

19<sup>th</sup> Sept 2022 Appellant in person present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Shamraiz Khan, ASI (Legal) for respondents present.

Written reply not submitted. Representative of the respondents seeks time submit written reply/comments on the next. Respondents are directed to submit written reply/comments positively. To come up for written reply/comments on 14.11.2022 before S.B at camp court Abbottabad.



(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

18.07.2022

Appellant alongwith his counsel present. Preliminary arguments heard.

Learned counsel for the appellant has contended that the mandatory provisions of Police Rules, 1975 were not complied with during the inquiry proceedings and the appellant was not even provided an opportunity of personal hearing. He next contended that witnesses in the inquiry proceedings were examined at the back of the appellant and he was not provided any opportunity of cross examination. He further argued that fundamental rights of the appellant were violated and he was verbally informed that he has been dismissed from service. He next argued that the appellant even submitted written request to the District Police Officer District Abbottabad for providing him copy of the impugned order as well as other documents but the application of the appellant was received by Guard Command Gate Police Lines namely Muhammad Javed H.C No. 05, who wrote on the back of application that DPO had ordered that the appellant may not be allowed entry in police lines. He next argued that the appellant preferred departmental appeal, which was not responded within the statutory period.

The appeal is though not accompanied by copy of the impugned order of dismissal but the appellant has specifically alleged in his appeal that copy of the impugned order was not provided to him, despite written request. The appeal is supported by duly sworn affidavit.

Points raised need consideration, hence the appeal in hand is admitted to regular hearing subject to all just and legal 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 on 19.09.2022 before the S.B at Camp Court Abbottabad.



(Salah-Ud-Din)  
Member (J)

Camp Court Abbottabad

125, 500/7  
Appellant Deposited  
Security & Process Fee



26/7

Form- A

## FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 942/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/06/2022	<p>The appeal of Mr. Gul Afzal resubmitted today by Mr. Muhammad Aslam 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-	14-7-22	<p>This case is entrusted to touring Single Bench at A.Abad for preliminary hearing to be put there on <u>18-7-22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>

To

The Registrar,  
KPK Service Tribunal,  
Peshawar.

Subject:- **RE-SUBMISSION OF APPEAL FILE OF APPELLANT GUL  
AFZAL AFTER COMPLTION & REMOVAL OF OBJECTIONS.**

Reference: Your letter No.1681/ST dated 13-06-2022.

The following objections were raised vide your letter referred to above have been removed and filed is resubmitted:

1. First Objection. Copy of the Charge Sheet has now been placed on file.
2. So far as objection regarding non-placing of impugned dismissal order on appeal file is concerned, it is intimated that in para-11 of the appeal it is clearly mentioned that appellant was verbally dismissed on 22-02-2022 and impugned order was not given to him by the DPO Abbottabad despite his repeated requests rather his entrance in Police Lines was banned by DPO and he had to make departmental appeal without impugned order dated 22-02-2022.
3. File is re-submitted please.

  
(Muhammad Aslam Tanoli)  
Advocate High Court  
District Courts Haripur


Dated: 23-06-2022

The appeal of Mr. Gul Afzal Ex-Head Constable no. 340 district police A.Abad received today i.e. on 13.06.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of Charge sheet in respect of appellant mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Copy of impugned dismissal order is not attached with the appeal which may be placed on it.
- 3- Departmental appeal having no date be dated.

No. 1681 /S.T,

Dt. 13/6 /2022

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Muhammad Aslam Tanoli Adv.  
High Court Haripur.

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
CHECK LIST**

**CASE TITLE:**

V/S

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: <i>Gul Afzal</i>	✓	
2	Whether Counsel/Appellant/Respondent/Deponents have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly pagged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11; notice along with copy of appeal and annexures has been sent to respondents? On		
26	Whether copies of comments/reply/rejoinder submitted? On		
27	Whether copies of comments/reply/rejoinder provided to opposite party? On		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: *M. Aslam Taneeli*

Signature: *M. Aslam Taneeli*

Dated: *13/6/2022*

*0333-5958999*

BEFORE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

Appeal No.....942/2022

Gul Afzal Ex-Head Constable No. 340 District Police Abbott bad  
**(Appellant)**

**VERSUS**

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


**SERVICE APPEAL**

**INDEX**

S/No	Description of Document	Ann- exure	Page No.
1.	Appeal.		01-07
2.	Copy of FIR 12-12-2021`	"A"	08
3.	<del>Reply of</del> Charge Sheet / <i>its Reply</i>	"B"	09-12
4.	Show Cause Notice dated 07-02-2022	"C"	13-14
5.	Reply of Show Cause Notice.	"D"	<del>14-16</del>
6.	Application dated 28-02-2022	"E"	<del>17</del>
7.	Departmental Appeal 01-03-2022	"F"	<del>19-22</del>
8.	Wakalatnama		

