

19.04.2022

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

Rs 400/-
Appellant Deposited
Security & Process Fee

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 15.06.2022 before S.B at Camp Court, Abbottabad.

[Handwritten signature]
26/4/22

[Handwritten signature]
(Rozina Rehman)
Member (J)
Camp Court, A/Abad

15.06.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Notices be issued to the respondents for submission of reply/comments. To come up for reply/comments on 16.08.2022 before S.B at Camp Court Abbottabad.

[Handwritten signature]
(Fareeha Paul)
Member (E)
Camp Court A/Abad

[Handwritten mark]

17.01.2022

Junior to counsel for appellant present.

He made a request for adjournment as senior counsel is busy before Hon'ble Peshawar High Court; granted. To come up for preliminary hearing on 20.01.2022 before S.B at Camp Court, Abbottabad.



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

20.01.2022

Appellant in person present.

Lawyers are on general strike, therefore, case is adjourned. To come up for preliminary hearing on 19.04.2022 before S.B at Camp Court, Abbottabad.

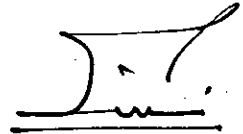


(Rozina Rehman)
Member (J)
Camp Court, A/Abad

21.09.2021

Nemo for the appellant.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for preliminary hearing before the S.B on 16.11.2021 at Camp Court Abbottabad.



(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD

16.11.2021

Junior to counsel for appellant present.

He made a request for adjournment as senior counsel is not available today; granted. To come up for preliminary hearing on 17.01.2022 before S.B at Camp Court, Abbottabad.





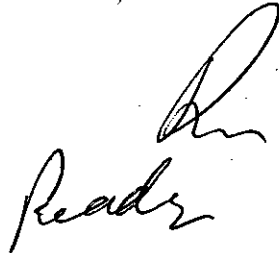
(Rozina Rehman)
Member (J)
Camp Court, A/Abad

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 10012 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/09/2020	<p>The appeal of Mr. Munir Nisar received today by post through Mr. Shad Muhammad Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>21-01-2021</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: center;"><i>Due to covid-19, case is adjourned to 21-9-21 for same</i></p> <p style="text-align: right;"> Reader</p> <p style="text-align: left;"><i>21.1.21</i></p>

**BEFORE THE SERVICE TRIBUNAL
KPK PESHAWAR**

Munir Nisar No. 111 Police Line
Mansehra.....Appellant

VERSUS

1. The DPO Mansehra
2. DIG Hazara Range Abbottabad.

....Respondents

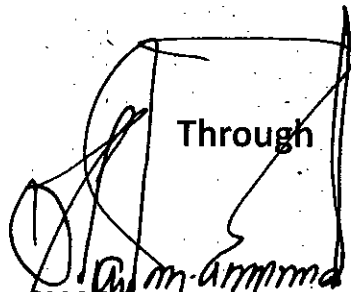
SERVICE APPEAL

INDEX

S. No.	Description of Documents	Annexure	Page #
1	Memo of Appeal alongwith Verification		1 to 3
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	Copy of Charge sheet & reply	B & C	6 to 8
4	Copy of Statement of and finding of inquiry	D1 & D2 and E	9 to 13
5	Copy of order of DPO Mansehra	F	14
6	Copy of Appeal and order of DIG	G & H	15 to 17
7	Wakalatnama		18

Dated: 18.08.2020

**Munir Nisar No. 111
Police Line Mansehra
.....Appellant**

Through


SHAD MUHAMMAD KHAN

Advocate Supreme Court of Pakistan
(Mansehra)

10012/20

①

**BEFORE THE SERVICE TRIBUNAL
KPK PESHAWAR**

Munir Nisar No. 111 Police Line
Mansehra.....Appellant

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 9405

Dated 02/9/2020

VERSUS

1. The DPO Mansehra
2. DIG Hazara Range Abbottabad.

....Respondents

**APPEAL UNDER SECTION 4 OF KPK
SERVICE TRIBUNAL ^{Act} AGAINST THE ORDER
OF DPO MANSEHRA VIDE WHICH THE
APPELLANT WAS DISMISSED FROM
SERVICE AND ON ACCEPTANCE OF
APPEAL DIG HAZRA RANGE MODIFIED
THE SAID ORDER AND PASSED AN ORDER
OF STOPPAGE OF THREE YEARS
INCREMENTS WITH CUMULATIVE AFFECT
AND THE PERIOD OUT SIDE THE SERVICE
WAS TREATED WITHOUT PAY.**

PRAYER!

