

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
AT CAMP COURT SWAT.

Service Appeal No. 1369/2017

Date of Institution ... 11.12.2017

Date of Decision ... 04.03.2019

Ashraf Ali, Ex-Sub Inspector Swat Police, District Swat.

... (Appellant)

VERSUS

The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar and two others.

... (Respondents)

MR. IMDAD ULLAH,  
Advocate

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For appellant.

MIAN AMIR QADAR,  
District Attorney

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For respondents

MR. AHMAD HASSAN,  
MR. HAMID FAROOQ DURRANI

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MEMBER(Executive)  
CHAIRMAN

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS.

2. Learned counsel for the appellant argued that as an employee of the Police Department, he was performing duty to the entire satisfaction of the respondents. On the basis of frivolous/baseless charges departmental proceedings were conducted against the appellant and major penalty of dismissal from service was awarded vide impugned order dated 24.08.2017. He preferred departmental appeal on 09.09.2017, which remained un-answered, hence, the instant service appeal. Mandatory requirements of Police Rules 1975 for conducting enquiry proceedings

were flouted by the respondents. Neither statements of concerned were recorded in the presence of the appellant nor opportunity of cross examination was afforded to him. Show cause notice was not served on the appellant before imposition of penalty which alone was sufficient to vitiate the entire enquiry proceedings. As opportunity of fair trial by following the due process of law was denied to the appellant, hence, he was condemned unheard. Reliance was placed on case law reported as 2011 PLC (CS) 713, 2010 SCMR 1554, 2006 SCMR 421, 2011 SCMR 261 and 2012 PLC (CS)728.

3. Learned District Attorney argued that all codal formalities were observed before imposition of major penalty. He was treated according to law and rules. He requested that the appeal may be dismissed.

**CONCLUSION.**

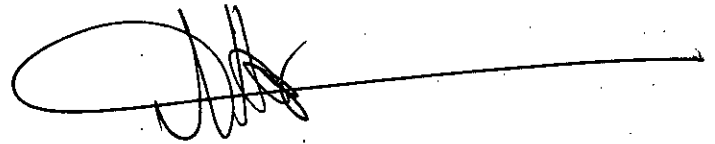
4. Perusal of the enquiry report revealed that procedure laid down in Police Rules 1975 was not followed during the course of inquiry. Statements of the concerned were not recorded in the presence of the appellant nor opportunity of cross examination was afforded to him. Apart from this show cause notice was not served on the appellant before imposition of major penalty. It deprived the appellant to offer proper defence at the time of submitting reply. There are numerous judgments of the superior courts in which it has been ~~the~~ consistently held that show cause notice should invariably be served on the accused before awarding penalty. This is a serious departure from the laid down procedure and has rendered the entire proceedings as illegal and unlawful. In addition to above the respondents also failed to call him for personal hearing. As the appellant was not properly associated with

the enquiry proceedings so these proceedings were illegal/unlawful and the appellant was condemned unheard.

5. As a sequel to above, the appeal is accepted, the impugned order dated 24.08.2017 is set aside and the appellant is reinstated in service. The respondents are directed to conduct de-novo enquiry strictly in accordance with prescribe law and rules within a period of ninety days from the date of receipt of this judgment. The issue of back benefits shall be subject to the outcome of the de-novo enquiry. Parties are left to bear their own costs. File be consigned to the record room.



(HAMID FAROOQ DURRANI)  
Chairman



(AHMAD HASSAN)  
Member  
Camp court Swat

ANNOUNCED  
04.03.2019

1369/2017

**ORDER:**


04.03.2019


Appellant with counsel present. Mian Amir Qadir, District Attorney alongwith Mr. Khawas Khan, SI (Legal) for respondents present.

Vide order detailed judgment of today, placed on file, this appeal is accepted, the impugned order dated 24.08.2017 is set aside and the appellant is reinstated in service. The respondents are directed to conduct de-novo enquiry strictly in accordance with prescribe law and rules within a period of ninety days from the date of receipt of this judgment. The issue of back benefits shall be subject to the outcome of the de-novo enquiry. Parties are left to bear their own costs. File be consigned to the record room.

Announced:

04.03.2019

  
Chairman

  
Member  
Camp Court, Swat

03.12.2018

Clerk to counsel for the appellant and Mr. Usman Ghani learned District Attorney present. Clerk to counsel for the appellant seeks adjournment as learned counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 10.01.2019 before D.B at Camp Court Swat.


  
Member

  
Member  
Camp Court, Swat

10.01.2019

Counsel for the appellant present. Mr. Mian Ameer Qadir, District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Member copy of the present service appeal is also not available on record. Learned counsel for the appellant is directed to submit the same on or before the next date of hearing. Adjourned. To come up for arguments on 04.02.2019 before D.B at Camp Court Swat.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member  
Camp Court Swat

04.06.2018

Counsel for the appellant Mr. Imdadullah, advocate present. Mr. Khawas Khan, S.I (Legal) alongwith Mr. Usman Ghani, District Attorney for the respondents present. Written reply submitted. To come up for rejoinder, if any, and arguments on 06.08.2018 before the D.B at camp court, Swat.

  
Chairman  
Camp Court, Swat

06.08.2018


Appellant in person present. Mr. Usman Ghani, District Attorney for respondents present. Due to summer vacation the case is adjourned to 01.10.2018 for the same at camp court Swat.

  
Reader

01.10.2018

Counsel for the appellant Mr. Imdadullah Advocate present. Mr. Khawas Khan, S.I (Legal) alongwith Mr. Usman Ghani, District Attorney for respondents present. Rejoinder submitted by the learned counsel for the appellant. He requested for adjournment to prepare arguments. Case is adjourned to 03.12.2018 before D.B at camp court Swat.

  
Member

  
Chairman  
Camp Court Swat


31.01.2018

Appellant in person present and Addl. AG alongwith  
Khawas Khan, S.I (Legal) for the respondents present. Written reply  
not submitted. Learned Addl: AG requested for further adjournment.  
Adjourned. To come up for written reply/comments on 07.03.2018  
before S.B at Camp Court Swat.

  
Chairman  
Camp Court, Swat


07.03.2018

Counsel for the appellant and Addl: AG alongwith Mr.  
Khawas Khan, SI (Legal) for respondents present. Written reply not  
submitted. Seeks adjournment. Adjourned. To come up for written  
reply on 02.04.2018 before the S.B at camp court, Swat.

  
Chairman  
Camp court, Swat

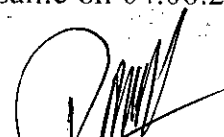
02.04.2018

Appellant in person and Mr. Usman Ghani, District  
Attorney alongwith Khawas Khan, SI (L) for respondents  
present. D.A seeks adjournment for submission of written  
reply. To come up for written reply on 07.05.2018. before  
S.B at camp court, Swat.

  
Chairman  
Camp court, Swat

09.05.2018

Due to retirement of the Worthy Chairman, the Tribunal  
become non-functional. To come up for the same on 04.06.2018  
before the S.B at camp court, Swat.

  
Reader

## FORM OF ORDERSHEET

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

Case No. 1369/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	11/12/2017	<p>The appeal of Mr. Ashraf Ali presented today Mr. Azizur-Rehman Advocate may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;">REGISTRAR 11/12/17</p>
2-	22-12-2017	<p>This case is entrusted to Touring S. Bench at Swat for preliminary hearing to be put up there on <u>05-01-2018</u></p> <p style="text-align: right;">CHAIRMAN</p>
	05.01.2018	<p>Learned counsel for the appellant present. Preliminary arguments heard.</p> <p>Aggrieved from order dated 24.08.2017 whereby the appellant (Sub-Inspector) was dismissed from service on the ground of being guilty of misconduct, The appellant has filed the present appeal.</p> <p>In the interest of justice the present appeal is admitted for regular hearing, subject to all legal/just objections including limitation.</p> <p>The appellant is directed to deposit security and process fees within 10 days thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 31.01.2018 before S.B at camp court Swat.</p>

Appellant Deposited  
Security Process Fee

(Muhammad Hamid Mughal)  
Member  
Camp Court, Swat



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. 1369 of 2017

Ashraf Ali Ex-Sub Inspector Swat Police, District Swat.

...Appellant

VERSUS


The Provincial Police Officer Khyber Pakhtunkhwa and Others.

