


17.06.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General present.

Security and process fee not deposited. Learned counsel for the appellant submitted an application for extension of time to deposit security and process fee; allowed with the direction to deposit the same within 3 working days. Whereafter, notices be issued to respondents for reply/comments. To come up for written reply/comments on 19.08.2022 before S.B at Camp Court Abbottabad.

Rs-500/-
Appellant Deposited
Security & Process Fee

A. Jaffar
12/6/22

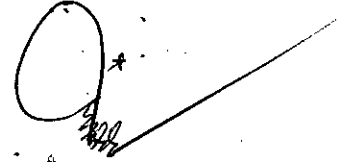

(Fareeha Paul)
Member (E)
Camp Court A/Abad



07.04.2022

Counsel for the appellant present.

The instant appeal pertains to the territorial jurisdiction of Hazara Division, therefore, it is appropriate to post the appeal at Camp Court Abbottabad. Adjourned. To come up for preliminary hearing on 20.04.2022 before S.B at Camp Court Abbottabad.

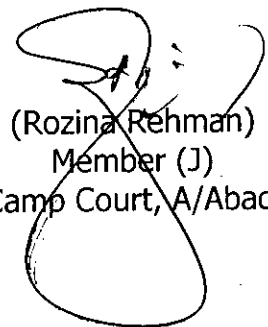


(MIAN MUHAMMAD)
MEMBER(E)

20.04.2022

Appellant present through counsel. Preliminary arguments heard. Record perused.

Points raised need consideration. The appeal is admitted for 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 the respondents for submission of reply/comments. To come up for reply/comments on 17.06.2022 before S.B at Camp Court, Abbottabad.




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

The appeal of Mr. Shahzeb S/O Alamzeb Khan, Ex-Constable No. 885, District Police Haripur received today i.e. on 11.03.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of departmental appeal against the first impugned order dated 04-01-2022 is attached with the appeal which may be placed on it.
- 2- Copy of departmental appeal against the impugned order dated 11-02-2022 is not attached with the appeal which may be placed on it.

No. 675 /S.T,

Dt. 15-3- /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Mohammad Aslam Tanoli Adv. Pesh.

*delivered on
28/3
2022*

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

Case Title: Shahzab vs WRK PPO/14/2018

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>M. Aslam Tandoi Advocate</u>	✓	
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?		✓
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on _____	✓	✓
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on _____	✓	
26.	Whether copies of comments/reply/rejoinder submitted? on _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on _____		

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

Name:

Muhammad Aslam Tandoi
Advocate

Signature:

M. Aslam

Dated:

11-03-2022

BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Appeal No... 554/2022

Shahzeb S/O Alamzeb Khan (Ex-Constable No. 885, District Police Haripur) R/O Sector No.1, Street-7, KTS Haripur.

(Appellant)

VERSUS

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

SERVICE APPEAL

INDEX

S/No	Description of Document	Ann- exure	Page No.
1.	Appeal.		01-08
2.	Statements of witnesses & affidavit.	"A,B,C, D & E"	09-13 14-
3.	Charge Sheet & its reply.	"F&G"	15-17
4.	Show Cause Notice & its reply.	"H&I"	18-19
5.	Order of RPO dated 11-02-2022	"J"	20-
6.	Order of DPO & application.	"K&L"	21-22
7.	Wakalatnama		

Appellant

Through

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

Dated: 11-03-2022

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**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No.....

Shahzeb S/O Alamzeb Khan (Ex-Constable No. 885, District Police Haripur) R/O Sector No.1, Street-7, KTS Haripur.

(Appellant)

VERSUS

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

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST ORDER DATED 04-01-2022 OF THE DISTRICT POLICE OFFICER HARIPUR WHEREBY APPELLANT HAS BEEN AWARDED MINOR PENALTY OF STOPPAGE OF TWO YEAR INCREMENT WITH CUMULATIVE EFFECT AND ORDER DATED 11-02-2022 OF REGIONAL POLICE OFFICER HAZARA REGION ABBOTTABAD WHEREBY APPELLANT HAS BEEN DISMISSED FROM SERVICE".

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH IMPUGNED ORDERS DATED 04-01-2022 AND 11-02-2022 OF RESPONDENTS MAY KINDLY BE SET ASIDE AND APPELLANT BE RE-INSTATED IN HIS SERVICE FROM THE DATE OF DISMISSAL WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respectfully Sheweth:

1. That on 19-06-2021 at 17:35 hours appellant along with SHO while performing his duties on Berage Check Post Ghazi and FC Qasim Chandio No. 732 and Rashid IHC were also already there checking vehicles. Meanwhile a man bearing white beard placing hand on belly came from Topi side being suspected he was stopped and checked by SHO and on search "Charas" was recovered from him. On weighing it was found 986 grams. The accused disclosed his name as Tariq S/O

2

Fazal Ghani R/O Charsadda. Recovery parcels were prepared in his presence. Murasila was handed over to appellant which he delivered to Moharir in PS. Appellant neither arrested accused Tariq nor searched his body nor involved him in narcotic case. Appellant has performed his duty with honesty and there is nothing wrong on his part. As the accused Tariq belongs to "**Charsadda**" neither police officers nor appellant knew him nor had any enmity or ill-will against him, then as to how they could wrongly involve him in a false case. Hence question of his wrong involvement in narcotics case at the hand of police does not arise. Accused was rightly arrested and charged for his involvement in narcotics case.