**ON ACCEPTANCE OF THE INSTANT
APPEAL THE IMPUGNED ORDERS MAY
KINDLY BE SET-ASIDE.**

Respectfully Sheweth!

1. That, the appellant join service as constable on 23.11.2003, and thereafter serve the department devotedly.
2. That, on the report of one Amir a case was registered in P.S Garhi Habibullah vide FIR No. 83 under section 324 PPC against the appellant. **(The Copy of FIR is annexed as annexure A).**
3. That, the appellant was served with the charge-sheet stating therein that the

Filed to-day

Registrar

2/9/2020

appellant got involved himself in the above noted case. The appellant submitted a detail reply to the charge sheet. **(The copies of Charge sheet and reply are annexed as annexure B & C).**

4. That, the DPO Mansehra appointed an inquiry officer, who recorded the statements of Amir Khan and the appellant and after holding inquiry gave his finding. **(The copies of statements and finding of inquiry are attached as annexure D1, D2 and annexure E).**
5. That, respondent No.1 passed an order through which the appellant dismissed from service. **(The Copy of Order is annexed as annexure F).**
6. That, the appellant aggrieved by the order of Respondent No.1 impugned the same before respondent No.2 who modified the order of respondent No.1. **(The Copy of Appeal and order of respondent No.2 are annexed as annexure G & H).**
7. That, the appellant assails the orders on the following amongst other grounds.

GROUND

- a. That, the orders of respondents No. 1 & 2 are against the facts and law and are not maintainable in the eye of law.
- b. That, respondents No. 1 & 2 has not applied their independent minds and passed the orders in a mechanical manner.
- c. That, respondent No.1 did not afford opportunities laid down by law and hence the order is bad in law.

3

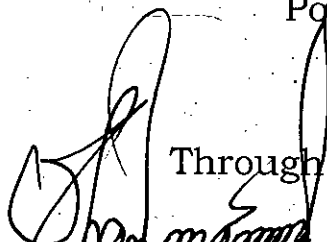
- d. That, respondent No.1 did not issued a final show-cause notice to the appellant and so the entire proceedings are null and void in the eye of law.
- e. That, inquiry officer did not administer oath to the PWs and thus whole proceedings are nullity in the eye of law.
- f. That, the appellant has be deprived of his computational and other rights by respondent No. 1 & 2.

It is therefore requested that, on acceptance of instant appeal the impugned orders may kindly be set-aside.

Dated: 18.08.2020



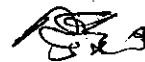
Munir Nisar No. 77
Police Line Mansehra
.....Appellant

Through

SHAD MUHAMMAD KHAN
ADVOCATE SUPREME COURT OF PAKISTAN
(MANSEHRA)

Verification!

I, Munir Nisar No. 77 do hereby verified that, the contents of foregoing appeal are true and correct to the best of my knowledge and nothing has been concealed or suppressed herein.

Dated: 17.08.2020



Munir Nisar No. 77
.....Deponent

(4)

BEFORE THE SERVICE TRIBUNAL

KPK PESHAWAR

Munir Nisar No. **111** Police Line
Mansehra.....Appellant

VERSUS

1. The DPO Mansehra
2. DIG Hazara Range Abbottabad.

APPEAL

I, **Munir Nisar No. 111 Police Line Mansehra**, Resident of Mohallah Jalal Abad Dab No.1 Mansehra do hereby solemnly affirm and declare on oath that, no such subject matter appeal has ever been filed before this Honourable Tribunal nor pending nor decided and the contents of foregoing affidavit are true and correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal.

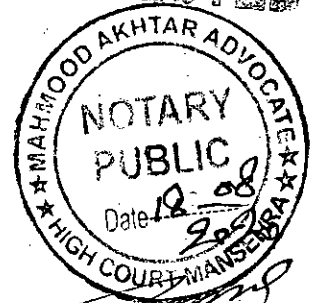
Dated: 17.08.2020



Munir Nisar..

...Deponent

ATTESTED



ANNEX "A"

فارم نمبر:

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 152 مجموعی طور پر جاری 16-6-2011

P-5

33

ضلع		گجرات فیصل آباد	
تاریخ		16-6-2011	وقت 14:30
مقام		پشاور	
رخ و وقت رپورٹ		15:15	وقت 17:20
دکونت اطلاع دہندہ		...	...
کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو یا نہ		...	...
ذوق و فاصلہ تھانہ سے اور دست		...	...
اداکت لازم		...	...
روانی کو پیش کی جانے والی اطلاع		...	...
نئے آواگی کی تاریخ و وقت		...	...