...Respondents

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Appellant Through

 Aziz-ur-Rahman  
Advocate Swat

Office: Khan Plaza, Gulshone Chowk,  
Mingora Swat, Cell 0333 929 7746

Dated: 11-12-2017

①

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

Service Appeal No. 1369 of 2017

Ashraf Ali Ex-Sub Inspector Swat Police, District Swat.

...Appellant **Khyber Pakhtunkhwa**  
**Service Tribunal**

**VERSUS**

Diary No. 1406

Dated 11-12-2017

1. The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer Malakand Range at Saidu Sharif, District Swat.
3. The District Police Officer District Swat at Gulkada.

...Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE O.B. NO. 141 DATED 24-08-2017 WHEREBY A MAJOR PENALTY OF DISMISSAL FROM SERVICE WAS IMPOSED UPON THE APPELLANT AGAINST THE LAW, RULES AND FACTS AND THUS IS NOT SUSTAINABLE UNDER THE LAW, FEELING AGGRIEVED OF THE SAME THE APPELLANT PREFERRED A DEPARTMENTAL APPEAL TO THE RESPONDENT NO. 2, BUT THE SAME IS NOT RESPONDED TO DESPITE THE LAPSE OF STATUTORY PERIOD OF TIME.

---

Filed to-day  
Registrar

12/17

PRAYER:

*That on acceptance of this appeal the order impugned may very kindly be set aside, being not sustainable under the law, and reinstate the appellant back into service with all back/consequential benefits.*

---

*Respectfully Sheweth:*

Facts:

- i. That the appellant served the force with great devotion, zeal and proficiently to the satisfaction of the authorities, the proof of which is that the appellant reached to the level of Sub-Inspector.*
- ii. That the appellant while posted as Station House Officer Police Station Madyan that he was dragged into the frivolous and baseless charges of being involved in corruption, patronage of pick pockets and anti-social elements, which charges are most grave ones and needed solid evidence and proof.*
- iii. That on the basis of the same charges frivolous and baseless charges the appellant was served with Charge Sheet and Statement of Allegations vide No. 132/E dated 13-07-2017. The appellant submitted a detailed reply to the same, but the same was not considered for reason know to the respondents. Copies of the Charge Sheet and Statement of Allegations are enclosed as Annexure "A" and that of the reply is enclosed as Annexure "B", respectively.*

- iv. *That a farce and shame enquiry was conducted against the appellant by bulldozing all the codal formalities, just to reached the pre-decided conclusion, which enquiry itself is nullity under the law and rules on the subject. Copy of the enquiry finding report is enclosed as Annexure "C".*
  
- v. *That without issuance of the final show cause notice, or even a show cause notice, and similarly without affording the appellant any opportunity of personal hearing a major penalty of dismissal from service was imposed upon the appellant vide order O.B. No. 141 dated 24-08-2017, on the basis of the so called enquiry, which in itself is nullity in the eyes of law. Copy of the order dated 24-08-2017 is enclosed as Annexure "D".*
  
- vi. *That feeling aggrieved of the same the appellant referred a departmental appeal for the redressal of his grievances, but the same is not responded to despite the lapse of statutory period of time. Copy of the departmental appeal is enclosed as Annexure "E".*
  
- vii. *That still feeling aggrieved and having no other option this Honourable Tribunal is approached for the redressal of the grievances on the following grounds.*

Grounds:

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- a. That appellant has the right to properly associated with the enquiry proceedings as required under the law, as the same being mandatory, but the same has not been done as the enquiry is not conducted in the mode and manner required under the law and thus is nullity under the law emanating from the commands of the constitution, thus the appellant has not been treated in accordance with the law.
- b. That appellant has been discriminated with by the enquiry officer by keeping the appellant aloof from the whole of the enquiry proceedings.
- c. That the whole enquiry is a farce and shame one with a pre-decided result without caring for the law and rules on the subject or even the facts.
- d. That this is classic case of misuse and abuse of the authority and exercising the same in a very colourful, fanciful and arbitrary manner bulldozing all the laws and rules on the subject, to the utter detriment of the appellant.
- e. That the appellant has been condemned as unheard, thus has been deprived of his vested right both under the constitution as well as the law and rules.
- f. That the appellant is still unemployed in these harsh times of bone braking inflation and is in condition that it is almost impossible for the appellant to make both ends meet, due to the abuse and misuse of the official authority by the respondents.


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g. That the appellant has not committed any act of commission or omission which may constitute any offence under any law.

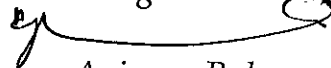
It is, therefore, very respectfully prayed that on acceptance of this appeal the order impugned may very kindly be set aside, being not sustainable under the law and the appellant reinstated back into service with all back / consequential benefits.

Any other relief deemed appropriate in the circumstances and not specifically prayed for may also very kindly be granted.

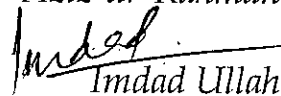
Appellant

  
Astraf Ali

Through Counsels



Aziz-ur-Rahman

  
Imdad Ullah

Advocates Swat

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SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_\_ of 2017

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...Respondents

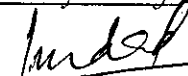
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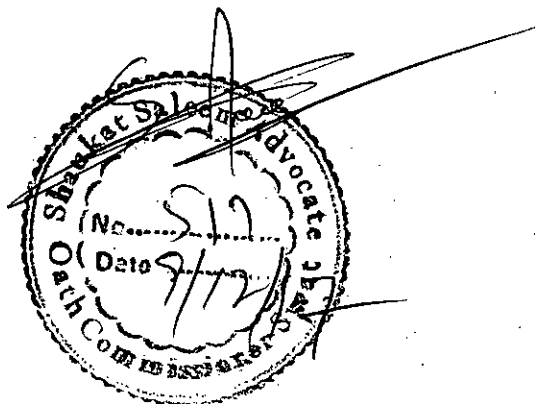
It is solemnly stated on Oath that all the contents of  
this service appeal are true and correct to the best of my  
knowledge and belief and nothing has either been  
misstated or kept concealed before this Honourable  
Tribunal.

Deponent

  
Ashraf Ali

Identified By:

  
Imdad Ullah  
Advocate Swat



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BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_\_ of 2017

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...Respondents

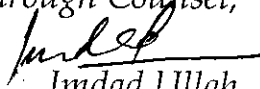
ADDRESSES OF THE PARTIES

Appellant:

Ashraf Ali Ex-Sub Inspector Swat Police, District Swat.

Respondents:

1. The Provincial Police Officer Khyber Pakhtunkhwa,  
Peshawar.
2. The Regional Police Officer Malakand Range at  
Saidu Sharif, District Swat.
3. The District Police Officer District Swat at  
Gulkada.

Appellant  
Through Counsel,  
  
Imdad Ullah  
Advocate Swat



**CHARGE SHEET**

*Annexure*     

⑧

I, Muhammad Ijaz Khan, PSP District Police Officer, Swat as a competent authority, hereby charge you, Sub-Inspector Ashraf Ali while posted as SHO Police Station Madyan (Now JIS Police Lines) as follows:-

You committed the following act/acts, which is/are gross misconduct on your part as defined in Rules 2 (iii) of Police Disciplinary Rules 1975 with amendments 2014 vide Notification No.3859/Legal, dated 27-08-2014 of the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

**You Sub-Inspector Ashraf Ali while posted as SHO Police Station Madyan (Now JIS Police Lines) are reportedly involved in corruption and patronage of Pick Pockets and anti social elements, which is gross misconduct on your part.**

2. By reasons of the above, you appear to be guilty of misconduct and rendered yourself liable to all or any of penalties specified in Rule-4 of the Disciplinary Rules 1975.

3. You are, therefore, required to submit your written reply within seven (7) days of the receipt of this Charge Sheet to the Enquiry officer.

4. Your written reply, 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.

5. Intimate as to whether you desire to be heard in person or not.

6. A statement of allegations is enclosed.

  
District Police Officer, Swat

No. 132 /E,

Dated: 13-07 /2017.

**Attested**

  
**Advocate**

(9)

**DISCIPLINARY ACTION**

I, **Muhammad Ijaz Khan-PSP-District Police Officer, Swat** as competent authority, is of the opinion that he **Sub-Inspector Ashraf Ali** while posted as **SHO Police Station Madyan (Now JIS Police Lines)** has rendered himself liable to be proceeded against departmentally as he has committed the following acts/omissions as defined in Rule 2 (iii) of Police Rules 1975 with amendments 2014 vide Notification No.3859/Legal, dated 27-08-2014 of the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, as per Provincial Assembly of Khyber Pakhtunkhwa Notification No. PA/Khyber Pakhtunkhwa/Bills/ 2011/44905 dated 16/09/2011 and C.P.O, K.P.K Peshawar Memo: No. 3037-62/Legal, dated 19/11/2011.

