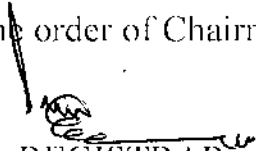


FORM OF ORDER SHEET

Court of _____

Case No.- 281/2023

| 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 Mr. Nawaz Khan 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</p> <p> REGISTRAR</p> |

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

A - No. 281/2023

Nawaz Khan Asstt. Sub. Inspector police, presently posted in
District Mansehra.

(Appellant)

VERSUS

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

(Respondents)


SERVICE APPEAL

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| 2. | Charge Sheet & its reply. | "A&B" | 08-13 |
| 3. | Punishment Order dated 10-11-2022 | "C" | 14-15 |
| 4. | FIR Dated 28-07-2022 | "D" | 15-16 |
| 5. | Arrest Card Dated 02-08-2022 | "E" | 17-18 |
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APPELLANT

THROUGH


**(MUHAMMAD ASLAM TANOLI)
ADVOCATE HIGH COURT
AT PESHAWAR**

Dated: *6-2-2023*

①

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No.....281/2023.....

Nawaz Khan Asstt. Sub. Inspector police, presently posted in
District Mansehra. (Appellant)

VERSUS

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Mansehra. (Respondents)

**SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT
1974 AGAINST ORDER DATED 10-11-2022 OF THE DISTRICT POLICE
OFFICER MANSEHRA WHERE APPELLANT HAS BEEN AWARDED THE
PENALTY OF REDUCTION IN RANK FROM SUB INSPECTOR TO ASI AND
ORDER DATED 10-01-2023 OF THE REGIONAL POLICE OFFICER
HAZARA REGION ABBOTTABAD WHEREBY APPELLANT'S
DEPARTMENTAL APPEAL HAS BEEN REJECTED.**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH
ORDERS DATED 10-11-2022 AND 10-01-2023 OF THE RESPONDENTS
MAY GRACIOUSLY BE SET ASIDE AND APPELLANT BE REINSTATED IN
HIS RANK OF SUB INSPECTOR FROM THE DATE OF REDUCTION WITH
ALL CONSEQUENTIAL SERVICE BACK BENEFITS ON RENDITION OF
ACCOUNTS.**

Respectfully Sheweth:

1. That appellant while posted as Sub Inspector Oil Investigation Wing at Police Station Phulra, District Mansehra was served upon with a charge sheet which was duly replied by explaining all facts in detail and denying the allegations being incorrect and baseless. (Copies of Charge Sheet & its reply are attached herewith as Annexure "A & B").
2. That on receiving inquiry report, the District Police Officer Mansehra vide his order dated 10-11-2022 awarded the

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appellant with major penalty of "Reduction in Rank" from Sub Inspector to ASI vide order dated 10-11-2022 without any reason. **(Copy of order dated 10-11-2022 is attached as Annex- "C")**.

3. That no proper departmental inquiry was conducted. No witness was called to appear before the enquiry officer to depose against appellant. Chance of cross-examination was not afforded. Neither Final Show Cause Notice nor inquiry report, if any, was issued to appellant. Even the opportunity of personal hearing was not granted and appellant was awarded major penalty of "Reduction in Rank" in violation of law, departmental rules & regulations against the facts and principle of natural justice.
4. That while appellant posted as Oil Police Station Phulra (District Mansehra) an FIR Case No.169 dated 28-07-2022 under sections 302/109/107/427/34 PPC/15AA, registered against accused Shoaib S/O Sher Muhammad and Sher Muhammad S/O Khani Zaman, was handed to appellant for investigation. **(Copy of FIR is attached as Annexure "D")**.
5. That accused Shoaib was arrested by SHO Police Station Phulra Mansehra on 02-08-2022 from a place "Katha Parhani" vide Arrest Card Dated 02-08-2022. **(Copy of Arrest Card is attached as Annexure "E")**.
6. That the allegations as inserted in the Charge Sheet, based on the complaint filed by one Muhammad Pervez General Councilor VC Phulra District Mansehra, are false, fabricated and with malafide intention. The said General Councilor has personal grudge against appellant and is also supporting the

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Region, Abbottabad which has been rejected vide order dated 10-01-2023. (Copies of departmental appeal and its rejection order dated 10-01-2023 are attached as Annexure "H & I"). Hence instant service appeal inter alia on the following as well as other grounds.

