

14th Nov, 2022

Appellant in person present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Appellant seeks adjournment on the ground that his counsel is busy in the august Peshawar High Court, Abbottabad Bench. To come up for arguments on 13.12.2022 before the D.B at Camp Court Abbottabad.



(Salah Ud Din)
Member (Judicial)
Camp Court Abbottabad



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

16.05.2022

None present for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney along with Mr. Gul Shehzad, Sub Inspector for the respondents present.

Written reply/comments on behalf of respondents not submitted. Representative of the respondents sought time to submit the same on the next date. Last opportunity is granted. To come for written reply/comments before S.B at camp court Abbottabad on 18.07.2022.



Fareeha Paul
Member (E)
Camp Court, Abbottabad

18th July 2022

Appellant in person present. Syed Naseer ud Din, Assistant Advocate General alongwith Mr. Gul Shahzad, SI (Legal) for respondents present.

Written reply/comments on behalf of the respondents submitted which is placed on file. A copy of the same is also handed over the appellant. To come up for arguments on 17.10.2022 before D.B at camp court Abbottabad.



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

13287/20

27.12.2021

Counsel for the appellant present. Preliminary arguments have been heard.

The impugned order as annexed with Memorandum of appeal reveals that the appellant has been awarded with major penalty of dismissal from service mainly on the ground of his absence and with added ground as to his involvement in criminal case vide FIR enumerated in the impugned order. The compatibility of the impugned order with reference to the charge of absence is questionable having regard to self-contained procedure about wilful absence contained in Rule 9 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 as the charge of wilful absence does not constitute a ground for disciplinary proceedings under Police Rules, 1975. Besides, the extension of the ground beyond the charge sheet including allegation of FIR is a matter of arguments, therefore, this appeal is admitted for full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 14.03.2022 before S.B at camp court, Abbottabad.

Appellant Deposited
Security & Process Fee

04/11/22


Chairman
Camp Court, A/Abad

15.06.2021

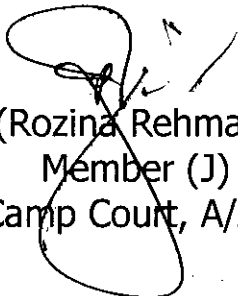
Due to cancellation of tour, Bench is not available. Therefore, case is adjourned to 30.09.2021 for the same as before.


Reader

30.09.2021

Appellant present through counsel.

He made a request for adjournment in order to prepare the brief. Adjourned. To come up for preliminary hearing on 27.12.2021 before S.B at Camp Court, Abbottabad.



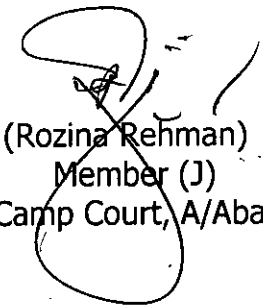

(Rozina Rehman)
Member (J)
Camp Court, A/Abad

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 13287 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge.		
1	2	3		
1-	29/10/2020	<p>The appeal of Mr. Awais Aslam 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>2-</p>	15.03.2021	<p>This case is entrusted touring to S. Bench at A.Abad for preliminary hearing to be put up there on <u>15-03-2021</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Junior to counsel for appellant present.</p> <p>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 <u>15/6/2021</u> before S.B at Camp Court, Abbottabad.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J) Camp Court, A/Abad</p>

BEFORE THE SERVICES TRIBUNAL K.P.K.
PESHAWAR

Awaiz Aslam.....Appellant

Versus

DIG Hazara Range etc.....Respondents

SERVICE APPEAL

INDEX

S#	Description of documents	Annexure	Page#
1.	Memo of appeal	-	1 to 5
2.	Correct addresses of the parties	-	-
3.	Affidavit	-	6
4.	Copies of charge sheet and reply.	"A" & "B"	7 to 10
5.	Copy of statement and findings of Inquiry Officer	"C" & "D"	11 to 14
6.	Copy of order	"E"	15
7.	Copy of appeal and order	"F" & "G"	16 to 18
8.	Wakalat Nama	-	19

Dated / /2020

Part 1
Awaiz Aslam
(Appellant)

Through: -

Shad Muhammad Khan
SHAD MUHAMMAD KHAN
Advocate Supreme Court of
Pakistan (Mansehra)

P - (1)

BEFORE THE SERVICE TRIBUNAL, KPK
PESHAWAR

13287/20

Awaiz Aslam son of Aslam Pervaiz, resident of
Attar Shisha Tehsil and District Mansehra ex-
constable No. 1064.....Appellant

North West Frontier Province
Service Tribunal

Versus

Diary No. 13667

Dated 29/10/2020

- 1) District Police Officer, Mansehra
- 2) DIG Hazara Range
Abbottabad.....Respondents

APPEAL UNDER SECTION 4 OF SERVICE
TRIBUNAL ACT AGAINST THE ORDER DATED
20.08.2020 OF DPO MANSEHRA VIDE WHICH
THE APPELLANT WAS DISMISSED FROM
SERVICE.

PRAYER: -

Filed to-day
[Signature]
Registrar

29/10/2020

On acceptance of appeal the impugned order of dismissal may kindly be set aside and the appellant may kindly be reinstated in service.

Respected Sir,

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

1) That, the appellant was appointed as a constable who served the department for sufficient long time.

2) That, the appellant was served with a charge sheet stating therein that the appellant absented himself from duty w.e.f. 01.07.2020 to 04.07.2020 without any leave or permission. It was further alleged that the appellant had remained absented from duty as mentioned in the charge sheet. The appellant submitted a detailed reply to the allegation leveled against him.

(The copy of charge sheet and the reply are attached as Annexure "A" & "B").

