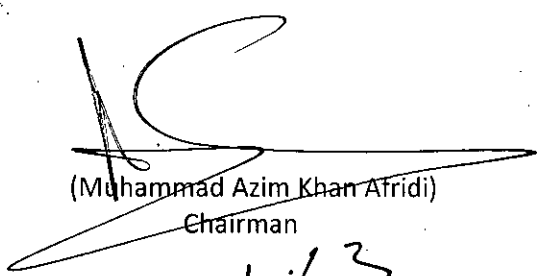
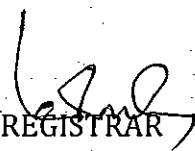




S.No. of order or proceedings	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	22.4.2015	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR</u></p> <p style="text-align: center;"><u>CAMP COURT ABBOTTABAD</u></p> <p style="text-align: center;"><u>Appeal No. 1157/2014</u></p> <p style="text-align: center;"><u>(Pervez Akhtar-vs-IGP Khyber Pakhtunkhwa and two others)</u></p> <p><u>JUDGMENT</u></p> <p><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN</u> : Appellant with counsel present. Learned counsel for the appellant argued that on the strength of involvement in criminal case registered under section 381-A /411/PPC at P.S City Haripur, the appellant was dismissed from service vide impugned order dated 20.12.2012 regarding which he preferred departmental appeal on 6.3.2013 which was rejected on 11.8.2014 on the ground of time limitation where-after appellant preferred service appeal on 18.9.2014.</p> <p>According to judgment of the august Supreme Court of Pakistan reported as-2002 PLG (C.S) 526, the point of limitation is not to be taken lightly. In appeal in hand, the appellant was dismissed on 20.12.2012 while he preferred departmental appeal against the same after lapse of prescribed period of limitation of thirty days on 6.3.2013 which was rejected being time barred on 11.8.2014 and even there-after the appellant has not come to the Court within thirty days as he preferred the service appeal on 18.9.2014.</p> <p>The issue of limitation cannot be taken lightly in such like cases. Since the appellant has failed to seek remedy for redressing his grievances within the prescribed period of limitations as such the appeal is dismissed in limine. File be consigned to the record.</p> <p><u>ANNOUNCED</u> 22.4.2015</p> <p style="text-align: right;">             (Muhammad Azim Khan Afridi)            Chairman            22.04.15         </p>

Form- A  
FORM OF ORDER SHEET

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

Case No. 1157 /2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	18/09/2014	<p>The appeal of Mr. Pervez Akhtar presented today by Mr. Muhammad Aslam Tanoli Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	3-10-14	<p>This case is entrusted to Touring Bench A. Abad for preliminary hearing to be put up there on <u>16-3-15</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3.	16.3.2015	<p><b>None present for appellant. Notice to counsel for the appellant be issued for preliminary hearing for 22.4.2015 at carp court A/Abad.</b></p> <p style="text-align: right;"> Chairman Carp Court A/Abad</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Pervez Akhtar S/O Mohammad Aslam Ex-Constable No.651, District Police, Haripur R/O Village Khoee Nara, Tehsil and District, Haripur.

*Appeal no. 1157/2014*

**Appellant**

**VERSUS**

1. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Hazara Region, Abbottabad.
3. The District Police Officer, Haripur.

**Respondents**

**SERVICE APPEAL**

**INDEX**

S/No	Description of Document	Ann- exure	Page No.
1.	Appeal/application for condonation of delay.	-	1 - 10
2.	Copy of impugned order dated 20-12-2012.	"A"	11
3.	Copy of Charge Sheet/Statement of allegation	"B & C"	12-13
4.	Copy of Reply to Charge Sheet dt.27-7-2011, Court order dated 12-07-2011(4-Pages).	"D"	14-17
5.	Charge sheet/statement of allegation dt.13-3-12	"E & F"	18-19
6.	Reply to the charge sheet dated 24-03-2012	"G"	20-21
7.	Copy of Final Show Cause Notice, dt.28-08-2012	"H"	22
8.	Copy of reply to Show Cause Notice 2-9-2012	"I"	23
9.	Copy of departmental appeal 06-03-2012	"J"	24-26
10.	Copy of order of RPO A/Abad dated 11-08-2014	"K"	27
11.	Copy of application to IGP Peshawar	"L"	28
12.	Copy of order of IGP Peshawar dated 15-9-2014	"M"	29
13.	Wakalatnama.		

Through:

*Pervez Akhtar*  
**APPELLANT**

*M. Aslam Tanoli*  
**(Mohammad Aslam Tanoli)  
Advocate High Court  
at District Bar Haripu**

Dated: 18-09-2014

(1)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

*Appeal No. 1157/8014*

Pervez Akhtar S/O Mohammad Aslam Ex-Constable No.651, District Police, Haripur R/O Village Khoe Nara, Tehsil and District, Haripur.

**Appellant**

**VERSUS**

1. The Inspector General of Police, Khyber Paktunkhwa Peshawar.
2. The Regional Police Officer, Hazara Region, Abbottabad.
3. The District Police Officer, Haripur.

**1189**  
**18-9-9/14**

**Respondents**

APPEAL UNDER SECTION-4 KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST ORDER OB NO.750 DATED 20-12-2012 PASSED BY DISTRICT POLICE OFFICER HARIPUR AND ORDER DATED 06-06-2013 OF REGIONAL OFFICER ABBOTTABAD AND ORDER DATED 15-09-2014 OF INSPECTOR GENERAL OF POLICE KHYBER PAKHTUNKHWA PESHAWAR WHEREBY APPEAL OF APPEAL WAS REJECTED.

