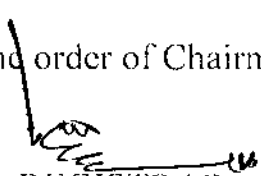


# FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ **284/2023**

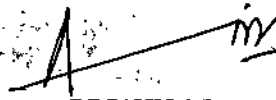
S No	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/02/2023	<p>The appeal of Mr. Arshad Iqbal resubmitted today by Mr. Ashraf Ali Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ .Parcha Peshi is given to appellant/counsel.</p> <p>By the order of Chairman</p>  <p>REGISTRAR,</p>

The appeal of Mr. Arshad Iqbal Ex-Constable No. 173 Police Force Karak received today i.e. on 20.01 2023 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

Copy of departmental appeal mentioned in the memo of appeal is not attached with the appeal which may be placed on it.

No. 318 /S.T,

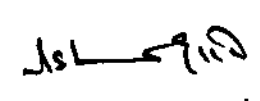
Dt. 24/1 /2023

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Ashraf Ali Khattak Adv.  
High Court at Peshawar.

Copy of departmental appeal is hereby attached with memo of appeal; the same may be placed with original file and spare copies and may kindly be considered as part & parcel of the main Appeal.

07-01-2023  
2

  
Ashraf Ali  
Advocate

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

Service Appeal No. 284 /2023

Arshad Iqbal,  
Ex-Constable No.173,  
Police Force, Karak.....Appellant.

Versus

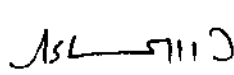
The Provincial Police Officer, & others.....Respondents.

**INDEX**

S.No.	Description of Documents	Annexure	Pages
1.	Appeal, Certificate with Affidavit		1-9
2.	Memo of Addresses of Parties		10
3.	Copy of charge sheet and statement of allegation dated 05-11-2021	A	11-12
4.	Copy of reply to the charge sheet	B	13
5.	Copy of inquiry report dated 25-02-2022	C	14-15
6.	Copy of the inquiry report dated 03-08-2022 conducted through SP Investigation Wing	D	16-17
7.	Copy of the Final Show Cause Notice dated 02-11-2022 and reply to the show cause	E	18-19
8.	Copy of impugned order of respondent No.3 dated 29-11-2022	F	20-21
9.	Copy of final impugned order dated 06-01-2023	G	22
10.	Wakalat Nama.		23

  
Appellant

Through

  
Ashraf Ali Khattak  
Advocate,  
Supreme Court of Pakistan

Dated \_\_\_ / \_\_\_ /2023

1

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

Service Appeal No. 284 /2023

Arshad Iqbal,  
Ex-Constable No.173,  
Police Force, Karak.....Appellant.

Versus

1. The Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer,  
Kohat Region,  
Kohat.
3. The District Police Officer,  
Karak.....Respondents.

Service Appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1074 against the impugned final order dated 06-01-2023 passed by respondent No.2 on the departmental appeal of the appellant; preferred against the impugned original order dated 29-11-2022 passed by respondent No.3.

Prayer:-

On acceptance of the instant appeal; this Hon'ble Tribunal may graciously be pleased to:-

1. Declare both the impugned orders of respondent No.2 dated 06-01-2023 and order dated 29-11-2022 of the respondent No.3 as illegal, unlawful and without lawful authority and set aside the same.
2. Direct the respondents to re-instate the appellant with all back benefits.

3. ANY other remedy deemed appropriate in the circumstance of the case and not specifically asked for may also be graciously granted.

Respectfully Sheweth,

The concise facts giving rise to the present service appeal are as under:-

1. That appellant was appointed as Foot Constable on 05-08-2009. He has more than 13 years service at his credit.

2. That appellant was charge sheeted vide charge sheet & statement of allegation dated 05-11-2021 with the following words:-

"As per letter vide No.308/HO/PA, dated 28-10-2021 received from SDPO Karak that you constable Arshad Iqbal No.173 have share/leak police performance and also tarnish the image of police in general public. This is quite adverse on your part and shows your malafide intention, wilfull breach and non-professionalism in the discharge of your official obligations. Such act on your part is against the service discipline and amounts to gross misconduct."

Copy of charge sheet and statement of allegation dated 05-11-2021 are attached as **Annexure-A**.

3. That appellant replied and denied the allegation.

Copy of reply to the charge sheet is attached as **Annexure-B**.

4. That inquiry was conducted through SDPO Takhti-e-Nasrati, who in the absence and at the back of appellant recorded the statement of the incharge Chowki, Amjad Shaheed Shnva Khudi Khel, Circle Incharge Takhti-e-Nasrati, DSB Staff and statement of the elders of the locality but even than the inquiry officer failed to collect an iota of incriminating evidence against the appellant.

Copy of inquiry report dated 25-02-2022 is attached as **Annexure-C**.