3) That, respondent No. 1 appointed an inquiry officer to probe into the matter who conducted an inquiry and recorded the statement. The appellant was examined by the inquiry officer and astonishingly he was subjected to cross examination by the inquiry officer himself which procedure is quite alien to law. The inquiry officer also submitted his finding.

(The copy of statement and finding of inquiry officer are attached as Annexure "C" & "D").

4) That, respondent No. 1 on receipt of finding of inquiry officer passed an order vide

3

which the appellant was dismissed from service.

(The copy of order is attached as Annexure "E").

- 5) That, the appellant aggrieved by the order of respondent No. 1 submitted an appeal before respondent No. 2 who also turned down the request of appellant for his reinstatement.

(The copy of appeal and order are attached as Annexure "F" & "G" respectively).

The appellant seeks the indulgence of this Honourable Tribunal on the following amongst other grounds: -

GROUND S: -

- A) That, the order of dismissal of appellant is against the facts and law and as such is not maintainable in the eye of law.
- B) That, the inquiry has not been conducted in accordance with the settled law rather it was conducted by the inquiry officer according to his own wishes and sweet will.
- C) That, the inquiry officer has committed an illegality by subjecting the appellant

(4)

to cross examination as such procedure is not warranted by law.

D) That, the inquiry officer has blatantly violated the mandatory provisions of law laid down by service law as well as constitution and so the order of dismissal is not sustainable on this score.

E) That, respondent No. 1 has referred to the conduct of the appellant. There were some differences between the appellant and his wife and all the matters have been compromised and nothing is left behind which could show the conduct of the appellant as mentioned in the order.

F) That, before passing the impugned order it is obligatory and mandatory for respondent No. 1 to provide all the opportunities to the appellant so that he could explain his position, but by not doing so the appellant has been deprived of the legal rights guaranteed to him by the service law as well as constitution.

It is, therefore, requested that on acceptance of appeal the order of dismissal may kindly be set aside and the

5

appellant may kindly be reinstated in service.

Dated 26/10/2020

Awaiz Aslam
(Appellant)

Through:-

SHAD MUHAMMAD KHAN
Advocate Supreme Court of
Pakistan (Mansehra)

VERIFICATION

I, AWAIZ ASLAM SON OF ASLAM PERVAIZ, RESIDENT OF ATTAR SHISHA TEHSIL AND DISTRICT MANSEHRA EX-CONSTABLE NO. 1064 DO HEREBY VERIFY THAT THE CONTENTS OF FORE-GOING APPEAL ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS HONOURABLE TRIBUNAL.

AWAIZ ASLAM
(DEPONENT)

6

BEFORE THE SERVICE TRIBUNAL, KPK
PESHAWAR

Awaiz Aslam.....Appellant

Versus

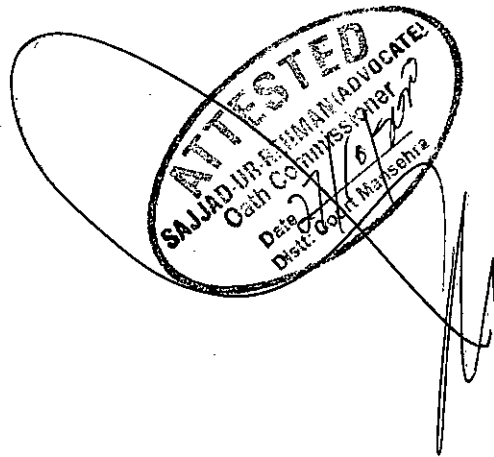
District Police Officer, Mansehra and one
other.....Respondents

APPEAL

AFFIDAVIT

I, AWAIZ ASLAM SON OF ASLAM PERVAIZ,
RESIDENT OF ATTAR SHISHA TEHSIL AND DISTRICT
MANSEHRA EX-CONSTABLE NO. 1064 DO HEREBY
SOLEMNLY AFFIRM AND DECLARE ON OATH THAT
NO SUCH SUBJECT MATTER APPEAL HAS EVER
BEEN FILED NOR PENDING NOR DECIDED THAT THE
CONTENTS OF FORE-GOING AFFIDAVIT ARE TRUE
AND CORRECT TO THE BEST OF MY KNOWLEDGE
AND BELIEF AND NOTHING HAS BEEN CONCEALED
OR SUPPRESSED FROM THIS HONOURABLE
TRIBUNAL.


AWAIZ ASLAM
(DEPONENT)



ANNEX-PP
P-7-A

CHARGE SHEET

I, Sadiq Hussain Baloch (PSP), District Police Officer, Mansehra, Competent Authority, hereby charge you Constable Awaiz Asalm No. 100 PS Darband as follows.

Vide DD No. 22 dated 04-07-2020 Police Station Darband it has been reported that while you were posted as GD PS Darband Mansehra you absented yourself from duty with effect from 01-07-2020 to 04-07-2020 without any leave or permission. Your previous record was checked and found that you have absented yourself on the following occasion without any leave or permission.

OB NO.	From	To	Absent Period
158 dated 15-09-2010	18-08-2010	20-08-2010	02 days
89 dated 09-05-2011	16-03-2011	22-03-2011	06 days
91 dated 04-06-2010	18-05-2010	20-05-2010	02 days
241 dated 03-12-2011	01-09-2011	03-09-2011	02 days
241 dated 03-12-2011	10-09-2011	19-09-2011	09 days
241 dated 03-12-2011	20-09-2011	16-10-2011	26 days
147 dated 02-08-2012	22-07-2012	23-07-2012	01 day
123 dated 03-07-2012	13-06-2012	14-06-2012	01 day

From the perusal of your service record it transpired that you are an habitual absentee. It shows that you are an indisciplined Police Officer and you did not take interest in the discharge of official duty. It amounts to gross misconduct on your part.

