

**ORDER**

13.06.2022


Appellant present through counsel.

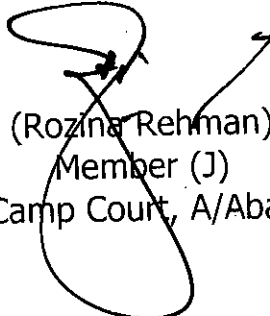
Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General for respondents present.

Perusal of record would reveal that the respondent Department had been directed to furnish reply within 10 days in office and in case they failed to submit reply/comments, they shall have to seek extension of time. Today, learned AAG made a request for adjournment in order to submit comments as the preceding date was adjourned on a Reader's note. In the meanwhile, learned counsel for appellant submitted an application seeking sine die adjournment of the present appeal due to dismissal of the appellant.

It was submitted by the learned counsel for appellant that the appellant has been dismissed from service and that his Service Appeal No.7392/2021 is still pending in this Tribunal, therefore, requested for sine die adjournment of the instant service appeal till the decision in the main Service Appeal No.7392/2021.

Keeping in view the request of the learned counsel for appellant, instant service appeal stands adjourned sine die till the decision of main Service Appeal No.7392/2021. The appellant may seek restoration of the instant service appeal after decision in the main service appeal. File be consigned to the record room.

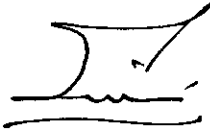
  
(Fareeha Paul)  
Member (E)  
Camp Court, A/Abad

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

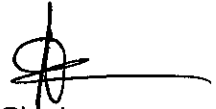
S.A No. 4809/2021

12.10.2021

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Mujahid Shah, Head Constable for the respondents present and seeks further time for submission of written reply/comments. Respondents are directed to furnish reply/comments within 10 days in office. In case they fail to submit reply/comments within stipulated time from today, they shall have to seek extension of time through written application citing sufficient reasons. Otherwise, their right for submission of reply/comments shall be deemed as struck off. To come up for arguments before the D.B on 15.02.2022 at Camp Court Abbottabad.



(Salah-Ud-Din)  
Member (Judicial)  
Camp Court A/Abad



Chairman  
Camp Court A/Abad

15-2-22

Due to retirement of the Honble Chairman  
the case is adjourned to 13-6-22 for the same  
is before  
Revised



9.07.2021

Appellant present through counsel.

Preliminary arguments heard. Record perused.

The appellant was dismissed from service vide order dated 18.09.2019 against which he filed department appeal and the same was partially accepted and his penalty of dismissal from service was converted into penalty of time scale Constable vide order dated 31<sup>st</sup> January, 2020 which has been challenged in the instant service appeal. Subject to all just and legal objections, this appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to the respondents for submission of reply/comments in office within 10 days of the receipt of notices, positively. If the reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 12.10.2021 before the D.B at Camp Court, Abbottabd.

Appellant Deposited  
Security & Process Fee

13/10/21



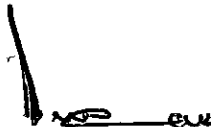
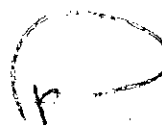

(Rozina Rehman)  
Member (J)

Form- A

# FORM OF ORDER SHEET

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

Case No. - 4809/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/04/2021	<p>The appeal of Mr. Majid Ali presented today by Mr. Muammad Aslam Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	3-6-21 	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>19-7-21</u>, notices be issued to appellant/counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Appeal No.....

Majid Ali S/O Mohammad Anwar Constable No. 351 (District Police Haripur) presently posted in District Police Abbottabad.  
**(Appellant)**

**VERSUS**

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

**SERVICE APPEAL**

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5.	Departmental Appeal dated 02-10-2019	"D"	12-14
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9.	Wakalatnama		

Through

~~M. Aslam~~  
**Appellant**

  
(Mohammad Aslam Tanoli)  
Advocate High Court  
at Haripur

Dated: 06-04-2021

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**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Appeal No..... 4809/21

Khyber Pakhtukhwa  
Service Tribunal

Diary No. 4559

Date 06/4/2021

Majid Ali S/O Mohammad Anwar Constable No. 351 (District Police Haripur) presently transferred to/posted in District Police Abbottabad.

