

20th Sept 2022

Appellant in person present, Mr. Kabirullah Khattak, Addl;AG alongwith Mr. Shamraiz Khan, ASI for respondents present.

Written reply not submitted. Record shows that notices to the respondents have not been issued. Representative of the respondents assured that he will submit reply on the next date. Last chance is given. To come up for written reply/comments on 15.11.2022 before S.B at camp court Abbottabad:

2022 11 15
S.B. at Camp Court Abbottabad



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

P

20.05.2022

Counsel for the appellant present and heard.

Learned counsel for the appellant submits that the appellant is aggrieved of the orders dated 20.12.2019, whereby he was removed from service and 19.03.2020 whereby his departmental appeal filed under Rule-11-A of the Khyber Pakhtunkhwa Police Rules 1975 was filed and revision petition filed holding the same as barred by time on 14.06.2021, which, the appellant claims to have received on 05.04.2022. Let this appeal be admitted to full hearing subject to all just and legal objections and restrictions by the other side. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for submission of reply/comments before the S.B on 19.07.2022 at camp court Abbottabad.

Rs-500/-
Appellant Depos
Security & Process Fee

[Signature]
24/5/22

[Signature]

(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

19.07.2022

Appellant alongwith his counsel present. Mr. Shujja Ali, ADEO (Litigation) alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present and again sought time for submission of reply/comments. Last opportunity granted. In case the last chance as given is not availed, the next adjournment shall be subject to prior payment of cost of Rs. 5000/-, failing which the right of respondents for submission of reply/comments shall be deemed as struck off. Adjourned. To come up for submission of reply/comments on 20.09.2022 before the S.B at Camp Court Abbottabad.

[Signature]

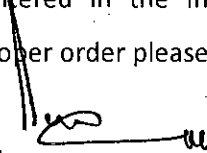

(Salah-Ud-Din)
Member (J)
Camp Court Abbottabad

Form-A

FORM OF ORDER SHEET

Court of _____

Case No. - 635/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/04/2022	<p>The appeal of Mr. Mubashir Ali received today by post through Sardar Muhmmad Azeem 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-	12/5/22	<p>This case is entrusted to Single Bench at A.Abad for preliminary hearing to be put there on <u>20-5-2022</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>

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

Case Title: _____

S#	CONTENTS	YES	NO
1	This Appeal has been presented by <u>Sardar Mahammed Azeem</u>		
2	Whether counsel / appellant/ respondent/ deponent have signed the requisite document?	Yes	
3	Whether appeal is within time?	Yes	
4	Whether the enactment under which the appeal is filed mentioned?	Yes	
5	Whether the enactment under which the appeal is filed is correct?	Yes	
6	Whether affidavit is appended?	Yes	
7	Whether affidavit is duly attested by competent oath commissioner?	Yes	
8	Whether Appeal / Annexures are properly paged?	Yes	
9	Whether Certificate regarding filing any earlier appeal on the subject, furnished?	Yes	
10	Whether annexures are legible?	Yes	
11	Whether annexures are attested?	Yes	
12	Whether copies of annexures are readable/ clear?	Yes	
13	Whether copy of appeal is delivered to AG/ DAG?	copy attached	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by Petitioner/ Appellant / Respondents?	Yes	
15	Whether number of referred cases given are correct?	Yes	
16	Whether appeal contains cutting / overwriting?	NO	NO
17	Whether list of books has been provided at the end of the appeal?	Yes	
18	Whether case relate to this Court?	Yes	
19	Whether requisite number of spare copies are attached?	Yes	
20	Whether complete spare copy is filed in separate file cover?	Yes	
21	Whether addresses of parties given are complete?	Yes	
22	Whether index filed?	Yes	
23	Whether index is correct?	Yes	
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 _____	copies attached	
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 /documentations as required in the above table, have been fulfilled.

Name:- **Sardar Muhammad Azeem**

Signature:- _____

Dated:- _____

Advocate

High Court

03129832024

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHUWA, PESHAWAR

Service Appeal No. 635 /2022

Mubashir Ali Ex (FC) No.509, Police Station Nawanshehr Son of Liaqat Ali
resident of Namli Mair, Tehsil & District Abbottabad.

...APPELLANT

VERSUS

Govt. of KPK through Secretary Home Department & others.

...RESPONDENTS

SERVICE APPEAL


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3.	Copy of Charge ^{Sheet} and statement of allegation	11 to 12	"B" & "C"
4.	Copy of reply appellants dated 07/05/2014	- 13 -	"D"
5.	Copy of order dated 29/08/2014	- 14 -	"E"
6.	Copy of memo of departmental appeal and order dated 24/12/2014 of respondent No.3	15 to 18	"F" & "G"
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...APPELLANT

Dated: 21-4-2021

Through


(Sardar Muhammad Azeem)
Advocate High Court, Abbottabad

03129832024

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHUWA, PESHAWAR

Service Appeal No. _____/2022

Mubashir Ali Ex (FC) No.509, Police Station Nawanshehr Son of Liaqat Ali
resident of Namli Mair, Tehsil & District Abbottabad.

...APPELLANT

VERSUS

1. Govt. of KPK through Secretary Home Department.
2. Inspector General of Police KPK Peshawar.
3. Divisional Inspector General of Police Hazara Range, Abbottabad (RPO)
Abbottabad.
4. District Police Officer Abbottabad.

...RESPONDENTS

**APPEAL AGAINST THE IMPUGNED ORDER
NO.204 DATED 20/12/2019 PASSED BY
RESPONDENT NO.4 AND ORDER NO.870 DATED
19/03/2020 WHICH WAS COMMUNICATED TO
APPELLANT ON 17/05/2021 PASSED BY
RESPONDENT NO.3 AND ORDER NO.2262 DATED
14/06/2021 COMMUNICATED TO APPELLANT ON
05/04/2022 FROM THE OFFICE OF THE
RESPONDENT NO.4 PASSED BY RESPONDENT
NO.2.**

PRAYER: ON ACCEPTANCE OF INSTANT APPEAL IMPUGNED ORDER DATED 20/12/2019 PASSED BY RESPONDENT NO. 4, ORDER DATED 19/03/2020 OF RESPONDENT NO.3 AND ORDER NO.222 DATED 14/06/2021 PASSED BY RESPONDENT NO.2 MAY GRACIOUSLY BE SET-ASIDE AND APPELLANT BE REINSTATED IN SERVICE WITH ALL BACK BENEFITS IN THE INTEREST OF JUSTICE. ANY OTHER RELIEF WHICH THIS HONOURABLE COURT DEEMS FIT AND PROPER MAY ALSO BE GRANTED TO THE APPELLANT.

Respectfully Sheweth;-

Brief facts of the case are as under;-

1. That appellant was appointed in Police Department as Police Constable on 19/09/2009.
2. That, appellant has been rendering his service at different stations from very inception to the complete satisfaction of his high-ups.
3. That, recently the appellant was on duty in Police Station Nawanshehr Abbottabad, when one Arsalan (respondent No.6) reported the matter of

his being beaten and of taken of cash Rs.42,00/- one golden ring and one Mobile (Q-6) when he along with his fiancé and family was at top of Ilyasi Masjid Nawanshehr for recreation against the Constable Shakeel and Constable Ahmad Waqas and also named the appellant.

4. That, the above cited report was deduced into writing in Mud no.18 by the Moharrar of Police Station Nawanshehr Abbottabad on dated 22/04/2014. Copy of Mud No.18 dated 22/04/2014 is attached as Annexure "A".