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.

AH
SHAD MUNIR KHAN
ADVOCATE
SUPREME COURT OF PAKISTAN

District Police Officer,
Mansehra

8

DISCIPLINARY ACTION

I, Sadiq Hussain Baloch (PSP), District Police Officer Mansehra, as Competent Authority of the opinion that Constable Awaiz Aslam No. 1064 GD PS Darband 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 DD No. 22 dated 04-07-2020 Police Station Darband it has been reported that while you were posted as GD PS Darband Mansehra you absented yourself from duty with effect from 01-07-2020 to 04-07-2020 without any leave or permission. Your previous record was checked and found that you have absented yourself on the following occasion without any leave or permission.

OB NO.	From	To	Absent Period
158 dated 15-09-2010	18-08-2010	20-08-2010	02 days
89 dated 09-05-2011	16-03-2011	22-03-2011	06 days
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147 dated 02-08-2012	22-07-2012	23-07-2012	01 day
123 dated 03-07-2012	13-06-2012	14-06-2012	01 day

From the perusal of your service record it transpired that you are an habitual absentee. It shows that you are an indisciplined Police Officer and you did not take interest in the discharge of official duty. It amounts to gross misconduct on your part.

For the purpose of scrutinizing the conduct of the said accused Officer with reference to the above allegations DSP Shinklari are deputed to conduct formal departmental enquiry against Constable Awaiz Aslam No. 1064 GD PS Darband.

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.

Message conveyed

District Police Officer,
Mansehra

No. 119-20 /SRC dated Mansehra the DS -07-2020

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. Constable Awaiz Aslam No. 1064 GD PS Darband 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

SHAD MUHAMMAD KHAN
ADVOCATE
SUPREME COURT OF PAKISTAN

ANNEX 2 "B"

P-9

BEFORE THE DISTRICT POLICE
OFFICER MANSEHRA

Respected Sir,

- 1) The petitioner has been served with a notice stating therein that petitioner absented himself from his duty vide Daily Diary No. 22 dated 04.07.2020 when the petitioner was posted as G.B.P.S. Darband without seeking permission or leave tantamounting to misconduct, further a list of previous record has been annexed showing that the petitioner was found absent and was dealt with by awarding punishment.
- 2) That, to the misfortune of petitioner, the petitioner contacted marriage with a lady with whom differences arose leading to strained relation. In order to harm petitioner she filed a family suit which is pending in the court of Family Judge Mansehra. She was not solaced with the proceedings filed by her against the petitioner, she got a case registered against the petitioner and she was bent to get the petitioner arrested in said fake case.
- 3) That, the petitioner sensed/smelled the situation, came to Mansehra and submitted application for BBA. After having been allowed ad-interim bail the petitioner reported his arrival in the P.S. with the above facts and circumstances.
- 4) That, the petitioner never absented intentionally rather on account of above reasons the petitioner came for BBA.

It is, therefore, requested that the notice issued to petitioner may kindly be filed.

Dated 14.07.2020

Constable Awaiz Aslam
No. 1064 PS Darband

Attested
SM
SHAD MUHAMMAD KHAN
ADVOCATE
SUPREME COURT OF PAKISTAN

Better Copy = ANNEX-⁹⁸B

BEFORE THE DISTRICT POLICE
OFFICER, MANSEHRA

P-10

Respected Sir,

- 1) The petitioner has been served with a notice stating therein that petitioner absented himself from his duty vide Daily Diary No. 22 dated 04.07.2020 when the petitioner was posted as G.D.P.S. Darband without seeking permission or leave tantamounting to misconduct, further a list of previous record has been annexed showing that the petitioner was found absent and was dealt with by awarding punishment.
- 2) That, to the misfortune of petitioner, the petitioner contacted marriage with a lady with whom differences arose leading to strained relation. In order to harm petitioner she filed a family suit which is pending in the court of Family Judge Mansehra. She was not solaced with the proceedings filed by her against the petitioner, she got a case registered against the petitioner and she was bent to get the petitioner arrested in said take case.
- 3) That, the petitioner sensed/smelled the situation, came to Mansehra and submitted application for BBA. After having been allowed ad-interim bail the petitioner reported his arrival in the P.S with the above facts and circumstances.
- 4) That, the petitioner never absented intentionally/rather on account of above reasons the petitioner came for BBA.

It is, therefore, requested that the notice issued to petitioner may kindly be filed.

Dated 14.07.2020

Constable Awaiz Aslam
No. 1064 PS Darband

ANNEX 2 ⁵⁰ C

بیان انجمن کانٹریل اور ریگولیشنز 1064 تصدیق کرنے والی کمیٹی کے رپورٹ
 بیان کیا گیا ہے کہ ان کے مطابق وزارت صحت میں قومی سطح پر
 ریگولیشن کے تحت کام کرنے کے لئے ایک اور کمیٹی تشکیل دی جائے۔



رہنما

انجمن کانٹریل اور ریگولیشنز 1064 تصدیق کرنے والی کمیٹی کے رپورٹ

صفحہ نمبر 50

0346-1960-200

سوال نمبر (2) آئی ڈی ایف ایس کے بارے میں جو کہ $7/2010$ سے $7/2011$ تک سروس میں
 اعزازت کے غیر طرز پر انڈیا کے بارے میں کیا خدمات پیش کی گئیں ہیں

جواب:۔ اس کے متعلق اطلاع ملی کہ سروس میں جو کہ $7/2010$ سے $7/2011$ تک سروس میں
 سروس میں سروس کے دوران جو خدمات پیش کی گئیں ہیں ان کے بارے میں
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سوال نمبر (2) اس کے متعلق اس کے دوران جو خدمات پیش کی گئیں ہیں ان کے بارے میں
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Handwritten notes or signatures, including a circled number 3 and some illegible text.



