

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

Service Appeal No.5689/2020

Date of Institution ... 23.04.2020
Date of Decision ... 19.09.2022

Muhammad Nazir, ASI No. 313/H, Police Lines, District
Mansehra.

... (Appellant)

VERSUS

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

... (Respondents)

Muhammad Aslam Tanoli,
Advocate

... For appellant.

Muhammad Jan,
District Attorney

... For respondents.

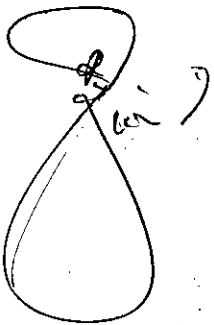
Rozina Rehman
Fareeha Paul

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

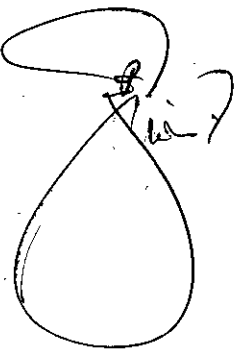
JUDGMENT

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 instant service appeal both the
impugned orders dated 23.01.2020 and 17.03.2020 of
the respondents may graciously be set aside and
three increments and forfeited two years approved
service be restored with all consequential service
back benefits.”**



2. Brief facts of the case are that the appellant was posted as Assistant Sub Inspector (Investigation) Police Station, Saddar, Mansehra vide order dated 19.09.2018. One Muhammad Jan, registered a case vide FIR No.25 dated 21.01.2019 U/S 382/452 PPC at Police Station Saddar, Mansehra and charged 16/17 persons as accused against an occurrence allegedly took place on 02.08.2015. Investigation of the case was entrusted to the appellant who took immediate steps for apprehending the accused but they sought BBA from the competent Court which was confirmed later on. During investigation, appellant was transferred on 25.09.2019 and investigation was handed over to his successor. The allegation against the appellant was that he did not declare the nominated accused as innocent when the FIR was bogus and that he could not recover the theft/stolen property. He was served with a charge sheet which was duly replied where-after, final show cause notice was issued which was also replied and major punishment of dismissal was awarded to the appellant. He filed departmental appeal which was partially accepted and penalty of dismissal from service was converted into stoppage of three years increment with cumulative effect and forfeiture of two years approved service, hence, the instant service appeal.



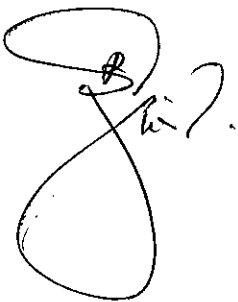
3. We have heard Muhammad Aslam Tanoli learned counsel for appellant and Muhammad Jan, District Attorney for the respondents and have gone through the record and the proceedings of the case in minute particulars.

4. Muhammad Aslam Tanoli Advocate learned counsel for appellant in support of appeal contended with vehemence that both

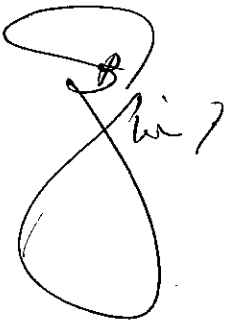
the impugned orders dated 23.01.2020 and 17.03.2020 of the respondents are illegal, against law and facts, hence, liable to be set aside. He contended that no departmental inquiry was conducted and Inquiry Officer acted in a flimsy and whimsical manner who conducted inquiry in utter violation of Article-4 of the Constitution of Islamic Republic of Pakistan, 1973. He contended that inquiry Officer failed to record any statement of any witness in presence of appellant and that no chance of personal hearing was afforded to the appellant. He contended that the appellant was not treated in accordance with law and that no proper inquiry was conducted. He, therefore, requested for acceptance of instant appeal.

5. Conversely, learned District Attorney submitted that a case vide FIR No.25 was registered on the report of one Muhammad Jan regarding theft of property of Rs.19240000/-. Appellant was entrusted the investigation of the case but the contents of FIR disclosed that it was based on malafide. The accused party had property dispute with complainant therefore, the appellant was duty bound to conduct the investigation impartially and professionally to declare the accused innocent if FIR was found bogus but he blindly followed the FIR and declared the accused guilty without any recovery. He contended that the appellant took the investigation casual and completed the same before his transfer. He, therefore, submitted that he was awarded major punishment after taking into consideration facts and circumstances of the case.

6. From the record it is evident that case vide FIR No.25 was registered at Police Station, Saddar Mansehra on 21.01.2019 by one Muhammad Jan S/O Alam Din U/S 382/452 PPC in respect of an



occurrence that allegedly took place on 02.08.2015. The complainant had leveled several general allegations against the accused nominated in the above mentioned FIR for causing him financial loss through trespassing into his house and committing dacoity and also for taking forcible possession of his land and cutting his crops and trees. There is delay of about 3-1/3 years in the registration of FIR. Initially, the complainant had moved an application U/S 22(A) Cr.PC which was turned down where-after the matter in issue was referred to DRC where it was held that the allegations of the complainant were baseless and based on malafide. There is no doubt that the present appellant was investigating the case but some of the accused applied for bail before arrest which was confirmed by a competent court of Law. During investigation of the case, appellant was transferred from PS Saddar to PS Garri. The complete challan submitted before the competent forum is also available on file which is silent that the same was submitted by the appellant. It was the responsibility of the respondents to show that after conducting poor investigation, how complete challan was submitted. The reply submitted by the respondents is not at par with the inquiry report annexed with the comments by the respondents. On one hand, allegations were leveled against the appellant in respect of poor investigation in case FIR No.25. It was stated in Para No.03 of the comments that the contents of FIR were based on malafide and that the appellant was duty bound to conduct the investigation impartially and to declare the accused innocent if FIR was found bogus. But on the other hand the departmental inquiry annexed with the comments as "Annexure-A" shows that the inquiry Officer was of the opinion that the accused official did not conduct the investigation properly and in accordance

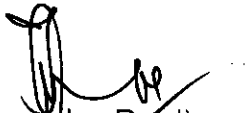


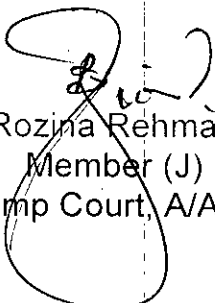
with law and due to his negligence, BBA was confirmed by the competent court of law and he failed to recover the stolen property as well as the Licensed Rifle of the complainant, he was, therefore, recommended for suitable punishment.

7. From the above discussion it is evident that the respondents are confused till today as to what would be the proper investigation in case FIR No.25. The respondents had the opportunity to complete the investigation after transfer of the appellant and then to submit challan in court which was not done. Nothing was brought in black & white in order to show misconduct on the part of appellant.

8. We are unison on acceptance of this appeal as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
19.09.2021



(Fareeha Paul)
Member (E)
Camp Court, A/Abad


(Rozina Rehman)
Member (J)
Camp Court, A/Abad

18th July 2022

Learned counsel present. Mr. Noor Zaman, District
alongwith Mr. Shahzad, SI (Legal) for respondents
present.

Learned counsel for the appellant sought
adjournment to further prepare the case. Adjourned. To
come up for arguments on 19.09.2022 before D.B at
camp court Abbottabad.



(Salah Ud Din)
Member(Judicial)



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

ORDER

19.09.2022

Appellant present through counsel.

Muhammad Jan, District Attorney alongwith Gul Shehzad
S.I (Legal) for respondents present. Arguments heard. Record
perused.

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

ANNOUNCED.

19.09.2022



(Fareeha Paul)
Member (E)
Camp Court, A/Abad




(Rozina Rehman)
Member (J)
Camp Court, A/Abad


16.02.2022 Due to retirement of the Hon'ble Chairman, the Tribunal is defunct, therefore, the case is adjourned for the same on 19.05.2022.


Reader

19.05.2022 Learned counsel for the appellant present. Syed Naseer Ud Din, Assistant Advocate General for respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not prepared the brief. To come up for arguments before D.B on 18.07.2022 at camp court Abbottabad.

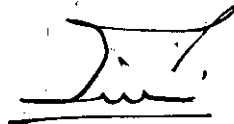

(Fareeha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

20.12.2021

Learned counsel for the appellant present. Mr. Muhammad Zahid, ASI alongwith Mr. Riaz Ahmed 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 learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 16.02.2022 before the D.B at Camp Court Abbottabad.

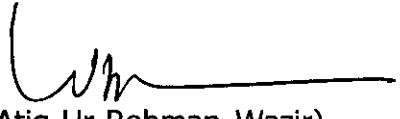


(Salah-Ud-Din)
Member (J)
Camp Court Abbottabad

15.02.2021

Learned counsel for the appellant and Mr. Riaz Khan Paindakhel learned Asst. AG for respondents present.

Written reply/comments not submitted, therefore, notice be issued to respondents for submission of reply/comments on 20.04.2021 before S.B at Camp Court, A/Abad.


(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court, A/Abad

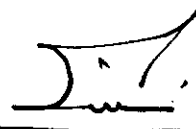
20-4-2021

Due to covid-19, case is adjourned to 21-9-2021 for the same.


Reader

21.09.2021

Mr. Muhammad Aslam Tanoli, Advocate, for the appellant present. Mr. Usman Ghani, District Attorney for the respondents present and requested for adjournment for submission of reply/comments. Request is accorded with the directions to respondents to furnish reply/comments within 10 days. In case the respondents failed to submit reply/comments within stipulated time from today, they shall have to seek extension of time through written application citing sufficient reasons. Otherwise, their right for submission of reply/comments shall stand ceased. To come up for arguments before the D.B on 20.12.2021 at Camp Court Abbottabad.


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

18.11.2020

Mr. Muhammad Aslam Khan Tanoli, Advocate, for appellant is present.

