

20th Oct, 2022

None for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present.

Notices be issued to the appellant and his counsel through registered post. To come up for arguments on 27.12.2022 before D.B.



(Fareeha Paul)
Member(Executive)



(Kalim Arshad Khan)
Chairman

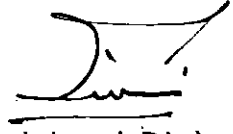
**SCANNED
KPST
Peshawar**

19.04.2022

Learned counsel for the appellant present. Mr. Shamraiz Khan, ASI (Legal) alongwith Mr. Noor Zaman Khattak, District Attorney for the respondents present and submitted copies of inquiry record consisting of 43 sheets, which are placed on file and copy of the same also handed over to learned counsel for the appellant, who requested for adjournment on the ground that he has not gone through the record produced today. Adjourned. To come up for arguments on 14.06.2022 before the D.B at Camp Court Abbottabad.



(Rozina Rehman)
Member (J)
Camp Court Abbottabad



(Salah-ud-Din)
Member (J)
Camp Court Abbottabad

14.06.2022

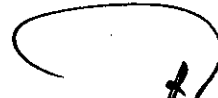
Junior to counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Shamraiz ASI (Legal) for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 18.08.2022 for arguments before D.B at Camp Court, Abbottabad.



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




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

17.11.2021

Counsel for the appellant and Mr. Muhammad Riaz Khan Painsdakhel, Asstt. AG alongwith Shamraiz Khan, ASI for respondents present.

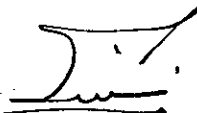
Representative of the respondents seeks further time to furnish reply/comments. Last opportunity is granted to submit reply//comments on the next date positively, otherwise, their right for submission of written reply/comments shall be deemed as struck off. Case to come up on 17.01.2022 before S.B at camp court, Abbottabad.


Chairman
Camp Court, A/Abad

17.01.2022

Counsel for the appellant present. Mr. Shamraz Khan, ASI alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Para-wise reply on behalf of respondents submitted, which is placed on file and copy of the same is handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 18.04.2022 before the D.B at Camp Court Abbottabad.

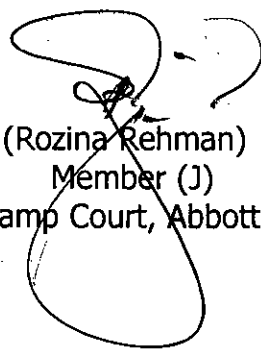

(Salah-ud-Din)
Member (J)
Camp Court A/Abad

18.02.2020

Learned counsel for the appellant present. Preliminary arguments heard. File perused.

Points raised need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for written reply/comments. To come up for written reply/comments on 15.06.2021 before S.B at Camp Court, Abbottabad.

Appellant Deposited
Security & Process Fee


(Rozina Rehman)
Member (J)
Camp Court, Abbottabad

15.06.2021

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


Reader

30.09.2021

Son of the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Atif Ali, Law Advisor for the respondents present.

Written reply of the respondents is still awaited. Respondents are directed to furnish reply/comments on the next date positively, failing which their right for submission of written reply/comments shall be deemed as struck off and the appeal will be heard on the basis of available record without reply of the respondents. Case to come up on 17.11.2021 before S.B at camp court, Abbottabad.


Chairman
Camp Court, A/Abad

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 9404 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/08/2020	<p>The appeal of Mr. Muhammad Bashir presented today by Mr. Muhammad 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;"><i>[Signature]</i> REGISTRAR Abbabad</p>
2-		<p>This case is entrusted to Touring S. Bench for preliminary hearing to be put up there on <u>20-11-2020</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
20.11.2020		<p>Mr. Mohammad Aslam Tanoli, Advocate, for appellant is present. Arguments address to some extent heard. Learned counsel seeks time to address the remaining arguments. Time granted. Adjourned to 18.02.2021 on which date file to come up for remaining preliminary arguments before S.B at Camp Court, Abbottabad.</p> <p style="text-align: right;">(MUHAMMAD JAMAL KHAN) MEMBER CAMP COURT ABBOTTABAD</p>

بعدالت جناب سروس ٹریبونل پشاور۔

سروس اپیل نمبر: 9404/2020

عنوان اپیل: محمد بشیر SI vs IGP لاہور

سابقہ تاریخ سماعت 18-08-2022

آئینہ تاریخ سماعت 20-10-2022 - کیپ کورٹ ایبٹ آباد

جناب عالی!

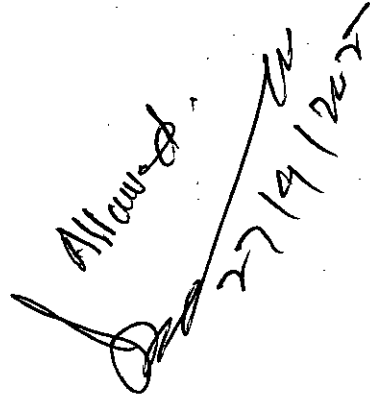
گزارش ہیکہ اپیل عنوان بالا میں حسب الحکم چیرمین صاحب سروس ٹریبونل انکوآری کی کاپیاں جمع کروانی درکار ہیں۔ لہذا بذریعہ درخواست استدعا ہیکہ انکوآری کی کاپیاں جمع کروانے کا حکم صادر فرمایا جاوے۔

العارض



ڈی ایس پی لیگل ایبٹ آباد۔

22-09-2022


27/9/2022

SI Muhammad Bashir, the then SHO, PS Nawasher and HC Muhammad Saider, the then MHC, PS Nawasher were suspended and charge sheeted by worthy DPO Abbottabad for the allegations of their deliberate avariciousness and corrupt intent. On 05-05-2019, at the behest of SHO, PS Nawasher, ASI Zubair accompanied with three Police Constables of PS Nawasher and two DSB men, raided an house at Abbottabad Township where there was a source report about ongoing gambling and four persons were apprehended from the spot and were taken to PS Nawasher. Allegedly, stake amount Rs. 11000/- was seized from the spot and were taken to PS Nawasher. Later on, the cash amount was distributed amongst favorite Police Staff. The arrested persons were released subsequently after extracting illegal gratification worth Rs. 20000/-25000 without taking any legal action against them.

The undersigned was appointed as Enquiry Officer vide Endsl. No. 56/PA dated 11-03-2019.

Enquiry Proceedings:

Soon after inception of enquiry process, the following personnel having connection with the enquiry in hand were summoned for interview dates.