**(Appellant)**

**VERSUS**

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

**(Respondents)**

**SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST ORDER DATED 18-09-2019 OF THE DISTRICT POLICE OFFICER HARIPUR WHEREBY THE APPELLANT WAS "DISMISSED FROM SERVICE" AND ORDER DATED 31-01-2020 OF THE RPO, HAZARA REGION ABBOTTABAD WHEREBY WHILE PARTIALLY ACCEPTING HIS DEPARTMENTAL APPEAL PENALTY OF DISMISSAL HAS BEEN CONVERTED INTO TIME SCAL CONSTABLE AND ORDER DATED 10-03-2021 OF THE PPO KPK PESHAWAR UNDER WHICH HIS MERCY APPEAL HAS BEN REJECTED.**

Filed to-day

Registrar

6/4/2021

**PRAYER: ON ACCEPTANCE OF THIS SERVICE APPEAL IMPUGNED ORDERS DATED 18-09-2019, 31-01-2020 AND 10-03-2021 OF THE RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND APPELLANT BE RE-INSTATED IN SERVICE WITH RESTORATION OF HIS PAY SCALE AS HE HAD BEFORE DISMISSAL WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS/RIGHTS.**

I

Respectfully Sheweth:

1. That appellant was enrolled as Constable in District Police Haripur on 21-08-2009, thus has rendered more than 11 years service in the police department.
2. That appellant while posted at Police Post TIP Haripur was served with a Charge Sheet dated 19-06-2019 by the

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District Police Officer Haripur which was duly replied explaining all facts of the matter in detail and denying the allegations being incorrect and baseless. **(Copy of reply to the Charge Sheet is attached as "A")**.

3. That appellant was given a Final Show Cause Notice dated 01-08-2019 which was also replied and the allegations were flatly refused being incorrect and baseless. **Copy of the Final Show Cause Notice is attached as "B")**.
4. That appellant was awarded with penalty of "Dismissal from service" vide order dated 18-09-2019 by the District Police Officer, Haripur without any reason and proof. **(Copy of order dated 18-09-2019 is attached as "C")**.
5. That in fact during his posting at PP TIP for a period of about 7/8 months, there had been no complaint against the appellant from any corner.
6. That during the said period the appellant alongwith his seniors arrested many criminals and booked them to face the trial and taking legal action against criminals huge quantity of illegal weapons and narcotics/contraband were recovered.
7. That the allegations as mentioned in the Charge Sheet and Final Show Cause Notice on the basis of which the appellant was awarded major penalty are incorrect, baseless and concocted ones communicated to the DPO Haripur with malafide intention by the persons having enmity toward appellant due to their arrest and booking

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to the law at the hands of appellant otherwise there was nothing correct in the allegations.

8. That alongwith appellant 2/3 other police officials (HC Saeed Shah, LHC Asad Saeed-297 and Constable Saddique-669) were also attributed with the same allegation who were subsequently let-off for the reason best known to respondents but the appellant was awarded with major penalties by the DPO Haripur vide impugned order by exercising discrimination.
9. That no proper departmental inquiry was conducted to prove the allegations against appellant. Not a single witness was ever called for to appear before the inquiry officer in presence of appellant to record his evidence nor was he ever provided with the chance to cross-examine such witness. Copy of inquiry report, if any, was never provided to him. Even opportunity of personal hearing was afforded to the appellant rather he was condemned unheard.
10. That appellant aggrieved of the impugned order of dismissal from service appealed against and the appellate authority the RPO Hazard Region Abbottabad while partially accepting appeal converted the penalty of **DISMISSAL** from service into punishment of **TIME SCALE CONSTABLE** vide order dated 31-01-2020. **(Copies of departmental Appeal and order 31-01-2020 are attached as Annexure-"D & E")**.
11. That thereafter the appellant filed a **MERCY APPEAL** before the Provincial Police Officer, KPK, Peshawar under



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Rule-16: 32 of Police Rules 1934 which was rejected vide order dated 04-03-2021 delivered on 10-03-2021 (**Copies of Mercy Appeal and order dated 04-03-2021 are attached as Annexure "F & G"**).

**GROUND:**

- a). That orders dated 18-09-2019, 31-01-2020 and 04-03-2021 of respondents are illegal, unlawful, against the departmental rules & regulation, issued in a cursory, whimsical and arbitrary manner and are liable to be set aside.
- b). That no proper departmental inquiry was conducted. Copy of inquiry report was also not provided. Even opportunity of personal hearing was not afforded to the appellant and he was condemned unheard.
- c). That the penalty awarded to the appellant is illegal, against the law, departmental rules and regulations hence liable to be set aside.
- d). That the appellant has seriously been discriminated while awarding the major penalties by the respondents and that too without any reason, justification & proof.
- e). That the appellate authorities have also failed to abide by the law and even did not take into consideration the grounds taken in the memo of appeal. Thus the impugned order of appellate

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authority is contrary to the law as laid down in Police Rules 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 18-09-2019, 31-01-2020 and 04-03-2021 may graciously be set aside and the appellant be brought on the position as was before dismissal from service by restoring pay and all legitimate rights of service with consequential back benefits. Any other relief which this Honorable Tribunal deems fit and proper in circumstances of the case may also be granted.

