Appellant present through counsel.

Naseer Ud Din Shah, learned Assistant Advocate General alongwith Nowsherawan S.I (Legal) for respondents present.

Representative of respondents has already submitted reply/comments which are placed on file. To come up for rejoinder, if any, and arguments on 18.08.2022 before D.B.

(Rozina Rehman)

Member (J)

19.10.2022

Learned counsel for the appellant present. Mr. Inamullah, Si (Legal) alongwith Mr. Muhammad Jan, District Attorney for the respondents present.

Learned counsel for the appellant sought adjournment on the ground that she has not made preparation for arguments. Adjourned

To come up for arguments on 25.11.2022 before the D.B.

(Mian Muhammad)

Member (E)

(Salah-Ud-Din)

Member (J)

25/11/22

Due to deletion of the are to come up for the same on 25/4

15.02.2022

Due to retirement of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 30.03.2022 for the same as before.

Reader

30.03.2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Written reply/comments not submitted. On previous date the case was adjourned on the strength of Reader note, therefore, notices be issued to the respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments on 20.05.2022 before S.B.

(MIAN MUHAMMAD) MEMBER(E)

20.05.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Nowsherwan Inspector for respondents present.

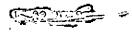
Written reply/comments on behalf of respondents submitted which is placed on file. Copy of the same is handed over to the learned counsel for the appellant. To come up for rejoinder if any, and arguments on 25.07.2022 before S.B.

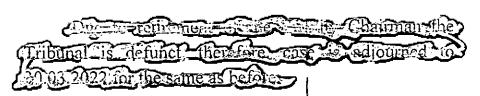
(Mian Muhammad) ___ Member (E) Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant while opening her arguments contended that the appellant is aggrieved of the impugned order dated 20.10.2021 whereby he was dismissed from service. The appellant preferred departmental appeal against the impugned order on 28.10.2021 which was rejected through appellate order dated 28.12.2021 where-after the instant service appeal was instituted in the Service Tribunal on 07.01.2022. It was further argued that the impugned order is a void order because no law has been mentioned therein. No charge sheet/statement of allegations was issued to the appellant. Neither a proper enquiry was conducted nor an opportunity of personal hearing provided to the appellant and as such the ends of justice have not been fulfilled and the appellant stands condemned unheard. She relied on 2009 SCMR 412 citation-C while contending that before awarding major penalty, it was incumbent upon the respondents to have conducted proper enquiry before imposing $\mathfrak{C}^{\mathsf{T}}$ major penalty of dismissal from service.

The appeal is admitted to regular hearing subject to all just legal process Poblections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 15.02.2022 before S.B.

(Mian Muhammad) Member(E)





Form- A

FORM OF ORDER SHEET

Court of		 	•
Case No	,	21/2022	

	Case No	21/2022
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	. 2	3
1-	07/01/2022	The appeal of Mr. Irfan UI Haq presented today by Uzma Sye Advocate, may be entered in the Institution Register and put up to th Worthy Chairman for proper order please.
-	.1 -	REGISTRAR, This case is entrusted to S. Bench at Peshawar for preliminar hearing to be put up there on 18/0//22.
		CHAIRMAN
ž	Complete States	elis i mandi delis d La sili delis d

APPEAL NO. 2 /2022

IRFAN UL HAQ

VS

POLICE DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	•••••	1- 3.
2	Affidavit	 *********	4.
3	Impugned order	 A	5.
4	Departmental appeal .	В	6.
. 5	Appellate order	C	7.
6	Wakalat nama	 ******	8.

APPELLANT

THROUGH:

UZMA SYED ADVOCATE

APPEAL NO	 22	
Ex-Constable No. 48,	 ••••••	APPELLANT
VERSUS		

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Regional Police Officer, Malakand Region at Saidu Sharif, Swat.
- 3- The District Police Officer, District Buner.

..RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRUBUNAL ACT-1974 AGAINST THE IMPUGNED ORDER DATED 20.10.2021 WHEREBY MAJOR PENALTY OF DISMISSAL FROM SERVICE HAS BEEN IMPOSED ON THE APPELLANT AND AGAINST THE IMPUGNED APPELLATE ORDER DATED 28.12.2021 WHEREBY DEPARTMENTAL APPEAL OF THE APPELANT HAS BEEN REJECTED ON NO GOOD GROUNDS

PRAYER:

That on acceptance of this appeal the impugned orders dated 20.10.2021 and 28.12.2021 may vey kindly be set aside and be reinstated the appellant into service with all back benefits. Any other remedy which this August Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

- 1- That appellant was the employee of respondent Department and was performing his duty as Constable No. 48 quiet efficiently and up to the entire satisfaction of his superiors.
- 2- That appellant while performing his duty at the concerned station with devotion and honesty, the allegations of involvement in immoral activities have been leveled against the appellant.
- 3- That the respondent No.3 without conducting fact finding inquiry straight away issued the impugned order dated 20.10.2021 whereby major penalty of

APPEAL NO/2	022
-------------	-----

IRFAN UL HAQ

VS

POLICE DEPTT:

AFFIDAVIT

I Uzma Syed, Advocate High Court, Peshawar on the instructions and on behalf of my client do hereby solemnly affirm and declare that the contents of this **service appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

UZMA SYED, Advocate High Court, Peshawar

<u>OFFICE OF THE</u> <u>DISTRICT POLICE OFFICER</u> BUNER

<u>ORDER</u>

This order will dispose-off the departmental enquiry initiated against **Constable Irfan-ul-Haq No. 48** While posted to PS Elam (Now PTC Hangu) issued vide this office Enquiry No. 18, dated 01.10.2021.

