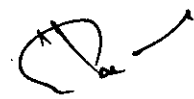


12.06.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 07.02.2019 whereby he was awarded punishment of reversion to a lower rank of ASI.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for reply/comments. To come up for written reply/comments on 03.09.2019 before S.B at Camp Court, Swat.



Member
Camp Court, Swat.

*I want to withdraw my instgnt
Service appeal as the department
appeal of appellant has already
been allowed by respondent no. 1
Supt. A. Khan 3/9/19
Advocate
for appellant.*

03.09.2019

Learned counsel for the appellant present and sought withdrawal of the present service appeal on the ground that the grievance of the appellant has been redressed.

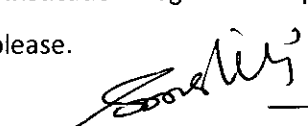
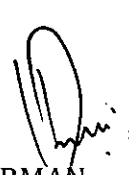
In view of above, the present service appeal is hereby dismissed as withdrawn. No order as to costs. File be consigned to the record room.


(Muhammad Hamid Mughal)
Member
Camp Court, Swat.

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 669/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/05/2019	<p>The appeal of Mr. Liaqat Ali presented today by Mr. Shabir Ahmad Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	24.05.19	<p>This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on <u>12-06-19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE SERVICE TRIBUNAL
KHAYBER PUKHTUNKHWA AT PESHAWAR

Service Appeal No. 669 of 2019

A.S.I Liaqat Ali son of Bahroz Khan resident of of Islampur, Saidu Sharif, District Swat. ...Appellant

Versus

Inspector General of Police, Khyber Pakhtunkhwa at Peshawar and others.Respondents

INDEX

S.#	Description of documents	Annexure	Pages
1.	Memo of Appeal	1-5
2.	Affidavit	6
3.	Memo of addresses	7
4.	Copy of Show Cause Notice	A	8
5.	Copy of written reply of appellant and impugned order dated 07.02.2019	B, C	9-10
6.	Copy of department appeal to respondent No. 2.	D	11
7.	Copy of Murasila and FIR	E, F	12-13
8.	Wakalat Nama.	14

Appellant
Through Counsel


Shabir Ahmad Khan (Dawlatkhel)
Advocate High Court.
Dated: 21.05.2019

BEFORE THE SERVICE TRIBUNAL
KHYBER PUKHTUNKHWA AT PESHAWAR

Service Appeal No. 669 of 2019

A.S.I Liaqat Ali son of Bahroz Khan resident of of Islampur, Saidu Sharif, District Swat.

...Appellant

VERSUS

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 797

Dated 22/5/2019

1. Inspector General of Police, Khyber Pakhtunkhwa at Peshawar.
2. Regional Police Officer Malakand Range-III at Saidu Sharif, District Swat.
3. District Police Officer Swat at Gulkada.

...Respondents

Appeal under Section 4 of the Service Tribunal Act, 1974, against the impugned order of respondent No. 3 dated 07.02.2019 whereby appellant was reverted from the rank of Sub-Inspector to Assistant Sub-Inspector against which appellant preferred departmental appeal to respondent No. 2 but the departmental appeal was not decided yet by respondent No. 2 within the stipulated/ prescribed period i.e. 90 days.

Filed to day
22/5/19
Registrar

Respectfully Sheweth:

The appellant submits as under:

1. That the appellant was initially inducted in Police Department as constable and with the passage of time the appellant qualifying various courses and promoted to the rank of Sub-Inspector but now the respondent No. 3 reverted the appellant from Sub-Inspector to Assistant

Sub-Inspector. The appellant is performing his duty with great zeal and enthusiasm.

2. That the appellant was posted as Incharge Casualty Hospital at Saidu Shari, District Swat.
3. That on 18.12.2018, a show cause notice No. 639/PA was issued to the appellant, wherein the allegations level are as: "on 01.11.2018, an incident was happened in Kokrai in which one individual was died and one seriously injured. Despite eye witnesses your with connivance of SI Amroz Khan Incharge PP Kokrai, wrote murasila against unknown accused and deliberately concealed the facts of the case which later on adversely affected the proceedings of the case. Your this act is against discipline and unbecoming of Police officer. You are therefore issued this Show-cause Notice". (Copy of Show Cause Notice is attached herewith as **Ann: A**).
4. That the appellant submitted his written reply to the show cause notice issued by respondent No. 3 but the respondent No. 3 ignored the stance of the appellant and illegal, unlawfully passed too much harsh impugned order dated 07.02.2019 and reverted the appellant to lower rank A.S.I from the rank of S.I. (Copy of written reply of appellant and impugned order dated 07.02.2019 is attached herewith as **Ann: B & C**).