2. That the following spot witnesses in corroboration to the stance of appellant have also submitted their statements before the inquiry officer:-

- i) Zaheer Ahmed No.4792/FRP
- ii) Rashid Khan IHC
- iii) FC Qasim Chandio No. 732
- iv) Nisar Ahmed (Private witness).
- v) Affidavit by Complainant Tariq.

(Statements are attached as "A, B, C, D & E").

3. That narcotics case is still pending adjudication before the competent Learned Trial Court. The accused Tariq is an influential person and after about 5/6 months of his arrest when he felt circumstances in his favour he approached to the police high-up, filed a baseless, false and fabricated complaint before the Regional Police Officer Hazara Region Abbottabad to settled his old score with police officials.

3

4. That the District Police Officer Haripur issued a Charge Sheet dated 09-12-2021 to the appellant and appointed Fida Muhammad Khan SDPO Circle Headquarters Haripur as his Enquiry Officer. Appellant submitted his reply and expressed all facts denying the allegations being false and baseless. **(Copies of charge sheet and its reply are attached "F & G")**.
5. That no proper departmental inquiry was conducted. Neither any evidence of a witness was recorded in his presence nor was he afforded with a chance of cross-examination. Copy of complaint and enquiry report if any was also not given to the appellant. No Show Cause Notice was issued to him. Even opportunity of personal hearing was not given and he was condemned unheard.
6. That as the accused Tariq had approached the Regional Police Officer Hazara Region Abbottabad through his complaint and the RPO being interested keeping aside all norms of justice, equity and law and without waiting for issuance of Show Cause Notice & punishment order by the DPO Haripur and filing of any departmental appeal or its decision took cognizance and issued the Show Cause Notice dated 27-01-2022 which was duly replied by the appellant on 31-01-2022 denying allegations straightaway. **(Copies of Show Cause Notice & its reply are attached as "H & I")**.
7. That the accused Tariq is very astute & cunning as he has filed instant false & baseless complaint before the RPO Hazara Region Abbottabad just to destroy the sanctity of

4

evidence of prosecution witnesses. As he knows that private witnesses do not come forward to give evidence in narcotics cases. On the other hand police high-ups without waiting the decision from Learned Trial Court has passed punishment orders against prosecution witnesses (police officers) and have spoiled their evidence in negation of plethora of Honorable Supreme Court's judgments wherein it has been held that "police officers are as good witnesses as private". If copies of departmental impugned orders are placed before the Trial Court by the accused he will be acquitted of the narcotics charge and prosecution case will be destroyed on the basis of impugned orders of the police officers.

8. That after receipt of reply to the Show Cause Notice, the Regional Police officer, Hazard Region, Abbottabad straightaway dismissed the appellant vide order dated 11-02-2022 without giving any head to his reply. Copy of order was issued to him on 14-02-2022. **(Copy of the RPO order dated 11-02-2022 is attached as "J")**.
9. That on obtaining dismissal order dated 11-02-2022 from the Regional Police Officer Hazara Region Abbottabad it disclosed to appellant that earlier the DPO Haripur vide his order dated 04-01-2022 had awarded him the minor penalty of **"Stoppage of two increment with cumulative effect"**. Thereafter, appellant applied vide his application dated 15-02-2022 to the DPO Haripur for issuance order dated 04-01-2022 which was delivered to him on 16-02-2022. **(Copies of application and the DPO Haripur order dated 04-01-2022 are attached as "K & L")**.

5

GROUNDS:

- A) That orders dated 04-01-2022 and 11-02-2022 of respondents are illegal, unlawful, against the facts, departmental rules & regulation, inquiry procedure and passed in a cursory, whimsical and arbitrary manner; hence are liable to be set aside.
- B) That proper departmental enquiry was not conducted. Copy of complaint and enquiry findings, if any, was also not issued to the appellant before serving final show cause notice. Even opportunity of personal hearing was not provided to appellant and he was condemned unheard thus principle of natural justice was seriously violated in his case.
- C) That neither appellant arrested the accused Tariq nor searched his body nor involved him in narcotic case. Appellant was handed over murasila which he took to Police Station. Appellant has performed his duty with honesty and there is nothing wrong on his part. The allegations leveled against him are incorrect. Appellant is with out any job to earn livelihood and facing financial hardships since his dismissal from service.
- D) That the appellate authority has also failed to abide by the law and even did not take into consideration the stance taken by him in reply to the Show Cause Notice which was issued by the appellate authority and awarded punishment of dismissal from service. Thus the impugned order of appellate authority is contrary to the

6

law as laid down in Police E&D Rules 1975 read with section 24-A of General Clause Act 1897 and Article 10A of the Constitution of Islamic Republic of Pakistan 1973.