The learned counsel contends that the allegation against the appellant is that he did not declare the accused as innocent when the FIR was found bogus nor he was able to recover the stolen property. It is on record that the FIR was registered by one ASI Hameed and there-after the investigation was entrusted to the appellant, the accused obtained Bail Before Arrest from the competent court of law as a result of which recovery could not be effected from the accused. He was burdened at that very time with so many other cases, he fully interrogated one of the arrested accused but at that very time he was transferred and investigation was delivered to some other police official. The charge communicated by the authority suffers from ambiguity wherein it has been stated that "You Conducted Poor and Flawed Investigation in FIR dated 21.01.2019" it was responded appropriately. He was issued with final show-cause notice with addition in allegations which was also properly replied but without taking into account the explanation which he tendered, he was dismissed from service. The departmental appeal moved to the next higher authority was accepted to the extent of conversion of his penalty of dismissal from service into stoppage of three years increments with cumulative effect and forfeiture of approved service for two years with immediate effect hence, the present service appeal.

The point so agitated at the bar needs consideration. The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 15.02.2021 before S.B at Camp Court, Abbottabad.

APPELLANT'S REQUESTED
Security & Process Fee



(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT ABBOTTABAD

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 5689 /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/06/2020	<p>The appeal of Mr. Muhammad Nazir resubmitted today by Mr. Muhammad Aslam Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>18-11-20</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

To

The Registrar,
Service Tribunal,
Khyber Pakhtunkhwa
PESHAWAR.

Subject:- **REMOVAL OF OBJECTION AND COMPLETION OF FILE.**

Respected Sir,

It is submitted that file titled "Mohammad Nazir **Versus** KPK Provincial Police Officer & Others" was returned to the undersigned for completion and resubmission vide your No.1033/ST dated 23-04-2020 (delivered on 03-06-2020 by post office) with the following objections:-

1. **As in para-1 of appeal copy of charge sheet and its reply are not attached with the appeal which may be attached.**
2. **Copy of inquiry report is not attached with the appeal which may be attached.**
 - a) That so as the objection No.1 is concerned, in this respect it is stated that the second part of Charge Sheet i.e. only Statement of allegations was issued to appellant which he had replied. The same has already been attached to appeal at Page17/F. Copy of reply could not be retained and did not append with the appeal and appellant nowhere in para-6 of the appeal has claimed that copy of reply has been attached.
 - b) That so far non-attachment of **inquiry report** is concerned, in this regard it is pointed out that appellant in **Para-B** of grounds of appeal it has very transparently mentioned that Appellant was also not provided copy of findings. The very fact has been highlighted with yellow colour.

Since the file has been completed with these clarifications and resubmitted. Please acknowledge its receipt.

M. Aslam Tanoli

(MOHAMMAD ASLAM TANOLI)
ADVOCATE HIGH COURT
AT HARIPUR

Dated: 09-06-2020

The appeal of Mohammad Nazir received today i.e. 23.04.2020 by Mr. Mohammad Aslam Tanoli, Advocate is incomplete on the following score which is returned to his counsel for completion and resubmission within 15 days.


- 1- As in Para-6 of appeal copy of charge sheet and its reply are not attached with the appeal which may be attached:
- 2- Copy of inquiry report is not attached with the appeal which may be attached.

No. 1033 /S.T,

Dt. 23-04 /2020

Haripur

Mr. Mohammad Aslam Tanoli Adv, Peshawar.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No.

5889/2020

Mohammad Nazir, ASI No. 313/H, Police Lines District Mansehra

Appellant

VERSUS

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

Respondents

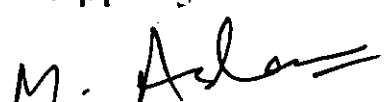
SERVICE APPEAL

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Appellant

Through


(Mohammad Aslam Tanoli)
Advocate High Court
at Haripur

Dated: 23-04-2020

①



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

Service Appeal No. 712/2017

Tariq Aziz, Head Constable, Police Station Hattar, Haripur
(Appellant) Khyber Pakhtunkhwa
Service Tribunal

Diary No. 788

VERSUS

Dated 07-07-2017

1. Provincial Police Officer Khyber Pakhtunkhwa, Peshawar.
 2. Regional Police Officer, Hazara Region, Abbottabad.
 3. District Police Officer, Haripur.
- (Respondents)

**SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE
TRIBUNAL ACT 1974 AGAINST ORDER OB NO. 214 DATED 29-
03-2017 OF THE DISTRICT POLICE OFFICER HARIPUR
WHEREBY APPELLANT HAS BEEN AWARDED WITH MAJOR
PENALTY OF REDUCTON IN RANK FROM ASSISTANT SUB
INSPECTOR TO HEAD CONSTABLE AND ORDER DATED 12-06-
2017 OF THE REGIONAL POLICE OFFICER HAZARA REGION
ABBOTTABAD WHEREBY APPELLANT'S DEPARTMENTAL
APPEAL HAS BEEN REJECTED.**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL
ORDER DATED 29-03-2017 OF THE DISTRICT POLICE OFFICER
HARIPUR AND ORDER DATED 12-06-2017 OF THE REGIONAL
POLICE OFFICER HAZARA REGION ABBOTTABAD MAY
GRACIOUSLY BE SET ASIDE AND APPELLANT BE REINSTATED
IN HIS RANK OF ASSISTANT SUB INSPECTOR WITH ALL
CONSEQUENTIAL SERVICE BACK BENEFITS.**


Respectfully sheweth:

1. That the District Police Officer Haripur through order OB No. 214 dated 29-03-2017 has awarded the appellant with major punishment of reduction in rank from Assistant Sub Inspector to Head Constable. (Copy of order dated 29-03-17 of District Police officer Haripur is attached as annexure "A").

Filed to-day

Registrar

ATTESTED

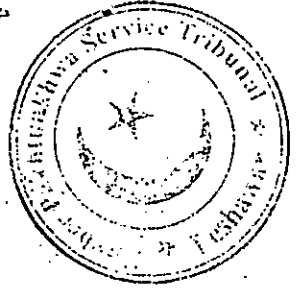

Registrar
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD

Service Appeal No. 712/2017

Date of Institution... 07.07.2017

Date of decision... 17.04.2018



Tariq Aziz Head Constable Police Station, Hattar, Haripur.

(Appellant)

Versus

1. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar and two others.

(Respondents)

Mr. Muhammad Aslam Tanoli,
Advocate

For appellant.

Mr. Usman Ghani,
District Attorney

For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. MUHAMMAD HAMID MUGHAL,

CHAIRMAN
MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: Arguments of the learned counsel for the parties heard and record perused.

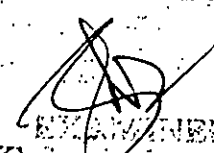
FACTS

2. The appellant was reduced in rank on 29.03.2017 against which he filed departmental appeal on 19.04.2017 which was rejected on 12.06.2017 and thereafter, he filed the present service appeal on 07.07.2017.

ARGUMENTS

3. The learned counsel for the appellant argued that the appellant was given show cause notice and the enquiry was dispensed with. That the charge mentioned in the show cause notice was vague which prejudiced the appellant in defending himself. That in the show cause notice the charge was mentioned that the appellant while posted as Investigation Officer conducted the investigation in a murder case and due to his abortive and underperformance attitude, case was damaged which showed his connivance with miscreants and accused party. That the matter

ATTESTED


 CHAIRMAN
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

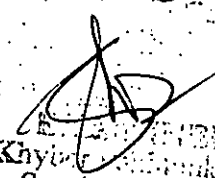
involved factual controversy which could only be proved through evidence. That the enquiry was wrongly dispensed with and that the very order of reduction in rank was silent about the reason that why the penalty was imposed. That the appellant was vigilant and was doing his investigation in the case when he was transferred to the concerned Police Station.

4. On the other hand the learned District Attorney argued that the Authority had sufficient material for dispensing with the enquiry. That the enquiry was rightly dispensed with. That the appellant was negligent in investigating the concerned case. That the Authority had rightly delineated the detail of the case and the attitude of the appellant in the criminal case. That the recovery of the dead body by subsequent investigation team itself was the proof that the appellant did not investigate the case properly.

CONCLUSION.

5. If we go through the show cause notice the charge leveled against the appellant was that due to his abortive and underperformance attitude, the case was damaged which showed his connivance with miscreants and accused party. But there is no detail in the charge that what illegality/irregularity was committed by the appellant as Investigating Officer which resulted in the damage of the case. Admittedly the motorcycle of the deceased was recovered by the appellant. The learned District Attorney argued that non-recovery of the dead body by the appellant was the proof of the fact that the appellant did not perform his duty properly as Investigation Officer. It is beyond understanding that when the FIR was lodged against unknown party then how could the Investigation Officer reach the accused abruptly and how could he recover the dead body. In order to implicate the Investigation Officer (appellant) it was incumbent upon the Authority to have shown in the show cause notice that what material was available with the Investigation Officer which was ignored by him by not reaching the accused or recovering the dead body. Had there been some clear statement of any witness or forensic evidence available before the Investigation Officer at the relevant time which was ignored by him then, of course, the charge would have been well placed. By mere saying that the subsequent Investigation Team succeeded in pin pointing the accused and recovered the died body was the proof of the negligence of the appellant is not understandable. More so, the allegation leveled against the appellant involved factual controversy

ATTESTED


 MEMBER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

which could not be proved by relying on record only. The appellant should have been given the chance of hearing through procedural due process by defending himself against the charge as leveled against him. The impugned order itself is very vague and the competent authority had not given any reason that how did he come to the conclusion that the appellant was guilty of the charge. There is no mention of any personal hearing afforded to the appellant, in the said order. As a sequel to the above discussion, this Tribunal is of the view that the appellant was imposed penalty not in proper manner and by not affording opportunity of defence to the appellant he was prejudiced.

6. Resultantly, this appeal is accepted and the impugned order is set aside. However, the department is at liberty to hold denovo proceedings within a period of ninety days from the date of receipt of this judgment. Parties are left to bear their own costs. File be consigned to the record room.