  
**Appellant**

Through

  
(Mohammad Aslam Tanoli)  
Advocate High Court  
at Haripur

Dated: 13 -06-2022

1

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Appeal No... 942/2022

Khyber Pakhtunkhwa  
Service Tribunal

Date: 23/6/2022

Date: 13/6/2022

Gul Afzal Ex-Head Constable No. 340 District Police Abbottbad  
**(Appellant)**

**VERSUS**

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

**SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL  
ACT 1974 AGAINST ORDER DATED 22-02-2022 OF THE DISTRICT  
POLICE OFFICER ABBOTTABAD WHEREBY APPELLANT HAS BEEN  
"DISMISSED FROM SERVICE" VERBALLY AND DESPITE WRITTEN  
REQUEST DATED 28-02-2022 NO DISMISSAL ORDER HAD BEEN  
ISSUED HOWEVER APPELLANT PREFERRED A DEPARTMENTAL  
APPEAL DATED 01-03-2022 BEFORE THE RPO HAZARA REGION  
ABBOTTABAD WHICH WAS NEVER RESPONDED AND AFTER EXPIRY  
OF STATUTORY PERIOD INSTANT SERVICE APPEAL BEFORE THIS  
HONORABLE KPK SERVICE TRIBUNAL PESHAWAR.**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL THE  
IMPUGNED ORDER DATED 22-02-2022 OF THE RESPONDENT MAY  
KINDLY BE SET ASIDE AND APPELLANT BE REINSTATED IN SERVICE  
FROM THE DATE OF DISMISSAL WITH ALL CONSEQUENTIAL  
SERVICE BACK BENEFITS.**

Respected Sir,

1. That appellant was inducted in District Police Abbott bad in the year 2001 and since then appellant has been performing hi duties with devotion, dedication and honesty. Appellant has meritorious service record.

Re-submitted to -day  
and filed.

2. That while appellant posted in Investigation Wing at P.S Mangal Abbottabad, one Khalid lodged an FIR No. 649 dated 12-12-2021 U/S-418/420/468/471 PPC read with S-



118-1(c)/119(b) of Police Act 2017 that allegedly an occurrence took place on 23-11-2021 at 01:00 against unknown person, wherein appellant was neither charged nor nominated. **(Copy of FIR dated 12-12-2021 is attached as "A")**.

3. That later after 09 days the complainant charged the appellant for offence in his supplementary statement and statement recorded u/s-164 Cr.PC, however in both the statements complainant never stated that he paid any amount to him rather he stated that the alleged amount was aid to "Tahir and Fiaz" and therein has not assigned any role to the appellant. In his statement the complainant stated that he could not identify the police officials and even no identification parade was conducted as per Article-22 of QSO 1984 by the I.O. to authenticate identity of appellant.
4. That during the inquiry, the complainant did not appear to substantiate his claim. Similarly one "Noman" while appearing before inquiry officer categorically submitted that he does not know the appellant. Besides one "Babar" disclosed that pictures of police officials were shown to him on the next day. The above is sufficient that appellant has been wrongly and falsely involved in this case and no case has been made against him on these statement.
5. That during investigation the complainant has not been made accused despite the fact that he disclosed that he was in sale of illegal gold.

6. That during appellant's police custody nothing was recovered from him and the alleged recovery attributed to him is fabricated and concocted as appellant did not produce any amount to police as he was innocent.
7. That at the alleged time of occurrence i.e. 01:00 pm dated 12-11-2021 the appellant was present in the court of learned Additional Session Judge-VI, Abbottabad in connection with FIR No. 486 U/S 380 PPC of Police Station Mangal and thereafter left for investigation in connection with case FIR No. 581 under Section-8/11 Article 457 to village Tannan alongwith police Constable namely Khurshid No. 101 which is situated at a long distance from place of occurrence.
8. That though the appellant was arrested in the above mentioned FIR but released on bail by Judicial Magistrate-III Abbottabad case being one of further inquiry under section 497(2) Cr.PC. Appellant is totally innocent and has been falsely involved in the instant case due to personal grudge and with malafide intention just cause him harm in service career.
9. That appellant was issued a charge sheet which was duly replied and the allegations leveled therein were flatly denied. **(Copy of reply to the Charge Sheet is attached as Annexure-"B")**.
10. That thereafter a final show cause notice was issued which was replied and the allegations mentioned

therein were denied. **(Copies of Final Show Case Notice and its reply are attached as Annexure "C&D")**.

11. That though no dismissal order dated 22-02-2022 was provided by the DPO Abbottabad to the appellant despite his application dated 28-02-2022 which application was received by "Javed Guard Commander" and repeated requests yet he preferred a departmental appeal dated 01-03-2022 before the Regional Police Officer, Hazard Region, Abbottabad which was never responded within statutory period. **(Copies of application dated 28-02-2022 and departmental appeal dated 1-03-2022 are annexed as "E & F")**.

