

20<sup>th</sup> Oct, 2022

None for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present.

Notices be issued to the appellant and his counsel through registered post. To come up for arguments on 27.12.2022 before D.B.



(Fareeha Paul)  
Member(Executive)



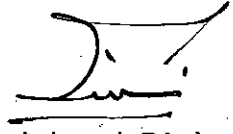
(Kalim Arshad Khan)  
Chairman

19.04.2022

Learned counsel for the appellant present. Mr. Shamraiz Khan, ASI (Legal) alongwith Mr. Noor Zaman Khattak, District Attorney for the respondents present and submitted copies of inquiry record consisting of 43 sheets, which are placed on file and copy of the same also handed over to learned counsel for the appellant, who requested for adjournment on the ground that he has not gone through the record produced today. Adjourned. To come up for arguments on 14.06.2022 before the D.B at Camp Court Abbottabad.



(Rozina Rehman)  
Member (J)  
Camp Court Abbottabad



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

14.06.2022

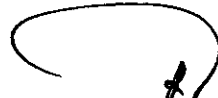
Junior to counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Shamraiz ASI (Legal) for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 18.08.2022 for arguments before D.B at Camp Court, Abbottabad.



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




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

17.11.2021

Counsel for the appellant and Mr. Muhammad Riaz Khan Painsdakhel, Asstt. AG alongwith Shamraiz Khan, ASI for respondents present.


Representative of the respondents seeks further time to furnish reply/comments. Last opportunity is granted to submit reply//comments on the next date positively, otherwise, their right for submission of written reply/comments shall be deemed as struck off. Case to come up on 17.01.2022 before S.B at camp court, Abbottabad.

  
Chairman  
Camp Court, A/Abad

17.01.2022

Counsel for the appellant present. Mr. Shamraz Khan, ASI alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Para-wise reply on behalf of respondents submitted, which is placed on file and copy of the same is handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 18.04.2022 before the D.B at Camp Court Abbottabad.

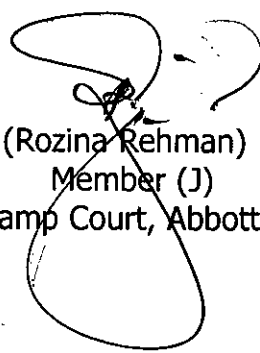
  
(Salah-ud-Din)  
Member (J)  
Camp Court A/Abad

18.02.2020

Learned counsel for the appellant present. Preliminary arguments heard. File perused.

Points raised need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for written reply/comments. To come up for written reply/comments on 15.06.2021 before S.B at Camp Court, Abbottabad.

Appellant Deposited  
Security & Process Fee  
22/2/20

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

15.06.2021

Due to cancellation of tour, Bench is not available. Therefore, case to come up for the same as before on 30.09.2021.

  
Reader

30.09.2021

Son of the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Atif Ali, Law Advisor for the respondents present.

Written reply of the respondents is still awaited. Respondents are directed to furnish reply/comments on the next date positively, failing which their right for submission of written reply/comments shall be deemed as struck off and the appeal will be heard on the basis of available record without reply of the respondents. Case to come up on 17.11.2021 before S.B at camp court, Abbottabad.

  
Chairman  
Camp Court, A/Abad

Form- A

FORM OF ORDER SHEET

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

Case No.- 9404 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17 /08/2020	<p>The appeal of Mr. Muhammad Bashir presented today by Mr. Muhammad Aslam Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR Abbabad</p>
2-		<p>This case is entrusted to Touring S. Bench for preliminary hearing to be put up there on <u>20-11-2020</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
20.11.2020		<p>Mr. Mohammad Aslam Tanoli, Advocate, for appellant is present. Arguments address to some extent heard. Learned counsel seeks time to address the remaining arguments. Time granted. Adjourned to 18.02.2021 on which date file to come up for remaining preliminary arguments before S.B at Camp Court, Abbottabad.</p> <p style="text-align: right;">(MUHAMMAD JAMAL KHAN) MEMBER CAMP COURT ABBOTTABAD</p>

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Appeal No.....