5. That the appellant preferred departmental appeal to respondent No. 2 against the impugned order dated 07.02.2019 but respondent No. 2 did not decide the fate of the departmental appeal of the appellant within the stipulated period i.e. 90 days. Hence the instant service appeal is submitted on the following amongst other grounds:- (Copy of department appeal to respondent No. 2 is attached herewith as **Ann: D**).

GROUND:-

- a. That the appellant was posted as Incharge Casualty Saidu Sharif and referred incident in the Show Cause notice was the road accident on Islampur road, in which the S.I. Amroz Khan (Incharge PP Kokrai) got information regarding the incident/accident and rush to the spot and drafted murasila regarding the incident/accident and the same was send to Police Station Saidu Sharif, Swat for lodging FIR and the basis of that murasila FIR No. 756 dated 01.11.2018 under Section 279, 337 G PPC was registered in the Police Station. Later on Sections 427 and 320 were added in the said FIR. It is pertinent to mentioned here that the appellant had not interfere in any of the legal proceedings as Murasila was already drafted and FIR was already registered. (Copy of

Murasila and FIR are attached herewith as **Ann: E & F).**

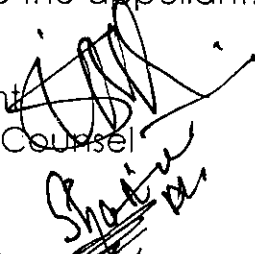
- b. That no regular of inquiry of the appellant had been conducted by respondent No. 3 and straight away passed the impugned order which against the law, rules and principles of justice.
- c. That the appellant was not treated in accordance with law and rules on subject and impugned order has passed flagrant violation of law and rules tainted with malafide intention and is therefore not sustainable and liable to be set aside.
- d. That neither proper inquiry of appellant was conducted nor proper opportunity of hearing was given to the appellant.
- e. That the impugned order is un-reasonable, arbitrary and is liable to be aside.
- f. That other important points will be raised during the course of arguments with prior permission of this Hon'ble Court.

PRAYER:-

It is, therefore, humbly prayed that by acceptance of this service appeal, the appellant may kindly be restored back to the rank of Sub-Inspector from the date of reversion.

i.e. 07.02.2019 with all back benefits and the impugned order of respondent No. 3 may graciously be set aside. Any other relief as deemed appropriate in the circumstances of the case and not specifically asked/prayed for, may also be granted to the appellant.

Appellant
Through Counsel


Shabir Ahmad Khan (Dawlatkhel)
Advocate High Court.
Dated: 21.05.2019

Certificate:-

It is certified that no such like appeal is either pending or decided by this Hon'ble Court.


Shabir Ahmad Khan (Dawlatkhel)
Advocate High Court.

BEFORE THE SERVICE TRIBUNAL
KHAYBER PUKHTUNKHWA AT PESHAWAR

Service Appeal No. _____ of 2019


A.S.I Liaqat Ali son of Bahroz Khan resident of of Islampur, Saidu Sharif, District Swat. ...Appellant

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa at Peshawar and others.Respondents

AFFIDAVIT

It is stated on oath that all the contents of the attached appeal are true and correct to the best of my knowledge and belief. Moreover, no such like appeal is pending or decided by this Hon'ble Court.

Deponent: 
A.S.I. Liaqat Ali son of Bahroz Khan (himself)



BEFORE THE SERVICE TRIBUNAL
KHAYBER PUKHTUNKHWA AT PESHAWAR

Service Appeal No. _____ of 2019

A.S.I Liaqat Ali son of Bahroz Khan resident of of Islampur, Saidu Sharif, District Swat. ...Appellant

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa at Peshawar and others.Respondents

MEMO OF ADDRESSES

Address of appellant:

A.S.I Liaqat Ali son of Bahroz Khan resident of of Islampur, Saidu Sharif, District Swat.

NIC No: 15602-4770289-3

Mobile No: 0346-7865057

Addresses of respondents:

1. Inspector General of Police, Khyber Pakhtunkhwa at Peshawar.
2. Regional Police Officer Malakand Range-III at Saidu Sharif, District Swat.
3. District Police Officer Swat at Gulkada.

Appellant
Through Counsel


Shabir Ahmad Khan (Dawlatkhel)
Advocate High Court.

Dated: 21.05.2019

issued to SI Liaqat Ali of this
alleged of gross

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Amrozk

A

OFFICE OF THE DISTRICT POLICE OFFICER, SWAT.