5. That, on this Mid report, the respondent No.4, with the malafide and ignorance of his own record according to which the duty of the appellant at that time in police station not an any place of occurrence. Moreover, respondent No.4 also ignorance of statement of complaint issued charge sheets statement of allegation to appellant. Copy of charge sheet and statement of allegation are annexed as Annexure "B" & "C".

7. That, the appellant being abiding subordinate instantly replied the Charge Sheet vide reply dated 07/05/2014 by explaining the real situation. Copy of reply appellant dated 07/05/2014 is attached as Annexure "D".
8. That, respondent No.4 passed order dated 29/08/2014 wherein by imposing the major penalty, the appellant was ordered to be dismissed from service. Copy of order dated 29/08/2014 is attached as Annexure "E".
9. That, the appellant preferred the departmental appeal to respondent No.3, which was decided on 24/12/2014. Copy of memo of departmental appeal and order dated 24/12/2014 of respondent No.3 are attached as Annexure "F" & "G".
10. That appellant being feeling aggrieved filed appeal No.116/15 before this Honourable Tribunal and appeal of the appellant dispose off on 17/09/2019 with the direction on to respondent provided. Copy of inquiry report and issue fresh final shows cause

notice to appellant. Copy of judgment is annexed as Annexure "H".

10. That, the respondent department after decision in appeal No.116/2014 issued final show cause notice to appellant on 22/11/2019 and appellant submitted reply of the final show cause notice on 28.11.2019. Copies of final show cause notice and reply are annexed as Annexure "I" & "J".

11. That, the respondent No.4 issued impugned order No.06284 dated 20/12/2019 without hearing of the appellant and without considering reply of final show cause notice and report of the complainant Arsalan Khan in which he stated that, I had lodge a complaint against police officials due to misunderstanding. Moreover the respondent department also ignore his own record according to which at the time of occurrence. The duty of the appellant in police station not on any place of occurrence. Copy of impugned order is annexed as Annexure "K".

12. That the appellant being feeling aggrieved from the order dated 20/12/2019 of the respondent No.4 filed departmental appeal before respondent No.3.

which was decided by the respondent No.3 without hearing of the appellant on 29/03/2020 but the copy of decision was communicated to the appellant on 17/5/2021. Copies of departmental appeal & order are annexed as Annexure "L" & "M".

14. That, the appellant after received order of the departmental appellant authority on 17/05/2021 filed revision petition before respondent No.1 on 18/05/2021 which was decided without notice to appellant or hearing of the appellant on 14/06/2021 and copy of order was communicated to appellant on 05/04/2022 from the office of respondent No. 4. Copy of revision and order is annexed as Annexure "N" & "O".
15. That, the appellant being feeling aggrieved filed instant appeal on the following grounds amongst others.

GROUND:

- a) That, the impugned order passed by the respondent are illegal, perverse, unilateral, sketchy, unlawful, which smacks partiality

and are thus against attending circumstances of case hence are not tenable at law.

- b) That, by no stretch of imagination the inquiry conducted can be made genesis for awarding the major punishment of appellant.
- c) That, it is less understandable indeed incomprehensible that the clear cut version of the complaint is patently discarded only to corner the appellant on he very outset. Copy of the statement of complaint during the course of inquiry is attached as Annexure "P".
- d) That, no proper opportunity was given to the appellant to produce the witnesses with regard to his presence on the spot or his being existed Police Station.
- e) That, otherwise the criminal complaint comes to an end when the complaint withdraws from the same.


- f) That, the statement of complaint only is sufficient to eliminate the possibility of any falsehood on the part of appellant rather it strengthens the defense version of appellant.
- g) That, rest of the legal points would be raised at the time of arguments.

It is, therefore, respectfully prayed that on acceptance of instant appeal impugned order dated 20/12/2019 passed by respondent No. 4, order dated 19/03/2020 of respondent No.3 and order No.222 dated 14/06/2021 passed by respondent No.2 may graciously be set-aside and appellant be reinstated in service with all back benefits in the interest of justice. Any other relief which this Honourable Tribunal deems fit and proper may also be granted to the appellant.

Dated: 21-4-2022

Through


...APPELLANT


(Sardar Muhammad Azeem)
Advocate, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.


...APPELLANT

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHUWA, PESHAWAR

Service Appeal No. _____/2022

Mubashir Ali Ex (FC) No.509, Police Station Nawanshehr Son of Liaqat Ali
resident of Namli Mair, Tehsil & District Abbottabad.

...APPELLANT

VERSUS


Govt. of KPK through Secretary Home Department & others.

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, *Mubashir Ali Ex (FC) No.509, Police Station Nawanshehr Son of Liaqat Ali
resident of Namli Mair, Tehsil & District Abbottabad*, do hereby solemnly affirm
and declare that the contents of foregoing appeal are true and correct to the best of
my knowledge and belief and nothing has been concealed therein from this
Honourable Court.


DEPONENT

CHARGE SHEET.

Annexure
6 B9 (11)

I, Muhammad Ali Khan District Police Officer Abbottabad competent authority, is hereby charge you FC Mubashir Ali No. 509 as explained in the attached statement of allegations.

You are therefore, directed to submit your written defense within seven days on the receipt of this Charge Sheet to the Enquiry Officer.

Your written defense, if any should 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.

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed

05/07/2014
دیرپا

District Police Officer,
Abbottabad.

attested
Sardar Muhammad
Azeem
Advocate Abbottabad

DISCIPLINARY ACTION.

Annexure
C.

I, Muhammad Ali Khan District Police Officer Abbottabad, as Competent Authority of the opinion that you FC Mubashir Ali No. 509 have rendered yourself liable to be proceeded against as you committed the following act/omission within the meaning of Police Disciplinary Rules 1975.

STATEMENT OF THE ALLEGATION.

12

As per DD No. 18 dated 22.04.2014 of PS Nawansher, you FC Mubashir Ali No. 509 alongwith FC Shakeel No. 1071 and FC Ahmed Waqas No. 1421, have beaten one Arsalan and his family and also taken a sum of Rs: 4200/-, one golden ring and one Mobile (Qx6) from them, which is a gross misconduct on your part.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, Mr. Shams ul Rehman, Addl. S. is deputed to conduct formal Departmental Enquiry against you.

The Enquiry Officer shall in accordance with the provision of ordinance, provide reasonable opportunity of hearing the defaulter, furnish findings within 30 days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

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

(Signature)

District Police Officer,
Abbottabad.

No. 220-22/PA, Dated Abbottabad, the 30-4/2014.

Copy of above is forwarded to:-

1. Mr. Shams ul Rehman, Addl. S. (Enquiry Officer) for initiating proceedings against the defaulter officer under provisions of the Police Disciplinary Rules 1975.
2. FC Mubashir Ali No. 509 through RI Lines 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.
3. RI P/Lines Abbottabad with the directions that the duplicate copy of the same be returned to this office after taking signature of official concerned as a token of receipt.

(Signature)

District Police Officer,
Abbottabad.