Announced 17.04.2018 *Sd/- Naz Muhammad Khan*
Chairman
Camp Const A/Abad

Certified to be true copy
 Kh. Usman Khan
 Service Tribunal,
 Peshawar

Sd/- M. Hamid Nughal
Member

Date of Presentation of _____ 27-04-18
 Number of _____ 1600
 Copying Fee _____ 10
 Urgent _____ 2
 Total _____ 12
 Name of Clerk _____
 Date of Completion _____ 27-04-18
 Date of Delivery of _____ 27-04-18

①

BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. **5689/2020**

Khyber Pakhtunkhwa
Service Tribunal
Diary No. **2643**
Dated **23-4-2020**

Mohammad Nazir, ASI No. 313/H, Police Lines District Mansehra

Appellant

VERSUS

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

Respondents

Filed to-day

Registered

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 23-01-2020 OF THE DISTRICT POLICE OFFICER MANSEHRA WHEREBY APPELLANT WAS AWARDED PENALTY OF "DISMISSAL FROM SERVICE" AND THE REGIONAL POLICE OFFICER HAZARA REGION ABBOTTABAD ORDER DATED 17-03-2020 WHEREBY WHILE PARTIALLY ACCEPTING HIS DEPARTMENTAL APPEAL THE PENALTY OF DISMISSAL HAS BEEN CONVERTED INTO STOPPAGE OF 03 YEARS INCREMENTS WITH COMULATIVE EFFECT AND FORFEITURE OF APPROVED SERVICE FOR 02 YEARS WITH IMMEDIATE EFFECT.

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH THE IMPUGNED ORDERS DATED 23-01-2020 AND 17-03-2020 OF THE RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND THE APPELLANT BE RESTORED HIS 03 INCREMENTS AND FORFEITED 02 YEARS APPROVED SERVICE WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respectfully Sheweth:

1. That the appellant was transferred to and posted as Assistant Sub Inspector (Investigation) Police Station Saddar Mansehra by the Superintendent of Police (Investigation) Mansehra vide Order OB No. 76/Inv dated 19-09-2018. (Copy of the order dated 19-09-2018 is attached as Annexure-"A").

Registrar

Re-submitted to -day and filed.

2. That an FIR Case No. 21 25 dated 21-01-2019 u/s-382-452-PPC PS Saddar Mansehra was got registered by one Mohammad Jan S/O Alam Din R/O Jaba Tehsil and District Mansehra wherein he charged about 16/17 persons as accused against an occurrence allegedly took place 02-08-2015. **(Copy of the FIR dated 21-01-2019 is attached as Annexure-"B")**.
3. That the appellant was entrusted with the investigation of the case. The appellant took immediate steps for apprehending the accused persons but they sought BBA from the competent court. Accused remained on BBA when the same was confirmed on 08-02-2019. **(Copy of the judgment/order dated 08-02-2019 is attached as Annexure "C")**.
4. That during investigation the appellant was transferred to and posted as Assistant Sub Inspector (Investigation) Police Station Garhi Mansehra by the Superintendent of Police (Investigation) Mansehra vide Order OB No. 13/Inv dated 25-02-2019 and the investigation was handed over to appellant's successor. **(Copy of order the dated 25-02-2019 is attached as Annexure-"D")**.
5. That the allegation against the appellant is that he did not declare the charged accused as innocent when the FIR was bogus and that the appellant could not recover the theft property. It is worth mentioning that the case was register by ASI Hameed and then investigation entrusted to appellant. It further worth mentioning that accused were granted bail before

arrest and the same was confirmed by the competent court of law because of which recovery could not be effected even otherwise as per FIR alleged occurrence had taken place in the year 2015. At the same time appellant had many other cases for investigation. Even though appellant had exercised all his energy to interrogate the one accused who was arrested but in the meanwhile during investigation the appellant was transferred and investigation was handed over to some other police official. Complete Challan was submitted by appellant's successor which was put up before the competent court on 04-10-2019. **(Copy of complete challan is attached as Annexure-"E")**.

6. That the appellant was served upon with a charge sheet vide No.4917-18/PA dated 25-10-2019 wherein an unspecific charge as "you conducted poor and flawed investigation in FIR dated 21-01-2019" was mentioned which was duly replied by the appellant explaining all facts of the matter. **(Copy of Charge Sheet date 25-10-2019 is attached as Annexure-"F")**.

7. That thereafter the appellant was issued with Final Show Cause Notice under No.6006 dated 31-12-2019 with addition of allegations which was duly replied explaining all the facts and circumstances of the case by straightaway denying the allegation. **(Copies of Final Show Cause Notice dated 31-12-2019 and its reply 15-01-2020 are attached as Annexure-"G&H")**.

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8. That without taking into consideration reply of the appellant to his Charge Sheet as well as final Show Cause Notice, the District Police Officer Mansehra awarded the appellant with the major punishment of Dismissal from Service vide order No.2314 dated 23-01-2020 with out any justification, reason and proof. **(Copy of order dated 23-01-2020 is attached as Annexure-"I")**.
9. That aggrieved of the order of the District Police Officer Mansehra, the appellant filed departmental appeal dated 27-01-2020 before the Regional Police Officer, Hazara Region, Abbottabad agitating all facts of the matter. **(Copy of Departmental Appeal dated 27-01-2020 is attached as Annexure-"J")**.
10. That the Regional Police officer, Hazara Region, Abbottabad while partially accepting the appellant's departmental appeal converted the penalty of dismissal from service **into Stoppage of 03 years increments with cumulative effect and forfeiture of approved service for 02 years with immediate effect** vide order dated **17-03-2020** but copy of the same was issued on 09-04-2020. **(Copy of the order dated 17-03-2020 is attached herewith as annex-"K")**. Hence instant service appeal, inter alia, on the following amongst others:-

GROUND:

- a) That both the impugned orders dated 23-01-2020 and 17-03-2020 of respondents are illegal, unlawful against the facts hence are liable to be set aside.

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- b) That no proper departmental inquiry was conducted. The Inquiry Officer acted in a flimsy and whimsical manner. He conducted inquiry in utter violation and negation of the procedure set forth by the law for the dispensation of justice at preliminary stages during the course of departmental inquiries. Neither statement of a witness was recorded by Inquiry Officer in presence of appellant nor was he provided a chance of cross-examination. Appellant was never confronted with documentary evidence, if any, produced against him. The appellant was also not provided copy of findings. Even opportunity of personal hearing was not afforded to him.
- c) That respondents have not treated the appellant in accordance with law, departmental rules & regulations and policy on the subject and have acted in violation of Article-4 of constitution of Islamic Republic of Pakistan 1973 and unlawfully issued the impugned orders, which are unjust, unfair hence not sustainable in the eyes of law.
- d) That the appellate authority has also failed to abide by the law and even did not take into consideration the grounds taken in the memo of appeal. Thus the impugned order of respondent is contrary to the law as laid down in the KPK Police Rules 1934 read with section 24-A of General Clause Act 1897 and Article 10A of the Constitution of Islamic Republic of Pakistan 1973.
- e) That appellant had exercised all his energy to interrogate the accused who was arrested and the remaining accused acquired BBA which was confirmed. At the same

6



time appellant had a number of other cases for investigation. During the investigation appellant was transferred and investigation was handed over to some other police official. Complete Challan was submitted by appellant's successor which was put up before the competent court on 04-10-2019. But still prostitution could not have been changed.

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

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Service Appeal both the orders dated 23-01-2020 and 17-03-2020 of respondents may graciously be set aside and appellant be restored his 03 years stopped increments and forfeiture of approved service for 02 years with all consequential service back benefits. Any other relief which this Honourable Service Tribunal deems fit and proper in circumstances of the case may also be granted.

Through:


Appellant


(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated 23-04-2020

VERIFICATION

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

Dated 23-04-2020


Appellant

7

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Mohammad Nazir, ASI No. 313/H, Police Lines District Mansehra

Appellant

VERSUS

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

Respondents

SERVICE APPEAL

CERTIFICATE

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


APPELLANT

Dated: 23-04-2020

8

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Mohammad Nazir, ASI No. 313/H, Police Lines District Mansehra

Appellant

VERSUS

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

Respondents

SERVICE APPEAL

AFFIDAVIT:

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




Deponent/Appellant

Dated: 22-04-2020

Identified By:



Mohammad Aslam Tanoli
Advocate High Court
At Haripur


Appellant

9

BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Mohammad Nazir, A.S.I, No. 313/H, Police Lines District Mansehra.

Appellant

VERSUS

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

Respondents

APPLICATION FOR CONDONATION OF DELAY IN FILING SERVICE APPEAL BEFORE
THIS HONOURABLE SERVICE TRIBUNAL.

Respectfully Sheweth:

1. That applicant/appellant has filed today the Service Appeal, which may be considered as part and parcel of this application, against orders dated 23-01-2020 and 17-03-2020 passed by respondents No. 3&2 respectively, whereby respondent No. 3/competent authority awarded appellant the penalty of "Dismissal from service" and respondent No.2/appellate authority partially accepted departmental appeal and converted penalty of Dismissal From Service into stoppage of 03 annual increments with cumulative effect and forfeiture of 02 years approved service.
2. That as the orders of departmental authorities have been passed in violation and derogation of the statutory provisions governing the terms and condition of service of the appellant, therefore causing a recurring cause of action to the applicant/appellant can be challenged and questioned irrespective of a time frame.
3. That though impugned orders were passed by the respondents on 23-01-2020 and 17-03-2020 yet copy of appellate order was issued on 09-04-2020. Though the applicant/appellant has prepared his service appeal well in-time but as there was complete lock-down in the country due to corona virus the same if could not be filed earlier despite that he has been rigorously pursuing his case. The delay, if any, in filing departmental as well as service appeal is due to the reason referred to above.
4. That instant application is being filed as an abundant caution for the condonation of delay, if any. The impugned orders are liable to be set aside in the interest of justice.