GROUND:-

- A) That both the impugned orders dated 10-11-2022 and 10-01-2023 of the respondents are illegal, unlawful against the facts, departmental rules and regulations and principle of natural justice hence are liable to be set aside.
- B) That no proper departmental inquiry was conducted. Final Show Cause Notice was not issued. Copy of inquiry report, if any, was never provided to the appellant. No witness against appellant was produced before inquiry officer. Chance if cross-examination was not afforded. Even opportunity of personal hearing was not granted to the appellant and he was condemned unheard in serious violation of principle of natural justice.
- C) That respondents have not treated the appellant in accordance with law, departmental rules, regulation and policy on the subject and have acted in violation of Article-4 of the constitution of Islamic Republic of Pakistan 1973 and unlawfully issued the impugned orders which are unjust, unfair hence not sustainable in the eyes of law.
- D) That appellate authority has also failed to abide by the law and rejected the departmental appeal without taking into consideration the grounds adduced in his appeal by

5

appellant. Thus act of respondent is contrary to the law as laid down in the KPK Police Rules 1934 read with section 24-A of General Clauses Act 1897 and Article-10 of the Constitution of Islamic Republic of Pakistan 1973.

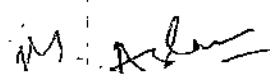
- E) That the allegations leveled against appellant in the charge sheet as well as in punishment orders are incorrect, false and fabricated, based on surmises and conjectures which remained unproved and unsubstantiated till to this day. Nothing adverse could be brought on record against the appellant to prove the allegation against him.
- F) 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 both the orders dated 10-11-2022 and dated 10-01-2023 of the respondents may graciously be set aside and appellant be re-instated in his rank of SUB INSPECTOR from the date of reduction with all consequential service back benefits. Any other relief which in the circumstances of the case, the honourable Tribunal deems fit may also be granted.


Appellant

Through


(Muhammad Aslam Tanoli)
Advocate High Court
At Abbottabad

Dated: 6-2-2023

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: 6-2-2023


Appellant

6

BEFORE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Nawaz Khan Asstt. Sub. Inspector police, presently posted in District Mansehra.

(Appellant)

VERSUS

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

(Respondents)

SERVICE APPEAL

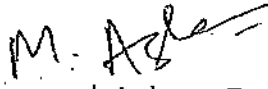
AFFIDAVIT

I, Nawaz Khan, 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: 6-2--2023


Deponent/Appellant

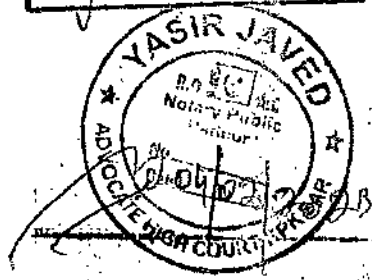
Identified By:


(Muhammad Aslam Tanoli)
Advocate High Court
At Peshawar

Dated: 6-2--2023


Appellant

ATTESTED
YASIR JAVED
NOTARY PUBLIC
Advocate High Court Peshawar


YASIR JAVED
Notary Public
Advocate High Court Peshawar
04/02/23

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BEFORE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Nawaz Khan Asstt. Sub. Inspector police, presently posted in District Mansehra.

(Appellant)

VERSUS

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

(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: 6-2-2023


Appellant

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Annex A

CHARGE SHEET

I, Irfan Tariq (PSP), District Police Officer, Manshra as Competent Authority, hereby charge you SI Muhammad Nawaz Police Lines as follows.

On the complaint of one Muhammad Pervez /o Phulra preliminary enquiry has been conducted through DSP Oghi. The enquiry officer after conducting preliminary enquiry has submitted his report and proved the charges of assaulting the accused namely Muhammad Shoalb involved in Case FIR No. 169 dated 25-07-2022 U/S 302/109/34 PPC-PS-Phulra. It amounts to gross misconduct.

Due to reasons stated above you appear to be guilty of misconduct under Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (amended in 2014) and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.

You are, therefore, required to submit your written defense within 07 days of the receipt of this charge sheet to the enquiry officer.

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 follow against you.

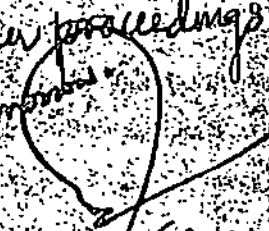
Intimate whether you desire to be heard in person or otherwise.

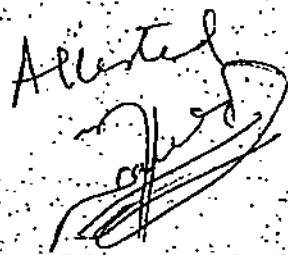
Statement of allegation is also enclosed.