Briefs facts are that:-

Constable Irfan-ul-Haq No. 48, while posted Police Station Elam, found involved in frequent immoral activities, lastly occurred in the jurisdiction of PS Elam, where the accused Constable was on duty and he left his point of duty and went to the nearby Water Springs / Fountains to have harassed & outrage the modesty of women pitching waters to their homes vide DD No. 12/23.09.2021 PS Elam. Consequently, he was proceeded against departmentally. Mr. Abdur Rashid Khan SP Investigation, Buner was appointed as Enquiry Officer. The Enquiry Officer conducted thorough enquiry and recorded his findings that the accused constable is habitual delinquent having 38 bad entries in his entire 11 years of service with zero good entries. The accused official is morally corrupt and recently been transferred from DHQ Hospital Daggar to PS Elam in the same context, where the above narrated allegations were leveled against and the same were thoroughly inquired, which proved against him. The E.O recommended him for awarding major punishment and also for adopting criminal proceedings as his acts are intolerable and embarrassment for the department.

Now, therefore, I Abdur Rashid Khan (PSP) District Police Officer Buner as Competent Authority and in exercise of the power vested under Police Rules-1975, is believed that the official accused is habitual, chronic and morally corrupt, agreed with the recommendation of Enquiry Officer of awarding major punishment. Constable Irfan-ul-Haq No. 48 is hereby dismissal from service with immediate effect.

Order announced.

DISTRICT POLICE OFFICER,

BUNER

OB No. 168

20 /10/202

درخواست بمر اد دوباره بحالي

. جناب عالى!

گزارش کی جاتی ہے کہ سائل مور خہ 01.01.2010 کو محکمہ بولیس میں بحیثیت كنسٹيبل بھرتی ہوكرنہایت خوش اسلوبی ہے ڈیوٹی سرانجام دی ہے۔ یہ كہ سائل ایک غریب گھرانے سے تعلق رکھتاہے۔گھر میں کوئی اور ذریعہ معاش والا نہیں ہے۔ یہ کہ سائل بوجہ محکمانہ انگوئری بحوالیہ آرڈر بک نمبر 168 محررہ 20.10.2021 محکمہ بولیس سے برخاست ہو چکا ہے۔ آرڈر کالی ہمراہ

بذریعه در خواست استدعاہے کہ سائل بہت زیادہ غریب ہے سائل کو دوبارہ بحال کرنے کا حکم صادر فرما سیں سائل تاحیات دُعا گورہے گا۔

عرفان الحق ولد آمين الحق ساكن ميخوخيه چعرزي ضلع بونير سانقه كنسٹيبلري نمبر: 48

28-10-2021

OFFICE OF THE REGIONAL POLICE OFFICER, MALAKAND, AT SAIDU SHARIF SWAT

ORDER

This order will dispose of appeal of Ex-Constable Irfan-Ul-Haq No.48 of Buner District for re-instatement in service, who was dismissed from service by the District Police Officer, Buner vide OB No. 168, dated 20.10.2021.

Brief facts of the case are that Ex-Constable Irfan Ul Haq No.48 was appointed on 01.01.2010 and performed his duties on various places. He was awarded 38 times minor punishments with adverse remarks from the DPO Buner. During his second last posting in DHQ Hospital for indulging in immoral activity there in the DHQ Hospital with ladies patients and subsequently he was transferred in Police Station Elam on 24.08.2021.

On 23/09/2021 vide DD No.12 PS Elam within a short span of period, he was again found in iniquitous activity there in the jurisdiction of PS Elam to the effect he left his point of duty and went to the nearby Water Spring/Fountain to have harassed & outrage the modesty of women pitcing waters to their homes. He was suspended and closed to lines Daggar and consequently, he was proceeded against departmentally and Mr. Abdul Rashid Khan SP Investigation Buner was appointed as Inquiry Officer.

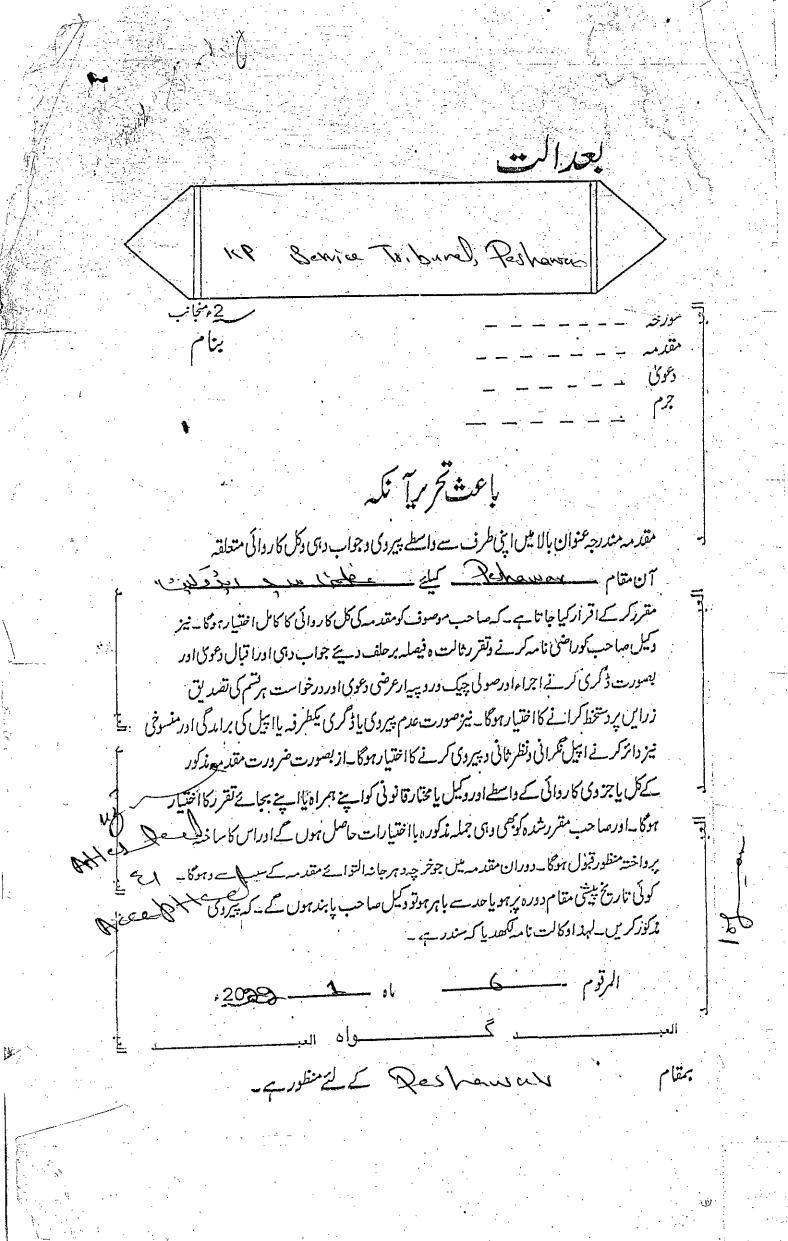
The Inquiry Officer conducted departmental enquiry and recorded his statement. The Enquiry Officer in his finding stated that the accused Constable is habitual delinquent having 38 bad entries in his entire 11 years' service with zero good entries. The accused official is ill reputation, morally corrupt all the allegations leveled against were proved against him and he was recommended for major punishment with criminal proceedings against him as his acts are intolerable and embarrassment for the department. On the recommendation of Enquiry Officer the District Police Officer, Buner awarded him major punishment of dismissal from service vide OB No. 168, dated 20.10.2021.