1. SI Bashir Ex-SHO PS Nawasher
2. HC Saider Zaman Ex-Muharrar PS Nawasher
3. ASI Zubair PS Nawasher
4. DSB Constable Naseem Gul NO. 786
5. DSB Constable Nasir NO. 1324
6. Lady Constable Khush-Niaz NO. 793 PS Nawasher
7. Constable Baber Shehzad NO. 860 PS Nawasher
8. Constable Zeeshan NO. 740 PS Nawasher, Constable Farhan Ali NO. 963 PS Nawasher and Constable Waqas NO. 761 PS Nawasher
9. Accused Gambler Zeeshan s/o Nizam Bin
10. Accused Gambler Akash Serfraz s/o Serfraz Khan r/o Sarban Colony Supply
11. Accused Gambler Zaher Khan s/o Allah Dad Khan r/o Nawasher
12. Accused Gambler Muhammad Saght s/o Muhammad Saider r/o Nawasher

13. Guarantor Farhan Ahmad s/o Muhammad Rashid r/o Chona kari Nawansher

14. Guarantor Jafar Hussain s/o Shabbir r/o Chona kari Nawansher

These statements were recorded individually:

1. Statement of SI Muhammad Bashir

SI Muhammad Bashir narrated that on receipt of information about presence of some boys in a desolated building at Abbottabad Township, ASI Zubair was deputed to check the veracity of information. ASI Zubair accompanied with three Constables of PS Nawansher (mentioned at Serial No. 8 above) and two DSB men (mentioned at Serial No. 4 and 5 above) reached the place and found four persons (mentioned at Serial No. 9, 10, 11 and 12 above) in a suspected condition. They were apprehended and brought to PS Nawansher vide DD No. 25 dated 06-03-2019 and were put behind lock up U/S 54-109 PPC. Their belongings (Cell Phones and NICs) were recovered and handed over to MHC PS Nawansher. He further added that he was constantly influenced by notables as well as politically for the release of detainees. Since they were not involved in any of cognizable offence or serious crime and nothing incriminating was recovered from them, therefore in exercise of powers conferred upon SHO U/S 496 PPC he directed MHC Saifur Zaman telephonically to release the detainees after obtaining personnel bail bonds (Machalka) from two persons those were coming after them to PS. He disowned the allegations of usurpation of stake amount or getting illegal gratification for the release of apprehended persons. He further stated that he had no link or relations with Mst Noreen Bibi as mentioned in the summary of allegations. However, once she visited PS Nawansher in connection with her application/complaint against two persons upon which legal action was taken against charged persons. Subsequently, she visited Lady Constable Khush Niaz No. 793 PS Nawansher once or twice. No personal relations with mentioned lady have been affirmed by SI Muhammad Bashir in his Statement.

2. Statement of HC Saifur

He stated that on 06-03-2019 at 18:20 hrs ASI Zubair who was Mobile Officer on Mobile-I, came to PS. Constable Naseem Gul and Constable Nasir of

DSB were also in his company. Four persons namely Zeeshan s/o Nizam Din, Zaheer Khan s/o Allah Dad Khan r/o Nawansher, Akash Serfraz s/o Serfraz Khan r/o Sarban Colony Supply and Muhammad Saqib s/o Muhammad Sabir r/o Chona kari Nawansher were with them. After the search of above mentioned persons they were put into lock up U/S 54/109 regarding which entry Vide DD No. 25 dated 06-03-2019 was made in the DD. 04 Mobiles Phones with 02 NICs of the detainees were handed over to him by ASI Zubair in the presence of HC Muneer Additional Muharrar PS Nawansher, MM Adil Ashraf and above mentioned two DSB men. Subsequently, at 22:15 hrs SHO Nawansher asked him telephonically to release the detainees after obtaining personal bonds (Machalka) from two persons, those were coming after them. However they were released on "Machalka".

3. Statement of ASI Zubair

He stated that on the eventful day, he was Mobile Officer on Mobile-I. At 18:30 hrs SHO Nawansher asked him telephonically to proceed to Abbottabad Township and check the activity and presence of some persons in an abandoned building of Passport Office. He alongwith three Constables namely Waqas No. 761, Zeeshan No. 740 and Farhan No.963 of PS Nawansher and two DSB men namely Nasir No.1324 and Naseem Gul No.786 reached the place/building and found its gate closed and upon front door knock, they heard clattering from rearwards. He cordoned the building to prevent escape of inmates. Suddenly gate was opened by one of inmates namely Zaheer s/o Allah Dad. ASI Zubair along with his accomplices as mentioned above, entered in and found three more youngsters present in a room of building. They divulged their names as Muhammad Saqib s/o Muhammad Sabir, Zeeshan Sheikh s/o Nizam Din and Akash Serfraz s/o Muhammad Serfraz. During their pockets/body search conducted by Constable Zesshan No. 740, Rs 5000/- from Saqib and Rs 1000/- from Zeeshan Sheikh were found and taken into possession. Their NICs and Mobile Phones were also taken into possession. Nothing else illicit was found or recovered from them. All they were brought to PS Nawansher. SHO Nawansher was informed about the details incorporated above and at his behest the arrested persons were locked up U/S 54/109 PPC vide DD No. 25 dated 06-03-2019.

The cash amount recovered as mentioned above was returned to concerned persons while mobile phones and NICs were entrusted to MHC PS Nawansher. He again left the Police Station for routine patrolling. Afterwards he came to know that the detainees were let free at the behest of SHO.

4. Statement of Constable Naseem Gul No 786 DSB

Stated that on 06-03-2019 at 14:30 hrs Constable Sher Afser of DSB conveyed an information to him as well as to SHO Nawansher about ongoing gambling in a house situated at Abbottabad Township. He along with Constable Nasir of DSB was on the way toward PS Nawansher and when reached near Banni, they came across ASI Zubair of PS Nawansher. They also accompanied him and jointly proceeded toward the house where reportedly gambling was being done. Reaching there, they found four persons namely Zeeshan s/o Nizam Din, Zaheer Khan s/o Allah Dad Khan, Akash Serfraz s/o Serfraz Khan and Muhammad Saqib s/o Muhammad Sabir. Play cards and cash Rs 11000/12000 were recovered. They were taken to PS Nawansher and after handing over four mobile phones and two NICs to MHC PS Nawansher, they were locked up. Both they left the PS. Subsequently, as per routine checking of FIRs, when they again visited PS Nawansher, they found no FIR lodged about the incident. Their secret intelligence revealed that the detainees were released after monetary bargaining. Later on, with the fear of detrimental consequences, the amount of gratification was returned back to one Farhan s/o Rashid r/o Chona Kari through Constable Zeeshan of PS Nawansher and affidavit was obtained from Saqib, one of alleged gambler.

5. Statement of Constable Nasir No. 1324 DSB

His statement is identical to the statement of Constable Naseem Gul of DSB.

6. Statement of Lady Constable Khush Niaz No.793 PS Nowansher

She narrated that Mst Noreen came to PS Nawansher with an application against two youngsters. They were brought to Police Station by Constable Baber Shelzad No. 860. They admitted their guilt, apologized the complainant and patched up the matter. Mst Noreen went back after satisfaction and redressal of her grievances.