District Police Officer,
Manshra

Reader

For further proceedings
for tomorrow


SP-MA
17/08/2022

Attested


9

DISCIPLINARY ACTION


I, Irfan Tariq (PSP), District Police Officer Mansehra, as Competent Authority of the opinion that SI Muhammad Nawaz Police Lines has rendered himself liable to be proceeded against as he committed the following act/omissions within the meaning of Khyber Pakhtunkhawa Police Disciplinary Rules 1975 (amended in 2014).

On the complaint of one Muhammad Pervez r/o Phulra preliminary enquiry has been conducted through DSP Oghi. The enquiry officer after conducting preliminary enquiry has submitted his report and proved the charges of assaulting the accused namely Muhammad Shoaib involved in Case FIR No. 169 dated 25-07-2022 U/S 302/109/34 PPC PS Phulra. It amounts to gross misconduct.

For the purpose of scrutinizing the conduct of the said accused Officer with reference to the above allegations. Mr. Arif: SP Mansehra is deputed to conduct formal departmental enquiry against SI Muhammad Nawaz Police Lines

The Enquiry Officer shall in accordance with the provisions of the Khyber Pakhtunkhawa Police Disciplinary Rules 1975 (amended in 2014), provide reasonable opportunity of hearing the accused, record findings and make recommendations as to punishment or other appropriate action against the accused.

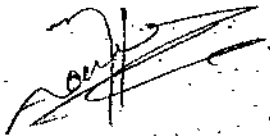
The accused and a well conversant representative of the department shall in the proceedings on the date, time and place fixed by the Enquiry Officer.

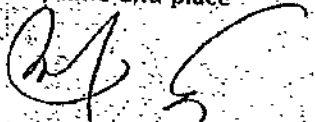

District Police Officer,
Mansehra

No 5929-30/PA dated Mansehra the 15/08/2022

Copy of the above is forwarded for Javqur of information and necessary action to:-

1. The Enquiry Officer for initiating proceedings against the defaulter officer under the provisions of the Khyber Pakhtunkhawa Police Disciplinary Rules 1975. Preliminary enquiry conducted by DSP Oghi is enclosed
2. SI Muhammad Nawaz Police Lines with the direction to submit his written statement to the Enquiry Officer within 07 days of the receipt of this charge sheet/statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purposes of departmental proceedings.

Attested



District Police Officer,
Mansehra

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Annex-B

To

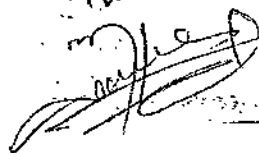
The Addl. Superintendent of Police,
(Inquiry Officer)
Mansehra.

Subject:- REPLY TO THE CHARGE SHEETS DATED 15-08-2022.

Sir,

With reverence it is submitted that I am in receipt of both the Charge Sheets one issued by the District Police Officer Mansehra vide No. 5929-30/PA dated 15-08-2022 and the other issued by the Superintendent of Police (Investigation) Mansehra under No. 84-85/PA dated 15-08-2022 with some improvement to that of DPO Mansehra. However, this may please be treated as reply to both the referred Charge Sheets.

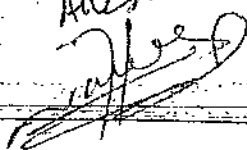
1. That while posted as .Oil Police Station Phurla (District Mansehra) an FIR Case No. 169 dated 28-07-2022 under sections 302/109/427/34 PPC/15AA was registered against accused Shoaib Son. of Sher Mohammad and Sher Mohammad S/O Khani Zaman etc.
2. That Shoaib accused was arrested by ASHO, PS, Phurla on 02-08-2022 from "Katha Parhani" vide Arrest Card dated 02-08-2022. (Copy of Card Arrest is attached as "A").
3. That the allegations as inserted in both the Charge Sheets are based on the complaint filed by Muhammad Pervez General Councilor V/C Phurla are false, fabricated and based on malafide having no nexus with truth. The said Councilor has some personal grudge against me. Muhammad Pervez is also supporting accused party. He is neither complainant of the FIR nor eye witness of the occurrence spot. What-so-ever he has mentioned in his

Attested


(11)

complaint is totally incorrect, false, fabricated and based on malafide and personal vendetta against me. **(Copy of complaint is attached as "B")**.