12. Hence this service appeal inter alia on the following grounds:-

**GROUND:**


- A) That verbal orders dated 22-02-2022 of the DPO Abbottabad is illegal, unlawful, against the facts, departmental rules & regulation, Police E&D Rules 1975 and passed in a cursory, whimsical and arbitrary manner; hence are liable to be set aside.
- B) That no proper departmental inquiry was conducted. Neither any evidence was recorded in his presence nor was he afforded a chance of cross-examination. Copy of enquiry report, if any, was also not given to appellant. Even opportunity of personal hearing was not afforded to him and he was condemned unheard.

- 5
- C) That the appellate authority has also failed to abide by the law neither he considered nor replied departmental appeal of the appellant. Thus act of the appellate authority is contrary to the Police E&D Rules 1975 read with section 24-A of General Clause Act 1897 and Article 10A of the Constitution of Islamic Republic of Pakistan 1973.
- D) That appellant was wrongly and falsely involved in the criminal case and neither during investigation nor inquiry any thing adverse could be brought on record against the appellant and he has been penalized with major penalty of dismissal from service without any reason, justification and proof.
- E) That instant service appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain & adjudicate upon the lis.

**PRAYER:**

It is, therefore, humbly prayed that on acceptance of instant service appeal order dated 22-02-2022 of the respondents may graciously be set aside with grant of all consequential service back benefits. Any other relief which this Honorable Tribunal deems fit and proper in circumstances of the case may also be granted.

Through:

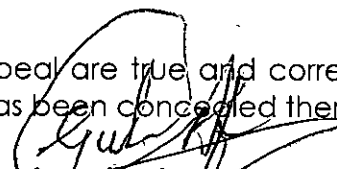
  
Appellant  
M. Aslam  
(Mohammad Aslam Tanoli)  
Advocate High Court  
At Haripur

Dated 13-06-2022

**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 13-06-2022

  
Appellant

6

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

Gul Afzal Ex-Head Constable No. 340 District Police Abbott bad  
**(Appellant)**

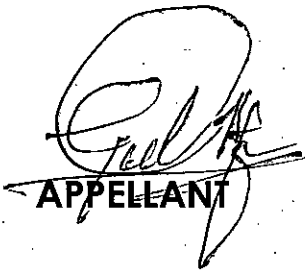
**VERSUS**

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

**SERVICE APPEAL**

**CERTIFICATE**

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

  
**APPELLANT**

Dated: 13-06-2022

7

BEFORE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

Gul Afzal Ex-Head Constable No. 340 District Police Abbott bad  
**(Appellant)**

**VERSUS**

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

**SERVICE APPEAL**


**AFFIDAVIT:**

I, Gul Afzal 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 Honourable Service Tribunal.

  
Deponent/Appellant

Dated: 17-06-2022

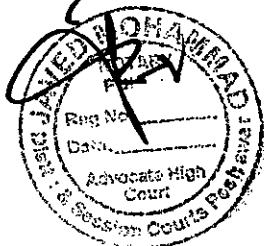
Identified By:

  
Mohammad Aslam Tanoli  
Advocate High Court  
At Haripur

Dated 15-06-2022

**ATTESTED**

  
Appellant






9

Annex. B<sup>3</sup>

CHARGE SHEET

- 1). I, Zahoor Babar Afridi (PSP) District Police Officer Abbottabad as competent authority hereby charge you HC Gul Afzal No. 345 Investigation Wing as explained in the attached statement of allegations.
- 2). You appear to be guilty of misconduct under Police Disciplinary Rules 1975 (amended 2014) and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.
- 3). You are therefore, directed to submit your written defense within seven days on the receipt of this Charge Sheet to the Enquiry Officer.
- 4). Your written defense, if any shall reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
- 5). Intimate whether you desire to be heard in person or otherwise.
- 6). A statement of allegations is enclosed.

  
(Zahoor Babar Afridi) PSP  
District Police Officer  
Abbottabad

Musad  
SAC





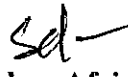
(Better Copy)

**DISCIPLINARY ACTION**

I, Zahoor Babar Afridi (PSP) District Police Officer Abbottabad as Competent Authority of the opinion that your HC Gul Afzal No. 345 Investigating Wing rendered yourself liable to be proceeded against as you committed the following act/omission within the meaning of Police Disciplinary Rules 1975 (amended 2014).