He was called in Orderly Room on 22.12.2021 and heard him in person but he did not produced any cogent reason to defend the charges leveled against him, therefore, his appeal is hereby rejected.

Regional Police Officer, Malakand Region, Swat

No.15189/E

Dated: 28.12.2021



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

	No.
ogd .	Appeal No. 21 of 20 2 2 Appellant/Petitioner Versus Respondent
	Respondent No
	Notice to: — the Regional Police Offices Mala Kand Legion at Saidy Shasif Swart
	WHEREAS an appeal/petition under the provision of the Kchyber 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
	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 be en sent to you vide this
	office Notice Nodateddated
	Given under my hand and the seal of this Court, at Pesh'awar this
	Day of20
	(Har Registrar, Khyber Pakhtunkhwa Service Tribunal,

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

Peshawar.

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

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	Notice to: — Respondent No. 3 Notice to: — Respondent No. 3 Notice to: — Respondent No. 3
	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
	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 Nodated
	Given under my hand and the seal of this Court, at Peshawar this
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	Registrar, Registrar, Rhyber Pakhtunkhwa Service Tribunal,
	Daghawan

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Always quote Case No. While making any correspondence.

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

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Appeal No
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Appeal No. 21 of 20 22 if an white Haar Appellant/Petitioner the 1-G. P. White Respondent
Notice to: Respondent No
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
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 Nodateddated
Given under my hand and the seal of this Court, at Peshawar this
Day of $20 > 2$
(for Registrar,
Kegistrar, Khyber Pakhtunkhwa Service Tribunal,

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KHYBER PAKHTUNKHWASERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, 5.8 PESHAWAR.

No.
21
Refer No. 0/2022
Appellant/Petitioner
Versus
The 1-G.P KPK Pesh: Respondent
Respondent No2
Notice to: _ The Regional Police office, Malakand
Region at Saidu Sharif Swat.
WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa
Province Service Fribunal 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
*onat <u>8.00 A.M.</u> 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.
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Khyber Pakhtunkhwa Service Tribunal,

1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.

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2. Always quote Case No. While making any correspondence.

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR. S.1

No.
Repa Appeal No. 21 of 2022.
Ispan W Hasy Appellant/Petitioner
Versus
The I.C. P KPK Pesh: Respondent
Respondent No3
Notice to: The Dist. Police officer, Dist. Bunel.
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
Copy of appeal is attached. Copy of appeal has already been sent to you vide this
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Given under my hand and the seal of this Court, at Peshawar this
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(For Reply)
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Khyher Pakhtunkhwa Service Tribunal

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.

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

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Service Appeal No.21/2022

İrfan Ul Haq Ex-çonstable No.48

.....Appellant

Versus

- 1. The Inspector General of Police Khyber Pakhtunkhwa
- 2. The Regional Police Officer Malakand at Saidu Sharif Swat
- 3. The District Police Officer Buner

.....Respondents

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03	Affidavit		3
04	Copies of bad entries	"A"	5-6
05	Copy of DD report No.11 dated 23.09.2021	'B"	7
06	Copies of charge sheet, reply of the appellant, finding report & other enquiry papers	"C,D,E,F"	8-24
07	Copy of rejection order	"G"	25

District Police Officer Buner

(Respondent No.3)



Service Appeal No.21/2022

Irfan Ul Haq Ex-constable No.48

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Versus

- 1. The Inspector General of Police Khyber Pakhtunkhwa
- 2. The Regional Police Officer Malakand at Saidu Sharif Swat
- 3. The District Police Officer Buner

..Respondents

PARA-WISE COMMENTS / REPLY ON BEHALF OF RESPONDENTS

Respectfully sheweth:-

Preliminarily objections:-

- 1. That the service appeal is barred by law and limitation.
- 2. That the service appeal is not maintainable under the law and rules.
- 3. That the appellant has not come to this honorable Tribunal with clean hands
- 4. That the instant appeal is bad due to miss-joinder and non-joinder of the necessary & proper parties.
- 5. That the appellant has concealed the material facts from this honorable tribunal.
- 6. That the appellant has got no cause of action and locus standi to file the instant appeal.
- 7. That the appellant has been estopped due to his own conduct.