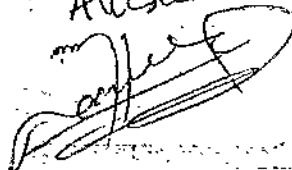
4. That according to Arrest Card prepared by SHO, PS, Phurla the accused Shoaib was arrested on 02-08-2022 from from a place known as "Katha Parhani" while according to his complaint dated 03-08-2022 Pervez claims that accused Shoaib was produced by him in PS Phurla before DSP Oghi and SHO Phulara. Complaint is therefore false.
5. That when said Pervez was not present on the place of occurrence then as to how he can say that a Kalashnikov and Hand Grenade was in possession of Deceased party in their vehicle at the time of occurrence. Even the spot eye witnesses and complainant of FIR Mst. Gulshan Bib Widow of deceased Pir Muhammad and others did not say anything about availability of Kalashnikov and Hand Grenade etc in their vehicle. About demand of Rs. 5 (five lac) bribe from accused Sher Muhammad is also a false, fabricated and concocted story of allegations on the part of Pervez complainant.
6. That so far as allegation with regard to torture of accused Shoaib is concerned, in this respect it is stated that occurrence took place on 28-07-2022 and accused was arrested on 02-08-2022 by SHO, PS Phurla from "Katha Parhani" and who was produced before the Judicial Magistrate Mansehra on 03-08-2022 where accused alleged torture at he hands of police. Doctor while examining accused has scribed that there was only

Attested


redness on his buttock but no blood. As accused remained out of police arrest from 28-07-2022 to 02-08-2022 and during the period managed such redness on his buttock with the connivance of complainant Pervez who is a very clever and cunning. When Pervez could manage some other false allegations in his complaint then as to how he could not arrange such false redness on the buttock of accused Shoaib before producing Magistrate. **(Copy of custody order and doctor report dated 03-08-2022 is attached as "C").**

7. That only after obtaining custody dated 03-08-2022 of the accused Shoaib, he was interrogated and he pointed out place of occurrence and produced crime weapons (Pistol & Kalashnikov etc). As the Kalashnikov etc had already been recovered from accused Shoaib then question of demanding Rs.5 lac as bribe does not arise. Allegations of complainant are false and fabricated hence vehemently denied. **(Pointation memo etc are attached as "D").**

8. That accused Shoaib was never tortured by police nor any amount as a bribe was demanded from him. The allegations made in his complaint dated 03-08-2022 by Pervez Councilor are totally incorrect, baseless, false and fabricated which are vehemently denied. Said Pervez is desperately trying just to defend accused party and to spoil and destroy the FIR/ double murder case of deceased party. At no cost Pervez should be permitted to interfere from bringing the accused persons to face their heinous crime committed by murdering 02 innocent persons.


Attested


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9. That throughout entire service and particularly in the field of investigation, I have always tried my best to book the culprits to face the consequences of the crime committed by them. No body who committed any crime was ever spared by me. The complaint of Pervez is false and needs to be turned down rather he deserves to be taken to legal task as he has been trying to interfere and destroy the FIR case of deceased party without any reason and justification.

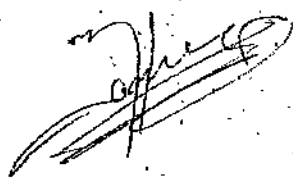
In view of the facts and circumstances it is earnestly requested that Charge Sheet under reply may kindly be recommended to be filed without any further proceedings for as the allegations incorporated in the complaint being false, fabricated and based on malafide and personal vendetta against me. Thanking you sir in anticipation.

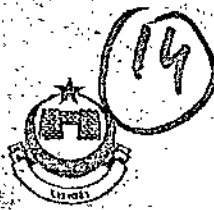
Your Obedient Servant


(Muhammad Nawaz)
Sub-Inspector
(the then Oil PS Phulra)
Police Lines Mansehra

0341-8360290

Dated 28-08-2022

Accepted




Annex C

POLICE DEPARTMENT

MANSEHRA DISTRICT

ORDER

This office order will dispose off the departmental enquiry proceeding against SI Nawaz Khan who was proceeded against departmentally with the allegation that on the complaint of one Muhammad Pervez i/o Phulra preliminary enquiry has been conducted through DSP Oghi. The enquiry officer after conducting preliminary enquiry has submitted his report and proved the charges of assaulting the accused namely Muhammad Shoaib involved in Case FIR No. 169 dated 25.07.2022 u/s 302/109/34 PPC PS Phulra.

The Enquiry Officer i.e. Muhammad Janil Akhtar, Addl: SP Mansehra after conducting proper departmental enquiry has submitted his report and proved the charges leveled against him.

