Appellant present through counsel.

Asif Masood Ali Shah learned Deputy District Attorney alongwith Khalil Khan S.I. (Legal) for respondents present.

An application for withdrawal of the instant service appeal was submitted on behalf of appellant which is allowed. Consequently, instant service appeal is hereby dismissed as withdrawn. No order as to costs. File be consigned to the record room.

Announced. 27.10.2021

(Rozina Rehman)

Camp Court, D. Khan

23.11.2020

Learned counsel for appellant present.

Mr. Muhammad Jan, learned DDA for respondents present.

Representative of respondent absent, therefore, notice be issued to respondents for submission of written reply/comments. To come up for written reply/comments on 25.01.2021 before S.B at Camp Court, D.I.Khan.

> (Atiq-Ur-Rehman Wazir) Member (E)

Camp Court, D.I.Khan

25.1.2021 Our to COULD 19, The case is apposited to 26: 3.2021 for the forms

26.03.2021

Nemo for the appellant. Mr. Muhammad Rasheed Deputy District Attorney alongwith Mr. Khalil Khan, S.I (Legal) for the respondents present and sought time for submission of written reply/comments. Adjourned. To come up for written reply/comments on 23.06.2021 before S.B at Camp Court D.I.Khan.

Today's date was posted on Note Reader, therefore, notice be issued to appellant as well as his counsel for attendance for the date fixed.

> (SALAH-UD-DIN) MEMBER (JUDICIAL) CAMP COURT D.I.KHAN

23-6-21

Due to cot 10-19, The case is affaired \$ 27.10.2021 jar forme.

Form- A

FORM OF ORDER SHEET

Court of			

	Case No	93 9 7/ 2020
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/08/2020	The appeal of Mr. Tariq Javed presented today by post through Muhammad Abdullah Baloch Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.
٠ ٠,		REGISTRAR
2-	14.9.20	This case is entrusted to touring S. Bench at D.I.Khan for
_		preliminary hearing to be put up there on 24-9-2020
		Mu.
		CHAIRMAN
	24.09.2020	Counsel for appellant present. Preliminary arguments heard. File perused.
		Points raised need consideration. 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
npella Y	neposited	respondents for written reply/comments. To come up
ecuriy	Aprojess FGO >	for written reply/comments on 23.11.2020 before S.B
(,,	30191	(Rozina Rehman) Member (J) Camp Court, D.I.Khan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUAL, PESHAWAR

Tariq Javed (Appellant)

VERSUS

PPO KPK etc (<u>Respondents</u>)

INDEX

		Description of documents	Annexure	Pages
1913	1.	Memorandum of Appeal and affidavit		1 - 11
	2. 3.	Copy of CNIC Copy of the statement of allegation and charge sheet	B & C	12 - 13
-	4.	Copies of the reply of appellant Copy of the Inquiry report	D & D/1	14 - 16
-	6.	Copies of final show-cause and its reply		18 – 19
	7.	Copy of the impugned order dated 27/01/2020		20
.	8.	Copies of departmental appeal and impugned order dated 01/05/2020	H & H/1	21-23
	9.	Copy of the mercy petition	I	24 - 27
Ì	10	. Vakalatnama		

Dated: //_/08/2020

Your humble appellant

Taria Javed

Through counsel

Muhammad Abdullah Baloch Advocate High Court

6314-6932557

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUAL PESHAWAR

Khyber Pakhtukh**wa** Service Tribugai

Service Appeal No. <u>9397</u>/2020

Diary No. 8757

Dated 3-8-2020

Tariq Javed son of Sharaf Din Qureshi caste Qureshi r/o village Singarh Sahrif, Tehsil & District Dera Ismail Khan. Constable#130 presently posted at Police line Dera Ismail Khan. (Ex-Head Constable No. 130)

(Appellant)

VERSUS

- 1. Provincial Police Officer, (IGP), Khyber Pakhtunkhwa Central Police Office Peshawar.
- Deputy Inspector General of Police/Regional Police
 Officer, Region Dera Ismail Khan.
- 3. District Police Officer Dera Ismail Khan.

..... (<u>RESPONDENTS</u>)

Filedta day Begistrar

APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974, AGAINST, FIRSTLY THE IMPUGNED ORDER NO. **OB-278 DATED** 27/01/2020 ISSUED BY THE RESPONDENT#3. WHEREBY THE APPELLANT WAS AWARDED MAJOR PUNISHMENT OF REDUCTION IN RANK FROM HEAD CONSTABLE TO THE RANK OF CONSTABLE AND FINALLY, AGAINST THE IMPUGNED ORDER OF APPELLATE AUTHORITY, NO 2091/ES DATED 01/05/2020 VIDE WHICH THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED AND AGAINST THE INDECISION OF THE LEARNED **REVISIONAL AUTHORITY/RESPONDENT#1**

WHEREBY THE REVISION PETITION OF THE APPELLANT HAS NOT BEEN DECIDED.

Note: Addresses given above shall suffice the object of service. All necessary and proper parties have been arrayed in the panel of respondents.

Respectfully Sheweth;

- Is the appellant was inducted in Police Department Dera Ismail Khan as a Constable on 23/01/1995 and prior to the implementation of the impugned order the appellant had been serving the under the DPO Dera Ismail Khan and since induction had been performing his duties with honesty and with great zeal and appellant's length of service is more than 25 years. Copy of the CNIC is annexed as **Annexure-A**.
- 2. That the appellant served the police department at different police stations and has been completed different departmental courses successfully and during this period left no stone un-turn towards his high-ups.
- 3. That one fine morning, the District Police Officer Dara Ismail Khan (respondent#3) issued statement of allegations and charge sheet No. 4874-75 dated 05/11/2019 on the allegations that a video found viral on social media that the present appellant along with other police officers found involved in taking illegal gratification. Copy of the statement of allegation and charge sheet is annexed as **Annexure-B & C**.
- 4. That Mr. Najam ul Hasnain Liaqat Addl: SP D.I.Khan was appointed as Inquiry Officer. The appellant submitted his reply on 12/11/2019, which was returned back by the inquiry officer and directed the appellant to submit reply in a different manner in terms of directions of the inquiry officer which the appellant



complied accordingly. Copies of the reply of appellant are annexed as **Annexure-D & D/1**.