5. That it is very astonished that the inquiry officer without reference to any evidence and cogent and legal ground held the appellant as guilty and recommend him for severe punishment.

6. The respondent No.3 constituted another review/enquiry inquiry officer "SP Investigation Wing Karak", who again conducted inquiry without association of appellant. As per inquiry report SP Investigation Wing Karak has recorded the statement of one Mr. Najeeb Ullah HC No.290 incharge Police Post "Shah Saleem as well as FC Umer Sawab No.890. Appellant has neither been provided opportunity of cross examination of the said witnesses nor have the statements been recorded in the presence of the appellant.

Copy of the inquiry report dated 03-08-2022 conducted through SP Investigation Wing is attached as **Annexure-D**.

7. That appellant was served with "Final Show Cause". Appellant submitted reply to the show cause and again denied the allegations.

Copy of the Final Show Cause Notice dated 02-11-2022 and reply to the show cause are attached as **Annexure-E**.

8. That Respondent No.3 vide order dated 29-11-2022 imposed upon the appellant major penalty of dismissal from service under Police Rules, 1975 (amended in 2014) without consulting the record.

Copy of impugned order of respondent No.3 dated 29-11-2022 is attached as **Annexure-F**.

9. That appellant being aggrieved from the impugned order dated 29-11-2022 of the respondent No.3; preferred departmental appeal before the respondent No.2, who vide impugned final order dated 06-01-2023 rejected the same.

*Copy of impugned Final Order dated 06-01-2023 is attached as Anx-G*

Hence appellant being aggrieved and finding no adequate and efficacious remedy is constrained to file this service appeal on the following amongst other **grounds**:

- A. That the respondents has not treated the appellant in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution of Pakistan, 1973. The basic charge of sharing and leaking secret information has not been scrutinized through legal evidence. There was/is nothing on record which could connect the appellant with alleged

allegations. Neither the person to whom appellant has shared/leaked the secret information nor the day, time, place has been mentioned in the charge sheet and statement of allegation. The Charge Sheet and Statement of allegation also does not provide as to what was/were secret information leaked out or shared by the appellant. In this view of the matter the charge sheet and statement of allegation being not specific therefore, flimsy in nature and defective in spirits.

- B. That slip shod two consecutive inquiries were conducted in the absence and at the back of the appellant. Appellant was not associated with inquiry proceedings. Statement of certain person were collected without being scrutinized with the scrutiny of cross examination, but even then, the enquiry officer failed to procure an iota of evidence against the appellant. The conduct of both the inquiry officers were against the spirits of prescribed procedure provided in the statute and statutory rules therefore, the inquiry proceedings and its findings are nullity in the eyes of law and justice and liable to be reversed and set aside.
- C. That no worth credit evidence has been collected by the inquiry officers in support of alleged accusations. The impugned orders are based on conjunctures and surmises. The recommendations of the inquiry officers are based on the information allegedly collected through secret sources. Appellant has never been confronted with such type of evidence therefore, cannot be held to be legal evidence and conviction cannot be based upon such type of evidence in the light of law laid down by the Hon'ble Supreme Court of Pakistan.
- D. That appellant is entitled to be treated in accordance with law, and also entitled to be treated fairly, justly and be provided with opportunity of hearing under the provision and spirit of Article 10A of the Constitution of Islamic Republic of Pakistan, 1973.
- E. That section 16 of the Civil Servant Act, 1973 provide that a civil servant is liable for prescribed disciplinary actions and penalties only

through prescribed procedure. In instant case prescribed procedure has not been followed.

- F. That so called slipshod inquiry has been conducted in the absence and at the back of the appellant. Appellant active participation during inquiry proceeding has been willfully and deliberately ignored. Inquiry proceedings are of judicial in nature in which participation of accused civil servant as per law condition sine qua non. On this ground the impugned orders are coarm non iudice and liable to be set back.
- G. That the well-known principle of law " Audi altram Partem" has been violated. This principle of law was always deemed to have embedded in every statute even though there was no express specific or express provision in this regard.
- ...An adverse order passed against a person without affording him an opportunity of personal hearing was to be treated as void order. Reliance is placed on 2006 PLC(CS) 1140. As no proper personal hearing has been afforded to the appellant before the issuing of the impugned order, therefore, on this ground as well the impugned order is liable to be set aside.
- H. That the non provision of the inquiry report amounts to deprive a civil servant from confronting and defending himself from evidence that may go against him, which is against the provision of Article 10A of the Constitution of Pakistan, 1973. In the instant case copy inquiry report has been denied to the appellant, which fact is evident from the perusal of the final show cause notice.
- I. That under the provision of Rule 14 of E & D Rule, 2011, the competent authority was under legal obligations to peruse the inquiry report and determine as to whether the inquiry has been conducted in accordance with prescribed procedure and whether the charge are proved or otherwise. The competent authority has made no such efforts and dismissed the appellant with a single stroke of pen, which is nullity



in the eyes of law and liable to be interfered with by this Honorable Tribunal.