Handwritten signature and text, possibly a name like 'Shad'.

Attested.

Dy. Superintendent of Police Circle Shinkari

Attested.

SHAD MUNIR KHAN
ADVOCATE
SUPREME COURT OF PAKISTAN

ANNEX =

از دفتر ڈی ایس پی سرکل منگھاری

21/07/2020

P-13

OFFICE OF DEPARTMENT: INQUIRY AGAINST FC AWAZ ASLAM No. 1064
PS DARBAND MANSEHRA UNDER THE K.P.K DISCIPLINARY
RULES 1975.

جناب عالی!

بحوالہ حکم نمبری 119-20/SRC مورخہ 08-07-2020 محکمانہ انکوائری ازان کانیشیل اویز اسلام
نمبر 1064 تھانہ در بند ہانسہرہ موصول ہو کر مطالعہ سے پایا گیا کہ مذکورہ پر یہ الزام عائد ہیکہ وہ بطور جنرل ڈیوٹی تھانہ در بند
تقیانات ہے جو وہ مورخہ 01-07-2020 تا 04-07-2020 بغیر اجازت اخصت کے غیر حاضر ہوا۔ معاملہ کی انکوائری
کیلئے مجھے بطور انکوائری آفیسر مقرر کیا گیا۔ میں نے حسب ضابطہ محکمانہ انکوائری کا آغاز کرتے ہوئے الزام علیہ کانیشیل اویز اسلام
نمبر 1064 کا بیان ریکارڈ کیا جبکہ الزام علیہ کانیشیل مذکورہ پر کراس سوالات بھی کئے گئے اسی طرح HC محمد ندیم MHC تھانہ
در بند نے اپنا تحریری بیان مع نقل رپٹ حاضری، غیر حاضری کانیشیل مذکورہ بھجوائیں۔ جملہ کارروائی ہمراہ انکوائری لف قابل
ملاحظہ ہے۔

فائینڈنگ!

حالات و واقعات الزام علیہ کانیشیل اویز اسلام نمبر 1064، محمد ندیم MHC تھانہ در بند کے بیانات، الزام
ماید کانیشیل مذکورہ سے ہوئی جرح، محرر تھانہ در بند کی جانب سے فراہم کردہ نقل رپٹ مد نمبر 08 روز نامہ 01-07-2020
رپورٹ غیر حاضری اور نقل رپٹ مد نمبر 22 روز نامہ 04-07-2020 رپورٹ حاضری نقل FIR مقدمہ علت نمبر 763
مورخہ 01-07-2020 جرم PPC 506/25-D تھانہ سٹی اور BBA آرڈر بعد الدت جناب ASJ-III صاحب ہانسہرہ
مع دیگر عدالتی کاغذات کی فوٹو کاپیوں کا مطالعہ / تجزیہ کرنے کے بعد یہ بات سامنے آئی کہ الزام علیہ کانیشیل اویز اسلام
نمبر 1064 جسکی بازار در بند شینہ اول ڈیوٹی لگی ہوئی تھی جس نے دوران ڈیوٹی اپنی SMG رانقل اپنے ہمراہی IHC
تنویر احمد کے حوالہ کی جو ٹیلی فون اٹینڈ کرنے کے بہانے وہاں سے چلا گیا تھا جو بعد اُسے ہمراہی IHC مذکورہ نے کال کی جسے
الزام علیہ کانیشیل مذکورہ نے بتایا کہ اُس کیخلاف اُسکی بیوی نے جرم PPC 506/25-D تھانہ سٹی مقدمہ درج رجسٹر کرایا ہے
جو وہ اسی وجہ سے گھر خود کیلئے چلا گیا ہے جو دوران انکوائری الزام علیہ کانیشیل اویز اسلام نمبر 1064 کو بھر پور موقع فراہم کیا گیا جو
وہ سوالات کے مقول جوابات نہ دے سکا تاہم اپنے ڈیفنس میں یہ عذر پیش کیا کہ اُسکی پہلی بیوی نے اُس سے طلاق لے لی تھی
جس میں سے 2 بچیاں اور 1 بیٹا پیدا ہو کر زندہ حیات موجود ہیں جبکہ اُسکی دوسری بیوی جو کہ محکمہ پولیس میں لیڈی کانیشیل بھی ہے
سے 3 بچیاں اور 1 بیٹا پیدا ہو کر زندہ حیات موجود ہیں جو اُسکی دوسری بیوی پہلی بیوی کے بچوں سے نفرت کرتی ہے اور آئے روز
اُس کیخلاف درخواستیں اور آت نامہ اور بے بنیاد تہمتیں میں اُلجھا رہی ہے جس نے اُس کیخلاف فیملی کورٹ میں حق مہر اور خرچہ
کیلئے مقدمہ بھی دائر کر رکھا ہے جو وہ 7 بچوں کی پرورش کو لے کر سخت پریشان ہے اور بچوں کیلئے نوکری کرنا بھی اُس کیلئے ضروری

ہے جبکہ مذید بیانی ہوا کہ مقدمہ علت نمبر 763 مورخہ 01-07-2020 PPC 506/25-D تھا جس میں اپنی عبوری ضمانت کرائی تھی اسکی بیوی کی درخواست راضی نامہ پر کفرم بھی ہو چکی ہے کانشیبل مذکورہ کی کل سروس 3 ہے جو مذکورہ کانشیبل کی جملہ سروس میں 8 مرتبہ ڈیوٹی سے غیر حاضری پر بلا تنخواہ، کوارٹر گارڈ، برخاستگی اور "Censure" ہزائیں مل چکی ہیں۔