9404

Mohammad Bashir Sub Inspector No. 423/H Abbottabad

**Appellant**

**VERSUS**

1. Provincial Police Officer, Khyber Paktunkhwa, 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.	Memo of appeal		01-08
2.	Charge Sheet dated <b>11-03-2019</b> & its Reply dated <b>13-03-2019</b> .	"A&B"	09-10 11-12
3.	Dismissal Order dated <b>19-04-2019</b>	"C"	13
4.	Daily Dairy No.25 & 33 dated <b>06-03-2019</b>	"D&E"	14-15
5.	Departmental appeal <b>15-05-2019</b>	"F"	16
6.	Appeal rejection order dated <b>20-07-2020</b>	"G"	17
7.	Wakalatnama		

Through

13<sup>th</sup> by  
**Appellant**

M. Aslam Tanoli  
(Mohammad Aslam Tanoli)  
Advocate High Court  
at Haripur

Dated: 17-08-2020

1

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Appeal No.....

Mohammad Bashir Sub Inspector No. 423/H Abbottabad.

**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 THE ORDER DATED 19-04-2019 OF THE  
DISTRICT POLICE OFFICER ABBOTTABAD WHEREBY APPELLANT  
HAS BEEN AWARDED PENALTY OF WITHHOLDING OF 01 YEAR  
INCREMENT WITH COMULATIVE EFFECT AND ORDER DATED 20-07-  
2020 WHEREBY THE REGIONAL POLICE OFFICER HAZARA REGION  
ABBOTTABAD HAS FILED HIS DEPARTMENTAL APPEAL.**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH  
ORDERS DATED 19-04-2019 AND 20-07-2020 MAY GRACIOUSLY  
BE SET ASIDE AND APPELLANT BE RESTORED HIS 01 YEAR WITH-  
HELD INCREMENT WITH GRANT OF ALL CONSEQUENTIAL SERVICE  
BACK BENEFITS.**

Respectfully Sheweth:

1. That while appellant posted as SHO Police Station Nawasher Abbottabad he was served upon with a Charge Sheet which was duly replied explaining all facts of the matter in detail and vehemently denying the allegations incorporated therein being false, fabricated and against the facts. **(Copies Charge Sheet and its reply are attached as Annexure-"A & B")**.
2. That without taking into consideration the stance adduced by the appellant in shape of reply to the

Charge Sheet, the District Police Officer Abbottabad awarded the appellant with penalty of withholding of 01 year increment with cumulative effect vide order OB. No.91 dated 19-04-2019 without any reason. **(Copy of order dated 19-04-2019 is attached as Annexure-"C")**.

3. That on 06-03-2019 when appellant was out on patrolling duty he received information that there were 3/4 suspected youngsters in a vacant house situated at a deserted place in Township whereupon appellant directed ASI Zubair Khan on Mobile phone to visit and ascertain the situation. He accompanied with other police officials visited the place and arrested 04 persons whom he brought to Police Station and put them in lock-up as per S-54/109 CrPC. Nothing contraband or gambling material and cash amount etc was recovered from them during their body search. However, nobles of the locality approached the appellant and assured that suspected persons were gentlemen having good moral characters and nobles offered surety bonds for their release. Appellant also personally telephonically collected information about them from their concerned Police Stations and found that they had no previous record rather possessing good characters. Upon this ASI Zubair Khan was directed to release them on production of personal indemnity bonds. It is incorrect, false and fabricated that any money transaction was made with them. They were release on personal indemnity bonds. **(Copies of daily dairy No. 25 and 33 dated 06-03-2019 are attached as Annexure-"D&E")**.



4. That so far as question of mostly founding of Noureen Bibi in the office of appellant is concerned, it is mere allegation and malign against him. Once she had visited Police Station with a complaint against two persons. Her complaint was entertained and she was provided remedial legal measures. Appellant had no concern, what so ever, with her. Appellant office was a public office and everyone who had a complaint could visit for remedy.
5. That nothing could be brought on record against the appellant with regard to allegations leveled in the Charge Sheet. Allegations are still unproved. Appellant has been penalized with any proof, justification, reason and rhyme.
6. That no proper departmental inquiry was conducted. No witness was produced before the so-called inquiry in presence of appellant nor was he provided with a chance to cross examine such witness. Copy of inquiry findings, if any, was also not provided to appellant. No Show Cause Notice was issued. Even opportunity of personal hearing was not provided. Appellant was condemned unheard.
7. That in the light aforementioned facts and circumstances of the matter, the appellant has wrongly been involved in the instant case and has been awarded with the penalty of "withholding one year increment with cumulative effect" without any reason, justification or mistake on the part of appellant.