**STATEMENT OF ALLEGATIONS**


It has been reported that he while posted as **SHO Police Station Madyan (Now JIS Police Lines)** committed the following act / acts, which is / are gross misconduct on his part as defined in Rules 2 (iii) of Police Rules 1975.

That he **Sub-Inspector Ashraf Ali** while posted as **SHO Police Station Madyan (Now JIS Police Lines)** is reportedly involved in corruption and patronage of Pick Pockets and anti social elements, which is gross misconduct on his part.

2. For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations, **Additional Superintendent of Police, Swat** is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused officer, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the enquiry officer.

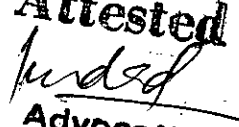
  
District Police Officer, Swat

No. 132 /EB, Dated Gulkada the, 13.07 /2017.

Copies of above to:-

1. **Additional Superintendent of Police, Swat** for initiating proceeding against the accused Officer Official namely **SI Ashraf Ali** under Police Rules, 1975.
2. **SI Ashraf Ali SHO PS Madyan (Now JIS Police Lines)**.  
With the direction to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer for the purpose of enquiry proceeding.

\*\*\*\*\*

**Attested**  
  
**Advocate**

بیان اشرف علی ڈی سائغ 5110 مدرین جہ

میں مہوات نے ہدایت سے بیان کیا کہ میں عرصہ کا مہوات کے قلعہ  
 میں لکھو اس وقت قلعہ و الفیہ سر انجام دے چکا ہوں۔ (دو سال  
 لقیات میں نے سال ماالتقابل کے تحت جس میں 5202 + مشاہد  
 14 + لکیر۔ ہیروئن 20 + گرام برآمد کی ہے۔ اس کے علاوہ  
 لقیات میں کل 11 نفر 3 ماہانہ اشپھاری گرفتار کیے گئے ہیں۔ اس  
 اشپھاری میں ایک ریسیڈنٹ۔ چار سول اور 7 کارٹونوں کے علاوہ  
 600 کلوگرام برآمد کیے گئے ہیں۔ ستمبر میں 18 ماہ سہ ماہی  
 کیے جا چکے ہیں۔ 291 نفر سہ ماہانہ جسم 55/109 نفر حاضر ہوئے  
 کیے گئے ہیں۔ سیکورٹی کے تحت 32 مہوات رہ رہے ہیں۔  
 کارکنوں کے علاوہ اسی ڈیولپمنٹ لیا سٹری اور ختم سہ ماہانہ  
 دے چکے ہیں کوئی کام نہ کیا گیا ہے۔ دن رات ڈیولپمنٹ  
 کے عرصہ لقیات میں کوئی بڑا ٹاؤن گوارا وضع لفظ خیار و دیگر کام ہوئے  
 ہوئے۔ جہاں تک خدو کے لفظ کے الزامات کا تعلق ہے۔ ان  
 سے میں عرض چیک میں حلف بیان کرنا ہوا کہ میں بالکل بیگناہ  
 اور قوت پر مبنی ہے۔ اگر کوئی شخص اگر حلف یا الزامات  
 کرنے کے لئے حاضر ہو جائے تو میں ہر قسم سزا کیے بنا کر  
 خدو خدو سے لے کر اس کے لئے اس کے لئے الزام لگانے اور  
 کوئی شکایت کر چکا ہے۔ میں اس سے میں بالکل بیگناہ  
 ہوں۔ خدا کو حاضر و نام حاضر کر اور اگر مہوات کے الزامات مندرجہ  
 کوئی حقیقت ہے۔ میں الزامات کا خواہ

Attested  
by  
Advocate

Adil

• جس کے ساتھ انصاف کے قائل، میرے مستقبل اور حاکم  
 کو مدنظر رکھتے ہوئے نے حاکم کے لئے الزامات ہے یہ  
 قرار دینے اور انکو اپنی لفیہ کے مطابق کا حاکم  
 ہمارے قواعدوں - اس سے وسیع میں عمائدین و اکابرین صانع حدود  
 مدین سے ہی رائے / بیانات کے لئے ہے تاکہ اس کے لئے  
 ثابت ہو سکے، انصاف

رہنما و مددگار  
 حاجہ اقبال کھنڈر میں بن سولہ

Attested  
 Addl. Sp. Dist.

Attested  
 Under  
 Advocate

Addl. Sp.

Finding Report

Reference Charge sheet No.132/EB dated 13/07/2017 issued against delinquent officer Sub Inspector Ashraf Ali, the undersigned was appointed as Enquiry Officer by the competent authority under police disciplinary rules 1975 to conduct departmental enquiry against him.

Allegations:

Charge sheet coupled with statement of allegations were issued against the delinquent officer S.I Ashraf Ali with accusation that he while posted as SHO Police station Madyan was involved in corruption and hiring of pickpockets robbing innocent persons having his percentage and share in the ill-gotten gains.

Proceedings:

A full-fledged enquiry was conducted and the delinquent officer was fully associated with the enquiry proceeding. He was summoned by the enquiry officer who accordingly appeared and recorded his statement as well. In his statement he categorically denied allegations leveled against him. He stated that he discharged his duties with honesty and devotion. He contended that allegations against him are baseless and false.

Statement of pickpocket Abdul Qadar was recorded. He stated that he originally hails from Samarbagh and presently residing in Qadarabad, Haji Camp, Peshawar. He further stated that he is a professional pickpocket and he regularly visits Madyan in every summer session for robbing tourists. He contended that he works under his gang's Chief namely Zabit who originally hails from Afghanistan and presently residing in Madyan in a rented house. According to him, his gang's chief namely Zabit was associated with SHO PS Madyan (Ashraf Ali, the delinquent officer) and was paying Rs.30,000/- to him per week as SHO's share in ill-gotten gains of the gang. In his statement he also alleged that although he has been arrested by Mingora Police but his chief Zabit was got concealed from arrest with convince of SHO Madyan (The delinquent officer).

Another pickpocket namely Sabir S/O Gul Ahmad also recorded his statement before the enquiry officer. In his statement, he deposed that Zabit is his brother. He stated that Zabit (his brother) used to reside in a rented house at Madyan for summer season and he also came to Madyan to live in that rented house with his brother Zabit. According to him other pickpockets namely Jamal, Sikandar, Khushal and Liaqat are also members of Zabit's gang who had been deployed by the gang's chief in different Bazaars for the purpose, whereas he alongwith Abdul Qadar had been given tasks at Mingora Bazaar. Earning of pickpockets used to be divided between the gang's chief and the delinquent officer, whereas, the remaining sum of ill-gotten gain was to be sub-divided in equal shares between him and Abdul Qadar. He further stated that when Police conducted raid over them; Zabit was present there, but the delinquent officer (SHO Madyan) concealed him from police party and provided him a safe way to abscond.

Attested  
[Signature]  
[Signature]  
[Signature]

Service record of the delinquent officer was also perused which transpires that total 09 bad entries have been recorded against him. Previously, the delinquent officer had also been charged in case FIR No.380 dated 20/06/2006 U/S 302/34/PPC PS Ghalegay and due to his involvement in a murder case he was departmentally proceeded and was dismissed from service vide OB No.40 dated 11/04/2209. He had also been convicted by the Court of Sessions for life imprisonment, but was released by the appellate court.

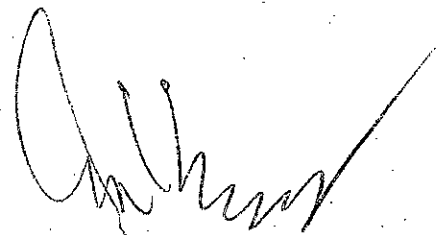
Record also reveals that a lady namely Shino bibi has also submitted complaint against the delinquent officer alleging him for corruption. In this connection, he has also been charge sheeted and another enquiry against him on allegations of corruption is in progress.

**Finding:**

After careful perusal of statements recorded against him and examination of record, the allegation leveled against the delinquent officer SI Ashraf Ali have been proved beyond any shadow of doubt and he is found responsible for corrupt practices, misconduct and deployment of pickpockets. It has also been proved that he openly received ill-earned money from pickpockets having his share in their income.

