

21<sup>st</sup> Sept 2022

Counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Learned counsel for the appellant seeks adjournment to further prepare the case. To come up for arguments on 16.11.2022 before D.B at camp court Abbottabad.



(Fareeha Paul)  
Member (Executive)



(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

22.12.2021

Malik Abid Ali, Advocate, for the appellant present and submitted fresh Wakalat Nama, which is placed on file. Preliminary arguments heard.

Points raised need consideration, therefore, the appeal in hand is admitted to regular hearing subject to all legal objections including the question of limitation. The appellant is directed to deposit security and process fee within 10 days, where-after notices be issued to the respondents for submission of written reply/comments on 16.02.2022 before the S.B at Camp Court Abbottabad.

Appellant Deposited  
Security & Process Fee.

(Salah-Ud-Din)  
Member (J)

Camp Court Abbottabad

16.2.22

Due to Retirement of worthy Chairman the Tribunal NON Functional to come up For the same on Dated. 20-7-22 at camp court A.Abad.

Reader

20<sup>th</sup> July 2022

None for the appellant present. Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Shamriaz Khan, ASI for the respondents present.

Written reply submitted on behalf of the respondents which is placed on file. To come up for arguments on 21.09.2022 before D.B at camp court Abbottabad.

(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

16.02.2021

Nemo for appellant.

Notice be issued to appellant and his counsel for 21.05.2021 for preliminary hearing before S.B at Camp Court, A/Abad.



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

21.05.2021

Due to cancellation of tour, Bench is not available. Therefore, case is adjourned to 29.09.2021 for the same as before.



Reader

29.09.2021

Nemo for appellant.

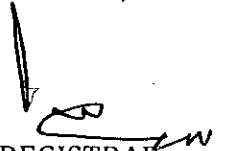

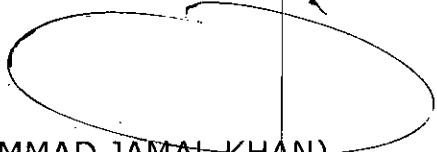
Preceding date was adjourned on a Reader's note, therefore, notice be issued to appellant for 22.12.2021 for preliminary hearing before S.B at Camp Court, Abbottabad.



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

Form-A  
FORM OF ORDERSHEET

Court of \_\_\_\_\_  
Case No. 9406 /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	18/08/2020	<p>The appeal of Mr. Mohiz Shahzad resubmitted today by Mr. Adil Khan Jadoon Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: center;">   REGISTRAR </p>
2-		<p style="text-align: center;">A/abbad</p> <p>This case is entrusted to Touring S. Bench for preliminary hearing to be put up there on <u>17-11-2020</u></p> <p style="text-align: center;">   CHAIRMAN </p>
17.11.2020		<p>Nemo for the appellant. Notice be issued to appellant and his respective counsel for attendance and preliminary arguments for 16.02.2021 before S.B at Camp Court, Abbottabad.</p> <p style="text-align: right;">   (MUHAMMAD JAMAL KHAN)  MEMBER  CAMP COURT ABBOTTABAD </p>

The appeal of Mr. Mohiz Shahzad Ex-Costable no. 531 District Police Abbottabad received today i.e. on 11.08.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Affidavit may be got attested by the Oath Commissioner.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- 4- Copy of Impugned order dated 18.12.2019 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.
- 5- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2356 /S.T,

Dt. 11/8 /2020

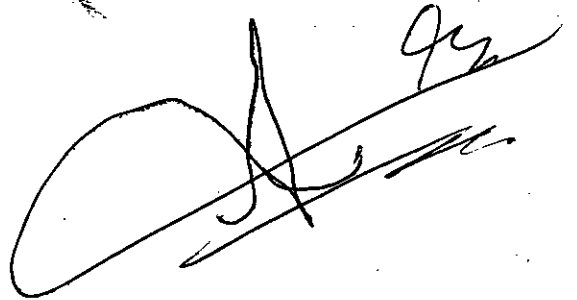
  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Adil Khan Jadoon Adv. A.Abad.

Note.

A-11 The objection nos 1 to 5 has been  
allowed hence resubmitted for further  
proceedings.

18-8-2020

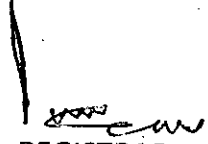


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Dt. 11/8 /2020

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Adil Khan Jadoon Adv. A.Abad.

S.No. 143390

Name of Advocate ماہر علی

DBA NO. 752 TBA NO. \_\_\_\_\_

BC No. 

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R.s.100/-

وکالت نامہ  
District Bar Association  
Alkotabad

بعدالت صاحب سروس سٹریٹوٹل اسٹریٹوٹل  
عنوان: مغز شہزاد  
منجانب: مخدوم  
نوعیت مقدمہ سروس ایبل  
باعث تحریر آنکہ میں نے

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے بیرونی وجوہات ہی برائے پیشی یا تفریق مقدمہ بمقام ایم ایڈ ایڈ کے لیے  
صاحب ماہر علی، مدیم ایڈووکیٹس مانی کورڈنگ ایڈ ایڈ  
کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو بروعدالت حاضر ہوتا رہوں گا اور بروقت پکارے  
جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر منظر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ  
سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے  
علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ پکھری کے علاوہ کسی اور جگہ  
سماعت ہونے پر یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے نہیں ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے  
کسی معاوضہ کے ادا کرنے یا مجتہد کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داختم صاحب موصوف  
مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراء کے ڈگری و نظر ثانی اپیل گرائی و ہر قسم  
درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کارڈ و سیر وصول کرنے اور رسید دینے اور داخل کرنے  
اور ہر قسم کے بیان دینے اور اس پر ناشی وراثی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیر و نجات  
از پکھری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرقی یا گرفتاری قبل از گرفتاری واجرائے ڈگری بھی صاحب  
موصوف کو بشرط ادا یعنی علیحدہ مختار بیرونی 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 ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں  
وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف  
کاتق 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 بیرونی 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 سندر ہے۔  
مورخہ: 2021/12/22  
مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور حطور ہے۔ دن 22 ماہ 12 سال

وکالت نامہ کی فوٹو کاپی قابل قبول نہ ہوگی  
Acceptance  
22/12/21

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR CAMP AT ABBOTTABAD**

Service Appeal No. \_\_\_\_\_/2020

Mohiz Shahzad Ex-Constable No. 531, District Police Abbottabad, resident of House No. 1392, Mohallah Ferozdin, Tanchi Chowk Abbottabad.

