



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 2023 /ST

Dated: 31/10 /2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To

The District Police Officer,
Government of Khyber Pakhtunkhwa,
Haripur.

Subject: JUDGMENT IN APPEAL NO. 1703/2019, MR. YASIR KHAN

I am directed to forward herewith a certified copy of Judgement dated 27.09.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

REGISTRAR

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT, ABBOTTABAD

Service Appeal No.1703/2019

Date of Institution ... 06.12.2019
Date of Decision ... 27.09.2021

Yasir Khan, Constable No.713, District Police, Haripur.

... (Appellant)

VERSUS

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

... (Respondents)

Muhammad Aslam Tanoli,
Advocate

... For Appellant.

Muhammad Riaz Khan Paindakheil,
Assistant Advocate General

... For Respondents.

AHMAD SULTAN TAREEN
ROZINA REHMAN

... CHAIRMAN
... MEMBER (J)

JUDGMENT

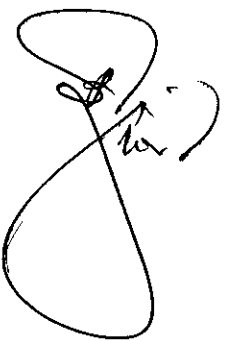
ROZINA REHMAN, MEMBER (J): The concise facts of the case are that appellant was posted as D.F.C at Police Station, Ghazi when in the meanwhile, he was served with charge sheet, where-after, he was served with final show cause notice and ultimately, he was awarded punishment of forfeiture of approved service for two years. Feeling aggrieved, he filed departmental appeal which was not responded to, hence, the present service appeal.

2. We have heard Muhammad Aslam Tanoli Advocate appearing on behalf of appellant and Muhammad Riaz Khan Paindakheil learned

Assistant Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

3. Learned counsel for appellant contended that both the orders are illegal, unlawful, against the law and facts as no departmental inquiry was conducted and no witness was produced before the Inquiry officer in presence of the appellant. That appellant was not afforded an opportunity of cross-examination and he was condemned unheard. Learned counsel submitted that the appellant was not treated in accordance with law, rules and policy on the subject and the respondents acted in violation of Article-4 of the Constitution of Islamic Republic of Pakistan, 1973.

4. Conversely learned A.A.G submitted that appellant while posted at Police Station Ghazi, as D.F.C, was found involved in relationship with gamblers and other criminals of the area, therefore, he was suspended and closed to Police Lines. His acts and omissions were gross misconduct, therefore, he was served with charge sheet and statement of allegations and Muhammad Qais Khan was appointed as Inquiry Officer who conducted proper departmental inquiry and submitted report, therefore, in the light of recommendation of the Inquiry Officer, appellant was served with final show cause notice but he failed to give satisfactory reply, whereafter, he was called in Orderly Room and heard in person, whereafter, he was awarded punishment of forfeiture of two years approved service.



5. From the record, it is evident that while posted as D.F.C, P.S Ghazi, he was proceeded against departmentally on the allegations of having connivance with gamblers and other criminals of the area. Inquiry report is available on file which shows that no witness was examined in presence of appellant. He was not given any opportunity of defense. On one hand, Commendation Certificates were awarded to the appellant on 03.05.2019 and 27.05.2019 in recognition of his good performance in the arrest of proclaimed offenders, while on the other hand, he was served with charge sheet and statement of allegations for being in connivance with gamblers and other criminals on 04.06.2019 i.e. just 7 after days of granting Commendation Certificate. Nothing was brought on record against the appellant in order to show his connivance with gamblers. He was not given proper opportunity of defense and as such, he was not treated in accordance with law.


6. In view of the foregoing reasons, the impugned order is set aside and appeal is allowed as prayed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

27.09.2021



(AHMAD SULTAN TAREEN)
CHAIRMAN
CAMP COURT, A/ABAD



(ROZINA REHMAN)
MEMBER (J)
CAMP COURT, A/ABAD

Order

27.09.2021

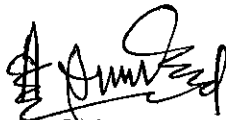
Counsel for appellant present.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General for respondents present. Arguments heard and record perused.

