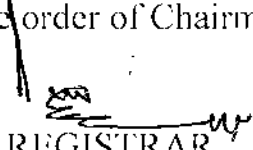


# FORM OF ORDER SHEET

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

Case No.- 280/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge ;
1	2	3
1-	06/02/2023	<p>The appeal of Syed Abdullah Hyber presented today by Mr. Muhammad Aslam Khan Tanoli Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on _____ .Parcha Peshi is given to appellant/counsel.</p> <p>By the order of Chairman  REGISTRAR</p>

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

*A No. 280/2023*

Syed Abdullah Hyder, Junior Clerk, District Police Haripur R/O  
Village & P.O. Changi Bandi, Tehsil & District Haripur.

(Appellant)

**VERSUS**

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

(Respondents)

**SERVICE APPEAL**

**INDEX**

S/No.	Description of documents.	Annexure	Page No.
1.	Memo of appeal.		01-07
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3.	Punishment order dated 20-10-2022	"C"	11
4.	Copies of FIRs	"D&E"	12-13
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6.	Copies of Affidavits	"G"	16-17
7.	Departmental Appeal 02-11-22	"H"	18-23
8.	Wakalatnama		

**APPELLANT**

THROUGH

*M Aslam Tanoli*  
**(MUHAMMAD ASLAM TANOLI)  
ADVOCATE HIGH COURT  
AT PESHAWAR**

Dated: *6*-02-2023

1

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Appeal No..... 280/2023

Syed Abdullah Hyder, Junior Clerk, District Police Haripur R/O  
Village & P.O. Changi Bandi, Tehsil & District Haripur.

**(Appellant)**

**VERSUS**

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

**(Respondents)**

**SERVICE APPEAL UNDER SECTION-4 KPK SERVICE TRIBUNAL ACT  
1974 AGAINST ORDER DATED 20-10-2022 OF THE DISTRICT POLICE  
OFFICER HARIPUR WHEREBY APPELLANT HAS BEEN DISMISSED FROM  
SERVICE IN VIOLATION OF LAW, RULES AND REGULATIONS  
GOVERNING TERMS AND CONDITIONS OF APPELLANT'S SERVICE.**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL ORDER  
DATED 20-10-2022 OF THE RESPONDENTS MAY GRACIOUSLY BE SET  
ASIDE AND APPELLANT BE REINSTATED IN SERVICE FROM THE DATE  
OF DISMISSAL WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS  
ON RENDITION OF ACCOUNTS.**

Respectfully Sheweth:

1. That appellant has rendered about 06 years service as a Junior Clerk in police department. Appellant has meritorious service record at his credit.
2. That while posted as Junior Clerk in Pay Branch, the appellant was served with a Charge Sheet by the District Police Officer Haripur. Appellant replied the charge sheet and denied the allegations being incorrect and baseless. **(Copies of Charge Sheet and its reply are attached as annexure "A & B")**.

2

3. That on receiving inquiry report the District Police Officer Haripur vide his order dated 20-10-2022 dismissed the appellant from service in violation of the law, rules and regulations governing the terms and conditions of appellant's service. **(Copy of dismissal order dated 20-10-2022 is attached as annexure "C")**.
4. That no proper departmental inquiry was conducted. Neither a Final Show Cause Notice was issued nor inquiry report, if any, was given to appellant. Even opportunity of personal hearing was provided and he was dismissed from service in serious violation of law, departmental rules & regulations, facts and principle of natural justice.
5. That those police officials who have personal grudge with appellant got inserted falsely his name in FIR No. 345 dated 06-08-2022 and FIR No. 349 dated 09-08-2022 to cause him damage in service career otherwise there is nothing wrong on the part of appellant as has been mentioned in the said FIRs as well as in Dismissal Order. **(Copies of both the FIRs No. 345 dated 06-08-2022 and No. 349 dated 09-08-2022 are attached as annexure "D & E")**.
6. That so far as the FIR No. 345 dated 06-08-2022 is concerned, in this respect it is stated that the Honourable Court of Judicial Magistrate Haripur vide order dated 04-01-2023 has discharged the appellant in this case. **(Copy of the order dated 04-01-2023 is attached as annexure "F")**.

3

7. That so far as the allegation in the FIR No. 349 dated 09-08-2022 is concerned, it is totally incorrect and baseless as on 09-08-2022 appellant had gone to another village for performing "Nimaz-e-Janaza" of a relative. The name of appellant has falsely been incorporated in the FIR by police officials on the basis of personal grudge. No action has been taken against any of accused of the said FIR by the local police till this day. But the appellant has been dismissed from service illegally by the DPO Haripur. **(Copies of affidavits are attached as "A").**

8. That appellant aggrieved of the order dated 20-10-2022 of the DPO Haripur preferred a departmental appeal dated 02-11-2022 before the Regional Police Officer, Hazara Region, Abbottabad which has not yet been responded despite expiry of statutory period of 90 days, **(Copy of departmental appeal dated 02-11-2022 is attached as annexure-"B").**

9. Hence instance service appeal inter alia on the following grounds:-

**GROUND:-**

- A) That order dated 20-10-2022 of the respondents is illegal, unlawful against the facts, departmental rules and regulations and principle of natural justice, hence is liable to be set aside.
- B) That no proper departmental inquiry was conducted. Neither Show Cause Notice was issued nor was copy of

4

inquiry report, if any, issued to the appellant. Even opportunity of personal hearing was not provided to the appellant rather he was condemned unheard in serious violation of law, rules & regulations and natural justice.