- F) That instant service appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain & adjudicate upon the lis.

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Service appeal order dated 04-01-2022 and 11-02-2022 of respondents may graciously be set aside and the appellant be reinstated in his service from the date of dismissal with all consequential service back benefits. Any other relief which this Honorable Tribunal deems fit and proper in circumstances of the case may also be granted.

~~Appellant~~
Appellant

Through:


(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated 11 -03-2022

VERIFICATION

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

Dated 11 -03-2022

Appellant

~~Appellant~~

7

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Shahzeb S/O Alamzeb Khan (Ex-Constable No. 885, District Police Haripur) R/O Sector No.1, Street-7, KTS Haripur.

(Appellant)

VERSUS

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

(Respondents)

SERVICE APPEAL

AFFIDAVIT:

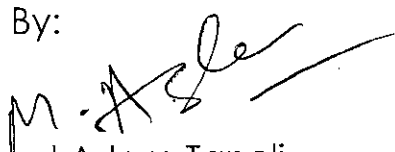
I, Shahzeb, appellant do hereby solemnly declare and affirm on oath that the contents of the instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honorable Service Tribunal.



Deponent/Appellant

Dated: 11-03-2022

Identified By:


Mohammad Aslam Tanoli
Advocate High Court
At Haripur

Appellant



8

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Shahzeb S/O Alamzeb Khan (Ex-Constable No. 885, District Police Haripur) R/O Sector No.1, Street-7, KTS Haripur.

(Appellant)

VERSUS

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

(Respondents)

SERVICE APPEAL

CERTIFICATE

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



APPELLANT

Dated: 11-03-2022

بیان

ٹیلیگرام نمبر 4792 ہزارہ ہذا حال عثمان غازی نے بددیانتی بیان کیا کہ
 مورخہ 19 کو پین ڈیوٹی جرود تعانہ راشیڈ گشت سے واپس آیا
 عثمان غازی کے حالات میں مذکورہ چار سترہ سترہ چھٹے چھٹے حالات
 عثمان غازی سے اوڑھی میں حالات کے پاس گیا مذکورہ طارق نے بوجہ
 محسوس کیا کہ خداداد میری گھر والوں سے بات کرو اور میں نے مذکورہ
 کو ایسا جواب دیا اور مذکورہ نے اپنے گھر والوں سے فون پر بات
 کی اور میری موبائل فون واپس دیا اور ٹیلیگرام ذاتی فون نمبر تو میں جس
 حالات میں سے باہر آیا تو آپ سے رابطہ کروں گا جیل سے باہر آنے
 کے بعد میرے ساتھ فون شروع ہو گیا مذکورہ نے اپنے ذائقہ
 لہجہ سے رابطہ کرنا لگی ہے گھر کے نمبر سے رابطہ کرنا رہا مذکورہ سے مکروہ
 دھندلے کرنے کی وجہ سے پوری تو اس سے متلاش کر میری جوان بیسیاں ہیں
 جیل سے تھوڑی کتنا بہت ضرور ہے میرے پاس اور کئی کام نہیں تھا
 اس لیے مجھ کو ان غیبتوں پر دستوں کا نام شروع کیا مذکورہ طارق سے
 میری بات ماری اور نہیں مارا شکر دینا ہے تو میرا ایک فریڈ ریشٹریا
 اور دوست ہے۔ مذکورہ نے ہائی لہجہ کی اور ریشٹریا کی بات کہہ کر
 مذکورہ نے میرے دوست کے ساتھ اپنی بیسیاں کی غیبتیں کروادی
 جو حقیقت پر مبنی ہے۔ میرا یہ بیان ہے جو کچھ درست ہے
 مذکورہ سزا میں جسے کے لیے میرے اوپر کے بنیاد انرا نام لگا رہا ہے
 اور حکم پورس کو بدنام کرنے کی کوشش کر رہا ہے۔