7. Statement of Constable Baber Shelzad No.860

He affirmed the statement of Lady Constable Khush Niaz, adding that he went after Faisal alias Soka and Waseem alias Theema r/o Akhrella. Although Faisal could not meet yet Waseem alias Theema brought to PS along with Shabbir Khan alias Pappu dentor with whom Waseem works, also accompanied the latter. SHO Nawansher resolved the complaint to the satisfaction of complainant and thus the matter was patched up there and then.

8. Statement of Constable Zeeshan No. 740 PS Nawansher

His statement along with statements of Constable Waqas No.761 PS Nawansher and Constable Farhan No.963 PS Nawansher were in corroboration of statement of ASI Zubair PS Nawansher.

9. Statement of Zeeshan Sheikh s/o Nizam Din Alleged Gambler

He narrated that on 06-03-2019, he along with his friend Kashi went to the house of his friend namely Zaheer toward Abbottabad Township. Sooner they started playing cards. Police party arrived there. Police searched them bodily and Rs.1000/- extracted from Kashi. Their NICs were also possessed by ASI Zubair. They were taken to PS Nawansher where they were detained for about four hours. After monetary bargaining through the friend of Saqib they were let free.

10. Statement of Akash s/o Serfraz Alleged Gambler

He stated that he along with his three friends namely Zeeshan s/o Nizam Din, Zaheer Khan s/o Allah Dad Khan, and Muhammad Saqib s/o Muhammad Sabir in the house of Zaheer and in the meanwhile Police party raided and apprehended them. During pocket search, Rs 5000/- was extracted from Saqib and Rs 1000/- from his pocket by the Police. After retention of Rs 500/- out of 1000/- Rs 500/- was returned to him. All they were taken to Police Station and detained there. After about six hrs their confinement, they were released through the monetary bargaining made by Farhan and Jafar friends of Saqib with Constable Zeeshan of PS Nawansher who received Rs 10000/- from them. Their signatures were obtained on white paper.

11. Statement of Zaheer Khan s/o Allah Dad Alleged Gambler

Zaheer s/o Allah Dad stated that he along with Zeeshan s/o Nizam Din, Akash Serfraz s/o Serfraz Khan and Muhammad Saqib s/o Muhammad Sabir were playing cards at his home situated at Abbottabad Township. In the meanwhile police party raided there and taken

them to PS Nawansher. After their confinement in Police lock up, for about four hrs. at the intervention and monetary bargaining of Rs 10000/- made by the friends of Saqib, they were released. However, he did not pay any amount to anybody.

12. Statement of Saqib s/o Muhammad Sabir Alleged Gambler

He stated that on 20-06-2019, he along with Zaheer Khan s/o Allah Dad Khan, Akash Serfraz s/o Serfraz Khan and Zeeshan s/o Nizam Din were playing cards in the house of Zaheer s/o Allah Dad Khan. Police raided and taken them to PS Nawansher. Constable Zeeshan during pocket search extracted Rs 5000/- from his pocket and Rs 1000/- from Akash. Rs 500/- was returned to him on the spot. They were put behind bar. At about 11:00 hrs after monetary deal of Rs 10000/- made by Farhan s/o Muhammad Rashid r/o Chona Kari Nawansher and Jafar s/o Shabbir r/o Kholy Chona kari Nawansher with Constable Zeeshan of PS Nawansher, they were released.

13. Statement of Farhan Ahmad s/o Muhammad Rashid r/o Chona kari Nawansher

He stated that knowing about confinement of Saqib in PS Nawansher he went there with his friend namely Jafar Hussain s/o Shabbir Husain where Saqib alongwith his three friends were found in lock up. He talked to Constable Zeeshan for the release of Saqib and his friends, who demanded Rs. 15000/-. After deliberation, Rs. 10,000/- was finally demanded and received by Constable Zeeshan and detainees were released at 11:00 hrs. MHC Safder Zaman took Rs. 500/- from Farhan and Rs. 10,000/- was received by Constable Zeeshan from Jafar. On the following day, Constable Zeeshan called Farhan and Jafar to PS Nawansher and returned Rs. 10,000/- to them saying that they may give statement in favour of SHO as his service will be at peril.

14. Statement of Jafar Hussain s/o Shabbir Hussain r/o Chona Kari

He deposed that his neighbor Farhan took him along to PS Nawansher for the release of Saqib s/o Muhammad Sabir r/o Chona Kari Nawansher. Reaching PS Nawansher, they found Saqib and his three comrades confined in lock up. He exerted endeavourer for their release but of no avail. Ultimately, he approached Honorable Speaker Khyber Pakhtunkhwa Assembly for his intercession who was kind enough to get released mentioned detainees. He gave no gratification to any of Police employee for the release of Saqib and his friends.

Relevant Correlative Measures

- Criminal History of alleged gamblers has been checked from their respective home Police Stations. None of them has been reported having any criminal record.
- DDs reports have been checked to ascertain the departure and arrival of Police Officers to and fro the spot of incident which were found supportive.
- The parties were provided ample opportunity of self defense and also to substantiate their viewpoint. They were also provided full opportunity of cross questions.

Discussion about the role and conduct of SI Muhammad Bashir, the then SHO PS Nawansher

Acting upon an information regarding presence of suspects in a deserted building of Passport Office situated at Abbottabad Township Nawansher, he telephonically directed ASI Zubair of PS Nawansher to check the spot who, accompanied with three Constables including his gunner Constable Zeeshan No. 740 and Two DSB men, raided the building. Later on, ASI Zubair of PS Nawansher informed him telephonically that he found four persons in the building. However, nothing objectionable or illicit was recovered from the spot or from their possessions. They were taken to PS Nawansher and were put into the lock up U/S 54(10) PPC. Later on, consequent upon political influence they were released at 11:00 hrs. The elucidated act and action of SI Muhammad Bashir in the capacity of SHO Nawansher was altogether inconsistent to the call of his incumbency as he was under the obligation to personally visit the place. As is evident from his departure report incorporated in DD vide No. 5 dated 06-03-2019 at 08:05 hrs, he was on general/routine patrolling in the area. There seemed no exigency of service which could had been unavoidable due to which the officer could not proceed personally towards the place of information. Anyway, when ASI Zubair gave him feedback stating that there was nothing amiss, he was required to reach the PS for the affirmation and ascertainataion of genuineness or otherwise of spy information received by him. He again failed to realize the gravity of the issue. He with firm faith relied upon his subordinates. He also did not check the criminal history and whereabouts of the apprehended youngsters form their respective home Police Stations with a view to confirm their general character and antecedents. He was supposed to bring the entire episode into the notice of his SDPO but he did not do so for the reasons best known to him. He did all this lonely without involving his immediate command (SDPO Mirpur).