On 10.11.2022, the delinquent SI Nawaz Khan was heard in person in orderly room but he could not convince the undersigned in his defense.

I, the District Police Officer, Mansehra, therefore award him major punishment of "One step reduction in rank" to the delinquent SI Nawaz Khan, under Khyber Pakhtunkhwa Police, Disciplinary Rules 1975 (amended in 2014). He is reinstated in service.

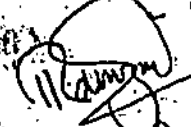
Ordered announced.

District Police Officer
Mansehra

OB No 199
Dated 10/11/2022

Accepted

الدرجہ کے ساتھ میں ندرمان کے ندرمان پر ہوتی ہے کہ یہ معروف عمل ہوتا ہے اور دوران
تحت وقوع کی اطلاع حاصل ہے۔ R.H. بنیاد پر اس وقت سے پہلے سے ہی اس کے ساتھ ساتھ
شیلڈ ویکسینیشن ہے۔ یہ ایک رینڈم سائیکل آف اسٹوڈی ہے جس کا آغاز 28 جولائی 2022 کو کیا
گیا ہے۔ اس کا مقصد اس وقت کے دوران میں اس کے ساتھ ساتھ اس کے ساتھ ساتھ اس کے ساتھ ساتھ
ہے۔ اس کے ساتھ ساتھ اس کے ساتھ ساتھ اس کے ساتھ ساتھ اس کے ساتھ ساتھ اس کے ساتھ ساتھ



MHC P. Paulina
28-07-2022

تاریخ
۲۰۲۲

کاربرد/تاریخ/تاریخ

تاریخ/تاریخ/تاریخ

تاریخ/تاریخ/تاریخ

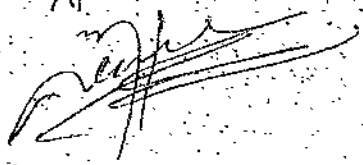
تاریخ

تاریخ/تاریخ/تاریخ

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تاریخ/تاریخ/تاریخ

NIC # 13803-1191650-7
mob # 0348-9172292

Attested


مائرہ

نقص رسیدگی سے متعلق

مائرہ

نمبر 30
 درج ذیل کے تمام کے بارے میں
 168
 202
 109
 22
 36
 22
 36
 22

تذات علی

نقص رسیدگی سے متعلق

(Signature)

mm. P.S. Phundwa 02/08/022

Attested (Signature)

1/2

Annex F

(19)

eng...
DPO
03/08
022

District Police Complaint Cell
Dy. No. 2683
Date 3-8-22
Office Mans...

221-C
10/8/22

گزارش عید سائل C/A کھلڑہ کا سابقہ ناظم اور حال حال
کوئٹہ چھترے اور سائل کے علاقہ میں چند یوم قبل قتل
ہوئے اور انکی بابت FIR نمبر 169 دزنہ، چھتر ڈھوئی
سائل قبل ازیں بھی پولیس کیساتھ مکمل تعاون کرتا رہا ہے
اور اس DSP سرکل اوگی اور SHO کھلڑہ سے تعاون کی
نمائندہ تعلق قائم ہے اور سائل نے مذکورہ مقدمہ میں فلنم
شعبہ کو کل مورہ 22-8-20 کو بوقت 11 بجے دن
بھی زمرہ جاری پر تھانہ چھلڑہ میں DSP اوگی اور SHO کھلڑہ
کے پاس پیش کیا جو مندرجہ بالا درجہ دوران گفتیش
کل دن کو اور رات کے وقت مقدمہ وقتب 07 نوآرخان
نے فلنم مذکور کو عدالتی حکم کے بغیر سب سے تریں شد
کا نشانہ بنایا ہے اور بے اختیار ظالمانہ آشد کیا ہے
اور ایک عدد کلاشنکوف خرید کر لانے کو اور تشدد سے بچانے
کیا ہے۔ سائل نے 3 فلنم کو پیش کر دیا ہے۔
استدعا ہے کہ 07 کو فلنم شخص سمیت طلب و مانا جا کر زخات نشانان کا
مددہ کیا جائے اور گفتیش برحق صاف شناسا رکھنے کیلئے کسی

P.T.O

Alleged

[Signature]

(20)