- 5. That the inquiry officer, without properly probe into the matter and without taking any pain submitted the inquiry report to the District Police Officer Dera Ismail Khan on 23/12/2019. Copy of the inquiry report is annexed as **Annexure-E**.
- 6. That thereafter final show-cause notice was issued to the appellant proposing penalty of major punishment. The appellant submitted his written reply in response to the final show-cause notice. Copies of final show-cause and its reply are annexed as **Annexure-F & F/1**.
- 7. That the respondent#3 issued the impugned order#Ob-278 dated 27/01/2020, wherein the appellant was awarded major punishment of reduction in rank from Head Constable to the rank of Constable. Copy of the impugned order dated 27/01/2020 is annexed as **Annexure-G**.
- 8. That appellant preferred a departmental appeal on 08/02/2020 to the respondent#2 being appellate authority and narrated all the true facts. The appellate authority vide impugned office order No. 2091/ES dated 01/05/2020 rejected the appeal of the appellant. Copies of departmental appeal and impugned order dated 01/05/2020 are annexed as **Annexure-H&H/1**.
- 9. That feeling aggrieved by the order of the appellant authority, the appellant moved a revision petition/mercy petition to respondent#1/PPO on 03/06/2020 which has not been decided as yet by the respondent#1. Copy of the mercy petition is annexed as **Annexure-I**.
- 10. That order#OB-278 dated 27/01/2020 and subsequently impugned order of the appellate authority No. 2091/ES dated 01/05/2020 as well as indecision of the revisional authority were based on mala fide and against the law and procedure, against the efficiency and discipline Rules and police rules, thus, the



appellant left with no other remedy, the appellant approaches this honourable tribunal for setting aside impugned orders on gracious acceptance of the instant appeal on grounds hereinafter preferred.

GROUNDS

- a. That the orders passed by the DPO Dera Ismail Khan, departmental authorities, impugned hereby are arbitrary, discriminatory, legally and factually incorrect, ultra virus, void ab initio and militate against principle of natural justice, thus, are liable to be set aside and malafide.
- the penalty for no fault on his part. The Inquiry Officer failed to follow the prescribed procedure and conducted hasty proceedings and also failed to regulate the departmental inquiry in accordance with law and procedures pescribed for the purpose and as such erred at the very outset of the proceedings, thus, causing grave miscarriage of justice as well as prejudice to the appellant in making his defence.
- c. That it is a matter of record that appellant has been vexed in clear defiance of law and principle laid by the superior courts as well as the tribunals as could be gathered from the facts and circumstances of the case.
- d. That the appellant was innocent, the allegations and charges levelled against him were baseless and by merely relying upon a fake video on social media, the 25 year unblemished service record of the appellant has been overlooked and appellant was awarded major punishment on the basis of a fake video.

to day

e.

- That as evident from the inquiry report, it transpires that the inquiry was conducted in hasty manner and the inquiry office did not take any pain for scrutinizing the true facts of the event. The inquiry officer even did not bother to record statements of any other persons. The inquiry officers should have traced the persons who made viral the fake video on social media. The inquiry officer could have take assistance from the other agencies dealing with the matters of the cyber crimes but no such efforts were ever made. Pertinent to mention here that no private complaint or allegation was ever made to the competent authority against the present appellant. Where the appellant took defence about the genuineness of the video, it was incumbent upon the inquiry officer to trace the unknown persons behind the video.
- f. That inquiry officer in his findings, writes that said bribe money was never returned. The inquiry officer failed to give reasoning behind these findings supported by any documentary or oral evidence. Mere on the basis of floating findings, the appellant should not have been awarded major punishment of reduction in his rank from Head Constable to rank of Constable.
- g. That the appellate authority merely followed the findings of the inquiry officer and even did not direct the inquiry officer to conduct the inquiry according to the Rules and the inquiry in a proper way, where it ought to be.
- h. That the appellant requested to the high-ups that the viral video is the result of connivance, based on conspiracy by some notorious persons. The inquiry officer should have traced such notorious persons and by properly digging the true facts of the event, should have given findings of the inquiry report but no such pain was taken which caused great deficiencies and lacunas in the inquiry report but on



the other hand such findings adversely effected rights of the appellant.

- i. That this honourable Tribunal is competent and has ample powers to adjudge the matter under reference/appeal.
- j. That counsel for the appellant may graciously be allowed to raise additional grounds at the time of arguments.

It is therefore, humbly prayed that the instant service appeal may kindly be accepted as prayed for.

Any other relief deemed appropriate in circumstances of the case may also be allowed in favour of appellant in the large interest of justice.

Dated: _//_/08/2020

Your humble appellant

Tarid Javed

Through counsel

Muhammad Abdullah Baloch Advocate High Court,

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUAL PESHAWAR

In service App	eal No/2020	
Tariq Javed	VERSUS	PPO KPK etc
(Appellant)		(<u>Respondents</u>)

CERTIFICATE

Certified that appellant have not filed an appeal regarding the subject controversy, earlier in this august Tribunal.

Dated _//_/08/2020

Appellant

NOTE

Appeal with annexure along-with required sets thereof are being presented in separate file covers.

