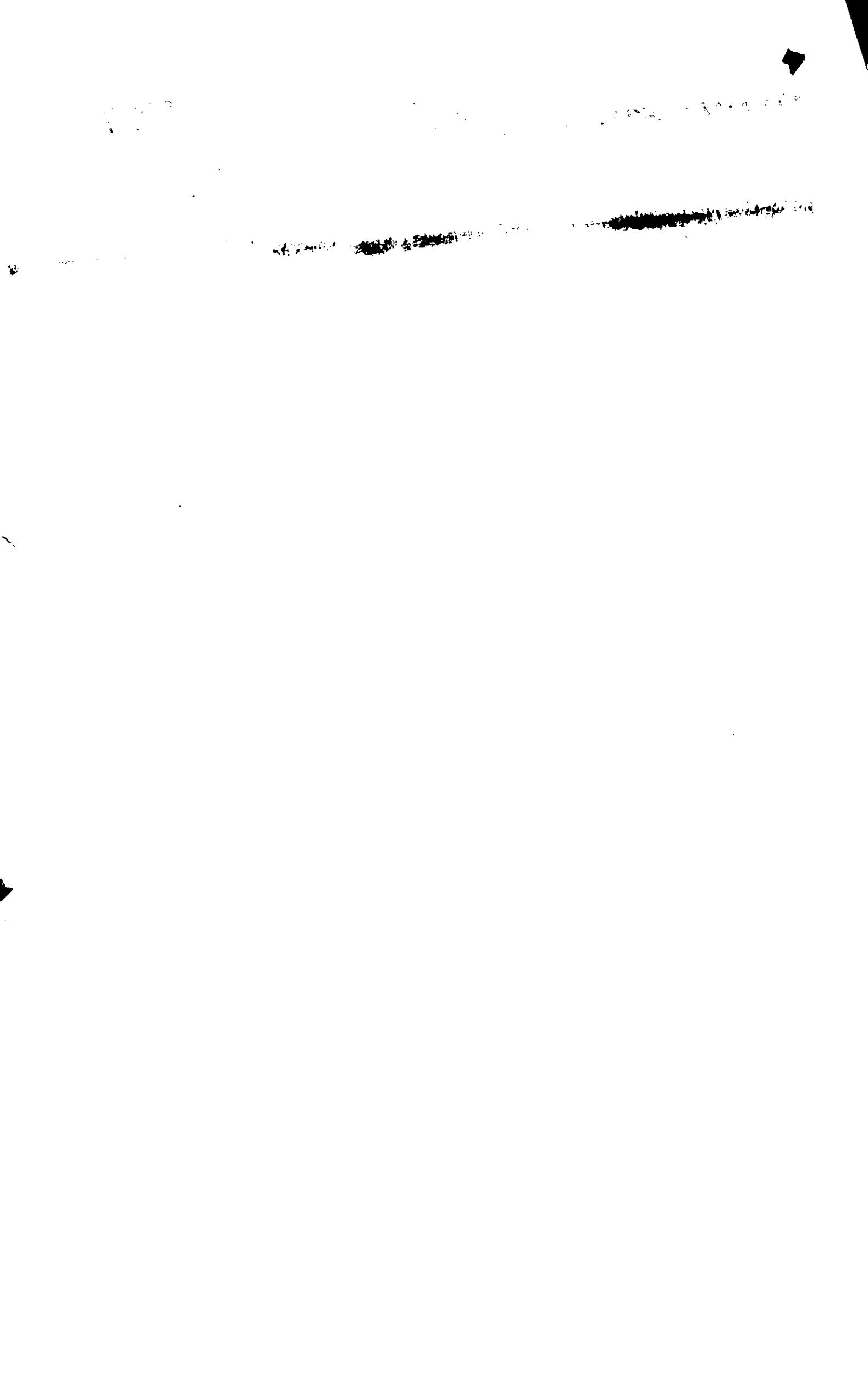
04.07.2022

Counsel for appellant present. Noor Zaman Khattak, learned District Attorney for respondents present.

Partial arguments heard. To come up for remaining arguments and order by tomorrow (i.e. 05.07.2022) before D.B at camp court Swat.

(Fareeha Paul)
Member (E)
Camp Court Swat.

(Rozina Rehman)
Member (J)
Camp Court Swat.



07.03.2022

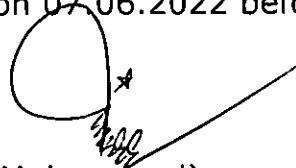
Due to retirement of the Hon'ble Chairman, the case is adjourned to 10.05.2022 for the same as before.


Reader


10.05.2022

Clerk of learned counsel for the appellant present. Mr. Muqadar Khan, Inspector (Legal) alongwith Mr. Noor Zaman Khattak, District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Mingora Bench (Dar-ul-Qaza), Swat. Adjourned. To come up for arguments on 07.06.2022 before the D.B at Camp Court Swat.



(Mian Muhammad)
Member (E)
Camp Court Swat

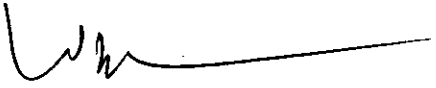


(Salah-ud-Din)
Member (J)
Camp Court Swat

06.12.2021

Appellant in person present. Mr. Muhammad Rasheed, Deputy District Attorney alongwith Mr. Naeem-ud-Din Constable for respondents present.

Reply/comments of respondents are still awaited. Representative of respondents made a request for time to submit reply/comments. Last opportunity is granted. To come up for reply/comments on 03.01.2022 before S.B at Camp Court Swat.


(Atiq Ur Rehman Wazir)
Member (E)
Camp Court, Swat

03.01.2022

Appellant in person present. Mr. Muqdar Khan, Inspector alongwith Mr. Riaz Ahmad Paindakhel, Assistant Advocate General for the respondents present.

Para-wise reply on behalf of respondents No. 1 to 3 submitted, which is placed on file and copy of the same is handed over to the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 07.03.2022 before the D.B at Camp Court Swat.


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

27.07.2021

Appellant present in person. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted for regular hearing, subject to all just and legal objections. The appellant is directed to file the proper memorandum of appeal before the next date. However, the Writ Petition already treated as service appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, 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 on 04.10.2021 before the D.B at camp court, Swat.

Appellant Deposited
Security & Process Fee

27/7/21


Chairman

04.10.2021

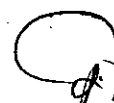
Appellant in person present.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General alongwith Fazal Ghafoor S.I for respondents present.

Reply of respondents is still awaited. Representative of respondents made a request for time to submit reply/comments; granted with direction to furnish the same within 10 days in office positively. To come up for arguments on 06.12.2021 before D.B at Camp Court, Swat.



(Atiq ur Rehman Wazir)
Member(E)
Camp Court, Swat





(Rozina Rehman)
Member(J)
Camp Court, Swat

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 4522/2021 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/03/2021	<p>The appeal of Mr. Ibrahim Khan presented today by Mr. Muhammad Javed khan 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-	04/06/21	<p>This case is entrusted to S. Bench Peshawar. Notices be issued to appellant/counsel for preliminary hearing on <u>27/07/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____/2021

Ibrahim Khan son of Asfandyar Khan Resident of Bajawo, Talash,
Tehsil Timergara, District Dir Lower.....Appellant

VERSUS

Provincial Police Officer and others..... Respondents

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7	Copy of Departmental appeal	D	16
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Appellant

Through Counsel

Muhammad Javaid Khan
Advocate Supreme Court of
Pakistan

Office: Allah-o-Akbar Masjid,
College Colony, Saidu Sharif, swat
Cell: 0343-9607492

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

Service Appeal No. 4522 /2021

Khyber Pakhtukhwa
Service Tribunal

Diary No. 4175

Dated 26/3/2021

Ibrahim Khan son of Asfandyar Khan Resident of Bajawo, Talash,
Tehsil Timergara, District Dir Lower.....Appellant

VERSUS

- 1) Provincial Police Officer / Inspector General of Police Khyber Pakhtunkhwa at Peshawar
- 2) Regional Police Officer / DIG Malakand Division at Saidu Sharif, District Swat
- 3) District Police Officer Dir Lower at Timergara.

.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF SERVICE

Filed to-day
Registrar
26/3/2021

TRIBUNAL ACT READ WITH OTHER RELEVANT

PROVISIONS AGAINST THE ORDER DATED:

25/02/2021 OF THE DEPARTMENTAL AUTHORITY

RESPONDENT NO.1, WHEREBY THE REVISION

PETITION / REVIEW PETITION OF THE

APPELLANT WAS NOT ALLOWED TO THE

EXTENT OF THE RESTORATION OF THREE

INCREMENTS AND SALARIES OF THE

INTERVENING PERIOD DURING WHICH THE APPELLANT REMAINED OUT OF SERVICE (09 MONTHS).

PRAYER:

On acceptance of this service appeal the impugned orders dated 25/02/2021 and 20/04/2020 passed by Respondent No.1 may kindly be rectified / modified to the extent that the three stopped increments may be restored along with the salaries of the intervening period (09 months) to the appellant with all other service benefits.

Any other relief, deemed fit and necessary in the given circumstances of the case may also be awarded in favor of appellant against respondents.

Respectfully Sheweth:

The appellant submits as under;

1. That the appellant was appointed as Constable on 30-06-1989 and was promoted to the rank of inspector lastly / recently.
2. That the appellant performed his duties honestly vigilantly throughout his service in different Police posts, police stations, different wings of police department with unblemished service record.

3. That the appellant was awarded prizes certificates on different occasions.
4. That in the recent past during the days of insurgency in the Malakand Division, the appellant performed his duties honestly, bravely and to the satisfaction of his officers.
5. That the bad days of the appellant started while the appellant was posted to P.S BALAMBAT District Dir Lower when one Muhammad Fawad Khan on 29-05-2019 lodged a report in respect of the death of his father. The said Muhammad Fawad Khan insisted that his father has made a suicide, while according to the investigation officer Anwar Khan contention the death of the father of Muhammad Fawad Khan was a result of homicide not a suicide.
6. That in retaliation, the said Muhammad Fawad Khan lodged a false complaint against the appellant and others.
7. That an enquiry No. 104/EB dated 12-06-2019 Disciplinary Action was initiated against the appellant & others. During the said enquiry, the appellant has recorded his statement on 12-06-2019. The said statement may be considered as an integral part of this writ petition. **(Copy of statement dated 12-06-2019 is attached herewith as annexure "A")**
8. That time and again, the appellant has requested for the copies of the said enquiry, statements (if any)

and other relevant record, but the said copies has not been provided to the appellant in derogation of the police rules and other relevant laws. **(Copy of application dated 01-09-2019, 26-09-2019 & 30-09-2019 are attached herewith as annexure "B")**

9. That on 30-07-2019, the District Police Officer Dir Lower dismissed the appellant vide order No. 17677-83/EB, dated Timergara 30-07-2019 illegally, unlawfully and unconstitutionally. **(Copy of the order No. 17677-83/E, dated Timergara 30-07-2019 is attached herewith as annexure "C")**
10. That the appellant then filed a departmental appeal before the Regional Police Officer / DIG Malakand Division. **(Copy of the departmental appeal is attached as annexure "D")**
11. That the Regional Police Officer / DIG Malakand Division dismissed the departmental appeal vide order dated 26-09-2019 illegally, unlawfully and unconstitutionally. **(Copy of the order dated 26-09-2019 is attached herewith as annexure "E")**
12. That the appellant then filed a review before the respondent No. 1, which was partially accepted and the appellant was reinstated in service with immediate effect, but the period during which appellant remained out of service was treated as leave without pay with stoppage of three annual increment with cumulative effect vide order dated

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20-04-2020. (Copy of order dated 20-04-2020 is attached herewith as annexure "F")

13. That the appellant then filed a review petition before respondent No. 1 on 17/01/2021 against the order dated 20/04/2020. (Copy of the application dated 17/01/2021 is attached herewith as annexure "G")
14. That the said application / review petition dated 17/01/2021 was not accepted vide order dated 25/02/2021. (Cop of the order dated 25/02/2021 is attached herewith as annexure "H")
15. That the appellant being still aggrieved from the impugned order dated 20/04/2020 and 25/02/2021, being illegal, unlawful and unconstitutional files this service appeal inter alia on the following grounds.

GROUND:

- i) That the appellant has not been dealt with in accordance with law and rules regulating the service of the appellant.
- ii) That according to the judgments of the superior Courts the deciding factor in cases of intervening period and other service benefits is to see whether the appellant has joint other jobs during the said period. In the instant case

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it is apparent from the impugned orders that this important factor has not been considered.

- iii) That the impugned orders has been passed in violation of Article 4,9, 10(a), 25, 27 and 38(e) of the Constitution of the Islamic Republic of Pakistan, 1973
- iv) That the IO Muhammad Anwar ASI has been reinstated in service by the appellate authority/ respondent no. 2. It is pertinent to mention that the allegation against the appellant were of lower pedestal then the said officer.
- v) That the complaint against the appellant and others by one Muhammad Fawad was just to pressurize the appellant and others to convert the homicide of his father into a suicide, which is very much clear from the case file, for example the medical report of the said case reveals that the entrance wound was on left side of the deceased, whereas, the exact wound was on right side. How a right handed person can shot himself in such a manner etc.
- vi) That the allegation against the appellant Muhammad Anwar ASI and Rahmat Ali LHC are of stereotype as are evident from the

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statement of allegation as well as the final show cause notice.

- vii) That the Naqal Mad No. 21 dated 29/05/2019 lodged by Muhammad Fawad Khan at self reveals that the death of his father was due to homicide not suicide. **(Copy of the Naqal Mad No. 21 is annexed herewith as annexure "I")**
- viii) That the joint charge sheet dated 12/06/2019 without specifying the alleged role of the appellant and the others is illegal, unlawful and unconstitutional.
- ix) That the punishment awarded to the appellant is against Rule 3 of the Khyber Pakhtunkhwa Police Rules, 1975 (with amendments of 2014).
- x) That the appellate Authority / respondent No.2 has passed order dated 26/09/2019 in violation of Rule 11(4) of the Khyber Pakhtunkhwa Rules, 1975.
- xi) That other grounds not specifically raised will be argued with the permission of this Honorable Tribunal at the time of arguments.

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16. That this appeal is being filed against the order dated: 25/02/2021, hence this Honorable Tribunal has got the jurisdiction and this appeal is well within time.

It is therefore humbly prayed that on acceptance of this service appeal the impugned orders dated 25/02/2021 and 20/04/2020 passed by Respondent No.1 may kindly be rectified / modified to the extent that the three stopped increments may be restored along with the salaries of the intervening period (09 months) to the appellant with all other service benefits.

Any other remedy which is just, appropriate and efficacious may also be awarded in favor of the appellant please.


Appellant

Through Counsel


Muhammad Javaid Khan
Advocate Supreme Court of Pakistan

(9)

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____/2021

Ibrahim Khan son of Asfandyar Khan Resident of Bajawo, Talash,
Tehsil Timergara, District Dir Lower.....Appellant

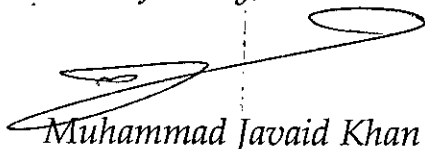
VERSUS

Provincial Police Officer and others..... Respondents

AFFIDAVIT

I, Ibrahim Khan son of Asfandyar Khan Resident of Bajawo, Talash,
Tehsil Timergara, District Dir Lower, do hereby solemnly affirm and
declare on oath that all the contents of this Service Appeal are true
and correct to the best of my knowledge and belief, and nothing has
been concealed from this Honorable Court.

Identified by,



Muhammad Javaid Khan
Advocate Supreme Court of Pakistan

DEPONENT



Ibrahim Khan

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

Service Appeal No. _____/2021

Ibrahim Khan son of Asfandyar Khan Resident of Bajawo, Talash,
Tehsil Timergara, District Dir Lower.....Appellant

VERSUS

Provincial Police Officer and others..... Respondents

ADDRESSES OF THE PARTIES

ADDRESSES OF THE APPELLANT

Ibrahim Khan son of Asfandyar Khan Resident of Bajawo, Talash,
Tehsil Timergara, District Dir Lower

CNIC: 15302-0876374-3

Cell: 0346-8001812

ADDRESS OF THE RESPONDENTS

- 1) Provincial Police Officer / Inspector General of Police Khyber
Pakhtunkhwa at Peshawar
- 2) Regional Police Officer / DIG Malakand Division at Saidu
Sharif, District Swat
- 3) District Police Officer / SSP Dir Lower at Timergara.

APPELLANT

Through Counsel

Muhammad Javaid Khan
Advocate Supreme Court of Pakistan

Annex A

11

12

پولیس لائن ٹیمرگرہ

جناب عالی!