No. 653/PA. Dated Gulkadal the 12-12-18

SHOW CAUSE NOTICE.

(Under Rule 5 (3) K.P.K Police Rules, 1975)

1. You SI Liaqat Ali while posted as Incharge Casualty Saidu Sharif have rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 for following misconduct/s:

On 01-11-2018 an accident happened in Kokrai in which one individual was died another seriously injured. Despite eye witnesses you with connivance of SI Amroz Khan Incharge PP Kokrai wrote Murasila against unknown accused and deliberately concealed the facts of the case which later on adversely affected the proceedings of the case. Your this act is against discipline and unbecoming of a Police Officer. You are therefore issued this show cause notice.

2. That by reason of above, as sufficient material is placed before the undersigned, therefore, it is decided to proceed against you in general Police proceedings without aid of enquiry officer;
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force;
4. That your retention in the Police force will amount to encourage inefficiency and unbecoming of good Police officer;
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.
6. You are, therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred to above.
7. You should submit reply to this show cause notice with 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

District Police Officer
Swat

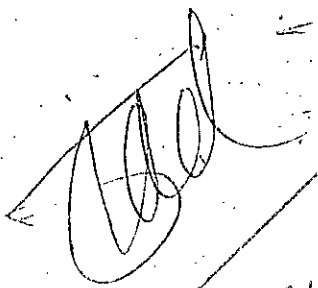
Received by

Dated /2018.

Amrozk
21.5.08

SHABIR AHMAD KHAN
(Dabhal Khel)
Advocate High Court
& Federal Shariat Court

حوالہ مندرجہ شوکار ٹوٹن قری 659/PA مورخہ 18/12/2018ء
 ہوں۔ میں بحث اور رائے کی سچائی میں اس میں کوئی شک نہیں ہے۔
 ہوں۔ مورخہ 11/11/2018ء کو اس میں اور دو اور ایسی ہی بات ہو چکی ہے۔
 میں اس پر اعتراضات کی صورت میں اس میں کوئی شک نہیں ہے۔
 حوالے سے عدالت میں اس پر اس میں کوئی شک نہیں ہے۔
 میں اس کے کسی قسم میں کوئی شک نہیں ہے۔
 اس پر اس میں شوکار ٹوٹن کے صدر کارروائی جائز
 رہے۔ ظالم صادر ہو گا۔



in casualty - 55
 22-12-2018

Amir
 21/12/2018

SHABIR AHMAD KHAN
 (Dauk) (bhl)
 Advocate High Court
 & Federal Shariah Court

10

AMMEX

C

ORDER

This order pertains to show cause notice issued to SI Liaqat Ali of this district Police. He while posted as Incharge Casualty Saidu Sharif was alleged of gross misconduct as on 01-11-2018 an accident happened in limits of Police Post Kokrai in which one individual was died and another seriously injured. Despite eye witnesses he with connivance of SI Amroz Khan Incharge PP Kokrai wrote Murasila against unknown accused and deliberately concealed the facts of the case which later on adversely affected the proceedings of the case.

He was issued a show cause notice vide this office No. 639/PA, dated 18-12-2018 to explain his position. The reply to the show cause notice was perused but he failed to present any cogent reason to justify his misconduct.

Despite eye witnesses the delinquent Police Officer wrote Murasila against unknown accused and deliberately concealed the facts of the case which later on adversely affected the proceedings of the case. Being a responsible Police Officer he was supposed to write Murasila against the real culprit but he intentionally wrote Murasila against unknown accused which negatively affected the trial case. This reflected something wrong on his part. His this act is against discipline and unbecoming of a responsible Police Officer which warrants punishment. Hence, in exercise of the powers vested in the undersigned under Rules 2 (iii) of Police Disciplinary Rules -- 1975, I Syed Ashfaq Anwar, PSP, District Police Officer, Swat being competent authority, am constrained to award him punishment of reversion to a lower rank of ASI.

Order announced.

District Police Officer
Swat

O.B. No. 21

Date: 07-02-019

Copy to:-

- 1. Regional Police Officer, Malakand Region
- FOR INFORMATION PLEASE.
- 2. Establishment Clerk

For necessary action, please.