~~M. Aslam~~  
**Appellant**

Through:

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

Dated: 06-04-2021

**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: 06-04-2021

~~M. Aslam~~  
**Appellant**

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**BEFORE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Majid Ali S/O Mohammad Anwar Constable No. 351.. (District Police Haripur) presently posted in District Police Abbottabad.

**(Appellant)**

**VERSUS**

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

**(Respondents)**

**SERVICE APPEAL**

**CERTIFICATE**

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

  
**APPELLANT**

Dated: 06-04-2021

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**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Majid Ali S/O Mohammad Anwar Constable No. 351 (District Police Haripur) presently posted in District Police Abbottabad.

**(Appellant)**

**VERSUS**

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

**(Respondents)**

**SERVICE APPEAL**

**AFFIDAVIT:**

I, Majid Ali, 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.

*[Handwritten signature]*

**Deponent/Appellant**

Dated: 06-04-2021

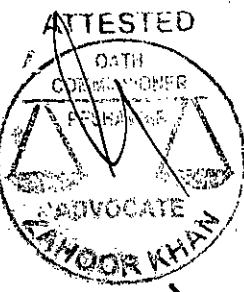
Identified By:

*[Handwritten signature]*

Mohammad Aslam Tanoli  
Advocate High Court  
At Haripur

*[Handwritten signature]*

**Appellant**



4/21  
4/21

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**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Majid Ali S/O Mohammad Anwar Constable No. 357... (District Police Haripur)  
presently posted in District Police Abbottabad.

**(Appellant)**

**VERSUS**

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

**(Respondents)**

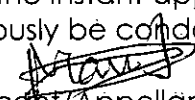
**APPLICATION FOR CONDONATION OF DELAY IN FILING SERVICE APPEAL BEFORE**  
**THIS HONOURABLE SERVICE TRIBUNAL.**

Respectfully Sheweth:

1. That applicant/appellant has filed today Service Appeal, which may be considered as part and parcel of this application, against order dated 18-09-2019, 31-01-2020 and 04-03-2021 passed by respondents whereby departmental authorities have awarded appellant with the major penalties and his appeal rejected.
2. That as the orders have been passed in violation and derogation of the statutory provisions of law, rules and regulations governing the terms and condition of service of the appellant, therefore causing a recurring cause of action to the applicant/appellant can be challenged and questioned irrespective of a time frame.
3. That impugned order was passed by the respondents on 18-09-2019 & appellate order on 31-01-2020 but appellant met a road accident and remained confined to bed and filed mercy appeal in 4/2020. The applicant/appellant had filed departmental as well as service well in time his service appeal well in time and has rigorously pursuing his case. The delay, if any, in filing departmental as well as service appeal needs to be condoned.
4. That instant application is being filed as an abundant caution for the condonation of delay, if any. The impugned orders are liable to be set aside in the interest of justice.

It is, therefore, respectfully prayed that on acceptance of the instant application the delay, if any, in filing of above titled appeal may graciously be condoned.

Through:

  
Applicant/Appellant

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

Dated: 06-04-2021

**VERIFICATION:**

It is verified that the contents of the instant application/appeal are true and correct to the best of my knowledge & belief & nothing has been suppressed.

Dated: 06-04-2021

  
Applicant/Appellant



CHD

ضلع عالی

مشورہ خارج شدہ کی نسبت فرسوں کو اور نیکو  
نوعان کو اور فرسوں کو دینا اور کرکشن کا

الزام ہے  
(1) - مسائل تقریباً 7/8 ماہ قبل رطوبت 60 کنٹینل تقریبات  
کوئی سوا تھا اس دوران نہایت ہی دریا اندازی سے  
اپنے فرسوں انعام ہے

(2) دوران سروس کسی قسم کی تیزی کرکشن کی اور تیزی  
کسی مندرجہ ذیل فرسوں کو دینا اور تیزی دینا اس میں  
تقریبات میں کوئی زبانی یا تحریری شکایت پہنچی ہے  
(3) دوران تقریبات کسی قسم کا نہیں کریں غیر اولیٰ یا غیر قانونی کام  
پہن کیا محمد کا و فاروقی نظر رکھا گیا