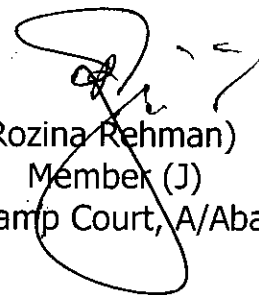
Vide our judgment of today of this Tribunal placed on file, the impugned order is set aside and appeal is allowed as prayed. Parties are left to bear their own costs. File be consigned to the record room.

Announced.

27.09.2021



(Ahmad Sultan Tareen)
Chairman
Camp Court, A/Abad



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

P

21.01.2021

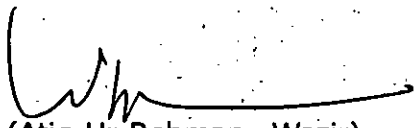
Due to COVID-19, the case is adjourned for the same on 17.02.2021 before D.B.


READER

17.02.2021

Junior to counsel for the appellant and Riaz Khan Paindakhel learned Asst. AG alongwith Israr Shah Reader for respondents present.

Representative of respondents submitted reply/comments, which is placed on file. Copy of the same is handed over to learned counsel for the appellant. To come up for rejoinder if any, and arguments on 16.04.2021 before D.B at Camp Court, Abbottabad.


(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court, A/Abad

14.06.2021

Due to cancellation of tour, Bench is not available. Therefore, case is adjourned to 27.09.2021 for the same as before.


Reader

18.11.2020

Counsel for appellant is present. Mr. Usman Ghani, District Attorney and Mr. Mujahid, Head Constable, for the respondents are also present.

Written reply on behalf of respondents not submitted. Representative of the department requests for further time for submission of written reply/comments. Time is given. File to come up for written reply/comments on 21.01.2021 before S.B at Camp Court, Abbottabad.

(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT ABBOTTABAD

Due to covid ,19 case to come up for the same on / /
at camp court abbottabad.

Reader

Due to summer vacation case to come up for the same on

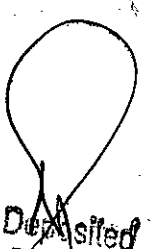
18 / 9 / 20 at camp court abbottabad.


Reader

18.09.2020

Appellant himself alongwith Mr. Aslam Khan Tanoli, Advocate are present. The arguments of the learned counsel for appellant mainly focused on the inquiry report that it has been conducted in a way not permitted by the law on the subject resulting into infringement and violation of rights of appellant. That neither the copy of inquiry was furnished to him to prepare his response appropriately in accordance there with nor any chance of personal hearing was provided therefore, the net result is that the findings at which the inquiry officer arrived are not sustainable.

The points so agitated required consideration. The appeal is admitted for regular hearing subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 18.11.2020 before S.B at Camp Court, Abbottabad.


Appellant Deposited
Security & Process Fee



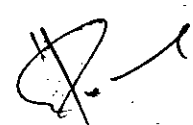

(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT ABBOTTABAD

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1703/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/12/2019	<p>The appeal of Mr. Yasir Khan presented today by Mr. Muhammad Aslam Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 6/12/19</p>
2-	24.01.2020	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>24.01.20</u></p> <p> CHAIRMAN</p> <p>Clerk to counsel for the appellant present and seeks adjournment on the ground that learned counsel for the appellant is not in attendance. Adjourn. To come up for preliminary hearing on 20.03.2020 before S.B at Camp Court Abbottabad.</p> <p> Member Camp Court, A/Abad</p>

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No...1703/2019

Yasir Khan, Constable No. 713, District Police Haripur.

Appellant

VERSUS

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

Respondents


SERVICE APPEAL

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Yasir Khan
Appellant

Through


(Mohammad Aslam Tanoli)
Advocate High Court
at Haripur

Dated: 6-12-2019

①

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 1703/2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1775

Dated 06/12/2019

Yasir Khan, Constable No. 713, District Police Haripur.

Appellant

VERSUS

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

Respondents

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE
TRIBUNAL ACT 1974 AGAINST ORDER DATED 02-08-2019 OF
DISTRICT POLICE OFFICER HARIPUR WHEREBY APPELLANT HAS
BEEN AWARDED PENALTY OF "FORFEITURE OF APPROVED
SERVICE FOR 02 YEARS".