تفصیلی انکوائری سے یہ بات سامنے آتی ہے کہ الزام علیہ کانشیبل اویز اسلام نمبر 1064 کا عرصہ غیر حاضری مورخہ 01-07-2020 تا 04-07-2020 کل 3 ایام ثابت ہوتا ہے تاہم مذکورہ کی جانب سے پیش کردہ عذرات بھی قابل غور ہیں جنہیں مدنظر رکھتے ہوئے کانشیبل مذکورہ کا عرصہ غیر حاضری (03) ایام بلا تنخواہ شمار کئے جانے کی سفارش کی جاتی ہے رپورٹ عرض ہے۔

ذی ایس پی سرکل
شنکیاری

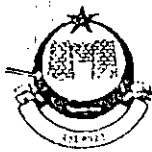
مفونہ جات: (18)

SRL
OR

DPO, Maricelira

Attested,

SHAD MUHAMMAD KHAN
ADVOCATE
SUPREME COURT OF PAKISTAN



ANNEX = E

POLICE DEPARTMENT

MANSEHRA DISTRICT

ORDER

(E)

P-15

This office order will dispose off the departmental enquiry proceeding against Constable Awaiz Aslam No. 1064 who was proceeded against departmentally with the allegation that he while posted as GD Constable PS Darband absented himself from duty with effect from 01-07-2020 to 04-07-2020.

The Enquiry Officer i.e. DSP Shinkiari Mansehra after conducting proper departmental enquiry has submitted his report stating therein that after perusal of statement of alleged official and as well as other relevant record, I being enquiry officer come to the conclusion that the alleged official absented himself with effect from 01-07-2020 to 04-07-2020 without any leave or permission and being a member of disciplined force he was legally bound to inform his senior but he could not do so.

A final show cause notice was issued to the delinquent officer but his reply was found unsatisfactory. On 20-08-2020 the delinquent Constable Awaiz Aslam No. 1064 was heard in person in orderly room but he could not convince the undersigned in his defense.

This constable is nominated accused in following cases:

1. FIR No. 1693 dated 31-12-2019 u/s 506 (2) PPC PS City Mansehra.
2. FIR No. 763 dated 01-07-2020 u/s 506 PPC/25-D Telegraph Act PS City Mansehra.

Besides, he is morally corrupt who elops the innocent girls and takes them in his Nikah but later on, inflicts domestic violence upon them.

I, the District Police Officer, Mansehra, therefore award him major punishment of "Dismissal from service" to the delinquent Constable Awaiz Aslam No. 1064 under Khyber Pakhtunkhwa Police, Disciplinary Rules 1975 (amended in 2014).

Ordered announced.

Handwritten signature

SHAD...
SUPERVISOR OF POLICE

District Police Officer
Mansehra

OB 211
20-08-2020

ANNEX 2 F^{pp}

BEFORE THE D.I.C. HAZARA RANGE
ABBOTTABAD

P-16

APPEAL AGAINST THE ORDER OF DPO
MANSEHRA DATED 20.08.2020 VIDE
WHICH THE APPELLANT WAS
DISMISSED FROM SERVICE.

Respected Sir,

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

- 1) That, the appellant joined the police force as a constable and serving the department devotedly. The appellant has been served with a notice alleging therein that he absented himself from duty on 01.07.2020 and reported his arrival on 04.07.2020. An inquiry was conducted by Inquiry Officer who gave his findings and recommendation that the period of three days be treated as leave without pay. On receipt of the finding of Inquiry Officer, the DPO passed an order vide which the petitioner has been dismissed from service.
- 2) That, to the misfortune of the appellant he contracted a 2nd marriage and the relations between the appellant and his wife became bitter who filed a suit against the appellant in the Family Court. She was not satisfied with the proceeding initiated against the appellant, she got a case registered against the petitioner and was bent to get the petitioner arrested.
- 3) That, a compromise has been affected between the appellant and his wife who is residing with the appellant.

A.H. *tel.*
SHAD *sm* KHAN
ADVOCATE
SUPREME COURT OF PAKISTAN

17

- 4) The punishment awarded to the appellant is very harsh which does not commensurate with the gravity of allegations.

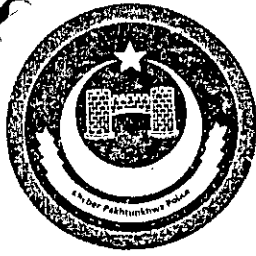
It is, therefore, requested that on acceptance of appeal the impugned order of dismissal may kindly be set aside and the appellant may be re-instated in service.

Dated 27.08.2020

Awaiz Aslam
Belt No. 1064

AH Aslam

SHAD IQBAL KHAN
ADVOCATE
SUPREME COURT OF PAKISTAN



ANNEX 2¹⁰ G₂

P-18

OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD
0992-9310021-22
0992-9310023
r.rpolhazara@gmail.com
0345-9560687
NO: 26381 /PA DATED 15/10/2020

ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex-Constable Awaiz Aslam No.1064 of District Manshara against the punishment order i.e. *Dismissal from Service* awarded by DPO Manshara vide OB No.211 dated 20.08.2020.

9

Brief facts leading to the punishment are that the appellant while posted at Police Station Darband absented himself from duty w.e.f. 01-07-2020 to 04-07-2020 (total 04 days). Moreover, the appellant involved himself in two cases vide FIR No. 1693/19 u/s 506 (2) PPC PS City and FIR No. 763 dated 01-07-2020 u/s 506 PPC/25-D Telegraph Act PS City Manshara. In addition to this, the appellant is involved in elopement of innocent girls and domestic violence.