(4) دوران تقریبات مختلف قسم کے مشاہدات فرسوں و فرسوں اشتہاری  
نیز در حوالہ فرسوں کے لئے جس کے حسب ضابطہ کارروائی ہوئی

ضلع عالی

دوران تقریبات محکمہ کرکشن اور فرسوں بلڈر کیا ایسی دوران میں کسی قسم  
کی کرکشن یا غیر اولیٰ شکایت نہیں پائی کسی قسم کے دوران جو الزام رکھا گیا  
کہا ہے جن کو فرسوں سے زبانی طور پر بھی جواب دینے کے لئے تیار ہوں  
اس پر عارضہ مذکورہ بالہ حالت کو مدنظر رکھتے ہوئے خارج شدہ  
ہذا سے مستثنیٰ ہے

= کنٹینل ماہر 179 صفحہ اولیں لکھیں =

Attested  
[Signature]

(10)

Done - B

**FINAL SHOW CAUSE NOTICE**

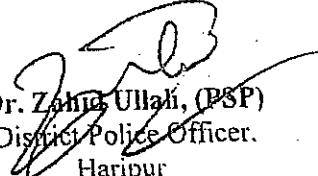
I, Dr. Zahid Ullah, (PSP), District Police Officer, Haripur as Competent Authority under Police Rules 1975, do hereby serve Final Show Cause Notice upon you FC Majid Ali No. 179 on the following grounds: -

(1) "That while you were posted at PP TIP, it has come to the notice of the undersigned that preliminary enquiry No. 242 Dated 18.06.2019, conducted by ASP Saddar Haripur that you and along with HC Saeed Shah I/C PP TIP, LHC Asad Saeed No. 297 Moharrar PP Pind Muneem and Constable Saddique No. 669 PS Hattar, intentionally involved in Corruption, helping drug peddlers, took bribe/illegal gratification from the accused involved in different criminal activities and facilitated them. Your act is severe violation of Rule 14-32 of Police Rules 1934 and also gross misconduct on your part in terms of Police E&D Rules 1975"

(2) For the purpose of scrutinizing the conduct on your part with reference to the above allegation, you was serve with Charge Sheet/Statement of allegation and Assistant Superintendent of Police, Ghazi, Haripur was appointed as enquiry officer against you for the conduct of proper departmental enquiry vide this office Memo No. 356-58, dated 19.06.2019.

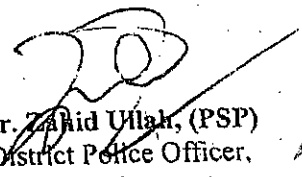
(3) The enquiry officer after conducting proper departmental enquiry submitted his finding vide his office letter No. 236 dated 30.07.2019, in which he had the charges of misconduct proved and recommended for major punishment under section-4 of the KPK Police E&D Rules 1975.

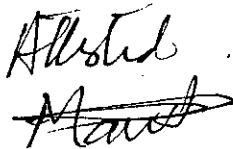
(4) Keeping in view of above allegation on your part, you are hereby called upon. To Show Cause within (07) days of the removed of this Final Show Cause notice as to why you should not be awarded punishment under the Police Rule 1975, if your written reply is not received within stipulated period. It shall be presumed, that you have no defense to affirm, you are also allowed to appear before the undersigned, if you so desired.

  
Dr. Zahid Ullah, (PSP)  
District Police Officer,  
Haripur

No. 494-95 / dated Haripur the 1 / 8 2019

Copy of above is submitted to the Regional Police Officer, Hazara Region Abbottabad for favor of information please.

  
Dr. Zahid Ullah, (PSP)  
District Police Officer,  
Haripur

  
Allister  
Mansoor



OF THE DISTRICT POLICE OFFICER, HARIPUR

Annex-C



Ph. # 0995-614712 / 0995-611291  
Fax # 0995-614714  
E-Mail: dpoharipur1@gmail.com

No: \_\_\_\_\_ Dated \_\_\_\_\_ / \_\_\_\_\_ / 2019

**ORDER**

Constable Majid Ali No.179, while posted at PP TIP, Haripur, it came in the notice of undersigned through preliminary enquiry conducted by Mr. Muhammad Qais Khan, ASP Saddar, Haripur. That Constable Majid Ali along with HC Saeed Shah, LHC Assad Saeed No.297, Muharrar PP Pind Munim; and Constable Saddique No.669, PS Hattar, intentionally involved in corruption and corrupt practices, helping drug peddlers, took bribe/illegal gratification from the accused involved in different criminal activities and facilitated them. The acts and omissions of defaulter police official were misconduct under Khyber Pakhtunkhwa, police efficiency and discipline rules 1975. Therefore, He was served with charge sheet and statements of allegations, vide this office Endst No.356-58/PA dated 19.06.2019.