It is, therefore, respectfully prayed that on acceptance of the instant application the delay, if any, in filing of above titled appeal may graciously be condoned.

Through:

Dated: 27-04-2020

VERIFICATION:

It is verified that the contents of the instant application/appeal are true and correct to the best of my knowledge & belief & nothing has been suppressed.

Dated: 27-04-2020


Applicant/Appellant
(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur


Applicant/Appellant

(10)
ORDER

Annex-A

Following transfer/posting amongst the upper subordinates are hereby ordered with immediate effect.

S.#	NAME & RANK	FROM	TO
1.	SI Niaz Muhammad No. 345/H	OII PS Shinkiani	OII PS Saddar
2.	SI Muhammad Shoukat No. 355/H	OII PS Saddar	OII PS Khaki
3.	SI Abdul Hameed No. H/201	OII PS City	SI Inv. PS City
4.	SI Muhammad Munir No. H/252	OII PS Khaki	SI/Inv PS City
5.	SI Muhammad Fiyaz No. 393/H	OII PS Garhi	OII PS Shinkiani
6.	SI Anwer No. 407/H	Received on transfer from, Operation Staff Mansehra	OII PS Garhi
7.	SI Muzaffar No. 74/H	OII PS Lissan Nawab	OII PS Baffa
8.	SI Khushal No. H/171	OII PS Kaghan	OII PS Lissan Nawab
9.	SI Muhammad Javed No. H/166	Received on transfer from, Operation Staff Mansehra	OII PS Kaghan
10.	SI Manzoor Hussain No. 143/H	Received on transfer from, Operation Staff Mansehra	OII PS Battal
11.	ASI Muhammad Shahzad No. 282	ASI/Inv PS Balakot	ASI/Inv PS City
12.	ASI Muhammad Javed No. 103/H	ASI/Inv PS City	ASI/Inv PS Balakot
13.	ASI Chanzeb No. 539	Received on transfer from, Operation Staff Mansehra	ASI/Inv PS Shinkiani
14.	ASI Nazir No. 313/H	ASI/Inv PS Shinkiani	ASI/Inv PS Saddar
15.	ASI Abdul Sammi No. 343	Received on transfer from, Operation Staff Mansehra	ASI/Inv PS Phulra
16.	ASI Muhammad Munir No. 570	Received on transfer from, Operation Staff Mansehra	ASI/Inv PS City
17.	ASI Aurangzeb Qureshi No. 55	Received on transfer from, Operation Staff Mansehra	ASI/Inv PS Darband
18.	ASI Abdur Rasheed No. 249/H	ASI/Inv PS Darband	Reader SP Inv. Mansehra
19.	ASI Muhammad Iqbal No. 25	Reader SP Inv. Mansehra	Court Coordinati Cell
20.	ASI Liaqat Ali No. 186	Received on transfer from, Operation Staff Mansehra	ASI/Inv PS Ba
21.	ASI Muhammad Younas No. 295	Received on transfer from, Operation Staff Mansehra	ASI/Inv PS K
22.	ASI Ashiq Hussain No. 46	Received on transfer from, Operation Staff Mansehra	ASI/Inv PS S
23.	ASI Wajid Javed No. 162	Received on transfer from, Operation Staff Mansehra	ASI/Inv P

O.B No. 76 /Inv:

19/09/2018

Attested
[Signature]

[Signature]
Superintendent o
Investigation Ms



ایگزیکٹو پولیس و سپر حد فائرم

ابتدائی اطلاعی رپورٹ

مدعی: 5-0607611-5
163443845

صندلی کا اطلاع تیسریں جرم قابل دست اندازی پولیس رپورٹ شدہ نوٹ نمبر 154 بجوہ ضابطہ نو جدازی۔

نمبر:	تاریخ وقت وقوع	مقام	تاریخ وقت وقوع
1	تاریخ وقت رپورٹ 28/18	وقت وقوع 07:10 بجے	مقام وقت وقوع 28/18
2	نام و سکونت اطلاع دہندہ مشتعلیت	محمد جان ولد عالم دین سکے	جاگید کی برج 21/19
3	مختصر کیفیت جرم نامہ مال آرکائیو کیا گیا اور۔	خانہ مدعی واقع دیمہ جامہ	PP 382-452
4	جائے وقوع و فاصلہ تھانہ سے اور مدت	خانہ مدعی واقع دیمہ جامہ	12/13 کلومیٹر از تھانہ
5	نام و سکونت ملزم	محمد جان ولد عالم دین سکے	جاگید کی برج 21/19
6	کارروئی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف آؤ تو وجہ بیان کرو۔	خانہ مدعی واقع دیمہ جامہ	جاگید کی برج 21/19
7	تھانہ سے روانگی کی تاریخ و وقت	خانہ مدعی واقع دیمہ جامہ	جاگید کی برج 21/19

بوساطت افسران بالا تھانہ میں سیٹیں کی حکماً اندراج عد 33 اور تاریخ 28/18 پر ہو کر نقل ریٹ برائے
دریافت 157 (لا) ضف جو الہ سردار شاہ ASI کی نام مارک ہوئی جس نے مقدمہ کے اندراج 21
کے لئے کاغذات برائے کارروائی شقیقہ ASI کے نام مارک ہوئی جس نے مقدمہ کے اندراج 21
جانب DPP صاحب سے قانونی رائے حاصل کرتے ہوئے نقل ریٹ پر ذیل فرم لیا گیا جانب علی
صحتوں رپورٹ و قانونی رائے حاصل کرنے کے لئے DPP صاحب سے صورت جرم PP 382/452 کی پائی جانے سے عدم
رجسٹر کر کے جو INV سٹاف کیا جائے دستخط انٹرنیٹری شقیقہ ASI صاحبہ کے اندراج 21
تساخیر مقدمہ جرم بالا عام لیا جا کر نقل پرچہ نقل ریٹ و قانونی رائے درخواست و دیگر کاغذات
خبر تفتیش جو INV سٹاف لیا جاتا ہے نقل ریٹ پر ذیل فرم لیا گیا جانب علی
33 عد تحریری درخواست SHO 28/18 وقت 07:10 بجے اس وقت درخواست
زبان محمد جان ولد عالم دین سکے۔ جاگید حال مالٹیرہ بوساطت افسران بالا ڈائری
28/18 کی پلینٹ نیل DSP 114/140 SMS صاحب موصول ہو کر ذیل سے حضور
الاشان جانب عمران خان صاحب وزیر اعظم اسلامی جمہوریہ پاکستان چیئرمین تحریک انصاف فریاد
رخواست وصول الاناف و قانونی کارروائی برآمدی 92400001 روپے کی ڈکیتی جو ری و انگریز
رہنے 50 نال زمین دور باشتی پختہ مکانات پر عاصمانہ قبضہ جانب عالی ایہ کم سمیان درج ذیل شہین
رضی الرحمان وغیرہ 13/14 اشخاص عمر صہ دراز سے سائل کی جا بڑا مقدمہ، بغیر مقولہ جبراً چھین کر
صل کرنے میں گوشال رہے جنہوں نے آخر شوکت SHO قتانہ صلا مالٹیرہ کو جواب درخواست 883
رف 08 میرا سسر کی بجاری رقم اجرت دے کر حوزہ 29/15 کو قتل قاتلے کروا کر سائل کو
بوسٹ مقدمہ صل میں عساکر حوزہ 08 کو جیل بھیج دیا جو سائل حکم عدالت عالیہ حوزہ 31 کو
بدم ثبوت جرم بری ہو گیا عالیہ حوزہ 18 کو سمیان شقیقہ، وحید، منیر، سلیم، جسرین، اسیران
الرحمان، روشن ولد علی زمان شقیقہ، ولد فضل الرحمان یوسف ولد عبد الرحمان عثمان ولد محمد عمران
شاہ ولد اولاد وغیرہ، اسلام ولد نور احمد، شوکت ولد محمد زمان، دیگر اشخاص اسم و سکن نامعلوم آوق
ر سائنان طابہ ضلع مالٹیرہ نے نیت جرم نامہ مشترک سے سائل کے رہائشی مکان کا گیسٹل جبراً توڑ کر داخل
جا بجا کر کے پھر میں جرم افراد کے دو برہنہ پوائنٹ پر جرم 31 منلی کا پھر یو 50/55 لاکھ مالیت کا
مان ایک مویشی پائی کی بھی پائی لائن لائنس دزاسلم چھین کر لے گئے جس کے بعد بشمول علی الرحمان
عالم دین بصورت مقدمہ ثبوت سائل کی جرم 50 نال زرعی زمین اور 2 رہائشی پختہ مکانات پر
آغا صاحب قبضہ کرنے زرعی زمین سے تیار و صل ملنے اور ہزاروں درختان سفیدہ، پیڑ 20
روپے جبراً کاٹ کر چوری سے لے گئے جس کی انکو انگری کے دوران حسب ہدایت عامہ شاہ ASI 10