District Police Officer
Swat
Ph. No: 0946-9240393
Fx. No: 0946-9240402
E-mail: dposwat@gmail.com

Aligned
2/5/19
SHABIR AHMAD KHAN
(Dawla - Iqbal)
Advocate High Court
& Federal Shariat Court

بجنور جناب ریجنل پولیس آفیسر صاحب سیدو شریف سوات

عنوان: اپیل بابت بحالی بے عمدہ سب انسپکٹر

جناب عالی

بحوالہ مشمولہ نقل آرڈر محباریہ جناب DPO صاحب سوات معروض خدمت ہوں کہ سائیل بحیثیت پولیس انچارج ہسپتال کیجولٹی سیدو شریف تعینات ہے ہسپتال میں ہر قسم کی رپورٹیں لی جاتی ہیں مورخہ 01-11-2018 کو اسلام پور روڈ پر ایکڈنٹ ہوا تھا اور محبوسین ہسپتال لائے گئے تھے اور شدید زخمی حالت میں ہسپتال میں موجود تھے مگر اس وقت ان کے ساتھ کوئی مدعی / رپورٹ کنندہ موجود نہ تھا۔ SI امروز حسان انچارج چوکی کوکڑئی نے بابت ایکڈنٹ جابائے موقع سے مراسلہ تحریر کیا تھا جس پر باقاعدہ مقدمہ درج رجسٹرڈ ہو چکا ہے۔ مدعی مقدمہ نے میرے اور امروز حسان SI کے خلاف افسران بالا کو تحریری درخواست کی تھی کہ انہوں نے نامعلوم ملزم کے خلاف مقدمہ درج کی ہے۔

چونکہ میں نے مقدمہ میں کوئی کارروائی نہیں کی ہے اور نہ مجھے کسی نے دونوں محبوسین کے متعلق رپورٹ کی ہے۔
جناب والا:-

اس بارے میں جناب DPO صاحب سوات ریورشن کیا ہے۔ جو کہ میرے ساتھ سراسر زیادتی ہے۔ استدعا ہے کہ کو دو بارہ بے عمدہ SI بحال کرنے کا حکم صادر فرمائیں۔

ASI Casualty,
Sharif Swat.
02-2018

By DPO Swat
For detail Complaint
and enquiry file

Amled
E

19

756
11/18
عدت
دن

عمر اسد اعظم من مائتھی مقدم

تاریخ وقت وقوع 11/18 او وقت نامعلوم
تاریخ وقت رپورٹ 11/18 او وقت 2230 بجے

حادثہ وقوع اورڈ سٹی میں نزد اسلام پور ایلیج بقاملہ 6/5 ملو میر صاحب حیدر آباد

فہ صیرم 320-279/3376
427

عدت اسد اعظم خان میرا در شریف

میروران میرا در شریف اللہ علیہ السلام پور ایلیج میں
اسد اعظم خان کو قتل کر دیا گیا اور اس کے ساتھ ساتھ اس کے
نوروز اور شاہین مسلمان شیعہ اہل حقان و دیگر عقیدت مند لوگوں کو
و دیگر عقیدت مند لوگوں کو قتل کر دیا گیا اور اس کے ساتھ ساتھ
میں شریف اعظم خان کو قتل کر دیا گیا اور اس کے ساتھ ساتھ
یوں اس میں ملوث لوگوں کو قتل کر دیا گیا اور اس کے ساتھ ساتھ
ہیں وقوع ہوا اس میں ملوث لوگوں کو قتل کر دیا گیا اور اس کے ساتھ ساتھ
اسد اعظم خان کو قتل کر دیا گیا اور اس کے ساتھ ساتھ
سبیل شریف شریف اور انہوں نے اس وقت اس وقت اس وقت
عمر اسد اعظم خان کو قتل کر دیا گیا اور اس کے ساتھ ساتھ
مائتھی مقدمہ میں شریف شریف شریف شریف شریف شریف
شریف شریف شریف شریف شریف شریف شریف شریف شریف

Amled
11-11-18

شہادت
11/18

SHABIR AHMAD KHAN
Ad. Court & Federal Shariat Court

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۳ مجموعہ ضابطہ فوجداری

(1) ۱۵-۲۲

سلط سوات

سید شریف

756 15

تاریخ ۱۱/۱۱/۱۸

تاریخ وقت رپورٹ ۱۱/۱۱/۱۸ ۱۲:۳۰ بجے	تاریخ وقت رپورٹ ۱۱/۱۱/۱۸ ۱۲:۰۵ بجے
نام و سکونت اطلاع دہندہ مستغیت	(۱) نام امروہ خان ولدیت SI سکونت چوٹی کوئٹہ
موبائل نمبر ۰۳۴۴۳۴۱۱۵۹۶	موبائل نمبر
مختصر کیفیت جرم (موردہ) حال اگر کچھ لیا گیا ہو۔ ۱۲۷ R-320	PC 279, 3370
جائے وقوعہ فاصلہ قحانہ سے اور سمت	میں پور ابلیسی بنیادہ 5/6 کلو میٹر جگہ
نام و سکونت ملزم	(۱) نام ولدیت سکونت موبائل نمبر CNIC
	(۲) نام ولدیت سکونت موبائل نمبر CNIC
	(۳) نام ولدیت سکونت موبائل نمبر CNIC
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو	بہر امید ہے تھر پیری صبر استلہ قائم کیا گیا
قحانہ سے روانگی کی تاریخ و وقت	بہر بسبب ڈرائے