بحوالہ مشمولہ Disciplinary Action نمبری EB/104 مورخہ 12-06-2019 مجاریہ جناب DPO صاحب دیورڈیو مغرور خدمت ہوں کہ مورخہ 29-05-2019 سنی محمد فواد خان نے اے ای ائی محمد انور خان ہسپتال ٹیمرگرہ میں رپورٹ کیا کہ یونٹ صبح بروز وقوعہ اس کے والد متونی خالق زادہ اور ہر چار ماہوں کے مابین گھریلو معاملات پر زبان نکرار ہوئی تھی جس سے نالان ہو کر والد ام خالق زادہ نے کمرہ کے اندر اپنی ذاتی پستول سے اپنے آپ پر فائر کر کے زندگی کا چراغ گل کر دیا مزید بتلایا کہ والد اش نے بدیں وجہ خود کشی کیا ہے کے متونی کے چار بیویاں جو ابس میں آئے روز لڑ رہے تھے اور والد اش کے ساتھ بھی منہ ماری کیا کرتی تھی۔ یہ کہ مستغیث جو کہ عاقل بالغ ہے اور خود والد کے موت خود کشی سے واقف ہو نا بتلاتا تھا اور کسی پر شک شعبہ یاد عویداری نہیں کرتا تھا اس لئے اے ای ائی انور خان نے رپورٹ بمنزل اندراج روزنامچہ ارسال تھا نہ کر کے مقتول کے کاغذات مرگ تیار کر کے ان ڈیوٹی ڈاکٹر رشید حوالہ کیا اور اصل حقائق معام کرنے کے خاطر دریافت 174 ض ف شروع کیا میڈیکل رپورٹ موصول ہو کر رپورٹ کے مطابق زخم پر چھرا کس موجود ہے۔ رپورٹ کنندہ محمد فواد نے اے ای ائی انور خان و قوعہ میں استعمال شدہ پستول 30 بور اور خالی خول پیش کر کے قبضہ پولیس کیا ہے۔ پستول بمعہ خالی خول بغرض حصول رائے FSL پشاور بھیجا گیا ہے۔ رائے تاحال موصول نہیں ہوا ہے۔ دوران انکو آئری اے ای ائی صاحب نے متونی کے چار بیواؤں اور دو بالغ بیٹوں کے بیانات زیر دفعہ 164/161 ض ف قلمبندی کی ہے۔ تمام نے قوعہ کو خود کشی بتلایا ہے۔ چونکہ متونی خلیق زادہ کے 4 بیویاں ہیں۔ جن سے کافی بالغ بچے موجود ہیں۔ ASI صاحب نے رپورٹ کنندہ محمد فواد کو ہدایت کیا ہے۔ کہ متونی کے تمام بالغ بچوں کو گھر پر موجود ہے کہ بیانات زیر دفعہ 164/161 ض ف قلمبندی کر دانا ضروری ہے۔ جس پر محمد فواد خان ناراض ہے۔ اور کوشش کرتا ہے۔ کہ کسی نہ کسی طریقہ سے پولیس کو مجبور کر کے وہ مزید کسی کا بیان قلمبندی نہ کروائے۔ اگرچہ ان کو بار بار سمجھایا ہے کہ جو ممکن ہو ان بالغ بچوں کو بزائے قلمبندی بیانات پیش کرے۔ مگر وہ کسی بھی صورت تیار نہیں۔ جہاں تک 10 لاکھ روپیہ ڈیمانڈ کا تعلق ہے۔ سراسر جھوٹ پر مبنی ہے۔ من SHO، ASI، انور خان، LHC رحمت علی نے محمد فواد خان سے کسی قسم رقم / رشوت کا ڈیمانڈ نہیں کیا ہے۔ اور نہ اس کو بجا تنگ کیا ہے۔ البتہ محمد فواد کے ماں اور تین سوتیلی ماؤں اور دو برادرا ان کے بیانات زیر دفعہ 164/161 ض ف قلمبندی کروائے ہیں ہو سکتا ہے کہ محمد فواد اس پر ناراض ہوں۔ وقوعہ کے ارتکاب میں اندرونی کوئی اور محرکات ہوں۔ اسلئے پولیس کو زیر دبا دلانے کیلئے جھوٹ پر مبنی الزام لگایا ہوں تاکہ پولیس مزید انکو آئری نہ کر سکے۔ محمد فواد خود تسلیم کرتا ہے کہ عام لوگ وقوعہ کو خود کشی نہیں بلکہ قتل بتلاتا ہے۔ پولیس کو اندازیں سلسلہ کوئی شہادت ہاتھ نہیں آیا ہے اور نہ مستغیث یا کسی اور کو تنگ کیا ہے۔ البتہ وہ خود خوف میں مبتلا ہے۔ اور وقوعہ کو جلد از جلد دباننا چاہتا ہے۔ ہو سکتا ہے کہ یہ جھوٹا الزام بھی اس ڈر کی وجہ سے لگایا ہوتا کہ پولیس بغیر مزید انکو آئری دریافت فائل کیا جائے۔ چونکہ الزام میں کوئی حقیقت نہیں ہے۔

اسندہ ہے کہ Disciplinary Action بغیر مزید کارروائی فائل فرمایا جائیں۔

INSP-POLICE LINE TIMERGARA

12-06-2019

C + C

Amr B

(12)

(13)

(14)

درخواست گزار جنھوں نے لفظ "سبیل" آرڈر، ٹائٹل ڈیپارٹمنٹ، آرڈر، آرڈر
کا نمبر 19/07/08

گزارش دینے کے سبیل کے تحت 08 نومبر 1996ء کو آرڈر جاری کیا گیا ہے جس
کو محکمہ لوہائیہ میں درج ذیل سے رجحانیت آرڈر میں لکھا گیا ہے
سبیل کے تحت آرڈر کے درج ذیل سے رجحانیت کرنا چاہنا ہے جس
کے سبیل کو "سبیل" آرڈر، ٹائٹل ڈیپارٹمنٹ سے لفظ
کی ضرورت ہے۔

استدعا ہے کہ سبیل کو لفظ دینے کا حکم فرما دیا جائے۔

القاریہ
19/07/08

ابراہیم خان Insp/Es کی درخواست پر سبیل کے تحت آرڈر جاری کیا گیا ہے

Inspector Insp

For

C.T.C

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8458
26/9/19

درخواست بمراد نقول ڈسمس آرڈر، پانسڈنگ رپورٹ، آنکوائیری، جناب DIG صاحب آرڈر

جناب عالی!

گزارش ہے۔ کہ سائیل بحوالہ OB نمبر 996 مورخہ 30/07/2019 کو محکمہ پولیس دیر لوئیر سے
برخواست اڈس کیا گیا ہے۔

سائیل دوبارہ بحالی کیلئے عدالت مجاز میں اپیل کرنا چاہتا ہے۔ جس کیلئے سائیل کو ڈسمس آرڈر پانسڈنگ
رپورٹ و بیانات کے مکمل نقولات کے ضرورت ہے۔

لہذا استدعا ہے۔ کہ سائیل کو تمام نقولات دیے کا حکم صادر فرمائے۔

مورخہ 26/09/2019

حالا

العارض!

ابراہیم خان: EX/Insp: ولد اسفندیار خان ساکن باجوڑ و تالاش۔

~~Insp. Legal~~
EC

~~Approved~~

Photo
rules

Officer

26/9/19

R/Sir

Police Rules 1934 chapter 10:27
is very much clear about the
The photo copy of the same is hand
ready for your kind perusal
in other order, please

C.T.C

[Signature]

[Signature]

تجوزاً — دہلی میں دیر کوڑھیاں مقررہ



میں، درج ذیل حکم کے تحت دہلی میں دائرہ

تجربہ

سال میں دیر کوڑھیاں

دہلی میں دیر کوڑھیاں کے تحت دہلی میں دیر کوڑھیاں کے تحت دہلی میں دیر کوڑھیاں کے تحت

35/19

دہلی میں دیر کوڑھیاں کے تحت دہلی میں دیر کوڑھیاں کے تحت دہلی میں دیر کوڑھیاں کے تحت

دہلی میں دیر کوڑھیاں کے تحت دہلی میں دیر کوڑھیاں کے تحت دہلی میں دیر کوڑھیاں کے تحت

سال 1964 میں دیر کوڑھیاں کے تحت دہلی میں دیر کوڑھیاں کے تحت دہلی میں دیر کوڑھیاں کے تحت

دہلی میں دیر کوڑھیاں کے تحت

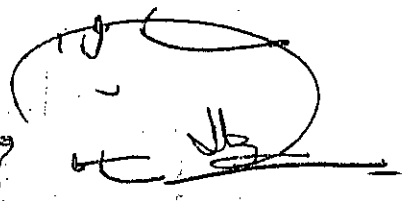
دہلی میں دیر کوڑھیاں کے تحت

دہلی میں دیر کوڑھیاں کے تحت

دہلی میں دیر کوڑھیاں کے تحت

35/19

دہلی میں دیر کوڑھیاں کے تحت



دہلی میں دیر کوڑھیاں کے تحت

دہلی میں دیر کوڑھیاں کے تحت

Annex C

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ORDER

This order will be given of the enquiry conducted against Inspector Ibrahim Khan No. 550/M, that while he was at SHO Police Station Balambat, alleged by one Muhammad Fawad Khan 90 K... Zala to Balambat Timergara District Dir Lower that his father had died due to suicide while the staff of Police Station Balambat including SHO demanded illegal gratification of Rupees ten lac (10,00,000/-) from him, which shows gross misconduct on his part. Therefore, he was issued Charge Sheet and Statement of allegation and Mr. Mian Nasir Jan District Police Officer, Dir Upper was appointed as Enquiry Officer on the direction of Worthy Regional Police Officer, Malakand Swat to conduct proper department enquiry against him and submit his finding report.

The Enquiry Officer, during the course of inquiry recorded the statements of all concerned as well as the officer concerned. The Enquiry Officer in his finding report found that the allegation stood proven and recommended him for major punishment.

On the receipt of finding report along with other relevant documents conducted by District Police Dir Upper, Final Show Cause was issued to him on 24-07-2019 through Lines R/O Police Lines Timergara. Reply of the Final Show Cause received on 25-07-2019 and full opportunity was given to him to explain his position, but failed to produce any cogent reason in self defense. He was called in orderly room on 30-07-2019 for personal hearing.

Therefore I, Arif Shahbaz Khan Wazir (PSR), District Police Officer, Dir Lower in exercise of power vested to me under (E & D) Rules 1975 with amendment 2014, agreed with the finding report of enquiry officer conduct by District Police Officer Dir Upper and awarded a major punishment of dismissal from service to Inspector Ibrahim Khan No. 550/M, with immediate effect.

ORDER ANNOUNCED

OB No. _____

Dated 30/07/2019

No. 1767783/EB, dated Timergara the 30/7/2019

District Police Officer,
Dir Lower

Copies Submitted to the:

- 1- Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar for favour of information, please.
- 2- Deputy Inspector General of Police HO's CPO KPK, Peshawar for favour of information, please.
- 3- Regional Police Officer, Malakand at Saidu Sharif, Swat for favour of information with reference to his office Endst. No. 7653/E, dated 17-07-2019, please
- 4- AIG Establishment, CPO Peshawar for favour of information, please.
- 5- Registrar CPO Peshawar for further necessary action.
- 6- District Accounts Officer, Dir Lower.
- 7- Pay Officer DPO Office.

Arif Shahbaz Khan Wazir
District Police Officer,
Dir Lower

Arif Shahbaz Khan Wazir
in
disposal
with
Arif Shahbaz Khan Wazir

15 A

ORDER

This order will dispose of the enquiry conducted against inspector Ibrahim Khan NO.550/M, that while he posted as SHO police station Balambat, alleged by one Muhammad Fawad Khan S/O Khaleeq Zada R/O Balambat Timergara District Dir Lower that his father had died due to suicide, while the staff of Police Station Balambat including SHO demanded illegal gratification of Rupees Ten Lacs (Rs: 1000000/-) from him . which shows gross misconduct on his part, therefore he was issued charge sheet and statement of allegation and Mr, Mian Nasib Jan District Police Officer Dir Upper was appointed as Inquiry Officer on the direction of the then worthy Regional Police Officer, Malakand Swat to conduct proper departmental enquiry against him and submit his finding report. The enquiry officer, during the course of inquiry recorded the statements of all concerned as well as the officer concerned. The inquiry officer in his finding report found that allegation stood proven and recommended him for major punishment. On the receipt of finding report along with other relevant documents conducted by District Police Officer Dir Upper, final Show Cause was issued to him on 24/07/2019 through RI/LO Police Lines Timergara. Reply of the final show cause Notice received on 25/07/2019 and full opportunity was given to him to explain his position but failed to produce any cogent reason in self defense. He was called in orderly room on 30-07-2019 for personal hearing.

Therefore I, Arif Shahbaz Khan Wazir (PSP), District Police Officer Dir Lower in exercise of power vested to me under (E&D) Rules 1975 with amendment 2014, agreed with the finding report of Enquiry officer conduct by District police officer Dir Upper and awarded a major punishment of dismissal from service to inspector Ibrahim Khan NO.550/M, with immediate effect.

ORDER ANNOUNCED

OB NO: _____

Dated: 30/07/2019

District Police Officer

No: 17677-83/EB, dated Timargara the 30/07/2019 Dir Lower

Copies submitted to the

1. Provincial Police Officer, Khyber Paklhtunkhwa, Peshawar for Favour of information, please.
2. Deputy Inspector General of Police Hors CPO, KPK, Peshawar for favour of information, please.
3. Regional Police Officer Malakand at Saidu Sharif, Swat for favour of information with reference to his office endst No: 7653/E, dated 17-07-2019, please.
4. AIG Establishment CPO Peshawar for favour of information, please.
5. Registrar CPO Peshawar for further necessary action.
6. District Accounts Officer, Dir Lower
7. Pay Officer DPO Office

مختصر حقائق ریکارڈنگ پولیس آفیسر DIG صاحب ملا کٹر ریکرڈنگ بمقام سید وسیر لیفٹ

سائل بنا راہی سیکرٹری DPO صاحب ڈیر پولیس آفس کوالا اورنگ نمبر 996 مورخہ 30.7.19 مورخہ 30.7.19 جس میں سائل و بھیدہ

عنوان :-

ایکٹریٹس بر طرفی کا حکم صادر فرمایا ہے۔

جناب عالی!

سائل ذیل عرائش گزارا ہے۔

1. یہ کہ سن سائل ملکہ پولیس میں مورخہ 30.6.1989 کو بحیثیت کنسٹیبل بھرتی ہو کر مختلف کورسز اور برائیاں سے گزرتے ہوئے بچہ ایجنٹری قیام ہوا تھا۔
2. یہ کہ سائل نے دوران ملازمت مختلف تھانوں میں خدمات انجام دیں جن میں فرائض منصبی سرانجام دیکر جس کے حوالے سے سائل کے پاس ACR اور کارڈ این امر گاواجس وقت کے سائل کو کوئی بھی سزا نہیں ملی ہے۔
3. سائل کا پھر دس لاکھ ڈالرز کی گواہی دینے کے لیے ایک سزا دی گئی اور اس کے ساتھ ساتھ Certificate سے ڈالیا ہے۔
4. یہ کہ شورش کے دوران سائل نے انتہائی اہم ذمہ داری سرانجام دی ہے اور عوام الناس، ملکہ پولیس نے سرائے ہیں۔
5. یہ کہ ایک بے ہتاد الزام کی وجہ سے سائل کے خلاف ایکٹریٹس گزارا گیا ہے جس باعث سائل کو انصاف کی بجائے بے انصافی کا صلہ دیا گیا۔
6. یہ کہ سائل کے طویل عرصہ کی ملازمت کو نہ یک جہت سے ختم کیا گیا ہے۔

یہ کہ حکم صادر شدہ موجودات ذیل متعلقہ ہے۔

1. یہ کہ DPO صاحب ڈیر مالائے جونا سنگھ دستاویزات مرتب کیے ہیں حقائق کی بنیاد پر ہیں۔ اور سائل کے توقف کو مکمل نظر انداز کیا ہے۔
2. یہ کہ دوران ایکٹریٹس کے جن کا سبب مزاحمت میں کیا ہے۔
3. یہ کہ سائل کا پاس نے ڈالنے اور سائل کو ناکارہ بنا دیا گیا ہے۔
4. یہ کہ مخالف الزام کی دہریہ سزا دی ہوئی ہے۔
5. یہ کہ مخالف الزام نے سائل کے خلاف ذمہ دارانہ غلط الزام تراشی کا سہارا لیکر جس کی نسبت کوئی شہس شواہد ایکٹریٹس میں شامل نہیں ہیں۔
6. یہ کہ سائل کے جرم کی تعلیم اور ان کی گفتار میں سائل کے کندھوں پر ہے کا خیال بھی نہیں رکھا گیا ہے۔ جن کا مستقبل تارک ہو رہا ہے۔
7. یہ کہ ایکٹریٹس ایکٹریٹس ایکٹریٹس کے ذمہ دار آفیسر کے ذمہ تھا جس SHO نے لکھو، کو قانون کے مطابق کام کی ہدایات کی تھی جو کہ کارروائی ریکارڈ کا حصہ ہے۔
8. ایکٹریٹس ایکٹریٹس ایکٹریٹس کے ذمہ داروں کا نہیں نہ کر کے بچنے ناکارہ بنا کر تکس فراز دیا ہے۔

بجائے کالا دستاویزات کے حکم صادر شدہ محتاجات DPO صاحب ڈیر پولیس آفس کوالا اورنگ نمبر 996 مورخہ 30.07.2019 منسوخ کرنے اور سائل کو سزا دینے کے لیے حکم صادر فرمایا جائے اور اس کا اہل ہوگی۔

[Handwritten signatures and marks]

معاون اہم سائبر انسپکٹر پولیس ڈیر پولیس SSO/M

ORDER:

This order will dispose off appeal of Ex-Inspector Muhammad Ibrahim No. 550/M of Dir-Lower District for reinstatement in service.

Brief facts of the case are that Inspector Muhammad Ibrahim No. 550/M while posted as SHO Police station Balambat, alleged by one Muhammad Fawad Khan s/o Khaleeq Zada r/o Balambat Timergara District Dir Lower that his father had died due to suicide, while the staff of Police Station Balambat including SHO demanded illegal gratification of Rupees ten lac (10,00000/-) from him, which shows gross misconduct on his part. Therefore, he was issued charge sheet and statement of allegation and Mr. Minn Nasib Jnr District Police Officer, Dir Upper was appointed as Enquiry Officer on the direction of the then Worthy Regional Police Officer, Malakand Swat to conduct proper departmental enquiry against him and submit his finding report. The Enquiry Officer, during the course of inquiry recorded the statements of all concerned as well as the officer concerned. The Enquiry Officer in his finding report found that allegation stood proven and recommended him for major punishment. On the receipt of finding report along-with other relevant documents conducted by District Police Officer Dir Upper, final Show Cause was issued to him on 24/07/2019 through RI/LO Police Lines Timergara. Reply of the final Show Cause Notice received on 25/07/2019. He was called in orderly room on 30/07/2019 for personal hearing and full opportunity was given to him to explain his position, but he failed to produce any cogent reason in his self-defense. Therefore, District Police Officer, Dir Lower in exercise of power vested to him under (E&D) Rules 1975 with amendment 2014, agreed with the finding report of enquiry officer conducted by District Police Officer Dir Upper and awarded him a major punishment of dismissal from service, vide office OB.No. 996 dated 30/07/2019.

He was called in Orderly Room on 17/09/2019, heard him in person. The charges of demanding illegal gratification in an alleged suicide case through subordinates has been proved and recorded in conversation on mobile, as well. Hence his appeal is filed.

Dated, 26/9/2019

C.T.C



Annex F
OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. ST-1522-30/20, dated Peshawar the 20/04/2020.


ORDER

This order will dispose-off the departmental appeal under Khyber Pakhtunkhwa Police Rules-1975 (amended 2014) preferred against the then Inspector Ibrahim Khan No. M/550, the order of his dismissal from service by DPO Dir Lower, on the grounds that he while posted as SHO PS Balambat, alleged by one Muhammad Fawad Khan s/o Khaleeq Zada r/o Balambat, Timergara, District Dir Lower that his father died due to suicide while the staff of PS Balambat including SHO demanded illegal gratification of Rs. 10,00,000/- (One Million) from him.

