

19.09.2022

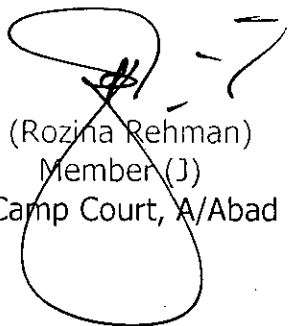
Nemo for appellant.

Muhammad Jan, learned District Attorney for respondents present.

Case was called time and again but neither the appellant nor his counsel turned up till rising of the Bench. Consequently, instant service appeal is hereby dismissed in default for none-prosecution. 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

16.05.2022

Counsel for the appellant present. Mr. Muhammad-Riaz Khan Painsdakhel, Assistant Advocate General along with Mr. Jameel Ahmad, Reader for the respondents present.

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



Kalim Arshad Khan
Chairman
Camp Court, Abbottabad

18th July 2022

Learned counsel present. Mr. Noor Zaman, District alongwith Mr. Israr Shah, Reader 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

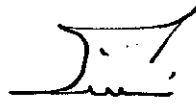
23.09.2021

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

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

Appellant Deposited
Security & Process Fee


27/9/21


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

24.12.2021

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

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


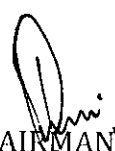
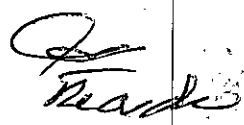

(Salah-Ud-Din)
Member (J)
Camp Court Abbottabad

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 12094 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	15/10/2020	<p>The appeal of Mr. Zubaid Shah presented today by Mr. Muhammad Aslam Khan Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p>	22.1.2021	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>22.01-2021</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p><i>Due to COVID 19, case is adjourned to 23.9-2021 for the hearing.</i></p> <p style="text-align: right;"> Chairman</p>

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No.....

Zubaid Shah, LHC No. 507 of District Police Haripur. (**Appellant**)

VERSUS

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

Respondents

SERVICE APPEAL

INDEX

S/No	Description of Document	Ann- exure	Page No.
1.	Memo of appeal		01-07
2.	Charge Sheet dated 13-02-2020	"A"	08-09
3.	Reply dated to Charge Sheet 17-03-2020	"B"	10-11
4.	Copy of receipt dated 01-01-2020	"C"	12
5.	Copy of DIG Tfc dated 04-03-2020	"D"	13
6.	Dismissal Order dated 09-04-2020	"E"	14
7.	Departmental Appeal dated... 22-04-2020	"F"	15-17
8.	Appellate order dated 16-09-2020	"G"	18
9.	Wakalatnama		

Through

Zubaid Shah
Appellant

M Aslam

(Mohammad Aslam Tanoli)
Advocate High Court
at Haripur

Dated: *15*-10-2020

1

BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Appeal No. 12094/20

Diary No. 11568

Date 15/10/2020

Zubaid Shah, LHC No. 507 of District Police Haripur. (**Appellant**)

VERSUS

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

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT. 1974 AGAINST ORDER DATED 09-04-2020 OF THE DISTRICT POLICE OFFICER HARIPUR WHEREBY APPELLANT HAS BEEN AWARDED PENALTY OF "REVERTITION IN RANK FROM LHC TO CONSTABLE" AND ORDER DATED 16-09-2020 WHEREBY WHILE ACCEPTING HIS DEPARTMENTAL APPEAL THE REGIONAL POLICE OFFICER HAZARA REGION ABBOTTABAD HAS CONVERTED THE PENALTY OF REVERTION OF RANK INTO STOPPAGE OF 03 YEARS INCREMENTS WITH CUMMULATIVE EFFECT".

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH ORDERS DATED 09-04-2020 AND 16-09-2020 OF RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND APPELLANT BE RESTORED HIS 03 STOPPED ANNUAL INCREMENTS WITH GRANT OF ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respectfully Sheweth:

Filed to-day That appellant while posted as TO TRAFFIC WARDEN was issued with a Charge Sheet No. 60-61/PA dated 13-02-2020 by the District Police Officer Haripur alleging therein:

Registrar
15/10/2020

"that you while posted as TO Traffic Warden Haripur, perusal of Daily Dairy No. 26-12-2019 Traffic Office transpires that 176 Traffic Challns are lying pending with you since long, which is gross misconduct on your part in terms of Police E&D Rules 1975" hence charge sheeted".

(Copy of the Charge Sheet is attached as Annex-"A").

2

2. That the aforementioned Charge Sheet was duly replied on 17-03-2020 explaining all facts and circumstances of the matter in detail by denying allegation leveled against appellant being incorrect and baseless. **(Copy of the reply dated 17-03-3030 is attached as Annexure-"B")**.

3. That in fact the ATZ system through which the amount of challans was used to be deposited remained out of order quite for a considerable time. For the reason the said amount could not be deposited in time and amount of 176 challans Rs.78440/- had to be kept with Traffic Franchise as a trust (Amanat) for deposit on 01-01-2020. Appellant has done his duty efficiently and honesty without any fault on his part. He has wrongly been charge sheeted and penalized. **(Franchise Receipt of challan's amount dated 01-01-2020 is attached as Annexure-"C")**.

4. That beside aforementioned problems, the **ATZ** System was completely blocked by the company on 31-12-2019 for which departmental authorities were constrained and had to discontinue agreement with said company of ATZ System and signed a new/fresh agreement with another company **JS BANK**. Appellant's stance taken in reply to the Charge Sheet would find fortification from Notification dated 04-03-2020 issued by the Deputy Inspector General Police Traffic KPK Peshawar wherein detail about faulty ATZ System of previous company and signing of fresh agreement with **JS BANK** has been mentioned. There is no laxity or deliberate delay on the part of appellant in depositing Traffic challans in question. **(Copy of Notification dated 04-03-2020 is attached as Annex- "D")**.