ON FACTS:-

- 1. Correct to the extent that the appellant was employee of respondent department, however his service history tainted with many bad entries. (Copies of bad entries are attached as annexures "A").
- 2. Incorrect; The appellant while posted in PS Elum left his duty point without permission and found harassing/outraging the minor girls who were pitching water to their home from the nearby fountain. Concerned Police Station SHO lodged a report vide DD No. 12 dated 23.09.2021 against the appellant. (Copy of DD report is annexure B)
- 3. Incorrect', After receiving the above mentioned complaint report to SHO Police Station Elum, a proper departmental enquiry was initiated against the appellant, who was charge sheeted coupled with statement of allegations. SP investigation Buner was appointed as Enquiry Officer. The appellant submitted his reply to the charge sheet which was found unsatisfactory. During the course of enquiry, the enquiry Officer recorded the statement of all relevant witnesses as well as statement of the appellant and EO submitted his finding report wherein he concluded that the allegations against the appellant have been proved and recommended that case FIR be registered against him according to the relevant sections otherwise appellant be awarded major punishment. Therefore, after conducting proper departmental enquiry, major punishment in shape of dismissal from service was imposed upon the appellant. (Copy of charge sheet and reply of the appellant, finding report and Enquiry papers are attached as annexure C, D, E & F respectively)
- 4. correct to the extent that the appellant submitted his departmental appeal to the office of respondent No.02 who called the appellant in OR on dated 22.12.2021 wherein he heard him in person but the appellant could not produce any cogent reason in his defense, therefore his appeal was rightly rejected vide office order

Endst: No. 15189/E dated 28.12.2021. (Copy of rejection order is attached as annexure G)

That the service appeal of the appellant is liable to be dismissed on the following grounds:-

GROUNDS:-

- A. Incorrect: The office orders dated 20.10.2021 and 28.12.2021 being passed in accordance with fact, law, rules and justice, therefore appeal of the appellant is liable to be dismissed.
- B. Incorrect; That the appellant has been treated in accordance with law /rules. No violation of constitution has been done by the respondent department.
- C. Incorrect: As explained above in the Para 3 to the facts, the appellant was properly issued charge sheet couple with statement of allegations and after conducting proper departmental enquiry the appellant was dismissed from service vide office order No. 20-10-2021.
- D. Incorrect; as explained in the above Para "C".
- E. Incorrect; all the legal/ Codal formalities have been fulfilled before issuing the impugned office Order dated 20.10.2021. Already explained in para 04 ibid.
- F. Incorrect; as explained in above Para "E".
- G. Incorrect; the appellant has been estopped due to his own conduct and the respondent department has not acted arbitrary and in mala-fide manner while issuing office Order dated 20.10.2021.
- H. That the respondents also seek permission of this honorable Tribunal to adduce more points/grounds at the time of arguments.

PRAYERS:-

In view of the above detailed para-wise comments/points, it is most humbly prayed that the service appeal of the appellant may graciously be dismissed with costs, please.

Inspector General of Police Khyber Pakhtunkhwa

(Respondent No.01)

Regional Police Officer Regional Police Officer Said Malakasid Swat

(Respondent No.2)

District Police Officer

Buner

(Respondent No.3)

Service Appeal No.21/2022

Irfan Ul Haq Ex-constable No.48

.....Appellant

Versus

- 1. The Inspector General of Police Khyber Pakhtunkhwa
- 2. The Regional Police Officer Malakand at Saidu Sharif Swat
- 3. The District Police Officer Buner

....Respondents

AFFIDAVIT

We the above respondents do hereby solemnly affirm and sate on oath that the whole accompany para-wise comments are true and correct to the best of our knowledge and belief and nothing has been concealed from this honorable tribunal.

> Inspector General of Police Khyber Pakhtunkhwa (Respondent No.01)

> > Regional Police Officer Regional Police, Officer Sa:Machkand Swat

(Respondent No.2)

District Police Officer Buner

(Respondent No.3) District Police Officer

2 uner



Service Appeal No.21/2022

Irfan Ul Haq Ex-constable No.48

....Appellant

Versus

- 1. The Inspector General of Police Khyber Pakhtunkhwa
- 2. The Regional Police Officer Malakand at Saidu Sharif Swat
- 3. The District Police Officer Buner

.....Respondents

AUTHORITY LETTER

We the above respondents do hereby authorize and allow Mr. Nawsherawan Khan Inspector legal Buner to file the accompany para-wise comments on our behalf in the honorable tribunal and do whatever is needed in the court.

Inspector General of Police Khyber Pakhtunkhwa (Respondent No.01)

 \bigcup

Regional Police Officer Regional Police Officer

(Respondent No.2)

District Police Officer Buner

(Respondent No.3)

3 Annex JA-

ريكار في اذال منسليبل عسر منان الحق مسبر 48

			•
تغصيل سزا	آرۋر بک نمبر وتاریخ ،	سزامتعلق	וייין
بلا تخواه	آر ڈر بک نمبر 33، مور ند 16.03،2010	غير حاضر ي	07ول
بال قواه	آر ڈر بک نبر 40، مور خہ 29.03.2010	غير حاضري	ا 01دن
بل "نخواد	آر ڈر بک تمبر 10، موراند 21.01.2011	غیر حاضر ی	02،ن
بالم تنخواه	آر ڈر بک نمبر 16، مور ہے۔ 01.02.2011	غيرحاضري	01دك
بلا تنخواه	اًر ڈربک نمبر 09، مور نے 22.01.2015	غير حاصري	03،
	آر ڈر بک نمبر 11، مور فد 19،01،2011 ،	غير حاضرى	. 04دن
		غير حاصري	01ن
	آرۇرېك نېر 18، مورند 28.01.2012	غير حاضري	تنخواه بند
		غير حاضري	04رن
		غير حاضري	02دن
		غير حاضري	02دن
		. غیر حاضری	م 20دن
		غير حاضري	04دن
	· · · · · · · · · · · · · · · · · · ·	غیر حاضری	. 10دن
		غیر حاضر ی	02دن
		غير حاضري	. 02دن
<u></u>	, ,	غير حاضري	03دن
		غير حاضري	02رىن
		غير حاضري	
	·		01دن
		من غیر حاضر ی	01دن
	با تخواه الم تخ	الم	الم المراق الم

Attasted Police Officer

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، 10دن	غير حاضري	آر ڈر کک نمبر 97، مور قد 25.11.2015		.24
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	•			