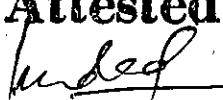
Moreover, he also facilitated the gang's chief in managing his escape good during police raid on gangsters. The delinquent officer is extremely bad character and has earned a bad name for police. Instead of unveiling such gangs and criminals, he facilitated and supported them for smooth running of his corrupt practices.

Submitted for perusal and appropriate action.

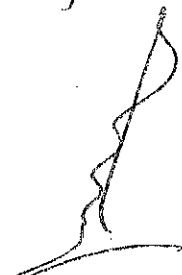


Khan Khel  
Additional Superintendent of Police,  
District Swat  
Dated 23/08/2017

The SI has been proved to be patronising criminals. Long case has been taken not to cause injustice to him, but retaining him in police service will turn Police into a gang of criminals. He is, therefore, awarded the major punishment of dismissal from service.

**Attested**  
  
**Advocate**

OB No. 141  
24.8.17,

  
24/8/17

جناب عالی

مزارع کی جانی ہے کہ سائل کو جناب ڈسٹرکٹ جج کو لکھ کر اور  
نے انکواری میں حکم پورس سے طرف رٹ کا حکم صادر کیا  
سائل اسل پر کرنا چاہتا ہے کہ سائل کو نفوذ

درکار ہے

استدعا ہے سائل کو انکواری کے نفوذ سے رٹ کا

حکم صادر فرمائیں

العارض

السید علی احمد

مذکورہ نفوذ سے

5-9-17

EC

Mactum Ali

Attested  
Mactum Ali  
Advocate  
05/09/17

Attested  
Mactum Ali  
Advocate

**ORDER**

This order will dispose of the departmental enquiry conducted against Sub-Inspector Ashraf Ali. He while posted as SHO Police Station Madyan was reportedly involved in corruption, patronage of pick pockets and anti social elements. Another charge against him is that he raided and searched the house of one Mst. Sheeno w/o Baidar r/o Muslim Abad, Peshawar presently Madyan without any search warrant from the competent court.

He was issued Charge Sheets coupled with Statements of Allegations vide this office No.132/EB, dated 13-07-2017 and No.164/EB, dated 22-08-2017 and Additional Superintendent of Police, Swat was deputed as Enquiry Officer. The Enquiry Officer conducted proper departmental enquiry against the above named delinquent Sub-Inspector and recorded statements of all concerned. The Enquiry Officer provided ample opportunity to the delinquent Sub-Inspector to defend allegations leveled against him. After conducting proper departmental enquiry the Enquiry Officer submitted his findings report wherein he reported that the above named delinquent Sub-Inspector is found responsible for corrupt practices, misconduct and deployment of pick pockets having his share in their income. The Enquiry Officer further found that the above named delinquent Sub-Inspector has also facilitated the gang's chief in managing his escape god during Police raid on gangsters. instead of unveiling such gangs and criminals. He facilitated and supported them for smooth running of his corrupt practices.

Having perused the enquiry papers and after verifying the reports from other sources, it is found that the delinquent Sub-Inspector Ashraf Ali has been patronizing criminals and pickpockets. He has been verified to be guilty of misconduct. Every care has been taken not to cause injustice to him, but retaining him in Police service will turn Police into a gang of criminals. Therefore, in exercise of the powers vested in me under Rules 2. (iii) of Police Disciplinary Rules-1975, I, Muhammad Ijaz Khan, PSP, District Police Officer, Swat as a competent authority, am constrained to award him major punishment of Dismissal from service with immediate effect.

**Order announced.**

District Police Officer, Swat

O.B. No. 141

Dated 24/08/2017.

\*\*\*\*\*

**Attested**  
*[Signature]*  
**Advocate**



16

To

The Range Officer Malakand Range,  
Saidu Sharif, District Swat.

*"E"*  
*Annekure*

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER O.B. NO. 141 DATED 24-08-2017, COMMUNICATED ON 08-09-2017.

Respected Sir,

The appellant submits as under;

The appellant joined police department in the year 27-06-1988 as Constable and since then has regularly performing his duties with utmost efficiency, zeal and vigor to the satisfaction of the authorities.

That the appellant during his service has made the arrests of numerous proclaimed offenders and also has confiscated different kinds of contrabands and narcotics, that too in huge quantities, from criminals as well.

That the appellant has never been involved in any sort of activities that may rise the eye brows or bring bad name not only to his own reputation, but to that of the Police Force as well. Rather the appellant has been a vigilant and gallant officer and has always remained in the service discipline.

That the charges levelled against the appellant are completely baseless and frivolous and there is no single instance that the same can be substantiated. That the appellant has never been in any sort of activities of which he is allegedly shown involved in.

That as shame inquiry has been conducted and the appellant has been condemned as unheard.

That the appellant wants to be heard in person as well.

It is therefore very humbly requested that on acceptance of this departmental appeal the order O.B No. 141 dated 24-08-2017 may very kindly be set aside and the appellant reinstated back into service with all back benefits from the date of dismissal.

Appellant

*Ashraf Ali*  
Ashraf Ali

EX- Sub-Inspector

Affidavit:

It is solemnly stated on oath that all the contents of this departmental appeal are true and correct to the best of my knowledge and belief.

ATTESTED

*Umar Sadiq*

UMAR SADIQ Advocate,  
OATH COMMISSIONER  
Distt: Courts Swat.

No. 360 Date 9/9/2017

Attested

Advocate

Deponent

*Ashraf Ali*  
Ashraf Ali

*Ashraf Ali*

In the matter of:-

Ashraf Ali Appellant

VERSUS

The Govt of Pto and Other Respondent

KNOWN ALL to whom these present shall come that I/we, the undersigned appoint

**AZIZ-UR-RAHMAN and IMDAD ULLAH**

Advocates High Court

To be the advocate for the (Appellant) in the above mentioned case to do all the following acts, deeds and things or any one of them, that is to say:-

- ❖ To acts, appear and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or revision or execution or at any other stage of its progress until its final decision.
- ❖ To present pleadings, appeals, cross objections or petitions for execution review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages.
- ❖ To withdraw or compromise the said or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- ❖ To receive money and grant receipts therefore, and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
- ❖ To employ any other Legal Practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate wherever he may think fit to do so.
- ❖ I understand that the services of aforesaid lawyer are hired irrespective of the outcome of the case.

And I/We hereby agreed to ratify whatever the advocate or his substitute shall to do in the said premises.

And I/We hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequences of his absence from the Court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid, the Advocate shall be entitled to withdraw from the prosecution of the case until the same is paid.

IN THE WITNESS WHEREOF I/WE hereunto set my/our hand(s) to these present the contents of which have been explained to and understood by me/us, this 08 day of 09 2017.

\_\_\_\_\_  
(Signature or thumb impression)

\_\_\_\_\_  
(Signature or thumb impression)

\_\_\_\_\_  
(Signature or thumb impression)

Accepted subject to terms regarding fees

(AZIZ-UR-RAHMAN)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk  
G.T. Road Mingora, District Swat.  
Cell No. 0300 907 0671

(IMDAD ULLAH)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk,  
G.T. Road, Mingora, District Swat  
Cell No. 0333 929 7746

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

**Service Appeal No.1369/2017**

Ashraf Ali Ex-Sub Inspector, Swat Police, District, Swat.

----- (Appellant)


**Versus**

1. The Provincial Police officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Malakand Region at Saidu Sharif, Swat.
3. The District Police Officer, Swat.

----- (Respondents)

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5	Statement of Allegations	"B"	7
6	Enquiry Report	"C"	8-21

  
District Police Officer, Swat  
(Respondent No.03)

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

**Service Appeal No.1369/2017**

Ashraf Ali Ex-Sub Inspector, Swat Police, District, Swat.

----- (Appellant)

**Versus**

- 1. The Provincial Police officer, Khyber Pakhtunkhwa, Peshawar.
- 2. The Regional Police Officer, Malakand Region at Saidu Sharif, Swat.
- 3. The District Police Officer, Swat.

----- (Respondents)

**Parawise comments on behalf of Respondents.**

**Respectfully shewith:**

**Preliminarily objection:-**

- 1. That the service appeal is time barred.
- 2. That the service appeal is not maintainable in its present form.
- 3. The instant appeal is bad due to mis-joinder and non-joinder of necessary parties.
- 4. That the appellant is estopped due to his own conduct.
- 5. That the appellant has concealed material facts from this Honorable Tribunal.
- 6. That the appellant has got no cause of action and locus standi to prefer the instant appeal.
- 7. The appellant has not come to this Tribunal with clean hands.