- C) That the Supreme Court of Pakistan has held in PLD-2008-SC-412 that "order adverse to the interest of a person, cannot be passed without providing him an opportunity of personal hearing. Departure from such rule may render such order illegal".
- D) Similarly Supreme Court held in 2005 SCMR-678 that "the principle of Natural Justice has to be applied in all kind of proceedings strictly and departure there from would render subsequent actions illegal in the eye of law".
- E) That the mandatory final show cause notice under Rule-5 (1) (a) of Civil Servant (E&D) Rules 2011 was not served upon the appellant, which vitiates the whole process.
- G) That the proceedings conducted were against the Article-10(A) of the Constitution of Pakistan 1973 which ensures "fair trial & due process". Moreover, the appellant has not been treated in accordance with law according to Art-4.
- H) That appellant is totally innocent and had never involved himself in any of the acts as alleged in the FIRs as well as Dismissal Order dated 20-10-2022. There is nothing wrong on the part of appellant.

5

- 1) That instant service appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudicate upon the lis.

**PRAYER:**

It is, therefore, humbly prayed that on acceptance of instant service appeal order dated 20-10-2022 of the respondents may graciously be set aside and appellant be re-instated in service from the date of dismissal with all consequential service back benefits. Any other relief in the circumstances of the case this Honorable Tribunal deems fit may also be granted.

~~Appellant~~

Through

M. Aslam  
(Muhammad Aslam Tanoli)  
Advocate High Court  
At Abbottabad

Dated: 6-02-2023

**VERIFICATION**

It is verified that contents of instant service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Dated: 6-02-2023

~~Appellant~~

6

**BEFORE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Syed Abdullah Hyder, Junior Clerk, District Police Haripur R/O  
Village & P.O. Changi Bandi, Tehsil & District Haripur.

**(Appellant)**

VERSUS

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

**(Respondents)**

**SERVICE APPEAL**

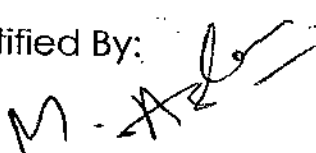
**AFFIDAVIT**

I, Syed Abdullah Haider, appellant do hereby solemnly declare and affirm on oath that contents of instant service appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.

Dated: 6-02-2023

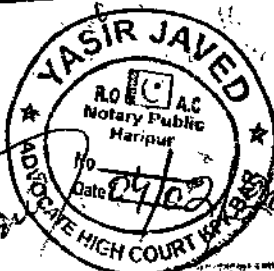
  
**Deponent/Appellant**

Identified By:

  
(Muhammad Aslam Tanoli)  
Advocate High Court  
At Peshawar

Dated: 6-02-2023

  
**Appellant**





7

**BEFORE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Syed Abdullah Hyder, Junior Clerk, District Police Haripur, R/O  
Village & P.O. Changi Bandi, Tehsil & District Haripur.

(Appellant)

VERSUS

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

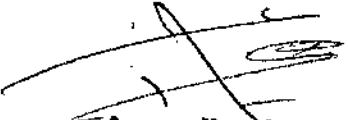
(Respondents)

**SERVICE APPEAL**

**CERTIFICATE**

It is certified that no such appeal prior to this one on the subject  
has ever been filed in this Honorable Service Tribunal or any other  
court.

Dated: 6-02-2023

  
Appellant

⑧  
**CHARGE SHEET**

*Annex A*

I, Imran Shahid, PSP, District Police Officer, Haripur as competent authority, hereby charge you Junior Clerk Abdullah as enclosed statement of allegations.

- (1) You appear to be guilty of misconduct under Khyber Pakhtunkhwa, Government Servant, Efficiency and Discipline Rules 2011 and have rendered yourself liable to all or any of the penalties specified in the said Rules.
- (2) 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 Enquiry Officer as the case may be.
- (3) Your written defense, if any, should reach the Enquiry Officer within the specified period, failing which it will be presumed that you have no defense to put in and in that case ex-parte action will follow against you.
- (4) Intimate whether you desire to be heard in person or otherwise.
- (5) A statement of allegations is enclosed.

*Received*

*[Signature]*  
*10/08/22*

*9-7-*  
Imran Shahid, (PSP),  
District Police Officer,  
Haripur

*Attested*  
*[Signature]*

(9)

**DISCIPLINARY ACTION**

I, **Imran Shahid, (PSP)**, District Police Officer, Haripur as competent authority is of the opinion that you **Junior Clerk Abdullah** while posted at **Pay Branch** have rendered yourself liable to be proceeded against you as you have committed the following acts/omissions within the meanings of Khyber Pakhtunkhwa, Government Servant, Efficiency & Discipline Rules 2011.