...APPELLANT

VERSUS

Inspector General of Police Khyber Pakhtunkhwa Peshawar & others.

....RESPONDENTS

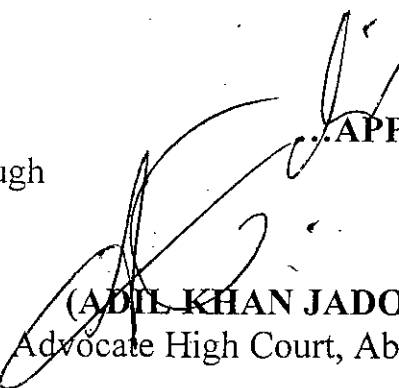
**SERVICE APPEAL**

**INDEX**

S.#	Description	Page No.	Annexure
1.	Memo of Appeal alongwith affidavit	1 to 9	
2.	Copy of order dated 28/02/2020	10 to 13	"A"
3.	Copy of order dated 21/03/2020 passed by learned Additional Sessions Judge-V, Abbottabad	14 to 15	"B"
4.	Copies of final show cause notice, reply of final show cause notice and order dated 18/12/2019	16	"C" "D" & "E"
5.	Copy of departmental appeal and order dated 07/07/2020	17 to 19	"F" & "G"
6.	Wakalatnama	20	

Through

Dated: 18/08/2020

  
 ...APPELLANT  
 (ADIL KHAN JADOON)  
 Advocate High Court, Abbottabad



1

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR CAMP AT ABBOTTABAD**

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...**APPELLANT** Khyber Pakhtunkhwa  
Service Tribunal

**VERSUS**

Diary No. 8626

Dated 11/8/2020

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspector General of Police Hazara Range, Abbottabad.
3. District Police Office (DPO), Abbottabad.

...**RESPONDENTS**

APPEAL UNDER ARTICLE 212 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973 READ WITH SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 READ WITH ALL THE OTHER ENABLING LAWS AGAINST THE IMPUGNED ORDER DATED 18/12/2019 WHEREBY, RESPONDENT NO. 3 DISMISSED the APPELLANT FROM SERVICE AND SIMILARLY ORDER DATED 07/07/2020 PASSED BY THE RESPONDENT NO. 2 UPON THE DEPARTMENTAL APPEAL OF THE APPELLANT WHICH ARE ILLEGAL, AGAINST

Filed today  
Registrar  
11/8/2020

THE LAW AND FACT AND ARE LIABLE TO BE SET-ASIDE.

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**PRAYER:-** ON ACCEPTANCE OF INSTANT APPEAL ORDER DATED 18/12/2019 PASSED BY RESPONDENT NO. 3 AND 07/07/2020 PASSED BY RESPONDENT NO. 2 BE DECLARED ILLEGAL, UNLAWFUL, VOID AB-INITIO AND BE SET-ASIDE AND APPELLANT BE RE-INSTATED IN SERVICE WITH ALL BACK BENEFITS. ANY OTHER RELIEF WHICH THIS HONOURABLE COURT DEEMS FIT AND PROPER IN THE INTEREST OF JUSTICE AND FAIR PLAY.

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Respectfully Sheweth;-

This appeal mainly proceeds on bellow stated factual and legal grounds.

1. That, the appellant was appointed as Constable in District Police at Abbottabad.
2. That in consequence of appointment order appellant submitted his arrival report and join duty under police.

3. That, after completion of initial and codal formalities appellant was sent for police training to PTC College Hangu and successfully completed the training.
4. That during service tenure of the appellant, the appellant was allegedly involved in case FIR No. 709 dated 18/09/2019, under Section 9C-CNSA/14 15CCHSA, Police Station Sarband, District Peshawar. Similarly, the present appellant was also nominated in case Fir No. 645, dated 01/09/2019, under Section 324 PPC Police Station City, Abbottabad.
5. That mere involvement of the appellant in case FIR No. 709 of Police Station Sarband District Peshawar is that a close friend of appellant has taken vehicle of appellant which was apprehended by the local police of Police Station sarband in the stated FIR presently the appellant is on bail. Copy of order dated 28/02/2020 is annexed as Annexure "A".
6. That in another case FIR No. 645 of Police Station City, Abbottabad the complainant has affected

compromise with the appellant and the learned court acquitted the appellant in the said case. Copy of order dated 21/03/2020 passed by learned Additional Sessions Judge-V, Abbottabad is annexed as Annexure "B".

7. That during the course of pendency of case FIR No. 645 of P.S City Abbottabad, the present appellant was in judicial custody in District Jail, Abbottabad. In the meanwhile the respondent department initiated so-called inquiry and issued show cause notice to the appellant, the appellant replied the said final show cause notice but the respondent No. 3 did not give any heed to the reply of the appellant and without giving opportunity of hearing one sidedly the respondent No. 3 vide order dated 18/12/2019 dismissed the appellant from service. Copies of final show cause notice, reply of final show cause notice and order dated 18/12/2019 are annexed as Annexure "C" "D" & "E".

8. That feeling aggrieved by the order dated 18/12/2019 passed by respondent No. 3 the appellant preferred an appeal before respondent

No. 2, which was dismissed vide order dated 07/07/2020. Copy of departmental appeal and order dated 07/07/2020 are annexed as Annexure "F" & "G".

9. That face with the above said situation, the appellant assailed both the order dated 18/12/2019 and 07/07/2020, inter-alia on the following grounds:-

**GROUND:-**

- a. That the impugned orders are violative of the principal of natural justice. The appellant has not been treated in accordance with law and the rules on the subject. Hence the impugned orders are liable to be set aside.
- b. That no proper enquiry has been conducted. The appellant has not been provided any opportunity to defend charges against him. It was one sided decision made by respondent No. 3 and being a nullity in the eye of law cannot hold field and is liable to be set aside.

- c. That the contention of the appellant has neither been considered nor opportunity of personal hearing has been granted to the appellant, hence the enquiry being one sided is liable to be set aside and in consequence thereof, the impugned orders are liable to be set aside.
- d. That service record of the appellant is neat and clean and no complaint from public is available on record which could be made basis for initiating enquiry.
- e. That mere involvement in such like cases is not sufficient for granting major punishment i.e. dismissal from service. The appellant is acquitted from the charges leveled against him in case FIR No. 645 of Police Station City, Abbottabad and is released on bail in case FIR No. 709 of Police Station Sarband, District Peshawar. Before commencement of trial in case FIR No. 709, the order passed by respondent No. 3 is illegal, unlawful, and against the norms of justice, therefore, is liable to be set-aside.