- J.** Accused is stated to be a favorite child of law and he is presumed to be innocent unless proved otherwise and the benefit of doubt always goes to the accused and not to the prosecution as it is for the prosecution to stand on its own legs by proving all allegations to the hilt against the accused. Mere conjectures and presumption, however strong, could not be made a ground for penalizing a civil servant [1999 PLC (CS) 1332 (FST)]..... Unless and until prosecution proves accused guilty beyond any shadow of doubt, he would be considered innocent [1983 PLC (CS) 152 (FST)].
- K.** That Re-instated employee would be entitled to back benefits as a matter of course unless employer is able to establish by cogent evidence that concerned employee had been gainfully employed elsewhere. In this respect, initial burden would lie upon the employer and not upon the employee to prove that such employee was gainfully employed during period of termination from his service. 2010 TD (Labour) 41.
- L.** That Civil servant who was dismissed from service through arbitrary and whimsical action of the government functionaries and re instated through judicial order of Service Tribunal would have every right to recover arrears of salaries by way of back benefits due to them during the period of their dismissal and re instatement. It would be very unjust and harsh to deprive them of back benefits for the period for which they remained out of job without any fault on their part and were not gainfully employed during that period.....Supreme Court allowing their appeal and directing payment of back benefits to the appellant. 2006 T D (SERVICE) 551 (a).
- M.** That the penal order is not a speaking order for the reason that no solid and legal grounds have been given by the penal authority in support of

his penal order. On this score the impugned order is liable to be set aside.

- N. That appellant would like to seek the permission of Your Kind Honour for award of personal hearing. Appellant may kindly be granted the opportunity of personal hearing.

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

- (i) Any other relief as deemed appropriate in the circumstances of case not specifically asked for may also be granted to petitioners.



**Appellant**

**Through**

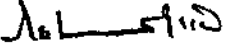


**Ashraf Ali Khattak**  
Advocate,  
*Supreme Court of Pakistan*

**Dated: 19/01/2023**

## CERTIFICATE

Certified on instruction that appellant has not previously moved this Hon'ble Tribunal under section 4 of the Service Tribunal Act, 1074 regarding present matter.


  
Ashraf Ali Khattak  
Advocate, Peshawar.

## List of Books

1. The Constitution of the Islamic Republic of Pakistan, 1973.
2. Services Law.

## NOTE

1. Six spare copies of the Service Appeal are enclosed in a separate file cover.
2. Memo of addresses is also attached.

  
Ashraf Ali Khattak  
Advocate, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
 TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_/2023

Arshad Iqbal,  
 Ex-Constable No.173,  
 Police Force, Karak.....Appellant.

Versus

The Provincial Police Officer, & others.....Respondents.

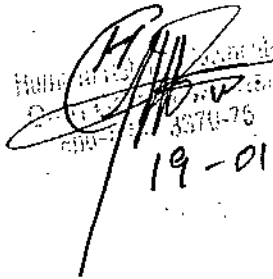
**AFFIDAVIT**

I, Arshad Iqbal, Ex-Constable No.173, Police Force, Karak do hereby solemnly affirm and declare on oath that the contents of this Service Appeal are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Tribunal.

  
 Deponent

CNIC: 14203-0698402-7

Cell: 0346-5675561.

  
 19-01-2023

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

Service Appeal No. \_\_\_\_/2023

Arshad Iqbal,  
Ex-Constable No.173,  
Police Force, Karak.....Appellant.

Versus

The Provincial Police Officer, & others.....Respondents.

**ADDRESSES OF PARTIES**

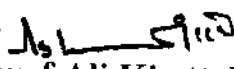
Arshad Iqbal,  
Ex-Constable No.173,  
Police Force, Karak.....Appellant.

Versus

4. The Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.
5. The Regional Police Officer,  
Kohat Region,  
Kohat.
6. The District Police Officer,  
Karak.....Respondents.

Through

  
Petitioner

  
Ashraf Ali Khattak  
Advocate,  
Supreme Court of Pakistan

Dated: \_\_\_\_/\_\_\_\_/2023

Anx-A

No. 233 /Enq

Dated 05/11/2021

CHARGE SHEET

I, **SHAFI ULLAH**, District Police Officer, Karak as a competent authority, hereby charge you **Constable Arshad Iqbal No. 173, posted at PS Shah Salim** as follows:-

"As per letter vide No. 308/HQ/PA, dated 28.10.2021 received from SDPO Karak that you Constable Arshad Iqbal No. 173 have share/leak Police secrete information to private individuals/criminals which affect the Police performance and also tarnish the image of Police in general public. This is quite adverse on your part and shows your malafide intention, willful breach and non-professionalism in the discharge of your official obligations. Such act on your part is against the service discipline and amounts to gross misconduct."