3

5. That despite aforementioned facts and circumstances of the matter, the District Police Officer Haripur without taking into consideration the stance advanced by appellant in shape of reply to the Charge Sheet resorted to award him with MAJOR PENALTY OF REVERTION IN RANK FROM LHC TO CONSTABLE through order dated 09-04-2020 without any justification and proof. **(Copy of the order dated 09-04-2020 is attached as "E")**.
6. That no proper departmental inquiry was conducted against the appellant. Copy of inquiry report was not provided to him. Even opportunity of personal hearing was not afforded to appellant and condemned unheard.
7. That appellant has rendered about 16 years service in the police department. He always performed his assigned duties with devotion and honesty to the entire satisfaction of his superiors. Appellant on occasion has been awarded with Commendation Certificates and Cash Rewards for his tremendous services by his police High-ups, and he has meritorious service record at his credit.
8. That appellant aggrieved of order dated 09-04-2020 filed a departmental appeal dated 22-04-2020 before the Regional Police Officer, Hazara Range, Abbottabad, he while accepting appellant's departmental appeal set aside order dated 09-04-2020 of DPO Haripur and penalty of reversion of rank from LHC to Constable has been converted into stoppage of 03 years increments with cumulative effect vide order dated 16-09-2020. **(Copies of departmental appeal dated 22-04-2020 and order dated**

4

16-09-2020 are attached as Annexure-"F & G"). Hence instant service appeal, inter alia, on the following:-

GROUND:

- a) That impugned orders dated 09-04-2020 and 16-09-2020 of the respondents are illegal, unlawful against the facts, departmental rules and regulations and principle of natural justice hence liable to be set aside.
- b) That no proper departmental inquiry was conducted. No Show Cause Notice was issued to appellant. Copy of inquiry report, if any, was never provided, even opportunity of personal hearing was not afforded to him rather he was condemned unheard.
- c) That respondents have not treated the appellant in accordance with law, departmental rules & regulations and policy on the subject and have acted in violation of Article-4 of constitution of Islamic Republic of Pakistan 1973 and unlawfully issued the impugned orders, which are unjust, unfair hence not sustainable in the eyes of law.
- d) That appellate authority has also failed to abide by the law and even did not take into consideration the grounds taken by appellant in the memo of appeal and penalty of reduction in rank has been converted into stoppage of 03 increments with cumulative effect. Thus act of respondent is contrary to the law as laid down in the KPK Police Rules 1934 read with section 24-A of General Clause Act 1897 and Article 10-A of Constitution of Islamic Republic of Pakistan 1973.

5

- e) That appellant has discharged his assigned duties with devotion, dedication and honesty. He has left no stone unturned in discharge of his duties and responsibilities and has wrongly been awarded the punishment.
- f) That allegation leveled against appellant in charge sheet is of ambiguous nature, based on surmises & conjectures which remained un-proved and un-substantiated to this day. Nothing adverse could be brought on record against appellant for which he has been penalized.
- i) That instant appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudication upon the same.

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Service Appeal order dated 09-04-2020 and 16-09-2020 of the respondents may graciously be set aside and appellant be restored his 03 years stopped increments with all consequential service back benefits. Any other relief which this Honorable Service Tribunal deems fit and proper in circumstances of the case may also be granted.

Through:

Zubaid Shah
Appellant
M. Aslam
(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated *15*-10-2020

VERIFICATION

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

Dated *15*-10-2020

Zubaid Shah
Appellant

6

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Zubaid Shah, LHC No. 507 of District Police Haripur. (**Appellant**)

VERSUS

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

SERVICE APPEAL

AFFIDAVIT:

I, Zubaid Shah 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.

Zubaid Shah

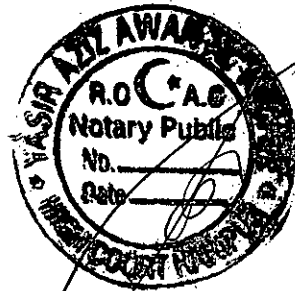
Deponent/Appellant

Dated: 15-10-2020

Identified By:

M. Aslam

Mohammad Aslam Tanoli
Advocate High Court
At Haripur



Zubaid Shah

Appellant

7

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Zubaid Shah, LHC No. 507 of District Police Haripur. (**Appellant**)

VERSUS

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

SERVICE APPEAL

CERTIFICATE

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

Zubaid Shah
APPELLANT

Dated: 15-10-2020

8

Annex - A

CHARGE SHEET

I, Dr. Zahid Ullah (PSP), District Police Officer, Haripur as competent authority, hereby charge you LHC Zubaid Shah No.507 as enclosed statement of allegations.

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

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

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

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

(5) A statement of allegations is enclosed.

(Dr. Zahid Ullah) PSP
District Police Officer
Haripur

Attested
Zubaid Shah.

9

DISCIPLINARY ACTION

I, Dr. Zahid Ullah (PSP), District Police Officer, Haripur as competent authority of the opinion that you LHC Zubaid Shah No.507 have rendered yourself liable to be proceeded against as you committed the following acts/omissions within the meaning of Police Efficiency & Discipline Rules 1975.

STATEMENT OF ALLEGATION

"That you while posted as TO Traffic Warden Haripur, perusal of Daily Diary No.26 dated 31.12.2019 Traffic Office transpires that 176 traffic Challans are lying pending with you since long, which is gross misconduct on your part in terms Police E.&D Rules 1975" hence, charge sheeted"

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

Mr. Iffikhar Khan, DSP HQs Haripur

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

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

(Dr. Zahid Ullah) PSP
District Police Officer
Haripur

No: 60-61 /PA dated Haripur the 13/02/2020.

Copy of above is submitted to the:-

- 1) Enquiry Officer for initiating proceedings against the said accused under Police Efficiency & Discipline Rules-1975.
- 2) LHC Zubaid Shah No.507 with the direction to submit his defense within 7 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purpose of departmental proceedings.