- f. That so far FIR No. 709 dated 18/09/2019 of Police Station Sarband Peshawar is concerned, the appellant was not present at the spot nor his name was mentioned in the FIR, the appellant was named by the nominated accused. As per law the statement of an accused cannot be used against any other person being nominated by him to be his companion.
- g. That even otherwise, the appellant is innocent and even if the so called charges leveled against appellant or deemed correct, the punishment awarded for those charges is very harsh and unjustified. Hence the impugned orders are liable to be set aside.
- h. That the appellant was not served by any means as prescribed by the law.
- i. That the impugned order is against the law, fact and the principles laid down by the Honourable Superior Courts.

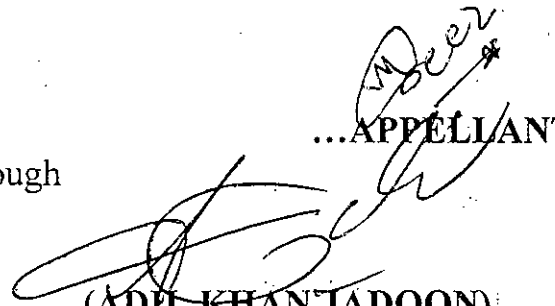
- j. That other grounds will be urged at the time of arguments with prior permission of this Honourable Court.

It is therefore, most humbly prayed that on acceptance of instant appeal order dated 18/12/2019 passed by respondent no. 3 and 07/07/2020 passed by respondent no. 2 be declared illegal, unlawful, void ab-initio and be set-aside and appellant be re-instated in service with all back benefits. Any other relief which this Honourable Court deems fit and proper in the interest of justice and fair play.

Dated: 18 / 8 / 2020

Through

...APPELLANT

  
(ADIL KHAN JADOON)  
Advocate High Court, Abbottabad.

**VERIFICATION:-**

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

...APPELLANT

  
18/08/2020  
COURT



**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR CAMP AT ABBOTTABAD**

Service Appeal No. \_\_\_\_\_/2020

Mohiz Shahzad Ex-Constable No. 531, District Police Abbottabad, resident of House No. 1392, Mohallah Ferozdin, Tanchi Chowk Abbottabad.

...APPELLANT

**VERSUS**

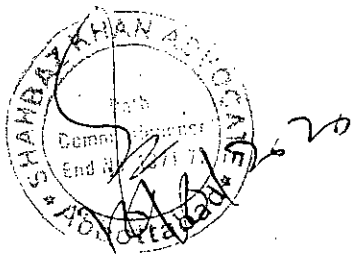
Inspector General of Police Khyber Pakhtunkhwa Peshawar & others.

....RESPONDENTS

**SERVICE APPEAL**

**AFFIDAVIT**

I, Mohiz Shahzad Ex-Constable No. 531, District Police Abbottabad, resident of House No. 1392, Mohallah Ferozdin, Tanchi Chowk 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 from this Honourable Court.



*[Signature]*  
**DEPONENT**



10  
**BEFORE THE PESHAWAR HIGH COURT,**  
**PESHAWAR**

Writ Petition. No. \_\_\_\_\_-P/2019

Mohiz Shahzad son of Muhammad Aslam, resident of House No. 1392, Mohallah Feroz Din, Abbottabad.

...ACCUSED/ PETITIONER

VERSUS

1. The State
2. Arshaad Khan ASI, Police Station Sarband, District Peshawar.

...RESPONDENT

CASE FIR NO. 709 DATED 18/08/2019 UNDER SECTION 9C-CNSA/14 15CCHSA, POLICE STATION SARBAND DISTRICT. *Peshawar*

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**WRIT PETITION** UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 READ WITH SECTION 9C OF KHYBER PAKHTUNKHWA, CONTROL OF NARCOTICS SUBSTANCES ACT, 2019, SEEKING RELEASE OF ACCUSED/PETITIONER ON BAIL, TILL FINAL DISPOSAL OF THE CASE.

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**ATTESTED**

**EXAMINER....**  
Peshawar High Court

or at his pointation. Furthermore, the involvement of the

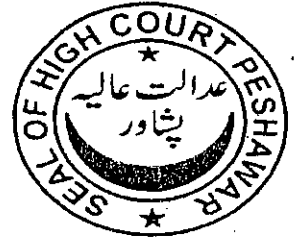
"A"  
11

Judgment Sheet

IN THE PESHAWAR HIGH COURT,  
PESHAWAR

JUDICIAL DEPARTMENT

Cr. M/B.A No. 202-P/2020.



JUDGMENT

Date of hearing.....28.02.2020.....

Petitioner's (Mohiz Shahzad) By Mr. Masood-ur-Rehman Tanoli, Advocate

Respondent(State) By Mr. Umar Farooq, AAG...

**ISHTIAQ IBRAHIM, J:-** Through the instant bail

application Mohiz Shahzad son of Muhammad Aslam,

the petitioner, seeks his post arrest bail in case FIR

No. 709 dated 18.08.2019 under Section 9 (C) Control

of Narcotics Substance Act, 1997 ("CNSA")/14/15

CCHSA registered at Police Station, Sarband, District

Peshawar ("FIR").

2. The brief facts as reported in the murasila are

that Arshad Khan, ASI alongwith police contingent on

18.08.2019 had laid nakabandi; that at 17.30 hours

intercepted motorcar bearing registration No.AGZ-

546 for the purpose of checking; that two persons

*Superintendent  
Sessions Court  
Verification*  
*[Signature]*  
Muhammad Farooq Ahmad  
Judicial Magistrate-1,  
Peshawar

*[Signature]*  
Amirul Wajid  
Two Lacs  
Superintendent  
Sessions Court, Peshawar  
27/2/2020



**ATTESTED**

**EXAMINER**  
Peshawar High Court

(12)

sitting in the rear seat made good their escape, while the driver on query disclosed his name as Abdul Haseeb; that during search of the car, the complainant recovered two packets, one packet containing 75 grams while the other packet containing 45 grams ice, and five packets charas each packet weighing one KG were recovered. The driver of the car was arrested, murasila was drafted and sent to the police station for registration of case FIR against the accused.

3. Valuable arguments of learned counsel for petitioner and the worthy AAG heard and gone through the record of the case.