**STATEMENT OF ALLEGATION**

"It has come into the notice of undersigned after perusing case FIRs No.345 dated 06.08.2022 U/S 188 PPC (LSA) 3/4 (PS Sarai Saleh) and 349 dated 09.08.2022 U/S 504,505,506,188,298,295-A/153A, 147,149,7ATA/16 MPO PS Sarai Saleh, that you hold an illegal "Majlis" at your home without obtaining any permission from the competent forum. Similarly, you were also found involved in discovering an illegal, untraditional and un-scheduled procession, being part of a disciplined force, you did not bother to follow the due process of law for organizing the same. Your these acts/commissions are highly objectionable and gross misconduct on your part in terms of the Khyber Pakhtunkhwa, Government Servant, Efficiency & Discipline Rules 2011. Hence, charge sheeted".

(2) For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, following Enquiry officer is appointed to probe the charges.

**Iftikhar Ahmed SDPO Saddar, Haripur**

(3) The Enquiry Officer shall in accordance with the provision of these Rules provide reasonable opportunity of hearing to the accused, record finding and make within 14 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 department shall attend the proceedings on the date, time and place fixed by the Enquiry Officer.


9-7-  
**Imran Shahid, (PSP)**  
District Police Officer  
Haripur ✓

No. **312-13** /HC dated Haripur the **10/08/2022**.

Copy of above is submitted to:-

1) Enquiry Officer for initiating proceedings against the said accused under Khyber Pakhtunkhwa, Government Servant, Efficiency & Discipline Rules 2011.

2) **Junior Clerk Abdullah** 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.

Attested:  


(10)

Amex - B  
جناب عالی!

بحوالہ چارج شیٹ نمبری HC/13-312، مورخہ 10.08.2022 بجاریہ جناب ضلعی

پولیس آفیسر صاحب، ہری پور، معروض خدمت ہوں کہ مقدمہ غلت نمبر 345، مورخہ 07.08.2022 جرم 188/ 3/4 تھانہ سرائے صالح، ہری پور میں 07 محرم الحرام مورخہ 06.08.2022 کو ہونے والی مجلس سے میرا کسی قسم کا کوئی واسطہ نہیں ہے۔ یہ مجلس میرے دادا شاہ علی حیدر ولد سید اکبر شاہ سکنہ جنگلی بانڈی جو کہ گذشتہ 30/35 برس سے اپنے گھر کی چار دیواری کے اندر مستعد کرواتے آرہے ہیں۔ جب کہ سائل کو بے گناہ اور بے بنیاد طور پر اس مقدمہ میں شامل کیا گیا ہے۔ (جس مقدمہ میں سائل کی عبوری ضمانت کنفرم ہو چکی ہے)۔

اس کے علاوہ مقدمہ غلت نمبر 349 مورخہ 09.08.2022 جرم

504/505/506/298/295/153/147/149, 7ATA, 16MPO تھانہ سرائے صالح میں سائل 10 محرم الحرام مورخہ 09.08.2022 کو اپنے قریبی رشتہ دار متوفی عمر زبید ولد اورنگزیب سکنہ پنڈہاشم خان کی فوتگی پر گھر سے صبح اپنی والدہ کے ہمراہ گیا جس کا جنازہ دن گیارہ بجے تھا۔ جنازہ کرنے کے کچھ دیر بعد سائل وہاں سے نکلا اور براستہ سرائے صالح واپس اپنے گاؤں بعد از وقوعہ پہنچا۔ واپسی پر سائل نے PSO پمپ سرائے صالح سے تقریباً 12 بجے کے بعد اپنے موٹر سائیکل میں پٹرول ڈلوایا۔ (CCTV فوٹیج PSO پمپ سرائے صالح ملاحظہ کی جاسکتی ہے)۔ بمطابق FIR وقوعہ 09:30 تا 12:40 تک جاری رہا۔ جس دوران سائل اپنے آبادی گاؤں میں موجود ہی نہیں تھا۔ شفاف تفتیش کیلئے سائل کی CDR ملاحظہ کرنا ضروری ہے۔ جس کی سائل کی موقع پر غیر موجودگی اور بے گناہی واضح ہو جائے گی۔ سائل کے ساتھ جنازہ میں موجود افراد میں سے 102 افراد کی بیان حلتی ہمراہ لف ہے۔ سائل مقدمہ مذکورہ میں کسی بھی طرح ملوث نہ ہے اور نہ ہی کسی مقدمہ میں سزا یافتہ ہے۔ سائل ایک پڑھا لکھا آدمی ہے اور صاف ستھرے ریکارڈ کا حامل ہے۔ مقدمہ مذکورہ میں تفتیش بتایا ہے جس میں سائل خود کو بے گناہ ثابت کرنے کا اور عدالت سے بھی انصاف و بریت سائل کو ملے گی۔ لہذا انصاف کا تقاضوں کو پورا کرتے ہوئے انکواری ہذا کو داخل دفتر فرمایا جائے یا فیصلہ مقدمہ پنڈنگ رکھا جائے۔