According to the statement of aforementioned persons, there had took place the monetary gain in the precincts of PS. The amount extracted was returned to the party on the following day but the SHO remained unaware. He also failed to exercise his supervision and command upon his subordinates professionally and efficiently. Although no direct evidence came forth about his indulgence in alleged corruption or avariciousness, yet he cannot be absolved from his lack of interest, command and supervision and also for his apathetic attitude towards service which renders him fit for the award of minor punishment.

As far as the allegations about free and frank visit of mentioned Lady Mst Noreen Bibi to SI Muhammad Bashir, the then SHO PS Nawansher is concerned, he contended that he had no relations, whatsoever, with her. However, once she happened to visit PS Nawansher with an application against two persons which was entertained and remedial legal measures were initiated. Subsequently, she was witnessed by SI Muhammad Bashir in PS Nawansher with Lady Constable Khush Niaz, Lady Constable Khush Niaz and Constable Baber Shehzad in their respective statements have corroborated the stance of SI Muhammad Bashir. No tangible evidence regarding illicit relations with the mentioned lady could be proved.

DISCUSSION ABOUT THE ROLE AND CONDUCT OF ASI ZUBAIR IN TO ONGOING ENQUIRY PROCESS

The glaring exaggeration and variation in the statement of ASI Zubair there erupt great doubt about his betraying integrity. Vide DD report bearing number 25 dated 06-03-2019 made at 18:20 hrs he mentioned that he, while on Mobile patrolling at Murree road, without specification of exact location, acting upon spy information, he alongwith Constable Zeeshan No. 740 and Farhan No. 963 proceeded towards Abbottabad Township where there was a report about presence of some suspects in a deserted building of Passport Office. Soon after his arrival at the place, 02 DSB men also reached there. He caught four fleeing suspects. He also incorporated similar story in another DD bearing No 28 on same date & time of which logic could not be comprehended. It is astonishing that the statement given by ASI Zubair during the course of inquiry is totally contradictory with the above mentioned DD report. He stated in his statement which recorded during enquiry that he was on routine patrolling in Dhamtor area with Constable Zeeshan No. 740 and Waqas. He was asked telephonically by SHO Nawansher about the presence of some suspects in an abandoned building of Passport Office situated in Abbottabad Township. He immediately went to Police Station. At the time, he was leaving PS

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Moharrar of any Police Station is supposed to be a mother of station and custodian of Police station's property. During securitization of Daily Diary. It has been found that MHC Salder did not realize the nature and spirit of his duties and responsibilities in a real sense. The entries about departure / arrival of staff of PS Nawansher concerning to the specific issues of ongoing enquiry process, did not commensurate the ground reality. Moreover, as per statement

DISCUSSION ABOUT THE ROLE AND CONDUCT OF HC SAFDAR THE THEN, MHC PS NAWASHAR

statement he left all the action/proceedings at the discretions of MHC PS Nawansher procedural process and lawful action in the PS against arrested persons rather according to the ASI Zubair has twisted the facts deliberately. Moreover, he also did not bother to supervise the in their respective statements to the extent that they were playing cards at the time of Police raid. there was nothing objectionable or incrementing. The arrested four persons have also admitted of arrested 04 youngsters but the statement of ASI Zubair was vice versa. He Nayy denied that DSB men, they found stake amount Rs. 11,000/12,000/- with play cards in the room of sojourner Constable Zeeshan deceitfully moved deal card. Moreover, according to the statements of two Muhammad Sabir r/o Chona Kari Nawansher also bewailed about the return of his 5000/- but and 5000/- of Sagib were never returned to them. During the course of enquiry Sagib s/o two persons mentioned above Rs. 500/- was returned to Akash while his remaining Rs. 500/- There is no IOTA of doubt that Constable Zeeshan had recovered Rs. 5000/- and 1000/- from responsible Officer but his above mentioned shillyshallying responses to the call of his duty and entire exercise at the disposal/mercy of Constable Zeeshan, is behind comprehension. He was a The above elaborated contradictions and variations in the statements of ASI Zubair and leaving before their confinement into lock up. mentioned that the amount extracted from above mentioned persons were returned to them were also taken into possession. Rest two could not provide their NICs for their identity. He also Muhammad Sabir r/o Chona Kari Nawansher and 1000/- from Akash s/o Saifraz. Their NICs building. Constable Zeeshan during body search extracted Rs. 5000/- from Sagib s/o opened main door and he alongwith his accomplices found three youngsters inside the room of When they reached the place of information, one of inmates namely Zeeshan s/o Nizam Din for Abbottabad Township, two DSB men present outside the PS also boarded in Police mobile.

of Farhan, MHC extracted Rs.500/- from him. He also did not receive mobile phones and NICS of the arrested persons properly rather took the things merely in a routine manner. At the time of return of these things to the concerned persons he again did not bother to mention the details and procure proper receipt from recipients. It was obligatory for him to get attested the "Machalka" (personal bond) from SHO which he did not do. During cross questions about his responsibilities specifically about the matter under discussion, he was found totally blind. As per statements of above mentioned persons, there underwent a monetary bargain beneath his nose for the release of detainees in the precincts of PS but he remained silent spectator. He did not intervene or took notice of it. This spells out his connivance with the obnoxious act of Constable Zeeshan No. 740. He has been found guilty as discussed above for which he deserves for the award of minor punishment.

DISCUSSION ABOUT THE ROLE AND CONDUCT OF CONSTABLE ZEESHAN NO. 740 WITH REFERENCE TO ENQUIRY IN HAND

During entire process of enquiry, material available on enquiry file and particularly from the statements of arrested persons and Farhan s/o Muhammad Rashid, it has been proved that Constable Zeeshan No.740 had played pivotal role in the entire obnoxious game. He did monetary bargaining extracted Rs. 10,000/- from Farhan, which on the following day was returned by him to the party. During pocket search of Saqib s/o Muhammad Sabir he recovered Rs. 5000/- which too he did not returned and usurped. His all this act and activities have been proved defamatory and humiliating for which he deserves punishment ^{as} deemed fit by the authority.

PA
Issue FSCN

DDO/Adel.
04/04/14.

Superintendent of Police
Traffic Warden, Hazara
Abbottabad

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No: 76 /PA, Dated Abbottabad, the 09/04/2019.

FINAL SHOW CAUSE NOTICE
(Unit Rule (3) KPK Police Rules, 1975)

1. That you SI Bashir Ahmed the then SHO PS Nawansher, rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 for following misconduct;

I. It has been reported that on 06-03-2019 gambling was in progress in Passport office Maira Madroch, you were informed about this gambling, the local Police of PS Nawasher raided the said gambling den and arrested following gamblers and seized the stake amount of Rs. 11000/12000- with gambling material and handed over to you for legal action.

1. Muhammad Shafaqat s/o Sabir r/o Lower Malikpura
2. Zeshan s/o Nizam uddin r/o Sir Syed colony Mandian
3. Zaheer s/o Allah Dad r/o Taloor Sydian
4. Aqash s/o Sarfaraz r/o Supply.