ابتدائی اطلاع نیچے درج کرو۔

خان آغا احمد بیگ راجہ ...
 20/20 سال کے لڑکے نے اطلاع دی کہ ...
 موضع بہت دور ہے ...
 خان کے حلال آباد بجا ...
 سہانہ لڑکے والا ...
 ریلنگ کے ڈالنے کے ...
 قاتل کے بارے میں ...
 غلاف ...
 ...
 ...
 ...

ANNEX 2 "B" P-6

CHARGE SHEET

I, Sadiq Hussain Baloch (PSP), District Police Officer, Mansehra as Competent Authority, hereby charge you **FC Munir Nisar No. 111** as follows.

Vide Superintendent of Police, Investigation Mansehra Letter No: 1282/Inv: dated 19-02-2020 reported that you have been involved yourself in case FIR No. 83 dated 16-02-2020 u/s 324 PPC PS Garhi Habibullah. It shows that you are irresponsible and negligent police officers. It amounts to gross misconduct.

Due to reasons stated above you appear to be guilty of misconduct under Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (amended in 2014) and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.

You are, therefore, required to submit your written defense within 07 days of the receipt of this charge sheet to the enquiry officer.

Your written defense, if any, should reach the enquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex parte action shall follow against you.

Intimate whether you desire to be heard in person or otherwise.

Statement of allegation is also enclosed.

District Police Officer,
Mansehra

Attasjad

SHAD MUHAMMAD KHAN
ADVOCATE
SUPREME COURT OF PAKISTAN

Handwritten notes in Urdu at the bottom of the page, including the date 26-02-2020 and other illegible text.

7

DISCIPLINARY ACTION

I, Sadiq Hussain Baloch (PSP), District Police Officer Mansehra, as Competent Authority of the opinion that **FC Munir Nisar No. 111** has rendered himself liable to be proceeded against as he committed the following act/omissions within the meaning of Khyber Pakhtunkhawa Police Disciplinary Rules 1975 (amended in 2014).

Vide Superintendent of Police, Investigation Mansehra Letter No. 1282/Inv: dated 19-02-2020 reported that you have been involved yourself in case FIR No. 83 dated 16-02-2020 u/s 324 PPC PS Garhi Habibullah. It shows that you are irresponsible and negligent police officers. It amounts to gross misconduct.

For the purpose of scrutinizing the conduct of the said accused Officer with reference to the above allegations RI / p. line is deputed to conduct formal departmental enquiry against **FC Munir Nisar No. 111**.

The Enquiry Officer shall in accordance with the provisions of the Khyber Pakhtunkhawa Police Disciplinary Rules 1975 (amended in 2014), provide reasonable opportunity of hearing the accused, record findings and make recommendations as to punishment or other appropriate action against the accused.

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

4960-61
No. _____ /SRC dated Mansehra the 21 -02-2020

District Police Officer,
Mansehra

Copy of the above is forwarded for favour of information and necessary action to: -

1. The Enquiry Officer for initiating proceedings against the defaulter officer under the provisions of the Khyber Pakhtunkhawa Police Disciplinary Rules 1975. Photocopies of correspondence are enclosed.
2. **FC Munir Nisar No. 111** with the direction to submit his written statement to the Enquiry Officer within 07 days of the receipt of this charge sheet/statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purposes of departmental proceedings.

District Police Officer,
Mansehra

Attested

M.
ADVOCATE
SUPREME COURT OF PAKISTAN

ANNEX

Mob: - 0341-7146297 - CNIC: - 13583-7582866-9

بیان

۹-۲

بیان کرتے ہیں کہ میں نے اپنی والدہ ماجدہ سے دو دوستوں کے ساتھ مل کر ایک گاڑی خریدی ہے جس کی قیمت 500000 روپے ہے۔ اس گاڑی کی خرید و فروخت کے بارے میں میں نے اپنے دوستوں کو مطلع کیا ہے۔

میں نے اپنے دوستوں کو مطلع کیا ہے کہ میں نے اپنی والدہ ماجدہ سے دو دوستوں کے ساتھ مل کر ایک گاڑی خریدی ہے جس کی قیمت 500000 روپے ہے۔ اس گاڑی کی خرید و فروخت کے بارے میں میں نے اپنے دوستوں کو مطلع کیا ہے۔