Attested
Zubaid Shah

(Dr. Zahid Ullah) PSP
District Police Officer
Haripur

بھی جائیداد Pending ہے۔ اگر میں مندرجہ نام کے پاس
رقم تیار کر کے بھیجی۔ کہیں LHC کے دفتر سے یہ اطلاع
دیا گیا۔ کہ وہ بھی System بحال ہوا۔ تو جان
عمل کروا دیے جائیں گے۔

4۔ یہ ان جائیداد میں مندرجہ نام کے

177 جائیداد مع رقم مبلغ 78440/2 کا طور
اجازت رکھ دیے۔ تاکہ وہ بھی System بحال
ہو۔ جائیداد عمل کروا دیے جائیں۔ کیونکہ اس سے
عملہ دہر کوئی چارہ نہ تھا۔ (نقل و کرایہ وغیرہ)
قابل مسکن بن جائے۔

5۔ کہہ جائیداد دیکھ جائیداد Pending ہے۔ بلکہ تنظیم
نے جس وقت تک حل۔ کیونکہ مندرجہ نام کے کوئی دفتر لکھنے کے
تیار نہ تھا۔ اور حالت میں مندرجہ نام کی بسا لاکھ ہے۔

6۔ یہ مندرجہ نام کے ہیں اپنے فریقین میں جو محتسب من کد لکھ جائیداد
سے کراہی ہو۔ لکھ جائیداد کو کراہی کا قیودہ دیا
بہتر ہو کہ وہ لکھ جائیداد۔ جن میں کوئی شہادت کا قیودہ دیا گیا
تو فوراً اس سے مندرجہ نام کے فریقین کو ملنا۔

اس لئے مندرجہ نام کے فریقین کو یہ بھی
پہنچانے کے لئے دفتر کے جانے کی سہولت فرمائی جائے۔

الموقع 3/17
2020

ذیہدیشہ LHC
507

Attested
Zubair Shah

Zubair Shah

12

Annex - 'C'

177 اعلان نیا بکوارا

رہنہ شدہ آئیے کے لیے

78440-0 قسم

جس میں اعلان کا

میں یہ اعلان جمع کروا دیتے

ماہی

1/2020



Attested

Zubaid Ghah



13

Amir D

OFFICE OF THE
 DEPUTY INSPECTOR GENERAL OF POLICE,
 TRAFFIC, KHYBER PAKHTUNKHWA, PESHAWAR
 Phone: 091-9225356 Fax: 091 9225357
 No. 28 /T. dated 21/5/2020



To
 Mr. Rafique Ghulam Hossain,
 Head of Operations JS Bank Limited
 1st Floor, Shaheen Commercial Complex,
 Dr. Ziauddin Ahmed Road, Karachi

Subject: PENDING CHALLANS.

The agreement with the firm MS 127 T-Systems System for traffic and driving license fees has been expired on 31-12-2019. New agreement with respective firm (JS Bank) has been signed for the said purpose through digital mode.

Previous challans of MS system are pending which were issued during the previous firm tenure and depositing after 31-12-2019, as these challans cannot be deposited through the previous firm due to expiry of agreement. It is hereby requested to direct all your branches/franchises to deposit all these pending challans for onward transmission to Movement Treasury.



(MUHAMMAD YAMIN DSP)
 Deputy Inspector General of Police
 Traffic, Khyber Pakhtunkhwa,
 Peshawar

Attested
 Zuhair Shah

Copy to:

1. The DIG Finance and Procurement, Khyber Pakhtunkhwa.
2. The Chief Traffic Officer, Peshawar.
3. All The District Police Officers in Khyber Pakhtunkhwa with the request to deposit these pending challans in any JS Bank Branch of _____

15/5/20

Better Copy

OFFICE OF THE
DEPUTY INSPECTOR GENERAL OF POLICE,
TRAFFICE, KHYBER PAKHTUNKHWA, PESHAWAR
Phone: 091-9225356 Fax 091-9225357

No. 28 /IT, dated 04/03/2020

To

Mr. Rafique Ghulam Hussain
Head of Operators JS Bank Limited
1st Floor Shaheen Commercial Complex
Dr. Ziauddin Ahmed Road Karachi.

Subject:- PENDING CHALLANS

The agreement with the firm M/S ATZ E-Payment System for traffic fine and license fees has been expired on 31-12-2019. New agreement with your respective firm (JS Bank) has been signed for the said purpose through digital mode.

Previous challans of ATZ system are pending which were issued during the previous firm tenure and depositing after 31-12-2019, as those challans cannot be deposited through the previous firm due to expiry of agreement it is therefore requested to direct all your branches/franchises to deposit all those pending challans for onward submission to Movement Treasury.

Sd/-
(MUHAMMAD YAMIN) PSP
Deputy Inspector General of Police
Traffic Khyber Pakhtunkhwa
Peshawar

Copy to:

1. The DIG Finance and Procurement Khyber Pakhtunkhwa.
2. The Chief Traffic Officer, Peshawar.
3. All the District Police Officer in Khyber Pakhtunkhwa with the request to deposit these pending challans in any JS Bank Branch of your respective district.

14

Annex - (E)

ORDER

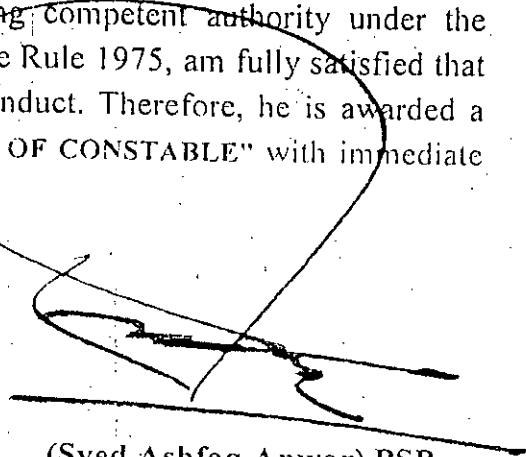
LHC Zubaid Shah No.507, while posted as TO Traffic Warden, perusal of Daily Diary No.26 dated 31.12.2019 Traffic Office transpired that 176 traffic challans were lying pending with him since long. The act of defaulter official was misconduct under the Khyber Pakhtunkhwa, Police Efficiency and Discipline Rules 1975. Hence, he was charge sheeted, vide this office Endst: No.60-61/PA dated 13.02.2020.