اللہ

بیان راشد خان He مقیم خانہ کوٹہ جب اللہ سے پورا
 کیا کہ میں خانہ خازی میں بطور افواج میراج
 رہا اور بعد وہ وہ مقام خازی رہا عرض کیے کہ کوٹہ
 پر جو دھا اور 340 کسٹیشنل شاہ زیب 1885ء کے
 ڈیوٹی پر کسٹیشنل خانہ کوٹہ 932 میلے سے نامہ بندی
 کی جو لوگوں میں ہم نامہ بندی ہر کارڈیوں کے
 بوقت قریب 1735 میں کسٹیشن سفید راجس راجس
 حالت میں پیدل ٹوٹی کی حالت میں بہت پر یاد مان رہا
 شہ کی بنا پر 140 کی روٹی تر خاصہ کلاں میں
 سے مان پر کسٹیشن کسٹیشن کسٹیشن کسٹیشن
 برآمد ہوئی اور کسٹیشن کسٹیشن 986 کسٹیشن کسٹیشن
 کارڈیوں کے ساتھ ہر اسے اور کسٹیشن کسٹیشن کسٹیشن
 کسٹیشن کسٹیشن کسٹیشن کسٹیشن کسٹیشن

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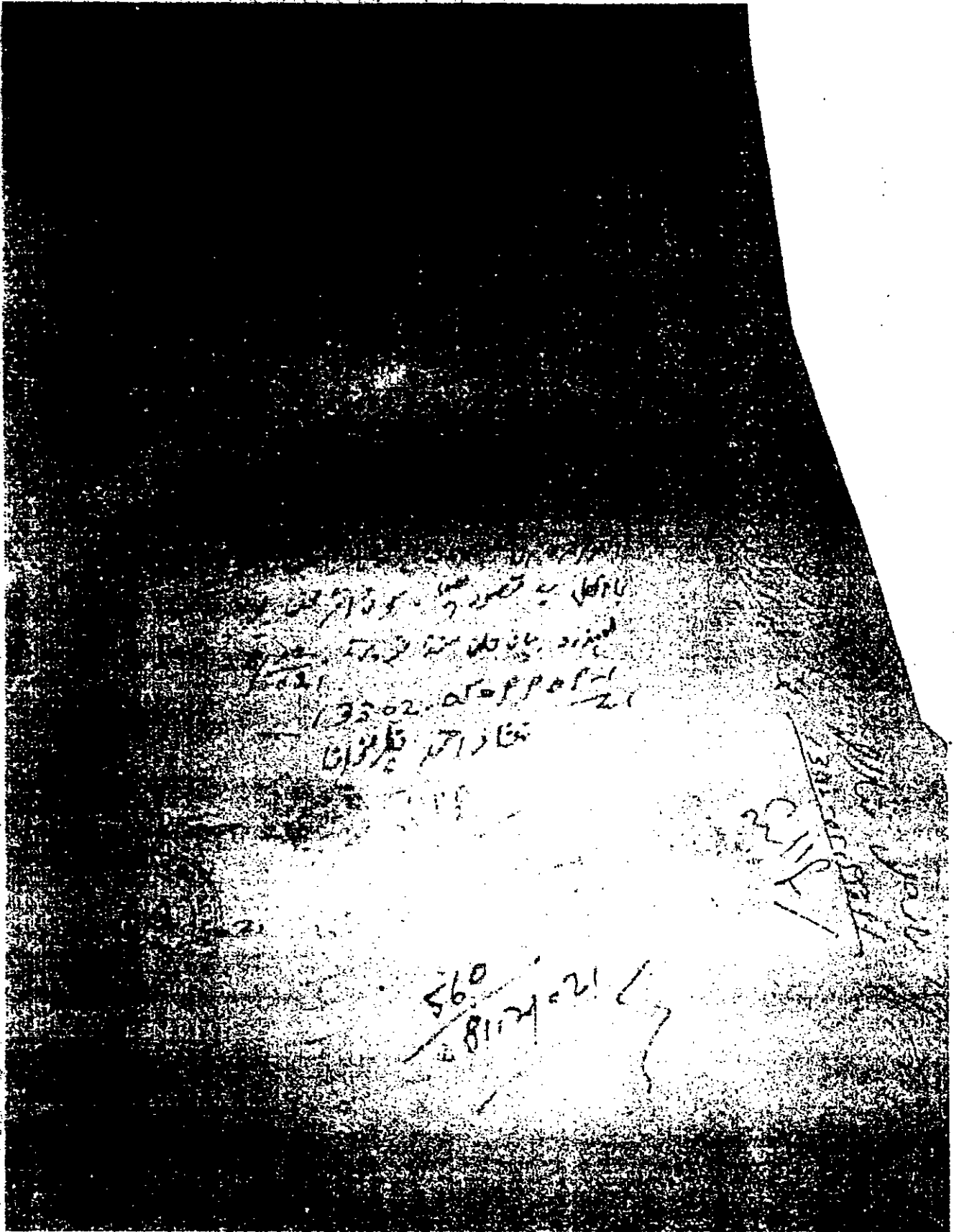
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Alustel

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Accepted
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بہتر کا بی

نہاں جو ڈیشنل ۱۵۱۵ لہ

بیان حلقہ

عندہ تارا احمد ولد صفدر زمان

۱۱۰ نووا میں مقیم رہتا

سیرت کو برکات علیہ۔ حلقہ بنانی میں۔ مسیطری طار قضان ولد صفدر علی
سائندہ چاندرہ جو رشتہ میں میرا سیرتوں ہے۔ جو کہ حور لہ