Dated //_/08/2020

Appellant's counsel

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUAL PESHAWAR

In service Appeal No/202	Appeal No/2	2020
--------------------------	-------------	------

Tariq Javed (Appellant)

K.

VERSUS

PPO KPK etc (Respondents)

AFFIDAVIT

- I, **Tariq Javed**, appellant herein, do hereby solemnly affirm on oath:-
- That the accompanying appeal has been drafted by counsel following our instructions;
- 2. That all para-wise contents of the appeal are true and correct to the best of my knowledge, belief and information;
- That nothing has been deliberately concealed from this Honourable Court, nor anything contained therein, based on exaggeration or distortion of facts

Dated <u>| | </u>/08/2020

DEPONENT

Identified By:

Muhammad Abdullah Baloch Advocate High Court,

- 4. That as soon as due to decrease of pandemic, the appellant become/able to consult his lawyer. If the instant service appeal, if found, time barred in any manner, the delay may kindly be condoned graciously.
- 5. Moreover, the revision before the respondent#1 is still pending, in this eventuality the instant appeal may kindly be considered well within time.

It is therefore, humbly requested that on acceptance of instant application the condonation of delay may kindly be accepted.

Dated: ____/08/2020

Your humble appellant

Tariq Javed

Through counsel

Muhammad Abdullah Baloch Advocate High Court

AFFIDAVIT

- I, **Tariq Javed**, appellant herein, do hereby solemnly affirm on oath:-
- 1. That the accompanying appeal has been drafted by counsel following our instructions;
- 2. That all para-wise contents of the appeal are true and correct to the best of my knowledge, belief and information;
- That nothing has been deliberately concealed from this Honourable Court, nor anything contained therein, based on exaggeration or distortion of facts.

Dated ____/08/2020

DEPONENT

(12) Annexume B'

DISCIPLINARY ACTION

I. <u>DISTRICT POLICE OFFICER</u>, Dera Ismail Khan as a competent authority am of opinion that you <u>Head Constable Tarig Javed No.130</u> have rendered yourself liable to be proceed against and committed the following acts/emissions within the meaning of the Khyber Pakhtunkhwa Police Rules 1975 amended 2014.

STATEMENT OF ALLEGATIONS

A video found viral on social media according to which you while posted at PS/Cantt DIKhan alongwith other police officers found involved in taking illegal gratification. Your this act is against the prestige of police department and caused caring bad name. This act on your part amounts to gross misconduct, which is punishable under the rules.

Hence the statement of allegation.

- For the purpose of scrutinizing the conduct of the said accused with reference to the above allegation for the said accused with proper to the above allegation for the said accused with poral lambda. Dora Ismail Khan is appointed as enquiry officer to conduct proper departmental enquiry under Police Rules 1975 amended-2014.
- The enquiry officer shall in accordance with the provision of the ordinance, provide reasonable opportunity of the hearing to the accused, record its findings and make, immediately of the receipt of this order recommendations as to punishment or other appropriate action against the accused.
- 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.

District Police Officer.

| Dera ismail Khan

No. 4874-75 /EC Dated Di Khan the

1

Copy to: -

Dera Ismail Khan. The encurry officer for initiating proceeding against the defaulter under the provision of Khyber Pakhtunkhwa Police Rules 1975 amended 2014, with the direction to complete the enquiry immediately. Enquiry papers containing pages are enclosed.

2 <u>Head Constable Tariq Javed No.139</u> with the direction to appear before the E.O on the date, time and place fixed by the E.O, tor the purpose of enquiry proceeding.

District Police Officer,

CHARGE SHEET

Whereas, I am satisfied that a formal enquiry as contemplated by Khyber Pakhtunkhwa Police Rules 1975 amended-2014 is necessary and expedient.

AND WHEREAS, I am of the view that the allegation if established would call for a major penalty as defined in rules-4(i)(B) of the aforesaid rules.

AND THEREFORE, as required by Police Rules 6(1) of the aforesaid rules, I <u>DISTRICT POLICE OFFICER</u> Dera Ismail Khan hereby charge you <u>Head Constable Tarig Javed No.130</u> with the misconduct on the basis of the statement attached to this Charge Sheet.

AND, I, hereby direct you further under rules 6(i)(B) of the said rules to put in written defence within 7-days of receipt of this Charge Sheet as to why the proposed action should not be taken against you and also state at the same time whether you desire to be heard in person or otherwise.

AND, in case, your reply is not received within the prescribed period, without sufficient cause, it would be presumed that you have no defence to offer and that Ex-partee proceeding will be initiated against you.

District Police Officer,
Dera Ismail Khan

جناب غالى!