Attested
Sardar Muhammad
Azeem
Advocate Abbottabad
(Signature)

خانہ عالی

American

بحوالہ احتراماً چارج شیٹ و ڈی سیلنری ایکشن شیٹ

نمبر 22/PA-1220 مورخہ 30⁰⁴ 2014ء مورخہ 21⁰⁴ 2014ء کو میں تھانہ نوان شہر میں موجود تھا۔ نہ میں

(B)

الیاسی ٹاپ پر گیا۔ نہ میرا الیاسی ٹاپ پر کوئی کام تھا۔ مورخہ 21⁰⁴ 2014ء کو میں تھانہ نوان شہر میں موجود تھا۔ میرے خلاف تھانہ کے سٹاف کے کسی ملازم کے اے سی آر رپورٹ دوچ کی گئی ہے۔

استدعا ہے کہ چارج شیٹ و ڈی سیلنری ایکشن شیٹ و اخلاقی فرمائی جاوے۔

الحق
2014ء

بشر علی کیٹی 509 تھانہ نوان شہر حال پولیس
لاٹن ایسٹ آباد

attested
22/4/22

Elstok

RM

Annexure
E

ORDER

14

This order would disposes off departmental enquiry conducted against Constable Mubshir Ali No.509 who while posted at Police Station Nawansher, along-with Constable Ahmed Waqas No. 1421 & Constable Shakeel No.1071 beaten one Arslan & his family, also taken cash of Rs. 4200/-, one golden ring & one Mobile (Q6) from them as a gratification by harassing them. Consequent upon a complaint, in this regard, made by victim at Police Station Nawansher, The SHO PS Nawansher testified the genuineness of the grievances of the complainant followed by suspension of the mentioned officials and initiation of departmental proceedings.

Subsequently Charge sheet/summary of allegation was issued and served upon him. Addl: Superintendent of Police Abbottabad conducted formal departmental enquiry. Allegations as incorporated in charge sheet were proved against him.

Final Show Cause Notice was issued & served upon him and he was heard in person in Orderly Room held on 27-08-2014 but he failed to submit any convincing defense.

In the light of the gravity of the allegations, the gross misconduct which has been subsequently proved during the course of departmental proceedings and as per the findings & recommendation of the inquiry officer, it is evident that Constable Mubshir Ali No.509 does not deserve to remain in Police Department. By doing so he along-with his other accomplices those has acted as robber in Police uniform have tarnished the image of Police force. Therefore, in exercise of powers vested in me under Police E&D rules 1975, I award him major punishment of dismissal from service with immediate effect.

Order announced.

Munir
District Police Officer,
Abbottabad.

O.B No - 228

27-08-14

attested
Sardar Muhammad
Azeem
Advocate Abbottabad
27/8/14

Attested
[Signature]
Office Superintendent
District Police Officer
Abbottabad

19.1.15

بکھور جناب ایچ صاحبہ جو ایس ایس ایف آرہ ریجن آباد

Amexine

F.

15

اپیل بنا راہی حکم صدرہ بحوالہ آرڈر ایک
نمبر 228 مورخہ 29⁰⁸/₂₀₁₄ بجاریہ از دستہ
جناب ایچ صاحبہ ایس ایف آباد
کے ذریعے سائل کو جناب ایچ صاحبہ
ایس ایف آباد نے ملازمت سے ڈسمنس
فرما دیا۔

اسٹیم عا مہیکہ اپیل نیز منظور فرمائی جا کر
سائل کو تاریخ ڈسمنس سے حکم ہو گیا
کی ملازمت پر بحال فرمایا جا کر حکم صدرہ
بحوالہ آرڈر ایک 228 مورخہ 29⁰⁸/₂₀₁₄ بجاریہ
از دستہ جناب ایچ صاحبہ ایس ایف آباد
کالعدم و منسوخ فرمایا جاوے۔

جناب عالی . موجدیات اپیل عرض ذیل ہیں۔

اس لیے کہ سائل مورخہ 19⁰⁹/₂₀₀₉ کو بطور کیشنل پوسٹل ضلع ایس ایف آباد میں
مقرر کیا گیا تھا۔

attested
Sardar Muhammad
Advocate for Bahad
[Signature]

۶۱

پولیس لائن ایبٹ آباد کی فخری سے ایسا ہی ثابت
 کارو پر تعینات تھے۔ جون کے ساتھ ایک سید کپٹن
 بھی تعینات تھا اور پولیس لائن کا تیسرا کوئی
 کیڑی بھی تعینات تھا۔ جو میری تعیناتی بھی
 تھا نہ لوہاں شہر میں تھی۔ اور میں صوفیہ ۲۱۴ کو
 تھا نہ لوہاں شہر میں موجود تھا۔ رپورٹ تحریر کنندہ
 کو ارسال رپورٹ و کنڈرہ نے کسی میرے مخالف نے
 میرا نام دیکر میرے خلیہ بھی دعویٰ کرادی۔ حالانکہ
 میں تھا نہ میں حاضر تھا۔ اگر میں تھا نہ سے باہر گیا
 ہوا ہوتا تو ضروری تھا۔ کہ تھا نہ کے روزنامہ میں
 میری غیرحاضری درج شہر ہوتی۔ لیکن انکو اسٹریٹ
 نے صرف عدالت کی جھوٹی رپورٹ پر مجھے ہی گنہگار
 قرار دیا۔ نہ میری تھا نہ میں حاضر غیرحاضری کی
 تصدیق کی نہ میرے بیان جو میں نے اپنی چارج شیٹ
 کے جواب میں تحریر کی طور پر دیا تھا۔ کا کوئی ٹکس
 لیا۔ اور مجھے ناکردہ گناہ میں ڈکیٹی جیے جرم میں
 علوت کر کے جھوٹی رپورٹ جس پر نہ گورہ ارسال
 نے لکھ کر دیا تھا کہ اس نے غلط نہیں کی بنا پر رپورٹ
 پولیس ملا زمانا کے خلاف درج کروادی تھے۔ جو
 انکو عمری اف نے صریحاً ناانصافی کر کے مجھے جھوٹی
 رپورٹ پر بغیر کسی شہادت کے علوت کر کے حکم
 کے ڈسپسہ کر دیا۔

Attested

Azeem
 Advocate Abbotabad

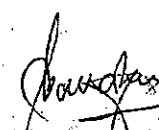
استدعا جیکہ انصاف فرماتے ہوئے ناقص اور کمزور
کی بنا پر گنہگار ڈسٹریکٹ جج کا حکم اور منسوخ فرمائی
جا کر سائل کو تاریخ ڈسٹریکٹ جج سے ملازمت پر
بحال فرمایا جاوے۔

(۶)

الغرض علی صاحب قیاس 509 تھانہ نوان شہر۔

ورد لیاقت علی کنہ علی میرا کھیل
وضلع ایبٹ آباد۔

attested


Sardar Mirza
Azeem
Advocate Abbotabad

Annexure
G

ORDER

13

This is an order on the representation of *Ex-FC Mubshir Ali No.509* of Abbottabad District against the order of major punishment i.e. dismissal from service by the District Police Officer, Abbottabad vide his OB No.228 dated 29-08-2014.

Facts leading to his punishment are that he while posted at Police Station Nawanshehr along-with Constable Shakeel No.1071 & Constable Ahmed Waqas No.1421 beaten one Arslan & his family also taken case of Rs.4200/-, one gold ring and one Mobile (Q6) from them as a gratification by harassing them. Consequent upon a complaint, in this regard, made by victim at Police Station Nawanshehr, the SHO PS Nawanshehr testified the genuineness of the grievances of the complainant followed by suspension of the mentioned officials and initiation of departmental proceedings.

Proper departmental enquiry was conducted by Addl: SP Abbottabad. After conducting a detailed enquiry, the E.O proved him guilty. On the recommendation of E.O, the District Police Officer Abbottabad awarded him major punishment dismissal from service.