PRAYER ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL THE PENALTY OF DISMISSAL AWARDED TO THE APPELLANT VIDE ORDER DATED 20-12-2012 AND ALSO ORDERS DATED 06-06-2013 AND 15-09-2014 THOROUGH WHICH APPEAL OF THE APPELLANT HAS BEEN FILED BY REGIONAL POLICE OFFICER HAZARA RANGE ABBOTTABAD AND INSPECTOR GENERAL OF POLICE KHYBER PAKHTUNKHWA PESHAWAR RESPECTIVELY MAY GRACIOUSLY BE SET ASIDE AND THE APPELLANT BE RE-INSTATED IN SERVICE FROM THE DATE OF DISMISSAL WITH ALL BACK BENEFIT OF SERVICE.

Respectfully sheweth,

1. That the appellant has been awarded the major penalty of dismissal from service vide order OB No.750 dated 20-12-2012 passed by the District Police Officer, Haripur and delivered to the appellant after about 2 ½ months of its passing on 05-03-2013 that too after beseech and enthusiastic efforts of the appellant.

*18/9/14*

**(Copy of the Dismissal order is attached as annexure "A").**

2. That the impugned order of the DPO Haripur is void as ab-initio, illegal, unlawful, issued in excess of jurisdiction, in violation of departmental rules, regulations, contrary to the facts and record, without any reason or cause, against the norms of natural justice, without any reason or cause.
3. That the impugned order has been issued arbitrarily, cursory, perfunctory, in slipshod manner, against the law rather malafide at law, on false & baseless charges just to deprive the appellant from livelihood without any reason.
4. That at present there was no case, charge or allegation, whatsoever, against the appellant for which the Final Show Cause Notice has been issued to the appellant and he has been awarded the major penalty of dismissal from service.
5. That the allegations and charges mentioned in the impugned order were of past and closed chapter, which were duly replied by the appellant on the relevant occasions and for which appellant was found innocent and exonerated of the charge which had attained finality and the appellant was performing his assigned duties as usual without any hinderance.

**FACTS:**

- a) That while posted as Constable in police line Haripur on 07-07-2011 an FIR No.533 u/s-381-A/411 was registered against un-known persons, but later on the appellant was falsely involved in the said case. During the trial before the learned Court the appellant was found innocent and thus honorably acquitted of the charge.

3

- b) That the appellant was served with a Charge Sheet alongwith statement of allegation and Mr. Seed Khan Dy. Superintendent of Police, Elite Force Abbottabad was appointed as Enquiry Officer vide No.4877-82/EF dated 11-07-2011. **(Copies of the Charge sheet and list of allegation are attached as annex B & C).**
- c) That the above mentioned Charge Sheet dated 11-07-2011 was duly replied explaining all facts and circumstance of the case. **(Copy of the Reply dated 27-07-2011 alongwith its enclosures are attached as annex D).**
- d) That after closing the chapter, the appellant was once again served with the charge sheet/statement of allegation vide No.486-88/PA dated 13-03-2012 appointing Mr.Tariq Mehmood DSP Haripur, without cancelling the previous enquiry, for the same charge & allegation in serious violation of the statutory mandatory provision of law, departmental procedure as well as against the natural justice. **(Copies of the Charge sheet alongwith statement of allegation is attached as annex E & F).**
- e) That the aforementioned charge sheet was duly replied on 24-03-2012 explaining all the relevant facts and circumstances of the matter and denying the allegation. **(Copy of the reply is appended as annex G).**
- f) That reply of the appellant was never considered and the District Police Officer, Haripur went on to serve the appellant with Final Show Cause Notice dated 28-08-2012. **(Copy of the final show cause notice is attached as annex H).**
- g) That above cited final show cause notice was replied in detail on 02-09-2012 explaining the relevant facts and circumstance

4

with regard to the appellant's falsely implication in the matter and ultimately honorably acquittal by the Honorable Trial Court. **(Copy of the reply is attached as annex I).**

- h) That without providing an opportunity of personal hearing which is mandatory under law the appellant was dismissed from service vide impugned order dated 20-12-2012, but the same was never issued to the appellant well in time rather it was acquired through personal enthusiastic effort of the appellant which ultimately resulted delay into filing of departmental appeal before the Regional Police Officer, Hazara Range, Abbottabad, due to the reason departmental appeal of the appellant was filed being time barred but no fault on the part of appellant.
- i) That the impugned order dated 20-12-2012 of DPO Haripur was appealed against before the Regional Police officer, Hazara Range, Abbottabad disclosing all facts. However, the same was filed illegally by the Appellate Authority treating the same as time barred vide order dated 06-06-2013. **(Copies of the appeal & its filing orders are attached as annex J & K).**
- j) That order 06-06-2013 was also challenged through an application before the Honourable Inspector General of Police Khyber Pakhtunkhwa, Peshawar which was petition was also filed on 18-08-2014 and the appellant was informed vide order No.6661/E-IV dated 15-09-2014. **(Copies of application and order dated 15-09-2014 are attached as annex L&M).** Hence, instant service appeal before this Honourable Provincial Service Tribunal, inter alia, on the following:-

5

**GROUND:**

- i. That the impugned order 20-12-2012 of the DPO, Haripur is void ab-initio, illegal, unlawful, issued in excess of jurisdiction, in violation of departmental rules, regulations, contrary to the facts and record, against the norms of natural justice.
- ii. That the impugned order has been issued arbitrarily, cursory, perfunctory, in slipshod manner, against the law rather malafide at law, on false & baseless charges.
- iii. That though the impugned order was passed on 20-12-2012 but the appellant was kept in darkness and the same was not provided to him well in time. The same could hardly be acquired on 05-03-2013 by the appellant through his personal efforts, due to the reason appeal of the appellant was filed by the Appellate Authority treating the same as time barred despite no fault on the part of appellant. Thus impugned order is void ab-initio and liable to be set aside.
- iv. That so far the FIR No.533/2011 u/s-381-A/411 is concerned, it was a baseless and false implication of the appellant resultantly the Trial Court honorably acquitted the appellant of the charge leveled against him.
- v. That the above matter was a past and closed chapter and at present there was no case/allegation whatsoever against the appellant for which he was served with Final Show Cause Notice and dismissed from service vide impugned order dated 20-12-2012 issued by the District Police Haripur without any reason or rhyme.