4. Lest this Court passes any findings on the merits of the case, which may prejudice the case of the parties during the trial, suffice it to state that petitioner named above alongwith co-accused Afzal were arrested on 04.09.2019 i.e after twenty days of the occurrence. The accused-petitioner was thoroughly interrogated in the case. Nothing incriminating was recovered from his possession.

**ATTESTED**

**EXAMINER**  
Peshawar High Court

(13)

with two sureties each in the like amount to the satisfaction of Illaqa/Duty Judicial Magistrate, who shall ensure that the sureties must be local, reliable and men of means.

Announced.  
Dt. 28/02/2020.

JUDGE

S.B  
Hon'ble Mr. Justice Ishtiaq Ibrahim.

(Kausar Ali P.S)

No. 29581  
 Date of Presentation of Application 5/3/2020  
 No of Pages 4-12+7  
 Copying fee \_\_\_\_\_  
 Total 16+4  
 Date of Preparation of Copy 5/3/2020  
 Date of Delivery of copy 05/3/2020  
 Received By J. G.

*S. G. J.*  
 CERTIFIED TO BE TRUE COPY  
 EXAMINER  
 Peshawar High Court, Peshawar  
 Authorized under Section 8-A of  
 the Court Officers Order 1984  
 05 MAR 2020

Order No. 14  
21/03/2020

APP for the state present. Accused not produced from jail nor his jail warrant received due to outbreak of virus. Counsel for the accused present.

Brief facts of the case show that complainant/injured Ghulam Hussain s/o Shaukat Ali has charged the accused namely Mohiz Shehzad son of Muhammad Aslam in case FIR No. 645 dated 01/09/2019 u/s 324 PPC of PS City, Abbottabad, for attempting at his life, effectively.

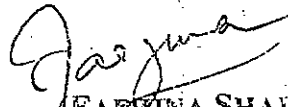
Today, Haider Ali s/o Shoukat Ali, Jirga member/real brother of the complainant/injured namely Ghulam Hussain present and stated at the bar that due to intervention of elders, compromise has been effected between the parties and his brother/complainant has pardoned the accused in the name of Allah Almighty and waived of his rights of Qisas, Arsh and Daman etc. He produced compromise deed Ex.P.A. In this regard, statement of Haider Ali recorded and placed on file. He informed the Court that complainant cannot appear before the Court due to the injury. Counsel for the accused requested for appointment of local commission to record statement of the complainant/injured. Request was allowed and Mr. Salim Khalil Marwat Advocate was appointed local commission with the direction to visit the residence of the complainant/injured, record his statement and to submit commission report. Fee of local commission was fixed @ Rs. 2000/- to be paid by the accused party.

Later on, local commission appeared and submitted his report alongwith the statement of complainant/injured, wherein he has stated that he has pardoned the accused in the name of Allah Almighty and does not want to proceed with the case anymore. He expressed no objection over acquittal of the accused on the basis of compromise.

Perusal of record reveals that the complainant has effected compromise with the accused and the offence with which the accused is charged is also compoundable, therefore, the compromise is accepted and accused Mohiz Shehzad is acquitted from the charge leveled against him. He is in custody and be released forthwith, if not required in any other case.

Case property be kept intact - till the expiry of period, of appeal/revision. File be consigned to Record Room after completion.

Announced  
21/03/2020

  
(FARZINA SHAIK)  
AD&SI-V, Abbottabad.

OFFICE OF THE ADDL: SUPERINTENDENT OF POLICE, ABBOTTABAD

No. 299 /PA, Dated Abbottabad, the 04/11/2019

FINAL SHOW CAUSE NOTICE  
UNDER POLICE RULE 1975 (AMENDED 2014)

(15)

1. That you Constable Mohiz Shahzad have rendered yourself liable to be proceeded under Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) misconduct:-

That while you transferred from FRP to District Abbottabad is involved in the case FIR No. 645 dated 01-09-2019 u/s 324 PPC Police Station Abbottabad also previously involved in case FIR No. 709 dated 18-08-2019 u/s PC-CNSA PS Sirband Peshawar which tantamount to gross mis-conduct.

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 and indiscipline officer in the force.
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 Show Cause as to why you should not be dealt in accordance Police Rule for the misconduct referred above.
7. You shall submit reply to this 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 whether you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

Addl Superintendent of Police  
Abbottabad

Received by M. S. 2019

Dated 15/11/2019

16/10

(16)


ORDER

This office order will dispose of the departmental enquiry against Constable Mohiz Shalazad No. 538 Police Lines. That he while transferred from FRP to District Abbottabad is involved in case FIR No. 645 dated 01-09-2019 u/s 324 PPC PS City Abbottabad also previously involved in case FIR No. 709 dated 18-08-2019 u/s 302 NSa PS Sargodha Peshawar which is tantamount to gross misconduct.

He was issued Charge Sheet along with statement of allegations. Mr. Shamraiz Khan SDPO Havelian 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 allegations have been proved against him. Consequently, he was issued Final Show Cause Notice. He was summoned to appear in Orderly Room on 09-12-2019. He failed to appear in Orderly Room.

Therefore, in exercise of the powers vested in the undersigned 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 Dismissal from service with immediate effect.

Order pronounced.

  
District Police Officer,  
Abbottabad

CC: 1. 7753-59 dt 11-12-19

- 1. Pay officer DPO Office Abbottabad.
- 2. Establishment Clerk DPO Office Abbottabad.

06 - 11 - 2019

8 11 - 19

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11/01/2019

جناب D.I.G صاحب ہزارہ ریجن، ایبٹ آباد  
درخواست براد خیال ملذرت واپس اغراض جنگی اٹھانے

بڑی 12-11-2019 59-7758 ہنٹر جناب DPO ایبٹ آباد  
جناب عالی!