دلیل
Attested
N/A

کا صدر رقم ڈکیتی جیسے کی خاطر فالعین بالا سے سال کا رہائشی حال میں
 تحصیل 1- کروڑ روپے راکٹ آئی ہے جو 2012 میں سال نے اپنی واحد ملکیت
 زمین مشرقی 6855 تدارکی چوری کی سال میں تحصیل تھا جو 2012 میں 6400 روپے لکھے ہزار
 اور کھول چار دیواری پر مشتمل تھا جبکہ تورا چور کر کے اکھاڑ کر سیکڑوں جتنی چادر میں پانچ ہزار
 فٹ عماری رکھی تھی آہنی گڈ کھڑکیاں دروازے اور 14 ہزار ایک بھری چوری سے لے گئے جو
 میٹریل وغیرہ فالعین کے تصرف سے جا میں استعمال شدہ منظر عام پر آئی، زرمی زمین میں فالعین
 کا سالوں فضل کھلی چوری سے کٹے ہوئے ہزاروں درختوں کے ٹکڑوں سے دوبارہ کھلی شاخیں رہائشی
 مکان کے کھنڈرات بطور وجہ ثبوت بر حوالہ قابل 5000000 ہیں یہ کہہ کر انہیں انفر شاپی اور اختیاران کے نام پر
 استعمال سے اجبوت بر کڑی کھلی عام رشوت کے سبب قانون آخری رات پاکستان فراہم منضی اور
 انصاف کی دھجیاں بکھیر کر انہوں نے قتل معاذ کے مبلغ 1924000 روپے کی ڈکیتی چوری
 اور 7 کروڑ روپے مالیت کی 50 سال زرمی زمین اور دو رہائشی مختہ مکانات کا جبراً عیاضانہ
 زمینیں تین سال کے دوران مطالبہ رجسٹر 54 قلم جہاں سال کی چورانی سیکڑوں درخواستیں
 پر باوجود چشم دید واقعاتی دستاویزی ثبوت کے قانونی کارروائی کی جائے نہیں ہوئی صرف انفران
 بوٹ پر سبھی زور نہیں لگوا کر والیں کرتے رہے۔ جبکہ کھشتہ جیل کا بادشاہ ہے اس کی فری
 انڈے سے یا کچے نینر قحاشی پولیس اور فالعین مالانے ایسا کرنے سے سبیل کو زمین کی فروخت میں
 بھی 9 کروڑ روپے کا نقصان ہے اس کے علاوہ فالعین جن انسانی حقوق پر ڈاک زنی کے خلاف
 بطور جہاد سیشنل اچم و کرم سے قحاشہ مدار ماٹھہ کے علاوہ کسی بھی حکم کی سیشنل ٹیم سے
 تحقیقات کرتے ہوئے قانونی کارروائی کے احکامات صادر فرمائیں۔ سال کا زندگی ٹھنڈی و شکر
 روٹ کا دستخط انگریزی اور جان ولد عالم دین کے طالبہ حال ماٹھہ 28-9-2018 کارروائی قحاشہ آمد
 فری درخواست خوف خوف رنج والا ہوگی حضور درخواست سے قحاشہ مہیاں میں کا قحاشہ
 دریافت ماب سے جس میں شروع کرنے دریافت 1571 انصاف و ولوم کرنے اصل قحاشہ 17
 8/8-2018 حساب کے لیا جاتا ہے اصل درخواست لکھنؤ زما کے سال
 قحاشہ

نقل رہائشی اصل سے

عبدالحمید

Asi - P. sardar
31-01-2019

Attested
[Signature]



12

Amir C.

IN THE COURT OF SADIQA ANSHAD,
ADDITIONAL SESSIONS JUDGE-II, MANSEHRA.

-B.B.A No.28/4 of 2019
Muhammad Jamraiz etc---Versus---The State

ORDER:
08.02.2019

Accused/Petitioners on ad-interim pre-arrest bail alongwith clerk of their counsel present. Complainant through clerk of his counsel and APP for the State present.

2) Accused/Petitioners namely (1) Muhammad Jamraiz (2) Muhammad Shafiq sons of Ali-Ur-Rehman (3) Muhammad Roshan s/o Ali Zaman have filed the instant BBA petition for grant of pre-arrest bail in case FIR No.25 dated 21.01.2019, registered under sections 382/452 PPC of Police Station Saddar, Mansehra.

3) As per story of the FIR, Complainant Muhammad Jan s/o Aiam Din had submitted an application to local police, wherein he charged accused Shafiq, Waheed, Munir, Saleem, Jamraiz sons of Ali Ur Rehman, Roshan s/o Ali Zaman, Mushtaq s/o Fazal-Ur-Rehman, Yousaf s/o Abdur Rehman, Usman s/o Muhammad Irfan, Ishad s/o Aurangzeb, Aslam s/o Noor Ahmed, Shoukat s/o Muhammad Zaman and 4/5 other unknown persons for trespassing into his house and looting his household articles etc amounting to Rs.50/55 Laes. That the accused have also took forcible possession of his 50 kanal agricultural land and two lintel houses. That from

2/01/19
08/02/19
Addl. Distt. & Sessions Judge
MANSEHRA

Arrested
[Signature]

(Contd.Ord)

his landed property, the accused cut the maize crop and thousands of trees amounting to Rs.20/25 Lacs. Upon the application of complainant, inquiry u/s 157(i) Cr.PC was conducted, which resulted into registration of instant FIR.

4) Arguments advanced by learned counsel for the parties and APP for the State already heard and record perused.

5) Tentative assessment of available record would transpire that the complainant has leveled several general allegations against the present accused/petitioners alongwith other co-accused for causing him financial loss through trespassing into his house and committing dacoity and also for taking forcible possession of his land and cutting his crop and trees. There is delay of about 3- 1/2 years in registration of FIR for which no plausible explanation has been given. As per contents of FIR, in the presence of family members of complainant, the accused/petitioners alongwith co-accused trespassed into his house and committed dacoity on gun point but neither their names nor their statements are part of entire record. The house of complainant is situated in a thickly populated area but no eye witness has been cited. Besides, the parties have previous bloodshed enmity due to property dispute, therefore, element of malafide and false implication of accused/petitioners in the instant case cannot be ruled out. Furthermore, initially the complainant has moved an application under section 22-A Cr.PC

20/10/19
11/02/19
Advt. Dist.
Muzaffarpur

Alleged
R/S

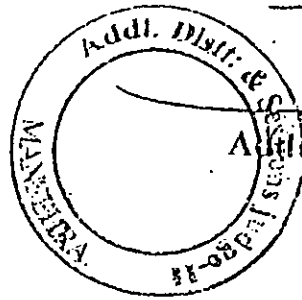
(Contd. Ord.)

14

regarding the same alleged occurrence but the same was turned down and thereafter the matter in issue was referred to DRC, where it was also held that the allegations of complainant are baseless and based on mala-fide. Likewise, the sections of law are not covered by the barring clause of Section 497 Cr.PC and as per the record, the accused/petitioners are neither hardened nor desperate criminals, hence the case against the accused/petitioners is arguable for the purpose of pre-arrest bail.

6) For the reasons stated above, the instant BBA petition is accepted and the ad-interim pre-arrest bail already granted to the accused/petitioners Muhammad Jamraiz, Muhammad Shafique and Muhammad Roshan is hereby confirmed on existing bail bonds. Accused/petitioner are directed to join the investigation as and when required. Requisitioned record be returned to the quarter concerned. File be consigned to Record Room after compilation & completion.

Announced:
08.02.2019



SABIA ARSHAD
(SABIA ARSHAD)
Additional Sessions Judge-II,
Manshra.

Accepted

[Signature]

15

Annex-D

دورن تفتیش جوڑج 25/019 کو تمام صدر سے تمام افسر / انسپور

ORDER

Following transfer/posting amongst the upper subordinates are hereby ordered with immediate effect.

S.#	NAME & RANK	FROM	TO
1.	ASI Abdul Rasheed No. 249/H	Reader SP Inv: Office	Court Coordination Cell
2.	ASI Muhammad Iqbal No. 25	Court Coordination Cell	Reader SP Inv: Office
3.	ASI Muhammad Nazir No. 313/H	ASI Inv: PS Saddar	ASI Inv: PS Garhi
4.	ASI Wajid Javed No. 163	ASI Inv: PS Garhi	ASI Inv: PS Saddar

O.B No. 13 /Inv:

Dated: 25-02-2019

Superintendent of Police
& Investigation Manshehra

Embed

Attested
[Signature]

Annex-E

173
 382-452
 01-2009-55
 25



ردیف	نام و نام خانوادگی	تاریخ تولد	شماره شناسنامه	شماره کارت ملی	محل اقامت	توضیحات
1	محمد صالح محمدی					
2	محمد صالح محمدی					
3	محمد صالح محمدی					
4	محمد صالح محمدی					
5	محمد صالح محمدی					
6	محمد صالح محمدی					
7	محمد صالح محمدی					
8	محمد صالح محمدی					
9	محمد صالح محمدی					
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11	محمد صالح محمدی					
12	محمد صالح محمدی					
13	محمد صالح محمدی					
14	محمد صالح محمدی					
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26	محمد صالح محمدی					
27	محمد صالح محمدی					
28	محمد صالح محمدی					
29	محمد صالح محمدی					
30	محمد صالح محمدی					

Notarized
 محمد صالح محمدی

Attested

[Signature]

محمد صالح محمدی
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 019

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Annex-F

DISCIPLINARY ACTION

I, Zaib Ullah Khan (PSP), District Police Officer Mansehra, as Competent Authority of the opinion that ASI Nazeer the then IO PS Saddar has rendered himself liable to be proceeded against as he committed the following act/omissions within the meaning of Khyber Pakhtunkhawa Police Disciplinary Rules 1975 (amended in 2014).

STATEMENT OF ALLEGATION

You ASI Nazeer while posted as IO PS Saddar conducted ~~poor and flawed~~ investigation of case FIR No. 25 dated 21-01-2019 U/S 382/452 PPC PS Saddar. It shows that you are negligent and irresponsible police officer. It amounts to gross misconduct on your part.

For the purpose of scrutinizing the conduct of the said accused Officer with reference to the above allegations. Ad SP is deputed to conduct formal departmental enquiry against ASI Nazeer the then IO PS Saddar.

The Enquiry Officer shall in accordance with the provisions of the Khyber Pakhtunkhawa Police Disciplinary Rules 1975 (amended in 2014), provide reasonable opportunity of hearing the accused, record findings and make recommendations as to punishment or other appropriate action against the accused.

The accused and a well conversant representative of the department shall in the proceedings on the date, time and place fixed by the Enquiry Officer.