نورہ میرا ۹-۷-۱۹۷۳ء کا ہے اس سے میرا نام لڑکے ایک طرف

۷-۱۹۷۳ء کو تھا نام غازی نے اس سے میرا نام لڑکے ایک طرف

صوبہ میں نے ایسے کہا کہ قلم میرا نام بطور نواہ لڑکے ہے۔

مذکورہ نے مجھے دیکھی وہ کہ اگر قلم میرا کہنے کے مطالبہ میں

انگوارا کہو اور قتل کروا دوں گا۔ اور پھینک دینی زندہ نہیں چھوڑوں گا۔

کی وجہ سے دوران انوار اکٹوری آفنیو۔ لوسبان رہا۔

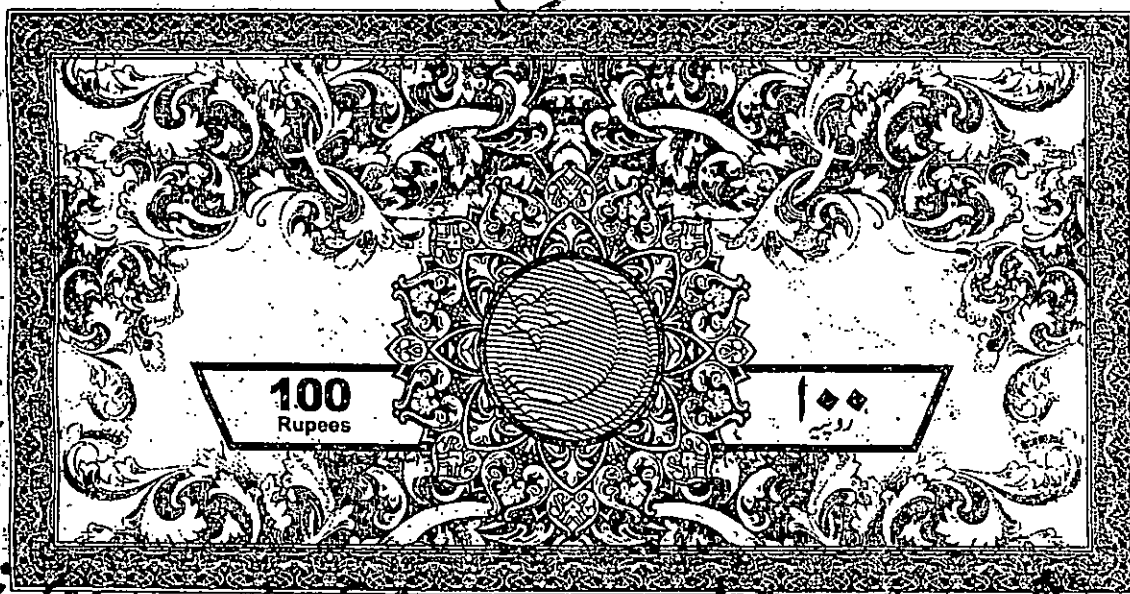
جو کہ صفویہ میں رہتا ہے۔ صرف مذکورہ کے ڈر اور خوف

کی بنا پر میں نے بیان دیا تھا۔ حقیقت بلکل اس کے
برعکس ہے۔ مذکورہ کے بارے میں حکیم مذکورہ طارق خان
عامہ منشیات فروش ہے۔ میں نے کسی بھی ملزم پولیس کو کسی قسم کی
کوئی رقم نہیں دی۔ اور نہ ہی ملزمان پولیس کے ساتھ معافی کے صورتوں

کے خلاف مقدمہ 9-9 عند ذیل کیا ہے۔ بلکہ وہ ایک فرد ملزم
بلکل حقیقت پر مبنی درج کیا گیا ہے۔ حلفاً بیان کرتا ہوں کہ اس سے
قبل میں مظہر عدزما پولیس ظہیر احمد عدزما کو نہیں جانتا ہوں۔ دوران
انکوائری ان سے ملاقات ہوئی ہے۔ عدزما پولیس اور عدزما میں
بلکل بے فقور ہیں۔ کوئی امر رسمی پوشیدہ نہیں رکھا گیا۔

لہذا بیان حلفاً سزا تحریر ہے
28/12
021

1-9-990990-0502-13302
نثار احمد مظہر عدزما



بھارتی حکومت
 شاہ زیب خان و دیگر عالم گریڈ خان
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 شاہ زیب خان و دیگر عالم گریڈ خان
 آرڈر نمبر 885
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ATTESTED

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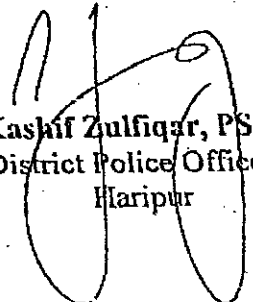
Annex - 'F'

CHARGE SHEET

I, Kashif Zulfiqar, PSP, District Police Officer, Haripur as competent authority, hereby charge you FC Shahzeb No.885 as enclosed statement of allegations.