Office Of The Regional P...  
Dy. No. 7156  
19-05-2019

درخواست ذیل ہے کہ

سائل عسکرہ پولیس میں چھ سال سے بغیر کسی شناخت اپنے فرائض انجام  
درا رہا ہے۔ سائل: احکامات برخواستگی ملذرت مذکورہ کی بابت عرض گزار ہے کہ

۱۔ احکامات مذکورہ میں مقدمہ FIR بڑی 645 بتاریخ 9-1-19 زیر دفعہ 324 PPC  
کی نسبت عرض ہے کہ سائل اس کیس میں عدم ثبوت کی وجہ سے بری ہو چکا ہے جو کہ مخالف  
تہ بدینتی سے غلط طور پر سائل کے خلاف درج کر لیا گیا۔ (نقل نمونہ)

۲۔ مذکورہ نوٹس میں FIR بڑی 709 بتاریخ 8-2-2019 W.P.C.C.A.S.A/18  
کی نسبت عرض ہے کہ اس کیس میں سائل ملوث نہ ہے بلکہ ایک دوست نے سائل  
کی گاڑی پر ڈیڑھی استعمال عاریتاً مانگی تھی جو کہ مذکورہ کیس میں پکڑی گئی اور سائل کی  
عدم شمولیت کی وجہ سے ضمانت ہو چکی ہے۔ (نقل نمونہ)

APA  
19/1/2019  
11795/18  
DPO

۳۔ سائل دوران مقدمہ بالا عرصہ 24 ایام جیل میں رہا  
اور 25/3/2018 کو رہا ہو گیا۔ اسی دوران سائل کو عسکرہ کی جانب سے صرف ایک  
شوکار نوٹس بھجوا گیا جو اب برداشت نہ کیا گیا تھا۔

۴۔ مذکورہ برخواستگی کے احکامات میں مذکور انٹوائزر کی مہتممیت  
سائل کو نہ کوئی حفاظت اور سائل کو سول سروس نہ دیکھائی گئی اور  
دی گئی، نہ انٹوائزر ہوئی ہے اور بغیر انٹوائزر سائل کی عدم شرکت و مہتممیت  
یکطرفہ طور پر سائل کے خلاف کارروائی کر کے برخواستگی عمل میں لائی گئی۔

PA/RPC  
20/01

۵۔ عدویہ ازیں کسی قسم کی کوئی فہمکانہ کارروائی یا طلبی وغیرہ  
کی بابت کوئی خط یا احکامات نہیں ملے۔

اور نہ ہی کسی اردو رسم میں پیشی ہوئی اور نہ کوئی بیان  
یا گیا کہ ساری کارروائی بالہ ہی بالہ غصیہ کی گئی اور سائل  
کو کسی صفائی کا موقع نہ دیا گیا۔

متذکرہ بالہ حقائق کی روشنی میں آغصابت  
استدعا کے سائل کی مدد سے کہ گھر پر جو حالات کا پیش نظر  
سائل کے حذف متذکرہ احکامات کی واپسی اور مدد سے  
پر بحال کیا حکامات سے صادر فرمائے جائیں۔

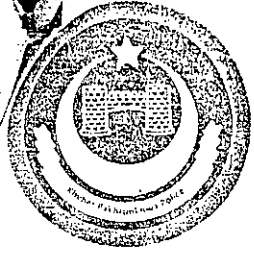
آغصابت کے اس غصابت پر سائل آغصابت سے  
تاریت دعا گو رہے گا۔

جزاکم اللہ احسن الجزا

المقوم ۱۳۰۲

العامل

مؤین شہزاد ولد محمد اسلم بھ 538 پولیس لائن ایبٹ آباد



OFFICE OF THE REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.rpolhazara@gmail.com

0345-9560687

NO: 16017 /PA DATED 7/7 /2020

(19)

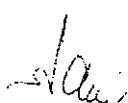
ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex. Constable Mohiz Shahzad No.538 of District Abbottabad against the order of punishment i.e. *Dismissal from Service* awarded by District Police Officer, Abbottabad vide OB No.280 dated 18.12.2019.

Brief facts leading to the punishment are the appellant involved himself in criminal cases vide FIR No. 645 dated 01.09.2019 u/s 324 PPC Police Station City, Abbottabad and FIR No.709 dated 18.08.2019 u/s 9 C-CNSA Police Station Sirband, Peshawar.

The appellant was issued charge sheet alongwith summary of allegations and DSP Havelian was deputed to conduct departmental enquiry. During the course of enquiry the allegations leveled against the appellant were proved. He was issued final show cause notice, called in OR however he failed to appear in OR. Consequently, DPO Abbottabad awarded him major punishment of Dismissal from service.

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, however he failed to advance any plausible justification in his defense. Moreover, the appellant being part of disciplined force involved himself in criminal cases which is intolerable and prejudicial to good order and discipline of Police force. Therefore, in exercise of the powers conferred upon the Undersigned under Rule 11-A (a) of Khyber Pakhtunkhwa Police Rules, 1975 appeal of the official is hereby *filed* with immediate effect.

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

No. 16017 /PA, dated Abbottabad the 7/7 /2020.

CC.

1. The District Police Officer, Abbottabad for information and necessary action with reference to his office Memo No 2124/Legal dated 05-06-2020. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

OFFICE OF THE ADDL: SUPERINTENDENT OF POLICE, ABBOTTABAD

No. 292 /PA, Dated Abbottabad, the 04/11/2019

GROUND OF ACTION

That you Constable Mohiz Shahzad committed following misconduct:-  
*No: 538*

That while you transferred from FRP to District Abbottabad is involved in the case FIR No. 645 dated 01-09-2019 u/s 324 PPC Police Station Abbottabad also previously involved in case FIR No. 709 dated 18-08-2019 u/s PC-CNSA PS Sirband Peshawar which tantamount to gross mis-conduct.

By reasons of above you have rendered yourself liable to be proceeded under Khyber Pakhtunkhwa Police Rules 1975 (amended 2014), hence these grounds of action.

*- SD -*  
Addl: Superintendent of Police  
Abbottabad

*Ghous*  
*19/11/19*

*D*

**BEFORE \_\_\_\_\_ TIONAL SUPERINTENDENT OF POLICE**  
**ABBOTTABAD**

In the matter of constable Mohiz Shahzad No. 531, District Police Abbottabad

**REPLY TO FINAL SHOW CAUSE NOTICE UNDER POLICE RULE**  
**1975 AMENDED 2014**

Respected Sir,

I take owner to refer to your letter No. 299/PA dated 04/11/2019 received by the undersigned on 15/11/2019 and to submit my reply which is as under;

1. That the charges as leveled against applicant in of FIR No. 645 and FIR No. 709 are baseless and frivolous.
2. So far FIR No. 645 is concerned, the complainant in ordered to falsely involve in applicant has manipulated the story which has no nexus with the reality. The applicant was neither present at the alleged scene of occurrence nor his presence was proved through evidence connected by the I.O during the investigation. As such, the petitioner who has been dragged in the case deserves to be exonerated from the charge.
3. That so far FIR No. 709 dated 18/09/2019 of P.S. Sirband Peshawar is concerned, the petitioner was not present nor his name was mentioned in the FIR, rather, petitioner was named by the nominated accused. As per law the statement of an accused cannot be used against any other person being nominated by him to be his companion.
4. That beside the above, the applicant would also like to be heard in person.