سائل تازندگی دعا گور ہے گا۔

ارض

سید عبداللہ حیدر

Attested

جو نیر کلرک، دفتر DPO صاحب، ہری پور

CD

Amex-C



DISTRICT POLICE OFFICER  
HARIPUR

Ph: 0995-920100/01, Fax-0995614714, Email:- dpoharipur1@gmail.com

ORDER

Junior Clerk Syed Abdullah Haider, while posted at Pay Branch (DPO Office), It was come into the notice of undersigned after perusing case FIRs No.345 dated 06.08.2022 U/S 188 PPC (LSA) 3/4 (PS Sarai Saleh) and 349 dated 09.08.2022 U/S 504,505,506,188,298,295-A/153A, 147,149,7ATA/16 MPO PS Sarai Saleh, that he hold an illegal "Majlis" at his home without obtaining any permission from the competent forum. Similarly, he was also found involved in discovering an illegal, untraditional and un-scheduled procession, being part of a disciplined force, he did not bother to follow the due process of law for organizing the same. His acts/commissions are highly objectionable and gross misconduct on his part in terms of the Khyber Pakhtunkhwa, Government Servant, Efficiency & Discipline Rules 2011.

To probe the allegations of misconduct Mr. Iftikhar Ahmed SDPO Sadder was appointed as Enquiry Officer vide this office memo: No.312-13/HC dated 10.08.2022. The inquiry officer conducted a proper departmental inquiry. Wherein, charges of misconduct against the delinquent official were proved. The enquiry officer submitted his findings, vide his office Memo No.465 dated 14.10.2022 and recommended him for "Major Punishment"

Having perused the relevant record & clarification of the defaulter official the charges of misconduct against Junior Clerk Syed Abdullah Haider stood proved. Therefore, I, Imran Shahid, (PSP), District Police Officer, Haripur being competent authority under the "Khyber Pakhtunkhwa, Government Servant, Efficiency and Discipline Rules 2011", am fully satisfied that Junior Clerk Syed Abdullah Haider, committed gross misconduct. Therefore, he is awarded Major Punishment of "Dismissal from Service" with immediate effect.

OB No. 750

Dated 20-10-2022

9 - 7 -  
Imran Shahid, PSP  
District Police Officer,  
Haripur

Copy to:-

The Superintendent of Police Investigation, Abbottabad for information and necessary action, please.

Attested  
[Signature]

ابتدائی اطلاعاتی رپورٹ

آئی ایف آئی نیشنل مجرمتی دست اندازی پولیس رپورٹ شدہ زبردستی ۱۵۴ مجموعہ ضابطہ افواجی

ضلع میری پور

تاریخ ۸/2/88 وقت 30:20

345

8/2 وقت 23:00 سے 8/2 وقت 22:30 تک

سینٹ ڈاؤن ٹاؤن، 13/3/88، سدرہ معقود

اول آرٹیکل 240 آئی اے سی 3/188/88

دوست صاحبان اور سزاوارتہ بانو بیگم صاحبہ کے ساتھ مشرف لغات

آئی ایف آئی دستاویز کے تحت ہوا اور جیلنگ

مشرف لغات

ابتدائی اطلاع کے درج کردہ اس نام کے حامل جو پہلے 17/1/88 کے ساتھ  
 ولد فقار شاہ کے پیدائشی نام کے ساتھ مشرف لغات میں -  
 اطلاع کے مطابق مشرف لغات کے پیدائشی نام کے ساتھ مشرف لغات میں -  
 کہ مشرف لغات کے پیدائشی نام کے ساتھ مشرف لغات میں -  
 مشرف لغات کے پیدائشی نام کے ساتھ مشرف لغات میں -  
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 مشرف لغات کے پیدائشی نام کے ساتھ مشرف لغات میں -

17/1/88  
 MHC PS KSK  
 6. 8. 212

Attested



اسی طرح اہل شیعہ کی جانب سے 90 افراد کو جلا یا قتل کیا گیا

- 1) زکیا بن شاہ عرف شاہ شاہ ولد اکبر شاہ کی
- 2) قیامت میں 3) نیاز شاہ ولد جن شاہ 4) اکبر شاہ ولد جن شاہ 5) علم شاہ
- 6) حاجی شاہ 7) حنفی شاہ 8) ازلین شاہ 9) احمد شاہ 10) صاحب شاہ
- 11) مرزا شاہ 12) کاکر شاہ 13) کاکر شاہ 14) صاحب شاہ 15) صاحب شاہ
- 16) صاحب شاہ 17) صاحب شاہ 18) صاحب شاہ 19) صاحب شاہ 20) صاحب شاہ
- 21) صاحب شاہ 22) صاحب شاہ 23) صاحب شاہ 24) صاحب شاہ 25) صاحب شاہ
- 26) صاحب شاہ 27) صاحب شاہ 28) صاحب شاہ 29) صاحب شاہ 30) صاحب شاہ