2. The Appellate Board held on 18.12.2019, unanimously decided to proceed him against De-novo proceedings, which was conducted through Mr. Khurram Rashid, the then AIG/Operations, CPO and Mr. Saleem Aman, AIG/Training, CPO. Findings of the enquiry officers was received & perused. The charges leveled against him were again proved. He was again heard in person, who denied the charges leveled against him.

3. From the perusal of the case file the Board came to the conclusion that the accused officer (the then Inspector Ibrahim No. M/550) has long service of 30-years; therefore taking lenient view & re-instated him in service with immediate effect. He is given a chance to mend his ways. Period he remained out of service is treated as leave without pay and his major punishment is converted into minor punishment of stoppage of (03) annual increments with cumulative effect.

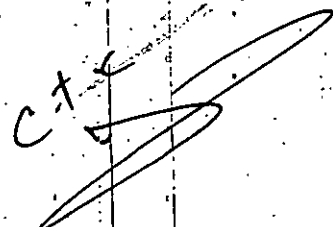
Order announced


(DR. ISHTIAQ AHMED) PSP/RPM
Additional Inspector General of Police
HQrs: Khyber Pakhtunkhwa
Peshawar

Endst: No. & date even.

Copy to the:-

1. Regional Police Officer, Malakand Region, Swat.
2. COS to IGP/Khyber Pakhtunkhwa, Peshawar.
3. District Police Officer, Dir Lower
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-II, CPO Peshawar.
8. UOP File.



رحم درخواست دوبارہ بحالی بند 13 نکریمینٹ اور ملازمت سے باہر عرصہ مکمل تنخواہ (Leave With Pay) میں شمار کرنے

جناب عالی!

سائیل ذیل عرض گزار ہے۔

(1) یہ کہ سائیل 1989 کو بحیثیت سپاہی ضلع لوئیر ڈیر پولیس میں بھرتی ہو کر تاحال اپنا ڈیوٹی ایمانداری سے سرانجام دے رہا ہے۔

(2) یہ کہ دوران تعیناتی SHO تھانہ بلا مٹ ضلع ڈیر لوئیر سائیل کے خلاف ایک جھوٹی شکایت پر محکمانہ انکوائری شروع ہوئی نتیجتاً سائیل کو نا کردہ جرم کے پاداش میں جگم مؤرخہ 30-07-019 جناب DPO صاحب ڈیر لوئیر نے محکمہ سے ڈس مس کیا گیا۔

(3) یہ کہ محکمہ سے ڈس مس ہونے پر سائیل بے روزگار ہو کر دوبارہ بحالی کے سلسلے میں دفاتر افسران بالا کے چکر لگاتے رہے چونکہ سائیل ایک غریب خاندان سے تعلق رکھتا ہے تنخواہ کے علاوہ دیگر کوئی ذریعہ معاش نہیں تھا اسلئے بچوں کے اخراجات اور ادھر ادھر ٹوکرے کھانے پر سائیل کافی مقروض ہو اور اب بھی مقروض ہے۔

(4) یہ کہ سائیل نے دوبارہ بحالی کیلئے بخدومت افسران بالا نظر ثانی کی درخواست دائر کی بعد انکوائری، مکمل معلومات بورڈ نے سائیل کو دوبارہ بحال کرنے کی سفارش کی اور بحوالہ آرڈر محررہ 20-04-020 سائیل سروس پر دوبارہ بحال ہو کر مورخہ 23-04-020 کو سائیل نے باقاعدہ دوبارہ سروس جان کیا ہے۔

(5) یہ کہ افسران بالا نے رحم فرما کر سائیل کو دوبارہ بحال کیا گیا مگر ساتھ ہی سائیل کے تین ایکریمینٹ مستقل طور پر بند کرنے اور ساتھ ہی ملازمت سے باہر عرصہ تقریباً 9 ماہ رخصت بلا تنخواہ میں شمار کی گئی ہے۔

(6) یہ کہ سائیل ملازمت سے برخاست ہونے پر بے روزگار رہ کر دوبارہ بحالی کیلئے تھک، دو اور گھریلوی اخراجات کی وجہ سے بہت زیادہ مقروض ہو چکا ہے۔ اور ساتھ ہی ایکریمینٹ کے بندش سے مزید سفر ہو رہا ہے۔

لہذا بذریعہ درخواست استدعا ہے کہ سائیل کے چھوٹے بچوں پر مزید رحم فرما کر بندش شدہ ایکریمینٹ بحال کرنے اور ملازمت سے باہر عرصہ رخصت بمعہ تنخواہ (Leave With Pay) میں شمار کرنے کے احکامات صادر فرمائی جاوے۔ سائیل تاحیات دعا گو رہے گا۔

المرقوم 17-01-2021

العارض :-

Handwritten signature and stamp area.

آپکا تابع دار اسپیکر ابراہیم خان 550/M متعینہ ڈسٹرکٹ باجوڑ

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25

Annexure "A"

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar.

64816
02/3/21
No. S/ 640

21, dated Peshawar the 25/02/2021.

To: The Regional Police Officer,
Malakand at Saidu Sharif, Swat.

Subject:- APPLICATION.

Memo:

1139
3/3/21

Please refer to your office Memo No. 1400-01/E, dated 02.02.2021.

The Competent Authority has examined and filed the present application submitted by Inspector Ibrahim Khan No. 550/M of Bajaur district Police for restoration of three increments and grant of pay of the intervening period as his revision petition has already been processed in the Appellate Board meeting held on 18.12.2019 in CPO wherein the Board re-instated in service and his dismissal was converted into stoppage of three annual increments with cumulative effect and the period he remained out of service was treated as leave without pay vide CPO order No. S/1522-30/20, dated 20.04.2020.

According to Rule 11 (3) of Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) there shall be only one appeal against the original order and the order of the Appellate Authority, in appeal, shall be final.

The applicant may please be informed accordingly.

No. 2734 / EC / Bajaur
Dt 2-3-2021
E. Y. Waseem

Regional Police Officer,
Malakand at Saidu Sharif, Swat.

3/3/21

(SYED ANIS-UL-HASSAN)
Registrar,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Hc / Hcp Board
For information

[Signature]
S.P.O. B

محمد امجد علی شاہ شاہ

ضلع دیر لویئر

تھانہ بلامٹ

نقلہ 21 روز نامہ 29/05/019

مد 21 رپورٹ بمنزلہ اندراج روز نامہ SHO مورخہ 29-05-019 وقت 15:20 بجے اس وقت ایک تحریری رپورٹ بمنزلہ اندراج روز نامہ منجانب محمد انور ASI بدست کنسٹبل نور علی شاہ 956 موصول ہو کر ذیل ہے۔ تاریخ وقت وقوع مورخہ 29-05-019 وقت 11:30 بجے تاریخ وقت رپورٹ 29-05-019 وقت 14:45 بجے وقوع خانہ متونی کرہ رہائشی ملک خلیق زادہ واقع گل ڈھیری بفاصلہ 1 کلومیٹر جانب غرب شمال از تھانہ نام ویٹہ شغیت محمد فواد خان ولد ملک خلیق زادہ ساکن گل ڈھیری بلامٹ دیر لویئر۔ شناختی کارڈ نمبر 1530281819579 موبائل نمبر 03459522585 بخدمت افسرانچارج تھانہ بلامٹ امر دتھانہ میں موجود تھا کہ اطلاع ملی کہ دیہہ گل ڈھیری میں قتل ہو کر مقتول کا نعش DHQ ہسپتال تمبر گرہ لایا گیا ہے۔ تھدق و قانونی کارروائی کی خاطر ہسپتال تمبر گرہ ایمر جنسی وارڈ آکر بیڈ پر نعش متونی خلیق زادہ ولد حاجی گل محمد ساکن گل ڈھیری بعر 54/55 سال پڑا ہوا پاپا کر نعش کیساتھ پس اٹل محمد فواد خان موجود یوں رپورٹ کرتا ہے کہ میرے چار ماہیں ہے۔ جو کہ ایک گھر میں رہائش پزیر ہے۔ امر دتھانہ قریب 09:00 بجے والد آم خلیق زادہ اور ماؤں کی اپس میں گھریلو معلومات پر ٹکرا ہوئی تھی اور میری بیوی ہسپتال تمبر گرہ میں زیر علاج داخل ہسپتال تھی میں بیوی آم کی بیمار پر سی کیلئے ہسپتال تمبر گرہ آکر تو بوقت 11:40 بجے والدہ آم نے مجھے بڑی فون اطلاع دی کہ والد خلیق زادہ نے اپنے آپ پر اسلحہ اتھین سے فائر کر کے خود کشی کی ہے اب گھر جلدی آجائے۔ اس اطلاع پر میں فوراً گھر خود جا کر واقعی والد آم نے اپنے آپ پر اسلحہ اتھین سے فائر کر کے کرہ رہائشی کی قالین پر پڑا تھا۔ وقوعہ ہذا گھر خود میں ماؤں کا چشم دید ہے۔ وقوعہ میں کسی اور کارارادہ اور تصور شامل نہ ہے بلکہ والد ام کے خود خود کشی کی ہے۔ میں کسی کیخلاف رپورٹ یا دعویٰ داری نہیں کرتا ہوں غور ہوگی۔ العبد۔ دستخط انگریزی۔ میں چچا زاد محمد فواد خان کی رپورٹ بالا کی تائید کرتا ہوں العبد۔ دستخط انگریزی۔ کارروائی پولیس حسب گفتہ سائیکل رپورٹ درج کر کے پڑھ کر سنایا گیا درست تسلیم کر کے زیر رپورٹ خود دستخط ثبت کی۔ جبکہ چچا زاد محمد ضیاء الحق نے رپورٹ کی تائیدی دستخط ثبت کی۔ جسکی میں تصدیق کرتا ہوں۔ اور متونی کا فرد صورتحال و نقشہ ضرر بمطابق زخماں مرتب کر کے حوالہ آن ڈیوی ڈاکٹر رشید کی گئی۔ سریدست رپورٹ مبہم ہے اصل حقائق معلوم کرنے کی خاطر دریافت 174 ض ف شروع کیجاتی ہے تاکہ اصل حقائق منظر عام پر آجائے۔ رپورٹ فرد صورتحال موصول ہونے پر مزید کارروائی کیجائیگی۔ رپورٹ بمنزلہ اندراج روز نامہ مرتب ہو کر بدست کنسٹبل نور علی شاہ 956 ارسال تھانہ ہے۔ رپورٹ بمنزلہ اندراج روز نامہ مرتب ہو کر گزارش ہے دستخط انگریزی محمد انور خان ASI مورخہ 29-05-019 پس اندہ رپورٹ اندراج روز نامہ کر کے اصل اصل روز نامہ کیساتھ اور نقل نقل روز نامہ کیساتھ لف کیا گیا۔

جناب عالی

نقل بمطابق اصل ہے

رات جناب سروس ٹریبنل کمپ کورٹ سوات

2021/03/25 منجانب ایڈوانس

مورخہ

البرکھ خان بنام حکومت

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنے طرف سے واسطے پیروی و جواب دہی وکل کاروائی طرف پاکستان متعلقہ آن مقام کمپ کورٹ سوات کے محمد جاوید خان ایڈووکیٹ سپریم کورٹ مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تفرقات و فیصلہ برحلف دینے جواب دہیا و اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زر اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف اپیل کی برآمدگی اور منسوخ مذکور کے مکمل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ پرواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند رہے

20

ماہ

المرقوم

العبد

گواہ شد

العبد

خط

البرکھ خان

CNIC 15302-0876374-3

cell 03018044843

0346 8001812

العبد

العبد

گواہ شد

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accept
میلے منظور ہے
mi-Javid
مقام کمپ کورٹ سوات

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No. 4522/2021.

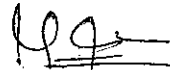
Ibrahim Khan Inspector resident of District Dir Lower..... Appellant.

VERSUS.

- 1) Provincial Police Officer, Khyber Pakhtunkhawa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Lower Dir..... Respondents.

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5.	Copies of bed entries.	"B" to "D"	11-13
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(MUQADAR KHAN)
Inspector Legal
Dir Lower

✓

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT, SWAT.

Service Appeal No.4522/2021

Date of Institution ... 26.03.2021
Date of Decision ... 05.07.2022

Ibrahim Khan son of Asfandyar Khan Resident of Bajawo, Talash, Tehsil
Timergara, District Lower.

... (Appellant)

VERSUS

Provincial Police Officer/Inspector General of Police, Khyber
Pakhtunkhwa Peshawar and two others.

... (Respondents)

Muhammad Javid Khan,
Advocate

... For appellant.

Noor Zaman Khattak,
District Attorney

... For respondents.

Rozina Rehman
Fareeha Paul

... Member (J)
... Member (E)

JUDGMENT

ROZINA REHMAN, MEMBER (J): The appellant has invoked the
jurisdiction of this Tribunal through above titled appeal with the prayer
as copied below:

**"On acceptance of this service appeal the impugned
orders dated 25.02.2021 and 20.04.2020 passed by
respondent No.1 may kindly be rectified/modified to the
extent that three stopped increments may be restored
alongwith the salaries of the intervening period (09 months)
to the appellant with all other service benefits".**

GROUNDS:

- a. The impugned order is passed in gross violation of law and hit by the judgments of Apex Court and even the KPK Service Tribunal, Peshawar.
- b. The impugned order where appellant is awarded penalty of treating absence period without pay and denying back benefits for the period remained out of service is hit by the law of DOUBLE JEOPARDY. Awarding two penalties for single charges is against law and norms of justice is liable to be set aside.
- c. The KPK Service Tribunal, in number of judgments, awarded back benefits for the intervening period from dismissal till re-instatement. Hence, appellant is also liable to be treated at par with them under the law of equality and to avoid infringement of his legal right guaranteed by superior courts.

As a sequel of the above-narrated facts, it is most humbly requested that keeping in view the severe financial hardships of appellant, his appeal may kindly be accepted and back benefits may kindly be granted in favour of appellant on sympathetic and compassionate grounds.

Yours Obediently

Rais Khan

Raes Khan

Ex-Constable No. 3466/4620

Dated: 20th June, 2019

2. Brief facts of the case are that appellant was appointed as Constable on 30.06.1989. During service, when appellant was posted at P.S Balambat District Dir Lower, one Muhammad Fawad lodged a report in respect of death of his father, who insisted that his father had committed suicide while according to the investigation, his death was the result of homicide and not suicide. In retaliation, complainant Muhammad Fawad lodged a false complaint against appellant and others. As a result, an inquiry was initiated and it was on 30.07.2019 when appellant was dismissed from service. He filed departmental appeal which was also dismissed. He then filed a review petition which was partially accepted. He was reinserted^{dated} in service but the period during which ^{he} ~~appellant~~ remained out of service was treated as leave without pay with stoppage of three annual increments with cumulative effect vide order dated 20.04.2020. He filed a review petition which was not accepted, hence, the present service appeal.

3. We have heard Muhammad Javid Khan, Advocate learned counsel for the appellant and Noor Zaman Khan Khattak, learned District Attorney for respondents and have gone through the record and the proceedings of the case in minute particulars.

4. Muhammad Javid Khan Advocate, learned counsel for the appellant argued inter alia that the appellant was not treated in accordance with law and rules regulating the services of the appellant. It was submitted that according to the judgment of the superior courts the deciding factor in cases of intervening period and other service benefits ~~is~~ to see whether the appellant has ^d joined other jobs during the said period. In the instant case, it was argued that the important factor

Reply to grounds of comments :-

A:- That the Para No-A of the grounds is incorrect no proper enquiry was conducted according to rules which would explain at time of arguments .

B:- That Para No- b not explain by respondent which shows that respondent department has nothing to adduce any legal fact.

C:- That Para No- C of the grounds of comments of respondents is incorrect as already explain in Para C of the service appeal which needs no further reply .

D:- That Para No- D is of the grounds is incorrect and strange on which will be discuss at the time of arguments hence need no reply further contended that appellant was in jail for long time then how appellant be able to appear before any proceedings of departmental .

E:- That Para No- E is incorrect nothing available on record which proof the stance of the respondent and even ignored the acquittal order .

F:- That Para No- F of the grounds of comments is incorrect appellant is acquitted form all the charges levelled against him and appellant was in jail provided that the respondent should wait for the decision of the court.

G:- That Para No- G of the grounds of comments is self explanatory .

H:- That Para No-H is incorrect no proper enquiry has ever been conducted till to date which show the bias ness on the part of respondent .

I:- That Para I, of reply is already mentioned in para leading para's hence needs no comments.

J:- That Para J is incorrect no single piece of evidence is available on record which Connect the appellant with guilt also acquit from the charges.

K:- That Para K is incorrect appellant perform his duty according to law and properly hand over all items before departure but the appellant condemn un heard on his back and ex-party proceeding were conducted against the appellant which is against to the canon of justice as well as principal of natural justice .

L:- That Para L is incorrect the appellant no speaking order is passed which is self explanatory form the impugned order..

M: That Para M is incorrect the appellant is acquitted from all the charges .

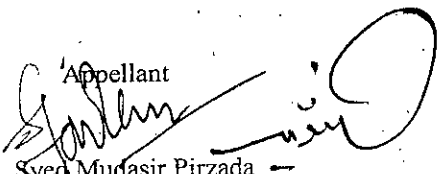
N:- That Para N is incorrect the respondent have no right to allowed to for futher arguments on the basis the respondent have no defense .

O: That the respondent department has nothing to produce any further valid grounds hence they did not explain the rest of Paras.

Prayer:-

On acceptance of this rejoinder the appeal may kindly graciously be accepted and appellant may please be reinstated in service with all back benefits and the instance of the appellant is with in time after releasing from jail on the basis of acquittal and it is also prayed that any other remedy as deemed proper by the honorable tribunal respectively may award please.

Through

Appellant

Syed Mudasir Pirzada
Advocate District Courts
Kohat

Dt:- 05-07-22 .

^d has not been considered and that the orders were passed in violation of Articles-4, 9, 10(A), 25, 27 and 38(E) of the Constitution of Islamic Republic of Pakistan, 1973. He submitted that the investigating officer Muhammad Anwar ASI was reinstated in service by the appellate authority, whereas, the appellant was punished; that the complaint ^{filed} by one Muhammad Fawad was filed just to pressurize the Police to convert the homicide of his father into suicide which ^{was} is very much evident from the record in ^{the} shape of medical report wherein, the entrance wound was on left side of the deceased, whereas, the exit wound was on right side. He, therefore, requested for acceptance of the instant service appeal.