**ON FACTS**

- i. Para No.1 of appeal is incorrect. Appellant while posted as SHO P.S Madyan involved in corruption and patronage of pick pockets and anti social elements.
- ii. Para No.02 of appeal is correct to the extent of posting of appellant and involvement in corrupt practice referred to in para above which were proved during departmental enquiry.

- iii. Correct to the extent of charge sheet however the reply was not satisfactory and after conducting regular enquiry the charges against appellant were proved during departmental enquiries on the basis of which, he was dismissed from service in accordance with law/rules. Copy of charge sheet, statement of allegations and enquiry report are Annexure "A", "B" and "C" respectively.
- iv. Para No.4 of appeal is incorrect. Reply already given vide para above.
- v. Para No.5 of appeal is incorrect. After proper departmental enquiry, appellant was dismissed from service.
- vi. Para No.6 of appeal is correct to the extent of filing of departmental appeal, which was rightly dismissed by the respondent No.02.
- vii. The orders of respondents are quite legal in accordance with law/rules and appellant has got no cause of action to file the instant appeal.

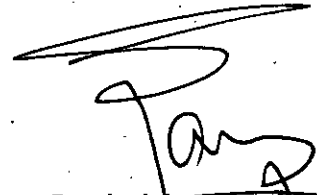
#### GROUNDS

- a. Incorrect. The appellant was treated in accordance with Law/rules and the respondents have not committed any illegality nor violated any right of appellant.
- b. Incorrect. Respondents have not committed any illegality nor attributed any discrimination.
- c. Incorrect. After proper departmental enquiry appellant was dismissed from service.
- d. Incorrect. Reply already given vide para above.
- e. Incorrect. Appellant has been provided proper opportunity of personnel hearing, but he could not prove himself innocent.

- f. Incorrect. The charges against appellant were of serious nature, which were proved during enquiry and respondents have treated appellant in accordance with law/rules.
- g. Incorrect. The appellant involved himself in gross misconduct, which have been proved in departmental enquiry. Consequently upon which he was dismissed from service.

**PRAYER:-**

In view of the above comment of answering respondents, it is prayed that instant appeal may be dismissed with cost.



Provincial Police officer,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.1)



Regional Police Officer,  
Malakand Region at Saidu Sharif, Swat  
(Respondent No.2)

*Regional Police Officer,*  
Malakand at Saidu Sharif, Swat.



District Police Officer, Swat.  
(Respondent No.3)

**Service Appeal No.1369/2017**

Ashraf Ali Ex-Sub Inspector, Swat Police, District, Swat.

----- (Appellant)

**Versus**

1. The Provincial Police officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Malakand Region at Saidu Sharif, Swat.
3. The District Police Officer, Swat.

----- (Respondents)

**Affidavit**

We, the above respondents do hereby solemnly affirm on oath and declare that the contents of the appeal are correct/true to the best of our knowledge/ belief and nothing has been kept secret from this August Tribunal.



Provincial Police officer,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.1)



Regional Police Officer  
Malakand Region at Saidu Sharif, Swat  
(Respondent No.2)

Regional Police Officer,  
Malakand at Saidu Sharif, Swat.



District Police Officer, Swat.  
(Respondent No.3)

**Service Appeal No.1369/2017**

Ashraf Ali Ex-Sub Inspector, Swat Police, District, Swat.

----- (Appellant)

**Versus**

1. The Provincial Police officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Malakand Region at Saidu Sharif, Swat.
3. The District Police Officer, Swat.

----- (Respondents)

**AUTHORITY LETTER**

We, the above respondents do hereby authorize Mr. Khawas Khan SI Legal Swat to appear in the Service Tribunal on our behalf on each date fixed in connection with titled Service Appeal and do whatever is needed.



**Provincial Police officer,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.1)**



**Regional Police Officer,  
Malakand Region at Saidu Sharif, Swat  
(Respondent No.2)**

*Regional Police Officer,  
Malakand at Saidu Sharif, Swat.*



**District Police Officer, Swat.  
(Respondent No.3)**



**CHARGE SHEET**

I, **Muhammad Ijaz Khan, PSP District Police Officer, Swat** as a competent authority, hereby charge you, **Sub-Inspector Ashraf Ali** while posted as **SHO Police Station Madyan (Now JIS Police Lines)** as follows:-

You committed the following act/acts, which is/are gross misconduct on your part as defined in Rules 2 (iii) of Police Disciplinary Rules 1975 with amendments 2014 vide Notification No.3859/Legal, dated 27-08-2014 of the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

You Sub-Inspector Ashraf Ali while posted as SHO Police Station Madyan (Now JIS Police Lines) are reportedly involved in corruption and patronage of Pick Pockets and anti social elements, which is gross misconduct on your part.

2. By reasons of the above, you appear to be guilty of misconduct and rendered yourself liable to all or any of penalties specified in Rule-4 of the Disciplinary Rules 1975.

3. You are, therefore, required to submit your written reply within seven (7) days of the receipt of this Charge Sheet to the Enquiry officer.

4. Your written reply, 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.

5. Intimate as to whether you desire to be heard in person or not.

6. A statement of allegations is enclosed.

  
District Police Officer, Swat

No. 132 /E,

Dated: 13-07 /2017.

7

**DISCIPLINARY ACTION**

I, **Muhammad Ijaz Khan PSP District Police Officer, Swat** as competent authority, is of the opinion that he **Sub-Inspector Ashraf Ali** while posted as **SHO Police Station Madyan (Now JIS Police Lines)** has rendered himself liable to be proceeded against departmentally as he has committed the following acts/omissions as defined in Rule 2 (iii) of Police Rules 1975 with amendments 2014 vide Notification No.3859/Legal, dated 27-08-2014 of the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, as per Provincial Assembly of Khyber Pakhtunkhwa Notification No. PA/Khyber Pakhtunkhwa/Bills/ 2011/44905 dated 16/09/2011 and C.P.O, K.P.K Peshawar Memo: No. 3037-62/Legal, dated 19/11/2011.

**STATEMENT OF ALLEGATIONS**


It has been reported that he while posted as **SHO Police Station Madyan (Now JIS Police Lines)** committed the following act / acts, which is / are gross misconduct on his part as defined in Rules 2 (iii) of Police Rules 1975.

That he **Sub-Inspector Ashraf Ali** while posted as **SHO Police Station Madyan (Now JIS Police Lines)** is reportedly involved in corruption and patronage of Pick Pockets and anti social elements, which is gross misconduct on his part.

2. For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations, **Additional Superintendent of Police, Swat** is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused officer, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the enquiry officer.

  
District Police Officer, Swat

No. 132 /EB, Dated Gulkada the, 13-07 /2017.

Copies of above to:-

1. **Additional Superintendent of Police, Swat** for initiating proceeding against the accused Officer/ Official namely **SI Ashraf Ali** under Police Rules, 1975.
2. **SI Ashraf Ali SHO PS Madyan (Now JIS Police Lines)**.  
With the direction to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer for the purpose of enquiry proceeding.

\*\*\*\*\*

## Finding Report

Reference: Charge sheet No.132/EB dated 13/07/2017 issued against delinquent officer Sub Inspector Ashraf Ali, the undersigned was appointed as Enquiry Officer by the competent authority under police disciplinary rules 1975 to conduct departmental enquiry against him.

### Allegations:

Charge sheet coupled with statement of allegations were issued against the delinquent officer, S. Ashraf Ali with accusation that he while posted as SHO Police station Madyan was involved in corruption and hiring of pickpockets robbing innocent persons having his percentage and share in the ill-gotten gains.

### Proceedings:

A full-fledged enquiry was conducted and the delinquent officer was fully associated with the enquiry proceeding. He was summoned by the enquiry officer who accordingly appeared and recorded his statement as well. In his statement he categorically denied allegations leveled against him. He stated that he discharged his duties with honesty and devotion. He contended that allegations against him are baseless and false.

Statement of pickpocket Abdul Qadar was recorded. He stated that he originally hails from Samarbagh and presently residing in Qadarabad, Haji Camp, Peshawar. He further stated that he is a professional pickpocket and he regularly visits Madyan in every summer session for robbing tourists. He contended that he works under his gang's Chief namely Zabit who originally hails from Afghanistan and presently residing in Madyan in a rented house. According to him, his gang's chief namely Zabit was associated with SHO PS Madyan (Ashraf Ali, the delinquent officer) and was paying Rs.30,000/- to him per week as SHO's share in ill-gotten gains of the gang. In his statement he also alleged that although he has been arrested by Mingora Police but his chief Zabit was got concealed from arrest with convince of SHO Madyan (The delinquent officer).