**STATEMENT OF THE ALLEGATIONS**

1. You Gul Afzal No.345 while posted in Investigation Wing at PS Mangal Abbottabad, on 23-11-2021 you alongwith 05 accused made a plan of selling of gold ornament weighing 70/75 Tola to Mr. Khalid S/O Muhammad Rafique R/O Balakot in lieu of amount Rs.42,00,000/- out of which Rupees amounting 32,50,000/- was paid by Mr. Khalid but you alongwith other co-accused created a pre-plan drama and pretended that gold ornaments were stolen property. You by using tactics fraudulently took the cash amount Rs.32,00,000/- from the applicant without any agreement deed neither took any legal action nor brought the matter into the notice of senior officers. Upon the application of Mr. Khalid S/O Muhammad Rafique a case vide FIR No. 649 dated 12-12-2021 U/S 419/420/468/471 PPC PS Mangal was registered against you and other 05 co-accused. Prior to this you remained found involved in illegal activities upon which various cases were registered against you in the district i.e. casevide FIR No. 46 dated 20-01-2011 U/S-347/365/382/386/389/34 PPC PS Mirpur & FIR No.46 dated 09-01-2021 U/S-382/34 PPC PS Havelian. Your this illegal act earned bad name for entire police department as well as in the eyes of general public, which is tantamount to gross misconduct on your part being a member of discipline force.
2. For the purpose of scrutinizing your conduct with reference to the above allegations, Addl: SP Abbottabad is hereby appointed as Enquiry Officer.
3. The inquiry Officer shall in accordance with the provision of this ordinance, provide reasonable opportunity of hearing to you, record finding and make within 25 days of the receipt of this order recommendation as to punishment or the appropriate action against you.
4. You are hereby directed to attend the proceedings on the due date, time and place fixed by the Enquiry Officer.

  
(Zahoor Babar Afridi) PSP  
District Police Officer  
Abbottabad

No. 472/PA, Dated Abbottabad the 14/12/2021

Copy to:-

Enquiry Officer for initiating proceedings against the defaulter officer under provision of the Police Disciplinary Rules 1975 (amended 2014) and submit findings within stipulated period.

HC Gul Afzal No.435 Investigation Wing Abbottabad (delinquent officer/official).

9/B  
Annex B/A

**BEFORE THE ADDITIONAL SUPRINTENDENT OF POLICE**  
**ABBOTTABAD**

In the matter of;

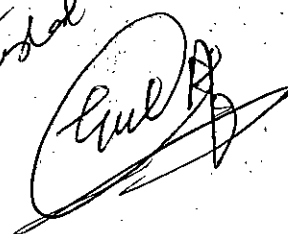
Gul Afzal, HC No.340 District Police Abbottabad, presently Police Lines  
Abbottabad.

**REPLY OF STATEMENT OF ALLEGATIONS**

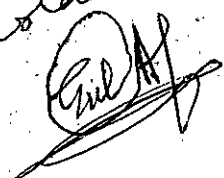
It is respectfully submitted as under:-

I take honor to refer to letter No.472/PA dated 14/12/2021 vide which statement of allegations and charge sheet have been served upon me. The detailed reply of statement of allegations and charge sheet is as under:-

1. That I was inducted in District Police Abbottabad in the year 2001 and since then I have been performing my duties with devotion, dedication and honesty. My performance in different station have been appreciated by my superiors in the shape of certificates and rewards. During the whole tenure of my service even a single complaint has not been filed by any quarter against me.
2. That one Mr. Khalid lodged a report on 12/12/2021 of an occurrence which has allegedly taken place on 23/11/2021 at 01:00 pm and report thereof has been lodged at 19:30 pm i.e almost after 07 hours, whereas the distance between alleged place of occurrence and police station is about 02 KM which is sufficient to believe that the matter was reported after due deliberation and consultation.

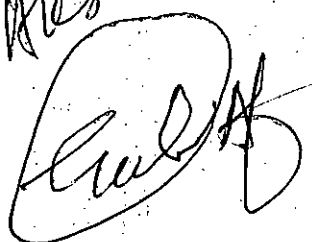
*Khalid*  


3. That accordingly, the FIR No.649 was registered on 12/12/2021 under Section 419/420/468/471 PPC read with Section 118-1(c)/ 119(b) of Police Act, 2017 against unknown persons.
4. That later on the complainant charged the undersigned for the offence in his supplementary statement and statement recorded under section 164 Cr.PC, however in both the statements the complainant has not stated that he paid the amount to me rather he stated that the alleged amount was paid to Tahir and Fiaz.
5. That even otherwise on 23/11/2021 at the time of alleged occurrence i.e 01:00 pm I was present in the court of learned Additional Session Judge-VI, Abbottabad in connection with case FIR No.486 Under Section 380 PPC of police station Mangal and thereafter i left for investigation in connection with case FIR No.581 under section 8/11 Article 457 to village Tannan along with police Constable namely Khurshid No.101 which is at sufficient distance from the alleged place of occurrence, hence, it is humanly impossible for a person to be present at two different places at the same time.
6. That I am completely innocent and the whole episode has been staged with malafide intention just to drag me in the present fabricated and concocted case with ulterior motives and some personal grudges.
7. That during my custody with police, nothing was recovered from my person and the alleged recovery attributed to me is fabricated and concocted, I have never produced any amount to the police because I am totally

Alwida  


innocent and being low paid government employee I could not save Rs.200000/- during the whole service. Similarly, my mobile phone was in custody of police therefore, the assertion of I.O that I contacted my relative for the amount is nothing but a pack of lie.