It is therefore respectfully prayed that the show cause notice may kindly be withdrawn and applicant be graciously be exonerated from the charges.

Dated: 19/11/2019

Yours obediently

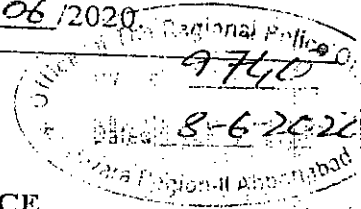
*M. Shahzad*  
(Mohiz Shahzad)  
Constable No. 531



**OFFICE OF THE DISTRICT POLICE  
OFFICER ABBOTTABAD**

Ph: No: 0992-9310026, Fx: No: 0992-9310025  
atdnolice@gmail.com

No. 2124/Legal, Dated. 05/06/2020



To : **The Regional Police Officer,  
Hazara Region, Abbottabad**

Subject: **APPEAL FOR REINSTATEMENT IN SERVICE.**

Memo: Kindly refer to your office Endst: No.11995/PA, Dated 21.05.2020, on the subject noted above.

It is submitted that comments on appeal of Mohiz Shahzad Ex-constable No. 538 are as under:

02. Brief facts leading to the punishment awarded to the applicant are that while he was transferred from FRP, Hazara Region, Abbottabad to District Police Abbottabad, found involved in criminal cases vide FIR No. 645 dated 01.09.2019 u/s 324 PPC Police station City, Abbottabad and FIR No. 709 dated 18.08.2019 u/s 9 C-CNSA Police station Sirband, Peshawar which showed his lack of interest in official duties and gross misconduct on his part.

03. He was issued charge sheet alongwith statement of allegations by the then Addl: Superintendent of Police, Abbottabad and enquiry was entrusted to SDPO Havelian, Abbottabad. After conducting proper departmental enquiry E.O submitted his finding report wherein allegations were proved against him. Consequently, he was issued final show cause notice, in response to which he did not submit his written reply. He was called to appear in Orderly Room but he again failed to appear in Orderly Room. Therefore, he was awarded the punishment of **Dismissal from Service** vide OB No: 280 dated 18.12.2019 by the undersigned under Police Disciplinary Rules 1975 (Amended 2014).

04. It is therefore, requested that the appeal being time barred is liable to be dismissed.

(Service Roll and Fauji Missal containing enquiry file of the applicant is enclosed herewith for kind perusal please).

Date of Enrolment	Major Punishment	Minor Punishment	Bad Entries	Good Entries
02.09.2013	01	Nil	10	Nil

**District Police Officer,  
Abbottabad.**

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

Service Appeal No. 9406/2020.

Mohiz Shahzad Ex- Constable No.538, District Police Abbottabad, resident of House No. 1392, Mohallah Ferozdin, Tanchi Chowk Abbottabad.

..... APPELLANT.

**VERSUS**


1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Hazara Range, Abbottabad.
3. District Police Officer, Abbottabad.

..... RESPONDENTS.

**Para wise comments on behalf of Respondents.**

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3	Charge Sheet	"A"	6 & 7
4	Inquiry Report	"B"	8 & 9
5	Final showcause notice	"C"	10 & 11
6	Copy of O.B No. 280 dated 18.12.2019.	"D"	12
7	Order No: 16016 dated 07.07.2020	"E"	13
<b>TOTAL</b>			<b>13 Pages</b>

  
DSP Legal, Abbottabad.

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

Service Appeal No. 9406/2020.

Mohiz Shahzad Ex- Constable No.538, District Police Abbottabad, resident of House No. 1392, Mohallah Ferozdin, Tanchi Chowk Abbottabad.

..... APPELLANT.

**VERSUS**

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Hazara Range, Abbottabad.
3. District Police Officer, Abbottabad.

..... RESPONDENTS.

**Reply/Comments by respondents.**

Respectfully Sheweth.

The respondents submit as under:-

**PRELIMINARY OBJECTIONS:-**

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

**ON FACTS:-**

1. Correct to the extent of appointment of appellant as constable in District Police, Abbottabad.
2. Subject to proof.
3. Subject to proof. Moreover, necessary basic trainings are mandatory to the Police personal as per law/rules.



- 2
4. Incorrect, the appellant Ex-Constable Mohiz Shahzad No. 538 was involved in case FIR No.709 dated 18.08.2019 u/s 9-C CNSA Police Station Sarband Peshawar and also involved in case FIR No 645 dated 01.09.2019 u/s 324 PPC Police Station City, Abbottabad. The acts and omissions of the appellant were misconduct under Khyber Pakhtunkhwa, Police Rules 1975. Therefore, the appellant was issued charge sheet with statement of allegations, by the Additional Superintendent of Police Abbottabad vide his office Endst: No.181/PA dated 12.09.2019 (Copy of charge sheet with statement of allegations is attached as annexure "A"). Mr. Shamraiz Khan SDPO Havelian Abbottabad was appointed as enquiry officer, who conducted proper departmental enquiry and submitted his finding report vide his office Memo. No.703 dated 28.10.2019, in which he held the charges proved and recommended the appellant for appropriate punishment. (Copy of inquiry finding is attached as annexure "B"). Consequently, the appellant was issued final show cause notice by the Additional Superintendent of Police Abbottabad, vide his office Memo No.299/PA dated 04.11.2019. (Copy of final show cause notice is attached as annexure "C"). The appellant could not give satisfactory reply in response to the final showcause notice and he was called in orderly room for personal hearing. The appellant failed to adduce any defense. Therefore, being found guilty of misconduct the appellant was awarded major punishment of dismissal from service by the then District Police Officer, Abbottabad vide O.B No. 280 dated 18.12.2019. (Copy of order is attached as annexure "D"). The appellant file departmental appeal against the punishment order to the Regional Police Officer, Hazara Region, Abbottabad, who filed the same vide order No.16016/PA dated 07.07.2020. (Copy of order is attached as annexure "E").
  5. Incorrect, the appellant could not give plausible reply of charge sheet, and charges were proved beyond any shadow of doubt. The appellant committed heinous offences and was charged in criminal cases. His conduct was contrary to the norms of Police force. Moreover, during the departmental inquiry his guilt was established through solid evidence. Therefore, being held guilty of misconduct, the appellant was awarded major punishment of dismissal from service as per law/rules.