The appellant was issued charge sheet alongwith summary of allegations and DSP Shinkari was deputed to conduct departmental enquiry. The EG held the appellant responsible of misconduct. He was issued final show cause notice and heard in person, however he failed to advance any cogent reason in his defence. Consequently, DPO Manshara awarded him major punishment of dismissal from service. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of DPO Manshara were sought and examined/perused. The undersigned called the official in OR and heard him in person. However, he failed to advance any convincing reason in his defence. In addition to this, he was dismissed earlier vide OB No. 78 dated 28-04-2012 on account of his absence from duty which shows his disinterest in service. Moreover, the appellant has persistent reputation of being morally corrupt who elopes innocent girls for his ulterior motives. The cases registered against him are self evidence of his moral turpitude. Such acts of misconduct are unacceptable in a discipline force as it tarnished the image of Police in the eyes of general public. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 the instant appeal is hereby *filed* with immediate effect.

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

No. 26382 /PA, dated Abbottabad the 15-10-2020.
CC.

1. The District Police Officer, Manshara for information and necessary action with reference to his office Memo No.16248/GB dated 02-08-2020. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

SHAD MUHAMMAD KHAN
ADVOCATE
SUPREME COURT OF PAKISTAN

DBAM No. 35
 BC No. 10-2701
 Name of Advocate شاد محمد خان

S.No 5032
 Fee Rs. 100/-
 (19)
 2020-24
 General Secretary
 District Bar Association
 Mansehra

بعدالت: جناب جسٹس مین صاحب سرکس ٹریبونل پاکستان لاہور
 عنوان: آویزا اسلم
 نام: Dic ویو
 منجانب: ایڈوانٹ
 نوعیت مقدمہ: سرکس ایپل

باعث تحریر آنکہ

دریں مقدمہ عنوان بالا میں اپنی طرف سے برائے پیروی و جواب دہی بمقام اسٹ ایڈوانٹ کے لئے
 جناب شاد محمد خان ایڈوانٹ کو مطلع کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور ہر پیشی پر
 جانے وکیل شراٹک وکیل موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر منظر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ
 میرے خلاف ہو گیا تو وکیل موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل موصوف صدر مقام پکھری کے علاوہ
 کسی اور جگہ پکھری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ پکھری کے علاوہ
 کسی اور جگہ سماعت ہوا یا پکھری کے اوقات کے آگے پیچھے سماعت ہونے پر منظر کو کوئی نقصان پہنچے تو وکیل موصوف ذمہ دار
 نہ ہوں گے اور وکیل موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست
 بیان حلفی و تصدیق کرنے اور اسپر دستخط کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرانے اور قسم کاروبیہ وصول
 کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپردتالی و راضی نامہ و دستبرداری و اقبال دعویٰ کا اختیار بھی ہوگا
 بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا فیصلہ قبل از ڈگری اجراء ڈگری بھی وکیل موصوف
 کر بشرط ادائیگی علیحدہ محتسنا ادا کرنے کا مجاز ہوگا اور بصورت ضرورت بدورال مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا پیرسٹر کو
 بجائے خود یا اپنے ہمراہ مقرر کریں اور مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے وکیل موصوف کو
 اور اگر پوری فیس تارتخ پیشی سے پہلے ادا نہ کروں گا تو وکیل موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت
 میں میرا مطالبہ وکیل موصوف کے برخلاف نہیں ہوگا مجھے کل ساختہ پرداخت وکیل موصوف مثل ذات خود منظور و قبول ہوگا۔
 لہذا وکالت نامہ لکھ دیا ہے اور دستخط انگوٹھا ثبت کر دیا ہے تاکہ سند رہے۔ مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے۔

20 مورخہ
 ACCEPTED
 SHAD MUHAMMAD KHAN
 ADVOCATE
 SUPREME COURT OF PAKISTAN

آویزا اسلم
 1064
 سند علیحدہ ملحقہ

"B"

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

No..

113

Appeal No: 13 of 87 of 2022

Muhammad Ashraf Appellant/Petitioner:
Versus

Govt of Khyber Pakhtunkhwa Respondent:

Respondent No: 2

Notice to: - Distt. Police Officer, Mardan

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 05-08-2022} *on..... at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which 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 11/8/22

Day of June 2022

(Handwritten signature)

(Handwritten 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.

No.

Appeal No. 3287 of 20 20

IB

Farid Hussain Appellant/Petitioner
Versus

S. M. Mirza Respondent

Respondent No. 2

Notice to: —

Dtly, Hazrat Nunge Hattalad

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 14-3-2022 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 11/14

Day of Jan 2022

at Camp Court A. M. ...

[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.

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

No. _____

Appel No. _____ of 20__

Appellant Name _____

versus

Respondent _____

Respondent No. _____

Notice to: _____

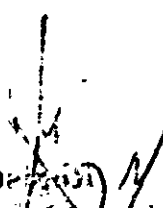
WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented registered for consideration in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on _____ at 8:00 A.M. If you wish to argue anything against the appeal/petition 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 authorized representative or by 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 along with 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 is directed for hearing of this appeal/petition. It is given to you by registered post. You are hereby informed that the Tribunal is now sitting at _____ address. If you wish to attend the hearing, you must appear at the above address given in the notice of attention with your power of Attorney and other documents. If you do not appear, the appeal/petition will be heard and decided in your absence.