509140 سے لے کر 12740 تک جاری رہا جس سے شیعیان ہندوستان کو بڑا نقصان پہنچا۔  
 504-505-506-188-295A-299 کی پالی جانے۔  
 504-505-506-188-295A-299 کی پالی جانے۔  
 504-505-506-188-295A-299 کی پالی جانے۔



14

Annex - F

ORDER #03  
04.01.2023

1. SPP for the state present and submitted an application for withdrawal of charge of the accused u/s 194 Cr.PC.
2. Arguments heard and record perused.
3. Perusal of record reflects that instant case was registered on the report of Tariq Saleem ASI of PP Shah Maqsood. Prosecution contended that the arrival and departure of complainant is not available on the file. Site plan has not been prepared by the IO. Prosecution further added that no private person was associated with the proceedings. Complainant has also not annexed any authority letter which empowered him to register case under section 188 PPC as per requirements of section 195(1)(A) Cr.PC. Prosecution further added that the provisions of section 103 Cr.PC were not complied by the complainant or IO to establish the violation of district administration's notice.
4. The prosecution has recommended discharge of the accused on the basis that the case is weak on evidentiary point of view and there is no chance of conviction of the accused.
5. Though, the prosecution could recommend a case for discharge under section 4 C-II of the Prosecution Act, 2005 if the offence is compoundable and having punishment of less than 07 years while in the instant case the punishment of section 3/4 ISA is less than 07 years and



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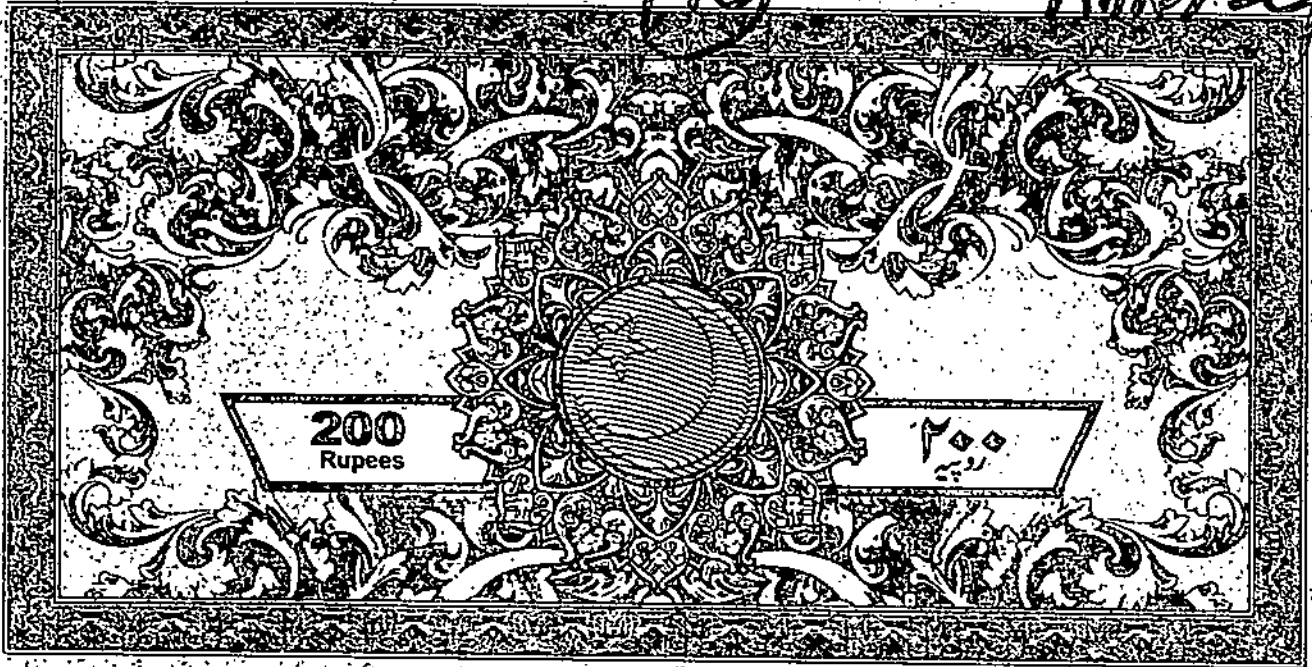
regarding its nature that whether the same is compoundable or not, the statute is silent. Therefore, the application of the prosecution under section 4 c(ii)/5-(b) read with section 494 Cr.PC for discharge of accused is based on solid grounds, hence allowed.

Accused Syed Abdullah Haider son of Waqar Haider & Waheed Abbas son of Abbas Ali Shah is discharged in the instant case and sureties (if any) are discharged from their liabilities. Case property if any be dealt with in accordance with law. File be consigned to record to record room after proper compilation and completion.