Another pickpocket namely Sabir S/O Gul Ahmad also recorded his statement before the enquiry officer. In his statement, he deposed that Zabit is his brother. He stated that Zabit (his brother) used to reside in a rented house at Madyan for summer season and he also came to Madyan to live in that rented house with his brother Zabit. According to him other pickpockets namely Jamal, Sikandar, Khushal and Liaqat are also members of Zabit's gang who had been deployed by the gang's chief in different Bazaars for the purpose, whereas he alongwith Abdul Qadar had been given tasks at Mingora Bazaar. Earning of pickpockets used to be divided between the gang's chief and the delinquent officer, whereas, the remaining sum of ill-gotten gain was to be sub-divided in equal shares between him and Abdul Qadar. He further stated that when Police conducted raid over them; Zabit was present there, but the delinquent officer (SHO Madyan) concealed him from police party and provided him a safe way to abscond.

Service record of the delinquent officer was also perused which transpires that total 09 bad entries have been recorded against him. Previously, the delinquent officer had also been charged in case FIR No.380 dated 20/06/2006 U/S 302/34/PPC PS Ghalegay and due to his involvement in a murder case he was departmentally proceeded and was dismissed from service vide OB No.40 dated 11/04/2209. He had also been convicted by the Court of Sessions for life imprisonment, but was released by the appellate court.

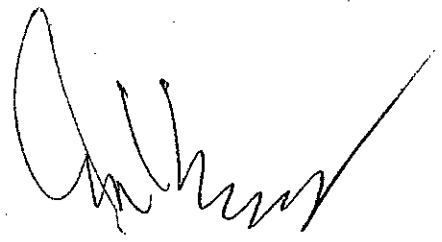
Record also reveals that a lady namely Shino bibi has also submitted complaint against the delinquent officer alleging him for corruption. In this connection, he has also been charge sheeted and another enquiry against him on allegations of corruption is in progress.

**Finding:**

After careful perusal of statements recorded against him and examination of record, the allegation leveled against the delinquent officer SI Ashraf Ali have been proved beyond any shadow of doubt and he is found responsible for corrupt practices, misconduct and deployment of pickpockets. It has also been proved that he openly received ill-earned money from pickpockets having his share in their income.

Moreover, he also facilitated the gang's chief in managing his escape good during police raid on gangsters. The delinquent officer is extremely bad character and has earned a bad name for police. Instead of unveiling such gangs and criminals, he facilitated and supported them for smooth running of his corrupt practices.

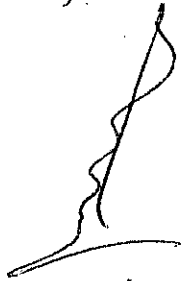
Submitted for perusal and appropriate action.



Khan Khel  
Additional Superintendent of Police,  
District Swat  
Dated 23/08/2017

The SI has been proved to be patronising criminals. Every care has been taken not to cause injustice to him, but retaining him in police service will turn Police into a gang of criminals. He is, therefore, awarded the major punishment of dismissal from service.

OB No. 141  
24.8.17,

  
24/8/17

بیان ازان علیہ القادوم محمد علیہ السلام

قادر بادشاہی کتب آرزو

۱۔ در وقت بیان کتاب میں اصل ماشرہ نہ ہو کر

کاپیوں، جو جمع حسب کاٹنا میرا ہے

۲۔ خانج ترک رکوتے کہ قادر بادشاہ میں

۳۔ اور کتب پر مدین آتا ہوں۔

۴۔ تاکہ قضاوت میں اصل ماشرہ افسانہ

۵۔ کہ تو ایک کتب میں رہ کر ایک حکم

۶۔ پر جاتا ہوں۔ ضابطہ کا ۵۱۱۰

۷۔ کہیں دین ہے۔ اور باقاعدہ ۵۱۱۰

۸۔ 30,000 روپے حصہ داری دیتا ہے

۹۔ کو لا ڈر نہیں ہوتا۔ منگورہ

۱۰۔ کو ۵۱۱۰ روپے تک ہکا کر کے



۱۱۔ علیہ القادوم محمد علیہ السلام

Attest.

Address of Sent

۱۲۔ کتب خانہ

بیان از ان صاحب و اولاد کل المهر مع، اقصا اقصا  
 حال سنگ جوک مشاور  
 نے ہر وقت بیان کیا کہ ضابطہ میرا مع کھلا ہے  
 مہینہ کے لئے کرایہ پر مہینہ میں مکان بنا ہوا ہے  
 میں نے ضابطہ کے پاس آیا ہوا تھا۔ ضابطہ کے پاس  
 حال اس کے لئے و حال، بیافق یہ ہے آگے چلے  
 میں کو ضابطہ نے قحاف بارادوں میں دھندوں کے لئے  
 حضور نے حکم سے اور طہر اللہ کے لئے کون ہزار حرام  
 کیا تھا۔ جتنا ہی دھندہ پڑتا تھا۔ ضابطہ ان میں سے  
 لے لے اور اس وقت کے لئے علیہ ہر ایک تھا ہا ہم  
 دونوں میں لقمہ کھا کرتا تھا۔ چھاپے کے دن ضابطہ کے  
 ساتھ جوڑے ہم کو رہے لوں اگر گرفتار کر کے ضابطہ کو  
 ۱۱۵۰ مہینہ کے ایک ہزار کے بیچارے کا بیان بنا کر میں وہیں



صاحب و اولاد کل المہر مع (مہر مع) اقصا اقصا  
 سنگ جوک مشاور

Attested  
 Addl. Secy. Govt.



میرے ساتھ اصرار کی جائے، میرے مستقبل اور خیریت  
 کو مدنظر رکھتے ہوئے بے جا دستاویزوں اور اراکات کے ساتھ  
 قرار دینے اور انکو اسی لقب کے ساتھ استعمال کرنے کا حکم  
 ہمارے وفاداروں - اس سے میں عمائدین و اکارہین کے حقوق و مفاد  
 میں سے بھی رائے / بیانات کے ساتھ ساتھ اس کے لئے کوئی  
 نکتہ نہیں ہے، اصرار۔

در شرف علیہ و آلہ  
 جاوید اقبال کھنڈر میں بنی ہوئے۔

Attested  
 Addl. Sp. Secy.

Addl. Sp. Secy.



ضابطہ

① مسدود شدہ فراغت و لاء عمل احمد (2) فوشمالی (3) جمال مشرقی  
 بی ایشیر ولد اسماعیل نامعلوم ساکنان پشاور (افغان باشندہ مان) سینٹر  
 ایف رمضان المبارک سے 3/3 نومبر قبل مدرسہ آکر دامان مدرسہ میں کرایہ و صفات  
 میں رہائش پذیر تھے۔ مذکورہ مدرسہ میں رشتہ دار ہیں، کوئی کاروبار نہیں کرتے  
 مسمیٰ صاحب ولد لاء احمد ان کا سہیل ہے تھا، اسے احمد، بابر نظام مدرسہ میں  
 انٹری نہیں کیا تھا۔

مذکورہ بالا جیب تلاش میں SHO نظام مدرسہ اشرف علی کے ساتھ تعلق بیان کرنا  
 کیونکہ جب رات، وقت منگورہ ہو گیا آکر مسلمان عبدالقادر ولد امجد، صاحب ولد  
 لاء احمد کو مذکورہ صفات کے گوتے رقم دار کیے اور SHO نظام مدرسہ موقوفہ آکر مسمیٰ  
 صاحب کے ساتھ گپ دوڑتے یا قریبی رشتہ دار کے شعل میں لالہ کیے ہوئے صورت  
 دریافت کی تو موقوفہ پر موجود افراد حیران رہ گئے کہ مذکورہ تعلق سے SHO  
 کے تعلق دار ہیں۔ مسمیٰ صاحب نے SHO کو کیا، مسمیٰ سینہ میں درجہ پست  
 9.00 اور SHO نظام مدرسہ نے پستال مدرسہ لاکر مسمیٰ کو خود رویت کیا اور مسمیٰ کو 1000 روپے  
 علاج منگورہ جا کر بحال واپس نہیں آئے۔ SHO نے مذکورہ کو کوئی تعلق  
 نہیں اور ان کے خواتین مسمیٰ شاہ جہان ولد عمر گل صاحب دامان کے گھر میں مقیم ہیں  
 کے ہیں۔