To probe the allegations, Mr. Nasir Mahmood, ASP/Ghazi, District Haripur, was appointed as enquiry officer, who conducted proper departmental enquiry and submitted his finding, vide his office Memo No.236 dated 30.07.2019. In which, he mentioned that the charges of misconduct proved against defaulter police official and found involved in corrupt activities. Therefore, enquiry officer recommended him for major punishment. Therefore, the defaulter police official was served with final show cause notice vide this office Endst: No.494-95/PA dated 01.9.2019, in which he could not give satisfactory reply.

Constable Majid Ali No.179, was heard in orderly room on 18.09.2019, during personal hearing, he was given opportunity to clarify his position with respect to the allegations levelled against him and subsequent enquiry. But he could not give any evidence in his defense.

Keeping in view, the finding of enquiry officer, I am fully satisfied that Constable Majid Ali No.179 committed gross misconduct. Therefore, I, Dr. Zahid Ullah District Police Officer, Haripur being competent authority under Khyber Pakhtunkhwa police efficiency and discipline rules 1975, awarded major punishment of "Dismissal from service" with immediate effect.

Order announced in his presence.  
OB No. 602 dated 18.09.2019

*Attested*  
*M. A. A.*

*Zahid Ullah*  
District Police Officer  
District Police Officer  
Haripur



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Annex-D

**BEFORE HONOURABLE REGIONAL POLICE OFFICER,**  
**HAZARA REGION, ABBOTTABAD.**

(Appeal by Majid Ali Ex-Constable No.179 District Police Haripur)

**DEPARTMENTAL APPEAL AGAINST ORDER OB NO. 601 DATED 18-09-2019 OF**  
**THE DISTRICT POLICE OFFICER HARIPUR WHEREBY APPELLANT HAS BEEN**  
**AWARDED MAJOR PENALTY OF "DISMISSAL FROM SERVICE".**

**PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL THE**  
**IMPUGNED ORDER DATED 18-09-2019 MAY KINDLY BE SET ASIDE AND**  
**APPELLANT BE RE-INSTATED IN HIS SERVICE FROM THE DATE OF DISMISSAL**  
**WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.**

Respected Sir,

1. That appellant while posted at Police Post TIP Haripur was issued with a Charge Sheet dated 19-06-2019 by the District Police Officer Haripur with some general type allegations having no concern with reality. (Copy of Charge Sheet dated 19-06-2019 is attached "A").
2. That the aforementioned Charge Sheet was duly replied explaining all facts and circumstances of the matter in detail denying the allegations leveled against the appellant being incorrect and baseless. (Copy of reply to the Charge Sheet is attached as "B").
3. That thereafter the appellant was served with a Final Show Cause Notice dated 01-08-2019 with the same allegations as earlier in the Charge Sheet. (Copy of Final Show Cause Notice dated 01-08-2019 is attached herewith as "C").
4. That above cited Final Show Cause Notice was duly replied explaining all facts and circumstances of the matter in detail and the allegations as incorporated therein were flatly refused being incorrect and baseless. Copy of reply to the Final Show Cause Notice is attached as "D").
5. That ultimately the appellant was awarded with the penalty of "Dismissal from service" through impugned order OB No. 601 dated 18-09-2019 by the District Police Officer, Haripur without any reason and proof. (Copy of order dated 18-09-2019 is attached as "E").
6. That during his posting at PP TIP for about 7/8 months, the appellant always performed his duties efficiently and honestly to the entire satisfaction of his officers and never provided a chance of reprimand. There has been no complaint, what-so-ever may be, against the appellant from public as well as his officers.