- vi. That the allegation and charge mentioned in the impugned order was a past and closed chapter, which was settled earlier in the year 2011 and the same had attained its finality.
- vii. That neither any witness produced against the appellant nor was he confronted with any documentary proof, whatsoever the same may be, nor was a copy of Inquiry Report or findings of the inquiry Officer provided to the appellant before issuing final show cause notice thus provisions of the inquiry procedure were also seriously violated.
- viii. That the appellant was also never provided with the opportunity of personal hearing which is mandatory thus has been condemned unheard.
- ix. That a very harsh penalty, without jurisdiction, based on mala-fide, against the service laws, rules and regulations and without any reason has been imposed upon the appellant.
- x. That the appellant is a young educated and has rendered more than 07 years service with meritorious service record.
- xi. That the punishment of dismissal from service has not only spoiled appellant's future but it has distressed him financially, who has to feed a large family consisting upon his minor children, old & ailing parents and is the only son of his parents/supporter of these persons and that too without any reason or fault of the appellant.

**PRAYER:**

It is, therefore, humbly prayed that on acceptance of the instant service appeal the penalty of dismissal awarded to the appellant vide order dated 20-12-2012 by the District Police officer, Haripur and order dated 06-06-2013 and 15-09-2014 through which appeal of the appellant has been filed by the Regional Police Officer Hazara Range Abbottabad and Inspector General of Police Khyber Pakhtunkhwa Peshawar respectively may graciously be sat aside and the appellant be re-instated in service from the date of dismissal with all back benefit of service. Any other relief which this Honorable Court deems fit may also be granted.

*Pervaiz*

**Appellant**

Through

*M. Aslam*

(Mohammad Aslam Tanoli)  
Advocate High Court  
at Haripur

Dated : 18-09-2014

**Verification:**

It is verified on oath that the contents of the above titled memorandum of appeal are true and correct to the best of my knowledge and belief.

*Pervaiz*

**Appellant**

Dated: 18-09-2014

Identified by:

*M. Aslam*

(Mohammad Aslam Tanoli)  
Advocate High Court  
At Haripur

8

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Pervez Akhtar S/O Mohammad Aslam Ex-Constable No.651, District Police, Haripur R/O Village Khoe Nara, Tehsil and District, Haripur.

**Appellant**

**VERSUS**

1. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Hazara Region, Abbottabad.
3. The District Police Officer, Haripur.

**Respondents**

**SERVICE APPEAL**

**CERTIFICATE**

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

  
**APPELLANT**

Dated: 18-09-2014

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Pervez Akhtar S/O Mohammad Aslam Ex-Constable No.651, District Police, Haripur R/O Village Khoee Nara, Tehsil and District, Haripur.

**Appellant**

**VERSUS**

1. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Hazara Region, Abbottabad.
3. The District Police Officer, Haripur.