Altan Joine Officer

A med 23/09/36 ورانم 12: ريورط فحرار فنق كان SHO وقت 15:00 مورك الم 23 /62 الرديج جبيك كنشل عمرفان الحقير 48 كفرينًا الج لينه يهل كولا ارق بمر 37 امور في 134 كو كورش وسينال وكرسي ال عيان عيان عيان الله علط وكات عنهرا خلافى مركر ميون على ت سوق كى الرام دين تها نه بنرا نبیدیل بنوا فقا فذکوره منشبل این عادات سامار منس ازان آمروز مذرو کا بعطابق ڈیونی پرجہ مہ 600 تا ماں ہااؤ رک س مورج بن 3 مير د يونى د کانى کى تعى منكورون لفرينا ملا بنائي سلادین و بوتی یوائنٹ چھوٹ کر قربی نالہ و افع جسی حرب السال کان کی محسال کر اور کے کے لیے آئی ہیں۔ ویاں حاکر کے دوں كسائع نازيها فركات كرن بون گعرت معنر فارن لكال وتكوره كاس عنرني كرك اسك مشورات ابر دركون كشرا بهاي میں چیکے سولے تھا نا کی طرف اللہ سولے دیکھائی دیا در کورٹ سے بریان سرک فی تسال کے ایرمعال نہ دے سسکا متعارفات کرنے ایرمعال اور كرفذكره في يوائن في يولى يحدي كرقريسي الرمين والقوص في سر بهسایه گان که ایم کیون که یا سس خلط آزا رب سے سیا ش وزكوره كا مير فعل بافائل معافى يد بريرست معاقل دفاي ر فق مرك فذكوره كا أسس فعل سي المنسلان الاكو مطلع درا أرا. . درج بوزنامجه موكرنقل بفرص مناسب وكونسردان. Jy deman and yet القر نهطانف اجل بع T week WINT PS-ELLINS Farmerded 23-09-021 SHO-PS-ELLION. 05-10-021

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(8) Annex C

/NO. 18 /Enquiry,

CHARGE SHEET

I, Abdur Rashid Khan (PSP), District Police Officer, Buner as competent authority, under Khyber Pakhtunkhwa Police Disciplinary Rules-1975, hereby charge you Constable Irfantul-Haq No. 48 while posted to Police Station Elam of District Buner as follow:-

- 1. It has been reported against you vide DD No. 12 dated 23.09.2021 PS Elam, that you have lifted your duty point without permission.
- 2. That you are found involved in immoral activities vide DD noted above.
- 3. That you are of ill reputation in general public.
- 4. By reasons of the above, you appear to be guilty of misconduct and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Disciplinary Police Rules, 1975.
- 5. You are; therefore, require to submit your written reply within 07 days of the receipt of this Charge Sheet to the Enquiry Officer under Rules-6 Sub Rules (i) (b) of Police Disciplinary Rules 1975.
- 6. Your written reply, if any, should reach the Enquiry Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case exparts action shall follow against you.
- 7. Intimate as to whether you desire to be heard in person or noi?

8. A statement of allegations is enclosed

Aboyr Marrid Khan (PSP) District Police Officer,

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De different

DISCIPLINARY ACTION

I Abdur Rashid Khan District Police Officer, Buner as competent authority, under Khyber Pakhtunkhwa Police Disciplinary Rules-1975, is of the opinion he Constable Irfanul Haq No. No. 48 while posted to Police Station Elam, have rendered himself liable to be proceeded against departmentally and committed the following acts/omission as defined in Rule-2 (iii) of Police Disciplinary Rules 1975.

STATEMENT OF ALLEGATIONS

- 1. It has been reported against you vide DD No. 12 dated 23.09.2021 PS Elam, that you have lifted your duty point without permission.
- 2. That you are found involved in immoral activities vide DD noted above.
- 3. That you are of ill reputation in general public.
- 4. For the purpose of scrutinizing the conduct of said officer with reference to the above allegations Mr. Abdur Rashid Khan Marwan SP Investigation is appointed as Enquiry Officer under Rules 5 (4) of Police Disciplinary Rules 1975.
- 5. The Enquiry Officer shall conduct proceedings in accordance with provision of Police Disciplinary Rules 1975 and shall provide reasonable opportunity of defence and hearing to the accused officer, record its findings and make within ten (10) days of the receipt of this order, recommendation as to puhishment or other appropriate action against the accused officer under Rules 6 (v) of Police Disciplinary Rules 1975.

6. The accused officer shall join the proceeding on the date, time and place fixed by the Enquiry Officer.

Abdul Rashid Khan (PSP)
District Police Officer,
Buner

No. 6024-85 /Enquiry, Dated Daggar the 01/10 /2021

Copy of above is sent to:

1. The Enquiry Officer for initiating proceeding against the accused officer namely under Police Disciplinary Rules, 1975.

2. Concerned defaulter through Lines Officer Police Lines Daggar.

My Market Street Burner Lee

ور المرازي الحراري الحراري المرازي الم 6084-85 / Wie in 1/3 into e presione pol al 1 och 45 pics. - weight end einen gest die si /11, pio -0 , 23/2 por 2 30/10 /2 10 (1) 3 4 pt (is 3. 02:00 (10:00) سرينا كى الداز له مريو دالى طيت كي وي Sib = 161 21 2. to SHO / Alle 4 6 MI وع يرفيكر والله ليها وي -Ensity of the Cent Epin. bis is of 101 - Ull is is to 8 840 /5 ر مي القول د صول أو ٥٠٠ المات كرفي بريت من في كافند الناع من الإردوكي عروري مرفع معن كى بى دراكوت من با دور دور وراكات الله ع - الده من مرفع في في فالوك عظر الله كام

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1- 2 de 1 1 de 1 de 1 1 de 1 - 16 - e, i a se fill - e 11. 4 die des e ses en sein en 1506 - e 16 15 ch 12 - e on se i so co 38 (preun - e pès Cob) 6 1/16 e 11 الله و و الفر العامل ع مرى م و و المار in sign of the fall of the سے تیں ذم کے ریا ہے۔ سار ڈیار اعظم 48 / 1/2 / 1/6 1/16

وَعْرَ كُون بِهِ لِين آفير طَلْع إِن يَر رُحْرُ كُون بِهِ لِين آفير طَلْع إِن يَر /ريدر مور قد 21-10-