خدا خوف اور خدا ترس اور ایماندار آفیسر کے حوالہ
کی حالتے تاکہ حمد حقائق سامنے لانے
حائیل اور موقع پر آفیسر کے والی اہماء کو
کھی سامنے لایا جائے اور حقوقین سے برآفیسر
والی گولیاں لیتوں۔ فلاح سنگ کوف بھی برآفیسر
میں لائے جائیں اور کھاپوں کی تفصیل اور حقوقین سے
برآفیسر کے والے ہینڈ گرنیٹ بھی سامنے برآفیسر
میں لائے جائیں

تاکہ الزام ہو سکا

۱۱ قوس
3-08-2022

نقل FIR لف ۲

محمد پرویز سابقہ ناظم ۱۱ کھیلہ حال حیران کولستار ۱۱/۱۱
۱۱/۱۱

0343-9699293

MRB

Attest
[Signature]

فہرست مقدمات / مقدمات اعداد (7)

فہرست مقدمات 169/07 28/07 302/39 109/42

یامہ محمد شعیب اولیہ شہر محمد قاسم شہر محمد قاسم شہر محمد قاسم شہر محمد قاسم

فہرست مقدمات 169/07 28/07 302/39 109/42

یامہ محمد شعیب اولیہ شہر محمد قاسم شہر محمد قاسم شہر محمد قاسم شہر محمد قاسم

یامہ محمد شعیب اولیہ شہر محمد قاسم شہر محمد قاسم شہر محمد قاسم شہر محمد قاسم

یامہ محمد شعیب اولیہ شہر محمد قاسم شہر محمد قاسم شہر محمد قاسم شہر محمد قاسم

یامہ محمد شعیب اولیہ شہر محمد قاسم شہر محمد قاسم شہر محمد قاسم شہر محمد قاسم

یامہ محمد شعیب اولیہ شہر محمد قاسم شہر محمد قاسم شہر محمد قاسم شہر محمد قاسم

یامہ محمد شعیب اولیہ شہر محمد قاسم شہر محمد قاسم شہر محمد قاسم شہر محمد قاسم

یامہ محمد شعیب اولیہ شہر محمد قاسم شہر محمد قاسم شہر محمد قاسم شہر محمد قاسم

فہرست مقدمات

Handwritten signature

03/08/22

دی 3

دی محمد اولیہ شہر محمد قاسم شہر محمد قاسم شہر محمد قاسم شہر محمد قاسم

0317-8097902

13503-92014011 / 42901-0129362.1

0347258812

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Annex-H

BEFORE THE REGIONAL POLICE OFFICER HAZARA REGION
ABBOTTABAD

(Departmental Appeal by Nawaz Khan ASI District Mansehra)

DEPARTMENTAL APPEAL AGAINST ORDER OB NO. 199 DATED 10-11-2022 OF THE DISTRICT POLICE OFFICER MANSEHRA WHEREBY APPELLANT HAS BEEN AWARDED PUNISHMENT OF "REDUCTION IN RANK" FROM SUB INSPECTOR TO A.S.I.

PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL ORDER DATED 10-11-2022 OF DPO MANSEHRA MAY KINDLY BE SET ASIDE AND THE APPELLANT BE RE-INSTATED IN HIS RANK OF SUB INSPECTOR FROM THE DATE OF REDUCTION WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

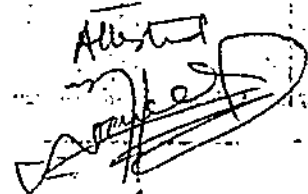
Respected Sir,

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

1. That appellant while posted as Sub Inspector Oil Investigation Wing at PS Phulra, Mansehra was issued with a charge sheet dated 15-08-2022 and Addl. SP Mansehra was appointed as his inquiry officer. Appellant duly replied the said charge sheet explaining the facts in detail and denying the allegations being incorrect and baseless ones. (Copies of Charge Sheet and its reply are attached here with as "A & B").
2. That on receiving so-called Inquiry report, the District Police Officer Mansehra vide his order dated 10-11-2022 awarded the appellant with the major punishment of "Reduction in Rank" from SI to ASI without any proof and reason. (Copy of order dated 10-11-2022 is attached as "C").