مذکورہ فراغت و لاء عمل احمد ساکن پشاور سے زوالہ کے ساتھ SHO نظام مدرسہ  
 اشرف علی نے مذکورہ کے گوتے رقم دار افراد کے خلاف قانونی کارروائی نہیں کی اور نہ مسمیٰ  
 صاحب کے خلاف کارروائی کی ہے۔ مذکورہ کا نظام مدرسہ بھی اشرف علی نہیں کیا ہے۔ رپورٹ  
 عرض ہے۔

10-7-2017  
 Attest

*(Signature)*  
 Addl: Sp. Smt

صوبہ پنجاب DPO صاحب مقام گلشن منگھڑہ سیرو سٹریٹ

سٹر 33 فرد بہار دفتر منور خان سٹریٹ ناڈالی میں قتل کیس  
سوان 0341-8825282 - سائیک

نام

1. تاج گل خان ڈاکٹر خانہ میں قتل کیس میں شہسوار ... مسول الیہ
2. ایک اور پولیس ایجنٹ اور فوٹو سٹریٹ ڈسپانچر سوان

درخواست پر منور خان مسول الیہ میں سوان مسول الیہ کے ذریعہ  
 پولیس ایجنٹوں کے گروپ میں Search warrant کے گیس  
 آنے اور پولیس ایجنٹوں میں سے ٹوٹی گئی Ladies Constible  
 میں سے جوئے ضابطہ فوری کی دفعہ 52 کی خلاف ورزی ہے۔  
 اور اسے ساتھ ساتھ دفعہ 48 کی بھی خلاف ورزی ہے  
 ورزی کی ہے۔ کیونکہ گروپ کے باہر دروازہ کو اس کے پاس  
 لیا گیا اس کے گروپ میں باغی ڈالنے کے لیے مسول قاتل اور  
 ہرگز بھی زخمی نہیں ہوا۔

طاہر  
 صاحب

منور خان سوان  
 ڈاکٹر خانہ میں قتل کیس  
 سوان

صوبہ پنجاب سائیک ایس ڈی ایچ سوان

1- یہ سائیک ایس ڈی ایچ سوان میں واقع ناڈالی میں فوٹو سٹریٹ  
 زنگی ڈاکٹر خانہ میں اور سوان میں کافی عزت دار ٹوٹی ہے  
 منور خان ناڈالی کے پاس ٹوٹی اور مستحق باشندگان ہے۔

یہ سائیک ایس ڈی ایچ سوان میں Conductor ہے اور اس میں فوٹو سٹریٹ  
 3- یہ فوٹو سٹریٹ میں سائیک ایس ڈی ایچ سوان میں ہے اور اس کے  
 پاس میں سے مسولین جن کی طرف سے سائیک ایس ڈی ایچ سوان میں  
 عام طور پر انور و زبیر خان ولد نادر سائیک ایس ڈی ایچ سوان میں  
 فوٹو سٹریٹ میں سائیک ایس ڈی ایچ سوان میں ہے۔

Attested  
 Add.

بعد میں بتا ہوا ہے کہ مندرجہ ذیل جو سادہ نمبروں میں ہے وہ پوچھنے والے کے  
 جس میں مسول ایچ کے شامل تھا۔ اور نتیجہ میں Phrior Notice  
 نہ کسی Search warrant وغیرہ کو دیکھنے کو میں گھسی کہ میں کو جو مندرجہ  
 مہمانوں پر ظاہر طور پر بلا کسی جواز مارنا پھرنا شروع کیا اور گھر میں موجود  
 زمانہ اس وقت اپنے گھر میں موجود تھی جب باہر آئی تو مسول ایچ کے سامنے  
 ایچ کے ساتھ ساتھ/ زمانہ میں بھی ہاتھوں اور منوں سے اس حد تک پھینکا کہ اسے  
 تک پہنچا کر لے گیا۔

5- یہ کہ مسول ایچ کے دیگر پوچھنے والے ایچ کے ساتھ ساتھ گھر میں عدم موجود  
 ہا کہ مندرجہ اقدام کرنے کے بعد مندرجہ بالا مہمان کو زبردستی و سب سے زوری بنا کسی  
 کسی وارنٹ بلا جواز اپنے ساتھ لے گیا۔

6- یہ کہ 2 دن کے لئے کے بعد AC عدالت میں پیش کر کے مندرجہ جیل بھیج دیا اور  
 2 دن وہاں گزارنے کے بعد مہمانوں میں رہا ہوئے۔

7- یہ کہ ساتھ ساتھ گھر میں موجود مہمان میں سے ایک مہمان مسول ایچ کے ساتھ ساتھ  
 ساتھ ساتھ مہمانوں کے ساتھ ساتھ۔ اس کے علاوہ کے کاغذات بھی مسول ایچ کے ساتھ ساتھ  
 اسے مندرجہ کے ساتھ ساتھ اپنے پاس رکھے گئے۔ ساتھ ساتھ گھر کو لاکر اپنے کاغذات  
 واپس لے گیا۔ مندرجہ کاغذات کی واپس کی بھی اسے عائد کرتے ہیں۔

8- یہ کہ مسول ایچ کے فوراً ہی پورا پورا مندرجہ قسم کا آر جی ہے اور بار بار ساتھ ساتھ تک  
 کے گھر میں مائل تھا رہتا ہے۔ اور ساتھ ساتھ کے انکار کرتے ہیں ساتھ ساتھ کو مختلف قسم  
 کے دیکھنا دیکھنا ہے۔

9- یہ کہ مسول ایچ کے دیگر پوچھنے والے ایچ کے ساتھ ساتھ مندرجہ غیر قانونی اقدام سے ساتھ ساتھ  
 اپنے کو فتن و حسد کی اڑت ہونے کے ساتھ ساتھ معاشرے میں بھی پورا  
 عزت بہت گر گئی ہے جسے تلافی کرنا نا ممکن ہے۔

10- یہ کہ ایک تو مسول ایچ کے دفعہ 48 و 52 ضابطہ نوعداری کی خلاف ورزی کی ہے  
 اور دوسرا یہ کہ مسول ایچ کے نہایت عمدہ خورد و آشوب خورد قسم کا آر جی  
 جسے خلاف قانونی کارروائی کرنا نہایت ضروری اور لازمی ہے اگر ایسا نہ کیا گیا تو  
 معاشرے میں ان قانونی کارروائیوں کے شروع ہونے کا نام و نشان ہی نہ  
 رہتا۔

لہذا اس کے ساتھ ساتھ درخواست گزار کی رو سے مسول ایچ  
 کے دیگر پوچھنے والے ایچ کے خلاف مندرجہ  
 کے ساتھ ساتھ

Attestation

Ad

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بیان ازان مسماة سنوئی بی ندم تحت بیدار کے حوالہ سے

کوہاٹ روڈ شاہراہ عالی ماڈرن ٹائٹل کارڈ میں سہولت کے

حلقہ بیان کیا کہ ہم سیدین گزارنے کے لئے سہولت آئے ہیں

توقع کا 30 کو عدین کوکس 5110 اور 3 در عدین ملک کوکس چھار

گورنر خانوذا تم تحت بیدار کو بنگلہ کر مارا گیا۔ سیک حلذھی گنر ما جا جا

ہیں یہ دوران 5110 اور 3 در نے سہری لکیرے لگی چھار کے۔ اسی

دوران اگر حکم سہرا اچھا ہے لوگوں کے حوالہ میں ماری خود میں

سوار ہو کر حلذھی۔ ما جا حکم عدین کا ما سترہ ہے نے 5110 میں

کو متعلق 20,000 روپے اسکے دیکھے تاکہ فوار کا بیان حلذھی کے

لوگوں کے ہے جاہ ملوث کیا ہے۔ میں حلقہ بیان کرتی ہوں

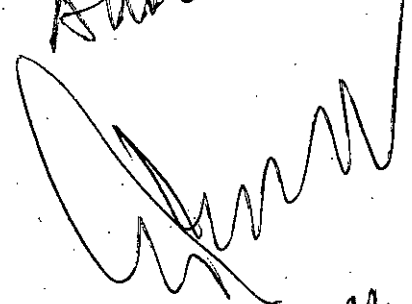
کہ بیان میں میں کوکس و سہری لکیرے میں رکھی ہے یہی سہرا