ابتدائی اطلاع نیچے درج کرو۔ اس وقت ایک تھر پیری صبر استلہ منجانب امروہ خان SI ایچ آر چوٹی کوئٹہ بدست سنیل سمندر ایچ آر وصول ہو کر جسٹس جنرل کے خدمت میں ایچ آر قحانہ سید شریف بدست موبائل سنیل شریف اطلاع ملی کہ اندر ہم پور ابلیسی بنیادہ آگسٹ کے واقعہ میں ہوا ہے تصدیق و فالو اپ کے کارروائی کے خاطر جائے وقوعہ بالا آنرڈ بلوچانہ اشخاص مسلمان شفق الرحمن ولد محمد رحمن تھر پیری 7/88 سال، حبیب ولد محمد رحمن تھر پیری 7/88 سال ساکنان اندر ہم پور محلہ سیر پوری چوٹی کے کنارے تخریبی حالت میں لڑے تھے ملاحظہ کر کے پھر مسلمانانہ طور سے حوصلے سے معلومات و پتہ برابری کر کے معلوم ہو کر مسلمانانہ طور سے خیر امیو اسم، مسلمان نامعلوم کے قاتل کے تھر پیری میں وقوعہ قحانہ سے پچھلے سو در بلوچانہ پور محمد حسین بالا ماہقند صبر سلطان تخریبی حالت میں تھر پیری لڑے لڑے بلوچانہ کو سیر پوری موبائل میں سوا کر کے لٹریل جگہ محلہ ہسپتال چوٹی سید شریف پور پور میں مضمون پور پور سے صورت جرم بالا قاتل کے حاکم صبر استلہ پور پور کے خرم انور ملزم اسم و مسکن نامعلوم تھر پیری بالا اضبطی تھر پیری میں لڑے لٹریل قاتل میں مقدمہ بدست سنیل سمندر ایچ آر 164 قحانہ سید شریف بھجوا گیا ہے صبر استلہ تخریبی ہے SD امروہ خان SPF چوٹی کوئٹہ مور ۱۱/۱۱/۱۸ ایسی آمد تھر پیری صبر استلہ صرف صرف درج صدر ۱۱/۱۱/۱۸ لٹریل صبر استلہ صبر استلہ حوالہ لٹریل تفتیش کیا جاتا ہے تخریبی۔

AS-1-2555

سید شریف

SHABIR AHMAD KHAN
Advocate
Federal Shariat Co

BEFORE THE SERVICE TRIBUNAL KHAYBER PUKHTUNKHWA
AT PESHAWAR

WAKALAT NAMA

Case No: _____ of 2019

TITLE:-

Liaqat Ali

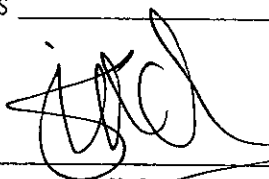
VERSUS

I.G.P and others.

I/we do hereby appoint **SHABIR AHMAD KHAN (DAWLATKHEL)** Advocate High Court in the above mentioned case, to do all or any of the following acts, deeds and things:

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard, and any other proceedings arising out of or connected therewith.
2. To sign and verify and file, petitions, appeals, affidavits and applications as may be deemed necessary or advisable by them for the conduct, prosecution or defense of the said case at all its stages.
3. To receive payment of, and issue receipts for, all money that may be or become due and payable to us during the course of the proceedings.
4. To do any act necessary or ancillary to the above acts, deed and things.
5. To appoint any other counsel to do any/all of the acts, dee and things.
6. I/We, shall appear in the court/tribunal on every date of hearing for assistance and if due to my/our non-appearance, any adverse judgment/order/decree is passed, they will not be held responsible.

IN WITNESS whereof I/we have signed this **Wakalat Nama** hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this _____



Liaqat Ali (appellant)

Attested and Accepted by:



SHABIR AHMAD KHAN (DAWLATKHEL)
Advocate High Court.