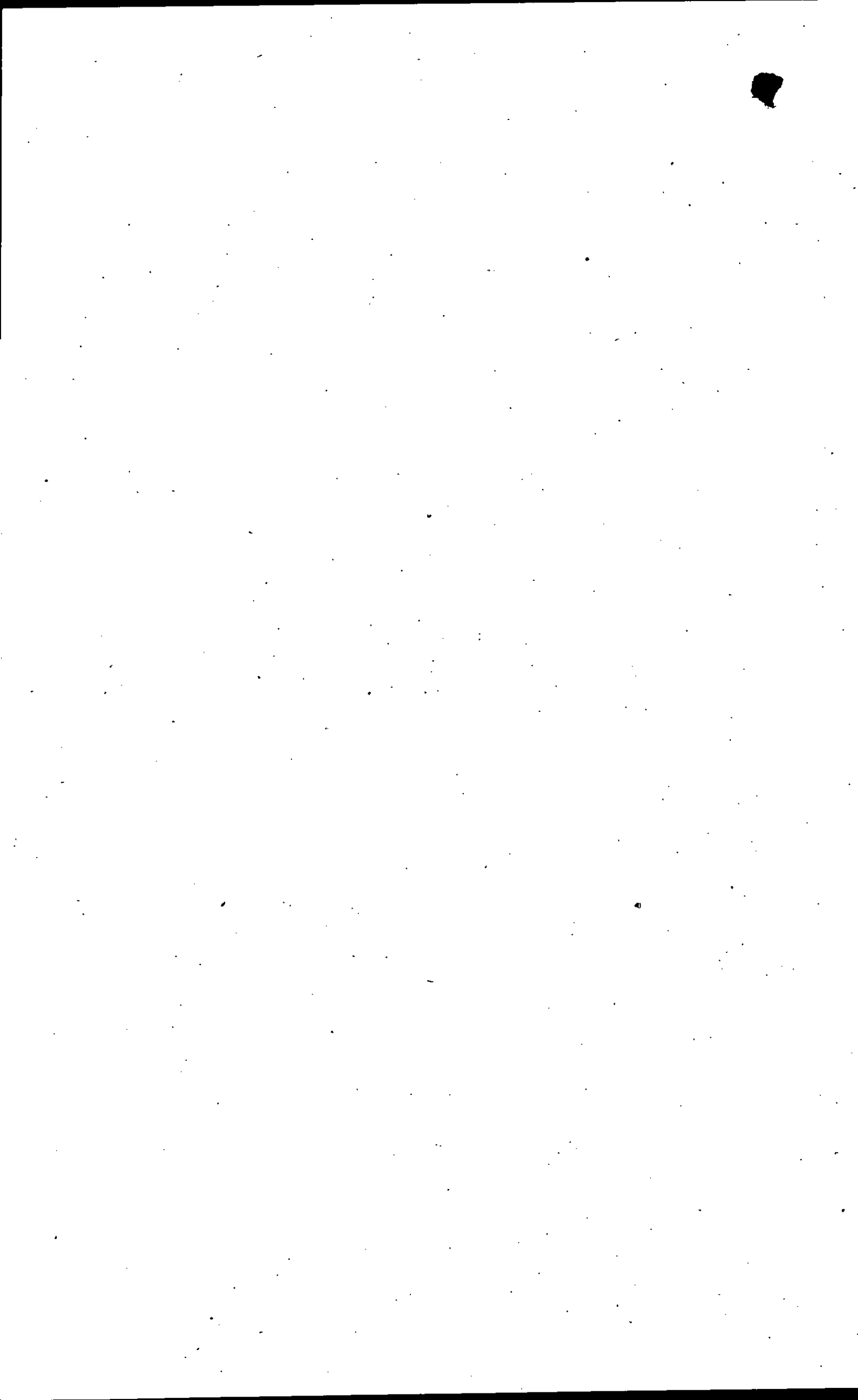
**Respondents**

**SERVICE APPEAL**

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

Respectfully Sheweth:

1. That the Applicant/Appellant has today filed the Service Appeal, which may be considered as part and parcel of this application, against the order dated 20-12-2012 passed by the District Police officer, Haripur whereby the Respondents have awarded the appellant with major penalty of dismissal.
2. That as the above said penalty is ab-initio illegal, null & void, having no existence in the service laws thus the very imposition of the impugned penalty is without jurisdiction, lawful authority, imposed in sheer violation of mandatory statutory provisions of penal law thus being void ab-initio is ineffective against the rights of Applicant/Appellant.
3. That Applicant/appellant preferred departmental appeal/petition before the Respondents against the above illegal



order but till to date the Respondents have not re-instated the appellant in his service which has deprived the appellant of his legitimate right of livelihood without any reason.

- 4. That as the penalty is void, being passed in sheer violation and derogation of the statutory provisions governing the competency and jurisdiction to award a penalty, therefore the same is a nullity in the eyes of law and being a void and unlawful penalty, causing dismissal of the appellant from service which cause of action to the Applicant/Appellant can be challenged and questioned irrespective of a time frame.
- 5. That the instant application is being filed as an abundant caution for the condonation of delay, if any.
- 6. That the impugned penalty imposed vide order dated 20-12-2011 is illegal, void ab-initio, a nullity in the eyes of law thus liable to be set aside in the interest of justice.

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

Through:

*Per*  
 Applicant/Appellant  
*M. Aslam Tanoli*  
 (Mohammad Aslam Tanoli)  
 Advocate High Court  
 At District Bar Haripur

Dated: 18-09-2014

**AFFIDAVIT:**

It is solemnly declare and affirm on oath that the contents of the instant application/appeal are true and correct to the best of my knowledge and belief.

*Per*  
 Deponent/Appellant

MAHMUD HAWAZ ADVOCATE  
 OATH  
 COMMISSIONER  
 ATTESTED  
 DISTRICT HARIPUR  
*h/w*  
*18-9-14*

(11)

Amner A

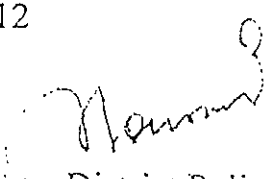
ORDER

Constable Pervez Akhtar No.651 while posted at Police Lines, Haripur stolen a motor cycle from NBP Haripur and a case vide FIR No.533 dated 05.07.2012 u/s 381-A/411 PPC Police Station City was registered against him which is gross misconduct on his part, hence was charge sheeted.

To probe the matter and conduct of the official an enquiry was marked to Mr. Tariq Mehmood DSP/HQrs who reported that he absented from duty from NBP guard on 02.07.2011 and on the same day a motor cycle was stolen due to which case FIR No.533 dated 05.07.2011 u/s 381-A/411 PPC Police Station City was registered against him. The stolen M Cycle was handed over to the owner by his relative and the case was challaned to court where from he was acquitted due to effecting compromise and availing benefit of 249-A CrPC from the court therefore charges leveled in the charge sheets are proved against him. Enquiry Officer also recommended him for punishment.

Therefore, I Muhammad Ali Khan DPO Haripur the competent authority in the present case in exercise of powers under the Police Efficiency & Discipline Rules 1975, came to conclusion that Constable Pervaiz Akhtar No.594 stolen a motor cycle and a case vide FIR No.533/2011 u/s 381-A/411 PPC Police Station City was registered against him and he was arrested in the case. Moreover, he remained absent on different occasions for a total period of 158 days. After disciplinary proceedings, he was issued Final Show Cause Notice vide this office Endst: No.1148/PA dated 28.08.2012. He however, failed to give reply of Final Show Cause Notice and also failed to appear in Orderly Room despite being called. Hence, keeping in view his criminal record, tendencies and prolonged absence, he is "dismissed from service" with effect from 20.12.2012. The period of absence is treated as earned leave.

Order announced.  
OB No.750 dated 20.12.2012

  
District Police Officer  
Haripur



12

Annex 'B'

## CHARGE SHEET

I, Muhammad Iqbal, Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar as competent authority, hereby charge you Constable Pervaiz Akhtar No. 594/3255 of Elite Force as follows;

You were involved in case FIR No. 533, dated 05.07.2011 U/S 381-A/411 PPC Police Station City District Haripur.