مشمولہ بحوالہ جارتی شیٹ نمبر 75-4874 مور خد 2019-11-05 جواباً معروض ہونکہ سوشل میڈیا پروائر ل ہونے والی ویڈیو سے من IHC کا کوئی تعلق نہیں ہے۔ اور نہ ہی تھانہ کیٹ میں تعیناتی کے دوران کسی بھی شخص کوغلط یا غیر قانو فی طریقہ سے برافیہ کر کے سے من کا الک کوئی تعلق نہیں ہے۔ اور نہ ہی تھانہ کیا۔ وائرل شدہ ویڈیو فیک اڈ بلنگ غلط اور پراپا گنڈہ ہے۔ جس میں من سائل کوشہی دیے کی کوشش کی گئے ہے۔ اگر چیالیا بچھ معاملہ ہوتا تو نہ کورہ وائرل کردہ ویڈیو شخص کیا گائے سے ڈبلنگ اور فیک بنائی گئی۔ ویڈیو میں کم کہالیت یا قانونی کا روائی کے لیے عدالت یا افران بالا سے رابطہ کرتا۔ من اللہ کے خلاف اللہ کے خلاف ناط اور بے بنیاد طریقے اور ڈبلنگ ویڈیو وائرل ہونے پر اللہ کے خلاف اللہ کے خلاف کی کھیل کے خلاف کا موائی میڈیا سوشل میڈیا سوشل میڈیا پر فیک اور ڈبلنگ ویڈیو وائرل ہونے پر چونکہ سائل گئی۔ ویڈیو ائرل ہونے پر چونکہ سائل کا کمانی کے کہا تعلق واستہ نہ ہے۔ اور صاف طور پر اس معاملہ سے لاعلم اور لا تعلق ہوں۔ چونکہ سائل کا تعلق ایک ایسے تعلق ہوں۔ جو کہ حقد ارکوئی دلانے کی خاطر اور اس کی داوری کے لئے گئی گناہ بڑے اور طاف تو رسلے کوئل کے علاوہ خطر ناک ہم کے جرایم پیشیا فراد (فراڈی) دہشتہ اور کوئل کوئل ہونے کا دوری کے خلاوہ بھی اندارا ورشریف النف بے دوراس جسے کائی لوگ جو علاوہ بھی اور قات جائی وہ مائی تعلق ان الفیان اٹھانا کے دراس کی کے دامن پر 24/25 سال کی سروس کے دوران کی مشمکا کوئی بھی دائے نہیں ہے۔ اور سائل کے دامن پر 24/25 سال کی سروس کے دوران کی مشمکا کوئی بھی داغ نہیں ہے۔ اور مائر کی کی بدنا م کرنے کے لئے اس قتم کے جہوئی مشکل کا منہیں رہا۔

استدعاہے کہ سائل کے خلاف لگایا گیا الزام کی پاداش میں جارج شیٹ داخل دفتر کرنے کی گزارش ہے۔

130/HIC جادكي جالط/130

متعينه بوليس لائن ذبره اساعيل خان

Frankxune "D/4" سر ال من وال من وال ويدار ال The Continuity of the Continuity of the de la companya de la ولا يمان لله المادوس والي هذا الله و الله الله عا والي هذا الله والي هذا الله والي الله والي الله واليه الله واليه والله The series of the site of the series الم المراد المر وال الرام الرام المردى الدروش المحدث والمرام المردى The Bis wind - a cin of the concerte مذبوره كو در العال الما سادل. مرف ا وره عالما الم المعنى المراك و في و في ما و كل المراك المعنى المراك المراك و في و في و في و في المراك ال والرفي عن س من من مر بعد ساز كري د ماري من What of the constant of the contract of the co ر در دسی ما ای می ای داری کرے کے بادور The Com of the Color of the Col P-7-02

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OFFICE OF THE ADDL: SUPERINTENDENT OF POLICE

DERA ISMAIL KHAN Phone No. 0966-9280060

Dated DIKhan the

23/12 /2019

To:

The District Police Officer,

Dera Ism'ail Khan

Subject:

DEPARTMENTAL ENQUIRY AGAINST HC TARIQ JAVED NO.130

(Relevant documents are attached herewith).

The instant enquiry was assigned to undersigned vide DPO office 4874-75/EC dated 05.11.2019 against HC Tariq Javed No.130.

STATEMENT OF ALLEGATION

You, HC Tariq Javed No.130 while posted at PS Cantt, were found involved in taking illegal gratification. This act on your part amounts to gross misconduct, which is punishable under the rules.

Enquiry officer provided reasonable opportunity of being heard to the police PROCEEDING official and statement of allegation was served to him and his written statement/reply was recorded. Oral/documentary evidence produced during enquiry was examined besides cross questioning.

STATEMENT OF HC TARIQ JAVED NO.130

He deposed in his statement that he was posted at PS Cantt since:27.05.2019. He further stated that the allegation of taking illegal gratification as shown in a video which remained viral in social media is not based on facts. Actually, bribe was offered by Hafizullah on his own will for cooperation in his cases which was later returned back. He further stated that he is innocent

During enquiry, video along with other evidences were perused and it was **FINDINGS** proved beyond doubt that Tariq Javed No.130 was offered bribe money from a blackmaile namely Hafizullah. Tariq Javed No.130 accepted said illegal gratification. Hafizullah made secret video while giving illegal gratification as a token of evidence to complete his ev designs. Moreover, said bribe money was never returned.

RECOMMENDATIONS

In light of above findings, allegation against HC Tariq Javed No.130 is prove By accepting illegal gratification, he has tarnished the image of police as video remained vir on social media. He must be given an exemplary punishment as a lesson for others. He therefore recommended for major punishment.

> (NAJAM UL HASNAIN LIAQAT)PSP Additional Superintendent of Police Dera Ismail Khan

FINAL SHOW CAUSE NOTICE

I, <u>DISTRICT POLICE OFFICER</u>, DI Khan as competent authority under the Khyber Pakhtunkhwa Police Rules 1975 amended-2014, do hereby served you <u>Head Constable Tarig Javed No.130</u> as follow.

- 1. (i) That consequent upon the completion of enquiry conducted against you by the Enquiry Officer for which you were given opportunity of hearing vide this office communicator No. 4874-75/EC, dated 05.11.2019.
 - (ii) On going through the findings and recommendations of the enquiry officer, the material on record and other connected papers including your defence before the Enquiry Officer.

I am satisfied that you have committed the following acts/omissions specified of the said rules.

A video viral on social media according to which you while posted at PS Cantt, along-with other Police officers found involved in taking illegal gratification. Your this act is against the prestige of police department and caused caring bad name.