Accepted
[Signature]

3. That no proper departmental inquiry was conducted. No witness was called to appear before the enquiry officer and depose against appellant. Chance of cross-examination was not afforded. Neither Final Show Cause Notice was issued nor inquiry report, if any, was given to appellant. Even the opportunity of personal hearing was not provided and appellant was awarded major punishment of "Reduction in Rank" in serious violation of law, departmental rules & regulations against the facts and principle of natural justice.
4. That in fact while appellant posted as O/I Police Station Phulra (District Mansehra) an FIR Case No.169 dated 28-07-2022 under sections 302/109/107/427/34 PPC/15AA was registered against accused Shoaib S/O Sher Muhammad and Sher Muhammad S/O Khani Zaman was handed to appellant for investigation.
5. That Shoaib accused was arrested by SHO Police Station Phulra Mansehra on 02-08-2022 from "Katha Parhani" vide Arrest Card Dated 02-08-2022. (Copy of Card Arrest is attached as "D").
6. That the allegations as inserted in both Charge Sheet as well as in the Punishment Order based on the complaint filed by Muhammad Pervez General Councilor VC Phulra District Mansehra are false, fabricated and with malafide having no nexus with

Attest


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truth. The said Councilor has some personal grudge against appellant. Muhammad Pervez Councilor is also supporting the accused party. He is neither complainant of the FIR nor eye witness of the occurrence spot. What-so-ever he has mentioned in his complaint is totally incorrect, false, fabricated and based on malafide.

7. That according to Arrest Card prepared by SHO PS Phulra the accused Shoaib was arrested on 02-08-2022 from a place known as "Katha Parhani" while as per complaint dated 03-08-2022 of the Councilor/Complainant Pervez claims that accused Shoaib was produced by him in PS Phulra before DSP Oghi and SHO Phulra. Complaint is therefore false.

8. That when said Pervez Councilor/Complainant was not present on the place of occurrence then as to how he can say that a Kalashnikov and Hand Grenade was in possession of Deceased party lying in their vehicle at the time of occurrence. Even the spot eye witnesses and complainant of FIR Mst. Gulshan Bibi Widow of deceased Pir Muhammad and others did say nothing about availability of Kalashnikov and Hand Grenade etc in deceased vehicle. About demand of Rs.5 (five lacs) bribe from accused Sher Muhammad is also a false, fabricated and concocted story of allegations on the part of Pervez Complainant.

9. That so far as allegation with regard to torture of accused Shoaib is concerned, in this respect it is

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[Signature]

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stated that occurrence took place on 28-07-2022 and accused was arrested on 02-08-2022 by SHO PS Phulra from "Katha Parhani" and was produced before the Judicial Magistrate Mansehra on 03-08-2022 where accused alleged torture at the hands of police. Doctor while examining accused has scribed that there was only redness on his buttock but no blood. As accused remained out of police arrest from 28-07-2022 to 02-08-2022 and during the period he managed such redness on his buttock with the connivance of complainant Pervez who is a very clever and cunning. When Pervez could manage some other false allegations in his complaint then as to why he could not arrange such false redness on the buttock of accused Shoaib before producing the Magistrate. **(Copy of custody order and doctor report dated 03-08-2022 is attached as "E").**

10. That only after obtaining custody dated 03-08-2022 of the accused Shoaib, he was interrogated and he pointed out place of occurrence and produced crime weapons (Pistol & Kalashnikov etc). As the Kalashnikov etc had already been recovered from accused Shoaib then question of demanding Rs.5 lac as bribe does not arise. Allegations of complainant are false and fabricated hence vehemently denied. **(Pointation memo etc are attached as "F").**
11. That accused Shoaib was never tortured by police nor any amount as a bribe was demanded from him.

Abbas
[Signature]

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The allegations made in his complaint dated 03-08-2022 by Pervez Councilor are totally incorrect, baseless, false and fabricated which are vehemently denied. Said Pervez is desperately trying just to defend accused party and to spoil and destroy the FIR/double murder case of deceased party. At no cost Pervez would be permitted to interfere with in brining the accused to face their heinous crime of murdering 02 innocent persons.

12. That throughout entire service and particularly in the field of investigation, the appellant has always tried his best to book the culprits to face the consequences of the crime committed by them. No body who committed any crime was ever spared by appellant. The complaint of Pervez is false and needs to be turned down rather he deserves to be taken to legal course as he has been trying to interfere with and destroy the FIR case of deceased party without any reason and justification.
13. That appellant is totally innocent in this matter and has done his official duty with zeal, zest, devotion and honesty and there is nothing wrong on his part still he has been awarded major punishment of reduction in his rank on the basis of a false, fabricated complainant of a persons who is neither complainant of FIR nor spot witness of the occurance. Councilor Pervez is just trying for weakening FIR Case of deceased party by floating false and fabricated complaints.