District Police Officer,
Mansehra

No 4917-18/PA dated Mansehra the 25-10-2019

Copy of the above is forwarded for favour of information and necessary action to:-

1. The Enquiry Officer for initiating proceedings against the defaulter officer under the provisions of the Khyber Pakhtunkhawa Police Disciplinary Rules 1975. Copy of preliminary enquiry conducted by DSP Inv containing 18 pages is enclosed.
2. ASI Nazeer the then IO PS Saddar with the direction to submit his written statement to the Enquiry Officer within 07 days of the receipt of this charge sheet/statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purposes of departmental proceedings.


District Police Officer,
Mansehra

Alleged



270

18

Annex-9



OFFICE OF THE DISTRICT POLICE OFFICER MANSEHRA
(Khyber Pakhtunkhwa Police)

No. 6006 /PA, dated 31/12/2019

Tel: No. 0997-920102 and Fax No. 0997-920104

E-mail. dpomansehra@hotmail.com

FINAL SHOW CAUSE NOTICE

You ASI Nazeer the then IO PS Saddar were proceeded against departmentally with the allegations that you while posted as IO PS Saddar conducted poor and flawed investigation of case FIR No. 25 dated 21-01-2019 U/S 382/452 PPC PS Saddar. It shows that you are negligent and irresponsible police officer. It amounts to gross misconduct.

In this connection you were proceeded against departmentally. Mr. Mukhtiar Ahmad Addl: SP Mansehra Enquiry Officer, after conducting proper departmental enquiry has submitted his finding report stating therein that you did not conduct the investigation properly and accordance with the law. Due to your negligence and lack of interest the confirm bails were granted by the court against accused involved in the instant case. Moreover during investigation you failed to recover the stolen property as well as licensed rifle 12 bore of the complainant. The Enquiry Officer recommended your for suitable punishment. I am agree with the report of Enquiry Officer and therefore , hereby finally call upon you to show cause as to why you should not be awarded major punishment under the Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (amended in 2014). In case your written reply is not received within 07 days after the receipt of this final show cause notice it shall be presumed that you have no defense to offer. You are also allowed to appear before the undersigned, if you so desire. (Copy of the finding of the Enquiry Officer is also enclosed).

District Police Officer,
Mansehra

Accepted

Annex - H

19

تاریخ اولی

جوان شوماز فوس کاٹل

جوان شوماز فوس کاٹل 25 روز 21 1/19 382-452

فیریج محمد خان اسٹریٹ جاہ

نام عثمان ولد محمد عرفان قوم بکر کنہ جاہ ع 22 فوس مٹران

جوان مانی مشوماز فوس فیری 6006 روز 31 12/19

دفتر فضا - ۵۲۵ سبب مانیو موصول ہوا جوں ذیل ۱

مقرر عثمان اللہدر جو کہ روز 21 1/19 21 نام صدر میں روز

رہنما سب کو تلبیس میرے نام کارڈ ہوئی مدنی شہد محمد خان نے

تبدیل کر کے بیا قویہ رکھو یہ کی پورٹ کر کے کر کے جوں فوس

روز 28 9/19 روز چاکر کی 21 1/19

روز 28 1/19 کو مندر عثمان ولد محمد عرفان گرفتار ہوا مذکورہ

جو کہ مٹران جسیرہ شہتی، روشن فیرہ کا منوی مٹنام شرح

میں مٹران کا ساکو دیا جو جیل میں امداد محمد خان جو ہی اس وقت

قتل کے مقدمہ میں بند جیل مانیو تھا کہ کسی نے فر محمد خان مدنی مقدمہ

اس میں مٹران کی فہرست میں شامل کر دیا تھا کہ میری دلیرہ سے مندر

کا کوئی دوست نہ تھا جو مندر میں جاہ بازار میں رہتا تھا جسے محمد خان

کے مندر کوئی بات کی اور کوئی مٹران کی فہرست میں شامل کریں روز 21

تھا۔ محمد خان نے اپنے جھجیم کو قتل کیا جو کہ اس گھر سے بقول مقامی ماہرہ گمان

ہی ہیں کہ وہی قتل کر دیا جسے گرفتار ہو گیا جس کے خود میں جاہ محمد خان کے

خانہ پر پانچوں ملگاری محمد خان کی رشتہ ہی اس کے جھجیم گمان کے گھنہ میں دھکی

میں کا مقدمہ محمد خان کو جیل سے رہا ہونے سے ہوا محمد خان کا اس مقدمہ کے

صدر مٹران جسیرہ شہتی، روشن، عبد الوہید نے ہک لڈر نقان ۶۶۷۷۷۷۷۷
کٹری بعد ۱۹۵۵ میں ملگاری کا نقصان کرتے رہنے گھر کے پاس ماٹری فوشیان گھیر
اللہ اعلم
۵۲۵

میں کی شانیں مقدم عثمان جو رب نے سالم گمان سے نادر میں ۵
 یہ جانیں نذران نے جوں فقرہ چاروں بڑوں نڈرٹ سے پھر کی ورد
 ہر صبح وقت ہو کر گوربان سے گنتی کرتی۔ بیانات تکبیر ہو کر خانہ
 کی جامع پھر وہی ہر روز فریادوں میں کھیل روم رفس 24 عمل میں دلی
 نذران کا گھر کا سامان نکال کر پھر شیاں کی جگہں نامسرتہ رانڈل
 دیگر سامان ہر اندر نہ ہو گیا۔ مدعی مقدمہ حامد محمد نکران میں حالہ کھو
 نشانہ ہو کر جمع کیا گیا۔ اور بعد میں یہاں شروع کر دیا کہ جمع ہر میں ساکن
 کے کر تیا گئی۔ مقدمہ صدر میں ہر میں نے صرف ایک مقدمہ نڈرٹ کو گزرتا رہی
 جو کہ مدعی مقدمہ کے نزدیک ہی جو رہ گیا تھا۔ صرف اس نے دیگر نذران
 کا جہاں نکل چکران نے یہی کہ ساتھ دیا تھا ایک مقدمہ بقوت واد جہ نذران
 کی بیان دینی مدعی مقدمہ نے یہ کہ وہ اس کا مقدمہ ۶ ۹ غیر نذران
 1 مجریہ (2) سبب (3) سبب کو عدالت نے $\frac{2}{19}$ کو BBA کسفر کر دی
 4 ورشاد (5) متعلقہ کی ضمانت صورت $\frac{3}{19}$ کو عدالت سے BBA کسفر
 یہی کہ (6) مقدمہ پوسٹ کی ضمانت $\frac{6}{19}$ کو عدالت سے صورت ہو کر
 بغیر صورت ہر میں جیل بچا جو (7) مقدمہ جہ و علم کی صورت $\frac{4}{19}$ کو BBA عدالت
 سے کسفر ہو گی (8) مقدمہ عبد الوہید کی ضمانت صورت $\frac{6}{19}$ کو عدالت سے کسفر ہو گی
 9 مقدمہ نیر کی ضمانت صورت $\frac{5}{19}$ کو عدالت سے صورت کسفر ہو گی
 بعد ایک مقدمہ یہم جو کہ بیرون ملک میں ۵ دلی نڈرٹ گزرتا رہا ہوا ۵
 یہ وہ کورٹ 10 نذران کی صورت ہی ہر میں کو تیا ملی صرف ایک مقدمہ وہ
 میں ص کا مقدمہ کوئی تعلق ہی نہیں صرف نذران کی میں اس کے گھر میں ۵
 سے اتنی تیرا رکھوں ایسے ہر سستی ہی موجود ہی 3 سال ہر رتا ان 3 سالوں میں
 کسفر نہ کم $\frac{5}{19}$ معائنہ تیار صدر سے تبدیل ہوں رزورٹس بازار مدعی مقدمہ
 چار تہا۔ مدعی کا سامان نامسرتہ ہر اندر نہ کر کے خاص کر نڈرٹ 12 ہر ہر
 دلی میں مدعی مقدمہ جو کہ ہر میں کا رہتا ہر صدر ص صرف رہے تکیوں سے (11) 40 سال
 ہر میں کے رزورٹس واپس سے کا نذران کا کوئی ہر میں کا نامسرتہ سامان ہر ہر ہر میں
 نڈرٹ ہر ہر ہر میں کی جانب 314000 نہ لایا نہی ۵ تیار ہر ہر میں
 مقدمہ کے مقدمہ کی دوبارہ تکیوں کا کسفر ہر ہر میں ص ہر ہر میں کی ہر ہر ہر میں
 12 ہر ہر میں جو کہ کی ہر ہر میں کے تکیوں ہر ہر میں ہر ہر میں ہر ہر میں

مستند
 (Signature)

سائل کے پاس مذکورہ کا قدم حورہ $\frac{1}{19}$ تا $\frac{2}{19}$ سے
 زیر تفتیش رہا لیکن مقدم سے تفتیش سائل نے کی تھایا جانے
 نے وہی ان معمولات میں عدالت سے سرواہی تھیں۔ جو کتبچہ پیش
 دیا سائل نے اس کے روزوں تمام سے تمام گزری تھی کہ اس سے پہلے
 تھایا تفتیش واقعہ 1954 کی عدالت قدم میں حورہ $\frac{3}{19}$ سے $\frac{5}{19}$ کو
 عدالت عدالت حورہ روزوں تفتیش عدلی قدم $\frac{6}{19}$ سے $\frac{8}{19}$ تک
 حورہ کا گورنر سونا جو کہ عدلی قدم $\frac{9}{19}$ حورہ پہلے گورنر تھایا
 حورہ $\frac{10}{19}$ سے $\frac{12}{19}$ تک میں رہے تھے کی سابقہ بیوی شہابہ
 کی ماں تھیں اس میں ہی تھے تھے کی سابقہ بیوی شہابہ
 جو کہ گورنر سونا جو کہ عدالت کے اہانتا رہا تھا تھا
 سے وہیں گزریا تھا گورنر کے بیانات فقہ قتلہ $\frac{13}{19}$ حورہ میں
 ایک طرح عدلی کا تھایا سامان یعنی اس کا بیٹا عدالت
 کی سابقہ جو کہ عدالت میں نہیں ہے نہ گزریا تھا حورہ
 کہ نہ کسی کے پاس وہاں تھا حورہ $\frac{14}{19}$ سے $\frac{15}{19}$ تک وہی قدم اب
 سامنے نہیں رہا ہے جو کہ حورہ ہونے کا ہے تا جہاں شہابہ
 گورنر ان کو ہانتا ہے نہ وہیں کو کہیں کہ جانہ والوں نے آئی تار
 وہاں نہ تھا کیوں کہ وہیں گورنر $\frac{16}{19}$ سے $\frac{17}{19}$ تک حورہ میں
 ہی فکر جاتا ہے وہاں محض بیوی کی عدالت کے بیانات
 مانے گئے لہذا گورنر اس کا دیکھو $\frac{18}{19}$ سے $\frac{19}{19}$ تک حورہ
 حورہ میں ہے