To probe the matter, Deputy Superintendent of Police, Haripur Mr. Iftikhar Khan was appointed as Enquiry Officer, who conducted proper departmental enquiry and submitted his findings, vide his office Memo No. 36/R dated 03.04.2020. The charges of misconduct were proved against the accused police official. Therefore, enquiry officer recommended him for major punishment. So, he was called in Orderly Room for personal hearing by the undersigned.

Having perused the finding of the enquiry officer, relevant record, the charges of misconduct are proved against the defaulter police official. Therefore, I, Syed Ashfaq Anwar (PSP), District Police Officer, Haripur being competent authority under the Khyber Pakhtunkhwa, Police Efficiency and Discipline Rule 1975, am fully satisfied that LHC Zubaid Shah No.507, committed a gross misconduct. Therefore, he is awarded a major punishment of "REVERTED TO LOWER RANK OF CONSTABLE" with immediate effect.

Order announced in his presence.

Order Book No. 253
Dated 27/04/2020.



(Syed Ashfaq Anwar) PSP
District Police Officer,
Haripur

Handwritten notes in Urdu script, including "P.R."

Attested
Zubaid Shah

15

Annex - F

BEFORE HONOURABLE REGIONAL POLICE OFFICER,
HAZARA REGION, ABBOTTABAD.

Departmental Appeal by Zubaid Shah
Constable No.507, District Police Haripur

(THROUGH PROPER CHANNEL)

DEPARTMENTAL APPEAL AGAINST ORDER OB NO. 253 DATED 09-04-2020 PASSED BY THE DISTRICT POLICE OFFICER HARIPUR WHEREBY THE APPELLANT HAS BEEN AWARDED WITH THE PENALTY OF REVERTION IN RANK FROM LHC TO CONSTABLE.

PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL THE IMPUGNED ORDER DATED 09-04-2020 MAY KINDLY BE SET ASIDE AND APPELLANT BE RESTORED HIS RANK OF LHC WITH GRANT OF ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respected Sir,

1. That appellant while posted as TO TRAFFIC WARDEN was issued with a Charge Sheet vide No.60-61/PA dated 13-02-2020 of by the District Police Officer Haripur alleging therein:

"that you while posted as TO Traffic Warden Haripur, perusal of Daily Dairy No. 26-12-2019 Traffic Office transpires that 176 Traffic Challns are lying pending with you since long, which is gross misconduct on your part in terms of Police E&D Rules 1975" hence charge sheeted." (Copy of the Charge Sheet is attached as "A").

2. That the aforementioned Charge Sheet was duly replied on explaining all facts and circumstances of the matter in detail denying the allegation leveled against the appellant being incorrect and baseless. (Copy of the reply is attached as "B").
3. That in fact the ATZ system through which the amount of challans was used to be deposited remained out of order quite for a considerable time. For the reason the said amount could not be deposited in time and amount

*Attested
Zubaid Shah*

of 176 challans Rs.78440/- was kept with Traffic Franchise (Challans) as trust (Amanat) for deposit on 01-01-2020. **(Receipt as a token of proof attached)**. On the other hand appellant's minor son was seriously injured due to burn and he had to run for his medical treatment to different Hospitals. Appellant has done his duty efficiently and honesty without any fault on his part. He has wrongly been charge sheeted and penalized.

4. That beside aforementioned problems, the **ATZ** System was completely blocked by the company on 31-12-2019. Due to reason the departmental authorities were constrained and they had to discontinue agreement with the previous company of ATZ System and signed new/fresh agreement with another company **JS BANK**. Appellant's stance taken in reply to the Charge Sheet and in the instant appeal would find forceful fortification from the Notification dated 04-03-2020 issued by the Deputy Inspector General of Police Traffic KPK Khyber Pakhtunkhwa Peshawar wherein detail about faulty ATZ System of previous company and signing of fresh agreement with **JS BANK** has been mentioned. There is no laxity or deliberate delay on the part of appellant in depositing Traffic challans in question. **(Copy of Notification dated 04-03-2020 is attached as "C")**.
5. That despite of aforementioned facts and circumstances of the matter, the District Police Officer Haripur without taking into consideration the stance advanced by appellant in shape of reply to the Charge Sheet resorted to award him with MAJOR PENALTY OF REVERTION IN RANK FROM LHC TO CONSTABLE through order dated 09-

Attested
Zubair Shah

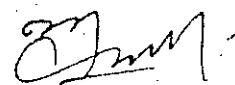
17

04-2020 without any reason and proof. (Copy of the order dated 09-04-2020 is attached as "D").

6. That no proper departmental inquiry was conducted to prove the allegations against the appellant. Copy of inquiry report was not provided to appellant. Even opportunity of personal hearing was not afforded to appellant and condemned unheard.
7. That appellant has rendered about 16 years service in the police department. He always performed his assigned duties with devotion, dedication and honesty to the entire satisfaction of his superiors. Appellant on occasion has been awarded with Commendation Certificates and Cash Rewards for his tremendous services by his police High-ups, and he has meritorious service record at his credit.
8. That if the appellant is afforded with the opportunity of personal hearing he will really prove him as innocent by adducing credible facts of the matter.

Sir, in view of above mentioned facts, it is earnestly requested that impugned dated 09-04-2020 of the District Police Officer Haripur may kindly be set aside and appellant be re-instated in his rank of HEAD CONSTABLE from the date of reversion with all consequential service back benefits. Thanking you Sir in anticipation.

You're obedient Servant



(Zubaid Shah)

Constable No. 507
District Police Haripur

Dated: 22-04-2020

Attested
Zubaid Shah

18

Annex-9



OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

☎ 0992-9310021-22

☎ 0992-9310023

✉ r.pohazara@gmail.com

☎ 0345-9560687

NO: 23217 /PA DATED 16/9/2020

ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by LHC Zubaid Shah No.507 of District Haripur against the order of punishment i.e. *Reversion to lower rank of constable* awarded by District Police Officer, Haripur vide OB No.253 dated 09.04.2020.