محكمانه الكوائيري برخلاف كنستيبل عرفان الحق نمبر 48متعينه نفانه ايلم حال يوليس لاش الم

۔ '' بحوالہ چارٹ شیٹ نمبری ۔۔18/Enq مور فعہ 01.10.2021 کاریہ جناب DPC ساحب معروف خد مت ہوں او مارٹ شیٹ میں کنسٹیسل عرفان الحق نمبر 48 کے خلاف ذیل الزامات لگائے گئے ہیں۔

میں سے تعاند ایلم میں دوران تعیناتی بغیر اطلاع ویوٹی بوائنگ چھوڑ کر جانے پر مذکورہ کے خلاف رپورٹ بحوالہ مدائی ا ایک 201 اور کی درنی دورنامیے کی گئی ہے۔

🚓 ۔ روز نامجہ ریورٹ کے مطابق مذکورہ غیر اخلاقی سر گرمیوں میں ملوث رہاہے۔

المراج المسركي وجه ہے عام لو گوں میں خراب شہرت ركھتاہے۔

چارج شیٹ درج الزامات بالا کے نسبت انگوائیری کے لئے من SP انوشی گیش کو موصول ، و کر انگوائیری شردت کی است میں ASI انوشی کی منسشیل عرفان الحق ، عبد الحلیل محرر تھاند ایلم ، کنسشیبل شیر ولی نمبر 839 ، حاضر خان ASI میں میں ان است کا میں انداز میں میں شاہ ASI اور مزیز الرحیم ASI طلب کرنے ایک بیانات تا میند کے گئے ۔

1. الزام علیہ نے اپنے بیان میں واضح کمیا کہ تھانہ ایلم میں ڈیوٹی پوائنٹ مورچہ تمبر 3 پر ڈیوٹی ختم کر کے نسوار خریدنے کے لئے قریبی گاؤں ایلم علی چائیں ایلم جاکوا یک دکاندارے نسوار خرید کرواپس تھانہ آرہا تھا۔ نزدیکی چشہ میں پائی چنے کی خاطر زکا۔ کہ تھانہ والیمی پر محرر لے۔ بغیر اجازت جلانے کی وجہ دریافت کی اور میرے خلاف SHO تھانہ ایلم نے رپورٹ درج روزنامجیہ کی۔

بیں کیدری تھی کہ یہاں سے جاؤاگر آئندہ یہ حرکت کی تو آپ کوسٹکسار کریں گے۔ 4۔ سانس کان ASI نے اپنے بیان میں واضح کمیا کہ ٹریفک سٹاف میں سال 2008/2008 کو تعینات تھا جبکہ مرفان الحق اس ونت محکمہ پر ایس بیس تھرتی نہ تھا اور بحیثیت میکسی ڈرائیور مز دوری کررہا تھا۔ اکثر او تات ند کورہ کے علام جال جیلن کے نسبت شکایات

باتی ہتی جی رہ نورد کورے عادات سے بیخے کی تاکید کر تارہا۔

Mr. Ja

5. سیال حسین آباہ ASI نے آبے بیان میں نذکورہ بسٹیل کا ان کے ساتھ میجو کئی ہیتال میں تعینال کے اوران اس سم ک سوصول ہونے کی تردید کی الیکن نذکورہ کے بیٹر چلن کے نسبت اظہار کیا۔ اس کے علاوہ دفتری ریکارڈ ملاحظہ کرتے پایا ممیار کہ نذکورہ کسٹیبل سال 2010ء کو محکمہ پولیس میں بھر آب ت سروس کے دور ان مختلف او قات میں ڈیوٹی سے غیر حاضر رہ کر اس کے سروس بک میں 38 "Bad Entries" ہو چکے ہیں جبکہ

(Good Entry کو کیکھی درج نہیں ہے۔ اور محکمہ میں ترقی کے لئے ابتدائی امتحان A1 بھی نیل کیا ہے۔

اکوائیر کی ہوکر بیانات ، حالات ہے پایا کی الزام علیہ کنسٹیبل مادی ہد جلی اور مور تا اے ساتھ تھیں جہائے مرب جیسے وہ تی ہے کے لئے پہلے ہے مشہور ہے۔ اور محکمہ پولیس میں بھرتی ہوئے کے بعد بھی اپنے: ہے وہ ت ہے رہ نہ اللہ ازیں دوران تعیناتی کیجو لئی ہسپتال میں بھی اس مشم کی شکایات کی زد میں آگر ان سپلیٹ خدندا بھر تبدیل وہ نہ اس میں بھی اس میں بھی اس مشم کی شکایات کی زد میں آگر ان سپلیٹ خدندا بھر تبدیل وہ نہ اس میں اس میں ایک بری عادت کا سلسلہ جاری رکھ کر دیہہ اللم میں اسے والے سادہ اوق مور توں کو شکار کر سان کو مشتر کی سیست کی ایک بری عادت کا سلسلہ جاری رکھ کر دیہہ اللم میں اسے دالے سادہ اور توں کی جائے دیکار اور شور شرابہ پر بھاگ کرا پے نہ مور میں کا میاب نہ ہوا۔ سادے کو شش کی لیکن چشمہ میں موجود عور توں کی جائے دیکار اور شور شرابہ پر بھاگ کرا ہے نہ مور کی درج رہے درج روز نام ہے اللہ کو برائے مناسب کارر دائی ارسال کی۔