By reason of the above, you appear to be guilty of misconduct under the NWFP Removal from Service (Special Powers) Ordinance 2000 and have rendered yourself liable to all or any of the penalties specified in the said ordinance.

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

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

5. You are directed to intimate whether you desire to be heard in person.

6. A statement of allegation is enclosed.

  
(MUHAMMAD IQBAL)

Deputy Commandant,  
Elite Force, Khyber Pakhtunkhwa, Peshawar.





SUMMARY OF ALLEGATIONS

I, Muhammad Iqbal, Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar as competent authority, am of the opinion that Constable Pervaiz Akhtar No. 594/3255 has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Section-3 of the NWFP Removal from Service (Special Power) Ordinance 2000;


SUMMARY OF ALLEGATIONS

He was involved in case FIR No. 533, dated 05.07.2011 U/S 381-A/411 PPC Police Station City District Haripur.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations. Mr. Saeed Khan Deputy Superintendent of Police, Elite Force, Abbottabad is appointed as Enquiry Officer.

3. The Enquiry Officer shall, in accordance with the provision of the said Ordinance shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within (25 days) after the receipt of this order.

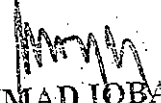
4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the enquiry officer.

  
(MUHAMMAD IQBAL)  
Deputy Commandant,  
Elite Force, Khyber Pakhtunkhwa, Peshawar.

No. 4877-82/EF, dated Peshawar the 11/07/2011.

Copies to;

- 1. District Police Officer, Haripur.
- 2. Deputy Superintendent of Police, Elite Force, Abbottabad.
- 3. Constable Pervaiz Akhtar No. 594/3255 of Elite Force.
- 4. Accountant, Elite Force, Khyber Pakhtunkhwa, Peshawar.
- 5. OASI, Elite Force, Khyber Pakhtunkhwa, Peshawar.
- 6. SRC, Elite Force, Khyber Pakhtunkhwa, Peshawar.

  
(MUHAMMAD IQBAL)  
Deputy Commandant,  
Elite Force, Khyber Pakhtunkhwa, Peshawar.



حصہ عالی

جو اہل خارجہ مشیخت حروف میں لکھ کر جو پھر خط  
 و خطیاری کی شکل میں ایک ابتدائی صورت میں لکھا جا  
 و خطیاری میں لکھا گیا۔ اور پھر یہی جو سے یا سری  
 لکھا گیا ہے۔ پھر اس میں رقم لکھی اور اس میں لکھا گیا ہے  
 جس کے بیان میں درج ذیل سے بیان ہے کہ  
 اسے اس کا جو کہ سنائیگی لکھا گیا اس کے ساتھ سے  
 عدوہ سے۔ اور یہی بنیاد پر اس کے ساتھ سے لکھا گیا ہے  
 منظور ہوئی۔ (نقل حکم عدالت نہ ہو)  
 حصہ عالی۔ خطیاری لکھی گئی ہے اس کا نتیجہ ہے اور اس  
 کے عدالت سے ماہل و منہ اس کے دی۔

ان حالات میں مذکور ہے کہ خارجہ مشیخت  
 کی جانگاہت میں درج کی جائے۔ یا اس کے ساتھ سے لکھا گیا۔

التوفیق  
 27/07/2011

Pervaiz

کریمنل سروسز ڈسٹرکٹ # 3255/594

اینٹی ٹرورسٹ عدالت، لاہور

Pervaiz

15

Serial No. of Order of Proceedings

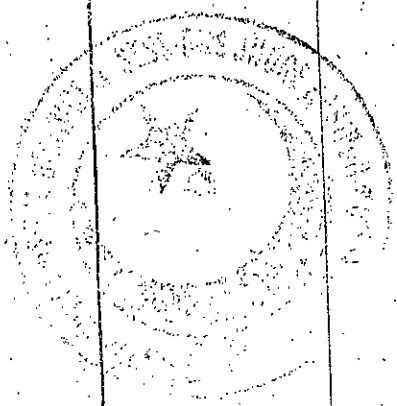
Date of Order of proceedings

Order or other proceedings with signature of Judge or Magistrate and that of Parties or Counsel, where necessary

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12-7-11 Date 7-7-11 رقم 291/4

ORDER  
12/07/2011



Accused/petitioner Parvez Akhtar present alongwith his counsel. APP on behalf of the state and complainant Abdul Wahid also present.

Petitioner herein namely Parvez Akhtar s/o Muhammad Aslam, Caste Awan r/o Khoi Nara, Tehsil & District Haripur seeks pre-arrest bail in case FIR No. 533 dated 05/07/2011 U/S 381-A/411 PPC, Police Station Kot Najibullah, District Haripur.

The allegation against the petitioner is that on 02/07/2011 at unknown time, he has taken away the motorcycle of the complainant, that the said stolen property was later-on recovered from possession of the petitioner.

I heard learned counsel for the petitioner, APP for the state and perused the relevant record.