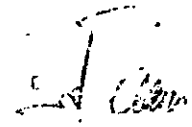
Brief facts leading to the punishment are that the appellant while posted as TO Traffic Warden, Haripur after perusal of Daily Diary No.26 dated 31.12.2019 Traffic Office transpired that 176 traffic challans were lying pending with him since long.

The appellant was issued charge sheet alongwith summary of allegations and DSP Hrqs, Haripur was deputed to conduct departmental enquiry. During the course of enquiry the allegations leveled against the appellant were proved and EO recommended him for major punishment. He was called in OR and heard in person, however the appellant failed to advance any cogent reason in his defence. Consequently, DPO Haripur awarded him major punishment of reversion to a lower rank of constable. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of DPO Haripur were sought and examined/perused. The undersigned called the appellant in OR and heard him in person. Report of Traffic Office, Haripur has been sought which shows that the appellant has deposited the pendency through JS Bank on 14-07-2020. Foregoing in view, the punishment awarded by DPO Haripur seems too harsh. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (c) of Khyber Pakhtunkhwa Police Rules, 1975 major punishment of reversion to the rank of constable is set aside while *the punishment of reversion is hereby converted into minor punishment of stoppage of three years increments with cumulative effect with immediate effect.*

HC
2/9/2020
23217

6187
17/9/2020
1/10/20


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

/PA, dated Abbottabad the 16-9/2020.

The District Police Officer, Haripur for information and necessary action with reference to the enclosed copy of the Report and Enquiry Report containing

Attested
Zubaid Shah

Better Copy

OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD
0992-9310021-22
0992-9310023

No: 23217 /PA DATED 16/09 /2020

ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by LHC Zubair Shah No. 507 of District Haripur against the order of punishment i.e. *Reversion to lower rank of constable* awarded by District Police Officer, Haripur vide OB No.252 dated 09-04-2020.

Brief facts leading to the punishment are that the applicant while posted as TO Traffic Warden, Haripur after perusal of Daily Dairy No. 26 dated 31-12-2019 Traffic Office transpired that 176 traffic challan were lying pending with him since long.

The appellant was issued charge sheet alongwith summary of allegations and DSP Hqs. Haripur was deputed to conduct departmental enquiry. During the course of enquiry allegations leveled against appellant were proved and EO recommended him for major punishment. He was called in OR and heard in person however appellant failed to advance any cogent reason in his defense. Consequently, DPO Haripur awarded him major punishment of reversion to a lower rank of constable. Hence appellant submitted this resent appeal.

After receiving his appeal, comments of DPO Haripur were sought and examined/perused. The undersigned called appellant in OR and heard him in person. Report of Traffic Office, Haripur has been sought which shows that appellant has deposited the pendency through JS Bank on 14-07-2020. Foregoing in view, punishment awarded by DPO Haripur seems too harsh. Therefore, in exercise of powers conferred upon the undersigned under Rule-11-4 © of Khyber Pakhtunkhwa Police Rules 1975 major punishment of reversion to the rank of constable is set aside while punishment of reversion is hereby converted into minor punishment of stoppage of three years increments with cumulative effect with immediate effect.

sd/-
Qazi Jamil ur Rehman (PSP)
REGIONAL POLICE OFFICER
HAZARA REGION ABBOTTABAD

No. 23218 /PA. dated Abbottabad the 16-09-2020

1. The District Police Haripur for information and necessary action with reference



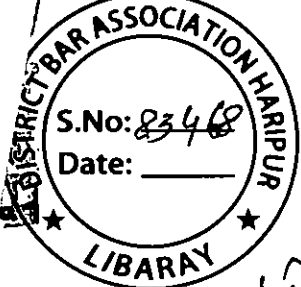
DBA.No: 201
 BC No:

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 Name of Advocate: محمد اسلم ٹٹوری

S.No: 83468

وکالت نامہ



بعدالت: خواجہ شمس الدین محمد صمد بخون عیاشی
 عنوان: ذخیر شاہ
 منجانب: ایڈونٹ
 نوعیت مقدمہ: سروس ایبل

باعث تحریر آئٹک: _____

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی با تصدیق مقدمہ بمقام مجلس ایس ایس ای کے لیے
محمد اسلم ٹٹوری

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا اور بروقت
 پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری
 غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب
 موصوف صدر مقام چکھری کے علاوہ کسی جگہ یا چکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ
 ہوں گے اور مقدمہ چکھری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا چکھری کے اوقات کے آگے پیچھے پیش ہونے
 پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا محتانہ کے واپس کرنے کے بھی صاحب
 موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر ذاختہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو
 عرض دعویٰ یا جواب دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی
 اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور سر قلم کار و پیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور
 اس کے ثالثی و راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیر و نجات از چکھری صدر
 اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم انتہائی یا قرتی یا گرفتاری قبل از گرفتاری واجرائے ڈگری بھی صاحب
 موصوف کو بشرط ادا نیگی علیحدہ محتانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ
 مقرر 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 میں کوئی مطالبہ کسی قسم کا صاحب موصوف کے
 برخلاف نہیں ہوگا۔

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: 2020/10/25 دن 10 ماہ 25 سال

Zubaid Suah
 (Appellant)

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

SERVICE APPEAL NO.12094

Zubaid Shah, LHC No.507 of District Police Haripur.

..... (Appellant)

VERSUS

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

..... (Respondents)

COUNTER AFFIDAVIT

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



20/12/2022
District Police Officer,
Haripur
(Respondent No.3)

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

SERVICE APPEAL NO.12094

Zubaid Shah, LHC No.507 of District Police Haripur.

..... (Appellant)

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others.

..... (Respondents)

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

Respectfully Sheweth.