- 2. As a result thereof, <u>I, DISTRICT POLICE OFFICER</u>, DIKhan as competent authority have tentatively decided to impose upon you the penalty of Major punishment of the said rules.
- You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you.
- 4. If no reply to this notice is received within 7-days of its deliver, in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case an ex-parter action shall be taken against you.

The copy of finding of the enquiry officer is enclosed.

District Police Officer

Dera Ismail Khan

and John Suring

Dera Ismail Khan

; ; (

بحواله مشموله فائنل شو كازنونس

ا۔ گزارش بحضور انور ہیہے کہ جناب انکوائری آفیسر صاحب نے اپنی ذمہ داری جواسے سونبی گئ تھی بوری نہیں کی ۔ اور شاید اس کے علم میں میہ بات بھی نہ تھی کہ موجودہ شلج پر بحثیت انکواری آفیسر اس کو مجسٹریٹ درجہ اول کے اختیارات ازروئے پولیس رولز تفویض ہوتے ہیں۔

۲۔ جناب انکوائری آفیسر صاحب کو چارج شیٹ کا جواب دیتے ہوئے بھی میں نے محسوں کرلیاتھا کہ انکوائری آفیسر صاحب جانبداری سے کام لےرہے ہیں کیونکہ الزام کی تر دید میں جو جواب میں نے اسے پیش کیااس جواب کو جناب انکوائری آفیسر صاحب نے لیڈم قبول نہ کیا اور حا کمانہ انداز میں وہ بیان واپس کر کے اپنی مرضی کا بیان تحریر کردینے کا حکم کیا جو میں نے ان کی مرضی اور منشاء کے مطابق بیان تحریر کردیاان ڈسکس شدہ ہردو بیانات کی فوٹو کا پیز ہمراہ لف ہیں اور اپنی مرضی و منشاء کے مطابق تحریر کرایا جانے والا جواب کے دوران مجھے اعتاد دلایا کہ آپ بے قصور ہیں اور آپ تسلی رکھیں ان شاء اللہ کہے تہیں ہوگائیکن صورت حال اس کے برعس ثابت ہوئی اور انھوں نے جانبداری کا مظاہرہ کرتے ہوئے فائنڈ نگر برائے میجر پنشمینٹ تحریر کرکے جناب DPO صاحب کے حوالے کردی۔

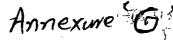
س والاشان! حفیظ اللہ الزام کنندہ کوکون نہیں جانتا اور وہ کسی تعارف کی مختاج شخصیت ہر گرنہیں ہے اور اس کے کرنوت سے کونسا پولیس آفیسر باخبر نہیں ہے۔ جو ویڈیواس نے پیش کی اس میں ذرا برابر حقیقت نہیں ہے سارا بناوٹی عمل ہے۔ اور پیعام فہم ہی بات ہے کہ میں ایک ذمہ دارعہدہ پر فائز پولیس آفیسر ہوتے ہوئے اس وقت رقم لے رہا تھا جب وہ میری ویڈیو تیار کر رہا تھا ہر گر غلط ہے اور بعید از سوچ ہے اس حفیظ اللہ محسود نے پہلے بھی اس قسم کے کئی غیر قانونی ہتھ کنڈے پولیس آفیسر زکے خلاف استعال کئے اور بے عزت بھی ہوتا چلا آرہا ہے۔ (سابق DSP ٹی سید افتخار شاہ صاحب DSP پولیس آفیسر زکے خلاف استعال کئے اور بے عزت بھی ہوتا چلا آرہا ہے۔ (سابق DSP ٹی سید افتخار شاہ صاحب DSP پولیس آفیسر نے کے لئے ہو سے اسکا ہے۔

سم جناب انکوائری آفیسرصاحب نے منجانب حفیظ اللہ محسود الزام کنندہ کی جانب سے کوئی شہادت نہ لی اور نہ ہی الزام کے شوت کے لئے کسی گواہ کا بیان لیا اور نہ ہی مجھے کسی گواہ پر کراس ایگرزامینیشن کا موقع دیا گیا اور نہ ہی شامل انکوائری رکھا جس سے جناب انکوائری آفیسرصاحب کی غیر ذمہ دارانہ نوعیت اور جانبداری کھل کرسامنے آجی ہے کیونکہ محض ویڈیو کی شہادت غیر موثر علی ہے اور اس ویڈیو پر اکتفا کرنا بھی قانو ناغیر موثر ہے میری جانب سے ابتدائی بیان جس کی کائی ہمراہ لف ہے کوائلوائری کا حصہ بنایا جائے اور براہ کرم ری انکوائری فرما کر حقیقت حال ریکارڈ پر لائی جائے اور ان فرخی میں انکوائری فرما کر حقیقت حال ریکارڈ پر لائی جائے اور ان فرخی میں انکوائری فرما کر حقیقت حال ریکارڈ پر لائی جائے اور ان فرخی میں انکوئری عمل میں لائی جائے جو کہ میرا قانونی حق ہے اس فرخی میں انکوئری عمل میں لائی جائے جو کہ میرا قانونی حق ہے اور مانچہ نے بروری فرمائی جائے۔

مورخه:2020-01-10

طارق طاويدنمبر 130 متعينه إدليس لائن ڈی آئی خان (سرمتر شیعی) رابطهٔ برر 03439845720







ÓFFICE OF THE
DISTRICT POLICE OFFICER
DERA ISMAIL KHAN

Tel: (0966) 9280062 Fax: (0966) 9280293

ORDER

This order will dispose of departmental proceedings conducted against HC Tariq Javed, 130 of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that a video viral on social media according to which he while posted at PS Cantt along with other Police officers, found involved in taking illegal gratification. This act is against the prestige of Police department and caused caring bad name.