**Announced:**  
04.01.2023



Miss Sadia Ibrahim  
Civil Judge-VII/JM,  
Haripur



### بیان حلقہ

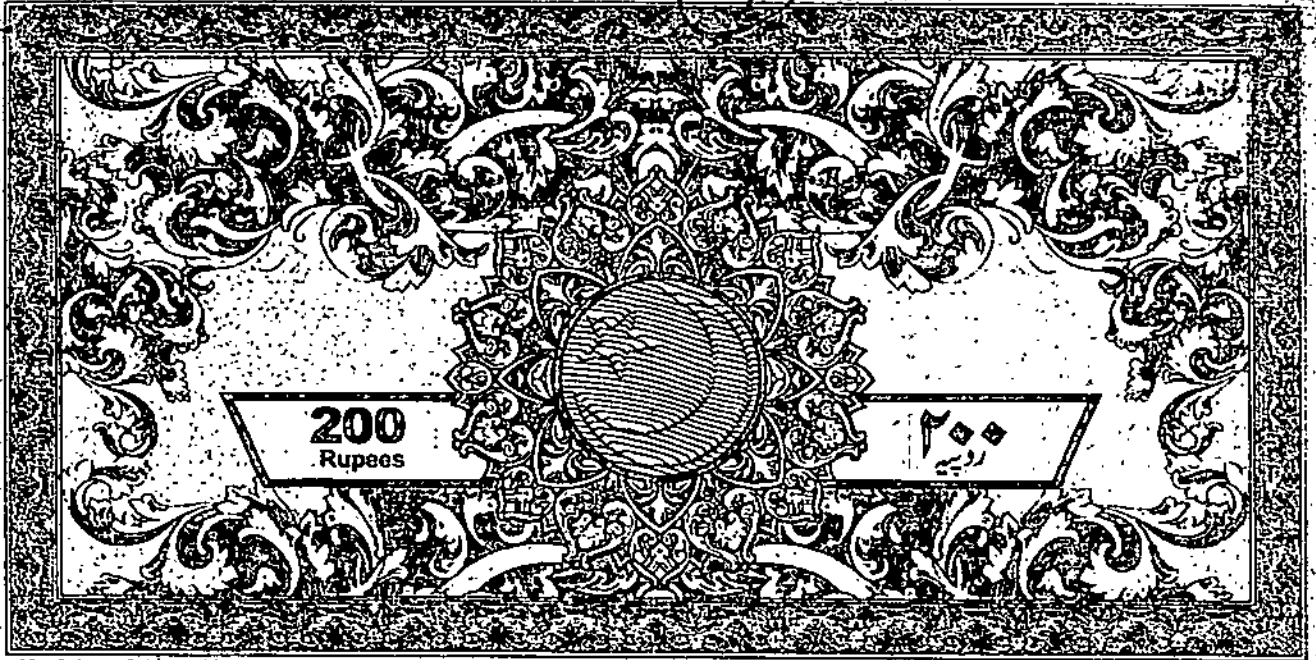
منگہ مسی قادی و حیدرہ ولہ قادی صدر الدین سکند علیہ السلام  
 جنگلی بانڈی قبیلہ و ضلع ہیرا پورہ بیوں۔ حلقہ بیانی بیوں کہ  
 من منظر گورانی دینا بیوں کہ ۱۵ شہر الحرام <sup>مہینہ ۵۸</sup> ۲۰۲۰ء کو جنگلی  
 بانڈی میں اہل سنت، اہل تشیع کے درمیان جھگڑا ہوا۔  
 یہ کہ منی منظر گورانی دینا بیوں کہ مسی سید عبد اللہ <sup>سید</sup> حیدر  
 ولہ و خاندان حیدر شاہ سکند علیہ موہڑہ، جنگلی بانڈی قبیلہ  
 ضلع ہیرا پورہ مسی حیدر شاہ ولہ اور گنڈہ پورہ کے جنازے میں تھا۔  
 یہ کہ اسی معاملے اہل تشیع اور اہل سنت کے جھگڑے سے  
 سید عبد اللہ حیدر کا کسی جی ٹی ایم کی کوئی موجودگی نہیں۔  
 حملہ مراتباً بالکرمینے علم سے اس سے متعلق۔ بیان حلقہ

Attest  
*[Signature]*  
۲۰۲۰

الموافق ۲۲-۰۸-۲۰۲۲

المدی ۰۵۹۰۹۶۲۲-۱۳۳۰۲

قادی و حیدرہ



بیان حلفی

مناکہ مسی ٹنو ہرولہ می بسیر سکناہ علمہ زاریل، جنگی  
 بانڈی قبیلہ و ضلع ہری پور کا ہوں۔ خلفاً بیان ہوں کہ میں  
 مظہر گمراہی دینا ہوں کہ ۱۵ شہر الحرام صرف ۰۸/۰۹ کو

جنگی بانڈی میں اہل سنت اور اہل تشیع کے درمیان

جھگڑا ہوا۔ یہ کہ میں مظہر گمراہی دینا ہوں کہ مسی سیر  
 عبد اللہ حمید رولہ و فار حمید شاہ سکناہ علمہ صوبہ ہریانہ جنگی بانڈی  
 قبیلہ ہری پور مسی عمر زبیر اور نگر پٹ کے جناب سے  
 تھا۔ یہ کہ اس معاملے میں اہل تشیع اور اہل سنت کے جھگڑے میں