*Majid Ali*  
*Majid*

(13)

7. That during the said period the appellant alongwith his seniors arrested many criminal heads and booked them to face the trial and by taking legal action against criminal minded huge quantity of illegal weapons and narcotics/contraband was recovered.
8. That appellant never involved himself in corruption, helping drug peddlers, took bribe/illegal gratification from accused involved in criminal activities or facilitated them as has been falsely incorporated in the Charge Sheet and Final Show Cause Notice issued to the appellant rather he performed his assigned duties with full care, caution, devotion, dedication and honesty. These allegations were never proved against the appellant through any means. He was penalized with dismissal from service without any reason, justification and proof. The allegations as mentioned in the Charge Sheet and Final Show Cause Notice on the basis of which the appellant was awarded punishment were incorrect, baseless and concocted ones communicated to the DPO Haripur with malafide intention by the persons having biasness and enmity toward appellant. Otherwise there was nothing correct in the allegations.
9. That though 2/3 other police officials were also attributed with the same allegations alongwith appellant and inquiry initiated against them yet subsequently they were let-off and the appellant was awarded with major penalty of dismissal from service by the DPO Haripur vide impugned order by exercising discrimination against appellant.
10. That appellant has rendered more than 10 years service in the police department. Throughout his long service the appellant was never issued even a single explanation. He has clean and unblemished meritorious service record. He always performed his assigned duties with devotion, dedication and honesty and never provided a chance of reprimand and even on occasions for tremendous service he has been awarded with the commendation certificates and cash rewards by his High-Ups.
11. That no proper departmental inquiry was conducted to prove allegations against the appellant. Not a single witness was ever called for to appear before the inquiry officer in presence of appellant to record his evidence nor was he ever provided with the chance to cross-examine such witness. Copy of inquiry report, if any, was never provided to him. Even opportunity of personal hearing was afforded to the appellant, rather he was condemned unheard.
12. That in view of the facts narrated here above by no stretch of imagination the appellant can be held responsible for the allegation as leveled against him due to which the appellant has been awarded with the punishment without any reason.

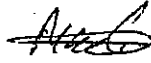
*Alister*  
*Mans*

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13. That if the appellant is afforded with the opportunity of personal hearing he will really prove him as innocent by adducing credible facts of the matter.

Sir, in view of the facts and circumstances narrated here above, it is earnestly prayed that impugned order dated 18-0-2019 passed by the District Police Officer Haripur may kindly be set aside and the appellant be re-instated in his service from the date of dismissal with grant of all consequential service back benefits. Thanking you sir in anticipation.

You're obedient Servant



(MAJID ALI)

S/O Mohammad Anwar

Ex- Constable No. 179

District Police Haripur

Address:

Mohallah Banda,

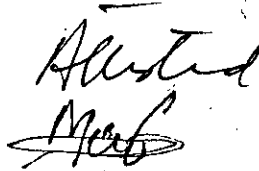
Sector No. 2, K.T.S.

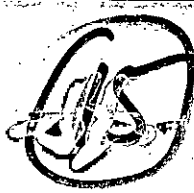
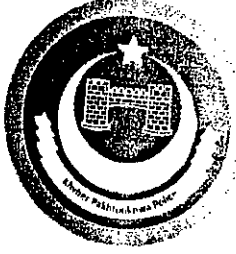
Tehsil & District Haripur

0344-7555612

Cell No:

Dated 02-10-2019





Annex-E

OFFICE OF THE REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0922-9310023

r.rpohazara@gmail.com

0345-9560687

NO: 3553 /PA

DATE 31 / 1 / 2020

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Constable Majid No. 179 of district Haripur against the order of punishment i.e. *Dismissal from service* awarded by the District Police Officer, Haripur vide OB No. 601 dated 18-09-2019.

Facts leading to the punishment are that he while posted at PP TIP Haripur, it came in the notice of DPO Haripur during preliminary enquiry conducted by ASP Saddar, Haripur that Constable Majid Ali No.179, HC Saeed Shah alongwith, LHC Asad Saeed No.297, Muharrar PP Pind Munim PP TIP and Constable Saddique No.669 PS Hattar intentionally involved in corruption helping drug peddlers, took bribe/illegal gratification from the accused involved in different criminal activities and facilitated them.

After receiving his appeal, comments of DPO Haripur were obtained and examined/perused. The undersigned called the appellant in OR, heard him in person. Keeping in view his explanation and financial position, I take lenient view and the punishment awarded by DPO Haripur i.e. *Dismissal from service is hereby converted into time scale constable* with immediate effect. Moreover the official is barred from Haripur district for rest of carrier and transferred to district Abbottabad.

Sd/-

Dr. Mazhar-ulhaq Kakakhel  
(PSP/PPM/S.St)

No. 3554 -55 /PA, dated Abbottabad the 31 / 1 / 2020

CC.

1. District Police Officer, Haripur for necessary action with reference to his office Memo No.8170 dated 27-11-2019. Service Roll alongwith Fauji Missal containing enquiry file of the official are returned herewith for record.
2. District Police Officer, Abbottabad for information and necessary action.
3. Establishment Branch.