Later on the amount was distributed among yourselves and further took illegal gratification of Rs. 20000/250000/- and released them without taking any legal action for personal motive.

II. Reportedly, a private lady namely Noureen r/o Mansehra found mostly in your office due to which people of the area are fragrant. Your this corrupt, ignoble and unprofessional act earned bad name for police department in the eyes of general public, which is tantamount to gross misconduct.

III. During proper departmental enquiry lack of interest in service, poor command and supervision have been proved against you.

2. That by reason of above, as sufficient material is placed before the undersigned therefore it is decided to proceed against you in general Police proceedings.
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the police force will amount to encouragement of inefficient Police officers;
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the Rules.
6. You are, therefore, called upon to Final Show Cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred to above.
7. You should submit reply to this Final Show Cause Notice within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.


District Police Officer
Abbottabad

Received by _____
Dated ____/____/2019.

OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD

No: 76 /PA, Dated Abbottabad, the 09/04/2019.

GROUND OF ACTION

That you SI Bashir Ahmed the then SHO PS Nawansher, committed following misconduct:-

I. It has been reported that on 06-03-2019 gambling was in progress in Passport office Maira Madroch, you were informed about this gambling, the local Police of PS Nawansher raided the said gambling den and arrested following gamblers and seized the stake amount of Rs. 11000/12000- with gambling material and handed over to you for legal action.

5.. Muhammad Shafaqat s/o Sabir r/o Lower Malikpura

6. Zeshan s/o Nizam uddin r/o Sir Syed colony Mandian

7. Zaheer s/o Allah Dad r/o Taloor Sydian

8. Aqash s/o Sarfaraz r/o Supply.

Later on the amount was distributed among yourselves and further took illegal gratification of Rs. 20000/250000/- and released them without taking any legal action for personal motive.

II. Reportedly, a private lady namely Noureen r/o Manshehra found mostly in your office due to with people of the area are fragrant. Your this corrupt, ignoble and unprofessional act earned bad name for police department in the eyes of general public, which is tantamount to gross misconduct.

III. During proper departmental enquiry lack of interest, command and supervision have been proved against you.

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


District Police Officer
Abbottabad

CHARGE SHEET

1) I Abbas Majeed Khan Marwat (PSP) District Police Officer Abbottabad as competent authority hereby charge you ^(E2) SI Muhammad Bashir SHO PS Nawanshehr as explained in the attached statement of allegations.

2). You appear to be guilty of misconduct under Police Disciplinary Rules 1975, and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.

3). You are therefore, directed to submit your written defense within seven days on the receipt of this Charge Sheet in the Enquiry Officer.

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

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

6). A statement of allegations is enclosed.

Abbas Majeed Khan Marwat
Abbas Majeed Khan Marwat, PSP
District Police Officer
Abbottabad

*Script: sb
Process*

DISCIPLINARY ACTION

I Abbas Majced Khan Marwat (PSP) District Police Officer Abbottabad as Competent Authority of the opinion that you SI Muhammad Bashir SHO PS Nawanshehr rendered yourself liable to be proceeded against as you committed the following act/omission within the meaning of Police Disciplinary Rules 1975.

STATEMENT OF THE ALLEGATIONS

1). It has been reported that on 06-03-2019 gambling was in progress in Passport office Maira Madroch, you were informed about this gambling, the local Police of PS Nawasher raided the said gambling den and arrested following gamblers and seized the stake amount of Rs. 11000/12000- with gambling material and handed over to you for legal action.

1. Muhammad Shafaqat s/o Sabir r/o Lower Malikpura
2. Zeshan s/o Nizam uddin r/o Sir Syed colony Mandian
3. Zaheer s/o Allah Dad r/o Taloor Sydian
4. Aqash s/o Sarfaraz r/o Supply.

Later on the amount was distributed among yourselves and further took illegal gratification of Rs. 20000/250000/- and released them without taking any legal action for personal motive.

2). Reportedly, a private lady namely Noureen r/o Manshra found mostly in your office due to with people of the area are fragrant. Your this corrupt, ignoble and unprofessional act earned bad name for police department in the eyes of general public, which is tantamount to gross misconduct.

2). For the purpose of scrutinizing your conduct with reference to the above allegations, Mr. Muhammad Ishtiaq SP, Traffic Warden Abbottabad is appointed as Enquiry Officer.

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

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

Abbas Majced Khan Marwat, PSP
District Police Officer
Abbottabad

No: 55 /PA, Dated Abbottabad the 11 /03/2019.
CC:

1. SI Muhammad Bashir SHO PS Nawanshehr, with the direction to submit his defense within 07 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer of the date, time and place fixed for the purpose of departmental proceedings.

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No.....**9409/2020**

**SCANNED
KPST
Peshawar**

Mohammad Bashir Sub Inspector No. 423/H Abbottabad

Appellant

VERSUS

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

Respondents

SERVICE APPEAL

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Through

^{9/13/20}
Appellant

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

Dated: **17-08-2020**

1

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Khyber Pakhtukhwa
Service Tribunal

Appeal No.....9404/2020

Diary No. 8758

Dated 17.8.2020

Mohammad Bashir Sub Inspector No. 423/H Abbottabad.

Appellant

VERSUS

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

Respondents

**SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL
ACT 1974 AGAINST THE ORDER DATED 19-04-2019 OF THE
DISTRICT POLICE OFFICER ABBOTTABAD WHEREBY APPELLANT
HAS BEEN AWARDED PENALTY OF WITHHOLDING OF 01 YEAR
INCREMENT WITH COMULATIVE EFFECT AND ORDER DATED 20-07-
2020 WHEREBY THE REGIONAL POLICE OFFICER HAZARA REGION
ABBOTTABAD HAS FILED HIS DEPARTMENTAL APPEAL.**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH
ORDERS DATED 19-04-2019 AND 20-07-2020 MAY GRACIOUSLY
BE SET ASIDE AND APPELLANT BE RESTORED HIS 01 YEAR WITH-
HELD INCREMENT WITH GRANT OF ALL CONSEQUENTIAL SERVICE
BACK BENEFITS.**

Respectfully Sheweth:

1. That while appellant posted as SHO Police Station Nawasher Abbottabad he was served upon with a Charge Sheet which was duly replied explaining all facts of the matter in detail and vehemently denying the allegations incorporated therein being false, fabricated and against the facts. **(Copies Charge Sheet and its reply are attached as Annexure-"A & B")**.

2. That without taking into consideration the stance adduced by the appellant in shape of reply to the

Filed to-day

Registrar
17/8/2020

Charge Sheet, the District Police Officer Abbottabad awarded the appellant with penalty of withholding of 01 year increment with cumulative effect vide order OB. No.91 dated 19-04-2019 without any reason. **(Copy of order dated 19-04-2019 is attached as Annexure-"C")**.