8. That another important aspect of the case is that the complainant stated in his statement under section 164 Cr.PC that he could not identify the police official, if this part of the statement of complainant is considered it would be crystal clear that the whole story has been fabricated by the complainant in connivance with local police because if the complainant charged me / police official by name, why he could not identify the police officials.
9. That so far, FIR No. 46 dated 20/01/2011 under section 347/365/382/386/389/34 PPC Police Station Mirpur is concerned , I have been acquitted by the Honorable court being innocent as I was present at Bomb Disposal Unit Lahore in connection with course on the date of alleged occurrence i.e 02/12/2010. Similarly, I have also been acquitted in case registered vide FIR No.48 dated 09/01/2021 Under Section 382/34 PPC Police Station Havelian, being innocent. Therefore, no gross mis-conduct on my part being member of Discipline Force can be attributed to me.
10. That I am completely innocent and never committed the offence as alleged in the FIR mentioned in the statement of allegation and charge sheet.

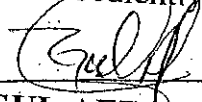
*M. S. K.*  


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11. That in the wake of above I would also humbly submit that a chance of personal hearing be also given to me in the highest interest of justice.

It is therefore, humbly prayed that in the light of foregoing submissions / reply, the statement of allegations and charge sheet may graciously be ordered to withdrawn and I may kindly be exonerated from the charges leveled against me.



Your Obediently.



**GUL AFZAL**

HC No.340

District Police, Abbottabad



**OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD**

No: 35 /PA, Dated Abbottabad, the 07/02/2022.


**FINAL SHOW CAUSE NOTICE**

**(Unit Rule (3) KPK Police Rules, 1975 amended 2014)**

1. That you **HC Gul Afzal No. 340** rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) for following misconduct;
  - I. You HC Gul Afzal No. 340 while posted in Investigation Wing at PS Mangal Abbottabad, on 23-11-2021 you alongwith 05 co-accused made a plan of selling of gold ornament weighing 70/ 75 Tola to Mr. Khalid S/O Muhammad Rafique R/O Balakot in lieu of amount Rs. 42,00,000/- out of which Rupees amounting 32,50,000/- was paid by Mr. Khalid but you alongwith other co-accused created a pre-plan drama and pretended that the gold ornaments were stolen property. You by using tactics fraudulently took the cash amount Rs. 32,50,000/- from the applicant without any agreement deed neither took any legal action nor brought the matter into the notice of senior officers. Upon the application of Mr. Khalid S/O Muhammad Rafique a case vide FIR No. 649 dated 12-12-2021 U/S 419/ 420/ 468/ 471 PPC PS Mangal was registered against you and others 05 co-accused. Prior to this you remained found involved in illegal activities upon which various cases were registered against you in the district i.e case vide FIR No. 46 dated 20-01-2011 U/S 347/ 365/ 382/ 386/ 389/ 34 PPC PS Mirpur & FIR No. 18 dated 09-01-2021 U/S 382/ 34 PPC PS Havelian. Your this illegal act earned bad name for entire police department as well as in the eyes of general public, which is tantamount to gross misconduct on your part being a member of discipline force:-
    - II. During proper departmental enquiry the allegations have been proved against you.
2. That by reason of above, as sufficient material is placed before the undersigned therefore it is decided to proceed against you in general Police proceedings without aid of enquiry officer;
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the police force will amount to encouragement of inefficient Police officers;
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the Rules.
6. You are, therefore, called upon to Final Show Cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975(amended 2014) for the misconduct referred to above.
7. You should submit reply to this Final Show Cause Notice within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

Received by \_\_\_\_\_  
 Dated \_\_\_\_/\_\_\_\_/2021

*Gul Afzal*

  
 District Police Officer  
 ♀ Abbottabad

14  
Ammeel D

BEFORE THE DISTRICT POLICE OFFICER ABBOTTABAD

In the matter of;

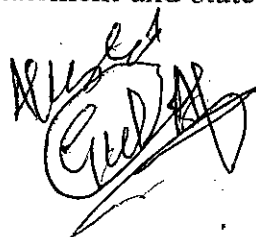
Gul Afzal, HC No.340 District Police Abbottabad, presently Police Lines Abbottabad.