He preferred an appeal to the undersigned upon which the comments of the DPO Abbottabad were obtained. He was heard in OR where he offered no plausible explanation in his defence to prove him innocent. After thorough probe into the enquiry report and the comments of the DPO Abbottabad, it came to light that the punishment given to him by the DPO Abbottabad i.e. dismissal from service is genuine. Therefore, appeal is dismissed & filed.

[Signature]
REGIONAL POLICE OFFICER
Hazara Region Abbottabad

No. *11373* /PA Dated Abbottabad the *24/12* /2014.

Copy of above is forwarded to the District Police Officer, Abbottabad for information and necessary action with reference to his Memo: No.4618 dated 28-11-2014. The Service Roll & Fauji Missal containing enquiry file of the appellant are returned herewith.

Alto
[Signature]
Superintendent
District Police Officer
Abbottabad

[Signature]
REGIONAL POLICE OFFICER
Hazara Region Abbottabad

OTC/SRC/B

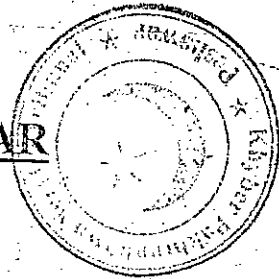
For m
[Signature]
DPSC Md

District Police Officer
Abbottabad
5053
26-12-14

CH3

19

BEFORE SERVICES TRIBUNAL PESHAWAR



Appeal no-116/2015

Mubashir Ali Ex (FC) No. 509, Police Station Nawansher S/o Liaqat Ali resident of Namli Maira Tehsil and District Abbottabad.

... APPELLANT

VERSUS

K.P. Province
Service Tribunal
Diary No 115
Dated 16-2-2015

1. Inspector General of Police KPK Peshawar.
2. Additional Inspector General of Police (Legal) KPK Peshawar.
3. Divisional Inspector General of Police Hazara Range, Abbottabad (RPO) Abbottabad.
4. District Police Officer Abbottabad.
5. Station Head Officer Police Station Nawansher, Abbottabad.
6. Arslan S/o Muhammad Javed, Caste Pathan resident of Kunj Jadeed Abbottabad.
7. Shamas-ur-Rehman Additional S.P Abbottabad.
8. Ex Constable Shakeel No. 1071 Police Station Nawansher Abbottabad.
9. Ex Constable Ahmad Waqas No. 1421 Police Station Nawansher Abbottabad.

... RESPONDENTS

Respondent No. 6, 8 & 9
deleted vide order sheet
D.O. 3 dt. 17-3-15.

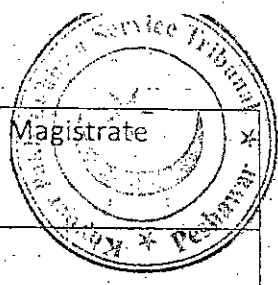
APPEAL AGAINST THE IMPUGNED ORDER
DATED 24/12/14 PASSED BY RESPONDENT NO. 3
VIDE WHICH THE ORDER OF DISMISSAL FROM
SERVICE OF PETITIONER PASS BY
RESPONDENT NO. 4 WAS ORDERED TO BE
RETAINED DATED 29/08/14 AND THEREBY
DISMISSED THE DEPARTMENTAL APPEAL /
REPRESENTATION OF THE APPELLANT.

FILED TO-407
Registers
14/2/15

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(20)



Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	17.09.2019	<p style="text-align: center;">BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL AT CAMP COURT ABBOTTABAD</p> <p style="text-align: center;"><u>Appeal No. 116/2015</u></p> <p style="text-align: center;">Date of Institution 16.02.2019 Date of Decision ... 17.09.2019</p> <p style="text-align: center;">-----</p> <p>Mubashir Ali Ex (FC) No. 509, Police Station Nawansher S/o Liaqat Ali resident of Namli Maira Tehsil and District Abbottabad</p> <p style="text-align: right;">----- Appellant</p> <p style="text-align: center;"><u>Versus</u></p> <p>Inspector General of Police Khyber Pakhtunkhwa Peshawar and others</p> <p style="text-align: right;">----- Respondents</p> <p style="text-align: center;">Mr. Muhammad Amin Khan Kundi.....Member(J) Mr. Hussain Shah.....Member (E)</p> <p><u>JUDGMENT</u></p> <p><u>Mr. HUSSAIN SHAH</u>: -Learned counsel for the appellant and Mr. Muhammad Bilal Khan learned Deputy District Attorney alongwith Mr. Shamraiz Khan ASI for the respondents present.</p> <p>2. Our this judgment shall also disposed of the instant service appeal as well as Service Appeal No. 603/2015 titled "Ahmed Waqas Vs Government, of Khyber Pakhtunkhwa Police Department having the same facts and grounds.</p> <p>3. The appellant preferred the service appeal against the impugned order of respondent No.3, passed on 24.12.2014 wherein the order of respondent No.4 dated 29.08.2014 was retained and prayer that on acceptance of the instant service appeals both the impugned order be set aside in case of both the appellants and may direct the respondent authorities to reinstate the appellants in the service w.e.f the date of dismissal from service with all back benefits and any other relief as deemed appropriate by this Tribunal.</p>

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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4. According to the fact of the case as mentioned in the appeal the appellants were serving in the Police department as foot constables and rendered services in different stations with entire satisfactions of their controlling officer. Disciplinary proceedings were initiated against the appellant on a complaint lodged by one Mr. Arsalan against the appellants with the allegations that both the constable beaten him and snatched Rs. 4200/- alongwith one golden ring and one Q-6 Mobile at the top of Ilyasi Masjid Nowa Shair where he was visiting that place of recreation alongwith his fiancé. The complainant Mr. Arsalan S/o Muhammad Javed was a raid as Private respondent No.6 however as per order sheet of this Tribunal dated 17.03.2015 he alongwith the respondent No.8 & 9 were deleted on the basis of application submitted by the learned counsel for the appellant. Taking notice of the complaint the respondent No.4 served charge sheet/statement of allegations dated 30.04.2014 wherein an inquiry officer was appointed to scrutinize the conduct of the appellants. The appellants submitted reply to the charge sheet on 07.05.2014 wherein he requested for withdrawal of disciplinary proceedings against him. The respondent No.4 issued the impugned order after the completion of the formal departmental inquiry and issuing final show cause notice and imposed the major penalty of dismissal from service with immediate effect. The departmental appeal was also rejected by the respondent No.3. The learned counsel for the appellants argued that both the impugned orders passed by the respondents are illegal, perverse, unilateral and are against the circumstance of the case. Further argued that inquiry

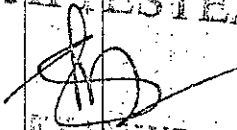
ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

conducted in the case is not based on facts and conclusion have been drawn on false imagination. Moreover the version of the explanation of the appellant regarding the occurrence at Ilyasi Masjid Top were ignored. Similarly no opportunity is given to the appellants with regard to his innocence because the copy of the inquiry report was not provided to the appellant alongwith the final show cause notice so that the appellant could have properly defended in the written reply to the show cause and subsequent personal hearing. The learned counsel for the appellant pleaded this Tribunal that on the acceptance of the appeal an appropriate order may be issued in favor of appellant against the respondents.