- (1) You appear to be guilty of misconduct under Police Efficiency & Discipline Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the said Rules.
- (2) You are, therefore, required to submit your written defense within 07 days of the receipt of this charge sheet and statement of allegation to the Committee/Enquiry Officer as the case may be.
- (3) Your written defense, if any, should reach the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
- (4) Intimate whether you desire to be heard in person or otherwise.
- (5) A statement of allegations is enclosed.

Accepted
~~///~~


Kashif Zulfiqar, PSP
District Police Officer
Haripur

DISCIPLINARY ACTION

I, Kashif Zulfiqar, PSP, District Police Officer, Haripur as competent authority of the opinion that you FC Shahzeb No.885 have rendered yourself liable to be proceeded against as you committed the following acts/omissions within the meaning of Police Efficiency & Discipline Rules 1975.

STATEMENT OF ALLEGATION

"A preliminary enquiry was conducted by DSP Circle Ghazi vide his office Memo No.458 dated 03.12.2021, on the complaint of a citizen namely Muhammad Tariq. You while posted at PS Ghazi you picked up an innocent citizen namely Muhammad Tariq s/o Fazal Ghani, r/o Charsadda at Haripur By-pass near Panian, implicated in a heinous case vide FIR No. 304 dated 19.06-2021 u/s 9-C/CNSA, PS Ghazi. These acts earned bad name for Police department in general public. Your this act is a gross misconduct in terms of KPK Police E&D Rules 1975" hence, charge sheeted".

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

Mr. Fida Muhammad/SDPO Circle HQrs, Haripur

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

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

Kashif Zulfiqar, PSP
District Police Officer
Haripur

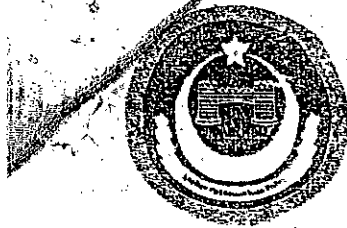
No: 275-76 /PA dated Haripur the 09/12/2021.

Copy of above is submitted to the: -

- 1) Enquiry Officer for initiating proceedings against the said accused under Police Efficiency & Discipline Rules 1975.
- 2) FC Shahzeb No.885 with the direction to submit his defense within 7 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purpose of departmental proceedings.

[Handwritten signature]

Kashif Zulfiqar, PSP
District Police Officer
Haripur



18

13

Amey - H

OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD
0992-9310021-22
0992-9310023
r.r.p.hazara@gmail.com
0345-9560687
NO: 1731 /PA DATED 27/11/2022

SHOW CAUSE NOTICE

(Under Rule 5 (3) of KPK Police Rules, 1975)

1. WHEREAS You Mr. FC Shahzeb No. 885, Haripur were accused of having committed the following acts which constitute misconduct under Rule 5. (3) of the Khyber Pakhtunkhwa Police Rules, 1975 for following act of misconduct.

"You while posted at PS Ghazi picked up an innocent citizen namely Muhammad Tariq s/o Fazal Ghani r/o Charsadda from Haripur bypass near Panian and implicated him in a heinous case vide FIR No. 304 dated 19-06-2021 u/s 9C CNSA PS Ghazi. Your this act defamed the image of Police department"

2. That by reason of above, as sufficient material is placed before the undersigned; therefore it has been decided to proceed against you in General Police Proceedings and issue this Show Cause Notice.

3. Whereas District Police Officer, Haripur after necessary departmental proceedings, held you guilty of misconduct and awarded minor punishment of "stoppage of two years increments with commutative effect" vide OB No. 10 dated 04-01-2022. However, the undersigned is not satisfied by the minor punishment awarded by the competent authority as misconduct perpetrated by you is gross one and punishment needs to be enhanced as provided in Rule 11-A of Police Rules 1975 (with amendments 2014).

4. That by taking cognizance of the matter, the undersigned as competent authority under the said rules, has decided to take action against you by awarding one or more of the kind punishments as provided in the rules.

4. Now, you are, therefore, called upon to show cause as to why you should not be dealt strictly in accordance with Rule 11-A of the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred above.

5. You should 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.

6. You are further directed to inform the undersigned whether you would like to be heard in person or not.

Mirvais Niaz (PST)
REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

No: 1731 /PA, dated Abbottabad the 27/11/2022

Copy of above (in duplicate) is forwarded to the DPO Haripur with the direction to serve the original copy upon the official and duplicate copy of the same after obtaining proper signature may be returned to this office as a token of receipt.

Admitted

عنوان: جواب برائے شوکار نوٹس نمبر PAJ/1733 مورخہ 27.01.2022

جناب عالی!