REPLY OF FINAL SHOW CAUSE NOTICE

It is respectfully submitted as under;-

I take honor to refer to letter No.25/PA dated 07/02/2022 vide which final show cause notice has been served upon me. The detailed reply of final show cause notice is as under;-

1. That I was inducted in District Police Abbottabad in the year 2001 and since then I have been performing my duties with devotion, dedication and honesty. My performance in different station have been appreciated by my superiors in the shape of certificates and rewards. During the whole tenure of my service even a single complaint has not been filed by any quarter against me.
2. That one Mr. Khalid lodged a report on 12/12/2021 of an occurrence which has allegedly taken place on 23/11/2021 at 01:00 pm and report thereof has been lodged at 19:30 pm i.e almost after 07 hours, whereas the distance between alleged place of occurrence and police station is about 02 KM which is sufficient to believe that the matter was reported after due deliberation and consultation.
3. That accordingly, the FIR No.649 was registered on 12/12/2021 under Section 419/420/468/471 PPC read with Section 118-1(c)/ 119(b) of Police Act, 2017 against unknown persons.
4. That later on the complainant charged the undersigned for the offence in his supplementary statement and statement recorded

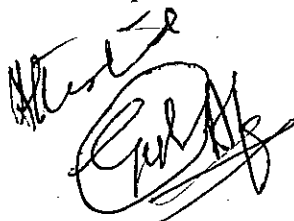




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under section 164 Cr.PC, however in both the statements the complainant has not stated that he paid the amount to me rather he stated that the alleged amount was paid to Tahir and Fiaz.

5. That even otherwise on 23/11/2021 at the time of alleged occurrence i.e 01:00 pm I was present in the court of learned Additional Session Judge-VI, Abbottabad in connection with case FIR No.486 Under Section 380 PPC of police station Mangal and thereafter I left for investigation in connection with case FIR No.581 under section 8/11 Article 457 to village Tannan along with police Constable namely Khurshid No.101 which is at sufficient distance from the alleged place of occurrence, hence, it is humanly impossible for a person to be present at two different places at the same time.
6. That I am completely innocent and the whole episode has been staged with malafide intention just to drag me in the present fabricated and concocted case with ulterior motives and some personal grudges.
7. That during my custody with police, nothing was recovered from my person and the alleged recovery attributed to me is fabricated and concocted, I have never produced any amount to the police because I am totally innocent and being low paid government employee I could not save Rs.200000/- during the whole service. Similarly, my mobile phone was in-custody of police therefore, the assertion of I.O that I contacted my relative for the amount is nothing but a pack of lie.
8. That another important aspect of the case is that the complainant stated in his statement under section 164 Cr.PC that he could not identify the police official, if this part of the statement of complainant is considered it would be crystal clear that the whole story has been fabricated by the complainant in connivance with local police because if the complainant

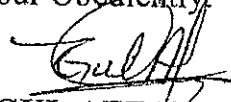


charged me / police official by name, why he could not identify the police officials.

9. That during the inquiry, the complainant did not appear to substantiate his claim. Similarly Mr. Noman while appearing before inquiry officer categorically submitted that he does not know the undersigned. Besides above, Mr. Babar disclosed that the pictures of police official were shown to him on the next day. The above would suffice that I am innocent and on the basis of statements no case is made out against me.

It is therefore, humbly prayed that in the light of foregoing submissions / reply, the final show cause notice may graciously be ordered to withdrawn and I may kindly be exonerated from the charges leveled against me.

Your Obediently,

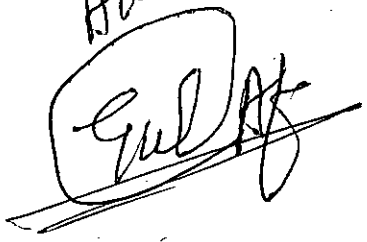


GUL AFZAL

HC No.340

District Police, Abbottabad

*Alised*



## بخدمت جناب DPO صاحب ضلع ایبٹ آباد

عنوان: درخواست برآمد حکم فرمانے مصدقہ نقولات فیصلہ انکواری، بیانات گواہان انکواری وڈس مسل آرڈر  
برخلاف من سائل گل افضل Ex-340/HC-

جناب عالی! درخواست ذیل عرض ہے۔

1- یہ کہ سائل تھانہ مانگل میں بطور HC/INV تعینات تھا سائل کے خلاف تھانہ مانگل میں مقدمہ علت نمبر 649/21 جرم 34 / (d) 119 (c) 1 PPC 419/420/468/471/118 تھانہ مانگل میں بغیر کسی قصور و ثبوت کے ملوث کیا گیا تھا۔ مقدمہ میں سائل ضمانت حاضری و مخلصی پر ہے۔

2- یہ کہ سائل کے خلاف ایک انکواری کمیٹی قائم کی گئی انکواری کمیٹی کی فائنڈنگ پر سائل کو بغیر کسی شہادت کے گتہ کارٹھرایا گیا اور جس کی روشنی میں سائل کو نوکری سے مورخہ 22/02/2022 کو برخاست (Dismiss) کر دیا گیا۔ لیکن چونکہ میرا داخلہ دفاتر DPO پولیس لائن گیٹ سے جناب نے بند کیا ہوا ہے نیز نقولات بابت Dismiss / برطرف ملازمت کوئی بھی دستاویزات بمطابق قانون انصاف مہیا نہ کرنے بدیں وجہ سائل اعلیٰ اتھارٹی کے سامنے اپیل کرنے کے لیے متذکرہ بالا نقولات حاصل کرنے سے ابھی تک محروم ہے۔ جس وجہ سے سائل نقولات کے حصول کے لیے درخواست ہذا کا محتاج ہوا ہے۔