5. The learned Deputy District Attorney contested the facts, grounds of the appeal and argument of the learned counsel for the appellant and contended that impugned orders were passed by respondents after observing all codal formalities at each stage of the case and provision of law, rules, policy was ^{not} violated. Further contended that the appellants violated the conduct of service being the member of a disciplined force while contrary to the mandate of their service conduct the appellants snatched Rs. 4200/- alongwith one golden ring and Q-Mobile from the complainant Arsalan and his fiancé, resulting into tournishing the image of the police force in the area. The disciplinary proceedings were initiated in exercise of powers vested in the competent authority under Police Rules 1975 and all codal formalities were fulfilled by issuing charge sheet/statement of allegations asking them to submit written reply in their defense, formal inquiry was conducted through senior officer

ATTESTED


 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

and during the inquiry proceedings the appellants were given the opportunities to defend themselves against the charges. The competent authority issued final show cause notice to the appellants which was duly replied by the appellants and opportunity of personal hearing were also granted whereafter the competent authority issued the impugned order. The appellants were also given proper opportunities of defense at the appeal stage. The learned Deputy District Attorney pleaded this Tribunal that as the charges/allegations had been proved against the appellant as a result of the disciplinary proceedings as prescribed in the relevant law, and as regarding enclosing of the copy of the enquiry report with the final show cause the learned Deputy District Attorney explained that no such provision exists in the relevant police rules hence the instant appeal may be dismissed.

5. Arguments heard. File perused.

6. After the detailed scrutiny of the documents on record, arguments and counter arguments of the learned counsel of the appellant and the learned Deputy District Attorney this Tribunal observed that the appellants and their learned counsel could not point out any violation of the prescribed procedure by the responding authorities nor they could established any point on the merit of the case. The conduct of both the appellants, being the member of a disciplined force has been proved in violation of the prescribed conduct of law abiding member of the police force. However this Tribunal feels that the copy of the inquiry report should have provided to the appellant alongwith the final show

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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cause notice so that the appellant could have availed the final opportunity of defense to fulfill the pre-requisite in reaching to a judicious decision. Hence we are of the view that the disciplinary proceedings are retained to the extent of completion of inquiry and the responding authorities are directed to provide a copy of the inquiry report to the appellant while issuing the final show cause afresh within a period not longer than sixty (60) days after the copy of the receipt of this judgment.

7. In view of the above discussion the appeal is disposed off in the above terms. Parties are left to bear their own costs. File be consigned to the record room after its completion.

Muhammad Amin
 (Muhammad Amin Khan Kundi)
 Member
 Camp Court Abbottabad

Hussain Shah
 (Hussain Shah)
 Member
 Camp Court Abbottabad

ANNOUNCED
 17.09.2019

Date of Presentation of Appeal 29-10-19
 Number of Pages 2000
 Copying Fee 24-00
 Urgent 4-00
 Total 28-00
 Name of Counsel [Signature]
 Date of Completion of Copy 29-10-19
 Date of Delivery of Copy 29-10-19

Copy to be made copy
 [Signature]
 [Stamp]

OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD

No: 267 /PA, Dated Abbottabad, the 27/11/2019.

FINAL SHOW CAUSE NOTICE
(Unit Rule (3) KPK Police Rules, 1975)

28

1. That you FC Mubashir Ali No. 1084/509 Police Lines Abbottabad rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 for following misconduct;

- I. In compliance with the judgment passed by Honorable Service Tribunal Camp Court Abbottabad dated 17-09-2019 in Service Appeal No. 115/2015 and directives of the Inspector General of Police Khyber Pakhtunkhwa Peshawar, you are hereby issued Final Show Cause Notice afresh on the allegation that as per D.D No. 18, dated 22-04-2014 of Police Station Nawanshehr, you FC Mubashir Ali No. 509 alongwith FC Shakeel No. 1071 and FC Ahmed Waqas No. 1421, had beaten one Arsalan and his family and also taken a sum of Rs. 4200/-, one golden ring and one Mobile (Qx6) from them as a gratification by harassing them, which is a gross misconduct on your part.
- I. During proper departmental enquiry conducted by the then Addl: SP Abbottabad, the allegations were 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 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 alongwith copy of the findings of departmental enquiry report are also enclosed with this notice.

attd
Sardar Muhammad
Aqil
Abbottabad

[Signature]
(JAVED IQBAL, PSP)
District Police Officer
Abbottabad

Received by _____

Dated ___ / ___ / 2019

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OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD

No: 267 /PA, Dated Abbottabad, the 22 / / 2019.

GROUNDS OF ACTION

That you FC Mubashir Ali No. 1084/509 Police Lines Abbottabad, committed following misconduct:-

- I. In compliance with the judgment passed by Honorable Service Tribunal Camp Court Abbottabad dated 17-09-2019 in Service Appeal No. 115/2015 and directives of the Inspector General of Police Khyber Pakhtunkhwa Peshawar, you are hereby issued Final Show Cause Notice afresh on the allegation that as per D.D No. 18, dated 22-04-2014 of Police Station Nawanshehr, you FC Mubashir Ali No. 509 alongwith FC Shakeel No. 1071 and FC Ahmed Waqas No. 1421, had beaten one Arsalan and his family and also taken a sum of Rs. 4200/-, one golden ring and one Mobile (Qx6) from them as a gratification by harassing them, which is a gross misconduct on your part.
- II. During proper departmental enquiry conducted by the then Addl: SP Abbottabad, the allegations were proved against you.

attested

Advocate
4/22

By reasons of above you have rendered yourself liable to be proceeded under Khyber Pakhtunkhwa Police Rules, 1975, hence these grounds of action.

(JAVED IQBAL, PSP)
District Police Officer
Abbottabad

حوالہ فائنل ٹریڈنگ کمپنی 267/PA عدالت 22/11/2019

میں عوارض 19/9/2007 کو حکم پولیس میں ہم قی سوانہ بدوران (تعمیراتی) عمارت لڈاں شہر عوارض 2014 کو عوارض عمارت لڈاں شہر میں ہم قی سوانہ بدوران (تعمیراتی) عمارت لڈاں شہر اور فراہم کردہ عوارض ہیں۔ جس کی منسلک عمارت کے بعد پتہ چلا کہ اور سوانہ بدوران میں لڈاں شہر میں پولیس عمارتوں کے خلاف ایڈیشنل جج کراچی ایجنسی میں 2010 عمارت لڈاں شہر میں عوارض لڈاں شہر میں موجود تھا۔

جناب عالی ہماری تعمیراتی عمارت لڈاں شہر میں ہم قی سوانہ بدوران (تعمیراتی) عمارت لڈاں شہر میں عوارض لڈاں شہر میں موجود تھا۔

جناب عالی ایڈیشنل جج کراچی اور راجی سوانہ بدوران (تعمیراتی) عمارت لڈاں شہر میں ہم قی سوانہ بدوران (تعمیراتی) عمارت لڈاں شہر میں عوارض لڈاں شہر میں موجود تھا۔

جناب عالی عمارت لڈاں شہر میں ہم قی سوانہ بدوران (تعمیراتی) عمارت لڈاں شہر میں عوارض لڈاں شہر میں موجود تھا۔

Handwritten signature and date 22/4/22

صدر علی عمر 1084 22/11/2019

Received on 28 12 19

2 (K)

(28)

ORDER

This office order will dispose of the departmental *action* against Constable Ahmed Waqas No. 1061. In compliance with the judgment passed by Honorable Service Tribunal Camp Court Abbottabad dated 17-09-2019 in Service Appeal No. 603/2015, and directives of the Inspector General of Police Khyber Pakhtunkhwa Peshawar, he was issued Final Show Cause Notice afresh on the allegation that as per D.D. No. 18, dated 22-04-2014 of Police Station Nawanshehr, he FC Ahmed Waqas No. 1421 alongwith FC Shakeel No. 1071 and FC Mubashir Ali No. 509, had beaten one Arsalan and his family and also taken a sum of Rs. 4200/-, one golden ring and one Mobile (Qx6) from them as a gratification by harassing them, which is a gross misconduct on his part.