It transpired that the complainant namely Abdul Wahid had reported the matter in Police Station City, Haripur which was incorporated in Naqal Mad No. 60 dated 02/07/2011. Perusal of said report reveals that the present petitioner is not charged for the commission of the offence. Later-on, on 05/10/201, the complainant in his application submitted to DSP City Circle Haripur, suspected the present petitioner for commission of the offence and thereafter during the inquiry,

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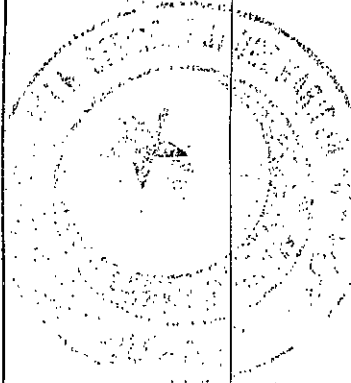
Accepted by this copy  
Authorised by 37 of  
Cantonment order, 195  
Date 18. 7. 11  
Examiner  
Distt. & Sessions Judge  
Haripur

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16

29/1/11 Amended

Serial No. of Proceedings	Date of Order of proceedings	Order or other proceedings with signature of Judge or Magistrate and that of Counsel, where necessary
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the petitioner was found involved in commission of the offence. No one has noticed the petitioner while committing the offence. More so, the complainant is present in the Court today and stated that he has patched up the matter with the petitioner and has no objection if the ad-interim pre-arrest bail of the petitioner is confirmed. In this respect, statement of the complainant was recorded. Though the offence for which the petitioner is charged is not compoundable, but as the complainant has settled the matter with the petitioner outside the Court and is no more interested in prosecution of the petition, hence, in such like state of affairs the compromise arrived between the parties can be considered a ground for grant of pre-arrest bail in favour of the petitioner.

Having regard to the above mentioned facts and circumstances, this court is of the view that the petitioner deserves the concession of pre-arrest bail. Resultantly, the petition in hand is accepted and the pre-arrest bail already granted by this Court in favour of the petitioners is confirmed on the existing terms and conditions. File be consigned to Record Room after its completion.

No. 2748 Date of presentation of Application 18.7.11  
 No of Words AS per  
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**Announced**  
12/07/2011

attested to be true copy  
 Authorized U/A 67 of  
 Gouzon-e-Mahkamat order, 193

*(Signature)*  
 (SHAIBER KHAN)  
 SESSIONS JUDGE,  
 HARIPUR

*(Signature)*  
 Examiner  
 Distt. & Session Judge,  
 Haripur

*(Signature)*

(17)

29/7/11

Annex. D/3

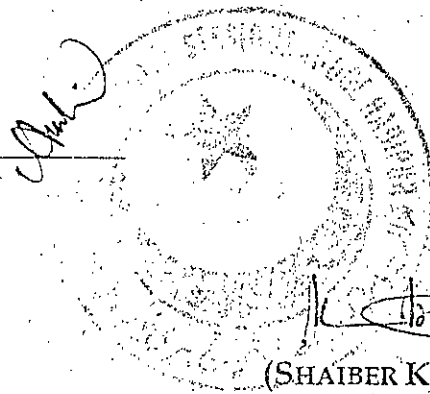
State VS Pervez Akhtar

Compromise statement of Abdul Wahid s/o Abdul Majeed, Caste Awan aged about 26 years resident of Mohallah Talab Wali Masjid, Skindarpur, presently working in National Bank Main Branch Haripur, on oath (Complainant).

S-

On 02-07-2011 I submitted application before the SHO Police Station City Haripur for stealing of my motorcycle applied for Honda-125 of red colour against the unknown accused on which the present FIR No. 533 dated 05-07-2011 was registered u/s 381/411 PPC at Police Station City. The present petitioner/accused was implicated by the police during investigation. As I have got my stolen motorcycle from any source, other than this accused/petitioner, therefore, I have got no objection if the Honable court confirms the bail before arrest already granted in favour of the accused/petitioner. Similarly, I have got no objection on subsequent acquittal of the accused at the time of commencement of trial. Copy of my NIC is Ex.P.A.

Abdul Wahid (Complainant)  
s/o Abdul Majeed  
NIC No. 13302-3203678-7



R.O & A.C  
12/07/2011

(SHAIBER KHAN)  
SESSIONS JUDGE,  
HARIPUR

Accepted to be true copy  
Authorized by 27 of  
Ganoun-e-Mahadi order, 198-

Date 18.7.11

ice  
Examiner  
Dist. & Session Judge  
Haripur

Pervez

CHARGE SHEET.

18

Annex - E

(1) I, Muhammad Ali Khan, District Police Officer, Haripur as competent authority, hereby charge you PC Pervaiz Akhtar No. 594 as follows:-

That you while posted at Police Lines Haripur, you stole a motorcycle from NBP Haripur and a case vide FIR No. 533 dated 05.07.2011 u/s 381-A/411 PPC PS City was registered against you. This act is a gross misconduct on your part, hence charge sheeted.

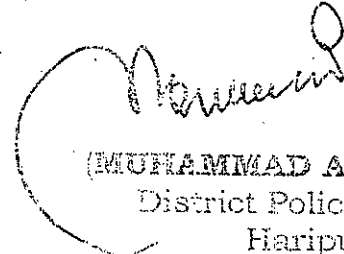
(2) By reasons of the above, you appear to be guilty of misconduct under Police Disciplinary Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the said Rules.

(3) You are, therefore, required to submit your written defense within 07 days of the receipt of this charge sheet and statement of allegation to the Committee/Enquiry Officer as the case may be.

(4) Your written defense, if any, should reach the Enquiry Officer/Committee 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.



(MUHAMMAD ALI KHAN)  
District Police Officer  
Haripur



DISCIPLINARY ACTION

(1) I, Muhammad Ali Khan, District Police Officer, Haripur as competent authority of the opinion that you **FC Pervaiz Akhtar No. 594** has rendered yourself liable to be proceeded against as you committed the following acts/omissions within the meaning of Police Disciplinary Rules 1975.

STATEMENT OF ALLEGATION

That you while posted at Police Lines Haripur, you stole a motorcycle from NBP Haripur and a case vide FIR No. 533 dated 05.07.2011 u/s 381-A/411 PPC PS City was registered against you. This act is a gross misconduct on your part.

(2) For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, an Enquiry Committee consisting of the following is constituted.

Mr. Taiz, Muhammad  
DSP, HR.

(3) The Enquiry Officer/Committee 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 against the accused.