5. Conversely, learned District Attorney submitted that appellant was found guilty of misconduct by making demand of illegal gratification through his subordinate in the suicide case of Malak Khaliq. That the act had been proved through audio clip and bank cheque which were taken into custody in a detailed enquiry carried out ~~or~~ by DPO Dir Upper. Lastly, it was submitted that the appellant was punished after fulfillment of all codal formalities and that upon the report of complainant Muhammad Fawad, an inquiry was initiated to unearth the hidden facts. The medical report received and statement of legal heirs were recorded wherein, they all declared the occurrence as suicide and not homicide.

6. From the record it is evident that one Muhammad Fawad son of Khaliq Zada resident of Balambat Timergara District Dir Lower reported the matter that SHO had demanded an illegal gratification of Rs.10 lacs from him and that his father died as he committed suicide, whereas, the appellant was not ready to accept the same as suicide.

Reply to grounds of comments :-

A:- That the Para No-A of the grounds is incorrect no proper enquiry was conducted according to rules which would explain at time of arguments .

B:- That Para No- b not explain by respondent which shows that respondent department has nothing to adduce any legal fact.

C:- That Para No- C of the grounds of comments of respondents is incorrect as already explain in Para C of the service appeal which needs no further reply.

D:- That Para No- D is of the grounds is incorrect and strange on which will be discuss at the time of arguments hence need no reply further contended that appellant was in jail for long time then how appellant be able to appear before any proceedings of departmental .

E:- That Para No- E is incorrect nothing available on record which proof the stance of the respondent and even ignored the acquittal order

F:- That Para No- F of the grounds of comments is incorrect appellant is acquitted form all the charges levelled against him and appellant was in jail provided that the respondent should wait for the decision of the court.

G:- That Para No- G of the grounds of comments is self explanatory .

H:- That Para No-H is incorrect no proper enquiry has ever been conducted till to date which show the bias ness on the part of respondent .

I:- That Para I, of reply is already mentioned in para leading para's hence needs no comments.

J:- That Para J is incorrect no single piece of evidence is available on record which Connect the appellant with guilt also acquit from the charges.

K:- That Para K is incorrect appellant perform his duty according to law and properly hand over all items before departure but the appellant condemn un heard on his back and ex-party proceeding were conducted against the appellant which is against to the canon of justice as well as principal of natural justice .

L:- That Para L is incorrect the appellant no speaking order is passed which is self explanatory form the impugned order..

M:- That Para M is incorrect the appellant is acquitted from all the charges .

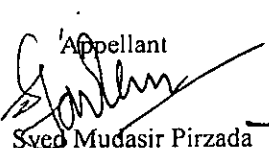
N:- That Para N is incorrect the respondent have no right to allowed to for futher arguments on the basis the respondent have no defense .

O:- That the respondent department has nothing to produce any further valid grounds hence they did not explain the rest of Paras.

Prayer:-

On acceptance of this rejoinder the appeal may kindly graciously be accepted and appellant may please be reinstated in service with all back benefits and the instance of the appellant is with in time after releasing from jail on the basis of acquittal and it is also prayed that any other remedy as deemed proper by the honorable tribunal respectively may award please.

Through

Appellant

Syed Mudasir Pirzada
Advocate District Courts
Kohat

Dt:- 05-07-22

After the receipt of complaint, the appellant was issued charge sheet alongwith statement of allegation and Mian Nasib Jan, DPO Dir Upper was appointed as Inquiry Officer on the direction of Regional Police Officer, Malakand, Swat to conduct proper inquiry. He, during the course of inquiry, recorded statements of all concerned and submitted his report wherein^x he recommended the appellant for major punishment. On the receipt of inquiry report, final show cause notice was issued, reply was submitted and appellant was called in Orderly Room for personal hearing. The appellant was then awarded major punishment of dismissal from service vide order dated 30.07.2019 of District Police Officer, Dir Lower. His departmental appeal was rejected by the RPO, however, his appeal before the Inspector General of Police was entertained and keeping in view ^{his} ~~the~~ long service of thirty years ~~of appellant~~, lenient view was taken and he was reinstated in service with immediate effect. ^{The} Period he remained out of service was treated as leave without ^{pay} and his major punishment was converted into minor punishment of stoppage of three increments with cumulative effect vide order dated 20.04.2020 of AIG Khyber Pakhtunkhwa. Again, he filed a mercy petition which was rejected vide order dated 25.02.2021.

7. From the above discussion, it is very much evident that there was no sufficient evidence against the appellant in respect of demanding illegal gratification of Rs.1 million, therefore, his major punishment was converted into minor punishment. Right from the charge sheet up to the inquiry report it is crystal clear that there is no cogent evidence against the appellant. Neither any cheque was


19.04.2012 which remained un-dilated and undecided on the part of the respondents.

5. In view of the above we are of the considered view that the departmental proceedings against the appellant were taken in a slipshod manner and he was made to confront with inconsistent charges/allegations. The said proceedings, therefore, are not sustainable in the eyes of law.

Resultantly, we dispose of the appeal in hand in terms that the impugned orders dated 30.11.2012, 19.12.2013 and 15.09.2016, passed by respondents are set aside. A denovo enquiry in the matter shall be undertaken by respondents but only in accordance with law/rules while providing an ample opportunity to the appellant in defending himself. Needless to note that his medical record and application for grant of leave shall also be kept in consideration while re-deciding the matter departmentally.

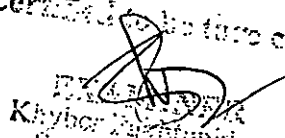
Parties are left to bear their respective costs. File be consigned to the record room.

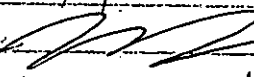
(Case file 1981)


(AHMAD HASSAN)
MEMBER(E)


(HAMID FAROOQ DURRANI)
CHAIRMAN

ANNOUNCED
26.12.2018

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application	<u>01-01-19</u>
Number of Words	<u>2000</u>
Copying Fee	<u>12-00</u>
Urgent	<u>2-00</u>
Total	<u>14-00</u>
Name of Copyist	<u></u>
Date of Completion of Copy	<u>01-01-19</u>
Date of Delivery of Copy	<u>01-01-19</u>

brought before this Bench during arguments nor the same cheque was annexed with the comments. During arguments, a cheque for Rs.3 lacs issued on 15.06.2019 was referred to but it was admitted by the learned AAG that the said cheque was pertaining to the account of one Shah Ghafoor and that the said cheque was never produced for encashment. Shah Ghafoor was never examined and produced before this Bench. Audio clip relating to the discussion of the appellant in respect of demand of illegal gratification is also not available and the appellant was also not confronted with the said audio clip during enquiry. No opportunity of cross-examination was ever afforded to the appellant. The respondents have very candidly violated the set norms and rules and conducted the proceedings in an authoritarian manner.

8. We are unison on acceptance of this appeal in the light of our observation in the preceding paras which immediately call^s for the acceptance of the instant service appeal as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
05.07.2022

(Fareeha Paul)
Member (E)
Camp Court, Swat

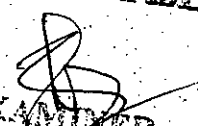
(Rozina Rehman)
Member (J)
Camp Court, Swat

3. We have considered the averments by the learned counsels and have also gone through the available record with their assistance.

The record is depictive of the fact that on 19.04.2012 the appellant, after having been diagnosed of Hepatitis-B, applied for two months leave to respondent No. 1 but the application remained un-attended. On the other hand, it was noted in the impugned order of dismissal, passed by respondent No. 1 on 30.11.2012, that the appellant remained absent from duty since 06.06.2012 till the date of order. It was concluded therein that major penalty of dismissal from service was imposed upon the appellant from the date of absence. The departmental appeal preferred before respondent No. 3 was rejected on 19.12.2013 through a one liner order. The appellant, thereafter, preferred a Review Petition before respondent No. 4 which was decided on 15.09.2016. It was, however, conspicuously noted therein that the appellant was dismissed from service w.e.f. 07.01.2012 and the review petition was dismissed being barred by time.

4. It is also a fact that in the summary of allegations and the charge sheet it was recorded that the appellant remained absent w.e.f. 07.01.2012, contrary to the order of dismissal. The mentioning of discrepant dates of alleged absence in the charge sheet, the order of dismissal of appellant and the order of rejection of his review petition had rendered the appellant at loss in defending his cause aptly, besides, having been put in jeopardy of retrospective removal from service. It is also not ascertainable that whether the appellant was dismissed from service w.e.f. 07.01.2012 or from 6.6.2012. Had the effective date being 06.06.2012, the appellant had much prior to it submitted an application for medical leave on

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

①

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 4522/2021.

Ibrahim Khan Inspector resident of District Dir Lower..... Appellant.

VERSUS.

- 1) Provincial Police Officer, Khyber Pakhtunkhawa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Lower Dir..... Respondents.

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 01 TO 03

Respectfully Sheweth: That the respondents submits as under:-

PRELIMINARY OBJECTIONS.

- 1) That the service appeal is not maintainable in its present form.
- 2) That the appellant has not come to this August Tribunal with clean hands.
- 3) That the present service appeal is badly barred by law and limitation.
- 4) That this Honorable Service Tribunal has no jurisdiction to entertain the present service Appeal.
- 5) That the appellant has got no cause of action and locus standi to file the instant appeal.
- 6) That the appellant has suppressed the material facts from this Honorable Tribunal.
- 7) That the appeal is bad for misjoinder and non joinder of necessary and proper parties.

ON FACTS:

1. Pertains to record.
2. Incorrect, the appellant was found guilty of misconduct by making demand of illegal gratification through his subordinates in a suicide case of Malak Khaliq. The case was reported by his son Muhammad Fawad (complainant) on 29-05-2019 at PS Balambat. The act of the appellant has been proved; audio clip thereof and bank cheque was taken into custody in a detailed enquiry carried out by District Police Officer Upper Dir. Being member of police force, this state of affairs, committed by the appellant reflecting bad name on the face of whole police department. (Copy of finding report attached as annexure "A")
3. Pertains to record.
4. Incorrect, the performance of appellant was not satisfactory as his previous record is tainted with bad entries (copy enclosed as annexure B-C-D).
5. Incorrect, upon the report of complainant Muhammad Fawad filed on 29-05-2019 at Police Station Balambat, an inquiry u/s 174 CrPc was initiated to dig out the facts behind the case. The medical reports received and statements of the legal heirs were recorded u/s 164 Crpc. All of them in their statements declared the occurrence as suicide. Resultantly in light of medico legal reports and statements of the legal heirs of deceased, the case was surfaced as suicide, not homicide. (Copy of final report of inquiry u/s 174 Cr.pc and statements recorded u/s 164 Cr.pc attached as annexure "E" to "K").
6. Incorrect, all the facts and circumstances have been clearly pointed out by the enquiry officer in his detailed inquiry and consequently the complaint lodge by Muhammad Fawad stood proved.
7. Incorrect, the statement recorded by the appellant during inquiry is contrary to the facts and misleading which has no legal sanctity under the rules.
8. Incorrect, the official record is silent about filing of such like application moved by appellant.
9. Incorrect, the orders of respondent No. 03 is legal, lawful and constitutional, based on solid grounds mentioned in inquiry carried out by District Police Officer Upper Dir. (Copy of order attached as annexure "L")

10. Pertains to record.
11. Incorrect, the orders of respondent No. 02 is legal, lawful and constitutional based on material facts and passed in light of inquiry carried out by District Police Officer Dir Upper. (Copy enclosed as annexure "M")
12. Pertains to record.
13. There is no rule for filing second review petition before the respondent.
14. Pertains to record, 2nd review petition being contrary to rules, was filed by respondents.
15. Incorrect, both the orders passed by the competent authority are legal, lawful, constitutional and the appellant has got no jurisdiction to file the instant service appeal.

GROUND

- (i) Incorrect, the appellant has been dealt in accordance with law/rules and no illegality has been committed by respondents.
 - (ii) Incorrect, this para is for the appellant to prove during hearing, however it is pertinent to mention here that there are numerous verdicts of apex court which clearly states that "no work no pay". The appellant did not perform any sort of duties in the intervening period therefore he is not entitled for the pray. Furthermore the charges were proved against the appellant but taking lenient view, punishment was reduced by respondent No. 01.
 - (iii) Incorrect, no violation of the constitution of Pakistan has been committed by the respondents and all the proceeding has been done within the legal jurisdiction.
 - (iv) Incorrect, the act and role of the appellant comparing to others mentioned in complaint is different in nature surfaced in detailed inquiry conducted by District Police Officer Dir Upper and therefore dealt accordingly for his role in the matter. The appellant is not entitled to avail equal remedy, as he played key role in the said event.
 - (v) Incorrect, the case was reported by the complainant to police as suicide. During inquiry, the medical reports received and statements of legal heirs recorded. The case was scrutinized on every angle by Police touching the technicalities deeply and lastly it was proven a case of suicide not homicide.
 - (vi) Incorrect, the allegation were leveled against all the three officials, but during enquiry, it was found that every official has performed separate role and the role of the appellant was extremely clear from others being responsible officer.
 - (vii) Incorrect, the Daily Dairy No. 21 dated 29-05-2019 is crystal clear and complainant Muhammad Fawad Khan categorically says that his father committed suicide not a case of homicide. (Copy attached as annexure "N")
 - (viii) Incorrect, the complainant lodge complaint against the three officials jointly and the role of everyone has been specified during detailed inquiry carried out by District Police Officer Dir Upper. All the proceedings are legal, lawful and constitutional.
 - (ix) Incorrect, the punishment awarded to the appellant is in accordance with law/rules.
 - (x) Incorrect, no violation of the law/rules has been committed by respondent No. 02.
 - (xi) The respondents also seek leave of this honorable Tribunal to rely on additional grounds at the time of arguments/ hearing.
16. Incorrect, the honorable Tribunal has got no Jurisdiction to entertain the preset service appeal and the appeal is also barred by limitation.

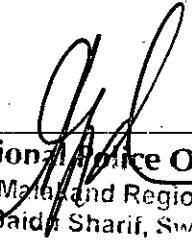
PRAYER:

It is therefore humbly prayed that on acceptance of this para-wise reply, the service appeal may graciously be dismissed with cost.

- 1) Respondents No. 01
Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.

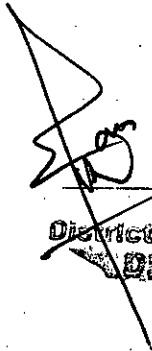


- 2) Respondents No. 02
Regional Police Officer,
Malakand at Saidu Sharif Swat.



Regional Police Officer,
Malakand Region,
Saidu Sharif, Swat

- 3) Respondents No. 03
District Police Officer,
Dir. Lower



District Police Officer
Dir. Lower

(4)

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 4522/2021.

Ibrahim Khan Inspector resident of District Dir Lower..... Appellant.

VERSUS.

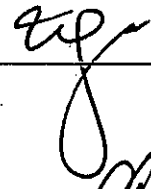
- 1) Provincial Police Officer, Khyber Pakhtunkhawa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Lower Dir..... Respondents.

POWER OF ATTORNEY

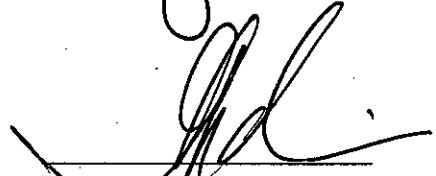
Mr. Muqadar Khan Insp: Legal Dir Lower is hereby authorized to appear on our behalf before the Honorable service Tribunal in the above Service appeal and pursue the case on each and every date.

He is also authorized to submit all the relevant documents in connection with the above Service Appeal.

**Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.**

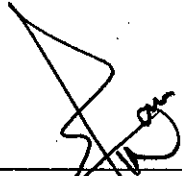


**Regional Police Officer,
Malakand at Saidu Sharif Swat.**



Regional Police Office
Malakand Region,
Saidu Sharif, Swat.

**District Police Officer,
Dir Lower.**



~~District Police Officer
Dir Lower~~

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No. 4522/2021.

Ibrahim Khan Inspector resident of District Dir Lower..... Appellant.

VERSUS.

- 1) Provincial Police Officer, Khyber Pakhtunkhawa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Lower Dir..... Respondents.

AFFIDAVIT.

I Muqadar Khan Inspector Legal Dir Lower do hereby solemnly affirm and declare on oath, that the contents of the Para wise reply is true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Court.


(MUQADAR KHAN)
 Inspector Legal
 Dir Lower

﴿فائٹنگ رپورٹ﴾ Annexure "A"

جناب عالی!