He was issued Final Show Notice afresh vide No. 268/PA dated 22-11-2019. He submitted reply of Final Show Cause Notice which was found unsatisfactory. He was summoned to appear in Orderly Room on 12-12-2019. He was awarded ample opportunity but he had nothing plausible to state in his defence.

Therefore, in exercise of the powers vested in the undersigned under Police Disciplinary Rules-1975 (amended 2014), I, Javed Iqbal, PSP, District Police Officer, Abbottabad as a competent authority, am constrained to award him the punishment of Removal from Service with immediate effect

Order announced.

OB No. 284
Dated 20-12-19

(JAVED IQBAL, PSP)
District Police Officer
Abbottabad

Copy to the:-

1. Inspector General of Police, Khyber Pakhtunkhwa Peshawar with reference to his office Memo: No. 5361/Legal dated 04-11-2019 please
2. Pay Officer, DPO Office Abbottabad.
3. Establishment Clerk.
4. OHC alongwith complete Enquiry File containing (19) pages for completion of record.

ATTESTED
Superintendent of Police Abbottabad
(02/01/2020)

attested
Sardar...
Advocate Abbottabad
21/12/20

District Police Officer
Abbottabad

خبردارت کی ریکورڈنگ کو ایس آئی آر کے ذریعے ایس ایس ایف

۲۵/۱۲/۱۹
محکمہ ریکورڈنگ کو ایس آئی آر کے ذریعے ایس ایس ایف
سٹیٹ ایگزیکیوٹو کو ریکورڈنگ قانون و اتفاق کے تحت ایس ایس ایف
بیلڈ کے ریکارڈنگ کو ایس آئی آر کے ذریعے Remove کرنے کا حکم جاری
قریباً جو وقت تک قانون صحت اتفاق و اتفاق کے تحت ایس ایس ایف
موجود ہے

Advocate
Santar Muhammad
Azeem
Advocate Abbottabad

جن کا گرجہ گھانا ایس ایس ایف

- (۱) سید ساجد اسلم ریکورڈنگ کو ایس آئی آر کے ذریعے ایس ایس ایف
منصوبہ کو ایس آئی آر کے ذریعے ایس ایس ایف
۲۲ اپریل ۲۰۱۴ء کو
۱۸ مئی ۲۰۱۴ء کو
۲۰۱۴ء کو ایس آئی آر کے ذریعے ایس ایس ایف
۱۸ مئی ۲۰۱۴ء کو ایس آئی آر کے ذریعے ایس ایس ایف
۱۸ مئی ۲۰۱۴ء کو ایس آئی آر کے ذریعے ایس ایس ایف
- (۲) سید ساجد اسلم ریکورڈنگ کو ایس آئی آر کے ذریعے ایس ایس ایف
منصوبہ کو ایس آئی آر کے ذریعے ایس ایس ایف
۲۲ اپریل ۲۰۱۴ء کو
۱۸ مئی ۲۰۱۴ء کو
۲۰۱۴ء کو ایس آئی آر کے ذریعے ایس ایس ایف
۱۸ مئی ۲۰۱۴ء کو ایس آئی آر کے ذریعے ایس ایس ایف
۱۸ مئی ۲۰۱۴ء کو ایس آئی آر کے ذریعے ایس ایس ایف
- (۳) سید ساجد اسلم ریکورڈنگ کو ایس آئی آر کے ذریعے ایس ایس ایف
منصوبہ کو ایس آئی آر کے ذریعے ایس ایس ایف
۲۲ اپریل ۲۰۱۴ء کو
۱۸ مئی ۲۰۱۴ء کو
۲۰۱۴ء کو ایس آئی آر کے ذریعے ایس ایس ایف
۱۸ مئی ۲۰۱۴ء کو ایس آئی آر کے ذریعے ایس ایس ایف
۱۸ مئی ۲۰۱۴ء کو ایس آئی آر کے ذریعے ایس ایس ایف
- (۴) سید ساجد اسلم ریکورڈنگ کو ایس آئی آر کے ذریعے ایس ایس ایف
منصوبہ کو ایس آئی آر کے ذریعے ایس ایس ایف
۲۲ اپریل ۲۰۱۴ء کو
۱۸ مئی ۲۰۱۴ء کو
۲۰۱۴ء کو ایس آئی آر کے ذریعے ایس ایس ایف
۱۸ مئی ۲۰۱۴ء کو ایس آئی آر کے ذریعے ایس ایس ایف
۱۸ مئی ۲۰۱۴ء کو ایس آئی آر کے ذریعے ایس ایس ایف



OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

(M)
30

0992-9310021-22

0992-9310023

r.pohazara@gmail.com

0345-9560687

NO: 8701 /PA

DATED 19/03/2020

ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex. Constable Mubassir No. 1084/509 of District Abbottabad against the punishment order i.e. *Removal from Service* awarded by District Police Officer, Abbottabad vide OB No.284 dated 20.12.2019.

Brief facts leading to the punishment are that the appellant while posted at PS Nawansher alongwith constable Ahmed Waqas No. 1421 and constable Shakeel No. 1071 beaten one Arsalan and his family and took cash amounting 4200/-, one gold ring and mobile phone as gratification by harassing them. SHO Nawansher testified the genuineness of the complaint.

The appellant was issued charge sheet alongwith summary of allegations and Add: SP Abbottabad was deputed to conduct departmental enquiry. The EO recommended him for suitable punishment. Keeping in view the above DPO Abbottabad awarded him major punishment of dismissal from service vide OB No. 228 daed 29-08-2014. The appellant preferred an appeal before RPO Hazara, which was filed by Appellate Authority vide 11373/PA dated 24-12-2014.

Subsequently the appellant instituted Service Appeal No. 116/2015 before Honorable Service Tribunal KPK, Peshawar which was decided on 17-09-2019. Service Tribunal directed the department to provide copy of the enquiry report to the appellant while issuing the final show cause notice afresh within period not longer than sixty (60) days after the receipt of the copy of this judgment. In compliance of the judgment the appellant was provisionally reinstated vide order No. 5958/PA dated 19-11-2019, issued Final Show Cause Notice, heard in OR, however he failed to advance any plausible reason in his defence. Consequently the appellant was removed from service vide OB No. 284 dated 20-12-2019.

After receiving his appeal, comments of DPO Abbottabad were sought and examined/perused. The undersigned called the official in OR and heard him in person. However the appellant failed to advance any plausible justification in his defence. Last but not the least the appellant being part of disciplined force committed misconduct which tarnished the image of police in general public. Therefore in exercise of the powers conferred upon the undersigned under Rule 11-4. (a) of Khyber Pakhtunkhwa Police Rules, 1975 appeal of the official is hereby *filed* with immediate effect.

Jawid

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

ct

PA, dated Abbottabad the 19/03 /2020.