میں نے اپنے دوستوں کو مطلع کیا ہے کہ میں نے اپنی والدہ ماجدہ سے دو دوستوں کے ساتھ مل کر ایک گاڑی خریدی ہے جس کی قیمت 500000 روپے ہے۔ اس گاڑی کی خرید و فروخت کے بارے میں میں نے اپنے دوستوں کو مطلع کیا ہے۔

میں نے اپنے دوستوں کو مطلع کیا ہے کہ میں نے اپنی والدہ ماجدہ سے دو دوستوں کے ساتھ مل کر ایک گاڑی خریدی ہے جس کی قیمت 500000 روپے ہے۔ اس گاڑی کی خرید و فروخت کے بارے میں میں نے اپنے دوستوں کو مطلع کیا ہے۔

میں نے اپنے دوستوں کو مطلع کیا ہے کہ میں نے اپنی والدہ ماجدہ سے دو دوستوں کے ساتھ مل کر ایک گاڑی خریدی ہے جس کی قیمت 500000 روپے ہے۔ اس گاڑی کی خرید و فروخت کے بارے میں میں نے اپنے دوستوں کو مطلع کیا ہے۔

Attested

ADVOCATE
SUPREME COURT OF PAKISTAN

سن کر دست تسلیم کیا

13583-7582866-9

عالمرفان ملک قائد مسانہ محمد لوہار پانڈہ ماسٹر

13583-0102682-5
0347-1960390

0331-79842167
13583-86292958

"D" ANNEX

P-

(10)

بیان کاپیٹل منیجر شہزاد

۱۱۱ ختیمہ معطل پولیس لائن مایہ
 بدیانت بیان کیا کہ جسے ۱۵/۲۰/۲۰۰۰ کے طور پر اپنے گھر میں موجود تھا اور اسے
 ۰۹/۵۸ بجے عامہ جاوید ولد جاوید ولد سکندھ قمار بانڈہ جس کے سہرا بچپن
 کا دوست ہے نے فون کیا کہ میں ۱۵/۲۰/۲۰۰۰ کو لو کر کاون سے
 ڈاکٹر کا علاج سے کل کے علاوہ ایک سافٹ گھونٹے پورے کے ساتھ
 - جسے ۱۵/۲۰/۲۰۰۰ کو سبج ڈاک کے وقت قریب ۱۱:۳۵ بجے لاری اڈے
 میں ملے اور جہاں بلا اور جہاں کھڑے اور گھوم رہا تھا اور اس نے فوراً
 کے ایک دوست دوست شہزاد شاہ ولد سیدی شاہ اور حسن عرفان
 کے بلا لیا جس کے بعد معفقانے اپنے کسی اور شاہ فرید اور شہزاد شاہ کے
 آگے میرا ان میں مولانا کے جہاں کے بیٹے کو لے کر گیا اور جب علاج
 شروع ہوا تو میرے دوستوں نے کہا کہ جاوید مدعی صحت سے آیا کہ سیدو پورے
 کے لیے یہ جگہ سڑکوں سے ادھر آئے ہیں اور فون گرا فرمایا اور پورے
 صحت سے ہیں عامہ کے دوستوں کے مطالعہ سے اسے صحت سے سیدو پورے
 شروع ہوا تو میرا آدھا نصف پورے کے بعد عامہ مدعی صحت سے اپنے
 پستل 30 دور سے فون کیا جس کا فون کارڈوں پستل کی نالی اور پستل
 میں صحت سے عامہ کے پستل کی پستل کی نالی اور پستل کی نالی اور پستل
 نے چاقوں کے پستل کی نالی اور پستل کی نالی اور پستل کی نالی اور پستل
 کے عامہ کے پستل کی نالی اور پستل کی نالی اور پستل کی نالی اور پستل
 کے کیا کہ اسے لگتا ہے کہ عامہ پستل کی نالی اور پستل کی نالی اور پستل
 ایک نے کے پستل کی نالی اور پستل کی نالی اور پستل کی نالی اور پستل
 پستل کی نالی اور پستل کی نالی اور پستل کی نالی اور پستل کی نالی اور پستل
 سے عامہ پستل کی نالی اور پستل کی نالی اور پستل کی نالی اور پستل
 میں اور وہ زخمی ہو گیا جس کے دوستوں سے دوستوں سے دوستوں سے دوستوں سے
 سے ایسا ہوا کہ وہ پستل کی نالی اور پستل کی نالی اور پستل کی نالی اور پستل
 اور وہ عامہ کے پستل کی نالی اور پستل کی نالی اور پستل کی نالی اور پستل
 ساتھیوں کے ساتھ خود صحت سے ساتھیوں کے ساتھ صحت سے ساتھیوں کے ساتھ
 کے جائز و ناجائز اور دیگر کوئی دیگر واقعہ تو غائب ہو جائے