Copy of appeal is attached. Copy of notice is attached. _____

Office Notice No. _____

Fixed under my hand and seal of the Court at Peshawar, this _____ of 20__


 Chairman
 Khyber Pakhtunkhwa Service Tribunal
 Peshawar

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR

SERVICE APPEL NO. 13287 of 2020.

Awaiz Aslam son of Aslam Pervaiz, resident of Attar Shisha Tehsil
and District Mansehra ex- Constable No. 1064
.....Appellant

VERSUS

District Police Officer Mansehra & Others.

.....Respondents

INDEX

S #	Description of Annexure Documents	Page #
1	Comments / Reply	1 - 3
2	Affidavit	4 -
3	Annexure	5 - 7


Deponent

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**PESHAWAR.****SERVICE APPEL NO. 13287 of 2020.**

Awaiz Aslam son of Aslam Pervaiz, resident of Attar Shisha Tehsil
 and District Mansehra ex- Constable No. 1064
Appellant

VERSUS

District Police Officer Mansehra & Others.
Respondents

Reply/ Comments On Behalf Of Respondents**RESPECTFULLY SHEWETH:-****PRELIMINARY OBJECTION:-**

- a) The appeal is not based on facts and appellant has got no cause of action or locus standi to file the appeal.
- b) The appeal is not maintainable in the present form.
- c) The appeal is bad for non-joinder and mis-joinder of necessary and proper parties.
- d) The appellant is estopped by his own conduct to file the appeal.
- e) The appellant has not come to the Honorable Tribunal with clean hands.
- f) That the appeal is barred by law & limitation.

FACTS:-

1. Pertains to record to the extent of his appointment, however his entire service is full of bad entries coupled with two criminal cases registered against him. The detail of which is given below:-

1	FIR No. 1693 u/s 506 (2) dated 31.12.2019 PS City
2	FIR NO. 763 u/s 506/25-D Telegraphic Act PS City

2. The appellant while posted as GD Darband absented himself from duty with effect from 01.07.2020 to 04.07.2020, without any leave or permission. The appellant allegedly found morally corrupt who elopes the innocent girls and effects Nikah but latter on inflicts domestic violence upon them.
3. The appellant was properly Charge Sheeted and during the enquiry proceeding he was given every opportunity to defend himself. **(copy of charge sheet is attached as annexure A)**
4. The appellant was properly served with Final Show Cause Notice to which he replied unsatisfactory. He also appeared before the competent authority in orderly room but failed to submit cogent and reliable reasons of his absence from duty. Hence, he was dismissed from service vide OB No. 211 dated 20.08.2020. **(copy of dismissal order is attached as annexure A)**
5. The appellant filed departmental appeal before Respondent No. 02 which was filed being not entitled. The appeal is not maintainable on the following grounds:- **(Copy of rejection order passed by Respondent No. 02 is attached as annexure B)**

GROUND:-


- A. Incorrect. The order of dismissal was in accordance with effects and law and maintainable.
- B. Incorrect. All the enquiry proceedings were properly conducted and full opportunity was given to the appellant.
- C. Incorrect. The enquiry officer has conducted the enquiry legally and followed the procedure warranted by law.

- D. Incorrect. The enquiry officer has not violated the mandatory provisions of law. Therefore order of dismissal is sustainable.
- E. Incorrect. The appellant was found morally corrupt and remained involved in criminal cases. The detail has been given in Para No. 01 & 02.
- F. Incorrect. The appellant was given full opportunity to defend himself during the enquiry proceedings as well as during personal hearings.

PRAYER:

In view of the above mentioned facts, the appeal in hand may kindly be dismissed with cost, being devoid of any legal force.


District Police Officer
Mansehra
(Respondent No. 1)


Regional Police Officer
Khyber Pakhtunkhwa Peshawar
(Respondent No. 2)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR

SERVICE APPEL NO. 13287 of 2020.

Awaiz Aslam son of Aslam Pervaiz, resident of Attar Shisha Tehsil
and District Mansehra ex- Constable No. 1064
.....Appellant

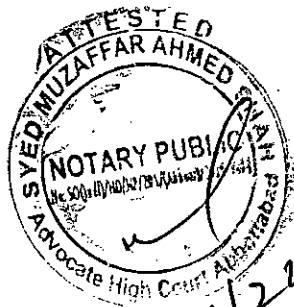
VERSUS


District Police Officer Mansehra & Others.

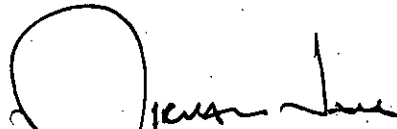
.....Respondents

AFFIDAVIT

We respondents do solemnly affirm and declare that
the contents of the comments are true and correct to our
knowledge and belief and that nothing has been concealed
from this Honorable tribunal.




District Police Officer
Mansehra
(Respondent No. 1)


Regional Police Officer
Khyber Pakhtunkhwa Peshawar
(Respondent No. 2)

(5) (A)

DISCIPLINARY ACTION

I, Sadiq Hussain Baloch (PSP), District Police Officer Mansehra, as Competent Authority of the opinion that Constable Awalz Aslam No. 1064 GD PS Darband has rendered himself liable to be proceeded against as he committed the following act/omissions within the meaning of Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (amended in 2014).

Vida DD No. 22 dated 04-07-2020 Police Station Darband it has been reported that while you were posted as GD PS Darband Mansehra you absented yourself from duty with effect from 01-07-2020 to 04-07-2020 without any leave or permission. Your previous record was checked and found that you have absented yourself on the following occasion without any leave or permission.