بجوالہ مشمولہ درخواست اذان محمد نواد خان ولد خالق ذادہ سکندہ گل ڈھیری تحصیل بلامبٹ تیمر گره برخلاف پولیس اہلکاران ابراہیم SHO تھانہ بلامبٹ، انور خان ASI، رحمت علی LHC تھانہ بلامبٹ معروض خدمت ہوں کہ درخواست کنندہ محمد نواد نے تحریری شکایت جناب DIG صاحب کو کر کے موقف اختیار کیا کہ ہر تین اہلکاران نے میرے والد خلیق ذادہ جو انہوں نے خودکشی کی تھی اور اہلکاران متذکرہ مجھ سے پیسوں کے ناجائز ڈیمانڈ کر رہے ہیں۔ درخواست متذکرہ جناب DIG صاحب نے سن DPO کو مارک کر کے حسب ضابطہ انکوائری شروع کی گئی۔

درخواست متذکرہ جناب DIG صاحب نے سن DPO صاحب لوئر ڈیر کے دفتر میں جا کر ہر تین اہلکاران کو دفتر جناب انکوائری کو انتہائی حساس سمجھ کر بذات خود جناب DPO صاحب لوئر ڈیر کے دفتر میں جا کر ہر تین اہلکاران کو دفتر جناب DPO صاحب لوئر ڈیر طلب کر کے انتہائی باریک بینی سے زبانی پوچھ گچھ کی گئی۔ اور ساتھ ساتھ تحریری بیانات لیا جا کر SHO محمد ابراہیم خان تھانہ بلامبٹ نے اپنے بیان میں واضح کیا۔ کہ وہ بحیثیت SHO تھانہ بلامبٹ تعینات تھا۔ مورخہ 29.05.2019 پر درخواست کنندہ محمد نواد خان نے ASI محمد انور خان کو ہسپتال میں رپورٹ کیا۔ کہ والد ام خلیق ذادہ کے چار بیویاں ہے۔ گھر میں اپنے بیویوں کے ساتھ زبانی تکرار کی گئی تھی۔ والد ام نے کمرہ خود میں بذریعہ پستول اپنے اپ پر گولی چلا کر جو والد ام موقع پر فوت ہو چکا تھا۔ کسی پر رپورٹ کنندہ نے دعویٰ داری نہیں کی گئی پھر بھی اصل حقائق کو منظر عام پر لانے کی خاطر 174 ض، ف شروع کیا گیا رپورٹ کنندہ نے پستول اور خالی خول جو وقوعہ میں استعمال ہوا تھا۔ پیش کر کے بروئے فرد قبضہ پولیس کیا۔

تحقیق:-

بیان ازاں SHO ابراہیم تھانہ بلامبٹ:-

مذکورہ ASI نے متونی کے چار بیویوں اور دو بالغ بیٹوں کی 161 اور 164 ض، ف بیانات قلمبند کئے گئے۔ مدعی نے پولیس کے طرف سے دس لاکھ روپیہ کے ڈیمانڈ کو جو ذکر کیا ہے۔ تو نہ SHO، ASI اور نہ LHC رحمت علی نے نواد سے کسی قسم کا رشوت کا ڈیمانڈ کیا ہے۔ اور نہ بے جا تنگ کیا ہے۔ ہو سکتا ہے۔ کہ وقوعہ کے ارتکاب میں اندرونی اور کوئی محرکات ہو اسلئے پولیس کو دباؤ ڈالنے کی خاطر جھوٹا الزام لگا رہے ہے۔ SHO صاحب کے بیان کے روشنی میں کراس کر کے انہوں نے کراسوں میں واضح کیا۔ کہ وہ سال 1989 کا بھرتی شدہ ہے۔ ایلٹ فورس CCP پشاور اور CID پشاور وغیرہ میں وقت گزارا ہے۔ اب عرصہ 7/8 ماہ سے تھانہ بلامبٹ میں بحیثیت SHO تعینات ہے۔ اور اس سے قبل SHO منڈہ، چکدرہ، شرباغ اور اوج میں بھی SHO پیریڈ گزارا ہے۔ اور مزید واضح کیا۔ کہ مقدمہ انکوائری میڈیکل رپورٹ کے روشنی میں

(7)

A-I

خودکشی کی طرف گامزن تھی۔ اور مسمی خلیق زادہ کے چار بیویوں زندہ حیات موجود ہونے کا ذکر کیا۔ جبکہ پانچویں کے متعلق عام چیمہ گویاں بیان کیا ہے۔ کہ مسمی خلیق زادہ کے سالی سے بھی ناجائز تعلقات کے بناء علاقہ غیر لے جانا بیان کیا۔ اور مزید مدعی مقدمہ سے نقد رقم یا چیک وغیرہ نہ خود اور نہ کسی کے ہاتھ سے قبول کرنا بیان کیا۔ اور رحمت علی LHC کے اچھی ڈیوٹی کے تائید اور اچھا پولیس افسر بیان کیا۔ اور مدعی مقدمہ کے ایک بار فون پر رابطہ بیان ہوا۔ یہ بھی کہا کہ مدعی مقدمہ نے اُسے کہا تھا۔ کہ وہ اُس کے ساتھ ملتا ہے۔ اُس نے کہا کہ رحمت علی LHC اور تفتیشی افسر انور خان سے ملو۔ اور آخری کراس میں بحیثیت پولیس افسر تھانہ کے سپرو و جین عوام کیساتھ اچھا سلوک، خوش اخلاقی تمام سٹاف پر نگرانی زیر تفتیش درج رجسٹر مقدمات کی تصفیہ کسی بھی بد عنوانی کی صورت میں متعلقین کیخلاف بروقت کارروائی کرنا اور اپنے آپ کو باخبر رکھنا اور تمام انے والے سائلین کی داری کرنا اپنی ذمہ داری بیان کیا۔

بیان ازال محمد انور ASI تھانہ بلا مٹ :-

محمد انور ASI کا بیان قلمبند کر کے انہوں نے واضح کیا۔ کہ واقعی 29.05.2019 پر ہسپتال تیمر گرہ میں نعش خلیق زادہ کا پائی جا کر اس کے بالغ بیٹے محمد فواد نے رپورٹ میں واضح کیا۔ کہ والد ام نے کمرہ خود میں بذریعہ پستول خودکشی کی ہے۔ کسی کے خلاف دعویداری نہیں کرتا ہے۔ رپورٹ بشکل بمنزلہ اندراج روزنامہ بھیجوائی جا کر باقاعدہ طور پر دریافت 174 ض، ف شروع کر کے وقوعہ میں استعمال شدہ پستول، خالی خول اور خون میں لت پت کپڑے برائے فرد قبضہ پولیس میں کر کے بغرض رائے FSL پشاور بھیجوائی گئی۔ اور مقتول کے کاغذات مرگ، نقشہ ضرر حوالہ آن ڈیوٹی ڈاکٹر کی گئی۔ انکو آڑی میں مقتول کے در ثاء اور چار بیویوں کے بیانات 161 اور 164 ض، ف قلمبند کر کے خودکشی بیان کیا۔ جہاں تک درخواست کنندہ کے دس لاکھ روپے ڈیمانڈ کا ذکر ہے۔ تو رپورٹ کنندہ انکو آڑی پر ناراض تھا۔ کہ انکو آڑی کی ضرورت نہیں ہے۔ بس اس طرح انکو آڑی فائل کیجائی۔ بدیں وجہ پولیس پر الزام لگا رہا ہے۔

اور کراسوں میں ASI نے واضح کیا۔ کہ وہ ڈھائی سال سے تھانہ بلا مٹ میں تعینات ہے۔ اور رحمت علی LHC کے ساتھ روٹین کے مطابق سلام کلام اور دریافت 174 ض، ف میں LHC مذکورہ کو اس نے کوئی ٹاسک حوالہ نہیں کیا تھا۔ اور SHO صاحب کیساتھ دریافت 174 ض، ف میں بیانات 164/161 ض، ف اور پوسٹ مارٹم ڈسکس کیا ہے۔ اور بیانات 164 ض، ف میں تاخیر کی وجہ عید کی چھٹی MOD بیانات قلمبند نہ کرنا بیان کیا۔ اور قلمبند شدہ بیانات مدعی مقدمہ کی صلاح مشورہ سے بیان کیا ہے۔ اور مسمی فواد کیساتھ تین دفعہ فون پر رابطہ بیان کیا گیا۔ اور تھانہ بلا مٹ میں چار ASI اور متعدد HCs کا تعیناتی بیان کیا گیا۔ بعدہ وقوعہ کے موجودہ پوزیشن خود کرنا جبکہ یہ بھی ذکر کیا کہ عام چیمہ گویاں ہیں۔ کہ مسمی

خلیق زادہ کو گھر میں عورتوں نے قتل کیا ہے۔ چونکہ ٹھوس ثبوت ابھی تک سامنے نہیں آیا ہے۔ اور مزید 164 بعدہ ازڈسکشن DPP صاحب کرنا بیان ہوا۔ اور اپنے آپ پر لگائے گئے الزامات برحلف قرآن من گھڑت ہونا بیان کیا۔

بیان ازاں رحمت علی LHC تھانہ بلا مٹ :-

آخری رحمت علی LHC کا بیان قلمبند کرتے ہوئے واضح کیا۔ کہ وہ تمام کنسٹیبلان کے طرح ASI کے ساتھ محرر کے ہدایت پر ہسپتال جاتا ہے۔ انکو آری 174 ض، ف میں ASI صاحب کیساتھ میں بھی گیا ہوا تھا۔ اس نے مسمی نواد سے زبانی بات تک نہیں کی۔ اور نہ کوئی ناجائز مطالبہ کی۔ مذکورہ LHC پر کراس کرتے ہوئے واضح کیا۔ کہ وہ سال 2008 میں بھرتی ہوا ہے۔ اور 8 ماہ سے تھانہ بلا مٹ میں GD ڈیوٹی پر تعینات ہے۔ علاقہ تالاش کار ہاشی ہے۔ اور عرصہ تین سال سے اسپنڈ میں رہتا ہے۔ اور اتنا نخیل قوم سے تعلق رکھتا ہے۔ اور درخواست کنندہ سے ڈیمانڈ کے بارے میں لاعلمی ظاہر کرتا ہے۔ اور وہ اس سے قبل درخواست کنندہ کیساتھ کوئی تعلق نہ رکھنے کا ذکر کرتا ہے۔ اور درخواست کنندہ کیساتھ صرف 161/164 ض، ف کو طلب کرنے کے علاوہ کوئی رابطہ وغیر نہیں کیا ہے۔ اور تفتیشی آفیسر کیساتھ دن میں دو تین مرتبہ رابطہ بیان کیا ہے۔

جائزہ رپورٹ :-

انکو آری ہذا میں جملہ الزام علیہ کے بیانات اور ان پر بہ موجودگی درخواست کنندہ تفصیلی جرحہ ہائے کئے گئے۔ مگر کسی قسم کے تسلی بخش جوابات نہ دے سکے۔ انکو آری ہذا کو مد نظر رکھ کر ہر تین اہلکاران بعدہ درخواست کنندہ محمد نواد کے موبائل نمبرات کے CDR حاصل کر کے جس طرح درخواست کنندہ نے تحریری شکایات میں واضح کیا تھا۔ کہ LHC رحمت علی نے اس سے ناجائز رقم کی ڈیمانڈ کی تھی۔ CDR کو مد نظر رکھتے ہوئے واقعی LHC رحمت علی نے اس سے ناجائز رقم کی ڈیمانڈ کیا ہے۔ CDR سے واضح ہے۔ کہ ابراہیم SHO، انور خان ASI اور رحمت علی LHC نے درخواست کنندہ کیساتھ گھٹ جوڑ کے باتیں کی ہے۔ جو بطور ثبوت اڈیو کلپس برائے فرد قبضہ پولیس ہے۔

جملہ نمبرات کے CDR لف انکو آری ہذا ہے۔ زیر بحث امر یہ ہے۔ کہ LHC مذکورہ نے درخواست کنندہ کے ساتھ زیادہ فون پر رابطے کر کے ناجائز ڈیمانڈ کی ہے۔ جسکے وضاحت اڈیو کلپس سے مکمل طور پر واضح ہے۔ اور باقاعدہ طور پر اسکے ساتھ رشوت کے بارے میں بارگینگ ہوئی ہے۔ مزید یہ کہ SHO مذکورہ کے بارے اڈیو کلپس سے واضح ہے۔ کہ اپ LHC رحمت علی کیساتھ ملے۔ اور درخواست کنندہ باقاعدہ طور پر ان کو وہ چیز کی حوالگی کے بارے میں بتا رہا ہے۔ لیکن SHO کسی قسم کا انکار نہیں کرتا ہے۔ مزید یہ کہ تین لاکھ روپیہ رشوت کی رقم کی حوالگی کے بارے میں بھی اڈیو کلپس واضح

A-3

ہے۔ اور باقاعدہ طور پر ایک عدد چیک نمبری 21372605 محرمہ 15.06.2019 لف انکواری ہذا ہے۔ جو کہ بدست
LHC رحمت علی حوالہ ہوئی ہے۔ قابل ذکر امر یہ ہے۔ کہ چیک کی کیش نہ ہونا بوجہ چھٹی یعنی مورخہ 15.06.2019 بروز
ہفتہ اندراج کرنا بیان کیا ہے۔ اور بعدہ باقاعدہ طور پر تاریخ کی تبدیلی یعنی مورخہ 14.06.2019 یا 17.06.2019
بروز پیر کے بارے باقاعدہ طور پر بارگیننگ ہوئی ہے۔ جسکی وضاحت اڈیو کلپس سے مکمل طور پر عیاں ہے۔ چیک منڈ کرہ اور
اڈیو کلپس بطور ثبوت بروئے فرد قبضہ پولیس ہے۔ اور LHC مذکورہ رشوت میں ساتھ اپنا حصہ اور جناب SHO صاحب کا
حصہ بیان کر رہا ہے۔ اور مزید بھی تھانہ بلا مٹ کی حدود میں خفیہ طور پر معلومات حاصل کر کے ہر کسی کا یہ چیمہ گویاں تھی۔ کہ
LHC رحمت علی SHO کا کار خاص ہے۔ اور SHO کیلئے مار دھاڑا سکا عادت ہے۔

انکواری مکمل کرتے ہوئے جملہ بیانات، تفصیلی کراس ہائے، حاصل کردہ چیک بک، آڈیو ریکارڈنگ اور دیگر جملہ انکواری
نتیجہ:- کاغذات سے اس نتیجے پر پہنچا ہوں۔ کہ

- 1 نمبر واقعی مسی خلیق زادہ علاقہ تیرگرہ کے ایک معزز خاندان سے تعلق رکھتا تھا۔ اور علاقے کا امیر ترین شخص تھا۔
- 2 نمبر مورخہ 29.05.2019 پر بقول پسران مسی محمد فواد خان نے والد اش کے خود کشی کے بارے میں انور خان ASI کو
ہسپتال تیرگرہ میں رپورٹ کر کے جس کے نسبت ASI مذکورہ نے رپورٹ بمنزل اندراج روز نامہ پھیجوائی جا کر باقاعدہ
انکواری کرتے ہوئے انکواری اور میڈیکل کاغذات کے روشنی میں مسی خلیق زادہ نے خود کشی کی ہے۔
- 3 نمبر جہاں تک مسی فواد نے SHO ابراہیم، انور خان ASI، رحمت علی LHC پر رشوت کا الزام لگایا گیا ہے۔ تو درست
ہے۔ واقعی ہر تین اہلکاران نے درخواست کنندہ سے ناجائز مطالبہ کیا ہے۔ جسکی اڈیو ریکارڈنگ بطور ثبوت موجود ہے۔ اور
ایک عدد چیک پیش کردہ درخواست کنندہ جو LHC رحمت علی کو ایثو ہوا تھا۔ بوجہ چھٹی تاریخ تبدیل کرنیکی خاطر مسی فواد احمد کو
واپس کیا تھا۔ چیک میں تاریخ کی تبدیلی کے بارے رحمت علی LHC نے درخواست کنندہ کیساتھ باتیں کی ہے۔ جو اسکی
زندہ ثبوت رشوت میں تین لاکھ روپے کا چیک انکواری کے ساتھ لف ہے۔ اور موبائل فون ریکارڈنگ USB کو
اپلوڈ کر کے جو بروئے فرد قبضہ پولیس ہے۔

4 نمبر جملہ بیانات کو مد نظر رکھتے ہوئے خاص کر کراسوں میں ایک طرف SHO ابراہیم ذکر کر رہا ہے۔ کہ SHO کے ڈیوٹی
اہلکاران پولیس پر نگرانی عوام کیساتھ اچھا سلوک، سائلین کے دادرسی جبکہ دوسرے طرف تھانہ میں کار خاص رکھتا ہے۔ اور
طریقے طریقے سے اس پر عوام کو لوٹتا ہے۔ جس طرح رحمت علی LHC پر عوام سے رشوت مانگ رہا ہے۔ اور بذریعہ فون
درخواست کنندہ کو ہدایت کر رہا ہے۔ کہ رحمت علی LHC کیساتھ ملوں اسکا کام ختم کروں۔ جس طرح ASI مذکورہ نے بھی

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اڈیوریکارڈنگ میں درخواست کنندہ کو ہدایت کیا ہے۔ کہ اپ رحمت علی LHC کیساتھ ملوں اسکا کام ختم کروں۔ نکلے پولیس میں ہوتے ہوئی اس طرح حرکات سے عوام کے دلوں میں پولیس کیلئے نفرت کی بوریاں بھر جاتے ہیں۔ ہر تین اہلکاران پولیس نے انتہائی شرمیلہ حرکت کی ہیں۔ بر بناء عام چیمہ گونیاں ہر تین اہلکاران کے اڈیو کلیپس ایک عدد چیک جو بر دے فرد قبضہ پولیس ہے۔ جس سے ہر تین اہلکاران پولیس قصور وار پائے جاتے ہیں۔ بوجوہات بالا اہلکاران پولیس بالا کو بڑی سے بڑی سزا دینے کا حکم صادر فرماویں۔

ڈسٹرکٹ پولیس آفیسر،
ضلع دیر بالا۔

No. 7653 dated 17/07/19

Issue Final Show Cause DPO Lower Div
For ~~regular~~ departmental
action under intimation
to this office.

17/07/19
Regional Police Officer,
Muzaffargarh
17/07/19

(16)

Annex (B)

فصل عدد 3 دفتر ماہنامہ 11/2/92

صفحہ نمبر

لوہے کے گھڑی

عددی 3 حافری 1730 فٹ 11/2/92 اس وقت ڈپٹی ایس ایچ ایف 556

شہزادہ نور محمد - دفتر ماہنامہ 10/2/92 حافری آیا - بیانیہ قدم بصرہ ہمایوی حافری
سیو کیا ہوں - آ - حافری آیا - حافری آیا - اور دفتر ہمایوی کی طرف سے
کی حافری درج دفتر ماہنامہ کی ہے -

مقامی حافری
نقل و حرکت

1556 11/2/92

13/2/82

do of 15/2/92

1556 اس وقت سے
10/2/92

کامیاب حافری

Sir

Forwarded

280
19.2.92

17/2/92

11/2/92 10/2/92

15.2.92
92

فصل نمبر 10 سے 11

۲۰/۵/۹۷

مجلس سمنان

مجلس سمنان مورخه ۲۰/۵/۹۷

شماره ۱۳۵۸ مورخه ۲۴/۵/۹۷

مجلس سمنان مورخه ۱۹/۵/۹۷

مجلس سمنان
مجلس سمنان
M.T.S
20/5/97

مجلس سمنان

مجلس سمنان

مجلس سمنان
مجلس سمنان
مجلس سمنان

① one day absence counted as leave with out pay.

SP/Dur
26.5.97

170.563
2875797

Subject:- FINDING.
SIR

M.H.C Ibrahim No.-940 while posted in Police Station Timergara failed to inform the worthy District Police Officer about the occurrence taken place vide FIR No.-696 dated 30.9.2009 u/s 365/34 ppc Police Station Timergara. He was served with charge sheet coupled with statement of allegation and the competent authority constituted enquiry committee to scrutinize his conduct and submit the finding report.

The committee examined the delinquent MHC who in his statement contended that in his presence the SHO Anwar Said Khan received information about the occurrence and during his talking on phone, the SHO asked him to inform Control Room, so that all Police Stations are made alert. He immediately passed on the information to Control Room wherefrom was disseminated to all District Police. He again informed the Control Room and H-I about the occurrence and prepared Police contingent which was taken by the SHO who left the Police Station in search of accused and kidnappees. Record of Control Room revealed that the MHC has passed on the information at 14:10 hrs.