Attested
[Signature]

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14. 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 and circumstances it is earnestly requested that order dated 10-11-2022 of the District Police Officer, Mansehra may kindly be set aside and the appellant be re-instated in his rank of Sub. Inspector from the date he was reduced with all consequential service back benefits. Appellant shall pray for your good health and long life.

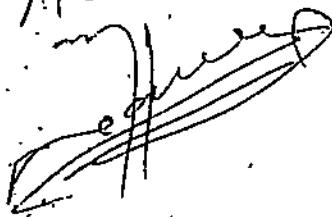
Yours Obedient Servant

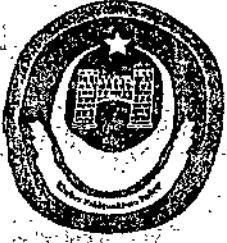


(Nawaz Khan)

ASI (the then OI PS Phurla)
Police Lines Mansehra

Dated: 21-11-2022

Attested




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Amos-9

OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

☎ 0992-9310021-22

☎ 0992-9310023

✉ r.rpohazara@gmail.com

NO: 173 /PA DATED 10.1.2023


ORDER

This order will dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by ASI Nawaz Khan No. 133/H of district Manshera against the order of punishment i.e. *one step reduction in rank SI to ASI* awarded by DPO Manshera vide OB No.199 dated 10.11.2022.

Brief facts leading to the punishment are that the appellant while posted as OII Police Station Phulra, proceeded departmentally with the allegation that on the complaint of one Mr. Muhammad Pervaiz r/o Phulra preliminary enquiry had been conducted through DSP Oghi. The enquiry officer after conducting preliminary enquiry submitted his report and proved the charge of assaulting the accused namely Muhammad Shoaib involved in case FIR No. 169 dated 25.07.2022 u/s 302/109/34 PPC Police Station Phulra.

The appellant was issued charge sheet and Addl: SP Manshera was deputed to conduct departmental enquiry. The EO in his findings held the appellant responsible of misconduct. He was called in OR and heard in person, however he failed to advance any cogent reason. Consequently, DPO Manshera awarded him major punishment of one step reduction in rank from SI to ASI. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of DPO Manshera were sought and examined/perused. The undersigned called the appellant in OR and heard him in person. The appellant has been given reasonable opportunity to defend himself against the charges, however he failed to advance any justification in his defense. Thus, the disciplinary action taken by the competent authority seems reasonable and the appeal is liable to be dismissed. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 the instant appeal is hereby *rejected* with immediate effect.


Zeeshan Asghar (PSP)

REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

No. 174 /PA, dated Abbottabad the 10 - 1 - 2023.

Cc.

DPO Manshera for information and necessary action with reference to his office Memo No 14171/PI dated 29-11-2022. Service record and fuji missal of the appellant is returned herewith for record.

Attested


وکالت نامہ

بعد االت جناب مستر محمد سعید احمد کے لئے اسلام آباد
منجانب اسلام آباد

لواؤ زمان 1988/1989 10/10/88
دعویٰ یا جرم سرواں ایبل باعث تحریر آنکہ

مندرجہ بالا عنوان میں اپنی طرف سے بیرونی وجوہی مقام ایبل آزاد / اسلام آباد کے لئے ایڈووکیٹ کی حیثیت سے 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 ہوا۔ اور حاضری کی وجہ سے کسی وجہ پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہونگے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی اور جگہ یا پکھری کے مقرر اوقات سے پہلے یا بروز تعطیل بیرونی کرنے کے مجاز نہ ہونگے۔ 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 ہونگے۔ مجھے کل ساختہ پرواختہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب موصوف کو عرضی و دعویٰ اور درخواست اجرائے ڈگری و نظر جانی ایبل نگرانی دائرہ کرنے نیز ہر قسم کی درخواست پر دستخط 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 سپرد وراثی و راضی نامہ و فیصلہ برخلاف کرنے اقبال و عوے کا اختیار ہوگا۔ اور بصورت ایبل و برآمدگی مقدمہ یا منسوخی ڈگری یا کٹرفہ درخواست حکم اتمامی یا ڈگری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادا نیکی علیحدہ بیرونی مختار نامہ کر نیکا مجاز ہوگا۔ اور بصورت ضرورت ایبل یا ایبل کے واسطے کسی دوسرے وکیل یا ایمرٹ 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 بیرونی 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۔

مورخہ: 2023-02-06

الْبَعْدُ الْعَبْدُ الْعَبْدُ الْعَبْدُ

Accepted by
M. Azle
Daw

[Signature]