چونکہ علاقہ تھانہ ایلم ایک شورش زدہ ادر سکورٹی کے لحاظ ہے ایک حساس مقام ہے۔ دہاں پر تعینات اہلکاران کے لئے صر دری ہے۔ کہ دہ ابنی حفاظت کے ساتھ ساتھ اچھے رویوں ہے عوام میں اعتاد بحال رکھے۔ نہ کہ غلط ادر بُرے عادات ادر ردیوں ہے عوام میں اعتاد بحال رکھے۔ نہ کہ غلط ادر بُرے عادات ادر ردیوں ہے عوام میں محکمہ پولیس کے بہادر جوانوں کے بدولت پایا ہو آمقام کھوئیں۔ الزام علیہ کنسٹیبل کے سابقہ ادر موجودہ چال علی کے نسبت ریکارڈ کا ملاحظہ کرکے اس بیجہ پر بہنچا ہوں کہ مذکورہ آنے دالے دفت میں بھی محکمہ پولیس کے ماتھے پر بر نہادان است ریکارڈ کا ملاحظہ کرکے اس بیجہ پر بہنچا ہوں کہ مذکورہ آنے دالے دفت میں بھی محکمہ پولیس کے ماتھے پر بر نہادان است ریکارڈ کا ملاحظہ کرکے اس بیجہ پر بہنچا ہوں کہ مذکورہ آنے دالے دفت میں بھی محکمہ پولیس کے ماتھے پر بر نہادان است ریکارڈ کا ملاحظہ کرکے اس بیجہ پر بہنچا ہوں کہ مذکورہ آنے دالے دفت میں بھی محکمہ پولیس کے ماتھے بر بر نہادان است بیجہ پر بہنچا ہوں کہ مذکورہ آنے دالے دفت میں بھی محکمہ بولیس کے ماتھے بر بر نہنچا ہوں کہ مذکورہ آنے دالے دفت میں بھی محکمہ بولیس کے ماتھے بر بر نہنچا ہوں کہ مذکورہ آنے دالے دفت میں بھی محکمہ بولیس کے ماتھے بر بر نہادان است بیجہ بر بہنچا ہوں کہ مذکورہ آنے دائے دفت میں بھی محکمہ بولیس کے ماتھے بر بر نہوں کے دفت میں بھی محکمہ بولیس کے دفت میں بھی محکمہ بولیس کے دورہ آنے دورہ آنے دورہ کے دورہ کے دورہ کے دورہ کے دورہ کیا ہوں کے دورہ کے دورہ کورہ کے دورہ کے

البذاك من الحوائيرى سے اخذ كردہ بتيجہ كے تناظر ميں كنسسيل عرفان الحق تمبر 48 قائد الم ميں تعيناتى كے دوران عور آوں كے ساتھ غير اخلاقى تعل كرنے كام محت ہوكر قصور وار ہے۔ اس لئے مذكورہ كے خلاف متعلقہ قانولى دفعات كے تحت التحادہ مقد سد درج رجسٹر كرنے بصورت ديگر Major Punishment كى سفارش كرتا ہوں۔ ربورٹ عرض ہے۔

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14) Annex - F الل الوالير الموالم المال الحام 48 كا الم حل المراس المعالية بهار تصمل طورات و فالمرك راوك والرك والركوم 6084-85/ Sita 17/6 23 7 3 12 22 6 5 30 الموشيك استاني رايان نما ورايت من وا ع يك كيسال موان الحمالم 48 المات حاسرت وهم عرارالهم سل حيات روم فرارام جرزادي و بال ورسرادييل. كيديل جرري را 136

ماران مرافعال مر<u>دوع ور</u> عاريم سان کیا۔ کر سیمات بحطائی وروی وج رائے وی کی کوٹلل کی وري دُري در الله عام مردم برق برق برق برق برق برق الله المق برهه كا درخ دون ر مرام المحدد المرام المحدد الما من ١٤١٤ و والم الما الم المراد الما المراد الما المراد الما المراد عِالْمُ وورد عا عبرا وقتا أَ فوقنا عن سنديال حِلْكُرُن ع - لوقت ٥٠- ١١٦ كُول مِرْن رُم 33 مسكى عَرِفان التي ك لوره، 14 كانه - 18 ع دري اور ر الله المراق على منه أفر في المراق الله المراكز المرا ورون والنف برفرور شن اوروردی تبریل/ے فری جی سفیر كى م ماكرسى ركي يى موان الحق بفير حصول ا مازي كهاك كواريه . المورى روليرك ولاكت في مرا تل فرك برحال إستال كر مان ولا حجم بر محیمال کیوے وجوے کے لئے مرور فق ارساق ایک مقرحالوں بی می ۔ وہ طاقواں کی رسی تھی۔ بیاں سے چلے طاقہ مرب الكو بخرط رفيك ـ أحركا دونون كيسان والن هائ الي عبية الم يمن كيال موان التي مع فريي خير بدروها به طاع كى مرح بوهوي ارروه ت الم عني وإ نزور ساء ما كار الم عروق مل الم تي ما دورة - هم دافقات استان من رائد كراس م يت لعرفان الحارب خلاف قوال ١٤٨ ورباع العرفان الحرب روراني مراديس نريخ ورك

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الم على المراقع الساه م وسيات هـ المراقع المر

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ایال سرل کم خراج 22 کو باطالی بودی برج برد حارات التی باری برد و حارات التی بیدان التی بردی برد حارات التی بردی برد حارات التی بردان التی بردان التی بردان التی بردان خرور میرالی بارات بردان خرد برد برد اسالی بردان خرد برد بردان التی بردان خرد برد بردان التی بردان خرد برد بردان التی بردان بردان خرد بیدان التی برد خوان بیدا بردان خرد بردان ب

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عيت يميل دوي سراجام رے رواقها مراج 23 ويد طابق دور ال مروحان راك دة الرس لمرند برواي قاء الم الما توا عمارة من عان سے عامل ربطون مرب واقع ہے۔ اس اول من اول ركايون والى تواني تعالم وَيْ وَرِيسْ لِيلِ فَي اللَّهِ أَلِيمَ مانة كارا فت كى صلاسات الم المرسامون المراسة دَ مَالَ رَبِيمَ عَلَا مِوا تَحَا - فَيْ مَا قَبِي مَا تَدِينَ سَالًى - لَذِ فَيْ لِمَا لَهُ مِولَ لَمْ الْمُ ے لارمہاک مال ے میرے خلاف لوٹ رام والح کی ۔ قرم حدیث برمنی بئیں ہے۔ اس الزام/رزم شرہ بورے کے ساتھ والی كيل موان الحق نر 88 حال لوس لاس