1. By the reason of your commission/omission, constitute miss-conduct under Police disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt. of Khyber Pakhtunkhwa, Police Department; you have rendered your-self liable to all or any of the penalties specified in Police Rule-1975 ibid.

2. You are, therefore, required to submit your written defense within 07-days of the receipt of this charge sheet to the enquiry Officer **Mr. Abid Khan Afridi, SDPO, T. Nasrati** is hereby appointed for the purpose of conducting enquiry.

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

3. Intimate whether you desire to be heard in person.

4. A statement of allegation is enclosed.

District Police Officer, Karak

67  
/2021

DISCIPLINARY ACTION

I, **SHAFI ULLAH KHAN**, District Police Officer, Karak as a competent authority, is of the opinion **Constable Arshad Iqbal No. 173 posted at PS' Shah Salim** has rendered himself liable to be proceeded against on committing the following act/commission within the meaning of Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department.

12

STATEMENT OF ALLEGATIONS

"As per letter vide No. 308/HQ/PA, dated 28.10.2021 received from SDPO Karak that Constable Arshad Iqbal No. 173 has share/leak Police secrete information to private individuals/criminals which affect the Police performance and also tarnish the image of Police in general public. This is quite adverse on his part and shows his malafide intention, willful breach and non- professionalism in the discharge of his official obligations. Such act on his part is against the service discipline and amounts to gross misconduct."

1. The enquiry Officers Mr. Abid Khan Afridi, SDPO, T. Nasrati in accordance with provision of the Police Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department may provide reasonable opportunity of hearing to the accused official, record his finding and make within 10-days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused:

Handwritten notes and stamps on the right side of the page, including "Mr. Abid Khan Afridi" and "T. Nasrati".

2. The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

District Police Officer, Karak

No. 234 /Enq, dated 05/11 /2021,

Copy to:-

1. The enquiry Officers for initiating proceeding against the accused under the Provision of the Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department.
2. **Constable Arshad Iqbal No. 173 posted at PS Shah Salim**

تحوالہ جاریہ شیٹ نمبر 233 صبح 2021-11-5 سرفروش  
 حقوں آسن ملزم آفسر سے 2021 سے جوئی شہزہ  
 کڈر تحصیل تمام شاہ سلیم میں لقیات خون - انعامک انرجی  
 جوئی کی ڈیوڈاری عرف اور عرف انعامک انرجی پلڈرین  
 کی حفاظت ہے -

اسی پلڈرین دیر سے باہر کوئی ڈیوڈا سر انجام نہیں دیتے  
 لہذا پلڈر دیکھو حشرات یا کٹر مینس کے ساتھ لقیات دکن  
 کا سوال یہی پیدا ہیں ہوتا - من ملزم آفسر کے نام  
 در پلڈر جو بائیل طنزات 0346567556 اور 03339539561 درج  
 ہیں لہذا اسی طنزات کے CDR حاصل کریں - اور میں ملزم

آفسر نے کسی مشکوک شخص سے بات نہیں کی ہے  
 من ملزم آفسر کجیبا اللہ HC کے زیر نگرانی ڈیوڈا کی  
 دیتا ہوں - لہذا پلڈر کردار سے کجیبا اللہ HC کوں واقف  
 ہیں - ان سے معلومات کے حاصل کیے ہیں

مدیر چارنا شیٹ میں غائب الزامات تمام لوقیت کے ہیں  
 ایسے الزامات میں کڈرنگ کے دفتر میں نہیں پڑتے ہیں  
 میرا سروکل ریکارڈ صاف اور مستحق ہے 12 سال توویل  
 سروکل میں کسی بھی محکمہ کا والی کا سامنا نہیں آتا  
 ہے - حساب SP کے ساتھ ساتھ پلڈر (میں) میں  
 من ملزم آفسر کے خلاف الزامات لگائے ہیں -



من معلم آمینہ کو جو ہم الزامات سے ہماری الزامات سے

العارض

کسین، اشتراکات لکڑ 173 جو کی بنوہ لکڑ

۱

فائل رپورٹ

مناصب جاتی

تحوال پورج شیٹ احکام نمبر No.233/Eng مورخہ 05-11-2021 بجاریہ جناب ڈسٹرکٹ پولیس افسر کرک، برخلاف کنسٹیبل ارشد اقبال نمبر 173 تھانہ شاہ  
سلیم، حال پولیس اسٹیشن کرک، زبردستی کو مارک ہو کر زبردستی نے انکوائری کر کے جو کہ ذیل ہے۔