سید عبد اللہ حمید کی کوئی موجودگی نہ تھی۔ حاکم ہر اشیا بالا میں  
 علم سے درصحت سے بیان حلفی نہ پڑا ہے

Attested

۲۲/۰۸/۲۰۲۲

الہ 7-486-3375-13302  
 ٹنو ہر

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Amir H

**BEFORE THE REGIONAL POLICE OFFICER HAZARA REGION**  
**ABBOTTABAD**

(Departmental Appeal by Syed Abdule Haider Junior Clerk, Haripur)

**DEPARTMENTAL APPEAL AGAINST ORDER OB NO. 750 DATED 20-10-2022 OF THE DISTRICT POLICE OFFICER HARIPUR WHEREBY APPELLANT HAS BEEN AWARDED PUNISHMENT OF DISMISSAL FROM SERVICE.**

**PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL ORDER DATED 20-10-2022 MAY KINDLY BE SET ASIDE AND APPELLANT BE RE-INSTATED IN SERVICE FROM THE DATE OF DISMISSAL WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.**

Respected Sir,

With most respect and reverence the following few lines are submitted for your kind consideration and favorable orders:-

1. That appellant was inducted as Junior Clerk in the police department and has served for about 06 years. Appellant always performed his assigned duties with zeal, zest, devotion, dedication and honesty to the entire satisfaction of his officers and never provided a chance of reprimand. Appellant was granted appreciation certificate by his high-ups for his best performance thus has meritorious service record at his credit.
2. That appellant while posted as Junior Clerk at Pay Branch (DPO Office) Haripur was served upon with a Charge Sheet dated 10-08-2022 by the District Police Officer Haripur and Mikhhar Ahmed SDPO Sadder Haripur was appointed as his Inquiry Officer. Appellant replied the charge sheet and denied the allegations straightaway being incorrect, false,

Attested  
[Signature]

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fabricated and baseless. (Copies of the Charge Sheet and its reply are attached as A&B).

3. That after receiving inquiry report from the Inquiry Officer, the District Police Officer Haripur vide his order dated 20-10-2022 dismissed the appellant from service in violation of the law, rules and regulations governing the terms and conditions of appellant's service. (Copy of dismissal order dated 20-10-2022 is attached as "C").
4. That no proper departmental inquiry was conducted. Neither a Final Show Cause Notice was issued nor inquiry report, if any, was given to him. No witness was called by the Inquiry Officer to appear and record his evidence against the appellant in his presence nor was he provided the chance to cross-examine such a witness, if any. Even the appellant was not afforded the opportunity of personal hearing and he was awarded major punishment of dismissal from service in serious violation of law, departmental rules & regulations, facts and principle of natural justice.
5. That when appellant was posted as Junior Clerk in Establishment and Pay Branch (DPO Office) Haripur some officials were annoyed and have personal grudge against him. Insertion of appellant's name in FIR No. 345 dated 06-08-2022 and FIR No. 349 dated 09-08-2022 was the result of this personal grudge just to cause him damage in his service otherwise there is

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[Signature]

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nothing an iota of truth in the allegations as inserted in FIRs as well Dismissal Order. (Copies of both FIRs No. 345 dated 06-08-2022 and No. 349 dated 09-08-2022 are attached as "D & E").

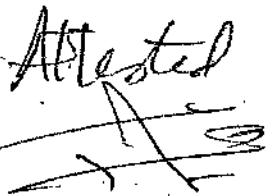
6. That so far as the FIR No. 645 dated 06-08-2022 is concerned, in this respect it is stated that the house where "Majlis" is conducted is the house of my paternal grandfather "Shah Ali Haider S/O Akbar Shah" who is himself alive and for the last about 35/40 years he has been conducting such "Majlis" in his house but with closed door and without loud speaker for sound etc. I was present in the said "Majlise" on 06-08-2022, sitting in a corner of the house but there was no misshape and "Majlis" was concluded in a peaceful atmosphere. That is not my house. BBA of the appellant in FIR No. 645 dated 06-08-2022 has been confirmed by the competent court of law.
7. That the allegations as leveled in FIR No. 349 dated 09-08-2022 against the appellant is concerned, these are totally incorrect and baseless as on 09-08-2022 appellant was not present in the village and he did not join any procession. Appellant had gone to another village for performing "Nimaz-e-Janaza" of his relative. The name of appellant is incorporated in the FIR falsely by the police officials and on the basis of personal grudge. No action has been taken against any one accused of the said FIR by the local police till this day. But the appellant has been

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dismissed from service by the District Police Officer Haripur against the law, departmental rules & regulation and without waiting the decision of the trial court against the appellant in this respect. **(Copies of affidavits are attached as "F").**