مودبانہ گزارش ہے کہ شوکار نوٹس مندرجہ عنوان موصول ہوا جس کے جواب میں حسب معروض خدمت ہوں:

(۱)۔ یہ کہ مورخہ 19.06.2021 کو من جناب SHO صاحب کے ساتھ بطور گنر ڈیوٹی پر موجود تھا کے SHO صاحب کے ہمراہ بیراج چیک پوسٹ پر پہنچے تو راشد IHC اور قاسم 732 ناقہ بندی پر موجود تھے ہمراہ SHO صاحب گاڑیوں کی چیکنگ کرنے لگے کہ اسی دوران بوقت قریب 17:35 بجے ایک شخص ٹوپی کی جانب سے سفید دیشمی رکھی ہوئی مشکوک حالت میں پیدل پیٹ پر ہاتھ باندھے ہوئے آیا جس کو مشکوک جانتے ہوئے SHO صاحب نے روکا اور جامدہ تلاشی لی بدتران تلاشی مذکورہ شخص کے بڑھا شلوار سے ایک پیکٹ جس گروا نما برآمد ہوئی جو میرے سامنے وزن کرنے پر 986 گرام نکلی جس کے پارسل بنائے گئے اور مراسلہ تحریر کیا گیا۔

مراسلہ جناب SHO صاحب نے میرے حوالے کیا جو میں نے لاکر تحریر صاحب کیا۔

(۲)۔ یہ کہ من ملازم اس مقدمے میں مراسلے کا گواہ ہوں اور جہاں تک تلاشی، گرفتاری، ایف آئی آر SHO صاحب نے کی ہے۔ سائل SHO صاحب کے ساتھ گنر ڈیوٹی پر موجود ہے جو سائل نے اپنے فرائض منسی میں کوئی کوتاہی نہیں کی ہے اور جبکہ سائل اس سے پہلے نہ تو مذکور ملزم طارق کو جانتا تھا اور نہ ہی مذکورہ کے ساتھ کوئی ذاتی رنجش یا دشمنی ہے۔ سائل مذکورہ کے سامنے اللہ تعالیٰ کو حاضر ناظر جانتے ہوئے بیان دے سکتا ہے۔

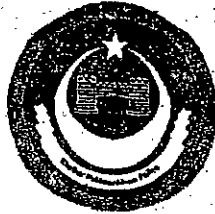
سائل اور مذکورہ ملزم طارق کو آمنے سامنے بٹھا کر سنا جائے تو اصل حقیقت کا انتخاب کو پتہ چل جائے گا کہ من سائل نے اپنی ڈیوٹی احسن طریقے سے سرانجام دیتے ہوئے ایک ملزم کو نشیات سمیت رتگے پکڑا ہے جس میں سائل کی کوئی کوتاہی غفلت اور ذاتی رنجش نہ ہے۔

استدعا ہے کہ سائل کی نیت کو مد نظر رکھتے ہوئے شوکار نوٹس سے ہمراہ فرمایا جائے نوازش ہوگی۔

الرقوم: 31.01.2022

شاہ زیب 885 حال مہینہ تھانہ حطار صلح ہری پور

Attested



OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.rpohazara@gmail.com

0345-9560687

NO: 3160 /PA DATED 11/02/2022

ORDER

This order relates to disciplinary proceedings initiated vide this office Memo No: 1731-32/PA dated 27-01-2022 against *Constable Shazeb No. 885* of District Haripur under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975. Brief of allegations is as under:

"He while posted at PS Ghazi picked up an innocent citizen namely Muhammad Tariq s/o Fazal Ghani r/o Charsadda from Haripur bypass near Panian and implicated him in a heinous case vide FIR No. 304 dated 19-06-2021 u/s 9C CNSA PS Ghazi. His this act defamed the image of Police department."

In order to scrutinize the allegations and conduct of the delinquent officer, a charge sheet alongwith statement of allegations were issued by the District Police Officer, Haripur vide Endst. No. 275-76/PA dated 09-12-2021 and he deputed SDPO Circle Hqrs, Haripur to conduct departmental enquiry against the official.

The Enquiry Officer went through the statements and other relevant record and ultimately concluded vide Memo No. 1977 dated 30-12-2021 that the official remained involved in the whole episode along with his fellow Police officials. Consequently, District Police Officer Haripur awarded him minor punishment of "stoppage of two years increments with cumulative effect" vide OB No. 10 dated 04-01-2022.