Attested  
Haripur

Sardar Muhammad Irshad  
Office Superintendent  
For REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

(16)

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**BEFOR HONOURABLE PROVINCIAL POLICE OFFICER**  
**KHYBER PAKHTUN KHWA PESHAWAR.**

Mercy Appeal by Majid Ali  
Constable No.179  
District Police Abbottabad

**MERCY APPEAL UNDER RULE 16-32 OF POLICE RULES-1934 AGAINST ORDER DATED 18-09-2019 OF THE DPO HARIPUR WHEREBY APPELLANT WAS DISMISSED FROM SERVICE AND ORDER DATED 31-01-2020 OF THE RPO, HAZARA REGION, ABBOTTABAD WHEREBY WHILE PARTIALLY ACCEPTING HIS DEPARTMENTAL APPEAL THE PENALTY OF DISMISSAL HAS BEEN CONVERTED INTO TIME SCALE CONSTABLE.**

**PRAYER: ON ACCEPTANCE OF INSTANT MERCY APPEAL BOTH THE ORDERS DATED 18-09-2019 AND 31-01-2020 MAY KINDLY BE SET ASIDE AND THE APPELLANT BE RE-INSTATED IN SERVICE AS CONSTABLE WITH HIS PAY DRAWING AT THE TIME OF DISMISSAL ON 18-09-2019 AND WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.**

Respected Sir,

With most reverence and humble submission the following few lines are laid down before your Highness for kind consideration and favorable order please:-

1. That appellant while posted at Police Post TIP Haripur was issued with a Charge Sheet dated 19-06-2019 by the District Police Officer Haripur with some general type allegations having no concern with reality. The Charge Sheet was duly replied explaining all facts and circumstances of the matter in detail denying the allegations leveled against the appellant being incorrect and baseless. **(Copies of Charge Sheet and its reply are attached as "A&B")**.
2. That thereafter the appellant was served with a Final Show Cause Notice dated 01-08-2019 with the same allegations as earlier which was duly replied explaining all facts and circumstances of the matter in detail and the allegations as incorporated therein were flatly refused being incorrect and baseless. **Copies of Final Show Cause Notice and its reply are attached as "C&D")**.
3. That without taking into consideration the reply submitted by appellant to the Charge Sheet as well as Final Show Cause Notice the District Police Officer Haripur imposed upon him the penalty of dismissal from service vide order OB No. 601 dated 18-09-2019 without any reason and proof. **(Copy of order dated 18-09-2019 is attached as "E")**.
4. That the aforementioned order of the District Police Officer Haripur was appealed against through departmental appeal dated -10-2019 before the Regional Police Officer Abbottabad which was partially accepted vide order dated 31-01-2020 converting the penalty dismissal into Time Scale Constable. Though the appellant

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was taken on duty but copy of the same was issued to him on 16-02-2020, hence this appeal. The appellant was transferred to Abbottabad and he is performing his duty in a far flung hilly area of Police Station. <sup>PP. D. Khan</sup> and due to extensive duties during the corona disease the appellant could not have time for filing this mercy appeal. Instant Mercy Appeal was, if late, the delayed period may graciously be condoned for the reasons stated above. **(Copies of departmental appeal and order dated 31-01-2020 are attached as "F&G").**

5. That in fact during his posting at PP TIP for about 7/8 months, the appellant always performed his duties efficiently and honestly. There has been no complaint, what-so-ever, against the appellant from public as well as his officers. The appellant alongwith his seniors arrested many criminal heads and huge quantity of illegal weapons and narcotics contraband was recovered.
6. That appellant never involved himself in corruption, helping drug peddlers, took bribe/illegal gratification from accused involved in criminal activities or facilitated them as has been falsely incorporated in the Charge Sheet and Final Show Cause Notice rather he performed his assigned duties with devotion, dedication and honesty. The allegations were never proved against the appellant through any means. The allegations as mentioned in the Charge Sheet and Final Show Cause Notice and were made the base of punishment were incorrect and concocted ones communicated to the DPO Haripur with malafide intention by the persons having biasness and enmity toward appellant. Otherwise there was nothing correct in the allegations.
7. That two other police officials beside appellant were also involved in the same case and inquiry initiated against them but they were later on let-off but the appellant was awarded major penalty of dismissal from service by the DPO Haripur exercising discrimination against the appellant.
8. That appellant has rendered more than 11/12 years service in the police department. Throughout his long service the appellant was never issued even with a single explanation. He has clean and unblemished meritorious service record. He always performed his assigned duties with devotion, dedication and honesty and on occasions for tremendous service he was awarded with the commendation certificates and cash rewards by his High-Ups.
9. That no proper departmental inquiry was conducted to prove allegations against the appellant. Not a single witness was ever called for to appear before the inquiry officer in presence of appellant to record his evidence nor was he ever provided with the chance to cross-examine such witness, if any. Copy of inquiry report was also not provided to him. Even opportunity of personal hearing was afforded to appellant rather condemned unheard.