دستبرائیدہ ان حالات کو مدد نہ آتی ہوگی سائل شہکار
 عدالت کو عدالت تفتیش فرمایا جاوے

DHO Haneeha

Accepted
 25/1

Asst. P. S. Gadhokar
 agni

1-5-1-2020

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Annex-3

DEPARTMENT

MANSEHRA DISTRICT

ORDER

This office order will dispose off the departmental enquiry proceeding against ASI Nazeer the then IO PS Saddar who was proceeded against departmentally with the allegation that he while posted as IO PS Saddar conducted poor and flawed investigation of case FIR.No. 25 dated 21.01.2019 u/s 382/452 PPC PS Saddar.

The Enquiry Officer i.e. Mr. Mukhtiar Ahmad Addl: SP Mansehra after conducting proper departmental enquiry has submitted his report stating therein that after perusal of statement of alleged official and as well as other relevant record, I being enquiry officer come to the conclusion that the alleged official did not conduct the investigation properly and in accordance with law. Due to his negligence and lack of interest the confirm bails were granted by the court against accused involved in the instant case. Further during investigation he failed to recover the stolen property as well as licensed Rifle 12 bore of the complainant, hence he is recommended for suitable punishment.

A final show cause notice was issued to the delinquent officer but his reply was found unsatisfactory. On 23.01.2020 the delinquent ASI Nazeer was heard in person in orderly room by the undersigned, perused his reply to FSCN, studied the complete case file and FIR. The undersigned have observed that the FIR was lodged on 21.01.2019 u/s 382/452 PPC against 11 nominated accused wherein the total thefted property was reported Rs. 19240, 000/- the contents of the FIR are crystal clear that the FIR is based on malafide. The accused had property dispute with complainant. The accused had no previous criminal record of dacoity and theft. The defaulter IO namely ASI Nazeer was posted in PS Saddar in September- 2018 and transferred on 25.02.2019. The final Challan shows that the 6 accused out of 11 accused were arrested from 25.01.2019 to 18.02.2019 when the ASI Nazeer was the IO of the case. During investigation of the case, it was his official and legal duty to declare the accused innocent if FIR was bogus which he did not do. Conversely, he declared all nominated accused as guilty. In this case, the IO was duty bound to recover the thefted property from the accused which he did not do.

After going through all record and listening the IO ASI Nazeer, I being the competent authority under police rules strongly believe that the allegations of malafide, incompetency and non-professionalism on part of the IO have been proved beyond any shadow of doubt.

I, the District Police Officer, Mansehra, therefore award him major punishment of "Dismissal from service" to the delinquent ASI Nazeer under Khyber Pakhtunkhwa Police, Disciplinary Rules 1975 (amended in 2014). He is entitled to submit appeal before the Regional Police Officer, Hazara Region Abbottabad against this order.

Attested

Ordered announced.

OB-25
23-1-2020

SRC/PO/F.M.C
For m. action

SP/INTL
24-1-2020

District Police Officer
Mansehra

231

No. 2314 OHC dated Mansehra the 23/01/2020.

Copy forwarded to Superintendent of Police, Investigation Mansehra for information and

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Annex-J

BEFORE THE DIG HAZARA RANGE
ABBOTABAD

APPEAL AGAINST THE ORDER OF
DISTRICT POLICE OFFICER,
MANSEHRA BEARING NO. 2314 DATED
23.01.2020 VIDE WHICH THE
APPELLANT HAS BEEN DISMISSED
FROM SERVICE BY INVOKING POLICE
RULE 1975

PRAYER: -

On acceptance of appeal the impugned order of dismissal may kindly be set aside and the appellant may kindly be re-instated in service.

Respected Sir,

The brief facts leading to the instant appeal are arrayed as follows: -

- 1) That, Muhammad Jan and his brothers/nephew had developed stand relations on account of their ancestral property. This tussle amongst them led to the murder of the nephew of said Muhammad Jan and also the murder of the wife of Muhammad Jan. Both the parties registered their respective cases against each other. Muhammad Jan and his son were arrested who were tried by the court of Additional Sessions Judge and they were acquitted.
- 2) That, Muhammad Jan submitted diverse applications to the high-ups stating therein that during his confinement in Jail his house was damaged and all the house-hold articles were taken away by the

Muhammad Jan
[Signature]

rival party. The said Muhammad Jan also filed an application under section 22-A Cr.P.C. but his application was dismissed. He also submitted an application before DRC which met the same fate. Muhammad Jan submitted an application to the Prime Minister which was marked to the concerned quarter and on the opinion of Prosecution Branch the case was registered u/s 382/152PPC. After the registration of the case the investigation was entrusted to the appellant, who started investigation in the instant case. The appellant arrested one Usman in the above noted case who was thoroughly interrogated who made the pointation of the spot. The remaining accused submitted an application for bail before arrest and the learned court accepted their application and confirmed their bail before arrest.

- 3) That, the indictment against the appellant is that he did not declare the accused charged therein as innocent when the FIR is bogus and that the appellant could not recover the theft property. It is worth mentioning that the case was registered by Abdul Hameed ASI who after the registration of the case entrusted investigation to the appellant. It is further worth-mentioning that the appellant could not recover the theft property as the bail before arrest of the accused was confirmed by the competent court of law. The appellant had exercised all his energy to interrogate the accused who was arrested and the remaining accused approached the competent court for their BBA which was confirmed. During the

Attested
[Signature]

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investigation the appellant was transferred and the investigation was handed over to some other police official.

It is, therefore, most humbly requested and prayed that on acceptance of appeal the impugned order of dismissal may kindly be set aside and the appellant may kindly be re-instated in service.

Dated 27.01.2020



Nazeer Ahmed

ASI/313-II





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Annex - K

OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.rpohazara@gmail.com

0345-9560687

NO: 8316 /PA DATED 17/03/2020

ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex.ASI Nazeer 313/H against punishment order i.e. *Dismissal from Service* awarded by District Police Officer, Mansehra vide OB No. 25 dated 23.01.2020.

Facts leading to the punishment are that he while posted as IO at PS Saddar Mansehra conducted poor investigation in case FIR No.25 dated 21.01.2019 u/s 382/452 PPC PS Saddar. The complainant in the instant case has nominated as many as eleven accused for alleged theft of PKR 1,92,40000/-.

1. The appellant failed to recover the stolen property due to which bail before arrest of the accused was confirmed by the concerned court.
2. He being investigation officer was duty bound to either recover the stolen property or discharge the accused if found innocent during the investigation but he failed to conduct the investigation impartially and fairly.

The appellant was issued charge sheet alongwith summary of allegations and Addl. SP Mansehra was deputed to conduct departmental enquiry. The EO in his findings held the appellant responsible and recommended for suitable punishment. The appellant was served with final show cause notice and also heard in OR, however his reply was found unsatisfactory. Keeping in view the above DPO Mansehra awarded him major punishment of dismissal from service.

After receiving his appeal, comments of DPO Mansehra were obtained and examined/perused. The undersigned called the official in OR and heard him in person. If the above mentioned FIR was bogus and malafide, the appellant was required to discharge the case being devoid of fact. However the appellant, declared the accused guilty but failed to recover stolen property. To his extent, it is appropriate to conclude that he failed to discharge his duties, as Investigating Officer. However the punishment awarded to the appellant is too harsh and is not commensurate with the gravity of misconduct. There keeping in view his prolonged service and in exercise of the powers conferred upon the undersigned under Rule 11-4 (c) of Khyber Pakhtunkhwa Police Rules, 1975 the appellant is hereby *reinstated in service from the date of dismissal while the punishment of dismissal from service is converted into punishment of stoppage of 03 years increments with cumulative effect and forfeiture of approved service for 02 years with immediate effect.*

Qazi Jamil ur Rehman (PSP)
Regional Police Officer
Hazara Region, Abbottabad

No. 8317 /PA, dated Abbottabad the 17-03/2020.

CC.

1. The District Police Officer, Mansehra for information and necessary action with reference to his office Memo No 3193/GB dated 31-01-2020. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

Alister
N/A

Attested
District Police Officer
Mansehra 07-4-2020

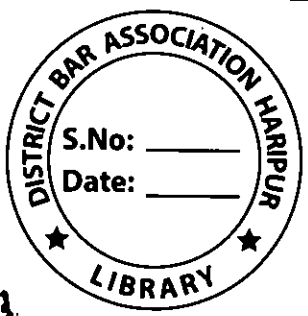
DBA No: 205
 BC No:

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 Name of Advocate: محمد اسلم جنوی

S.No: _____

وکالت نامہ



بعد االت: محمد اسلم جنوی
 عنوان: نام KPK رینٹل اور فوڈ سٹور
 منجانب: رسلینہ
 نوعیت مقدمہ: سروکار
 باعث تحریر آنکھ: _____

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصنیف مقدمہ بمقام محمد اسلم جنوی کے لیے
محمد اسلم جنوی

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

Accepted by
 M. Arslan

لہذا وکالت نامہ لکھ دیا ہے کہ سند ہے۔

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ مورخہ: 23...1...2020
 دن... ماہ... سال

محمد اسلم جنوی

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR.