It is evident from above cited facts that the MHC has shown no laxity in discharge of his duty and has timely informed Control Room and H-I about the occurrence. Therefore the committee held him not guilty and recommend him for exoneration from charge.

OB No 57

12/1/2010

M. Purdil Khan
(PURDIL KHAN)
DSP-Legal

Shah Wazir Khan
(SHAH WAZIR KHAN)
DSP/HQRS.

16.10.09

Approved

[Signature]

8/9/10

16/10/09

OR

[Signature]

PMC
P/W file

[Signature]
C 18/09

Sir
Entry made
in Reg. Eng.

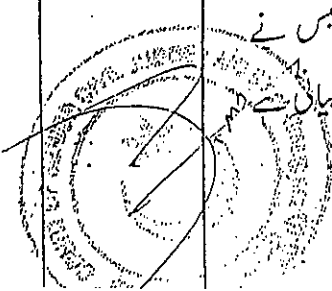
[Signature]

Annexure *E.A.*

FORM "A"
FORM OF ORDER SHEET
Court of Senior Civil Judge/AIQ Dir Lower at Timergard

Case No. _____ of _____
Title _____ Vs _____

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
0-5	22.11.019	<p>APP برائے سرکار حاضر۔ مستغیث حاضر۔ جسکا بیان قلمبند ہو کر شامل مسل شد۔</p> <p>انکوآری رپورٹ کچھ یوں ہے کہ مستغیث نے مقامی پولیس کو بروئے قلمد نمبر 21 روزنامہ پمچہ محررہ 29.05.2019 کو یوں رپورٹ کی کہ سمورہ 29.05.2019 سے اطلاع ملی کہ متوفی خلیق زادہ (جو کہ مستغیث کا والد تھا) نے اپنے آپ پر فائرنگ کر کے خودکشی کی ہے۔ جب مستغیث گھر خود پہنچا تو واقعی اسکے والد نے اپنے آپ پر فائرنگ کر کے کمرہ رہائشی کے قالین پر پڑا تھا۔ اس تناظر میں مقامی پولیس نے عدالت ہذا کو درخواست بمراد اجازت انکوآری زیر دفعہ 174 ض۔ ف داخل کی۔ عدالت ہذا نے درخواست مذکورہ کو منظور کرتے ہوئے مقامی پولیس کو انکوآری کی اجازت دی۔ بدوران انکوآری مقامی پولیس نے گواہان چشم دید مسماۃ خمیدہ بیگم بیوہ متوفی، مسماۃ گل راز بیگم بیوہ متوفی، مسماۃ ریشماء خلیق بیوہ متوفی، مسماۃ شیماء خلیق بیوہ متوفی، مسمی عبا خلیق و عباس خلیق پسران متوفی کے بیانات زیر دفعہ 164 ض۔ ف عدالت ہذا میں قلمبند کیے گئے۔ مذکورہ گواہان کے بیانات سے عیاں ہے کہ مسمی خلیق زادہ نے اپنے آپ پر فائرنگ کر کے خودکشی کی ہے۔ اور وہ کسی کے خلاف دعویداری نہیں کرتے۔ اس نسبت مقامی پولیس نے فائینڈنگ رپورٹ عدالت ہذا میں داخل کی ہے جس میں وہ بیان ہے</p>



Annex: B-1

Order Bookings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
5	22.11.2019	<p>کہ متوفی نے اپنے آپ پر فائرنگ کر کے خودکشی کی ہے اور مستغیث کسی کے خلاف دعویداری نہیں کرتے۔ اور استدعا کی کہ انکو آئری زیر تفتیش بے سود ہو کر داخل کرنے کے احکامات صادر فرمائے۔</p> <p>مندرجہ بالا حالات کو مد نظر رکھتے ہوئے عدالت اس نتیجے پر پہنچی ہے کہ متوفی خلیق زادہ نے اپنے آپ پر فائرنگ کر کے خودکشی کی ہے اور اسکے ورثاء بابت فونٹیدگی کے بارے میں بھی کسی کے خلاف دعویداری نہیں کرتے۔ مزید تفتیش انکو آئری ہذا میں بے سود ہے۔ لہذا، انکو آئری ہذا بلا مزید کارروائی داخل دفتر کی جاتی ہے۔</p> <p>مسئل بعد از ترتیب و تکمیل کے داخل دفتر ہو۔</p> <p>حکم سنایا گیا۔</p> <p>22.11.2019</p> <p>(مشکل الہدیٰ سلار زئی)</p> <p>سینئر سول جج / جوڈیشل مجسٹریٹ</p> <p>دیر پائین بمقام ہیمر گره</p>

Ammedore R

سید ازان مسعود سید خلیق بیوہ صاحبہ خلیق زارہ خدیجہ بیوہ
 سعید قریبہ 27/20 سال سالن اسٹیبلشمنٹ مسعودہ ماریہ بی بی
 صلت خانم کہ روز وقوعہ میں اسٹیبلشمنٹ میں موجود تھی ہم تمہارا
 زویہ محمد خوار کہ ساتھ ہسپتال تمہارا میں موجود تھی ہم تمہارا
 ہسپتال سے گھر خود اگر دیکھ سوتی فاونڈ خلیق زارہ کے نزدیک
 کھڑے تھے اور وہ بھی تھے میں بھی کھڑے تھے فاونڈ ام
 خون میں لٹ پٹ کارڈ میں ڈاکٹر تھا بعد مجمع معلوم ہوئی
 کہ فاونڈ ام مہر جوم نے اپنے آپ پر ایس فامیر لگا خود لکھی گئی
 میں اندر سے بار لکھی ظراف روٹی یا روٹی یا روٹی لکھی گئی
 بلکہ فاونڈ ام نے خود اپنے آپ پر ایس فامیر لگا خود لکھی گئی
 xx - تدارد لکھی گئی

سید ازان مسعود

16



سید ازان مسعود سید خلیق زارہ
 سید ازان مسعود سید خلیق زارہ

CNIC # 15302-7870362-2.

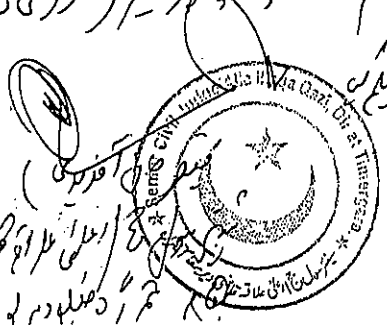
اعلیٰ اعلیٰ اعلیٰ
 سید ازان مسعود
 سید ازان مسعود

17

(4)

Annexure 4

بہن ابراہیم مسیحا ریشما خلیق بیوہ ملک طلیق زارہ قوام لوسنوس
 بھارتیہ 18/20 سال ساکن محلہ ڈھیر پور
 صحت خرابی کی بنا پر روز بروز صبح خاوند ام کر اہی سے گھر خود ام
 صبحی گھر رہا لیسی اور مجھے ہینڈ سے بیدار کرنا شروع کیسے رہا تھا
 کہ صبحی کے صحت اور روی کا بہتر و بہت کرنا میں نے جو اب
 کیا کہ اب صبحی کا وقت ختم ہو چکا ہے اس میں ہماری کھیا قصور
 تکرار پر دیگر سونین بھی اپنے گھر جاتے ہیں باہر لہر امہ اگر انہوں
 نے بھی خاوند ام کو لیا کہ صبحی کا وقت ختم ہو چکا ہے
 اب تکرار کیوں کرنا میں تکرار ختم ہو گیا ہے محمد خوار خان اپنے
 شریف صحت یا بیمار درسی لے لے ہسپتال دیکھو چلا گیا اور ہم بھی
 اپنے اپنے گھر جاتے ہو چکے ہیں اور خاوند ام اپنے گھر کو چلا گئے
 بوقت 11:30 بجے خاوند ام کا گھر سے اپنے فامیر کا اواز سن کر میں ہی
 اپنے سونین گھیر لیا جی جگر لہو ہم جنوں اگلے خاوند ام کا گھر جا رہی
 کہ خاوند ام نے اپنے آپ پر اپنے فامیر انا جو کان کا نر دیکھ کر پہنچے
 کارڈ پر خون میں لیت پڑا تھا میں نے اس پر ہاتھ لگایا خوار زارہ
 نے دعویداری میں کرانی ہوئی بلکہ خاوند ام نے خود اپنے آپ پر فامیر انا خود کرانی ہے
 نرادر - X X



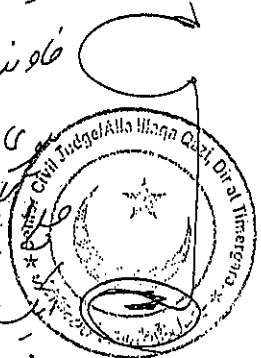
ریشما خلیق بیوہ ملک طلیق زارہ
 NIC # 15302-8917865-8

18

(2)

Annure

بیان مسماہ علیہ بی بی بیوہ سید خلیق زارہ نوم ایما کیل سے
 فریبا ایڈ 5 سال ساکن محلہ ڈھبہ کی برادری ضلع دیر صاحب
 خانہ بیان کیا کہ مورخہ 29/05/018 بوقت صبح فاونڈام خلیق زارہ
 کراچی سے گھر خود امر عکسہ اور لیس سے اپنی بیوی مسماہ زارہ
 کو نیز سے بہرہ آرا گیا کہ میری لگ جان اور روٹی کا
 بندوبست کرنا۔ اس سے میری بی بی نے منکرہ کو کہا کہ اب
 سمجھو کہ وقت ختم ہو چکا ہے۔ شور مچا رہا ہے کہ
 عکسہ جات سے باہر برآمدہ امر فاونڈام کو کہا کہ اب سمجھو
 کہ وقت ختم ہو چکا ہے۔ اس میں ہمارا کیا قصور ہے
 ہمارے مابین تکرار ختم ہو رہا ہے۔ اب عکسہ جات کو چلا گیا
 فاونڈام کہی اپنے عکسہ جلا گیا اور لیسرام محمد خوار خان اپنی
 بی بی اور سوتیلی ماں مسماہ شیبا بی بی سے کہا کہ ہسپتال پہنچاؤ
 اب بوقت 11:30 بجے خلیق زارہ کا عکسہ سے
 فائیر کا آواز سن کر دیکر سوتیلی بہن عکسہ اب ہم
 بیوی سوتیلی فاونڈام کا عکسہ جاب دیکھا کہ فاونڈام نے
 اپنے اب دگر خود فائیر لگا جانے کا نزدیک کر بیٹھی
 کا دیکھ کر خون میں لیت بیٹھا تھا۔ میں فاونڈام نے
 قتل کے خلاف کسی دگر رپورٹ یا دعویٰ دیا نہیں کرتی ہوں



34

(2)

H-1

بلکہ فاؤنڈیشن خود اپنے آپ پر فائیر کرنا خود کشی کی ہے
- x x - یوج بلو ف

من ارادت سے لکھا گیا

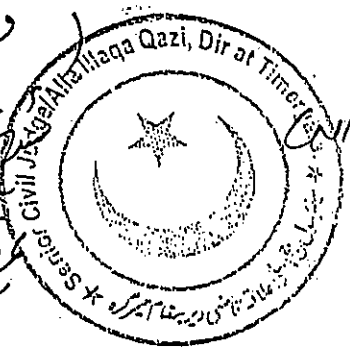


20

الم

سجاد حسینہ بیگم
ڈی ایچ او ملٹر علی شاہ زادہ -
15306-8104128-2

قید خان افسردہ
سول جج / اعلیٰ عدالت
ضلع دیوبند



باجا P

20

138

Amrate

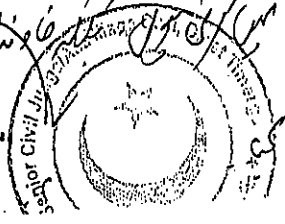
35

بین ازاں مسماۃ گل از بیگم بیوہ خلیق زاہدہ نوم ۱۹۵۱ء
صفت ضعیف بجز قریباً ۳۹/۳۹ سال سالن کل ڈیجیٹل ہراسٹ

صفت بیان کیا کہ مورخہ ۲۹/۵/۵۶ء بوقت صبح خاوندہ مسلمہ دروم
خلیق زاہدہ کو ایسی تھوڑا کر صدمہ سونن ریشما ہی بی بی طرہ
جابر منند سے بیدار کیا ان کا سانس تھرا کر رہا تھا کہ صدمہ ہی کا
جان اور روشنی کا بندوبست رہا۔ پھر دروم صدمہ ہی کے طرہ سے باہر
برآمد اور خاوندہ ام کو لیا کہ اب صدمہ ہی کا وقت صبح ہو گیا ہے
اب ہمیں ساتھ لے کر تھرا کر رہا میں۔ تھرا کر صدمہ ہی کو دروم
اپنے اپنے کمرہ جان کر چلے گیا۔ اور خاوندہ ام بھی اپنے کمرہ
چلا گیا۔ اور محمد خوار خان کا شہرہ صدمہ ہی کے پاس اور سونن
مسماۃ شمیم بی بی بھی ان کا ساتھ ہسپتال پھر رہے میں جو بدھی۔

محمد خوار خان بیمار نرسی لے لے ہسپتال پھر رہا تھا۔ بوقت ۱۱:۳۰ بجے
خاوندہ ام خلیق زاہدہ کا کمرہ سے ایک فائبر کا آواز اتر صدمہ ہی
سے اپنے اپنے کمرہ جان سے اپنے سونن صدمہ ہی کے صدمہ ہی بی بی کا
کمرہ جابر سے تھوڑا سونن خاوندہ ام کا کمرہ جابر دیکھا کہ خاوندہ ام
کا خود اپنے اب اور ایک فائبر ان باہر کان کا نزدیک لگ کر بیٹھی
زمین کا بیٹھ کر فون میں لگت پت پڑا تھا۔ میں اندر میں گیا کہ
کے خلاف روٹھا ہوا صدمہ ہی کے خاوندہ ام خود اپنے اب کو فون کر کے
فون میں لگا۔

۱۱
سن ۱۹۵۶ء میں دروم صدمہ ہی کے
۱۱

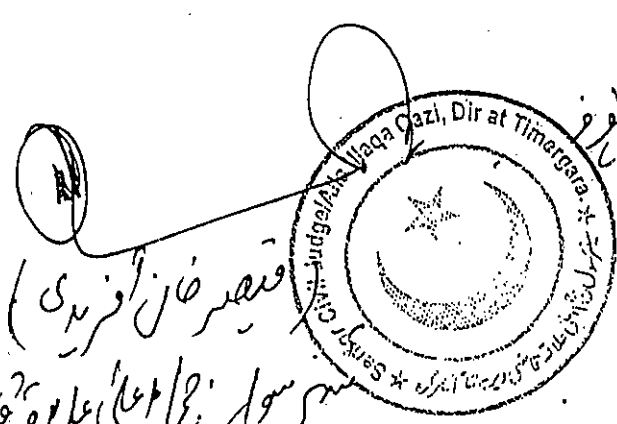


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Annexure 1

سید ایزان ملکہ عیاد خلیق ولد ملکہ خلیق زارہ قوم اعلیٰ خلیل
 محترم قریباً 16/15 سال ساکن محلہ راجہ پورہ
 صلوات سبیل الہا کہ مورخہ 05/05/2022 کو بوقت 11:30 بجے والد
 آرم خلیق زارہ نے اپنے آپ کو خود فائر کر کے خودکشی
 کی ہے۔ میں اندر میں بارہ کسی طرف رپورٹ یا دعویہ ارمی میں
 کرتے ہوئے۔

xx - نادر سید ملکوف



ملکہ عیاد ولد ملکہ خلیق زارہ
 CNIC - 15302 - 8492244-9

مختصر خان افریدی
 سید سول
 علی اعلیٰ اعجاز
 مقام سکر و ضلع دہ لویسر

Amara! K 66

(38)

ببین از این عباس ظلیق ولد ملک ظلیق زاده قوم امان خنجر
مجلس تقریب 14/15 سال سن 18/19

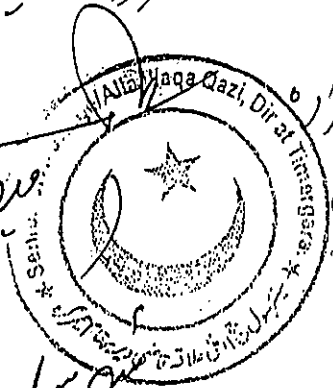
ظلیق بن ملک که مورخ 28/05/06 و والد ام ظلیق زاده نام
این مرکز ریالیسی خود این اب پدر فایم از آن خود کسی
کسی که . میں اندر منع بار کسی خلاف رپورٹ یا رعو معاری
شعبہ کے ہوں . کسی سے اس میں . جو نہ رست تسلیم ہوں .

xx - یوحنا (بلا فہم دور)

من آریہ تسیج کی



عبدصغیر خان آفریدی



عباس ظلیق ولد ملک ظلیق زاده

نہادر . - غیب

محمد رسول بخش / اعلیٰ علی اعوان صاحب
مقام تہذیب / ضلع دیر لودھی -



~~Annex~~

23

OFFICE OF THE
DISTRICT POLICE OFFICER
DIR LOWER

Annexure (1)

ORDER

This order will dispose of the enquiry conducted against Inspector Ibrahim Khan No.550/M, that while he posted as SHO Police Station Balambat, alleged by one Muhammad Fawad Khan s/o Khaleeq Zada r/o Balambat Timergara District Dir Lower that his father had died due to suicide, while the staff of Police Station Balambat including SHO demanded illegal gratification of Rupees ten lac (10,00000/-) from him, which shows gross misconduct on his part. Therefore, he was issued Charge Sheet and Statement of allegation and Mr. Mian Nasib Jan District Police Officer, Dir Upper was appointed as Enquiry Officer on the direction of Worthy Regional Police Officer, Malakand Swat to conduct proper department enquiry against him and submit his finding report.

The Enquiry Officer, during the course of inquiry recorded the statements of all concerned as well as the officer concerned. The Enquiry Officer in his finding report found that the allegation stood proven and recommended him for major punishment.

On the receipt of finding report along-with other relevant documents conducted by District Police Dir Upper, Final Show Cause was issued to him on 24-07-2019 through Lines RI/LO Police Lines Timergara. Reply of the Final Show Cause received on 25-07-2019 and full opportunity was given to him to explain his position, but failed to produce any cogent reason in self defense. He was called in orderly room on 30-07-2019 for personal hearing.