3. That on 06-03-2019 when appellant was out on patrolling duty he received information that there were 3/4 suspected youngsters in a vacant house situated at a deserted place in Township whereupon appellant directed ASI Zubair Khan on Mobile phone to visit and ascertain the situation. He accompanied with other police officials visited the place and arrested 04 persons whom he brought to Police Station and put them in lock-up as per S-54/109 CrPC. Nothing contraband or gambling material and cash amount etc was recovered from them during their body search. However, nobles of the locality approached the appellant and assured that suspected persons were gentlemen having good moral characters and nobles offered surety bonds for their release. Appellant also personally telephonically collected information about them from their concerned Police Stations and found that they had no previous record rather possessing good characters. Upon this ASI Zubair Khan was directed to release them on production of personal indemnity bonds. It is incorrect, false and fabricated that any money transaction was made with them. They were release on personal indemnity bonds. **(Copies of daily dairy No. 25 and 33 dated 06-03-2019 are attached as Annexure-"D&E")**.

4. That so far as question of mostly founding of Noreen Bibi in the office of appellant is concerned, it is mere allegation and malign against him. Once she had visited Police Station with a complaint against two persons. Her complaint was entertained and she was provided remedial legal measures. Appellant had no concern, what so ever, with her. Appellant office was a public office and everyone who had a complaint could visit for remedy.
5. That nothing could be brought on record against the appellant with regard to allegations leveled in the Charge Sheet. Allegations are still unproved. Appellant has been penalized with any proof, justification, reason and rhyme.
6. That no proper departmental inquiry was conducted. No witness was produced before the so-called inquiry in presence of appellant nor was he provided with a chance to cross examine such witness. Copy of inquiry findings, if any, was also not provided to appellant. No Show Cause Notice was issued. Even opportunity of personal hearing was not provided. Appellant was condemned unheard.
7. That in the light aforementioned facts and circumstances of the matter, the appellant has wrongly been involved in the instant case and has been awarded with the penalty of "withholding one year increment with cumulative effect" without any reason, justification or mistake on the part of appellant.

8. That order dated 19-04-2019 of the District Police Officer Abbottabad was appealed against on 15-05-2019 before the Regional Police Officer, Hazara Region, Abbottabad, but the same was filed vide order dated 20-07-2020 without consideration. **(Copies of departmental appeal dated 15-05-2019 and appellate order dated 20-07-2020 are attached as Annexure-"F & G")**. Hence instant service appeal, inter alia, on the following amongst others:-

GROUND:

- a) That impugned orders dated 19-04-2019 and dated 20-07-2020 of the respondents are illegal, unlawful against the facts, departmental rules and regulations and principle of natural justice hence are liable to be set aside.
- b) That no proper departmental inquiry was conducted. Neither a witness was produced before the so-called inquiry in presence of appellant nor was he provided with a chance to cross examine him. Copy of inquiry findings, if any, was also not provided to appellant. No Show Cause Notice was issued. Even opportunity of personal hearing was provided to the appellant.
- c) That respondents have not treated the appellant in accordance with law, departmental rules & regulations and policy on the subject and have acted in violation of Article-4 of constitution of Islamic Republic of Pakistan 1973 and unlawfully issued the impugned orders, which are unjust, unfair hence not sustainable in the eyes of law.

- d) That appellate authority has also failed to abide by the law and even did not take into consideration the grounds taken by appellant in the memo of appeal and has awarded penalty of withholding of 01 year increment with cumulative effect. Thus act of respondent is contrary to the law as laid down in the KPK Police Rules 1934 read with section 24-A of General Clause Act 1897 and Article 10-A of Constitution of Islamic Republic of Pakistan 1973.
- e) That appellant has discharged his assigned duties with devotion, dedication and honesty always fighting against the forces of criminals. He left no stone un-turned in discharge of his official duties and responsibilities.
- f) That the allegations leveled against appellant in the charge sheet are of ambiguous nature, without any reason, reference, justification and based on surmises & conjectures which remained un-proved and un-substantiated to this day. Nothing could be brought on record against appellant for which he has been awarded with the punishment.
- g) That instant appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudication upon the same.

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Service Appeal, the order dated 19-04-2019 and 20-07-2020 of

6

the respondents may graciously be set aside and appellant be restored his 01 year withheld increment with all consequential service back benefits. Any other relief which this Honorable Service Tribunal deems fit and proper in circumstances of the case may also be granted.

Through:

Bny
Appellant

M. Aslam

(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated 17-08-2020

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 17-08-2020

Bny
Appellant

7

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Mohammad Bashir Sub Inspector No. 423/H Abbottabad

Appellant

VERSUS

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

37/4
APPELLANT

Dated: 17-08-2020

8

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Mohammad Bashir Sub Inspector No. 423/H Abbottabad

Appellant

VERSUS

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

Respondents

SERVICE APPEAL

AFFIDAVIT:

I, Mohammad Bashir 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.

Bashir

Deponent/Appellant

Dated: 17-08-2020

Identified By:

M. Aslam Tanoli

Mohammad Aslam Tanoli
Advocate High Court
At Haripur



Bashir

Appellant

CHARGE SHEET

- 1). Majeed Khan Marwat (PSP) District Police Officer Abbottabad as competent authority hereby charge you ^(Ex) SI Muhammad Bashir SPO PS Nawanshehr as explained in the attached statement of allegations.
- 2). You appear to be guilty of misconduct under Police Disciplinary Rules 1975, and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.
- 3). You are therefore, directed to submit your written defense within seven days on the receipt of this Charge Sheet in the Enquiry Officer.
- 4). Your written defense, if any shall reach the Enquiry Officer with in the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
- 5). Intimate whether you desire to be heard in person or otherwise.
- 6). A statement of allegations is enclosed.

original
 Abbas Majeed Khan Marwat, PSP
 District Police Officer
 Abbottabad
[Signature]

Alleged
[Signature]

DISCIPLINARY ACTION

I Abbas Majeed Khan Marwat (PSP) District Police Officer Abbottabad as Competent Authority of the opinion that you SI Muhammad Bashir (E) SHO PS Nawanshr rendered yourself liable to be proceeded against as you committed the following act/omission within the meaning of Police Disciplinary Rules 1975.

STATEMENT OF THE ALLEGATIONS

1). It has been reported that on 06-03-2019 gambling was in progress in Passport office Maira Madroch, you were informed about this gambling, the local Police of PS Nawasher raided the said gambling den and arrested following gamblers and seized the stake amount of Rs. 11000/12000- with gambling material and handed over to you for legal action.

1. Muhammad Shafaqat s/o Sabir r/o Lower Malikpura
2. Zeshan s/o Nizam uddin r/o Sir Syed colony Maudian
3. Zaheer s/o Allah Dad r/o Taloor Sydian
4. Aqash s/o Sarfaraz r/o Supply.