The District Police Officer, Abbottabad for information and necessary action with reference to his office Memo No 286/Legal dated 24-01-2020. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

Altered
17/05/2021
District Police Officer
Hazara Region, Abbottabad

attested
Sardar Muhammad
Azeem
Advocate Abbottabad

خدمت میں ایک کچھنڈل ماہی پولیس چیمبر خٹون خواہ پٹا اور

Amended No

(3/2)

درخواست = نظر ثانی / ننگانی بر خلاف آرڈر 8284 @ مورخہ 2019ء
سائل کو اس کی پوزیشن سے Remove کرنے کا حکم صادر فرمایا گیا
اور آرڈر 8284 مورخہ 9 مارچ 2020ء میں اس کے تحت سائل کا حکم
اپیل IP۔ ریجنل پولیس آفیسر سیزارہ زینبین ایسٹ آباد
نے مسترد کرنے کے احکامات صادر فرمائے۔

استدعا:۔ عین طور عا در خواست = نظر ثانی / ننگانی پر جو آرڈر
منوعہ قرار دیا گیا سائل کو اس کی پوزیشن پر معطل فرمایا گیا
کہ بحال کرنے کا حکم صادر فرمایا جائے۔

جہاں تک = درخواست = نظر ثانی / ننگانی زینبین عرصہ ہے

یہ سائل محکمہ پولیس میں بطور کنٹینر لکھنؤ آباد کرنے سے متعلق انٹرویو
مورخہ 19 ستمبر 2009ء کو میرٹ پر ہوئی تھی اور پھر اس کے بعد راضی
بالائے اطمینان اور تسلی کے مطابق اپنے والدین نہایت خوش اسلوبی
سے سرانجام دیا گیا۔

Sardar Muhammad
Azeem
Advocate Abbottabad

یہ کہ لکھنؤ سائل کو پولیس لکھنؤ آباد سے تھوڑے فاصلے
شہر میں تھوڑی کیلنگ اور سائل مذکورہ تھوڑے فاصلے پر تھوڑے فاصلے
خوش اسلوبی سے سرانجام دینے کا اور اس کو بحال کا موقع دینا

(3) یہ کہ مورخہ 22 اپریل 2014ء کو اسٹیشن و لاہور جاوید سکے کیج حدیر نے تھانہ لوہاں شہر ایسٹ آباد میں رپورٹ عدینہ درج کروائی کہ وہ کل مورخہ 22 اپریل 2014ء کو اپنی چھانگ اور منیگر نادیر کے بیٹے ایما سی میں گوفے پھرتے پکے آئے۔ جو روزی میں تھا اور دو سو فیصد باریات میں کھتے آسکا جاوید تلڈی کی اور اسے مار پیٹے کراس سے رقم مبلغ 2000 پیڑار دوے اور 2200 روپے اسکا منیگر سے کہاے یہ اور ایک انٹرویو میں لایا۔ نقل رپورٹ لکھیے۔

(4) یہ کہ مذکورہ رپورٹ کے اندراج کے بعد بغیر اس بات کو مد نظر رکھے کہ اس دن سائل کا ڈیوٹی ایما سی ٹاپ پر تھی ہی نہ اور سائل کی وراثت تھانہ میں موجود تھا اور دیگر کنٹریڈکشن نے کہا سائل کا باپ نہ تھا کہ سائل وراثت میں شامل نہ تھا سائل کو نوکری سے معطل کر کے پوریس لڈن ایسٹ آباد بھیج دیا۔

(5) یہ کہ مورخہ 30 اپریل 2014ء کو جہاں ڈسٹرکٹ پولیس آفیسر صاحب ایسٹ آباد نے سائل کو چارج شیٹ اور Statement of the allegations جاری کیا اور سائل سے باقاعدہ طور پر جواب دیا لیکن بغیر سائل کی مفروضات کو معروض خاطر میں لانے کے سائل کو اسکا نوکری سے بغیر ریگولر انوکری اور بغیر سائل کو دفاتر کا موقع دینے کے قانون ٹرٹ کے احکامات صادر فرما دیے جو کسی طور پر قابل بحالی نہیں اور قابل منسوخی ہیں۔ نقل آرڈر لکھیے۔

attacked
Sardar Muhammad
Azeem
Advocate, Kottabac

(6) یہ کہ افسر ان بائڈ کر پیر دو آرڈر درج کرواؤند پیر قابل منسوخی ہیں۔

(7) یہ کہ القاف و قانون کا تھانہ ہے کہ کسی بھی ملازم کو پیر سزا دینے سے پہلے اس کے صدق ٹھانے کے اندام کی نسبت مکمل چھان بھین کرنے سے پہلے اس کے خلاف انوکری کا جائے تو وہاں کے بیانات قلمبند کیے جائیں اور ملازم کو کو وہاں پر حرج کا موقع دیا جائے جبکہ سائل کے خلاف ٹھانے کے اندام کی نسبت سے تو کوئی مکمل انوکری کی گئی اور وہاں اندام سے کامیاب سائل کی موجودگی میں قلمبند

ہو گیا اور یہ مسائل کو اندام علیہ یا کسی دیگر گواہ پر جرح کا مرتبہ دیا گیا علیوں اسی اس
کہ کرا کا بیان تھا قلمبند نہ فرمایا گیا جو اندام علیہ کے سیرہ لکھا اور صرف اندام علیہ کا بیٹا
کسی مدغم کو ہیجسز رہنے کیلئے کا لگائے۔

(ب) ایک شخص ازاں جرح 4 مہینے کے اندام علیہ سے خود اپنے مہرہ سے کھینچ گیا
دبلاؤ کر اسی وقت دنیا بنائے تھانے میں اگر قلمبند کر دیا وہ جب مسائل تو کرا سے
مشغل ہو کر لوہیں میں آ گیا وہ آباد میں تھا کہ میں سے روایت و حقیقت پوچھیں
علاوہ میں غلطی سے کرا کا بیٹا و جرح کو لگا تھا کہ میں سے نہ تو کھینچے گا اور نہ اس
کسی ہارا ہیٹا۔ نقل بیان ہے۔

(ج) ایک شخص کو سزا دینے سے قبل سے ناقابل تردید شہادت اندام علیہ کا
بیان پوچھنے سے تھانے میں قلمبند کر دیا اور دیگر پوچھنے کنشیلون کا بیان
حقیقت کے فرق کیا گیا۔ ان سب کو دوسرے میں نہ تھا علاوہ آریں لکھی
مدد کے روز تا مہر تھا کہ ایسا مسائل کا ڈھونڈا ایسا سماٹا پر تھا بھی کہ نہ
مسائل کو سزا دیا مہج جو انصاف و ملاقا کا واقعہ حقیقت و دروغ ہے۔

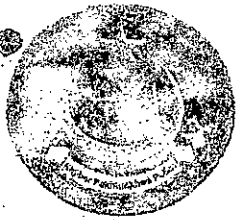
(د) ایک شخص اندام علیہ کا بیٹا و مسائل کو سزا دیا مہج اور جرح اندام علیہ سے
بیٹا اندام علیہ سے بیٹا تو اسی اندام علیہ کا بیٹا و جرح ہاتے والی سزا تجال
ہیں لکھی جا سکتی۔

(ر) ایک شخص نے متعدد بار افران باد سے عدس کا کر مسائل کے
خلف سے کوچ رنگ اور کرا کا مہج سوا گواہ کے بیان سے گئے تو مسائل
کو جس رنگ اور کرا گوئیات کے بیان کے لکھتے رہے۔ جرح
یہیں مسائل کا اسی عدس کو کرا پر افران باد میں جرح اور سزا کے حلقہ
جرح کاروں کے مسائل سے ہیں پر وہ کرا کے جرح میں عام کاروں کے مسائل کا
مجھکا میں پوچھا اور لکھتے حاصل کرنا مسائل کا بیٹا رہی تھی۔

کالت بالاستدعاء خورای نگرانی از نظر تالی پدا
مسائل کو اسی کو کرا پر مع جرح نواید ملازمت بحال کرتے ہے
احکامات بناء خورای خالی
۱۸۱۵

مسائل بمذ علی سالف پوچھی تشریح و تدقیق علی سلف علی سید احمد علی و سید علی
سید علی

Sardar Muhammad
Ahmed
Wheedh
Wheedh



1084/509
509

Annex 60, (34)

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

No. S/ 2262 /21, dated Peshawar the 14/06 /2021.