8. That order dated 19-04-2019 of the District Police Officer Abbottabad was appealed against on 15-05-2019 before the Regional Police Officer, Hazara Region, Abbottabad, but the same was filed vide order dated 20-07-2020 without consideration. **(Copies of departmental appeal dated 15-05-2019 and appellate order dated 20-07-2020 are attached as Annexure-"F & G")**. Hence instant service appeal, inter alia, on the following amongst others:-

**GROUNDS:**

- a) That impugned orders dated 19-04-2019 and dated 20-07-2020 of the respondents are illegal, unlawful against the facts, departmental rules and regulations and principle of natural justice hence are liable to be set aside.
- b) That no proper departmental inquiry was conducted. Neither a witness was produced before the so-called inquiry in presence of appellant nor was he provided with a chance to cross examine him. Copy of inquiry findings, if any, was also not provided to appellant. No Show Cause Notice was issued. Even opportunity of personal hearing was provided to the appellant.
- c) That respondents have not treated the appellant in accordance with law, departmental rules & regulations and policy on the subject and have acted in violation of Article-4 of constitution of Islamic Republic of Pakistan 1973 and unlawfully issued the impugned orders, which are unjust, unfair hence not sustainable in the eyes of law.

- d) That appellate authority has also failed to abide by the law and even did not take into consideration the grounds taken by appellant in the memo of appeal and has awarded penalty of withholding of 01 year increment with cumulative effect. Thus act of respondent is contrary to the law as laid down in the KPK Police Rules 1934 read with section 24-A of General Clause Act 1897 and Article 10-A of Constitution of Islamic Republic of Pakistan 1973.
- e) That appellant has discharged his assigned duties with devotion, dedication and honesty always fighting against the forces of criminals. He left no stone un-turned in discharge of his official duties and responsibilities.
- f) That the allegations leveled against appellant in the charge sheet are of ambiguous nature, without any reason, reference, justification and based on surmises & conjectures which remained un-proved and un-substantiated to this day. Nothing could be brought on record against appellant for which he has been awarded with the punishment.
- g) That instant appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudication upon the same.

**PRAYER:**

It is, therefore, humbly prayed that on acceptance of instant Service Appeal, the order dated 19-04-2019 and 20-07-2020 of

the respondents may graciously be set aside and appellant be restored his 01 year withheld increment with all consequential service back benefits. Any other relief which this Honorable Service Tribunal deems fit and proper in circumstances of the case may also be granted.

*P. B. 14*

**Appellant**

Through:

*M. Aslam*

(Mohammad Aslam Tanoli)  
Advocate High Court  
At Haripur

Dated 17-08-2020

**VERIFICATION**

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

*P. B. 14*

**Appellant**

Dated 17-08-2020

7

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Mohammad Bashir Sub Inspector No. 423/H Abbottabad

**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 Honorable Service Tribunal or any other court prior to instant one.

  
**APPELLANT**

Dated: 17-08-2020

8

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Mohammad Bashir Sub Inspector No. 423/H Abbottabad

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

*P. Bashir*

**Deponent/Appellant**

Dated: 17-08-2020

Identified By:

*M. Aslam*

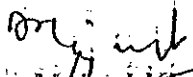

Mohammad Aslam Tanoli  
Advocate High Court  
At Haripur

*P. Bashir*

**Appellant**

CHARGE SHEET

- 1). Majeed Khan Marwat (PSP) District Police Officer Abbottabad as competent authority hereby charge you SI Muhammad Bashir <sup>(E-2)</sup> S/O PS Nawansheri as explained in the attached statement of allegations.
- 2). You appear to be guilty of misconduct under Police Disciplinary Rules 1975, 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 in 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.

  
Abbas Majeed Khan Marwat, PSP  
District Police Officer  
Abbottabad  


Arrested

By  
PS

12

DISCIPLINARY ACTION

I Abbas Majeed Khan Marwat (PSP) District Police Officer Abbottabad as Competent Authority of the opinion that you SI Muhammad Bashir (6) SHO PS Nawanshehr 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 ALLEGATIONS

1). It has been reported that on 06-03-2019 gambling was in progress in Passport office Maira Madroch, you were informed about this gambling, the local Police of PS Nawasher raided the said gambling den and arrested following gamblers and seized the stake amount of Rs. 11000/12000- with gambling material and handed over to you for legal action.