6. In reply to this para, it is submitted that the appellant committed gross misconduct for which departmental action was taken and he was awarded appropriate punishment of dismissal from service as per law/rules. Moreover, the conduct of the appellant rendered him for departmental action.
7. In reply to this para, it is submitted that the appellant committed gross misconduct by involving in offences. Therefore, departmental action was taken and being held guilty of misconduct the appellant was awarded major punishment of dismissal from service. All legal requirements and principles of natural justice were observed.
8. In reply to this para, it is submitted that the appellant filed departmental appeal to the Respondent No. 02 who considered the same and dismissed vide order No. 16016/PA dated 07.07.2020 on lawful grounds.
9. Incorrect, the instant service appeal is not maintainable under the law/rules.

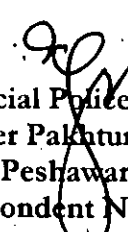
**GROUND:-**

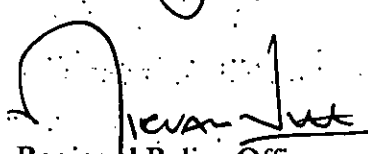
- A) Incorrect, the orders of respondents are quite legal, based on facts and principles of natural justice, hence, the orders are lawful and maintainable.
- B) Incorrect, the appellant has been dealt in accordance with law. Proper departmental inquiry was conducted wherein appellant was held guilty of gross misconduct. Therefore, the appellant was awarded punishment on recommendation of inquiry officer. The punishment commensurate with the gravity of misconduct.
- C) Incorrect, the appellant was treated in accordance with law, rules and regulations. All legal requirements were fulfilled during the departmental inquiry. Therefore, the punishment is quite legal and maintainable.
- D) Incorrect, the appellant committed gross misconduct which warranted departmental action. Hence, the punishment awarded to the appellant is quite legal and maintainable.

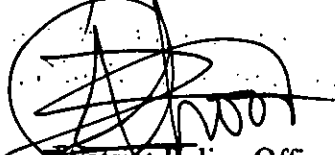
- 4
- E) Incorrect, the acts and omissions of the appellant were gross misconduct. Therefore, he was awarded major punishment as per law/rules. He took the law in his hands and involved in criminal cases, which rendered him for departmental action.
- F) Incorrect, the appellant committed misconduct. The allegations were thoroughly probed in the departmental inquiry wherein appellant was held guilty through strong evidence. Hence, the punishment is lawful and maintainable.
- G) Incorrect, the appellant was awarded quite legal punishment which commensurate with the gravity of charges.
- H) Incorrect, all legal requirements were fulfilled while awarding the punishment to the appellant.
- I) Incorrect, the order of punishment is lawful, based on fact and evidence, hence, it is sound under the law/rules.
- J) Respondents may be allowed to raise additional grounds at the time of arguments.

**PRAYER:-**

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

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

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

  
District Police Officer,  
Abbottabad  
(Respondent No.3)

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

**Service Appeal No. 9406/2020.**

Mohiz Shahzad Ex- Constable No.538, District Police Abbottabad, resident of House No. 1392, Mohallah Ferozdin, Tanchi Chowk Abbottabad.

..... **APPELLANT.**

**VERSUS**


1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Hazara Range, Abbottabad.
3. District Police Officer, Abbottabad.


..... **RESPONDENTS.**


**AFFIDAVIT.**

We, do hereby affirm on oath that the contents of written reply are true to the best of our knowledge & belief and nothing has been concealed from the honorable Service Tribunal.

Submitted please.

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

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

  
**District Police Officer,  
 Abbottabad.  
 (Respondent No. 3)**

CHARGE SHEET

1). I, Qamar Hayat Khan, Addl: Superintendent of Police Abbottabad as competent authority hereby charge you Constable Mohiz Shahzad No.264 of PS City 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.

—SD—  
(QAMAR HAYAT KHAN)  
Addl: Superintendent of Police  
Abbottabad

7

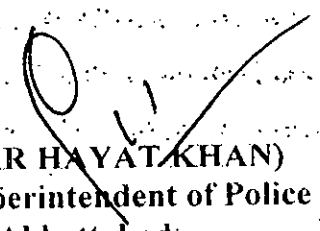
**DISCIPLINARY ACTION**

**QAMAR HAYAT KHAN** Addl: Superintendent of Police Abbottabad as Competent Authority of the opinion that you **Constable Mohiz Shahzad No.264 of PS City** 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**

That while you transferred from FRP to District Abbottabad is involved in the case FIR No. 645 dated 01-09-2019 u/s 324 PPC Police Station Abbottabad also involved in case FIR No. 709 dated 18-08-2019 u/s pC-CNSA PS Sirband-Peshawar which tantamount to gross mis-conduct.

- 2). For the purpose of scrutinizing your conduct with reference to the above allegations, **DSP Havelian 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 in the proceedings on the date, time and place fixed by the Enquiry Officer.

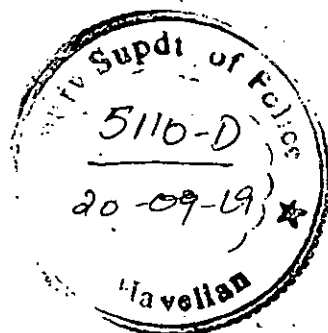
  
(QAMAR HAYAT KHAN)  
Addl: Superintendent of Police  
Abbottabad

No: 181 /PA, Dated Abbottabad the 12 / 9 /2019.

CC:

1. **Delinquent official**, with the direction to submit his defenstive statement within 07 days after receipt of charge sheet, also directed to appear before the Enquiry Officer for the purpose of departmental proceedings.
2. Enquiry Officer to complete departmental enquiry within stipulated period.

\*\*\*\*\*



*Steno*  
*Call the defaulter*  
*||*  
*DSP Havelian*

The Dy: Superintendent of Police,  
Havelian.

The Addl: Superintendent of Police,  
Abbottabad.

No. 703 / Dated Havelian the 28-10-19 2019.

Subject: - DEPARTMENTAL ENQUIRY REPORT CONDUCTED  
AGAINST CONSTABLE MOHIZ SHAHZAD NO. 264 OF  
PS CITY ABBOTTABAD.

Kindly refer to your office Dy No. 181/PA dated 12.09.2019

The undersigned has been directed to conduct departmental enquiry against Constable Mohiz Shahzad No. 264, on the under mentioned allegations leveled against him.

SUMMARY OF ALLEGATIONS.