*A. Khan*

*A. Khan*



10. That in view of the facts narrated here above by no stretch of imagination the appellant can be held responsible for the allegation as leveled against him due to which the appellant has been awarded with the punishment without any reason.
11. That if the appellant is afforded with the opportunity of personal hearing he will really prove him as innocent by adducing credible facts of the matter.

Sir, in view of the facts adduced here above, it is earnestly prayed that on acceptance of this **MERCY APPEAL** the impugned orders dated 18-09-2019 and 31-01-2020 may kindly be set aside and the appellant be reinstated in his service with pay as he was drawing at the time of his dismissal with grant of all consequential service back benefits. Thanking you sir in anticipation.

Your Obedient Servant

*Majid*

(Majid Ali)

Constable No.179

District Police Abbottabad

Dated 09-04-2020

Attested  
*Majid*



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OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Annex-9  
396/PA  
10/3/2021

No. S/ 931 /21, dated Peshawar the 04/10/2021.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Constable Majid No. 179. The petitioner was dismissed from service by District Police Officer, Haripur vide OB No. 601, dated 18.09.2019 on the allegations that he while posted at PP TIP Haripur, it came in the notice of District Police Officer, Haripur during preliminary enquiry conducted by ASP/Saddar, Haripur that Constable Majid No. 179, HC Saeed Shah alongwith LHC Asad Saeed No. 297, Muharrar PP Pind Munim PP TIP and Constable Saddique No. 669 PS Hattar intentionally involved in corruption helping drug peddlers, took bribe/illegal gratification from the accused involved in different criminal activities and facilitated them. The Appellate Authority i.e. Regional Police Officer, Hazara converted his dismissal from service into time scale Constable vide order Endst: No. 3553-55/PA, dated 31.01.2020.

Meeting of Appellate Board was held on 21.01.2021 wherein petitioner was heard in person. Petitioner denied the allegations leveled against him.

Petitioner failed to advance any plausible explanation in rebuttal of the charges. Since he has already been granted relief by Regional Police Officer, Hazara. His revision petition is also time barred. Therefore, the Board decided that his petition is hereby rejected.

Sd/-

**KASHIF ALAM, PSP**  
Additional Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 932-40/21,

Copy of the above is forwarded to the:

1. Regional Police Officer, Hazara at Abbottabad. One Service Roll and one Fauji Missal (containing enquiry file) of the above named FC received vide your office Memo: No. 21991, dated 07.09.2020 is returned herewith for your office record.
2. District Police Officer, Haripur.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

No. 593-94/PA  
dated 10-3-2021.

DPO Haripur

DPO

For

info

q n/a

PA/RO 17/10/21

(IRFAN ULLAH KHAN) PSP  
AIG Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

Attested

[Signature]



قیمت  
50 روپے

81196



ایڈوکیٹ: محمد علی گھزنوی  
بار کونسل ایسوسی ایشن نمبر: 198/6/198  
رابطہ نمبر: 0333-2458997

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: محترم منجانب سے

منجانب: <u>ایڈوکیٹ</u>	دعویٰ: <u>سرساں اسپی</u>
محمد علی گھزنوی	علت نمبر: _____
بنام	مورخہ: _____
PK, PD, PK	جرم: _____
	تھانہ: _____

**باعث تحریر آگہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ  
 آن مقام ایڈوکیٹ محمد علی گھزنوی کو وکیل مقرر  
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
 راضی نامہ کرہے نہ وقر ثالث و فیصلہ برخلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز  
 دائر کرنے اپیل انگریزی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہزارہا نامے سے بھرتی کر کے اختیار ہوگا اور صاحب  
 مقرر شدہ کو وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور اس کا ساختہ پرداخت منظور و قبول ہوگا  
 دوران مقدمہ میں جو خرچہ ہر جاندا تو ائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے  
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: محمد علی گھزنوی  
 M. Agha  
 PESHAWAR BAR ASSOCIATION  
 خیبر پختونخواہ

مقام کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