PRELIMINARY OBJECTIONS:-

1. That the instant Service Appeal is not maintainable in the present form.
2. That the appellant is estopped by his own conduct.
3. That the appellant has not come to the Honorable Tribunal with clean hands.
4. That the appellant has suppressed the material facts from the Honorable Tribunal.
5. That the instant Service Appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
6. That the instant Service Appeal is badly barred by law and limitation.
7. That the appellant has filed the instant service appeal just to pressurize the respondents.
8. That the order passed by the authorities are based on facts & rules, after fulfilling of all codal formalities, hence, the appeal is liable to be dismissed without any further proceeding.

REPLY ON FACTS:-

1. In reply to this para, it is submitted that the appellant constable Zubaid Shah No.507, while posted as TO traffic warden district Haripur, was reported vide daily dairy No.26 dated 31.12.2019, traffic office Haripur, which transpired that 176 Challan were pending with the appellant . He retained the amount with himself and did not remit the same in the appropriate head of accounts. The acts and omissions of the appellant were misconduct under Khyber Pakhtunkhwa, Police Rules 1975. Therefore, he was served with charge sheet and statement of allegations, vide this office Endst: No.60-61/PA dated 13.02.2020. (Copy of charge sheet with statement of allegations is attached as annexure "A"). Deputy Superintendent of Police, HQrs Haripur, Mr. Iftikhar Khan was appointed as inquiry officer, who conducted the inquiry and submitted his findings report vide his office Memo No.36 dated 03.04.2020. (Copy of inquiry findings report is attached as annexure "B"). The inquiry officer held the charges proved and recommended the appellant for major punishment. Therefore, the appellant was awarded major punishment of reversion to lower rank of constable vide OB.No.253 dated 09.04.2020 by the then District Police Officer, Haripur. (Copy of order is attached as annexure "C"). The appellant filed departmental appeal against the punishment to the Regional Police Officer, Hazara Region,

Abbottabad, who converted major punishment of reversion to lower rank of constable into minor punishment of stoppage of 03 years increments with cumulative effects vide order No.23217/PA dated 16.09.2020. (Copy of order is attached as annexure "D").

2. Incorrect, the appellant was directed to deposit the amount of Challans. however, he did not remit the amount and retained it with himself. It signified his dishonesty and melafide. Therefore, he was proceeded against on charges of misconduct and he was awarded appropriate punishment.
3. Incorrect, the appellant is generating false stories. He failed to deposit the amount of Challans, the other TOs deposited the amount of Challans timely. His negligence and lethargic attitude in discharge of official duties was probed in departmental inquiry in which he was held guilty.
4. Incorrect, the matter was thoroughly probed in the departmental inquiry, in which the appellant was held guilty of retaining the amount with himself instead of depositing the same in the appropriate head of money. It was dishonesty of the appellant that he did not submitted the Challan amount and misappropriated the same. Therefore, the appellant was the awarded major punishment of reversion in rank by the competent authority.
5. Incorrect, proper departmental inquiry was conducted. The appellant was held guilty of gross misconduct. Hence, he was awarded major punishment of reversion to lower rank of constable by the then District Police Officer, Haripur.
6. Incorrect, the appellant was issued charge sheet and statement of allegations. Proper departmental inquiry was conducted and being found guilty he was awarded appropriate punishment. Moreover, all legal requirements were fulfilled while passing punishment to the appellant.
7. In reply to this para, it is submitted that the appellant committed misconduct, for which lawful action was taken and he was awarded punishment as warranted by the law/rules.
8. In reply to this para, it is submitted that the appellant filed departmental appeal against the order of punishment to the Regional Police Officer, Hazara Region, Abbottabad, who converted the major punishment of reversion to lower rank of constable into minor punishment of stoppage of 03 years increments with cumulative effect vide order No.23217/PA dated 16.09.2020. Hence, the instant service appeal is not maintainable under the law/rules.

REPLY ON GROUNDS:-


- A) Incorrect, the order of respondents dated 09.04.2020 and 16.09.2020, are quite legal, based on facts, evidence and principles of natural justice, hence, the orders are lawful and maintainable.
- B) Incorrect, proper departmental inquiry was conducted. The appellant was issued charge and statement of allegations, he was also given right of personal hearing and self defense. The charges were proved through cogent evidence. Hence, the punishment is lawful and maintainable.
- C) Incorrect, the appellant was dealt with in accordance with law, rules and constitution. He was proceeded against on charges of misconduct as per law/rules. Hence, the punishment is maintainable under the law.
- D) Incorrect, the appellate authority took into consideration all facts, circumstances and relevant evidence which held the appellant guilty. The appellate departmental authority converted the major punishment of appellant from lower rank of

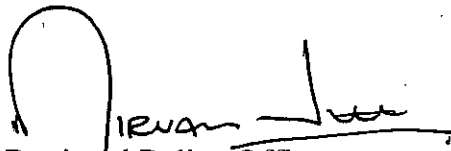
constable into minor punishment of stoppage of 03 years increments with cumulative effect. Therefore, the order of punishment is lawful and maintainable.


- E) Incorrect, the appellant did not perform his duties fairly, honestly and with devotion, rather, he remained negligent in discharge of official duties. Therefore, he was awarded lawful punishment.
- F) Incorrect, the appellant was served with charge sheet and statement of allegations containing charges of misconduct. The charges were thoroughly probed and appellant was held guilty of gross misconduct. Therefore, the appellant was awarded quite legal punishment under the rules by competent authorities.
- I). Incorrect, the instant service appeal is badly time barred and not maintainable under the law.

PRAYER:-

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


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


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


District Police Officer,
Haripur
(Respondent No.3)
23/2/2022

CHARGE SHEET

I, **Dr. Zahid Ullah (PSP)**, District Police Officer, Haripur as competent authority, hereby charge you **LHC Zubaid Shah No.507** as enclosed statement of allegations.

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

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

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

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

(5) A statement of allegations is enclosed.