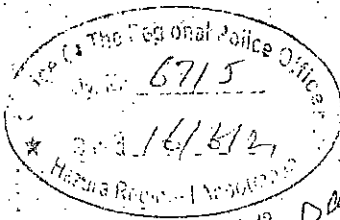
To : The Regional Police Officer,
Hazara at Abbottabad.

Subject: - REVISION PETITION.

Memo:

The competent Authority has examined and filed the revision petition submitted by Ex-Constable Mubashir Khan No. 1084/509 of Abbottabad district against the punishment of removal from service awarded by District Police Officer, Abbottabad vide OB No. 284, dated 20.12.2019, being badly time barred.

The applicant may please be informed accordingly.



No. 13239/PA dated 18-6-2021

DPO Abbottabad/PA
In mg

(Signature)
(NOOR AFGHAN)
Registrar,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

9/10/6

OHC
For information

(Signature)
DPO-ATD
22-06-2021

5342
22-6-21
Copy of order
received today on
05-04-2022 from DPO
officer ATD

(Signature)
4/4/22

Attested
Sardar Muhammad
Azeem
Associate ACP Abbottabad
(Signature)

میں نے جو رپورٹ بحوالہ ص 18 دفعہ نمبر 22/4 میر خلافت جلازنا
 پولیس سب ڈیوٹی ایس ایس ٹی کے نام پر لکھی گئی ہے اس کے بارے میں نے اپنی رپورٹ
 میں لکھا ہے کہ تیار ہے پولیس ملازمین کے خلاف کروائی گئی ہے میرا
 رپورٹ میں کسی قسم کی خلافت کا ذکر نہیں ہے اس کے بارے میں جانے جا سکے
 اس وقت سے اس وقت کے جاویں گے۔ یہ ہے پولیس ملازمین کے خلاف
 کیا گیا ہے، اس کے بارے میں میں نے یہ صرف لکھا ہے
 کہ رپورٹ میں اس کے بارے میں اس قسم کی خلافت کا ذکر نہیں
 ہے اس لیے اس کے بارے میں اس کے خلاف اس کے خلاف اس کے خلاف

الذی ارسالہ و لہ رقم جاوید قوم عثمانیہ کے سید خدیم

13101-2462653-7
 0311-9846850

Handwritten signature

گواہ نمبر الذی ارسالہ و لہ رقم عثمانیہ فان قوم کریمان سید خدیم

13101-9666123-1
 0315-2277725

Handwritten signature

Signature
 Sardar Muhammad
 Azeem
 Adhama Akhataban

وکالت نامہ

کورٹ فیس

بعدالت سیکولر لٹریچر پبلسٹری

عنوان: سید علیہ بنام گوگ و سون

مخانب: ایڈیٹرز

نوعیت مقدمہ: سیکولر لٹریچر

باعث تحریر آنکھ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ اس مقام

سید علیہ بنام گوگ و سون

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف دہینے اقبال رعوی اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داختمہ مجھ کو منظور قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا بعد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت ناشر ایڈیٹرز کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المقوم: 22/4/21

بمقام: ایڈیٹرز

Accepted
[Signature]

3
سید علیہ
[Signature]

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

Regd
No.

TB A1A

Appeal No. *635* of 20 *22*

Mubashir Ali Appellant/Petitioner

Versus
Through *Secy: Home Pesh* Respondent

Respondent No. *4*

Notice to: - *District Police officer: ALAbad.*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *19-7-22* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this *15*

Day of *6* 20 *22*

*At camp Court
ALAAbad.*

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR

TTB A/A

No. 100

Appellant/Petitioner: *Muhammad Ali*
Respondent: *Intelligence Dept. Peshawar*
Appellate/Petitioner: *Intelligence Dept. Peshawar*
Respondent: *Muhammad Ali*
Notice to: *District Police Officer Peshawar*
Respondent No. *1*

WHEREAS an appeal petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented for consideration in the above case by the petitioner in this court and notice has been ordered to issue for the hearing of the said appeal petition is fixed for hearing before the Tribunal on *17-12-2022* at 8:00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by Advocate duly supported by your power of Attorney. You are, therefore, required to file this Court at least seven days before the date of hearing 1 copy of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in the notice which is address given in the appeal petition will be deemed to be your correct address and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office notice No. *100* dated *17-12-2022*.

Given under my hand and the seal of this Court at Peshawar this *17* day of *December* 2022.

M. Ali
Intelligence Dept. Peshawar
Khyber Pakhtunkhwa Service Tribunal,
Peshawar

1. The hours of attendance in the court are the same as of the High Court except Sundays and gazetted holidays.
2. Always date Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
 JUDICIAL COMPLEX (OLD), KHYBER ROAD,
 PESHAWAR.

Regd

TB A1A

No.

Appeal No. *635* of 20 *22*

Mubashir Ali Appellant/Petitioner

Versus
 Through *Secy: Home Pesh* Respondent

Respondent No. *4*

Notice to: — *District Police officer A1Abad.*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *19-7-22* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this *15*.....

Day of..... *6* 20 *22*

*at camp court
 A1Abad.*

[Signature]
 Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHA SERVICE TRIBUNAL, PESHAWAR
 JUDICIAL COMPLEX (OLD), KHYBER ROAD,
 PESHAWAR

TR A1A

Recd

No.

Applicant's name: Munsif Ali
 Respondent's name: Through Constable Khair
 Appeal No. 52 of 52
 Respondent No. N
 Notice to: District Police Office Peshawar

WHEREAS an appeal petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented for consideration in the above case by the petitioner in this Court and notice has been ordered to issue, you are hereby informed that the said appeal petition is fixed for hearing before the Tribunal on 19-7-52 at 8.00 A.M. If you wish to urge anything against the appeal/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by Advocate duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 1 copy of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice will be deemed to be your correct address and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

Office Notice No. dated
 Given under my hand and the seal of this Court at Peshawar this

Day of 20 52
 At Camp Court
 Munsif Ali
 Peshawar
 Khyber Pakhtunkhwa Service Tribunal

*Always quote Case No. While may not be necessary. The hours of attendance in the court are the same that of the High Court except on Wednesdays and Saturdays and public holidays.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. Resd

TB AIA

Appeal No. 635 of 20 22

Mubashir Ali Appellant/Petitioner

Versus

Through Secy: Home Pesh Respondent

Respondent No. 3

Notice to: DIVISIONAL INSPECTOR GENERAL OF POLICE
HAZARA RANGE A/ABAD RPO A/ABAD.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 19-7-22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated.....

Given under my hand and the seal of this Court, at Peshawar this 15.....

Day of..... 6 20 22

at camp court
A/Abad.



Registrar

**Khyber Pakhtunkhwa Service Tribunal,
Peshawar.**

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

“B”

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.**

No. Reed

TB A/A

Appeal No. 635 of 20 22

Mubashir Ali Appellant/Petitioner

Versus

Through Secy: Home Pesh Respondent

Respondent No. 3

Notice to: Divisional Inspector General of Police
Hazara Range A/Abad RPO A/Abad.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 19-7-22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.


Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 15.....

Day of..... 6 20 22

at camp court
A/Abad.


Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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