For the above, serious / professional misconduct of the accused official, charge sheet alongwith statement of allegations was served upon the accused official. An enquiry was conducted into the matter through Mr. Najam-UI-Pasnain Liaqat, Addi: SP DI Khan, was appointed as enquiry officer to scrutinize the conduct of accused official. The Enquiry Officer submitted his finding report in which he stated that allegation against HC Tariq Javed, 130 is proved. By accepting illegal gratification, he has tarnished the image of Police as video remained viral on social media. He must be given an exemplary punishment as lesson for other. He is therefore recommended for Major Punishment.

He was also served with Final Show Cause Notice, reply of the Final Show Cause Notice was received and found unsatisfactory.

He was summoned in Orderly Room to provide lawful opportunity of hearing. He appeared in Orderly Room on 22.01.2020, but failed to give any plausible explanation and also had nothing to offer in his defence.

From the perusal of the relevant record shows, the accused officials is found guilty of the charges levelled against him and with no genuine explication from the hearing of the defaulter, I am satisfied that the charges of misconial according proved against him beyond any shadow of doubt.

Approaches in the Approaches of the Constante with a Cons

There or, in exercise of powers conferred upon me under the ibid of the district Police Officer, DI Khan, award him show that reduction in rank from Head Constable to the rank of will a studiate effect. He is also reinstated in service from the date of the control of the cont

Capt: ® WAHID/NEHMOOD, PSP
District Police Officer,
Dera Ismail Khan

ÆC.

Сорисация

This Regional Polide Officer DI Khan

The Supermendent of Police, Investigation, Il Khan

The Super Hendent of Police, FRP, DI Khan

) DSP HQa

w/r to this office ondst: No.4718-2 dated 28.10.2019

Capt: ® WAHID MEHMOOD, PSP District Police Officer, Dera Ismail Khan

OB =1 27 8 Of =1 27-01-2020

بحضوروالا جناب شان د پی انسپکر جنرل آف پولیس ریخ دی آئی خان ایل برائے بحالی عہدہ میڈ کانشیل

ئاپ عال!

ا۔ انتہائے ظلم میے ہے کہ ایک فرضی اور بناوٹی انکوائری کی پاداش میں فرضی فائنڈنگ منجانب انکوری آفیسر پر جناب DPO صاحب نے بھے بہ عہدہ ہیڈ کانسیبل سے تنزل کر کے کانسیبل بنادیا اور میری کوئی نہ بن گئی ہے۔

۲۔ تعجیب بات ہے کہ اکلوئری پراسیس میں نہ محص شامل کیا گیا ہے اور نہ ہی اکلوائری کا حصہ بنایا گیا اور نہ ہی گواہ کے بیان پر محصے کراس سوالات کا موقع ویا گیا ہے اور نہ بات اپنی فائنل شوکا زنوٹس کے جواب میں جناب DPO صاحب کوتحریری طور پرلکھ کردے دیا گیا۔

۳- جناب ڈی کی اوصاحب نے محص انگوائری آفیسر صاحب کی فائنڈنگ اور آخری Recommendation میں بلاوجہ میجر Punishment پرنظرر کھ کر سر اسادی ہے حالانکہ بات اس طرح کی ہرگز نداور ندہی بیطریقہ کارہ کہ بلکہ اسے صرف ازام کے ثابت کرنے اور ثبوت میں Guilty or Not کا لکھنا چاہیے تھا اور پھر اس پر جناب DPO صاحب جوسزا بھی تجویز فرماتے تو میجری Manner پنشمنٹ اور پھر جوصور تحال ہوتی پر فیصلہ فرماتے۔

۳۔ فائل شوکا زنولس میں DPO صاحب کے سامنے میں نے بیسب رونارویا کہ مارے خلاف پیش کئے جانے والی ویڈیو بید میں میں بیر حفیظ اللہ محسود کا بناوٹی عمل ہے ورنہ عام نہم می باٹ ہے کہ کوئی پولیس آفیسر رقم کے لیتے دیتے وقت ویڈیو تیار ہوتے بھی نہیں و کی سکتا اور محص اس فرضی ویڈیو سے بیش کرنے پر مجھے اتنی بری سزادی گئے ہے ، اور مزید

کوئی شہادت میر رے خلاف الکوائری کاغذات برنہیں ہے۔

مر میں نے جناب DPO صاحب پر واضح کیا کہ حفیظ اللہ مذکور کے سابقہ بیک گراؤنڈز اور او جھے تھکنڈوں پر نظر رکھی جائے اور اگراس شخص کا تعارف جناب ڈی پی اوصاحب اور اکوائری آفیسر صاحب کونہیں ہوتو جناب DSP صاحب پر وآسید افتخار شاہ کو بھی میری اگوائری کا حصہ بنا لیا جائے جو کہ اس شخص کے کرتو توں سے بخوبی واقف ہے اور اچھا خاصہ عرصہ بحثیت DSP سٹی گزار دیکا ہے۔

۵۔ والا شان ایم این عہدہ ہیڈ کا شیبل پر کنفرم ہوں اور ذی اسٹ پر ہوں اس سزا کے لحاظ ہے ایک تو در کنار مجھے بیک وقت کی سزا کی مان جو بیآ رڈرانتہا کی تشویشناک اور قانون کے منافی ہے جس پر نظر شائی کی جائی مروری ہے اور اس لئے موجودہ فورم پر رہ جیف صاحب جو کہ ممل کوالیفائیڈ آفیسرز، جذب خدمت سے سزشار اورڈی آئی خان جیسے مصروف ترین رہ نئیس پہلے کافی خدمات سرانجام دے چکے ہوں اس لئے صاحب موصوف مرسے تو گیا ، بیرواتی ہے کہ وہ ضرور میری دادری فرمائیں گے۔ اور اپنے عہدہ پر از تاریخ و دفت تنزلی بحال فرمائیں گے۔ اللہ پاک ہم سب کا درخاص کر کھنے یولیس کا حامی و ناصر ہو۔

موری: 08-02-2020

REGIONAL POLICE OFFICER

DERA ISIMAIL KHAN REGION

Dated

Ol Khan

L IEC.