Later on the amount was distributed among yourselves and further took illegal gratification of Rs. 20000/250000/- and released them without taking any legal action for personal motive.

2). Reportedly, a private lady namely Noureen r/o Manshra found mostly in your office due to with people of the area are fragrant. Your this corrupt, ignoble and unprofessional act earned bad name for police department in the eyes of general public, which is tantamount to gross misconduct.

2). For the purpose of scrutinizing your conduct with reference to the above allegations, Mr. Muhammad Ishtiaq SP, Traffic Warden Abbottabad is appointed as Enquiry Officer.

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

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

Abbas Majeed Khan Marwat, PSP
District Police Officer
Abbottabad

No: 55 /PA, Dated Abbottabad the 11 /03/2019.

CC:

1. SI Muhammad Bashir SHO PS Nawanshr, with the direction to submit his defense within 07 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer of the date, time and place fixed for the purpose of departmental proceedings.

Arrested
Bm by ed

D

بیان تحریر 423H
SI

جواب چارج سبب ہوا ہے ۶ مارچ ۲۰۱۱ء کو ۱۱/۳/۲۰۱۱ء کو
 بیان میں (۱) صورت ۶ کو (۲) اطلاع ملی (۳) ٹاؤن سبب
 میں ایک دستاویز مکان سبب چند شہر اور انڈیا کے
 کے اور آتے جاتے سبب اس اطلاع پر بعض ملک
 ہوائیوں پر موجود آخر زمین (۴) ASI کو نیزہ ہوائی
 فون اطلاع رکھ کر جوہر چارج اور چند ملک
 کے جوہر دیکھ کر فون کے سبب انڈیا کے جوہر
 کے جوہر ملک کے ساتھ ڈسٹرکٹ سکول کے چند ملک کے
 فون کے جوہر سے ۶ چند اسٹیشن اسمی ٹاؤن کے
 اکاؤنٹ کے ساتھ کو ساتھ لاکر جاتے رہتے
 سبب فون کے ساتھ لاکر چند ملک کے ساتھ
 روز ۱۹/۳/۲۰۱۱ء کو ۱۱/۳/۲۰۱۱ء کو
 اور فون کے ساتھ ہوائی ٹاؤن کے ساتھ
 جوہر فون کے ساتھ لاکر چند ملک کے ساتھ
 کے ساتھ فون کے ساتھ لاکر چند ملک کے ساتھ
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 کے ساتھ فون کے ساتھ لاکر چند ملک کے ساتھ

Alleged
31/4

کے جائیگی مکان اُردی ہے۔ یہ اُن کی فہمات پر ہر ہر طار کو
 چھوڑ دی اور فہمات نام خمر راز اور رورث رزخ روزنام
 زین کیوں زین دفع 54/109 قذاف میں روزنامہ کی
 بنیاد پر متعدد استقامت کو روزنامہ میں نہ
 رکھے رکھائی دی گئی ہے فہمات، قذاف، رزخ، فہمات
 فوجیوں کے دفع 496 سے 540 قذاف کے فہمات لئے
 کے اختیارات میں سے ہے جس میں استقامت
 سے کوئی رقم نہیں لی اور یہ ہے کہ کولن رین صحابہ
 دیوان ماہ استقامت نے نہ تو کوئی رقم قابل دست
 رسد لیا تھا ہے اور یہ ہے کہ کوئی رقم حاصل نہ کی
 ہے اور یہ ہے کہ ان سے کوئی رقم نہیں لیا گیا اور
 لگی رقم پر آمد ہوا، کوئی رقم بار بار کوئی رقم قابل
 دسترس نہ ہو سکتا ہے قذاف میں سے لی اور نہ ہی
 اس میں کسی سرگرمی میں لگے گئے صرف جن گزرت
 ہے بنیاد انہیں رکھنا گیا، اس طرح فہمات نورین والا جو
 نورین ایجنٹ فوجی بنانے کوئی مکان نورین سے تعلقات ہے
 اس کے ساتھ ساتھ بار بار مکان آگے اور کے استقامت کے قذاف
 حکامات کی طرف میں پر سے نے باہر 868 کل کو بروا
 کار کا کر کے نذر ہے کہ کوئی مکان میں طلب کر کے منبر
 کی طرف سے ساتھ ایک ورکشاپ کا مالک ہے، آج کل کے مکان
 فوجیوں سے نہ کوئی راز دار کے تعلق ہے، بے خوف
 نام کی فہمات سے آگے تھا SHD کا دفتر میں
 اور نام کے لیکچر بیگ آگے ہے، کوئی آگے
 استقامت کے بارے میں داخل دیں کوئی کار

3/3/19
 13/3/19

Attested
 3/3/19

ORDER

-13-

Annex - C

This office order will dispose of the departmental enquiry against SI Muhammad Bashir No. 423/H the then SHO PS Nawansher. It has been reported that on 06-03-2019 gambling was in progress in Passport office Maira Madroch, he was informed about this gambling, the local Police of PS Nawasher raided the said gambling den and arrested following gamblers and seized the stake amount of Rs. 11000/12000- with gambling material and handed over to him for legal action:

1. Muhammad Shafaqat s/o Sabir r/o Lower Malikpura
2. Zeshan s/o Nizam uddin r/o Sir Syed colony Manchan
3. Zaheer s/o Ailiah Dad r/o Taloor Sydian
4. Aqash s/o Sarfaraz r/o Supply.

Later on the amount was distributed among themselves and further took illegal gratification of Rs. 20000/250000/- and released them without taking any legal action for personal motive. Reportedly, a private lady namely Nourreen r/o Manshehra found mostly in his office due to which people of the area are fragrant.

He was issued Charge Sheet along with statement of allegations. Mr. Muhammad Ishtiaq SP, Traffic Warden Abbottabad was appointed as Enquiry Officer. He conducted proper departmental enquiry against the delinquent officer and recorded statements of all concerned. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings, wherein reported that although no direct evidence came-forth about his indulgence in alleged corruption or avariciousness. No tangible evidence regarding illicit relations with the mentioned lady could be proved, yet he cannot be absolved from his lack of interest, command and supervision and also for his apathetic attitude towards services which renders him fit for the award of minor punishment. Consequently he was issued Final Show Cause Notice. He was summoned to appear in Orderly Room on 18-04-2019. He was given a patient hearing but he had nothing plausible to state in his defence

Therefore, in exercise of the powers vested in the undersigned under Police Disciplinary Rules-1975 (amended 2014), I, Abbas Majeed Khan Marwat PSP, District Police Officer, Abbottabad as a competent authority, am constrained to award him the punishment of withholding of 01 increment with cumulative effect with immediate effect

Order announced.