Nevertheless, to undersigned misconduct perpetrated by the official seemed gross one and minor punishment awarded by the competent authority did not commensurate the gravity of offence. Hence, taking cognizance of the misconduct, the undersigned issued show cause notice to the official under Rule 11-A of KP Police Rules, 1975 vide letter No. 1731-32/PA dated 27-01-2022. In response he submitted his written reply however, it was not unsatisfactory. He was called in orderly room on 09-02-22 and heard in person and provided reasonable opportunity however, he failed to advance any cogent reason in his defense. It is therefore, concluded that he willfully and with mala fide intention implicated an innocent person in a heinous offence for ulterior motives. Such actions, if left unnoticed tarnish the image of Police department and are unacceptable in a disciplined force. Therefore, keeping in view the findings of enquiry officer and in exercise of the powers conferred upon the undersigned under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975, the undersigned is constraint to enhance the punishment of the delinquent official to major punishment of *dismissal from service* with immediate effect.

Mirvais Niaz (PSP)

REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

No. 3161 /PA, dated Abbottabad the 11/02/2022

CC.

District Police Officer, Haripur for information and necessary action.


Accepted
[Signature]

تاریخ: 11/02/2022

عنوان: درخواست برائے نوکری

میں نے اپنے پاس موجود تمام دستاویزات پیش کر دیے ہیں۔
 آپ کو یہ سب کچھ دکھانے کے لیے تیار ہوں گا۔
 اگر آپ کو کوئی اور چیز چاہیے تو براہ کرم بتائیے۔
 میں اسے جلد سے ہی فراہم کرنے کی کوشش کروں گا۔
 آپ کا شکریہ ادا کرتا ہوں۔
 اگر آپ کو کوئی سوال ہو تو براہ کرم مجھے اطلاع دے سکتے ہیں۔
 میں اسے جلد سے ہی حل کرنے کی کوشش کروں گا۔
 آپ کا شکریہ ادا کرتا ہوں۔

15/2/22

تذکرہ کارکنان
 885
 Attest


22

Annex - L (17)

ORDER.

FC Shahzeb No.885, "A preliminary enquiry was conducted by DSP Circle Ghazi vide his office Memo No.458 dated 03.12.2021, on the complaint of a citizen namely Muhammad Tariq. He while posted at PS Ghazi he picked up an innocent citizen namely Muhammad Tariq s/o Fazal Ghani, r/o Charsadda at Haripur By-pass near Panian, implicated in a heinous case vide FIR No. 304 dated 19.06-2021 u/s 9-C/CNSA, PS Ghazi. His act is a severe violation of discipline, a professional dishonesty and a gross misconduct in terms Police E&D Rules 1975. Therefore, he was served with charge sheet and statement of allegations vides this office Endst No.275-76/PA, dated 09-12-2021.

To probe the allegations Deputy Superintendent of Police, HQrs., was appointed as Enquiry Officer, who conducted proper enquiry and submitted his findings, vide his office Memo No. 977 dated 30-12-2021. The enquiry officer held the charges of misconduct against the defaulter officer proved and recommended him for minor punishment "Stoppage of two year increment". On receiving the enquiry papers and recommendations of the enquiry officer the defaulter police official was called in Orderly Room and was heard in person.

Having perused the finding of the enquiry officer, relevant record, and personal hearing of the above mentioned officer, I, am fully satisfied that the charges of misconduct are proved against the defaulter police officer. Therefore, I, Kashif Zulfikar (PSP), District Police Officer, Haripur being competent authority under the Khyber Pakhtunkhwa, Police Efficiency and Discipline Rule 1975, awarded minor punishment of "Stoppage of two year increment with cumulative effect", with immediate effect.

Order announced in his presence.

Order Book No. 10
Dated. 04-01-2022

Kashif Zulfikar, PSP
District Police Officer,
Haripur

Attested
[Signature]

[Signature]

وکالت نامہ

قیمتی

کورٹ فیس

بعدالت جناب جسٹس مسٹر قاضی محمد رفیع صاحب جونیئر سید صاحب سید صاحب سید صاحب سید صاحب اور
شاہ زیب امڈلائٹ منجانب

کتابہ پروپیٹری



شاہ زیب

دعویٰ یا جرم سرکس اسٹیل

باعث تحریر آنکہ

مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جوابدہی مقام اسٹیل انڈیا لٹیمٹڈ

ایڈووکیٹ بدیں شرط وکیل مقرر کیا۔ کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص روبرو عدالت حاضر ہوتا ہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوں گا۔ اور حاضری کی وجہ سے کسی وجہ پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی اور جگہ یا پکھری کے مقرر اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام پکھری کے کسی اور جگہ سماعت ہونے پر یا بروز پکھری کے اوقات کے آگیا یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے رابطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پر داختہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپروٹاٹی و راضی نامہ و فیصلہ برخلاف کرنے اقبال دعوے کا اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا ڈگری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادا نیگی علیحدہ پیروی مختار نامہ کر نیکامجاز ہوگا۔ اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا ایڈووکیٹ کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو۔ پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ سند ہے مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

Accepted
M. Aslam

20

مورخہ:

Shahzeb Khan
13302-959899.1