3- یہ کہ سائل کے حقوق کا سوال ہے۔ اس لیے سائل کو نقولات کی مصدقہ کاپیاں درکار ہیں۔

لہذا استدعا ہے کہ سائل کو مصدقہ نقولات انکواری و بیانات گواہان انکواری وڈس مسل آرڈر دینے کا حکم

صادر فرمایا جاوے۔

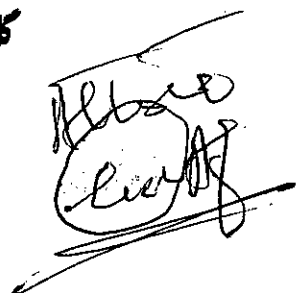
درخواست ہذا کی نقل بطور ثبوت اپنے پاس رکھی جاتی ہے۔

المترقوم: 28/02/2022



گل افضل ولد شیر افضل سکناہ کمالہ حویلیاں

موبائل نمبر: 0321-9673183



Handwritten text at the top left, possibly a name or address.

Small handwritten mark or symbol at the top center.

Handwritten text in Urdu script, likely a message or address.

Handwritten text in Urdu script, possibly a name or title.

Handwritten text in Urdu script, including a phone number: 0346-5835769.

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Large handwritten signature or name in Urdu script.

*18* *Annexure 'F'*  
**BEFORE THE DEPUTY INSPECTOR GENERAL OF POLICE,**  
**HAZARA REGION, ABBOTTABAD**

Gul Afzal, HC No.340 District Police Abbottabad.

...*APPELLANT*

**VERSUS**

District Police Officer, Abbottabad.

...*RESPONDENT*

Subject: **DEPARTMENTAL APPEAL**

It is respectfully submitted as under;-

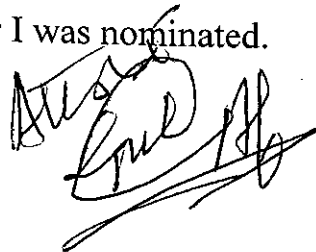
I take honor to refer to the subject noted above and to submit as under;-

1. I was issued with charge sheet and statement of allegation. I submitted reply thereof accordingly. Copy of reply thereof are attached herewith as Annexure "A".
2. That thereafter final show cause notice was issued to me. I also submitted the reply of final show cause notice. Copy of show cause notice and reply thereof is attached as Annexure "B".
3. That despite the fact that during the inquiry nothing could be proved against appellant and the complainant has also not come forward to depose against appellant, the respondent in a slipshod and cursory manner,

*Afzal*  
*[Signature]*

notwithstanding the law on the subject proceeded to terminate my services on 22.02.2022, however no order in writing has been provided to appellant.

4. That the act of respondent in not providing copies of record to me is against the law and constitution, as under Article 19-A of the constitution of Pakistan, the appellant has the right of information and same is further protected under section 10 Right to Information Act, 2013.
5. That having no order in hand appellant is left with no option but to file the present departmental appeal without impugned order.
6. That I was inducted in District Police Abbottabad in the year 2001 and since then I have been performing my duties with devotion, dedication and honesty. My performance in different station have been appreciated by my superiors in the shape of certificates and rewards. During the whole tenure of my service even a single complaint has not been filed by any quarter against me.
7. That one Mr. Khalid lodged a report on 12/12/2021 of an occurrence which has allegedly taken place on 23/11/2021 at 01:00 pm and report thereof has been lodged at 19:30 pm i.e almost after 07 hours, whereas the distance between alleged place of occurrence and police station is about 02 KM which is sufficient to believe that the matter was reported after due deliberation and consultation.
8. That upon the report of one Khalid, a bogus and frivolous FIR was lodged against the unknown culprits, wherein neither I was charged nor I was nominated.



- 20
9. That accordingly, the FIR No.649 was registered on 12/12/2021 under Section 419/420/468/471 PPC read with Section 118-1(c)/ 119(b) of Police Act, 2017 against unknown persons.
  10. That later on the complainant charged the appellant for the offence in his supplementary statement and statement recorded under section 164 Cr.PC, after a lapse of 09 days however in both the statements the complainant has not stated that he paid the amount to me rather he stated that the alleged amount was paid to Tahir and Fiaz and therein has not assigned any role to the appellant. Further, in the light of dictums laid down by the Apex Courts, supplementary statement has no credit in the eye of law.
  11. That even otherwise on 23/11/2021 at the time of alleged occurrence i.e 01:00 pm I was present in the court of learned Additional Session Judge-VI, Abbottabad in connection with case FIR No.486 Under Section 380 PPC of police station Mangal and thereafter I left for investigation in connection with case FIR No.581 under section 8/11 Article 457 to village Tannan along with police Constable namely Khurshid No.101 which is at sufficient distance from the alleged place of occurrence, hence, it is humanly impossible for a person to be present at two different places at the same time.
  12. That I am completely innocent and the whole episode has been staged with malafide intention just to drag me in the present fabricated and concocted case with ulterior motives and some personal grudges.
  13. That I was arrested in the subject bogus FIR and having my case one of the further inquiry under section 497(2) CrPC, I was released on bail by the learned Judicial Magistrate-III, Abbottabad.