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

(MUHAMMAD ALI KHAN)  
District Police Officer  
Haripur

No: 486-88/PA, dated Haripur the 13/03/2012.  
Copy of above is submitted to the :-

- 1) Deputy Inspector General of Police Hazara Region, Abbottabad please.
- 2) Enquiry Officer for initiating proceedings against the said accused under Police Disciplinary Rules 1975.
- 3) **FC Pervaiz Akhtar No. 594** with the direction to submit his defense within 7 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purpose of departmental proceedings.

Muhammad  
(MUHAMMAD ALI KHAN)  
District Police Officer  
Haripur

Pervaiz

(20)

Annex 'G'

To  
Mr. Tariq Mahmood SB.  
DSP, Haripur.  
(Enquiry Officer).

Subject: - Reply to charge sheet.

Reference: No. 486-88/PA dated 13-03-2012.

Respected Sir,

With most-Reverence and humble submission it is stated that the case mentioned in the charge sheet has already been processed & settled by the Superintendent of Police Elite Force, Peshawar. A full fledged inquiry was held in the matter and I was exonerated of the charge as once again mentioned in the instant case.

However, the FIR as cited in the charge sheet was registered against me wrongly and with mis-understanding on the part of complainant, which he later on withdrew by him. Due to the reason I was exonerated of the charge by the Enquiry officer. Now the same is closed and past matter. Further the Criminal case under the above cited FIR No. 533

Proth

Contd P2



(21)

dated 05-07-2011 has been closed by the Honourable Court and I have been honourably acquitted of the charge, and at present there is no criminal case pending against me in any of the Court.

In view of the above mentioned facts & circumstances it is humbly requested that the instant charge sheet may kindly be withdrawn exonerating me of the charge being a closed and past chapter.

Thanking you Sir in anticipation

yours obediently  
Pervez

dated 24<sup>3</sup>/<sub>2012</sub>

(Pervez Akhtar)  
FC No. 65,  
Haripur Police

Pervez

(22)

Annex #2

FINAL SHOW CAUSE NOTICE.

I **Muhammad Ali Khan**, District Police Officer, Haripur as Competent Authority under Police Disciplinary Rules 1975, do hereby serve Show Cause Notice upon you **Constable Pervaiz Akhtar No. 594** on the following grounds :-

That you while posted at police lines Haripur, you stole a motorcycle from NBP Haripur and a case vide FIR No. 533 dated 05.07.2011 u/s 381-A/411 PPC PS City was registered against you. This act is a gross misconduct on your part, You were issued charge sheet and enquiry was entrusted to Mr. Tariq Mehmood DSP/Hqrs: Haripur who submitted his finding in which charges leveled against you were proved, hence final show cause notice.

Keeping in view of the above allegation on your part, you are hereby called upon to show cause within 07 days on receipt of this notice as to why you should not be awarded major/minor punishments under Police Disciplinary Rules 1975, if your written reply is not received within the stipulated period, it shall be presumed that you have no defense to offer. You are also allowed to appear before the undersigned if you so desire.

(MUHAMMAD ALI KHAN)  
District Police Officer  
Haripur

No. 1149 /PA, dated Haripur the 28/8 /2012.  
Copy of above is submitted to the Deputy Inspector General of Police, Hazara Region Abbottabad please.

(MUHAMMAD ALI KHAN)  
District Police Officer  
Haripur

Pervaiz

تجدید صحت دہ پو سے ۲۷ مئی ۱۹۲۸ء

مقررہ پیرا میں مندرجہ ذیل

عنوان - درخواست اجراء پر فائنل رپورٹ شوکار نوٹس ۲۸/۱۲/۲۸

شوکار نوٹس میں مذکورہ شوکار نوٹس میں  
مذکورہ شوکار نوٹس میں مذکورہ شوکار نوٹس میں  
۱۹۲۸ء میں Settled ہو گیا تھا۔

یہ بات غلط ہے اور چونکہ دوران بیماری ہی تھی۔ اور  
مذکورہ معاملہ کا بابت Medical Officer بھی یہاں  
پہنچے۔ اور مذکورہ بھی کا بابت حتمی ہو گیا۔  
اس میں یہ دیکھنا چاہیے کہ جو وہ شوکار نوٹس میں  
لکھا ہے اس کے بعد دوبارہ اس کا حتمی فائنل  
شوکار نوٹس میں ملاحظہ فرمائیے۔ اور اس میں  
مذکورہ دو کپی مقدمہ میں بھی لکھا ہے کہ ملوث ہونے پر اس میں  
اور اس کے بعد ملاحظہ فرمائیے۔ اس میں ملاحظہ فرمائیے کہ  
یہ ہے اور اس میں ملوث ہونے کے خلاف کوئی

Post

کینے ہے۔ اور نہ ہی فردی نے کوئی عملی  
کا ہے۔ اس میں یہ ماسٹر کو فارغوں  
میں وہ past & closed chapters ہے۔  
جو صرف قانون ہے۔ (تعمیر و ترمیم کے بارے میں اس میں)

اس کے بعد نیشنل کونسل  
والیوں کے بارے میں - اور فردی کو اس کے  
فرائض کی بات ہے۔  
شہدہ

29  
02/2012

المقرر

پروفیسر کانسٹیبل 651 ڈسٹرکٹ کونسل  
حکومت

Perrett

Perrett

**BEFORE THE DEPUTY INSPECTOR GENERAL OF POLICE  
HAZARA REGION ABBOTTABAD**

**SUBJECT: DEPARTMENTAL APPEAL AGAINST THE ORDER OB  
NO.750 DATED 20-12-2012, PASSED BY THE DPO  
HARIUR WHEREBY THE APPELLANT HAS BEEN  
AWARDED WITH MAJOR PENALTY OF DISMISSAL  
FROM SERVICE UNDER POLICE EFFICIENCY &  
DISCIPLINARY RULES 1975 DELIVERED TO  
APPELLANT ON 05-03-2013.**