انکوائری

تحوال پورج شیٹ ہذا متذکرہ بالا میں کنسٹیبل ارشد اقبال نمبر 173 تھانہ شاہ سلیم، حال پولیس لائن کرک پر یہ الزام ہے، اور بحوالہ خصوصی انگریزی احکام نمبر  
No 308/RA.HQ مورخہ 28-10-21 بجاریہ جناب SDPO/HQ صاحب تحصیل سرکل کرک کہ کنسٹیبل متذکرہ جو کہ پولیس کرک کے اہم اور خفیہ معلومات فراہم پیش  
کرے اور یا تو اسے کنسٹیبل متذکرہ بالا کے اس فعل سے جو ان حلقہ میں حکمہ پولیس کے وقار کو برباد کرنے کا سبب بنتا ہے۔

بیانات

انکوائری کی غرض سے الزام علیہ کنسٹیبل ارشد اقبال نمبر 173، زبردستی کو طلبہ بدہ حاضر ہو کر جس کا تحریری بیان قلمبند کر کے جو لفظ انکوائری ہذا ہے، جس نے تحریر کیا ہے کہ  
میں نے صرف اور صرف انکمٹ انگریزی پلانٹ کی حفاظت کی ہے اور اٹاک انگریزی پلانٹ انگریزی کے باہر کسی اور مقام میں ڈیوٹی سزا انجام نہیں دی ہے، جس سے کریمنٹیل لوگوں سے  
تعلق سے رابطہ نہ ہوا ہے، اور میں مسالین کے نام پر دو عدد سٹائل فون استعمال کرتا ہوں، جن میں سے ایک CDR کا ہے اور دوسرا میرا ہے، کہ میں انکمٹ کنسٹیبل نے کسی منگواؤں افراد سے  
بات کی ہے، اسکے علاوہ میرے کردار سے نجیب اللہ HC، انچارج چوکی امیر اللہ شہید شہنہ پلانٹ شہنہ منڈی خیل باغراب واقف ہے، شاید غلط فہمی سے میں کنسٹیبل کے خلاف الزامات  
دیا ہے۔ بیان نمبر 1۔

انکوائری میں کنسٹیبل ارشد اقبال کے تحریری بیان کے علاوہ انچارج سرکل تحت نصرتی DSB سٹاف کا بھی تحریری بیان قلمبند کیا گیا جو لفظ انکوائری ہذا ہے، جس کے مطابق وہ  
انکوائری میں کوئی بات نہیں کہہ سکتے۔ بیان نمبر 2۔

مشاہدات

انکوائری میں کنسٹیبل ارشد اقبال کے تحریری بیان کے علاوہ انچارج سرکل تحت نصرتی DSB سٹاف کا بھی تحریری بیان قلمبند کیا گیا جو لفظ انکوائری ہذا ہے، جس  
کے مطابق وہ مشاہداتی اور ریاستی سطح پر پلانٹ چال چلانی بیان کیا ہے۔ زبردستی کنسٹیبل ارشد اقبال کے سٹائل فون نمبرات CDR کے ہیں اور جنرل خذو حال بات ملازمت کا بھی  
بائیو میٹریکس ہے، مشاہدہ کیا جا کر جو میں انکوائری افسر کو تسلی بخش ظاہر نہیں ہوئی، کیونکہ وہ ہذا دوران ملازمت کئی مقامات پر معزز افسران بالا اظہار جان کو شکایتی ہے، اور سب سے بڑی بات یہ  
کہ اسے انکمٹ میں اہم واقعات کی بابت کسی غیر متعلقہ فرد یا اس جرم سے بڑے جرائم پیشہ افراد اور عناصر کو معلومات فراہم کرنا جبکہ اس مقام میں ایک گزٹ شدہ افسر کسی  
دوسرے کے خلاف سینئر پولیس افسران سے انکوائری کو قیادت تحریر کرتا ہے اور اس ابا کے خلاف نکلنا انکوائری شروع کرنے کا بھی استدعا کرتا ہے لہذا اس سے یہ بات ثابت ہوئی  
تھی کہ کنسٹیبل نے زبردستی کو قیادت میں کسی جرائم پیشہ افراد اور عناصر کو معلومات فراہم کرنا ہے۔

نتیجہ رائے

مشاہداتی اور ریاستی سطح پر پلانٹ چال چلانی اور انکوائری ہو کر یا اسکا کہ چارج شیٹ ہذا میں کنسٹیبل ارشد اقبال نمبر 173 کو قصور وار ٹھہرایا جا کر سخت سزا دینے کی استدعا اور سفارش کی جاتی  
ہے۔ حوالہ فی رپورٹ مرتب ہو کر گزارا ہے۔

سب ڈویژنل پولیس افسر تحت نصرتی

صاف علی

15

کوالہ راجہ علی صاحب از انیسویں سال ہجرت  
میں پیدا ہوئے۔ ان کا شمار ۱۷۳۳ء میں  
پندرہویں نمبر کی حنفیہ معلومات کی کتاب میں  
عبدالغنی کے ساتھ حال ملین بیان ہوا۔

پندرہویں نمبر کی کتاب  
۱۷۳۳-۱۸



OFFICE OF THE SUPERINTENDENT  
OF POLICE, INVESTIGATION  
WING KARAK

No. 1831 /Inv.