That while you transferred from FRP to District Abbottabad is involved in case FIR No. 645 dated 01-09-2019 u/s 324 PPC Police Station Abbottabad also involved in case FIR No. 709 dated 18-08-2019 u/s 9C-CNSA PS Sirband Peshawar which tantamount to gross mis-conduct.

PROCEEDINGS OF ENQUIRY.

As directed the undersigned summoned / called the following police officials to dig out the facts / purpose of enquiry. But IO of the case telephonically told that defaulter Mohiz Shahzad has been arrested regarding A.Murder case of PS City and locked up at Jail. Consequent upon IO of the case has been directed to produce case file including written statement about investigation. Resultantly IO Yaya Khan appeared, produced case file and recorded his statement (copy attached). The defaulter has been waited a lot, today IO again contacted, who replied that defaulter could not bailed out. Thus the detailed report of the enquiry is given below:

- IHC Yaya Khan (IO of the case).
- FC Mohaiz defaulter (at Jail, could not appear).

IO Yaya Khan of the A.Murder case stated in writing (copy attached), in which he stated that accused FC Mohiz has been arrested in above cited case and interrogated. During interrogation accused stated that real brother

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victim namely Ghulam Hussain took his vehicle for Islamabad as both the  
families are neighbors. But his vehicle confiscated by Peshawar police carrying  
documents and case vide FIR No. 709 dated 18.08.2019 u/s 9C, CNSA PS Sarband  
Peshawar. He went to shop of complainant, where scuffled took place and  
victim injured

**FINDINGS OF ENQUIRY:**

- During the course of enquiry, it has been established the contents of charge sheet are genuine one in A. Murder case.
- Similarly due to negligence defaulter has been noted in case of 9C.CNSA against defaulter Mohiz at PS Sarband Peshawar.

**RECOMMENDATIONS:**

Keeping in view of above considered facts, the allegations as leveled against the defaulter have been proved.

Submitted please.

  
**Dy: Superintendent of Police  
Havelian.**



**OFFICE OF THE ADDL: SUPERINTENDENT OF POLICE, ABBOTTABAD**

No: 299 /PA, Dated Abbottabad, the 04/11 /2019

**FINAL SHOW CAUSE NOTICE**  
**UNDER POLICE RULE 1975 (AMENDED 2014)**

1. That you Constable Mohiz Shahzad <sup>No. 538</sup> have rendered yourself liable to be proceeded under Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) misconduct:-

That while you transferred from FRP to District Abbottabad is involved in the case FIR No. 645 dated 01-09-2019 u/s 324 PPC Police Station Abbottabad also previously involved in case FIR No. 709 dated 18-08-2019 u/s PC-CNSA PS Sirband Peshawar which tantamount to gross mis-conduct.

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 and indiscipline officer in the force.
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 Show Cause as to why you should not be dealt in accordance Police Rule for the misconduct referred above.
7. You shall submit reply to this 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 whether you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

**Add: Superintendent of Police**  
**Abbottabad**

Received by *Abceez*

Dated 15 / 11 / 2019.

**OFFICE OF THE ADDL SUPERINTENDENT OF POLICE, ABBOTTABAD**No. 299 /PA, Dated Abbottabad, the 04/11/2019**GROUNDS OF ACTION**

That you Constable Mohiz Shahzad <sup>No:538</sup> committed following misconduct:-

That while you transferred from FRP to District Abbottabad is involved in the case FIR No. 645 dated 01-09-2019 u/s 324 PPC Police Station Abbottabad also previously involved in case FIR No. 709 dated 18-08-2019 u/s PC-CNSA PS Sirband Peshawar which tantamount to gross mis-conduct.

By reasons of above you have rendered yourself liable to be proceeded under Khyber Pakhtunkhwa Police Rules 1975 (amended 2014), hence these grounds of action.

- SD -  
Addl: Superintendent of Police  
Abbottabad

ORDER

This office order will dispose of the departmental enquiry against **Constable Mohiz Shahzad No. 538 Police Lines**. That he while transferred from FRP to District Abbottabad is involved in case FIR No. 645 dated 01-09-2019 u/s 324 PPC PS City Abbottabad also previously involved in case FIR No. 709 dated 18-08-2019 u/s 9C-CNSA PS Sirband Peshawar which is tantamount to gross misconduct.

He was issued Charge Sheet along with statement of allegations. **Mr. Shamraiz Khan SDPO Havelian** 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 allegations have been proved against him. Consequently, he was issued Final Show Cause Notice. He was summoned to appear in Orderly Room on 09-12-2019. He failed to appear in Orderly Room.

Therefore, in exercise of the powers vested in the undersigned 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 Dismissal from service with immediate effect.

**Order announced.**

  
**District Police Officer,  
Abbottabad**

CC:

N. 7758-SP dt 11-12-19

1. Pay officer DPO Office Abbottabad.
2. Establishment Clerk DPO Office Abbottabad

OB - No - 280

18 - 12 - 19

Annexure "E"  
13

OFFICE OF THE REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

✉ r.rponazara@gmail.com

0345-9560637

NO: 16016 /PA DATED 07/07/2020

ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex. Constable Mohiz Shahzad No.538 of District Abbottabad against the order of punishment i.e. *Dismissal from Service* awarded by District Police Officer, Abbottabad vide OB No.280 dated 18.12.2019.

Brief facts leading to the punishment are the appellant involved himself in criminal cases vide FIR No. 645 dated 01.09.2019 u/s 324 PPC Police Station City, Abbottabad and FIR No.709 dated 18.08.2019 u/s 9 C-CNSA Police Station Birband, Peshawar.

The appellant was issued charge sheet alongwith summary of allegations and DSP Havelian was deputed to conduct departmental enquiry. During the course of enquiry the allegations leveled against the appellant were proved. He was issued final show cause notice called in OR however he failed to appear in OR. Consequently, DPO Abbottabad awarded him major punishment of Dismissal from service.

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, however he failed to advance any plausible justification in his defense. Moreover, the appellant being part of disciplined force involved himself in criminal cases which is intolerable and prejudicial to good order and discipline of Police force. 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.

5477  
10/07/2020

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

No. 16017 /PA, dated Abbottabad the 7/7/2020.

cc.

1. The District Police Officer, Abbottabad for information and necessary action with reference to his office Memo No 2124/Legal dated 05-06-2020. Service Roll and Fuji Miscal containing enquiry file of the appellant is returned herewith for record.

DPO Add  
8/7/2020