*Alleged*  
*[Signature]*

- 14. That the allegations in the subject FIR are yet to be proved against me and it is celebrated principle of law that unless proven guilty, one is presumed to be innocent.
- 15. That trial of the case is yet to commence and if the appellant is dismissed at this stage and later acquitted in the FIR, the appellant would have inconvenience and irreparable loss not only to himself but to his family, repute and Honor.
- 16. That another important aspect of the case is that the complainant stated in his statement under section 164 Cr.PC that he could not identify the police official, and no identification parade under Article 22 of QSO 1984 was conducted by the I.O to authenticate my identity.
- 17. That during my custody with police, nothing was recovered from my person and the alleged recovery attributed to me is fabricated and concocted, I have never produced any amount to the police because I am totally innocent and being low paid government employee I could not save Rs.200000/- during the whole service. Similarly, my mobile phone was in custody of police therefore, the assertion of I.O that I contacted my relative for the amount is nothing but a pack of lie.
- 18. That during the inquiry, the complainant did not appear to substantiate his claim. Similarly Mr. Noman while appearing before inquiry officer categorically submitted that he does not know the undersigned. Besides above, Mr. Babar disclosed that the pictures of police official were shown to him on the next day. The above would suffice

*Alleged*  
*Case No. 11/2017*



~~22~~

that I am innocent and on the basis of statements no case is made out against me.

19. That during investigation the complainant has not been made an accused, despite the fact that he disclosed himself in sale of illegal gold.
20. That order Article 67 of QSO 1984, previous character of accused is always relevant and in my case my entire service record is clean and I have never been involved in such like activities.
21. That before the adjudication of court of law upon the matter, passing of dismissal order is not only harsh but against the law, fact and norms of natural justice.

It is therefore, humbly prayed that in the light of foregoing submissions / reply, the final show cause notice may graciously be ordered to withdrawn and I may kindly be exonerated from the charges leveled against me.

Dated: 01/03 /2022

  
**GUL AFZAL**

Ex-HC No.340  
District Police, Abbottabad



# وکالت نامہ

بمدالت جناب *اپنی طرف سے* *اپنی طرف سے* *اپنی طرف سے*

مخالف *Appellant* *Respondent*

دعویٰ یا جرم *باعت خیراً*

مندرجہ بالا عنوان میں اپنی طرف سے *اپنی طرف سے* *اپنی طرف سے*

ایڈووکیٹ *اپنی طرف سے* *اپنی طرف سے* *اپنی طرف سے*

پیشگی پر مقرر حاضر نہ ہوں اور حاضری کی وجہ سے *اپنی طرف سے* *اپنی طرف سے*

ہوئے۔ نیز وکیل صاحب موصوف صدر مقام *اپنی طرف سے* *اپنی طرف سے*

تخلیل بیرونی کرنے کے مجاز نہ ہوئے۔ اگر مقدمہ تمام *اپنی طرف سے* *اپنی طرف سے*

کے آگیا یا پیچھے ہونے پر مقرر کو کوئی نقصان *اپنی طرف سے* *اپنی طرف سے*

ہوگا صاحب موصوف ذمہ دار نہ ہوئے۔ *اپنی طرف سے* *اپنی طرف سے*

موصوف کو مرضی و جوی اور درخواست اجراء *اپنی طرف سے* *اپنی طرف سے*

کرنے کا بھی اختیار نہ ہوگا اور کسی حکم یا ڈگری کے اجراء *اپنی طرف سے* *اپنی طرف سے*

کا ہر قسم کا بیان دینے اور پیر و تاشی و راضی نامہ *اپنی طرف سے* *اپنی طرف سے*

برآمدگی مقدمہ یا سنسٹی ڈگری یا مقررہ درخواست *اپنی طرف سے* *اپنی طرف سے*

بشرط امانت علیحدہ بیرونی مختار نہ کرے *اپنی طرف سے* *اپنی طرف سے*

کو بیان اپنے ہمراہ مقرر کریں اور ایسے شیر قانونی *اپنی طرف سے* *اپنی طرف سے*

موصوف کو پوری فیس تاریخ پیشگی سے *اپنی طرف سے* *اپنی طرف سے*

کریں اور ایسی حالت میں میرا مطالبہ صاحب *اپنی طرف سے* *اپنی طرف سے*

مختار نہ بنایا ہے اور اسی طرح سمجھا لیا اور منظور ہے۔

تاریخ: 20-06-13

Accepted by  
M. Aslam  
Adv

*Signature*