بیان کے ہوئے درست ہے۔

مسماة سنوئی بی ندم تحت بیدار

CNIC - 17301-1214389-0

MOB: 03139865262

Attestation  
  
Add: 5/11

بیان از ان عامر ولد الوزر مع مسلم انبارک در حال  
مدین منورہ نے۔

پہر باوقت بیان کیا کہ میں اپنے خاں مسکاہ سہو پانی کے  
ہاں عرصہ تک عہدہ سبیل آیا ہوا تھا۔ فرم کا  $\frac{30}{17}$  کو لوہوں  
تختان میں 500 روپے و طبع سولہ گھنٹوں میں خاں آتم کے گھر  
اگر کسی وقت بہار جو کہ میری خاں کا بیٹا ہے کو بلانے کو خوب ہمارا  
میں، اسی دوران خاں آتم نکل کر بلانے آئے اور کئی گھنٹے  
کھاروئے۔ لوہے کے رے والے اعلیٰ کے لبرینٹ  
سختی ہو کر جو کہ ہمارا سہو دار ہے لوہوں کی جوڑی میں  
ٹھاری فورس سے سواری ہو کر میری، منجھی لوہوں نے نئے ذب ان اور  
خیال کو تختان سا حاکم سے منجھی خاں سے ٹھاری کی چاہیاں لیکر 14 دن سبیل  
دی کہ ~~پہر~~ بہار کا سہو رکا۔ ہم دونوں کو خاں  
سے رکھ کر لبرینٹ میں پھر تکرار ہوئے۔ تختان میں میری جوڑی  
میں بھی باجا جو کہ لبرینٹ کا پاس ہے 500 روپے  
کو ملو 50 روپے اور سولہ گھنٹوں میں خاں  
خوار کا بیان تم سے ہو گا جو آتم نے باجا کے صدف  
ری ہے۔ 500 روپے ہیں وہ لوہے کا آج

Adell, sp. sent

*[Handwritten signature]*

Mrs. 0341-9695203  
Alaska

*[Handwritten signature]*

*[Handwritten signature]*

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بیان از ان ذلتان و لبر تار سکد مسلم آباد کو باک  
 حال مانگھار مدین سے بیان کیا کہ میں طرہ ایک ماہ  
 خام مسکاہ سنبولی کے گھوڑا باکھا۔ صوفی کے 30 کو مدین کو  
 17  
 180 کی آمد و لبر و لبر خام کا گھوڑا کے رشتہ دار تھے بہادر کو  
 ماہار پستانا۔ اسی دور میں خام نکل کر لوگ سے خام کی لہجہ لپک  
 پھارڈانے اور شہر و القل لہجہ الہم کی اگر جو کہ بہر چھپ لوگ  
 کی جوہرگی میں انہی قاری میں سوار ہو کر حیدر گیا۔ لوگ وہ خام  
 مول تکبیروں میں سے جیسے ساغور کوئی لہجہ لپک جوہر میں تھی  
 لہجہ میں انہی قاری اور دھجی زاد اعم علامہ خان بلڈر کر حقان سے لہجہ  
 حقان نے صاگر حیاں باجانی شخص جو کہ مدین کا باشندہ  
 نے حقان میں مدین جوہرگی میں 180 کی آمد و لبر کو ملک 20 ہزار  
 روپے لہجہ و ہوت رہی تاکہ وزارت کے جو بیان رہے صاحب  
 مدد و ہم ہو حیاں حقان میں اور علامہ گورنیا جوہر  
 گزار کر سبک ساغور خیالو جو کہ وہ لہجہ سبک دار ہے جوہر  
 سے خیالو سے قاری کے کاظرات لیکر ہجرت کی کہ بہادر کا بہ لہجہ  
 سے خیالو کو ہزار ہا ہجرت رکھا۔ اور علامہ خان کو لہجہ میں  
 ہجرت ہزارہ جمع 109 کی مدد و ہجرت کے ہجرت میں  
 ہجرت ہزارہ کے ہجرت میں ہجرت ہزارہ ہجرت

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DISCIPLINE  
I, Muhammad Ijaz  
on that he Sub-Inspector A  
(lines) has rendered himself  
ing acts/omissions as def  
cation No.3859/Legal,  
Lawar, as per Provinci  
15/ 2011/44905 dat  
5/11/2011.

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Attested

03349677965

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Additional Sp. Supt.

(iii) of



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

*Service Appeal No. 1369 of 2017*

*Ashraf Ali Ex-Sub Inspector Swat Police, District Swat.*

*...Appellant*

**VERSUS**

*The Provincial Police Officer Khyber Pakhtunkhwa and  
Others.*

*...Respondents*

**REJOINDER BY THE APPELLANT.**

*Respectfully Sheweth:*

*Preliminary Objections:*

*That all the preliminary objections are incorrect, baseless, against the law, rules, facts and Shariah, hence are specifically denied. Moreover the appellant has approached this honourable tribunal well within time with clean hands and this honourable tribunal has got the jurisdiction to adjudicate upon the same.*

*On Facts:*

- 1. Para 1 of the comments as drafted is baseless and in need of solid evidence, thus the para is denied specifically.*

2. *Para 2 of the comments as drafted is misconstrued and based on mere whims and devoid of merits, the appellant was never associated with any inquiry in the mood and manner mandatory under the law, thus the para is specifically denied.*
3. *Para 3 of the comments as drafted also is incorrect and devoid of merits. The appellant filed a detailed reply, but the same was not considered for the obvious reason that the farce inquiry was pre-decided, moreover the appellant was neither given the chance of personal hearing nor any chance to cross examine any of the witness or rebut the evidence, if any, used against the appellant, thus the para is denied.*
4. *Para 4 of the comments as drafted is vague and evasive, thus amounting to admission, moreover the stance of the appellant is admitted.*
5. *Para 5 of the comments as drafted is also devoid of merits as no proper departmental inquiry has ever been conducted, thus whole of the subsequent actions and orders are thus nullity in the eyes of law, thus the para is denied specifically.*
6. *Para 6 of the comments as drafted is incorrect and based on misstatements as the order of rejection has neither been communicated to the appellant nor annexed with the comments, hence the para is denied.*
7. *Para 7 of the comments as drafted is incorrect, vague and illusive, the orders are void as the inquiry*


*is a faulty one, moreover the appellant has got a prima facie case in his favour.*

On Grounds:

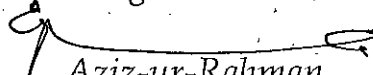
- a. *Ground A of the comments as drafted is incorrect, baseless and devoid of merits, hence the same is denied.*
- b. *Ground B of the comments as drafted also incorrect, baseless, hence the same is denied as well.*
- c. *Ground C of the comments as drafted is incorrect and based on misstatements as proper departmental inquiry has never been conducted by the department, thus the para is denied specifically.*
- d. *Ground D of the comments as drafted also is vague and evasive, hence needs no reply.*
- e. *Ground E of the comments as drafted is incorrect and based on misstatements, hence the same is denied specifically.*
- f. *Ground F of the comments as drafted is illusive and in need of solid evidence which were never substantiated in accordance with the law and rules and the appellant is condemned as unheard, thus the para is denied.*
- g. *Ground G of the comments as drafted is incorrect, baseless and in need of solid evidence, hence the para is denied specifically.*


It is, therefore, very respectfully prayed that on acceptance of this rejoinder the appeal of the appellant may very kindly be accepted as prayed for originally.

Appellant

  
Ashraf Ali

Through Counsels,

  
Aziz-ur-Rahman

  
Imdad Ullah  
Advocates Swat

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

*Service Appeal No. 1369 of 2017*

*Ashraf Ali Ex-Sub Inspector Swat Police, District Swat.*

*...Appellant*

**VERSUS**

*The Provincial Police Officer Khyber Pakhtunkhwa and  
Others.*

*...Respondents*

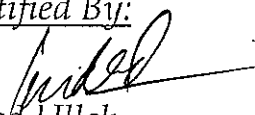
AFFIDAVIT

*It is solemnly stated on Oath that all the contents of  
this rejoinder are true and correct to the best of my  
knowledge and belief and nothing has either been  
misstated or kept concealed before this honourable  
tribunal.*


*Deponent*

  
*Ashraf Ali*

Identified By:

  
*Imdad Ullah*  
*Advocate Swat*

**ATTESTED**

  
**UMAR SADIQ** Advocate,  
OATH COMMISSIONER  
Distt: Courts Swat.  
No. 218 Date. 1-10-18