8. That there is nothing on record which prima-facie connect/associate the appellant with the alleged allegations/charges of FIRs and even an iota of evidence is not available on the record, which could suggest initiation of proceedings under Rule-3 of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rules 2011. Even the appellant in reply of his reply of charge sheet as well as verbally has requested the DPO Haripur to get secured his CDR and CCTV Camera be checked to make it clear either appellant was available in the procession or otherwise as has been alleged in FIR dated 9-8-2022.
9. That the appellant was never provided an opportunity to explain his position, which is against the rules, "Audi alteram partem" which provides a right of hearing even before non-judicial proceedings although the same has not been expressly provided.
10. That the Supreme Court of Pakistan has held in PLD-2008-SC-412 as "order adverse to the interest of a person, cannot be passed without providing him an opportunity of hearing. Departure from such rule may render such order illegal". However, in the

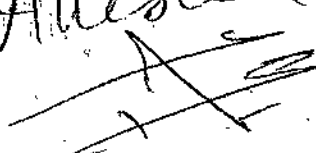
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instant case the proceedings were held in absentia and ultra vires to the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011, which has no legal effect.

11. Similarly Supreme Court held in 2005 SCMR-678 as "the principle of Natural Justice has to be applied in all kind of proceedings strictly and departure there from would render subsequent actions illegal in the eye of law".
12. That the mandatory final show cause notice under Rule-5 (1) (a) of rule ibid was not served upon the appellant, which vitiates the whole process.
13. That the proceedings conducted were against the Article-10(A) of the Constitution of Pakistan 1973 which ensures "fair trial & due process". Moreover, the appellant has not been treated in accordance with law according to Art-4.
14. That appellant is totally innocent and had never involved himself in any act as alleged in the FIRs as well as Dismissal Order dated 20-10-2022. He has discharged his official duties with devotion and honesty but still he was awarded with major punishment of dismissal from service without any cause or justification. There is nothing wrong on the part of appellant.

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15. That if the appellant is provided with a chance of personal hearing, he will really prove himself as innocent by explaining all the facts and circumstances of the matter.

In view of the aforementioned facts it is earnestly requested that order dated 20-10-2022 of the District Police Officer, Haripur may kindly be set aside and appellant be re-instated in service from the date of his dismissal with all consequential service back benefits. Thanking you sir in anticipation.

Yours Obedient Servant  
(Syed Abdulrahman Haider)  
S/O Waqar Haider Shah  
Ex-Junior Clerk, Pay Branch,  
(DPO Office) Haripur

Address:

Village & P.O. Changi Bandi,  
Tehsil & District Haripur  
Mobile No. 0342-7311116

Dated: 20-11-2022

W/16  
2/11/2022

Attested

# وکالت نامہ

بعد ازاں جناب *محمد حنیف* نے اس کے لیے وکالت نامہ تحریر کیا اور

منجانب *ایس ایچ ایچ* *اسپیکٹور جنرل*  
*KPK PPO sp*

دعویٰ یا جرم *محمد حنیف* *ایس ایچ ایچ*  
 مندرجہ بالا عنوان میں اپنی طرف سے بیروی وجوہی مقام *ایس ایچ ایچ* / *ایس ایچ ایچ*

*محمد اسلم تنوکی*  
 ایڈووکیٹ بدیں شرط وکیل مقرر کیا۔ کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص  
 رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی  
 پیشی پر مظہر حاضر نہ ہوں گا۔ اور حاضری کی وجہ سے کسی وجہ پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ  
 ہوئے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی اور جگہ یا پکھری کے مقرر اوقات سے پہلے یا بروز  
 تعطیل بیروی کرنے کے مجاز نہ ہوئے۔ اگر مقدمہ مقام پکھری کے کسی اور جگہ سماعت ہونے یا بروز پکھری کے اوقات  
 کے آگیا یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے رابطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے  
 بھی صاحب موصوف ذمہ دار نہ ہوئے۔ مجھے کل ساختہ پرواختہ صاحب مثل کروہ ذات خود منظور و قبول ہوگا اور صاحب  
 موصوف کو عرضی دعویٰ اور درخواست اجراء کے ذمہ دار یا اپیل نگران یا دائر کرنے نیز ہر قسم کی درخواست پر دخیل تصدیق  
 کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے  
 کا ہر قسم کا بیان دینے اور پیر وراثی و راضی نامہ فیصلہ بر خلاف کرنے اقبال و جوعے کا اختیار ہوگا۔ اور بصورت اپیل و  
 برآمدگی مقدمہ یا منسوخی ڈگری یا بکطرفہ درخواست حکم اتمامی یا ڈگری قبل از فیصلہ اجراء کے ذمہ دار بھی صاحب موصوف کو  
 بشرط ادا نگلی علیحدہ بیروی مختار نامہ کرینکا مجاز ہوگا۔ اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا ایڈووکیٹ  
 کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہونگے جیسے صاحب  
 موصوف کو۔ پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیروی نہ  
 کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ سند ہے مضمون  
 مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

مورخ: 06-02-2023

## الْبَعْدُ الْعَبْدُ الْعَبْدُ

Accepted by  
*M. Adnan*  
 Adv.

*محمد حنیف*  
*ایس ایچ ایچ*