**PRAYER: ON ACCEPTANCE OF THE INSTANT APPEAL THE  
IMPUGNED ORDER MAY GRACIOUSLY BE SET  
ASIDE AND APPELLANT BE REINSTATED IN  
SERVICE FROM THE DATE OF HIS DISMISSAL  
WITH ALL CONSEQUENTIAL BACK BENEFITS.**

---

Respected Sir,

With most veneration and humble submission the following few lines are laid down before your Highness for kind consideration and favourable orders please:-

**FACTS:**

1. That the appellant has rendered more than.....years service in the Police Department and always performed his assigned duties with zeal, zest, devotion, dedication and honesty and never provided a chance of reprimand to his superiors. Appellant has untarnished rather meritorious service record at his credit and always earned good/very good ACRs.
2. That the appellant has been awarded the major penalty of dismissal from service vide order OB No.750 dated 20-12-2012 and delivered to the appellant on 05-03-2013 that too after beseech and enthusiastic efforts of the appellant. (Copy of the Dismissal order is attached as annexure "A").
3. That the appellant was served with a Final Show Cause Notice under No.1147/PA dated 28-08-2012. (Copy of the Charge Sheet which is attached as Annexure "B").
4. That the said Final Show Cause Notice was replied by the appellant vide written reply dated 02-09-2012 duly supported with medical certificates (Copy of the reply is attached as Annexure "C").
5. That so far the FIR No.533/2011 u/s-381-A/411 is concerned, it was a baseless FIR and false implication resulted into honorably acquittal of appellant in the year 2011.

6. That both the above matters are past and closed chapters and at present there was no case/allegation whatsoever against the appellant but impugned dismissal orders of the appellant have been issued by the District Police Haripur without any reason or rhyme. Hence this departmental appeal, inter alia, on the following grounds:-

**GROUND:**

- a. That the impugned order of the DPO Haripur illegal, unlawful, issued in excess of jurisdiction, in violation of departmental rules , regulations, contrary to the facts and record, without any reason or cause, against the norms of natural justice, without any reason or cause.
- b. That the impugned order has been issued arbitrarily, cursory, perfunctory, in slipshod manner, against the law rather malafide at law, on false & baseless charges just to deprive the appellant from livelihood without any reason.
- c. That at present there was no case, charge or allegation, whatsoever, against the appellant for which the Final Show Cause Notice has been issued to the appellant and he has been awarded the major penalty of dismissal from service.
- d. That the allegations and charges mentioned in the impugned are of the passed and closed chapters, which were duly replied by the appellant on that occasions and for which no penalty was awarded to the appellant in the past which had gained finality.
- e. That no Charge Sheet was ever issued to the appellant before passing the impugned order.
- f. That neither any Inquiry Committee was formed nor Inquiry Officer appointed to probe into the matter if do exists there against the appellant.
- g. That neither any witness produced against the appellant nor was he confronted with any documentary proof whatsoever may be for which the impugned order passed on by the DPO Haripur.
- h. That neither a copy of Inquiry Report or findings of the inquiry Officer, whatsoever may be if there was any Inquiry against the appellant, were provided to the appellant thus provisions of the inquiry procedure were also seriously violated.

- i. That the appellant was also never provided with the opportunity of personal hearing which is mandatory thus has been condemned unheard.
- j. That a very harsh penalty, without jurisdiction, based on mala-fide, against the service laws, rules and regulations and without any reason or cause has been imposed upon the appellant.
- k. That the appellant was never involved in negligence or any crime for which he has been charged and penalized illegally against the law and norms of natural justice.
- l. That the appellant is a young educated and has rendered more than ... years service with meritorious service record.
- m. That the punishment of dismissal from service has not only spoiled appellant's future but it has distressed him financially, who has to feed a large family consisting upon his minor children, old & ailing parents and is the only son of his parents/supporter of these persons and that too without any reason or fault of the appellant.

**PRAYER:**

In view of above facts and circumstances it is earnestly prayed that my case may kindly be given sympathetic consideration and I may kindly be reinstated in my service from the date of dismissal with all back benefits setting-aside the impugned dismissal order. I shall be thankful for this act of kindness and prosperity.

Yours Obediently

*Pervez Akhtar*

PERVEZ AKHTAR

EX-CONSTABLE NO.651

Village Khoee Nara, Haripur

Dated : 06-03-2013

(27)

Phone No.0992-9310021  
Fax No.0992-9310023

Annex - K

From: The Regional Police Officer,  
Hazara Region (Abbottabad)

To: The Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.


No. 7207 /PA Dated Abbottabad, the 11.8 /2014.

Subject: APPLICATION FOR REINSTATEMENT IN SERVICE

Memo:

Kindly refer to your office letter No. 4968 /E-IV dated  
06-08-2014.

The said Ex-Constable had preferred an appeal before the  
then RPO/Hazara which was filed being time barred on 6-6-2013.

  
REGIONAL POLICE OFFICER  
Hazara Region Abbottabad









29 OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
Central Police Office, Peshawar

Annex - M

To The Regional Police Officer,  
Hazara Region, Abbottabad.

No. 6661 /E-IV, dated Peshawar the 15/09/ 2014.

Subject: APPLICATION FOR RE-INSTATEMENT IN SERVICE.

Memo:

Please refer to your office letter No. 7201/PA, dated 11.08.2014 and  
DPO/Haripur letter No. 1782, dated 25.02.2014.

The application of Ex-Constable Pervez Akhtar No. 65 of District Police  
Haripur for re-instatement in service was examined by the competent authority and filed on  
18.08.2014.

(FARHAD ALI)

Registrar

For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

Pervez