1. Muhammad Shafaqat s/o Sabir r/o Lower Malikpura
2. Zeshan s/o Nizam uddin r/o Sir Syed colony Mandian
3. Zabeer s/o Allahi Dad r/o Taloor Sydian
4. Aqash s/o Sartaraz r/o Supply.

Later on the amount was distributed among yourselves and further took illegal gratification of Rs. 20000/250000/- and released them without taking any legal action for personal motive.

2). Reportedly, a private lady namely Noureen r/o Mansehra found mostly in your office due to with people of the area are fragrant. Your this corrupt, ignoble and unprofessional act earned bad name for police department in the eyes of general public, which is tantamount to gross misconduct.

2). For the purpose of scrutinizing your conduct with reference to the above allegations, Mr. Muhammad Ishtiaq SP, Traffic Warden Abbottabad is appointed as Enquiry Officer.

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

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

  
Abbas Majeed Khan Marwat, PSP  
District Police Officer  
Abbottabad

No: 55

/PA, Dated Abbottabad the 11 / 03 / 2019.

CC:

1. SI Muhammad Bashir SHO PS Nawanshehr, with the direction to submit his defense within 07 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer of the date, time and place fixed for the purpose of departmental proceedings.

\*\*\*\*\*

*Arrested  
P3m by*







ORDER

-13-

Annex - C

This office order will dispose of the departmental enquiry against SI Muhammad Basfir No. 423/II the then SIO PS Nawansher. It has been reported that on 06-03-2019 gambling was in progress in Passport office Maira Madroch, he was informed about this gambling, the local Police of PS Nawasher raided the said gambling den and arrested following gamblers and seized the stake amount of Rs. 11000/12000- with gambling material and handed over to him for legal action:

1. Muhammad Shafaqat s/o Sabir r/o Lower Malikpura
2. Zeshan s/o Nizam uddin r/o Sir Syed colony Mandian
3. Zahcer s/o Aftab Dad r/o Taloor Sydian
4. Aqash s/o Sarfaraz r/o Supply.

Later on the amount was distributed among themselves and further took illegal gratification of Rs. 20000/250000/- and released them without taking any legal action for personal motive. Reportedly, a private lady namely Noureen r/o Manshra found mostly in his office due to which people of the area are fragrant.

He was issued Charge Sheet along with statement of allegations. Mr. Muhammad Ishfaq SP, Traffic Warden Abbottabad was appointed as Enquiry Officer. He conducted proper departmental enquiry against the delinquent officer and recorded statements of all concerned. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings, wherein reported that although no direct evidence came-forth about his indulgence in alleged corruption or avariciousness. No tangible evidence regarding illicit relations with the mentioned lady could be proved, yet he cannot be absolved from his lack of interest, command and supervision and also for his apathetic attitude towards services which renders him fit for the award of minor punishment. Consequently he was issued Final Show Cause Notice. He was summoned to appear in Orderly Room on 18-04-2019. He was given a patient hearing 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, Abbas Majeed Khan Marwat PSP, District Police Officer, Abbottabad as a competent authority, am constrained to award him the punishment of withholding of 01 increment with cumulative effect with immediate effect

Order announced.

*Original*  
District Police Officer,  
Abbottabad

CC:

1. Establishment Assistant alongwith complete Enquiry File containing (23) pages for completion of record.

OB No: 91

Dated 19.4.19

*Abbas Majeed Khan*  
*19/4/19*

صاحب آباد

تھانہ نوال شہر

نقل ریٹ فرم 25 دسمبر 1963

والیسی ارواٹا زبیر احمد ASI 6 2/19 وقت 18:20 میں ہم پستان

کے کوشش میں ڈیٹا 740 فرکانہ 963 کے بعد کشت کتری روڈ پر

تھانہ خیر نے اطلاع دی کہ اوپر دیوان جگہ پر ریٹ کمان میں کچھ

مشین لوگ موجود ہیں جنکی حرکات سگنات ٹھیک نہ ہیں جو

اس اطلاع پر ہم تفری پر موقع پہنچا جو اسی اثناء میں ڈسٹرک

سیکوریٹی سڈرم ناصر، نسیم گل پستان بھی آئے جو کمان

کے گیٹ ٹاٹ کیا جو باہر سے تفضل تھا ٹاٹ کرتے پیر کمان کے

عقبی جانب کئی کے بھانے یا ڈوائز آئی جو کمان کے عقبی جانب

سید اہبان کے قابو میں کر کے دریافت ہوا جنہوں نے اپنے نام محمد یاق

مگر محمد صاحب قوم انجوان سے حال باخبر کشت کتری پورہ ڈیٹا شام ولد

نظام الدین قوم شہر سید کالوٹا منڈیاں کے والد ایشہ وار قوم پستان کے

میلور نوال شہر کا کاشا سر فرار ولد محمد سر فرار قوم خٹکہ سرین کالوٹا پورہ

اور انہی جو خود کا لائٹ ہوا پورہ پستان نہ کر کے اور نہ ہی اس کمان

کے ماتحت ہیں۔ قومی اندیشہ ہے کہ وہاں کئی قسم قابل دست

انہی کے عرض سے آگے ہوئے ہیں تاہم سر فرار سے قومی ختم جموں

استیاء پر آمد نہ ہوئی جو کمان کے سر فرار سے 54/1109 عن وقت گزار

کرتے ممبر لائٹ کمان کے مقبرہ جامعہ تدریسی سر حورالت تھانہ سے

خو ضرورت پڑی سرالٹ کیا جائے گا میں ہم طالب کے کوشش

کشت لائٹ فرار گزار کا ہونا ہوا جائے نقل و حرکت کا اہل ہے

AMAC PS-NKR  
06-3-19

Attested  
P3 4

قحان لکھنؤ شہر  
نقل رپورٹ 33 در 33 روز 6<sup>3</sup>/<sub>19</sub>

33 در آمد پہلی فون سہ 19<sup>3</sup>/<sub>19</sub> 063 وقت 22:45:22 رپورٹ دہلی  
رپورٹ دہلی جو چار اشخاص زبیر احمد 481 نے زبیر دوس احمد  
صاف میں لا رہے حوالہ قحان کے نہیں آئی تھی دستاویز 109  
عین ولد شیر قوم اکوان نے کھوے جو نا کارہ۔ فرمان احمد ولد محمد  
ارشاد قوم اکوان نے کھوے جو نا کارہ فحانت پشاور نے نہیں  
عینو میں نے قحان بھیجا دیا ہے ان دونوں کا فحانت پشاور  
ظہیر خان۔ محمد نایب۔ اکاش۔ ذیشان سندھ شدہ حوالہ سے نکال  
کر حیدر فحانت پر اپنے حوالہ ترکے پھوڑ دین آدہ شہلا خوں میں  
درج لکھنؤ شہر جو ایسی اشخاص میں حیدر خوں۔ محمد عقیقہ۔ فرمان  
حاضر آئے جو حسب ہدایت 540 صاحب پشاور کو حیدر فحانت نام  
پر حوالہ سے نکال کر رخصت کیا ہے رپورٹ 33 در 33 روز 6<sup>3</sup>/<sub>19</sub>

فحانت  
نقل حکایت احمد

AMAC - PS - NCR  
06-3  
19

Abstract  
3m by

بخدمت جناب RPO صاحب ہزارہ رینج ایبٹ آباد

اپیل

جناب عالی!

گزارش ہے کہ میرے خلاف چارج ٹیڈ میں لٹنے والے الزامات ثابت نہیں ہو سکے۔  
سائل کا ایک انٹریمنٹ ایک سال کا سٹاپ ہوا ہے یہ سزا غیر انصافی ہے۔  
مہربانی فرما کر سزا عاف فرمائی جاوے۔

سر دار بشیر سب انسپکٹر متعینہ پولیس لائن ایبٹ آباد

المرقوم 15.05.2019

All details  
seen by



-17-

Annex-9

OFFICE OF THE REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

☎ 0992-9310021-22

☎ 0992-9310023

✉ r.rpohazara@gmail.com

☎ 0345-9560687

NO: 17187 /PA DATED 20/07/2020

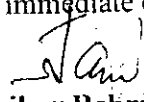
### ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by SI Muhammad Bashir No.423/H of District Abbottabad against the order of punishment i.e. *withholding of 01 year increment with commutative effect* awarded by District Police Officer, Abbottabad vide OB No.91 dated 19.04.2019.