Date 03/08 2022

16

To: The District Police Officer, Karak

Subject: REVIEW COMMENTS AGAINST CONSTABLE ARSHAD IQBAL NO. 173

Memo: Kindly with reference to your good office remarks passed on the subject matter wherein the undersigned was directed to produce review comments / enquiry.

**ALLEGATIONS:-**

"As per charge sheet vide No. 233/Enq; dated 05.11.2021 allegation against the said constable was leveled that he share / leak police secret information to private individual / criminals which effect the Police performance and also tarnish the image of police in general public".

**PROCEEDING:-**

Since during the course of review comments, the accused official namely constable Arshad Iqbal No. 173 was summoned heard in person, recorded his statement and cross examined. Similarly statements of Najeeb Ullah HC No. 290 Incharge Police Post Shah Salim as well as FC Umer Sawab No. 807 was recorded and placed on file. Secret information regarding the allegation against the said constable was also obtained.

**CONCLUSION:-**

During the proceeding it has become very crystal clear that, transportation of the accused from Police Post Shah Salim to Police Station Shah Salim has been made through delinquent official Arshad Iqbal No. 173 accompanied by his Incharge HC Najeeb Ullah No. 290 and FC Umer Sawab No. 807 upon directions of their immediate high-ups. So far the allegation pertaining to share / leakage police secret information to private individual / criminals by the alleged accused constable Arshad Iqbal No. 173 is concerned, the available record / circumstantial evidence and secret probe reveals that he is definitely connected to extend every possible help to the accused remained in their custody. The accused in custody also managed phone to his relative in the presence of said constable due to which the said delinquent FC was proceeded departmentally.

**FINAL OPINION:-**

I am of the view the allegation leveled against constable Arshad Iqbal No. 173 has been proved.

Enc 1 (70)

Superintendent of Police,  
Investigation Wing Karak

17

Respected Sir,

Reference attached F/A

It is submitted that findings report of the Enquiry Officer Mr. Abid Khan Afridi, the then SDPO Takhte Nasrati on the departmental enquiry against Constable Arshad Iqbal No. 173 PS Shah Salim at F/B.

Submitted for perusal and further order, please.

*Abid Khan*  
Enquiry Clerk

W/DPO

*SP. Inv*  
*for review comments*

*SP 57 & CWS*

*Abid Khan*  
DPO

*19/5/2022*

*i/c c-cell / CDR*  
*clerk*

*for Enquiry &*  
*Report*

*Abid Khan*

Superintendent of Police  
Investigation wing Karak  
*24/5/2022*

Anx: E

No. 117 /Enq  
Dated 21/11/2022

18

FINAL SHOW CAUSE NOTICE.

1. I, KHAN ZEB, District Police Officer, Karak as competent authority under the Police Rule-1975 is hereby serve you **Constable Arshad Iqbal No. 173** while posted at PP Amjad Shaheed (now PS SNGPL) as follow:-

That consequent upon the completion of re-enquiry conducted against you by Enquiry Officers **Mr. Bashir Dad, SP Investigation Wing Karak.**

2. On going through the finding and recommendation of the Enquiry Officer and materials on the record and other connected papers including your defense before the said Enquiry Officer, the charge against you were proved and you have committed the following acts / omission specified in Police Rule-1975:-

"As per letter vide No. 308/HQ/PA, dated 28.10.2021 received from SDPO Karak that you Constable Arshad Iqbal No. 173 have share/leak Police secrete information to private individuals/criminals which affect the Police performance and also tarnish the image of Police in general public. This is quite adverse on your part and shows your malafide intention, willful breach and non-professionalism in the discharge of your official obligations. Such act on your part is against the service discipline and amounts to gross misconduct."

3. As a result thereof I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under Police Rule-1975.

4. You are therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you, also intimate whether you desire to be heard in person.

5. If no reply to this Notice is received within Seven (07) days of its delivery in the normal course of circumstances, it will be considered/presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

6. Copy of findings of the Enquiry-Officer is enclosed.



District Police Officer, Karak

7

مخوالم فائنل شوکار مقرر 117 / 21/11/22 حور و حور ہوں اس من علمزم آفیسر  
یعنی 2021 سے جوئی شوہ ڈیٹیکٹیل مقام ستاہ سلیم میں کفینات ہوز  
ایٹامک انرجی جوئی کی دھردازی صرف اور صرف ایٹامک انرجی  
پلانٹ کی حفاظت ہے

اسی پلانٹ ایبرا سے باہر کوئی ڈیوٹی سزا کا کام نہیں ہے  
لیڈ ایبرا ایویوٹ حضرات یا کمرٹینٹل کینسٹریبل کفینات کفینات  
کا سوال ہی پیدا نہیں ہوتا۔ من علمزم آفیسر کے نام 2022