01/05/2020

ORDER

This order is aimed to dispose of the departmental appeal of 130, now Constable Tarig Javed, 130 of District Police DIKhan against the punishment order i.e. reduction in rank from HC to Constable by DPO DIKhan vide OB No.278 dated 27.01.2020.

Facts are that he while posted at Police Station Cantt DIKhan, a video was round viral on social media, wherein, he and other staff were found taking illegal glatification.

The appellant appeared before the undersigned in orderly room held on 22.04.2020. I have gone through the enquiry file as well as service record of the ${
m appellant}$ and found that he was charge sheeted and proper departmental enquiry into the matter was conducted by Mr. Najm-ul-Hasnain Liagat, Addl: SP OlKhan who submitted his findings report stating therein that the alleged conscaple is found guilty of the charges leveled against him, hence, it can safely be concluded that DPO Diknan has correctly passed the order dated 27.01.2020 which needs no interference.

Therefore I, MUHAMMAD IMTIAZ SHAH Regional Police Officer Dera ismail. Khan in exercise of the powers vested upon me reject the appeal of Constable Tariq Javed, 130. The appellant may be informed accordingly.

DRIDER ANNOUNCED

08-05-2020

(MUHAMMAD INTIAZ SHAH)

REGIONAL POLICE OFFICER DERA ISMAIL KHAN

Copy of above is sent to the DPO DIKhan for information with reference to his office memo: No. 1523/EC dated 13.03.2020.

Enil; (S. Rall & F. Mussel)

OB 1094 04/05/028

(MUHAMMAD INCHAZ SHAH)

REGIONAL POLICE OFFICER DERA ISMAIL KHAN 🧩

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(24) Amexure 'I'

بخدمت جناب يرانشل يوليس آفيسرصوبه خيبر يختونخواه بشاور

قريثى طارق جاويدنمبر LHC 130متعينه يوليس لائن دريه اساعيل خان

A19/ Rstbs

برام



AS COS 05/36.

رخ المراق الماعيل خان جس كى روسے فاضل ريجنل پوليس آفيسر ڈريره اساعيل خان نے من سائل كى ابيل برائے والے الماعیل خان جس كى روسے فاضل ريجنل پوليس آفيسر ڈريره اساعيل خان نے من سائل كى ابيل برائے الماعیل خان جس كى روسے فاضل ريجنل پوليس آفيسر ڈريره اساعيل خان نے من سائل كى ابيل برائے بوليے الماعیل خان کو بحال رکھا ہے۔ اساعیل خان کو بحال رکھا ہے۔

انتدعاMercy Petition

بمنظور Mercy Petition محم وفیصله مورخه 01/05/2020 مصدره ریجنل پولیس آفیسر ڈیرہ اساعیل خان کومنسوخ و کالعدم فرمایا جا کر محم و فیصله مورخه 22/01/2020 مصدره جناب DPO صاحب ڈیرہ اساعیل خان کو بھی منسوخ و کالعدم فرمایا جادے اور من سائل کو بعہدہ میڈ کانسیبل بحال فرمائے جانے کے احکامات صادر فرمائے جادیں۔

11/06/20

جناب عالی! سائل حسب ذیل عرض رساں ہے۔

ا نے اور من سائل رہائش وسکونتی ڈیرہ اساعیل خان ہے۔ اور من سائل ایک شریف قانون کا پابند شہری ہے۔

۔ جبکہ من سائل مورخہ 23/01/1995 کو تحکمہ پولیس ڈیرہ اساعیل خان میں بطور کا نشیبل بھرتی ہو کر آجیں۔ ڈیوٹی انتہا کی ایمانداری وفرض شناس سے انجام دیتا چلا آیا۔

2۔ یہ کہ من سائل ریکر وٹمنٹ کورس پاس کرنے کے بعد متفرق جگہوں پر تعینات رہا۔اوراپی ڈیوٹی ڈسپلن کے مطابق ایمانداری و دیانتداری و فرض شناسی سے انجام دیتارہا۔اور بھی کوئی شکایت کا موقع نہیں دیا۔ جو کہ اس بناء پر من سائل سے ہمیشہ ضلعی افسران خوش رہے۔آور شاباش دیتے چلے آئے۔

5۔ پیکمن سائل ایک غریب عیالدار تخص ہے۔ چھوٹے چھوٹے بیچ ہیں۔ جو کہ زیر تعلیم چلے آرہے ہیں۔اور اپنی فیملی کا واحد سربراہ من سائل ہے۔ تھم مور نعہ 22/01/2020 مصدرہ DPO ڈیرہ اساعیل خان وظم مور خد 01/05/2020 مصدرہ ریجنل بولیس آفیسرڈ برہ اساعیل خان صادر ہونے کے بعد من سائل مسلسل دبنی وروحانی کوفت و پریشانی میں مبتلا چلا آ راہاہے۔من سائل ومن سائل کی فیلی اورمن سائل کی سابقہ سروس کو مد نظر رکھتے ہوئے حکم مور خہ 01/05/2020 مصدرہ ریجنل پولیس آفیسر ڈیرہ اساعیل خان کی نظر ثانی فرماتے ہوئے اور من سائل کی رحم کی اپیل کو مذنظر رکھتے ہوئے من سائل کو بعبدہ ہیڈ کانٹیبل از تاریخ تنزلی ہے الفر مایا جاناعین قرین انصاف ہے۔ من سائل وہن سائل کی فیلی ساری عمر دعا گور ہے گا۔ معال فر مایا جاناعین قرین انصاف ہے۔ من سائل وہن سائل کی انتخاب کا میں میں انتخاب کے انتخاب کا میں میں انتخاب ک