Brief facts leading to the punishment are that he while posted as SHO Police Station Nawansher, it has been reported that on 06.03.2019, gambling was in progress at Passport Office Maira Mandroch, he was informed about the gambling. The local Police of PS Nawasher raided the gambling den and arrested 04 accused/gamblers and seized the stake amount of RS.11000/12000/- with gambling material and handed over to him for legal action. Later on the amount was distributed amongst police officials and further took illegal gratification of Rs.20000/250000/- and released the culprits without taking any legal action for personal motive. Moreover, reportedly a private lady namely Noreen r/o Mansehra found mostly in his office due to which people of the area were fragrant.

The appellant was issued charge sheet alongwith summary of allegations and SP Traffic, Abbottabad was deputed to conduct departmental enquiry. During the course of enquiry EO reported that although no direct evidence came-forth about the indulgence of the appellant in alleged corruption or avariciousness while no evidence regarding illicit relations with above mentioned lady could be proved, however he cannot be absolved from lack of interest, command and supervision. He was issued final show cause notice and heard in person, however he failed to advance any cogent reason in his defence. Consequently, DPO Abbottabad awarded him minor punishment of withholding of 01 year increment with commutative effect.

After receiving his appeal, comments of DPO Abbottabad were sought and examined/perused. The Undersigned called the appellant in OR and heard him in person. The appellant being SHO cannot be exonerated from the charges leveled against him due his lack of supervision and negligence. Hence, punishment awarded to the appellant seems suitable and in exercise of the powers conferred upon the Undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 the instant appeal is hereby *filed* with immediate effect.

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

No. 17188 /PA, dated Abbottabad the

/2020.

CC.

The District Police Officer, Abbottabad for information and necessary action with reference to his office Memo No 7480/Legal dated 31-12-2019. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

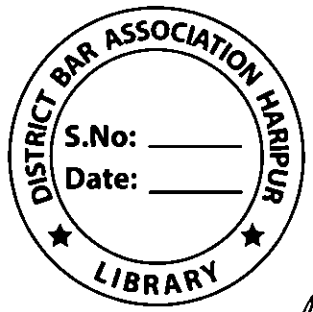
*Attested*  
*13/7/20*

DBA No: 201  
 BC No: \_\_\_\_\_  
 Name of Advocate: محمد اسماعیل تنوی

S.No: 73829



# وکالت نامہ



بعدالت: محمد اسماعیل تنوی  
 عنوان: محمد اسماعیل تنوی  
 منجانب: محمد اسماعیل تنوی  
 نوعیت مقدمہ: مقدمہ  
 باعث تحریر آنکھ: محمد اسماعیل تنوی

مقدمہ مندرجہ بالا بعنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصدیق مقدمہ بمقام محکمہ اراضی کے لیے  
محمد اسماعیل تنوی

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

لہذا وکالت نامہ لکھ دیا ہے کہ سند ہے۔  
 مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔  
 مورخہ: 17 دن، 16 ماہ، 2020 سال

محمد اسماعیل تنوی



**"B"**

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

No. 7B

Appeal No. 9404 of 2020

Muhammad Basit Appellant/Petitioner

Versus

P.P.O. K.P.K. Pesh. Respondent

Respondent No. 2

Notice to: Regional Police Officer, Hazara Region  
Abbottabad

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 15-6-2021 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 26/11 Day of Feb. 2021

at Camp Court A Head

[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.

TIB

No.

Appeal No. 9404 of 20 20

Muhammad Bashir Appellant/Petitioner

Versus

PPO, KP Pr Post. Respondent

Respondent No. 3

Notice to:

Distt. Police Officer, Abbottabad

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~~ informed that the said appeal/petition is fixed for hearing before the Tribunal on.....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 is 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 26th Day of Feb. 2021

at Camp Court A. Head

Naveed  
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.

IB

Appeal No. 9904 of 2020

Muhammad Parhar Appellant/Petitioner

Versus

P.P.O. K.P.K. Pesh: Respondent

Respondent No. I

Notice to:

Provincial Police Officer (cont. of K.P.K. Peshawar)

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 15-6-2021 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 26/6

Day of Feb: 2021

at Camp Court Road

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.