OB NO.	From	To	Absent Period
158 dated 15-09-2010	18-09-2010	20-09-2010	02 days
89 dated 09-05-2011	16-03-2011	22-03-2011	06 days
91 dated 04-06-2010	18-05-2010	20-05-2010	02 days
241 dated 03-12-2011	01-09-2011	03-09-2011	02 days
241 dated 03-12-2011	10-09-2011	19-09-2011	09 days
241 dated 03-12-2011	20-09-2011	16-10-2011	26 days
147 dated 02-08-2012	22-07-2012	23-07-2012	01 day
123 dated 03-07-2012	13-06-2012	14-06-2012	01 day

From the perusal of your service record it transpired that you are an habitual absentee. It shows that you are an indisciplined Police Officer and you did not take interest in the discharge of official duty. It amounts to gross misconduct on your part.

For the purpose of scrutinizing the conduct of the said accused Officer with reference to the above allegations DSP Shinkari are deputed to conduct formal departmental enquiry against Constable Awalz Aslam No. 1064 GD PS Darband.

The Enquiry Officer shall in accordance with the provisions of the Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (amended in 2014), provide reasonable opportunity of hearing the accused, report 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.

Message conveyed

District Police Officer,
Mansehra

No. 11/1-2 JSRC dated Mansehra the 01-07-2020

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

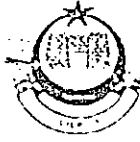
- The Enquiry Officer for initiating proceedings against the delinquent officer under the provisions of the Khyber Pakhtunkhwa Police Disciplinary Rules 1975. The copy of charge sheet are enclosed.
- Constable Awalz Aslam No. 1064 GD PS Darband with the direction to submit the written statement to the Enquiry Officer within 07 days of the receipt of his 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

A.H. Baloch

RIPAK

6



ANNEX - E

POLICE DEPARTMENT

MANSEHRA DISTRICT

A)

ORDER

(E)

P - (15)

This office order will dispose off the departmental enquiry proceeding against Constable Awaiz Aslam No. 1064 who was proceeded against departmentally with the allegation that he while posted as GD Constable PS Darband absented himself from duty with effect from 01-07-2020 to 04-07-2020.

The Enquiry Officer i.e. DSP Shinkiri Mansehra after conducting proper departmental enquiry has submitted his report stating therein that after perusal of statement of alleged official and as well as other relevant record, I being enquiry officer come to the conclusion that the alleged official absented himself with effect from 01-07-2020 to 04-07-2020 without any leave or permission and being a member of disciplined force he was legally bound to inform his senior but he could not do so.

A final show cause notice was issued to the delinquent officer but his reply was found unsatisfactory. On 20-08-2020 the delinquent Constable Awaiz Aslam No. 1064 was heard in person in orderly room but he could not convince the undersigned in his defense.

This constable is nominated accused in following Cases.

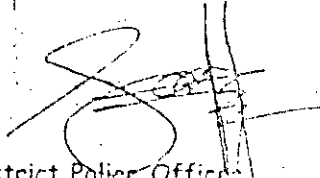
1. FIR No. 1693 dated 31-12-2019 u/s 506 (2) PPC/PS City Mansehra.
2. FIR No. 763 dated 01-07-2020 u/s 506 PPC/25-D Telegraph Act PS City Mansehra.

Besides, he is morally corrupt who elops the innocent girls and takes them in his Nikah but later on, inflicts domestic violence upon them.

I, the District Police Officer, Mansehra, therefore award him major punishment of "Dismissal from service" to the delinquent Constable Awaiz Aslam No. 1064 under Khyber Pakhtunkhwa Police, Disciplinary Rules 1975 (amended in 2014).

Ordered announced.

OB 211
20-08-2020


District Police Officer
Mansehra



⑦ ANNEX-2 (9/2)
 B7
 P-18

OFFICE OF THE REGIONAL POLICE OFFICER
 HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.pohazara@gmail.com

0345-9566687

NO: 21.2.21 /PA

DATED 15/10/2020

ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex-Constable Awaiz Aslam No.1964 of District Manshara against the punishment order i.e. *Dismissal from Service* awarded by DPO Manshara vide OB No.211 dated 20.08.2020.

Brief facts leading to the punishment are that the appellant while posted at Police Station Darband absented himself from duty w.e.f. 01-07-2020 to 04-07-2020 (total 04 days). Moreover, the appellant involved himself in two cases vide FIR No. 1693'19 u/s 506 (2) PPC PS City and FIR No. 763 dated 01-07-2020 u/s 506 PPC/25-D Telegraph Act PS City Manshara. In addition to this, the appellant is involved in elopement of innocent girls and domestic violence.

The appellant was issued charge sheet alongwith summary of allegations and DSP Shinkari was deputed to conduct departmental enquiry. The EO held the appellant responsible of misconduct. He was issued final show cause notice and heard in person, however he failed to advance any cogent reason in his defence. Consequently, DPO Manshara awarded him major punishment of dismissal from service. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of DPO Manshara were sought and examined/perused. The undersigned called the official in OR and heard him in person. However, he failed to advance any convincing reason in his defence. In addition to this, he was dismissed earlier vide OB No. 78 dated 28-04-2012 on account of his absence from duty which shows his disinterest in service. Moreover, the appellant has persistent reputation of being morally corrupt who elopes innocent girls for his ulterior motives. The cases registered against him are self evidence of his moral turpitude. Such acts of misconduct are unacceptable in a discipline force as it tarnished the image of Police in the eyes of general public. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 the instant appeal is hereby *filed* with immediate effect.

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

No. 21.2.21 /PA, dated Abbottabad the 15.10.2020.

CC.

1. The District Police Officer, Manshara for information and necessary action with reference to his office Memo No.16248/GIB dated 02-09-2020. The original Roll and Full Missal containing enquiry file of the appellant is returned to him.

Handwritten signatures and stamps at the bottom of the page.