(Dr. Zahid Ullah) PSP
District Police Officer
Haripur

DISCIPLINARY ACTION

I, Dr. Zahid Ullah (PSP), District Police Officer, Haripur as competent authority of the opinion that you LHC Zubaid Shah No.507 have rendered yourself liable to be proceeded against as you committed the following acts/omissions within the meaning of Police Efficiency & Discipline Rules 1975.

STATEMENT OF ALLEGATION

"That you while posted as TO Traffic Warden Haripur, perusal of Daily Diary No.26 dated 31.12.2019 Traffic Office transpires that 176 traffic Challans are lying pending with you since long, which is gross misconduct on your part in terms Police E&D Rules 1975" hence, charge sheeted"

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

Mr. Iftikhar Khan, DSP HQrs Haripur

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

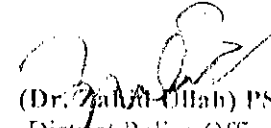
(4) The accused and a well conversant representative of departmental shall in the proceedings on the date, time and place fixed by the Enquiry Officer/Committee.


(Dr. Zahid Ullah) PSP
District Police Officer
Haripur

No. 60-61 /PA dated Haripur the 13 /02/2020.

Copy of above is submitted to the: -

- 1) Enquiry Officer for initiating proceedings against the said accused under Police Efficiency & Discipline Rules 1975.
- 2) LHC Zubaid Shah No.507 with the direction to submit his defense within 7 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purpose of departmental proceedings.


(Dr. Zahid Ullah) PSP
District Police Officer
Haripur

محمد رفیق صاحب ڈی ایس پی کے ساتھ اور ان کے والدین کے پاس
(انکوائری آفس میں)

عنوان :- بجا رہنے پر چارج شیٹ نمبر 6/11A-60-63 کا 13²/₀₂₀

خبریں - گذشتہ 2 سالوں سے - نہ چارج شیٹ نمبر 6/11A-60-63 کا
دراصل کوئی - بجا رہنے پر چارج شیٹ نمبر 6/11A-60-63 کا

1- نہ کہ عدالت چارج شیٹ ذرا بجا رہنے پر 2019
مورہ 31¹²/₂₀₁₉ نہ الزام عائد ہے - نہ من عدالت کے پاس
176 ٹریفک جان Pending ہے -

2- نہ کہ جان Pending ہو سکتی ہے اور یہ ہے - ATZ
system قرار دیا - اور جان جمع کروانے میں تاخیر ہے -
دوسرے طرف ان میں دنوں میں من عدالت کا چھوٹا بیٹا داخل
کہ شہید ذہنی لاء علی ہو گیا - جسے من عدالت مختلف بیٹوں
میں عدالت معالجہ کیے ہیں - آتا رہا - اور کبھی بھی نہ ملتی تھی -
سابقہ میں سائیکل جمع ڈیوٹی بھی کرنی پڑتی تھی - ایسے ایسے
معاملہ میں من عدالت کی کوئی سستی یا تاخیر نہیں ہے
بلکہ حالت من عدالت میں ہے -

3- یہ کہ جس سسٹم کے ذریعے جان جمع کروایا کرتے تھے
وہ مورہ 31¹²/₁₉ سے بدل کر دیا گیا تھا - اس معاملہ
میں TO سے دفتر کے بھی لگا ہوا ہے - کہ جان
کے طور پر جمع کروائیں - تو انہوں نے یہ من عدالت کو بتایا
کہ سسٹم کا blockage ہے اس لیے ان کے پاس

ڈپٹی سپرنٹنڈنٹ آف پولیس، سرکل ہیڈ کوارٹر، ہری پور

ایڈیشنل ایس پی، کمپلیٹ سیل، ضلع ہری پور

نمبر: 36 مورخہ: 20/04/20

انکوائری برخلاف زبید شاہ LHC، ہری پور

عنوان: جناب عالی!

بحوالہ چارج شیٹ نمبری PA/61-60 مورخہ 13.02.2020 آمدہ دفتر جناب DPO صاحب ہری پور کی نسبت معروض ہوں کہ مذکورہ LHC سے چارج شیٹ کی نسبت جواب حاصل کیا گیا۔ مذکورہ پر الزام ہے کہ اس نے دوران ٹریفک TO تعیناتی 176 چالان کی رقم جمع نہیں کروائی۔

مذکورہ نے اپنی تحریری جواب میں بتلایا کہ ATZ چالان سٹم خراب ہونے کی وجہ سے چالان جمع نہیں کروائی۔ اسی دوران اس کا بیٹا جل جانے کی وجہ سے زخمی ہوا اور وہ ہسپتالوں کے چکر میں پڑا رہا۔ مورخہ 31.12.2019 سے سٹم بلاک ہو گیا جس کی وجہ سے اس کے پاس چالان کی رقم مبلغ 78440 روپے پینڈنگ ہیں۔

انکوائری کو جاری رکھتے ہوئے چالان کلرک جس کے پاس چالانوں کا حساب ہوتا ہے کا بیان لیا گیا جس نے اپنے بیان میں بتلایا کہ جب سے پشاور ہیڈ کوارٹر سے ATZ چالان سٹم بندش کا آرڈر موصول ہوا تھا وہ روزمرہ کی بنیاد پر تمام TO,s کو حکم ہذا سے آگاہ کرتے رہے کہ ATZ سٹم بند ہونے والا ہے۔ اپنی کلکٹس کریں بقایا TO,s نے حکم کی تعمیل کی اور اپنے جملہ چالان کو کلکٹ کیے مگر زبید شاہ TO نے کوئی آرڈر نہ مانا آخر کار روزنامچہ میں اس کے خلاف رپورٹ لکھی گئی اس TO نے بدیانتی کرتے ہوئے چالان جمع نہیں کروائے۔

فائنڈنگ:

انکوائری سے یہ پایا گیا ہے کہ مذکورہ LHC زبید شاہ نے چالان کلرک محمد اشرف کے کہنے کے باوجود چالان کی رقم جمع نہیں کروائی جو آج بھی اس کے پاس پینڈنگ ہے۔ چونکہ TO,s سٹاف جو دستی جرمانہ موقع پر وصول کر لیتا ہے وہ شام کو یا دوسرے دن رقم فرنیچائز میں جمع کروانے کا ذمہ دار ہوتا ہے۔ مگر اس TO نے ایسا نہیں کیا اور سرکاری رقم ہڑپ کر گیا۔ جو کہ بدیانتی کے زمرے میں آتا ہے۔ بڑی سزا کی سفارش کی جاتی ہے۔ انکوائری رپورٹ گزارش ہے۔

ڈپٹی سپرنٹنڈنٹ آف پولیس،
سرکل ہیڈ کوارٹر، ہری پور

Received to a lower
rank of constable

OB No. 253
09-4-2020

19

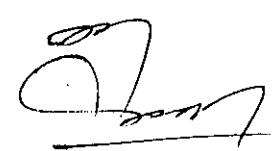
خا - عالی!

گزارش صبح بروج انکوائری سائل کو رپورٹ شدہ

سزا برقی ہے۔
بذریعہ در فونٹ اسٹریٹ کے نقل آرزو ددی 4 و
نام سائل خا - PPO کے ذریعہ ارسال کیے گئے۔

الگارہن

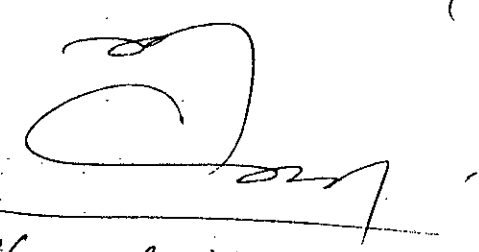
نمبر سٹاٹہ 507 / Fe
تعمیر حرجی کا پاس۔


15/04/2020

Sin
Submitted per
order No
~~Account No~~
ERE
15/4/2020

72.
19

Received



16-04-2020

77 اعلان بنیاد سکو، راجست
زیستگاه آت سے لے کر پورے ملک

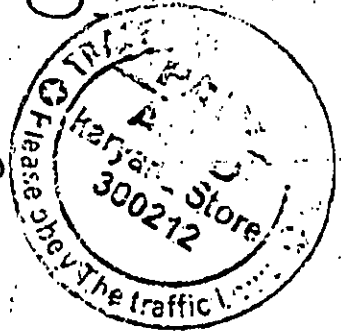
کلکتہ، رقم 78440-0

جب بنیاد سکو، راجست

سے لے کر پورے ملک

ماہی

1/2000



ORDER

LHC Zubaid Shah No.507, while posted as TO Traffic Warden, perusal of Daily Diary No.26 dated 31.12.2019 Traffic Office transpired that 176 traffic challans were lying pending with him since long. The act of defaulter official was misconduct under the Khyber Pakhtunkhwa, Police Efficiency and Discipline Rules 1975. Hence, he was charge sheeted, vide this office Endst: No.60-61/PA dated 13.02.2020.

To probe the matter, Deputy Superintendent of Police, Haripur Mr. Iftikhar Khan was appointed as Enquiry Officer, who conducted proper departmental enquiry and submitted his findings, vide his office Memo No. 36/R dated 03.04.2020. The charges of misconduct were proved against the accused police official. Therefore, enquiry officer recommended him for major punishment. So, he was called in Orderly Room for personal hearing by the undersigned.

Having perused the finding of the enquiry officer, relevant record, the charges of misconduct are proved against the defaulter police official. Therefore, I, **Syed Ashfaq Anwar (PSP)**, District Police Officer, Haripur being competent authority under the Khyber Pakhtunkhwa, Police Efficiency and Discipline Rule 1975, am fully satisfied that LHC Zubaid Shah No.507, committed a gross misconduct. Therefore, he is awarded a major punishment of **"REVERTED TO LOWER RANK OF CONSTABLE"** with immediate effect.

Order announced in his presence.

Order Book No. 253

Dated 07/04/2020.

(Syed Ashfaq Anwar) PSP
District Police Officer,
Haripur

اگر رول پر
پر و فوٹو تیار کر
کر

P.R.

Entered in
Genral roll
3/6



OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.rpohazara@gmail.com

0345-9560687

NO: 23217 / PA DATED 16/9/2020

ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by LHC Zubaid Shah No.507 of District Haripur against the order of punishment i.e. *Reversion to lower rank of constable* awarded by District Police Officer, Haripur vide OB No.253 dated 09.04.2020.

Brief facts leading to the punishment are that the appellant while posted as TO Traffic Warden, Haripur after perusal of Daily Diary No.26 dated 31.12.2019 Traffic Office transpired that 176 traffic challans were lying pending with him since long.

The appellant was issued charge sheet alongwith summary of allegations and DSP Hrqs, Haripur was deputed to conduct departmental enquiry. During the course of enquiry the allegations leveled against the appellant were proved and EO recommended him for major punishment. He was called in OR and heard in person, however the appellant failed to advance any cogent reason in his defence. Consequently, DPO Haripur awarded him major punishment of reversion to a lower rank of constable. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of DPO Haripur were sought and examined/perused. The undersigned called the appellant in OR and heard him in person. Report of Traffic Office, Haripur has been sought which shows that the appellant has deposited the pendency through JS Bank on 14-07-2020. Foregoing in view, the punishment awarded by DPO Haripur seems too harsh. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (c) of Khyber Pakhtunkhwa Police Rules, 1975 major punishment of reversion to the rank of constable is set aside while *the punishment of reversion is hereby converted into minor punishment of stoppage of three years increments with cumulative effect* with immediate effect.

RC/OHC
D. M. / action

No. 23218
cc.

6187
17/9/2020
DPO

/PA, dated Abbottabad the 16-9 /2020.

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

Mustafa
Data Base
official Record
Comp!

DPO-HR
17-09-2020

The District Police Officer, Haripur for information and necessary action with reference to his office Memo No. 2815 dated 02-06-2020. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

OB No. 696

17-09-2020