Original
District Police Officer
Abbottabad

CC:

1. Establishment Assistant alongwith complete Enquiry File containing (13) pages for completion of record.

OB No. 91

Dated 19 4 19

Abbas Majeed Khan Marwat
13/4/19

ضلع ریٹ آباد

تھانہ لووال شہر

نقل ریٹ در 25 نومبر 1963

والیسی / روٹا زبیر احمد ASI 6/19 کا وقت 18:20 بجے میں ہم ہسٹریاں
 نے کھینچیں۔ ڈیٹا 740 فرکانہ 963 کے بعد کشت کبری روڈ چوڑ
 تھا کہ فخر نے اطلاع دی کہ اوپر دیران جگہ پیر ریٹ مکان میں کچھ
 مشتبہ لوگ موجود ہیں جنکی حرکات سکناات ٹھیک نہ ہیں جو
 اس اطلاع پر ہم تقریاً ہر وقت بیچا جو اسی اثناء میں ڈسٹرک
 سکورای جگہ نام ناصر، نسیم گل، شیدان بھائی آئے جو مکان
 کے گیٹ ٹاٹ کیا جو باہر سے تھقل تھا ٹاٹ کرتے پیر مکان کے
 عقبی جانب کسی کے بھائی کے گاڈ واٹر آئی جو مکان کے عقبی جانب
 میراہ تقریاً بیچا دیکھا کہ چار اشخاص لڑکے بھائی کے قتل مالدار
 ہسٹریاں کے طالبوں کے دریافت ہوئے جنہوں نے اپنے نام محمد شاکر
 ظفر محمد صاحب قوم انجمن کے حال بائزرہ شاکر جیلور، ڈیٹا شاکر ولد
 نظام الدین قوم شاکر، سید کالوفا سید بیاں، ظفر ولد اللہ دار قوم پٹکان شاکر
 جیلور تو ان شاکر، اکاشا سرفراز ولد محمد سرفراز قوم خیلانہ سرین کالوفا سید
 اور انہی جو جوڑا لائنت ہوئے تہہ پیش نہ کر سکے اور نہ ہی اس مکان
 کے نام ہیں۔ قومی اندیشہ ہسٹریاں نے دوران نسیم شاکر قابل دست
 انباری لاغرض سے آگے ہوئے ہیں نام سرفراز سے تو قومی فہرست
 اشیاء پر آمد نہ ہوئے خلو فہرستہ جان کر ذریعہ نمبر 54/104 صفحہ 10
 کے نمبر لائنت لہذا ہم نے مقررہ جامع تہہ شہری بند حوالہ دیا ہے
 خلو فہرستہ پیش عدالت کیا جائے گا میں خود طالعہ 25 کے پورے
 کشت لائنت کردہ حوالہ کا ہوتا ہوا

AMAC-PS-NBR
 06-3-19

Attested
 13/11/19

ظہور ایسٹ

نقل ریٹ 33 روزہ 63/19

خانہ نوائے شہر

عد 33 آمد پہلی فون جسٹ MHC 063/19 وقت 22:45 ع رپورٹ دیکھ کر
 رپورٹ دیا گیا جو چار اشتخاص زبیر احمد 481 نے ذہن دوسہ کراچی
 صدف میں لارینڈ حوالہ خانہ کے ہیں انکی نمبر 109
 ارشد قوم اکوان سے کھو چونا کارڈ - فرخان احمد ولد محمد
 عنلو میں سے خانہ بھیجا دیا ہے ان دونوں کی ضمانت پر سرچار
 ظہیر خان - محمد تاقب - اکاش - ذیشان بدستہ حوالہ سے نکال
 کر چیلہ ضمانت پر اپنے حوالہ ترک چھوڑ دیں آمد پہلی فون جسٹ
 حرج روزانہ جو ایسی اشتخاص میں سرچاران - محمد عقیل - فرخان
 حاضر آئے جو حسب عدالت 540 صاحب سرچار کو چیلہ ضمانت نام
 پر حوالہ سے نکال کر رخصت کیا گیا ہے رپورٹ م ج ساجد پر ہے

ظہور ایسٹ
نقل ریٹ 33 روزہ

AMHC - PS - NSR
06-3
19

Allsted
P3m by

بخدمت جناب RPO صاحب ہزارہ ریج ایبٹ آباد

اپیل

جناب عالی!

گزارش ہے کہ میرے خلاف چارج شیٹ میں لگنے والے الزامات ثابت نہیں ہو سکے۔
سائل کا ایک انکریمنٹ ایک سال کا شاپ ہوا ہے یہ سزا غیر انصافی ہے۔
مہربانی فرما کر سزا معاف فرمائی جاوے۔

سر دار بشیر سب انسپکٹر متعینہ پولیس لائن ایبٹ آباد

المرقوم 15.05.2019

Attested
13/5/19



-17-

Annex-9

OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

☎ 0992-9310021-22

☎ 0992-9310023

✉ r.rpohazara@gmail.com

☎ 0345-9560687

NO: 17187 /PA DATED 30/07/2020


ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by SI Muhammad Bashir No.423/H of District Abbottabad against the order of punishment i.e. *withholding of 01 year increment with commutative effect* awarded by District Police Officer, Abbottabad vide OB No.91 dated 19.04.2019.

Brief facts leading to the punishment are that he while posted as SHO Police Station Nawansher, it has been reported that on 06.03.2019, gambling was in progress at Passport Office Maira Mandroch, he was informed about the gambling. The local Police of PS Nawasher raided the gambling den and arrested 04 accused/gamblers and seized the stake amount of RS.11000/12000- with gambling material and handed over to him for legal action. Later on the amount was distributed amongst police officials and further took illegal gratification of Rs.20000/250000/- and released the culprits without taking any legal action for personal motive. Moreover, reportedly a private lady namely Noreen r/o Mansehra found mostly in his office due to which people of the area were fragrant.

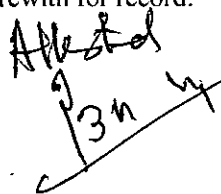
The appellant was issued charge sheet alongwith summary of allegations and SP Traffic, Abbottabad was deputed to conduct departmental enquiry. During the course of enquiry EO reported that although no direct evidence came-forth about the indulgence of the appellant in alleged corruption or avariciousness while no evidence regarding illicit relations with above mentioned lady could be proved, however he cannot be absolved from lack of interest, command and supervision. He was issued final show cause notice and heard in person, however he failed to advance any cogent reason in his defence. Consequently, DPO Abbottabad awarded him minor punishment of withholding of 01 year increment with commutative effect.

After receiving his appeal, comments of DPO Abbottabad were sought and examined/perused. The Undersigned called the appellant in OR and heard him in person. The appellant being SHO cannot be exonerated from the charges leveled against him due his lack of supervision and negligence. Hence, punishment awarded to the appellant seems suitable and 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 Jamil ur Rehman (PSP)
REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

No. 17188 /PA, dated Abbottabad the /2020.
CC.

The District Police Officer, Abbottabad for information and necessary action with reference to his office Memo No 7480/Legal dated 31-12-2019. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.


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