Therefore I, Arif Shahbaz Khan Wazir (PSP), District Police Officer, Dir Lower in exercise of power vested to me under (E & D) Rules 1975 with amendment 2014, agreed with the finding report of enquiry officer conduct by District Police Officer Dir Upper and awarded a major punishment of dismissal from service to Inspector Ibrahim Khan No.550/M, with immediate effect.

ORDER ANNOUNCED

OB No. 996

Dated 30/07/2019

No. 17677-83/EB, dated Timergara the 30/7-2019

District Police Officer,
Dir Lower

Copies Submitted to the:-

- 1- Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar for favour of information, please..
- 2- Deputy Inspector General of Police HQrs CPO KPK, Peshawar for favour of information, please.
- 3- Regional Police Officer, Malakand at Saidu Sharif, Swat for favour of information with reference to his office Endst: No. 7653/E, dated 17-07-2019, please
- 4- AIG Establishment, CPO Peshawar for favour of information, please.
- 5- Registrar CPO Peshawar for further necessary action.
- 6- District Accounts Officer, Dir Lower.
- 7- Pay Officer DPO Office


District Police Officer,
Dir Lower

30/7/2019

24

8476
26/9/2019

M



**OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND**

SAIDU SHARIF SWAT.

Ph: 0946-9240381-88 & Fax No. 0946-9240390

Email: djmalakand@yahoo.com

ORDER:

This order will dispose off appeal of Ex-Inspector Muhammad Ibrahim No. 550/M of Dir Lower District for reinstatement in service.

Brief facts of the case are that Inspector Muhammad Ibrahim No. 550/M while posted as SHO Police station Balambat, alleged by one Muhamnad Fawad Khan s/o Khaleeq Zada r/o Balambat-Timergara District Dir Lower that his father had died due to suicide, while the staff of Police Station Balambat including SHO demanded illegal gratification of Rupees ten lac (10,00000/-) from him, which shows gross misconduct on his part. Therefore, he was issued charge sheet and statement of allegation and Mr. Mian Nasib Jan District Police Officer, Dir Upper was appointed as Enquiry Officer on the direction of the then Worthy Regional Police Officer, Malakand Swat to conduct proper departmental enquiry against him and submit his finding report. The Enquiry Officer, during the course of inquiry recorded the statements of all concerned as well as the officer concerned. The Enquiry Officer in his finding report found that allegation stood proven and recommended him for major punishment. On the receipt of finding report along-with other relevant documents conducted by District Police Officer Dir Upper, final Show Cause was issued to him on 24/07/2019 through RI/LO Police Lines Timergara. Reply of the final Show Cause Notice received on 25/07/2019. He was called in orderly room on 30/07/2019 for personal hearing and full opportunity was given to him to explain his position, but he failed to produce any cogent reason in his self-defense. Therefore, District Police Officer, Dir Lower in exercise of power vested to him under (E&D) Rules 1975 with amendment 2014, agreed with the finding report of enquiry officer conducted by District Police Officer Dir Upper and awarded him a major punishment of dismissal from service, vide office OB No. 996 dated 30/07/2019.

He was called in Orderly Room on 17/09/2019, heard him in person. The charges of demanding illegal gratification in an alleged suicide case through subordinates has been proved and recorded in conversation on mobile, as well. Hence his appeal is filed.

Order announced.

OB/EC:

(MUHAMMAD NAZ KHAN), PSP
Regional Police Officer,
Malakand Region, Saidu Sharif Swat
Naqi

OBNO 1244
26.09.2019

No. 10321 /E,
Dated 24/09/2019.

District Police Officer,
Dir Lower at Timergara
2019

Copy of above for information and necessary action to District Police Officer, Dir Lower with reference to his office Memo: No. 18540/EC, dated 20/08/2019. (Compete Enquiry File combined alongwith USB Flash Drive) of Ex-Inspector Muhammad Ibrahim No. 550/M is returned herewith for record in your office.

25

Annexure 'N'

ضلع دیر لوئیر

تھانہ بلا مٹ

نقلہ 21 روزنامہ 29/05/019

مد 21 رپورٹ بمنزلہ اندراج روزنامہ SHO مورخہ 29-05-019 وقت 15:20 بجے اسوقت ایک تحریری رپورٹ بمنزلہ اندراج روزنامہ منجانب محمد انور ASI بدست کنسٹبل نور علی شاہ 956 موصول ہو کر ذیل ہے۔ تاریخ وقت وقوعہ مورخہ 29-05-019 وقت 11:30 بجے تاریخ وقت رپورٹ 29-05-019 وقت 14:45 بجے وقوعہ خانہ متونی کمرہ رہائشی ملک خلیق زادہ واقع گل ڈھیری بفاصلہ 1 کلومیٹر جانب غرب شمال از تھانہ نام وپتہ شنغیت محمد نواد خان ولد ملک خلیق زادہ ساکن گل ڈھیری بلا مٹ دیر لوئیر۔ شناختی کارڈ نمبر 1530281819579 موبائل نمبر 03459522585 بخدمت افسرانچارج تھانہ بلا مٹ امر و تھانہ میں موجود تھا کہ اطلاع ملی کہ دیہہ گل ڈھیری میں قتل ہو کر مقتول کا نعش DHQ ہسپتال تیسر گره لایا گیا ہے۔ تصدیق و قانونی کارروائی کی خاطر ہسپتال تیسر گره ایمر جنسی وارڈ آکر بیڈ پر نعش متونی خلیق زادہ ولد حاجی گل محمد ساکن گل ڈھیری بمر 54/55 سال پڑا ہوا پاپا کر نعش کیساتھ پس اش محمد نواد خان موجودیوں رپورٹ کرتا ہے کہ میرے چار ماہیں ہے۔ جو کہ ایک گھر میں رہائش پذیر ہے امر و صبح قریب 09:00 بجے والد آم خلیق زادہ اور ماؤں کی آپس میں گھریلو معلومات پر ٹکرا ہوئی تھی اور میری بیوی ہسپتال تیسر گره میں زیر علاج داخل ہسپتال تھی میں بیوی آم کی بیمار پرسی کیلئے ہسپتال تیسر گره آکر تو بوقت 11:40 بجے والدہ آم نے مجھے بزریہ فون اطلاع دی کہ والد خلیق زادہ نے اپنے آپ پر اسلحہ اتشین سے فائر کر کے خود کشی کی ہے اپ گھر جلدی آجائے۔ اس اطلاع پر میں فوراً گھر خود جا کر واقعی والد آم نے اپنے آپ پر اسلحہ اتشین سے فائر کر کے کمرہ رہائشی کی قالین پر پڑا تھا۔ وقوعہ ہذا گھر خود میں ماؤں کا چشم دید ہے۔ وقوعہ میں کسی اور کارارادہ اور تصور شامل نہ ہے بلکہ والد ام نے خود خود کشی کی ہے۔ میں کسی کیخلاف رپورٹ یا دعویٰ اداری نہیں کرتا ہوں غور ہوئیں۔ العبد۔ دستخط انگریزی۔ میں چچا زاد محمد نواد خان کی رپورٹ بالا کی تائید کرتا ہوں العبد۔ دستخط انگریزی۔ کارروائی پولیس حسب گفتہ سائیل رپورٹ درج کر کے پڑھ کر سنایا گیا درست تسلیم کر کے زیر رپورٹ خود دستخط ثبت کی۔ جبکہ چچا زاد محمد ضیاء الحق نے رپورٹ کی تائیدی دستخط ثبت کی۔ جسکی میں تصدیق کرتا ہوں۔ اور متونی کا فرد صورت حال و نقشہ ضرر بمطابق زخمت مرتب کر کے حوالہ آن ڈیوٹی ڈاکٹر رشید کی گئی۔ سریدست رپورٹ مبہم ہے اصل حقائق معلوم کرنے کی خاطر دریافت 174 ضف شروع کیجاتی ہے تاکہ اصل حقائق منظر عام پر آجائے۔ رپورٹ فرد صورت حال موصول ہونے پر مزید کارروائی کیجاگی۔ رپورٹ بمنزلہ اندراج روزنامہ مرتب ہو کر بدست کنسٹبل نور علی شاہ 956 ارسال تھانہ ہے۔ رپورٹ بمنزلہ اندراج روزنامہ مرتب ہو کر گزارش ہے دستخط انگریزی محمد انور خان ASI مورخہ 29-05-019 پس امدہ رپورٹ اندراج روزنامہ کر کے اصل رپورٹ روزنامہ کیساتھ اور نقل نقل روزنامہ کیساتھ لف کیا گیا۔

جناب عالی!

نقل بمطابق اصل ہے۔



The Khyber Pakhtunkhwa Police Rules, 1975

(With Amendments-2014)

Contents

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Khyber Pakhtunkhwa Police Rules, 1975

In exercise of the powers conferred under section 7 of Police Act 1861, the Government of Khyber Pakhtunkhwa, is pleased to make the following Rules, namely:-

1. Short title, commencement and application:-

- (i) These rules may be called the Police Rules, 1975;
- (ii) They shall come into force at once and shall apply to all Police Officers of and below the rank of Deputy Superintendent of Police.

2. Definitions:-

In these rules, unless the context otherwise requires:-

- (i) 'Accused' means a Police Officer against whom action is taken under these rules;
- (ii) 'Authority' means authority competent to award punishment as per Schedule
- (iii) 'Misconduct' means conduct prejudicial to good order of discipline in the Police Force, or contrary to Government Servants (Conduct) Rules or unbecoming of a Police Officer and a gentleman, any commission or omission which violates any of the provisions of law and rules regulating the function and duty of Police Officer to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Government or any

Government Officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of a Police Officer.

- (iv) 'Punishment' means a punishment which may be imposed under these rules by authority as indicated in Schedule I.

3. **Grounds of punishment.-**

Where a Police Officer, in the opinion of the authority-

- a) Is inefficient or has ceased to be efficient; or
- b) Is guilty of misconduct; or
- c) Is corrupt or may reasonably be considered corrupt because-
- (i) He is or any of his dependents or any other person through him or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources of property disproportionate to his known sources of income; or
- (ii) He has assumed a style of living beyond his ostensible means; or
- (iii) He has a persistent reputation of being corrupt; or
- (d) Is engaged Or is reasonably suspected of being engaged in subversive activities, or is reasonably suspected of being associated with others engaged in subversive activities or is guilty of disclosure of official secrets to any unauthorized person, and his retention in service is, therefore, prejudicial to national security, the authority may impose on him one or more punishments.

4. **Punishments.-**

1. The following are the minor and major punishments, namely:---

(a) **Minor punishments-**

- (i) Confinement of Constables and Head Constables for 15 days to Quarter Guards;
- (ii) Censure;
- (iii) Forfeiture of approved service up to 2 years;
- (iv) With holding of promotion up to one year;
- (v) Stoppage of increment for a period not exceeding 3 years with or without cumulative effect;

❖

- (iv) Fine up to Rs15000/- as per schedule-I.

(b) **Major punishments-**

- (i) Reduction in rank/pay;
- (ii) Compulsory retirement;
- (iii) Removal from service; and
- (iv) Dismissal from service.

2. (a) Removal from service does not but dismissal from service does, disqualify for future employment.

(b) Reversion from an officiating rank is not a punishment.

3. In this rule, removal or dismissal from service does not include the discharge of a person.
 - (a) Appointed on probation, during the period of probation, or in accordance with the probation or training rules applicable to him; or
 - (b) Appointed, otherwise than under a contract, to hold a temporary appointment on the expiration of the period of appointment; or
 - (c) Engaged under a contract, in accordance with the terms of the contract.

4-A.

In case a Police Officer is accused of subversion, corruption or misconduct the Competent Authority may require him to proceed on leave or suspend him.

5. Punishment proceedings.-

The punishment proceedings will be of two kinds. i.e. (a) Summary Police Proceedings and

(b) General Police Proceedings and the following procedure shall be observed when a Police Officer is proceeded against under these rules:---

- (1) When information of misconduct or any act of omission or commission on the part of a Police Officer liable for punishment provided in these rules is received by the authority, the authority, shall examine the information and may conduct or cause to be conducted quick brief inquiry if necessary, for proper evaluation of the information and shall decide whether the misconduct or the act of omission or commission referred to above should be dealt with in a Police Summary Proceedings in the Orderly Room or General Police Proceedings.
- (2) In case the authority decides that the misconduct is to be dealt with in Police Summary Proceedings, he shall proceed as under-
 - (i) The accused officer liable to be dealt with in the Police Summary Proceedings shall be brought before the authority in an Orderly room.
 - (ii) He shall be apprised by the authority orally the nature of the alleged misconduct, etc. The substance of his explanation for the same shall be recorded and if the same is found unsatisfactory, he will be awarded one of the minor punishments mentioned in these rules.
 - (iii) The authority conducting the Police Summary Proceedings may, if deemed necessary, adjourn them for a maximum period of 7 days to procure additional information.
- (3) If the authority decides that the misconduct or act of omission or commission referred to above should be dealt with in General Police Proceedings he shall proceed as under-
 - a) The authority shall determine if in the light of facts of the case or in the interests of justice, a departmental inquiry, through an Inquiry Officer if necessary. If he decides that is not necessary; he shall-
 - b) By order in writing inform the accused of the action proposed to be taken in regard to him and the grounds of the action: and

- c) Give him a reasonable opportunity of showing cause against that action: Provided that no such opportunity shall be given where the authority is satisfied that in the interest of security of Pakistan or any part thereof it is not expedient to give such opportunity.
- (4) If the authority decides that it is necessary to have departmental inquiry conducted, through an Inquiry Officer, he shall appoint for this purpose an Inquiry Officer, who is senior in rank to the accused.
- (5) On receipt of the findings of the Inquiry Officer or where no such officer is appointed, on receipt of the explanation of the accused, if any, the authority shall determine whether the charge has been proved or not. In case the charge is proved the authority shall award one or more of major or minor punishments as deemed necessary.

6. **Procedure of Departmental Inquiry:-**

- i. Where an Inquiry Officer is appointed the authority shall-
 - a. Frame a charge and communicate it to the accused together with statement of the allegations explaining the charge and of any other relevant circumstances which are proposed to be taken into consideration;
 - b. Require the accused within 7 days from the day the charge has been communicated to him to put in a written defence and to state at the same time whether he desires to be heard in person;
- ii. The Inquiry Officer shall inquire into the charge and may examine such oral or documentary evidence in support of the charge or in defence of the accused as may be considered necessary and the witnesses against him.
- iii. The Inquiry Officer shall hear the case from day to day and no adjournment shall be given except for reasons to be recorded in writing and where any adjournment is given,
 - a. It shall not be more than a week; and
 - b. The reasons therefore shall be reported forthwith to the authority.
- iv. Where the Inquiry Officer is satisfied that the accused is hampering, or attempting to hamper the progress of the inquiry he shall administer a warning and if thereafter he is satisfied that the accused is acting in disregard of the warning, he shall record a finding to that effect and proceed to complete the departmental inquiry ex parte.
- v. The Inquiry Officer shall within 10 days of the conclusion of the proceedings or such longer period as may be allowed by the authority, submit his findings and grounds thereof to the authority.

7. **Powers of Inquiry Officer:-**

- 1) For the purpose of departmental inquiry under these rules, the Inquiry Officer shall have the powers of a Civil Court trying a suit under Code of Civil Procedure, 1908 (Act V of 1908) in respect of the following matters, namely:---
 - (a) Summoning and enforcing the attendance of any person and examining him on oath;
 - (b) Requiring the discovery and production of documents;
 - (c) Receiving evidence on affidavits;
 - (d) Issuing commission for the examination of witnesses or documents.
- 2) The proceedings under these rules shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1860).

8. **Rules 5 and 6 not to apply in certain cases.-**

Nothing in rules 5 and 6 shall apply in a case-

- (a) where the accused is dismissed or removed from service or reduced in rank, on the ground of conduct which has led to a sentence of imprisonment; or
- (b) where the authority competent to dismiss or remove a person from service, or to reduce a person in rank, is satisfied that for reasons to be recorded in writing by that authority, it is not reasonably practicable to give the accused an opportunity of showing cause.

9. **Procedure of inquiry against officers lent to other Government or Authority.-**

- i. Where the services of Police Officer to whom these rules apply are lent to any other Government or to a local or other authority, in this rule referred to as the borrowing authority, the borrowing authority shall have the powers of the authority for the purpose of placing him under suspension or requiring him to proceed on leave and of initiating proceedings against him under these rules.
- ii. Provided that the borrowing authority shall forthwith inform the authority which has lent his services, hereinafter in this rule referred to as the lending authority, of the circumstances leading to the order of his suspension or the commencement of the proceedings, as the case may be.
- iii. If in the light of the findings in the proceedings taken against the Police Officer in terms of sub-rule (1) the borrowing authority is of opinion that any punishment should be imposed on him, it shall transmit to the lending authority the record of the proceedings and thereupon the lending authority shall take action as prescribed in these rules.

10. No party to any proceedings under the rules before the authority or Inquiry Officer shall be represented by an Advocate.

11. Appeal.

For rule 11, the following shall be substituted, namely:

❖ "11: Appeal.---(1) An accused, who has been awarded any penalty under these rules except the penalty of confinement of constable and head constable for fifteen days to quarter guards, may, within thirty days from the date of communication of the order, prefer an appeal to the Appellate Authority as provided in sub-rule (2).

(2) The appeal, against the orders of the officer, specified in Schedule-I, who passes it shall lie to the Appellate Authority as may be specified in the table below:

S.No	Punishing Authorities	Appellate/Reviewing Authorities
1.	Provincial Police Officer	Provincial Police Officer (Review)
2.	Regional Police Officer/ Deputy Inspector General of Police/ Capital City Police Officer/ Additional Inspector General of Police.	Provincial Police Officer.
3.	District Police Officer/ Senior Superintendent of Police/ Superintendent of Police.	Regional Police Officer/Deputy Inspector General of Police/ Capital City Police Officer/ Additional Inspector General of Police.
4.	Assistant Superintendent of Police/ Deputy Superintendent of Police.	District Police Officer/ Senior Superintendent of Police/ Senior Superintendent of Police Operations.

Provided that where the order has been passed by the Provincial Police Officer, the delinquent officer/official, may within a period of thirty days submit review Petition directly to the Provincial Police Officer.

(3) There shall be only one appeal from the original order and the order of the Appellate Authority, in appeal, shall be final.