SHAD MUHAMMAD KHAN
 ADVOCATE
 SUPREME COURT OF PAKISTAN

7
 8

پہرا بھی یہاں سے تھا درست ہے

سہلات

- سوال 1: آپ عام کرتے ہوئے صاحب سے ملنے اور اس کے ساتھ کھانسی سے
- 2: میں عام کرتے ہوئے 20% سالانہ سے جائیداد میں دو ہزار پچیس ہزار روپے سے اور جائیداد جیسے تعلق وہ ہے ہیں
- سوال 3: آپ عام کرتے ہوئے کھانسی سے ملنے اور اس کے ساتھ کھانسی سے
- (ج) عام کرنے کے لئے کھانسی سے ملنے اور اس کے ساتھ کھانسی سے
- سوال 3: مدعا ختم ہوا اور مدعا ختم ہوا اور مدعا ختم ہوا اور مدعا ختم ہوا
- ج جب یہ نہ ہو تو مدعا ختم ہوا اور مدعا ختم ہوا اور مدعا ختم ہوا
- سوال 4: کیا عام کرنے کے لئے مدعا ختم ہوا اور مدعا ختم ہوا اور مدعا ختم ہوا
- (ج) ہم سب کو مدعا ختم ہوا اور مدعا ختم ہوا اور مدعا ختم ہوا
- سے زخمی تھا لیکن مدعا ختم ہوا اور مدعا ختم ہوا اور مدعا ختم ہوا
- اور مدعا ختم ہوا اور مدعا ختم ہوا اور مدعا ختم ہوا

- سوال 5: کیا سہارا اور مدعا ختم ہوا اور مدعا ختم ہوا اور مدعا ختم ہوا
- (ج) میں عام کرتے ہوئے کھانسی سے ملنے اور اس کے ساتھ کھانسی سے
- کوئی معمولی بات بھی نہیں ہے اور کھانسی سے ملنے اور اس کے ساتھ کھانسی سے
- مدعا ختم ہوا اور مدعا ختم ہوا اور مدعا ختم ہوا اور مدعا ختم ہوا

A.Hafiz

M. AHMAD KHAN
ADVOCATE
SUPREME COURT OF PAKISTAN

ANNEX "E"

Better Copy

فائنڈنگ رپورٹ

P-13

جناب عالی:-

بشمول آمدہ انکوائری چارج شیٹ ازاں محمد منیر کانسٹیبل نمبر 111 ڈائری نمبر 61-168 مورخہ 21.02.2020 مجاریہ جناب DPO صاحب مانسہرہ معروض خدمت ہوں کہ انکوائری میرے نام مارک ہوئی جس پر کانسٹیبل منیر نثار کو حسب ضابطہ طلب کیا گیا جس نے تحریری طور پر بیان دیا اور گواہان کے بیانات زیر دفعہ 164 Cr.PC اور عبوری ضمانت ایڈیشنل سیشن جج صاحب مانسہرہ مورخہ 17.02.2020 بھی پیش کیے جو ہمراہ لف انکوائری ہیں۔ مدعی مقدمہ کے بیانات بھی ہمراہ لف انکوائری ہیں جو مذکورہ کانسٹیبل کے بیانات کے ساتھ میچ کرتے ہیں۔ مذکورہ کانسٹیبل اور مدعی مقدمہ مضروب بچپن سے ایک دو گھرے کے قریبی دوست و رشتہ دار بھی ہیں مدعی مقدمہ اور کانسٹیبل مذکورہ کے بیانات کی روشنی میں یہ ایک اتفاقیہ حادثہ ہے جس میں فریقین کے مابین کسی قسم کی سابقہ عداوت یا دشمنی نہ ہے۔ میں بطور انکوائری آفیسر جملہ حالات و واقعات باریک بینی سے ملاحظہ کرنے کے بعد اس نتیجہ پر پہنچا ہوں کہ مذکوران آپس میں دوست ہیں اور اکثر گھومنے پھرنے کی غرض سے جاتے رہتے ہیں۔ یہ حادثہ اتفاقیہ ہے جو مذکورہ کانسٹیبل منیر نثار کی غفلت اور بے احتیاطی سے پیش آیا۔ کیونکہ مذکورہ کانسٹیبل ایک ڈسپلن فورس کا ملازم ہے جس کو مذکورہ کانسٹیبل نے پس و پیش رکھا۔ مذکورہ کانسٹیبل کی یہ سرگرمی خلاف ڈسپلن ہے اور ضابطہ کی خلاف ورزی ہے۔ مذکورہ کانسٹیبل اور مدعی مقدمہ میں راضی نامہ بھی ہو چکا ہے اور مقدمہ زیر سماعت عدالت ہے۔ کانسٹیبل مذکورہ ڈسپلن فورس کا ملازم ہے یہ ایک اتفاقی حادثہ ہے پھر بھی کانسٹیبل مذکورہ کو معمولی سزا ہونی چاہیے۔ رپورٹ فائنڈنگ عرض ہے۔