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Jest in CTo Up on Con in in in سانی مرا در ایس ال ۱۹۶۵ س عیت افاع اولی سیال و اسام مر مر القرار على من من التي رود كر على تعليات التي رود كر على تعليات التي التي رود كر على تعليات التي ره برزگ عادل تر به کارهالی که اس کی بول بی همیال در اسکی بول بی همیال در اسکی دُولَ سرافاً إله بريم عن المع و فواشن كسا كالميا ورا ت وسرطافي وتباطري السرعام معاجرة مي رائد ميراء والمراس و 少しかしかしからかけんかしましいのというという من - حب تك مين جينت عالى المعزلتي نصات تها أسلم من الد مرا برعاط سے عائے تی طرفراتی اگرانی را تھا۔ مفطر فرا الساري الركار الخروعا مين برائع - شرقي شكايت راي " ب دی درسان کے 50,1 En 05 00 12 12 0 10 Ag

District Surer cer ad

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SP. 10 11

(21)

Name

Irfan Ul Haq FC/48

Date of Birth

28.12.1984

Date of Enlistment

01.01.2010

Education

10th

Village

Gulbandi

Home PS

Gulbandi

A1 Exam

Fail

Courses

Traffic Course .

Entries

Good = NIL, Bad = 38

Present Posting

Police Line Daggar

S#	Place of Posting	Date of Posting
1.	Transfer from Highway Traffic Peshawar to District Buner	22.12.2017
2,	PS Pir Baba	04.01.2018
3.	Traffic Staff	. '08.02.2018
4.	Police Line Daggar	27.03.2018
<u> 4_5.</u>	PS Jowar	23.05.2018
6.	CP Karakar	10.10.2019
<u>7.</u>	Traffic Warden	17.10.2019
8.	Police Line Daggar	16.12.2019
<u> </u>	CP Sarmalang	17.12.2019
H 10.		12.03.2020
ļ 11.	PS Elum	24.08.2023
12.	Police Line Daggar	27.09.2021 Up-to-date

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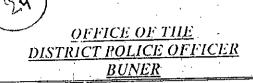
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ORDER

This order will dispose-off the departmental enquiry initiated against **Constable Irfan-ul-Haq No. 48** While posted to PS Elam (Now PTC Hangu) issued vide this office Enquiry No. 18, dated 01.10.2021.

Briefs facts are that:-

Constable Irfan-ul-Haq No. 48, while posted Police Station Elam, found involved in frequent immoral activities, lastly occurred in the jurisdiction of PS Elam, where the accused Constable was on duty and he left his point of duty and went to the nearby Water Springs / Fountains to have harassed & outrage the modesty of women pitching waters to their homes vide DD No. 12/23.09.2021 PS Elam. Consequently, he was proceeded against departmentally. Mr. Abdur Rashid Khan SP Investigation, Buner was appointed as Enquiry Officer. The Enquiry Officer conducted thorough enquiry and recorded his findings that the accused constable is habitual delinquent having 38 bad entries in his entire 11 years of service with zero good entries. The accused official is morally corrupt and recently been transferred from DHQ Hospital Daggar to PS Elam in the same context, where the above narrated allegations were leveled against and the same were thoroughly inquired, which proved against him! The E.O. recommended him for awarding major punishment and also for adopting criminal proceedings as his acts are intolerable and embarrassment for the department.

Now, therefore, I Abdur Rashid Khan (PSP) District Police Officer Buner as Competent Authority and in exercise of the power vested under Police Rules-1975, is believed that the official accused is habitual, chronic and morally corrupt, agreed with the recommendation of Enquiry Officer of awarding major punishment. Constable Irfan-ul-Haq No. 48 is hereby dismissal from service with immediate effect.

Order announced:

DISTRICT POLICE OFFICER, BUNER

OB No. 168. 12/2001



OFFICE OF THE POLICE OFFICER, MAI AT SAIDU SHÁRIF SWAT.

Ph: 0946-9240388 & Fax No. 0946-9240390 Email: ebmalakandregion@gmail.com

ORDER

This order will dispose of appeal of Ex-Constable Irfan-ul-Haq No.48 of Buner District for re-instatement in service, who was dismissed from service by the District Police Officer, Buner vide OB No:168, dated 20/10/2021.

Brief facts of the case are that Ex-Constable Irfan-ul-Haq No.48 was appointed on 01/01/2010 and performed his duties on various places. He was awarded 38 times minor punishments with adverse remarks from the DPO Buner. During his second last posting in DHQ Hospital for indulging in immoral activity there in the DHQ Hospital with ladies patients and subsequently he was transferred to Police Station Elam on 24/08/2021.

On'23/09/2021 vide DD No. 12 PS Elam, within a short span of period, he was again found in iniquitous activity there in the jurisdiction of PS Elam to the effect that he left his point of duty and went to the nearby Water Eprings/ Fountains to have harassed & outrage the modesty of women pitching waters to their homes. He was suspended and closed to Police Lines Dagger and consequently, he was proceeded against departmentally and Mr. Abdul Rashid Khan SP Investigation Buner was appointed as Enquiry Officer.

The Enquiry Officer conducted departmental enquiry and recorded his statement. The Enquiry Officer in his finding stated that the accused Constable is habitual delinquent having 38 bad entries in his entire 11 years of service with zero good entries. The accused official is ill reputation, morally corrupt all the allegations leveled were proved against him and he was recommended for major punishment with criminal proceedings against him as his acts are intolerable and embarrassment for the department. On the recommendation of Enquiry Officer, the District Police Officer, Buner awarded him major punishment of dismissal from service vide OB No.168, dated 20-10-2021.

He was called in Orderly Room on 22-12-2021, and heard him in person. but he did not produced any cogent reason to defend the charges leveled against him. Therefore, his appeal is hereby rejected.

Régional Police Officer, Malakand Region Swat

Copy for information and necessary action to the District Police Officer, Buner with reference to his office Memo: No.6687/EC, dated 15-11-2021. His Service Roll & Fuji Missal containing enquiry file received with the Memo: under reference are returned herewith for record in your office.

Enell & Rell Fimissel

trict Police Offic

Buner