جو بائیل ممبرات 03339539561 درج ہیں۔ لیڈ ایبرا کے  
03465675561  
CDR حاصل کریں۔ اور من علمزم آفیسر کے کسی مشور  
سے بات نہیں کی ہے۔ من علمزم آفیسر کفینات ایٹامک

لیڈ ایبرا سے کردار سے کفینات ایٹامک HC جو واقعہ ہیں۔ ان سے  
صلوات کے حاصل کیے ہیں۔ من علمزم آفیسر کفینات ایٹامک  
الزامات عام لوہین کے ہیں۔ ایسے الزامات میں کڈرٹک  
کے دفتر میں نہیں پڑتے ہیں۔ من علمزم آفیسر کفینات ایٹامک

اور ششاق ہے۔ 2 اس سال کفینات ایٹامک میں کسی کوئی  
کارروائی کا سامنا نہیں کیا ہے۔ من علمزم آفیسر کفینات ایٹامک  
معلق نہیں ہے من علمزم آفیسر کے خلاف الزامات لگائے ہیں  
من علمزم آفیسر کو تمام الزامات سے بری الزمر قرار دیا جائے  
العارض

کنٹیبل ارشد قبیل مقرر 173 جوئے احمد شہید حالانکہ سیکرٹری  
10-11-2022

ORDER

Anx-F

20

This Order will dispose off the departmental enquiry against Constable Arshad Iqbal No. 173 of this district Police

As per letter vide No. 308/HQ/PA, dated 28.10.2021 received from SDPO Karak that Constable Arshad Iqbal No. 173 has share/leak Police secret information to private individuals/criminals which affect the Police performance and also tarnish the image of Police in general public. This is quite adverse on his part and shows his malafide intention, willful breach and non-professionalism in the discharge of his official obligations. Such act on his part is against the service discipline and amounts to gross misconduct.

He was issued Charge Sheet and Statement of Allegations. Mr. Abid Khan Afridi, the then SDPO Takhte Nasrati was appointed as Enquiry Officer to conduct proper departmental enquiry against him and he was directed to submit findings in the stipulated time.

The Enquiry Officer reported that besides the statement of accused Constable Arshad Iqbal No. 173, the matter was also enquired through DSB Staff Circle Takhte Nasrati wherein it was reported that he has good character at local and residential levels but from the perusal of his mobile CDR data, service roll, and general characteristics carefully which was not satisfactory. He was a complainer against respected officers several times during his service. Furthermore, the most important thing is to provide information about important dealings in such a most important case to an unrelated person or to criminals and elements connected with it, whereas the Gazetted officer writes a complaint against him and submit request for departmental proceedings which proves that he has links with criminals and shared/leaked them secret information. Therefore, the E.O recommended him for harsh punishment.

For further probe and for transparent enquiry, the said enquiry was re-entrusted to Mr. Bashir Dad, SP Investigation Wing Karak for review comments. The Enquiry Officer reported that it has become very crystal clear that the transportation of accused from Police Post Amjad Shaheed to PS Shah Salim was made through delinquent official Arshad Iqbal No. 173 accompanied with his Incharge HC Najeeb Ullah No. 290 and FC Umar Sawab No. 807, upon the directions of his immediate seniors. As far as, the allegations pertaining to share/leakage of Police secret information to private individuals/criminals are concerned, the available record/circumstantial evidence and secret probe reveal that he definitely extends every possible help to accused remained in Police custody. The accused in custody also managed cell phone to his relative in presence of the aforementioned officials due to which said delinquent FC proceeded departmentally. Therefore, the allegations leveled against him are proved.



21

He was issued Final Show Cause Notice. In response to the Final Show Cause Notice, accused official submitted his reply, which was found unsatisfactory.

Keeping in view above available record and facts on file, perusal of enquiry papers, and recommendations of the Enquiry Officers, he is found guilty of the charges. He is a stigma on the Police Force. Being a member of the discipline Force, his involvement with criminals and leaking secret information, and providing every possible help to them, stigmatizes the Police department. His further retention in Police Force is no more required. Therefore, in the exercise of the power conferred upon me, I, KHAN ZEB, District Police Officer, Karak, as competent authority under Police Rules 1975 (amended in 2014), hereby impose major punishment of dismissal from service upon defaulter Constable Arshad Iqbal No. 173 with immediate effect.

OB No. 630  
Dated 29/11/2022

  
District Police Officer, Karak

**POLICE DEPTT:**

Mr. District Police Officer Karak  
138  
10/01/2023

**Anx - G**

**KOHAT REGION**

**22**

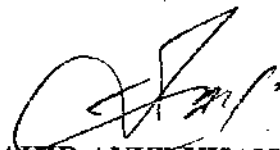
**ORDER.**

This order will dispose of a departmental appeal, moved by the Ex-Constable Arshad Iqbal No. 173 of district Karak against the punishment order, passed by DPO Karak vide OB No. 630, dated 29.11.2022 whereby he was awarded major punishment of dismissal from service on the allegations of having links with criminals and leaking secret information to private individuals / criminals for his personal gains.