SD

RI-Police Line Mansehra

04.03.2020



ANNEX: F

MANSEHRA DISTRICT

POLICE DEPARTMENT

ORDER

P-14

This office order will dispose off the departmental enquiry proceeding against Constable Munir No. 111 who was proceeded against departmentally with the allegation that while he was posted in summons/warrants branch, Session Court Mansehra was involved himself in case FIR No. 83 dated 16-02-2020 u/s 324 PPC PS Garhi Habibullah vide Superintendent of Police, Investigation, Mansehra letter No. 1282/Inv: dated 19-02-2020.

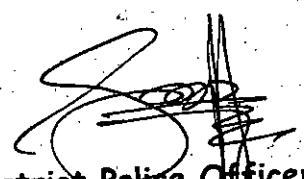
The Enquiry Officer i.e. Mr. Ajmal Khan Inspector RI Mansehra after conducting proper departmental enquiry has submitted his report stating therein that, I being enquiry officer came to the conclusion that the allegation leveled on the basis of which alleged Constable Munir No. 111 was Charge Sheeted based on facts and proved, hence he is recommended for some suitable punishment.

On 21-04-2020 the delinquent Constable Munir No. 111 was heard in person but he could not convince the undersigned in his defense.

I, the District Police Officer, Mansehra, therefore award major punishment of "dismissal from service" to the delinquent Constable Munir No. 111 under Khyber Pakhtunkhawa Police, Disciplinary Rules 1975 (amended in 2014).

Ordered announced.

OB 93
21-04-2020


District Police Officer
Mansehra

Att. Adl.

SHAD MUHAMMAD KHAN
ADVOCATE
SUPREME COURT OF PAKISTAN

Handwritten notes in Urdu on the left margin.

ANNEX "G"

BEFORE THE D.I.G. HAZARA RANGE
ABBOTTABAD

APPEAL AGAINST THE ORDER OF DPO
MANSEHRA DATED 21.04.2020 VIDE
WHICH THE APPELLANT WAS
AWARDED MAJOR PENALTY OF
DISMISSAL FROM SERVICE.

P-

15

Respected Sir,

The brief facts leading to the instant appeal are arrayed as follows: -

- 1) That, the appellant was serving as a Constable in Police Department. The appellant and his fast friends set-up a program of going to Balakot on Leisure trip. We all the friends purchased articles for eating. While going to Balakot we decided to stay at Danna Gulfam Balakot. Aamir one of us was in possession of pistol who resorted to aerial firing and an empty stuck in the chamber. Aamir asked me to extract the empty and for that purpose handed over pistol to me and I extracted the empty from the chamber. In the meanwhile while putting magazine, the pistol went of accidentally and Aamir sustained injuries on his person. He was rushed to KATH Mansehra and thereafter referred to Abbottabad. It was altogether a vismajor or visdivina that the pistol went of and Aamir sustained injuries.

That, we all were/are fast friends since childhood and it was altogether an accidental act which was beyond the control of the appellant. The appellant while removing the empty and putting magazine in the pistol, the pistol went of and Aamir was hit. There was no mensrea nor any

intention rather it was an accidental act.