(4) The Appellate Authority or Review Authority, as the case may be, may call for the record of the case and comments on the points raised in the appeal or review, as the case may be, from the concerned officer, and on consideration of the appeal or the review petition, as the case may be, by an order in writing-

- (a) uphold the order of penalty and reject the appeal or review petition; or
- (b) set aside the orders and exonerate the accused; or

❖ Amended vide Notification No: 3859/Legal, dated 27/08/2014 issued by IGP, KPK

- (c) modify the orders and reduce or enhance the penalty; or
- (d) set aside the order of penalty and remand the case to the authority, where it is satisfied that the proceedings by the authority or the inquiry officer or inquiry committee, as the case may be, have not been conducted in accordance with the provisions of these rules, or the facts and merits of the case have been ignored, with the directions to either hold a de novo inquiry or to rectify the procedural lapses or irregularities in the proceedings:

Provided that where the Appellate Authority or Review Authority, as the case may be, proposes to enhance the penalty, it shall by an order in writing-

- (a) inform the accused of the action proposed to be taken against him and the grounds of such action; and
- (b) give him a reasonable opportunity to show cause against the action and afford him an opportunity of personal hearing.

(5) An appeal or review preferred under this rule, shall be made in the form of a petition, in writing, and shall set forth concisely the grounds of objection to the impugned order in a proper and temperate language.

12. After rule 11, the following new rule shall be inserted, namely:

❖ **"11-A Revision"**..... (1) The Inspector General, Additional Inspector General, a Deputy Inspector General of Police or a Senior Superintendant of Police may call for the records of awards made by their subordinates and confirm, enhance, modify or annul the same, or make further investigation or direct such to be made before passing orders.

(2) If an award of dismissal is annulled, the officer annulling it shall state whether it is to be regarded as suspension followed by re-instatement, or not. The order should also state whether service prior to dismissal should count for pension or not.

(3) In all cases in which officers propose to enhance an award the officer shall, before passing final orders, give the defaulter concerned an opportunity of showing cause, either personally or in writing, why his punishment should not be enhanced.

(4) The revision petition shall lie or taken cognizance by the authorities under sub rule-(1) within thirty days of the order passed on original appeal.

Provided that the Provincial Police Officer, while acting as revisional authority, in certain cases, may constitute a Revision Board for the speedy disposal of revision petitions, before passing any orders." And

13.

No order passed under these rules shall be subject to review by any Court/Tribunal.

14. Repeal.

Any Disciplinary Rules applicable to Police Officers to whom these rules apply are hereby repealed but the repeal thereof shall not affect any action taken or anything done or suffered there under.

NASIR KHAN DURRANI (PSP)
Inspector General of Police,
Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

❖ SCHEDULE-I

POWER OF PUNISHMENT TABLE

S #	DEPARTMENTAL PUNISHMENTS	AUTHORITIES COMPETENT TO AWARD PUNISHMENT TO:					
		Deputy Superintendent of Police/Deputy Superintendent of Police (Legal)	Inspector/Inspector(Legal)	Sub Inspector/ Sub Inspector Legal	Assistant Sub Inspector	Head Constable	Constable
1.	A-Major Punishments: (i) Dismissal, removal from service, compulsory retirement.	Provincial Police Officer	DPO/SSP	DPO/SSP	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP
	(ii) Reduction from substantive rank to lower rank or from higher stage to lower stage in the same time scale of pay.	Provincial Police Officer	DPO/SSP	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP
2.	B-Minor Punishments: Withholding of promotion for one year or less.	PPO/Addl: IGP/CCPO/RPO/DIG	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP
3.	(i) Fine up to rupees Fifteen thousand (15000/-)	Provincial Police Officer	---	---	---	---	---
	(ii) Fine up to rupees Ten thousand (10000/-)	Addl: IGP/CCPO	---	---	---	---	---
	(iii) Fine up to rupees Ten thousand (10000/-)	RPO/DIG	---	---	---	---	---
	(iv) Fine up to rupees Five thousand (5000/-)	---	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP
	(v) Fine up to rupees one thousand (1000/-)	---	---	---	ASP/DSP	ASP/DSP	ASP/DSP
4.	Stoppage of increments for a period not exceeding three (3) years with or without cumulative effect.	PPO/Addl: IGP/CCPO/RPO/DIG	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP
5.	Censure	PPO/Addl: IGP/CCPO/RPO/DIG	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP
6.	Forfeiture of approved service up to two (2) years	PPO/Addl: IGP/CCPO/RPO/DIG	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP
7.	Confinement to quarters guard up to fifteen (15) days of Constables and Head constables.	---	---	---	---	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP

NASIR KHAN DURRANI (PSP)
Inspector General of Police,
Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT, SWAT.**

Service Appeal No.4522/2021

Date of Institution ... 26.03.2021

Date of Decision ... 05.07.2022

Ibrahim Khan son of Asfandyar Khan Resident of Bajawo, Talash, Tehsil
Timergara, District Lower.

... (Appellant)

VERSUS

Provincial Police Officer/Inspector General of Police, Khyber
Pakhtunkhwa Peshawar and two others.

... (Respondents)

Muhammad Javid Khan,
Advocate

... For appellant.

Noor Zaman Khattak,
District Attorney

... For respondents.

Rozina Rehman
Fareeha Paul

... Member (J)
... Member (E)


JUDGMENT

ROZINA REHMAN, MEMBER (J): The appellant has invoked the
jurisdiction of this Tribunal through above titled appeal with the prayer
as copied below:

**"On acceptance of this service appeal the impugned
orders dated 25.02.2021 and 20.04.2020 passed by
respondent No.1 may kindly be rectified/modified to the
extent that three stopped increments may be restored
alongwith the salaries of the intervening period (09 months)
to the appellant with all other service benefits".**

Recommendations

Name and parentage	Charge proved	Punishment recommended
Muhammad Ali Khan	Extension of unauthorized communication facility to internees with their relatives & introduction of prohibited items inside I.C.F.	Removal from service.
Muhammad Ali Khan	Extension of unauthorized communication facility to internees with their relatives & introduction of prohibited items inside I.C.F.	Removal from service.
Muhammad Ali Khan	Extension of unauthorized communication facility to internees with their relatives & introduction of prohibited items inside I.C.F.	Removal from service.
Muhammad Ali Khan	Extension of unauthorized communication facility to internees with their relatives & introduction of prohibited items inside I.C.F.	Removal from service.
Muhammad Ali Khan	Charge not proved	Exoneration.


Muhammad Ali Khan
(Inquiry officer)
SUPERINTENDENT
DISTRICT JAIL TEMARGARA

2. Brief facts of the case are that appellant was appointed as Constable on 30.06.1989. During service, when appellant was posted at P.S Balambat District Dir Lower, one Muhammad Fawad lodged a report in respect of death of his father, who insisted that his father had committed suicide while according to the investigation, his death was the result of homicide and not suicide. In retaliation, complainant Muhammad Fawad lodged a false complaint against appellant and others. As a result, an inquiry was initiated and it was on 30.07.2019 when appellant was dismissed from service. He filed departmental appeal which was also dismissed. He then filed a review petition which was partially accepted. He was reinserted in service but the period during which appellant remained out of service was treated as leave without pay with stoppage of three annual increments with cumulative effect vide order dated 20.04.2020. He filed a review petition which was not accepted, hence, the present service appeal.

3. We have heard Muhammad Javid Khan, Advocate learned counsel for the appellant and Noor Zaman Khan Khattak, learned District Attorney for respondents and have gone through the record and the proceedings of the case in minute particulars.

4. Muhammad Javid Khan Advocate, learned counsel for the appellant argued inter alia that the appellant was not treated in accordance with law and rules regulating the services of the appellant. It was submitted that according to the judgment of the superior courts the deciding factor in cases of intervening period and other service benefits is to see whether the appellant has joined other jobs during the said period. In the instant case, it was argued that the important factor

Statement of Warden Abdur Razzaq Lone muharrer I.C.Fizagat

In response to a query No:1 he stated that in the capacity of muharrer he is attached to I.C.Fizagat for the last months. He deposed that the mobile/sim/batteries were recovered from inside the interment center during joint search launched by military and jail staff on 26-3-2017. He stated that in the course of interrogation the concerned internees divulged that those prohibited articles including sim, cash etc by the warden Karimullah, Iftihar, Nasirullah, and Warden Afzal who were employed on duty inside I.C.Fizagat sector number 1 during the month of 2016.

In response to a query No:1 he held that on weekly role calls, the entire warden staff are aware in strictness concerning prohibition of unauthorized articles including mobile phone etc inside the interment center. He further added that authorized facilities of all kind are provided to the internees and non is allowed to introduce un authorized articles.

In response to a query No:2 he affirmed that the search duty on entry point of I.C.Fizagat is conducted by an Army Hawaldar/armed personnel and such responsibility is not to be taken over by any prison staff. His statement and answered questionnaire are collectively attached at page H & H-1.

During the month of march 2017, all the accused warders were assigned guarding duties inside I.C.Fizagat.

The facilities of contacts of internees with their relatives is not specific to a particular warder, rather it extends/relates to the whole month i.e from 1-01-2016 to 26-3-2016.

All the accused warders (excepting warden Daryar Khan) are of confessional nature and they plead guilty to the extent of their involvement concerning introduction of unauthorized items and cash amount to the internees of the I.C.Fizagat and illegal contacts with the relatives of the internees. Evidently, the provision of cash etc despite being declared as forbidden was aimed/meant for the attainment of known ulterior motives, for example gains in return for facilitating internees with mobile phone contacts and sim/batteries.

Such involvement in the unauthorized activities, specifically while employed on very important duties on diehards/terrorists confined in the interment center require strict disciplinary action against them.

The concerned warders are unfit for prison services.

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has not been considered and that the orders were passed in violation of Articles-4, 9, 10(a), 25, 27 and 38(e) of the Constitution of Islamic Republic of Pakistan, 1973. He submitted that the investigating officer Muhammad Anwar ASI was reinstated in service by the appellate authority, whereas, ^A ~~the allegation against the appellant were~~ ^E ~~of lower pedestal than the Inquiry Officer. It was further submitted~~ that the complaint by one Muhammad Fawad was filed just to pressurize the Police to convert the homicide of his father into suicide which is very much ^{evident} from the record in shape of medical report wherein, the entrance wound was on left side of the deceased, whereas, the ^{exit wound} exact wound was on right side. He, therefore, requested for acceptance of the instant service appeal.

5. Conversely, learned District Attorney submitted that appellant was found guilty of misconduct by making demand of illegal gratification through his subordinate in the suicide case of ^{Malik} ~~Malik~~ ^{Khaliq} Khalid. That the act had been proved through audio clip and bank cheque which were taken into custody ^{in a detailed enquiry} carried out of by DPO Dir Upper. Lastly, it was submitted that the appellant was punished after fulfillment of all codal formalities and that upon the report of complainant Muhammad Fawad, an inquiry was initiated to unearth the hidden facts. The medical report received and statement of legal heirs were recorded wherein, they all declared the occurrence as suicide and not homicide.

6. From the record it is evident that one Muhammad Fawad son of Khaliq Zada resident of Balambat Timergara District Dir Lower reported the matter that SHO ^{had an} demanded illegal gratification of Rs.10 lacs from him and that his father died as he committed suicide,

Examination of internees

After recovery of mobile phone sets/batteries etc from the internees of I.C. Fizagat by the military and jail authorities, they were properly interrogated by concerned military authorities. During the course of interrogation internees Sharafat ali s/o M.Amin, Said ul Haq, Yaqin, and Rehman Khan confessed that the mobile phone sets would be supplied to them by 745 suspect accused jail warders. They further disclosed that the duty warders of the center had rupees 500 for recharging phone set batteries and would also make contacts with relatives. The concerned internees could not be examined by the undersigned for reasons of completion of interrogation by military authorities they were shifted to some unknown place of confinement. Likewise statement of military personnel was also not recorded for the same reasons always/as usual decline to do so. Moreover they had conducted detailed inquiry at their own level.

In view of the above situation, a secrete copy of investigation report by H.Q 77 Bde Peshawar, (unavoidably) enclosed here with as **Annex-F**. The said copy of investigation report may be treated as TOP SECRET and also as integral part of my this inquiry report. In said inquiry report, it has been admittedly stated that due to certain loopholes, in the cell block, various anomalies occurred. As a result of the foregoing the jail warders of the center, Muhammad, Iftikhar, Nasirullah, and Warden Afzal Sher took advantage of the same and decided to introduce mobile phone sets inside the I.C. Fizagat and made illegal contacts with their relatives.

Major Daryar Shamim Khan senior Asstt Supdt Jail incharge I.C. Fizagat Swat.

In view of his statement, copy **Annex-G**, during the course of joint search launched by military and jail authorities on 26-03-2017, prohibited articles (mobile phone sets) were recovered from the position of internees of I.C. Fizagat. Upon interrogation the internees divulged that such prohibited articles would be provided to them by warden of the center, Nasirullah, Afzal Sher and Warden Daryar Khan. He added that on the entry of internees in military personnel exclusively conduct searches of all concerned duty staff. The search is done with the help of metal detector as well as manually and no one is allowed to carry prohibited articles inside the interment center. Save the case when an official of the center conceal prohibited articles concealed with untouchable parts of the body.

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whereas, the appellant was not ready to accept the same as suicide. After the receipt of complaint, the appellant was issued charge sheet alongwith statement of allegation and Mian Nasib Jan, DPO Dir Upper was appointed as Inquiry Officer on the direction of Regional Police Officer, Malakand, Swat to conduct proper inquiry. He during the course of inquiry recorded statements of all concerned and submitted his report wherein, he recommended the appellant for major punishment. On the receipt of inquiry report, final show cause notice was issued, reply was submitted and appellant was called in Orderly Room for personal hearing. The appellant was then awarded major punishment of dismissal from service vide order dated 30.07.2019 of District Police Officer, Dir Lower. His departmental appeal was rejected by the RPO, however, his appeal before the Inspector General of Police was entertained and keeping in view ~~long~~ service of thirty years of appellant, lenient view was taken and he was reinstated in service with immediate effect. Period he remained out of service was treated as leave without and his major punishment was converted into minor punishment of stoppage of three increments with cumulative effect vide order dated 20.04.2020 of AIG Khyber Pakhtunkhwa. Again, he filed a mercy petition which was rejected vide order dated 25.02.2021.

7. From the above discussion, it is very much evident that there was no sufficient evidence against the appellant in respect of demanding illegal gratification of Rs.1 million, therefore, his major punishment was converted into minor punishment. Right from the charge sheet up to the inquiry report it is crystal clear that there is no

While responding to question number 6 he confirmed that internee Sharafat Ali himself had provided that warder Kareemullah s/o Sherin would provide mobile phone, sim card, battery to the internees.

Named warder Daryar Khan

When answered questionnaire, which is annex-11, while responding to question number 6 he declared provision of mobile phone set, sim card, etc to the internees, he added that there is no evidence against him regarding provision of any kind of article or cash to the internees of I.C.F. While responding to question number 6 he held that those warders who have introduced prohibited articles inside the I.C.F. have given their confessional statements. Viewing his innocence he requested for exoneration.

Internment Center Fizagat

About 750 internees (mostly declared as black) were confined in different cells of various sizes. The cells were meant for the confinement of 04 to 12 or more internees, where as their washrooms are in some distance in the same sector. Cooked food supplied by concerned jail authority would be served out to them after proper examination and check by the jail and ward authorities. At the time of need the concerned duty warder is authorized to unlock only 2 doors to take them to the washrooms and after needful lock them back into their respective cells. It can be pointed out that CCTV cameras are installed in almost all of their cells except in washrooms and a cell.

The internal watch and ward arrangements are purely related to the prison staff where as security of the middle fence is the responsibility of police and outermost security by military personnel. It is worth mentioning that there is only one entry point/Room to the I.C.Fizagat where on non responsible military personnel are deployed on duty just like our gatekeepers in other jails etc of the province. Such military duty officer carryout searches of all watch staff and other concerned staff and internees at the time of entry into the internment center and record names of visitors/duty staff in a register of their own. Searches are carried out with the help of metal detector as well manually in conventional manner. The responsibilities on security account rest with the concerned military personnel on the entry point of the center.

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cogent evidence against the appellant. Neither any cheque was brought before this Bench during arguments nor the same cheque was annexed with the comments. During arguments, a cheque for Rs.3 lacs issued on 15.06.2019 was referred to but it was admitted by the learned AAG that the said cheque was pertaining to the account of one Shah Ghafoor and that the said cheque was never produced for encashment. ~~All this discussion is heresy because neither cheque~~ *never* ~~nor~~ Shah Ghafoor was ~~ever~~ examined and produced before this Bench. Audio clip relating to the discussion of the appellant in respect of demand of illegal gratification is also not available and the appellant was also not confronted with the said audio clip. *during enquiry.* No opportunity of cross-examination was ever afforded to the appellant. The respondents have very candidly violated the set norms and rules and conducted the proceedings in an authoritarian manner.

8. We are unison on acceptance of this appeal in the light of our observation in the preceding paras which immediately call for the acceptance of the instant service appeal as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
05.07.2022

(Fareeha Paul)
Member (E)
Camp Court, Swat

(Rozina Rehman)
Member (J)
Camp Court, Swat

... confessed the commission of their involvement in certain illegal activities which
discussed separately in respect of each accused official as under:

Accused warder Kareem Ullah

In response to query number five he denied introduction of mobile phone set/ battery or
in the I.C.Fizagat, however added that an amount of rupees 13000 were un authorisedly
provided by him to an internee in the I.C.F and begged pardon for the same. Cross questions to
which he replied is attached as annex-A1.

Accused warder Hfikhar Ahmed

In an answered questionnaire, which is **annex-B1**, while responding to question number 6
he confessed that introduction of cash and other prohibited articles are strictly forbidden and the
officers had issued them strict instruction / preventive orders in that regard to them in the roll
call. He added that despite all he delivered an amount of rupees 2000 on first occasion and
rupees 1500 plus stuff on another occasion for no return. While responding to question number
seven he confessed that permissible facilities of all kinds are provided to the internees by the
authorities of government center. He failed to justify the need and importance of cash amount
for the internees.

Accused warder Aizal Sher

In an answered questionnaire, which is **annex-C1**, while responding to question number
five he held that he had not introduced any mobile, sim card, etc into the I.C.F. except rupees
2000 which he had received from relatives of an internee so as to arrange Holy Quran for him.
In response to question number six he admitted that introduction of all kinds of articles/ cash etc
is strictly forbidden and instructions in that regard have been given to them in roll call.

Accused warder Nasirullah

In an answered questionnaire, which is **annex-D1**, while responding to question number
five he denied provision of mobile phone set, sim card, etc to the internees, however, admitted that
he had made contacts with relatives of internees and provision of rupees 2000 to them.

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