يركه آنحضور كودرين نسبت وسيع تراختيارات حاصل بيل-

لہذا استدعا ہے کہ بمنظو ری Mercy Petition انتخام و فیصلہ مور نبہ 01/05/2020 مصدرہ ریجنل يوليس آفيسر ڈريرہ اساعيل خان كومنسوخ وكالعدم فرامايا جا كرتكم و فيصله مورجه 22/01/2020 مصدرہ جناب DPO صاحب ڈرکہ اساعیل خان کو بھی منسوخ و کا اعدم فرمایا جادے اور من سائل کو بعیدہ ہیڈ كانشيل بحال فرمائے جانے كے احكامات صا در فرمائے جاديں۔ مورجہ

قريثى طارق جاويدنمبر 130LHC متعينه بوليس لائن ڈيره ال^اعيل خان ----10343 9845720



REFERENCE ATTACHED

Subject:

REVISION PETITION

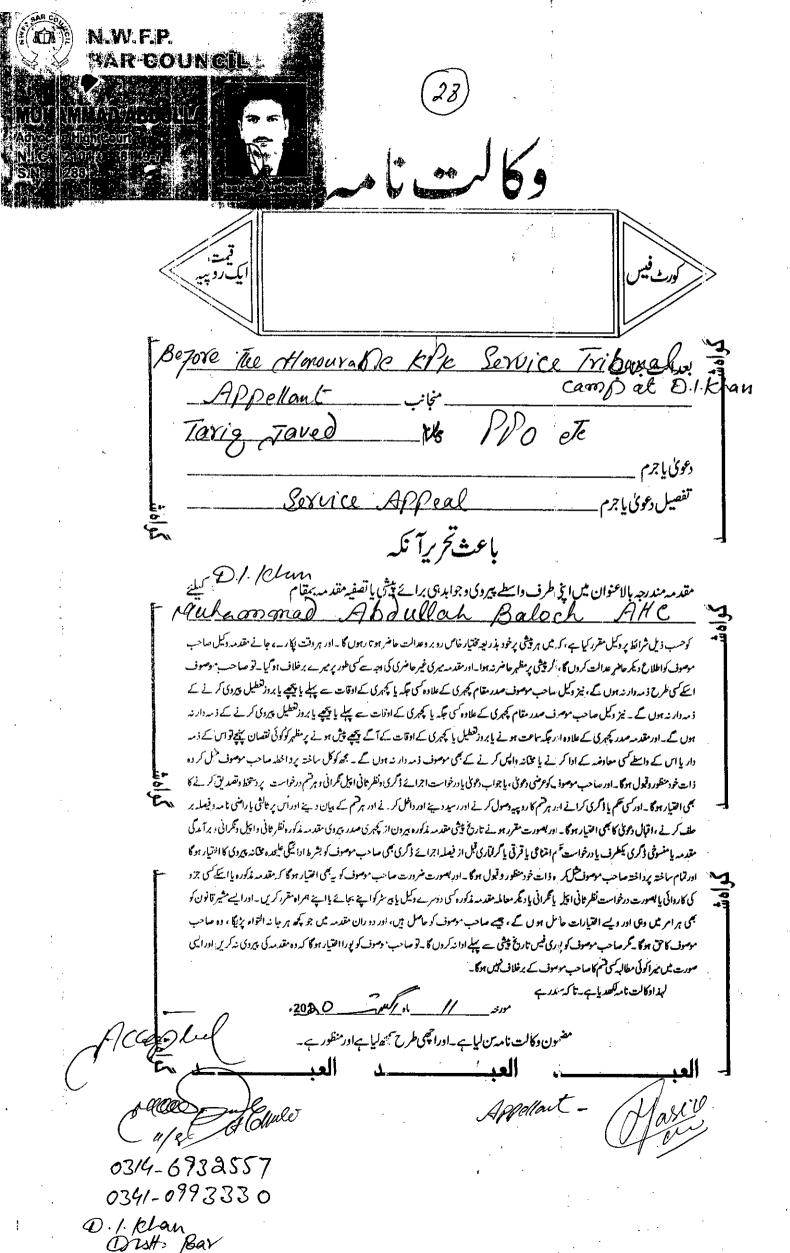
Sir.

Parawise Comments on the appeal of HC Tariq Javid No. 130 are submitted as under:

- That the appellant was enlisted as Constable w.e.from 23.01.1995. 1.
- That the appellant while posted at PS/Cantt, a video viral on social media 2. according to which he alongwith other police officers found in taking illegal gratification.
- Final Show Cause Notice was served upon him and reply to which found 3. unsatisfactory.
- A departmental enquiry was conducted by Addl: Superintendent of Police, 4. DIKhan. The Enquiry Officer submitted in his finding report that allegation against HC Tariq Javed, 130 is proved. By accepting illegal gratification, he has tarnished the image of police as video remained viral on social medial. He must be given an exemplary punishment as lesson for other. He is therefore recommended major punishment.
- An opportunity of civil defence was given to the appellant in orderly room 5. on 22.01.2020 but he failed to give any plausible explanation and also had nothing to offer in his defence, hence awarded major punishment of reduction in rank from head constable to constable vide order Endst: No. 473-76/ES, dated 23.01.2020.

In view of above, the instant appeal is meritless and not maintainable.

Dy: Superintendent of Legal; Dera Ismail Khan



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