He preferred appeal to the undersigned, upon which comments were obtained from DPO Karak and his service record was perused. He was also heard in person in Orderly Room held in this office on 03.01.2023, During hearing the appellant did not advance any plausible explanation in his defense to prove his innocence.

I have gone through the available record which indicates that the allegations leveled against the appellant have been proved and the same have also been established by the E.O in his findings. Being a member of disciplined force, he was not supposed to indulge himself in such like anti-social activities which tarnished the image of Police. Therefore, in exercise of the powers conferred upon the undersigned, his appeal being devoid of merits is hereby **rejected**.

**Order Announced**  
**03.01.2023**

  
**(TAHIR AYUB KHAN) PSP**  
Region Police Officer,  
Kohat Region.

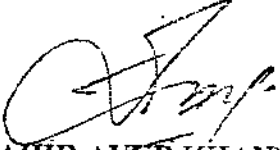
No. 321 /EC, dated Kohat the 06-01 /2023.

Copy to District Police Officer, Karak for information and necessary action w/r to his office Letter No. 5648/EC, dated 16.12.2022. His Service Record is returned herewith.

OT/ST/EC

M. N. Qureshi

  
**District Police Officer**  
**Karak**

  
**(TAHIR AYUB KHAN) PSP**  
Region Police Officer,  
Kohat Region.

23  
—

**BEFORE THE INSPECTOR GENERAL OF POLICE KOHAT**

**Subject**                    **REPRESENTATION**

Respected Sir,

With due respect and humble submission the appellant submits the subject representation against the impugned order of District Police Officer Karak vide OB No. 630 dated 29.11.2022 culminated into the dismissal of Appellant from service, hence departmental Appeal on the following ground and facts.

Facts:

1. That appellant joined police as constable in the year 2009 and qualified recruit course and rendering service to the entire satisfaction of senior officers.
2. That appellant was issued charged on the false and baseless allegations for sharing / leakage of Police Information to the criminals which led to the dismissal of appellant from service vide OB mentioned above.
3. That appellant has sufficient service of 12 years and acquainted with the obligation and duties of police force and can't diviate from it. The impugned order of the district police officer, karak as against the law and rules, hence on the following grounds:

Grounds

- a) That the enquiry conducted by the enquiry officer did not bring even a single evidence against the appellant on enquiry file and completed the enquiry without any solid proof have no legal effects in the eyes of law.
- b) That during course of enquiry the background of the appellant was check through district security branch, Karak and the appellant was declared as good character but the enquiry officer did mull over this facts of DSB report.
- c) That the enquiry proceeding conducted by the enquiry officer not taken into consideration of the plea taken by the appellant and completed the entire enquiry proceedings on the flimsy grounds which is against the basic norms of rules and regulations as envisaged police disciplinary Rules 1975.

24

That the appellant was not given an opportunity of personal hearing neither by the enquiry officer nor the competent authority which is against the natural justice and articles 4, 10 & 25 of the constitution 1973. No one should be condemned unheard

That the impugned order passed by the District Police Officer, Karak is not based on prudence, natural justice and violation of basic rights of the appellant as enunciated in article 199 of the constitution 1973, hence unconstitutional, illegal and liable to be set aside.

1) That the appellant belongs to a poor family and having small offspring to support is unable to bear the losses of his dismissal from service on flimsy and false allegations. The service of the appellant is a social security to appellant as well as to his family members.

**PRAYERS**

It is, therefore, humbly requested that the impugned order mentioned above may be set aside with all back benefits and appellant may kindly be reinstated in service, please.

Enclosure: Impugned order.

Yours truly,

(ARSHAD QBAL)

Ex-CONSTABLE No. 173  
Tehsil Takht e Nasrati & District Karak,  
Village Jehangiri Banda  
Mob: 0346 5675561

No 17382/EC  
DCC 07/12/22

DPO Karak

For comments alongwith  
provision of his S/Record  
& enquiry file.

DPO POLICE  
KARAK 07/12

25

بعدالت جذب سندس ٹریبیونل کے لیے

B.c 1046-05  
Mob 0332 9931676

2023ء پنجاب

بنام حکومت وکیل

ارشاد قبیل

موزخہ  
مقدمہ  
دعویٰ  
جرم

### باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ  
آن مقام پیشاور کیلئے اسٹریٹ لوی اور ایڈووکیٹ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانشین التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

ارشاد قبیل  
14203-0698402-7

Accepted +  
Accepted by  
15/11/23

المرقوم 19  
ماہ 1  
2023

العبد العبد العبد

مقام پیشاور کے لئے منظور ہے۔