- 3) That, during the inquiry the statements of the other companions/ friends were recorded and according to their respective statements it was altogether an accidental affair where the intention or mensrea was lacking altogether.
- 4) That, the said Aamir got his statement recorded wherein he entered into a compromise with the appellatant and also submitted an affidavit in this respect.
- 5) That, from the entire resume it is quite crystal clear that this incident took place accidentally. There was/is no any intention, mensrea or motive.
- 6) That, during the inquiry after recording the statements of the witnesses the inquiry officer also gave his opinion that it was an accidental occurrence.

It is, therefore, most humbly prayed and requested that on acceptance of appeal the impugned order of dismissal may kindly be set-aside and the appellatant may be reinstated in service.

Dated 25.04.2020

Affidavit

[Signature]

Munir Nisar
Constable No. 111
(Appellant)

0345-9483223

SHAH MUHAMMAD ANWAR
ADVOCATE
SUPREME COURT OF PAKISTAN

~~SHAH MUHAMMAD ANWAR
ADVOCATE
SUPREME COURT OF PAKISTAN~~



ANNEX 2 "H", E

OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

P-17

0992-9310021-22

0992-9310023

r.rpohazara@gmail.com

0345-9560687

NO: 17448 /PA DATED 23/7/2020


ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex. Constable Munir Nisar No.111 of District Mansehra against the order of punishment i.e. *Dismissal from service* awarded by District Police Officer, Mansehra vide OB No.93 dated 21.04.2020.

Brief facts leading to the punishment are that the appellant while posted at summon/warrants branch, Session Court Mansehra involved himself in a criminal case FIR No. 83 dated 16-02-2020 u/s 324 PPC PS Ghari Habibullah.

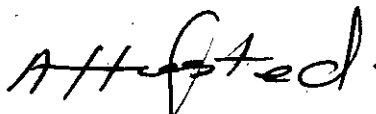
The appellant was issued charge sheet alongwith summary of allegations and RI Police Lines, Mansehra was deputed to conduct departmental enquiry. During the course of enquiry the allegations leveled against the appellant were proved and EO recommended him for suitable punishment. He was heard in person, however he failed to advance any cogent reason in his defence. Consequently, DPO Mansehra awarded him major punishment of dismissal from service.

After receiving his appeal, comments of DPO Mansehra were sought and examined/perused. The Undersigned called the appellant, complainant of the case namely Aamir s/o Muhammadi Javed and eye witnesses in OR, heard them in person and examined the available record. The parties already entered into compromise while complete challan in the case has been submitted to the court. Complainant of the case, during interview in OR also affirmed that the compromise has been affected with his free consent without any undue pressure. Therefore, keeping in view the above, I take lenient view and in exercise of the powers conferred upon the Undersigned under Rule 11-4 (c) of Khyber Pakhtunkhwa Police Rules, 1975 major punishment of Dismissal from service is set aside and *converted into minor punishment of stoppage of 03 years increments with cumulative effect* with immediate effect. The period during which the appellant remained out of service may be treated as leave without pay.


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

No: 17450 /PA, dated Abbottabad the 23/7/2020.
CC:

The District Police Officer, Mansehra for information and necessary action with reference to his office Memo No 8543/GB dated 18-05-2020. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.


SHAD MUHAMMAD KHAN
ADVOCATE
SUPREME COURT OF PAKISTAN

بندالت جناب شہر مبین صاحب سرگین ٹریبونل K.P.K. لہشاور

منیڈنٹارٹ بنام DPD وہ
 دعوٰی یا جرم سروس پیل منجانب ایڈوائس ط

باعث تحریر آنکے

ابیت آباد کے لئے

مندرجہ بالا عنوان میں اپنی طرف سے بیرونی وجود بدنی بمقام ابیت آباد کے لئے
 شاد محمد خان ایڈووکیٹ سپریم کورٹ آف پاکستان کو

بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار حاصل رو برو عدالت حاضر ہوتا ہوں گا۔ اور بوقت پکارے جانے
 وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر منظر حاضر نہ ہوں اور غیر حاضری کی وجہ سے کسی طور 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 پکھری کے مقررہ اوقات سے پہلے یا بروز تعطیل بیرونی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام
 پکھری کے کسی اور جگہ سماعت ہونے پر یا بروز پکھری کے اوقات کے آگے یا پیچھے ہونے پر منظر کو کوئی نقصان پہنچے تو ذمہ دار یا
 اس کے واسطے کسی معاوضہ ادا کرنے، مختیار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ
 پرواختہ صاحب مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعوٰی اور درخواست اجراء 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 اجراء کرانے اور ہر
 قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرانے کا ہر قسم بیان دینے اور سپرد تاشی و رضی نامہ و فیصلہ بر خلاف کرنے و
 اقبال دعوٰی کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا ڈگری قتل از فیصلہ
 اجراء ڈگری بھی صاحب موصوف کو بشرط ادا ہوگی علیحدہ بیرونی مختیار نامہ کرنے کا مجاز ہوگا اور بصورت ضرورت اپیل اور اپیل
 کے واسطے کسی دوسرے وکیل یا پیر مشر 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
 بیرونی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا اختیار نامہ لکھ دیا ہے کہ سندر ہے۔
 مضمون مختیار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔
 المرقوم

TESTED & ACCEPTED

AD MUHAMMAD KHAN,
 vocate Supreme Court
 Pakistan.

SHAD MUHAMMAD KHAN
 ADVOCATE
 SUPREME COURT OF PAKISTAN

منیڈنٹارٹ وولڈنٹارٹ محمد خان سنہ محدث آباد
 ڈبلیو ایڈوائس

"A"

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

No.

APPEAL No..... of 20

TB

1002

20

Appellant/Petitioner

Muhammad Nisar

Versus

RESPONDENT(S)

The DPO, Manselira

Notice to Appellant/Petitioner

Counsel

Shad Mohammad
Advocate Supreme Court
Manselira

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on..... at.....

16/11/2021 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Camp Covert A Road

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

1110012

20

APPEAL No..... of 20

Munir Nisar

Appellant/Petitioner

Versus

The DPO, Manshera.

RESPONDENT(S)

Notice to Appellant/Petitioner

Munir Nisar No. 111.

Police Line Manshera.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on..... at.....

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Comptroller A Abad

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

“B”

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

No. *Regd*

TB A/Abad.

Appeal No. *10012/20* of 20

Munir Nasir Nisar Appellant/Petitioner

Versus

D.P.O. Mansehra Respondent

Respondent No. *1*

Notice to: — *DIST Police officer Mansehra*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *15-6-22* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this *25*

Day of *5.20* *22*

at camp court
A/Abad.

[Signature]

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

TB A/Abad

No. *80*

Appeal No. *10012* of 20 *20*

Munir Nisar Appellant/Petitioner

Versus

DPO Masehra Respondent

Respondent No. *2*

Notice to: *DIG Hazar Kang A/Abad*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *15-6-22* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Given under my hand and the seal of this Court, at Peshawar this *25*.....

Day of..... *5* 20 *22*

at camp court
A/Abad

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

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

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

JUDICIAL COMPLEX (OLD) KHYBER ROAD,

PESHAWAR.

TR A/100

No. 100

Appel No. 10019 of 20

Appellant/Petitioner Munir Nisar

Respondent DPO Manselma

Respondent No. 2

Notice to: DIG Hagan Rang A/100

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on at 8:00 A.M. If you wish to urge anything against the appeal/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 22

Day of 20 22

At Camp Court A/100

Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar

1 The hours of attendance in the Court are the same that of the High Court except Sundays and Gasetted Holidays. 2 Always quote Case No. While making any correspondence.

“B”

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

Regd
 No.

TB A/Abad

Appeal No. *10012* of 20 *20*

Munir Nigar Appellant/Petitioner

Versus

DPO Manselma Respondent

Respondent No. *2*

Notice to: *DIG Hazar Kang A/Abad*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *15.6.22* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Given under my hand and the seal of this Court, at Peshawar this *25*.....

Day of *5* 20 *22*

at camp court
A/Abad

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

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

"B"

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

113 Affidavit

No. 113

Appel No. 113/20

Munir Nisar Applicant/Petitioner

Versus

D.P.O. Peshawar Respondent

Respondent No. 2

Notice to: D/O Peshawar Court Affidavit

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

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

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

Given under my hand and the seal of this Court, at Peshawar this 22/2/2020

Registrar
Khyber Pakhtunkhwa Service Tribunal
Peshawar

At Camp Court
Affidavit

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

"B"

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

No. *Regd*

TB A/Abad

Appeal No. *10012/20* of 20

Munir Nasir Nisar Appellant/Petitioner

Versus

DPO Mansehra Respondent

Respondent No. *1*

Notice to: *Distt Police officer Mansehra*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *15-6-22* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this *25*

Day of *5* 20 *22*

at camp court

A/Abad

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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