SERVICE APPEL NO. 5689 of 2020.

Muhammad NazirAppellant

VERSUS

Provincial Police Officer Khyber Pakhtunkhwa Peshawar & Others.
..... Respondents

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Deponent

①

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR.

SERVICE APPEL NO. 5689 of 2020.

Muhammad NazirAppellant

VERSUS

Provincial Police Officer Khyber Pakhtunkhwa Peshawar & Others.
..... Respondents

Parawise Comments On Behalf Of Respondents 01 to 03

RESPECTFULLY SHEWETH:-

That respondents submit as under.

PRELIMINARY OBJECTION:-

- a) The appeal is not based on facts and appellant has got no cause of action or locus standi.
- b) That appeal is not maintainable in the present form.
- c) The appeal is bad for non-joinder of necessary and mis-joinder of unnecessary parties.
- d) The appellant is estopped by his own conduct to file the appeal.
- e) The appeal is barred by the law and limitation.
- f) The appellant has not come to the Honorable Tribunal with clean hands.

FACTS:-

1. Pertains to record.
2. Correct. A case vide FIR No. 25 dated 21.01.2019 u/s 382/452 PPC PS Saddar was registered on the report of one Muhammad Jan S/O Alam Din R/o jaba regarding theft of property of RS 19240000/-.
3. The appellant was entrusted with the investigation of the case but contents of the FIR disclosed that it is based on malafide. The accused party has property dispute with complainant due to which they were got involved. The appellant was duty bound to conduct the investigation

impartially and professionally to declare the accused innocent if FIR was found bogus but he blindly followed the FIR and declared the accused guilty without any recovery or any other incriminating evidence.

4. The appellant has not conducted the investigation professionally rather took it casually, the BBA of the accused was confirmed by the court. If case was bogus he was duty bound to declare the accused innocent but instead he followed the contents of FIR and declared them guilty.
5. The appellant has completed the investigation before his transfer and held the accused guilty which is malafide on his part.
6. The appellant conducted the poor investigation therefore he was charge sheeted.
7. The appellant failed to convince the competent authority as the allegations leveled against him were duly proved. After full filed all the codal formalities. Copy of the inquiry report is enclosed.
8. The appellant was awarded major punishment by respondent No. 03 after taking into consideration facts and circumstances of the case.
9. The appellant preferred departmental appeal which was accepted and punishment of dismissal was converted into minor punishment of **"stoppage of three years increments with cummulative effect and forfeiture of approved service for 02 years"** by appellate authority.
10. The appellate authority took lenient view of the matter and converted his major punishment was converted into minor punishment.


GROUND:-

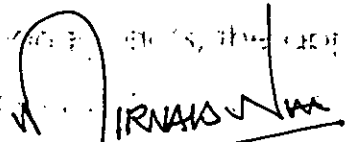
- a. Incorrect. The orders of respondents are legal and in accordance with facts, therefore maintainable.
- b. Incorrect. A proper departmental enquiry was conducted and appellant was afforded with opportunity to defend himself. All the codal formalities were fulfilled and enquiry officer held him guilty.


- c. Incorrect. The appellant was treated in accordance with law and no discrimination was done to him.
- d. Incorrect.
- e. Incorrect. The appellant took the case casually and has not conducted the investigation bonafidely.
- f. The appeal in hand is badly time barred and liable to be rejected.

PRAYER:

In view of the above mentioned facts, the appeal in hand may kindly be dismissed being devoid of any legal force.


**District Police Officer
 Mansehra
 (Respondent No. 3)**


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


**Inspector General of Police
 Khyber Pakhtunkhwa Peshawar
 (Respondent No. 1)**

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR.

SERVICE APPEL NO. 5689 of 2020.

Muhammad NazirAppellant

VERSUS


Provincial Police Officer Khyber Pakhtunkhwa Peshawar & Others.
..... Respondents

AFFIDAVIT

We respondents do solemnly affirm and declare that the contents of the reply/comments are true and correct to our knowledge and belief and that nothing has been concealed from this Honorable tribunal.


**District Police Officer
Mansehra
(Respondent No. 3)**


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


**Inspector General of Police
Khyber Pakhtunkhwa Peshawar
(Respondent No. 1)**

27/12/2019

Annexure - A

(5)



POLICE DEPARTMENT

DISTRICT MANSEHRA

From The Addl: Superintendent of Police,
Mansehra.

To District Police Officer,
Mansehra.

No. 494 /Addl: SP, Mansehra Dated the 30/12/2019.

Subject: **DEPARTMENTAL ENQUIRY.**

Memorandum.

Kindly refer to your office Ends: No. 4917-18/PA dt: 25-10-2019.

An enquiry under hand was entrusted to the undersigned by the competent authority for digging out the real facts, about the charges leveled against ASI Nazeer the then IO PS Saddar that while he posted as ASI/IO PS Saddar conducted poor and flawed investigation of case FIR No. 25 dated 21-01-2019 u/s 382/452 PPC PS Saddar. It shows that he is negligent and irresponsible police officer. It amount to gross misconduct on his part.

In this regard enquiry against alleged official ASI Nazeer was initiated in the office of undersigned. For this purpose alleged official ASI Nazeer was summoned to appear before the undersigned.

During the enquiry proceedings the alleged ASI Nazeer submitted his written comprehensive statement in response of allegations as per charge sheet in which he stated that he conduct investigation in case FIR No. 25 dated 21-01-2019 u/s 382/452 PPC PS Saddar on merit and in accordance with law. He further denied the allegation levelled against him and further prayed for forgiveness.


Similarly during the enquiry proceedings case file of the above case and other relevant record were also perused by the undersigned thoroughly.

Annexure - A ✓

(6)

In view of the above and after perusal of statement of alleged official and as well as other relevant record, I being enquiry officer come to the conclusion that the alleged official did not conduct the investigation properly and in accordance with law. Due to his negligence and lack of interest the confirm bails were granted by the court against accused involved in the instant case. Further during investigation he failed to recover the stolen property as well as licensed Rifle 12 bore of the complainant, hence he is recommended for suitable punishment.

Submitted for kind perusal, please.


Addl: Supdt: of Police,
Manshra

PA

| Shiv FISCA
DPO Manshra
30/12/2019

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR.

SERVICE APPEL NO. 5689 of 2020.

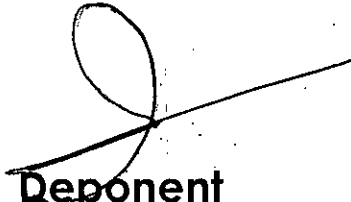
Muhammad NazirAppellant

VERSUS

Provincial Police Officer Khyber Pakhtunkhwa Peshawar & Others.
..... Respondents

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Deponent

①

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR.

SERVICE APPEL NO. 5689 of 2020.

Muhammad NazirAppellant

VERSUS

Provincial Police Officer Khyber Pakhtunkhwa Peshawar & Others,
..... Respondents

Parawise Comments On Behalf Of Respondents 01 to 03

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- 10. The appellate authority took lenient view of the matter and converted his major punishment was converted into minor punishment.

GROUND:-


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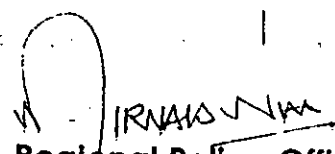
(3)


- c, Incorrect, The appellant was treated in accordance with law and no discrimination was done to him.
- d, Incorrect,
- e, Incorrect, The appellant took the case casually and has not conducted the investigation bonafidely,
- f, The appeal in hand is badly time barred and liable to be rejected,

PRAYER:

In view of the above mentioned facts, the appeal in hand may kindly be dismissed being devoid of any legal force.


**District Police Officer
Mansehra
(Respondent No. 3)**


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


**Inspector General of Police
Khyber Pakhtunkhwa Peshawar
(Respondent No. 1)**

4

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR.

SERVICE APPEL NO. 5689 of 2020.


Muhammad Nazir Appellant;


VERSUS

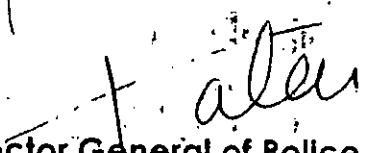
Provincial Police Officer Khyber Pakhtunkhwa Peshawar & Others;
..... Respondents;

AFFIDAVIT

We respondents do solemnly affirm and declare that the contents of the reply/comments are true and correct to our knowledge and belief and that nothing has been concealed from this Honorable tribunal,


District Police Officer
Mansehra
(Respondent No. 3)


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


Inspector General of Police
Khyber Pakhtunkhwa Peshawar
(Respondent No. 1)

27/2019

Annex-(A) (5)



POLICE DEPARTMENT

DISTRICT MANSEHRA

From The Addl: Superintendent of Police,
Mansehra.

To District Police Officer,
Mansehra.

No. 494 /Addl: SP, Mansehra Dated the 30/12/2019.

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During the enquiry proceedings the alleged ASI Nazeer submitted his written comprehensive statement in response of allegations as per charge sheet in which he stated that he conduct investigation in case FIR No. 25 dated 21-01-2019 u/s 382/452 PPC PS Saddar on merit and in accordance with law. He further denied the allegation levelled against him and further prayed for forgiveness.

Similarly during the enquiry proceedings case file of the above case and other relevant record were also perused by the undersigned thoroughly.

Annex-A) (6) ✓

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alleged official and as well as other relevant record, I being enquiry
officer come to the conclusion that the alleged official did not
conduct the investigation properly and in accordance with law. Due
to his negligence and lack of interest the confirm bails were granted
by the court against accused involved in the instant case. Further
during investigation he failed to recover the stolen property as well as
licensed Rifle 12 bore of the complainant, hence he is recommended
for suitable punishment.

Submitted for kind perusal, please.


Addl: Supdt: of Police,
Mansehra

PA

| Sd/-
D. P. Singh
DPO/Mansehra
30/12/2019