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL
IMPUGNED ORDER DATED 02-08-2019 OF THE DISTRICT
POLICE OFFICER HARIPUR MAY GRACIOUSLY BE SET ASIDE
AND THE APPELLANT BE RESTORED HIS FORFEITED APPROVED
SERVICE OF 02 YEARS WITH ALL CONSEQUENTIAL SERVICE
BACK BENEFITS ON RENDITION OF ACCOUNT.

Respectfully sheweth,

1. That while appellant posted as DFC at Police Station Ghazi, the District Police Officer Haripur served him with a Charge Sheet dated 04-06-2019. (Copy of Charge Sheet dated 04-06-2019 is attached as Annexure-"A").
2. That above Charge Sheet was replied on 06-06-2019 explaining all facts of the matter in detail, and the allegations were vehemently denied being incorrect and baseless. (Copy of Reply dated 06-06-2019 is

Filed to day

Registrar

6/12/19

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attached as Annexure-"B").

3. That thereafter the appellant was served upon with a Final Show Cause Notice dated 19-07-2019 by the District Police Officer Haripur. **(Copy of Final Show Cause Notice dated 19-07-2019 attached as Annexure-"C").**
4. That the aforementioned Final Show Cause Notice was replied by the appellant on 23-07-2019 by giving reference to his previous reply to the very allegation. **(Reply to Final Show Cause Notice is attached as "D").**
5. That ultimately the worthy District Police Officer Haripur without giving any heed to the averments made by appellant in shape of reply to the Charge Sheet and Final Show Cause Notice proceeded to award penalty of "Forfeiture of approved service for 02 years" vide order dated 02-08-2019 without any reason, proof and justification. But copy of the said order was provided to him on 27-08-2019. **(Copy of order dated 02-08-2019 is attached as Annexure-"E").**
6. That the allegations incorporated in Charge Sheet as well as in Final Show Cause Notice are totally incorrect, false & fabricated which are the result of false information communicated to the District Police Officer Haripur with malafide intention against the appellant otherwise appellant has always done his job with devotion and honesty and informed his Seniors well in time about criminals as and when they came to his notice. Appellant while posted as DFC at PS

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Ghazi, beside his assigned duties he also traced out a majority of criminals and got them arrested by informing his officers which fact is available on the record of PS Ghazi to which the then SDPO Ghazi Mr. Shamraiz Khan and Additional Superintendent of Police Ghazi Mr. Nasir Mehmood are witnesses.

7. That during the period when appellant remained posted at PS Ghazi, he was awarded with Commendation Certificates and Cash Rewards by DPO Haripur for his good performance in arresting Proclaimed Offenders involved in difference heinous crimes. These facts are sufficient for disproving allegations against the appellant. It is not understood that on one hand the appellant has been awarded with Commendation Certificates and Cash Rewards for his good performance and on the other allegations of having connivance with criminals are attributed to him by the same officer and at the same time. The appellant is totally innocent and has been penalized for a fault never committed by him. **(Copies of commendations certificates dated 03-05-2019 and 27-05-2019 are attached as Annexure-"F&G")**.
8. That through out his long services in the police department, the appellant always performed his assigned duties with devotion, dedication and honesty to the entire satisfaction of his superiors and never provided a chance of reprimand and even on occasions for tremendous service he has been awarded with the Commendation Certificates and

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Cash Rewards by his High-Ups.

9. That in view of the facts narrated here above by no stretch of imagination the appellant can be held responsible for the allegations as incorporated in the Charge Sheet as well as Final Show Cause Notice due to which he has been awarded with punishment in a whimsical and superficial manner without any proof, justification and reason against the law, departmental rules and regulations.

11. That against order dated 02-08-2019 of the District Police Officer Haripur, a departmental appeal dated 03-09-2019 was filed by the appellant before the Regional Police Officer, Hazara Region, Abbottabad which was not responded within statutory period; hence instant service appeal, inter alia, on the following:-

GROUND:

- a) That both the impugned orders dated 02-08-2019 of the District Police Officer Haripur is illegal, unlawful against the facts and circumstances passed in violation of departmental rules, regulations, in arbitrary and whimsical manner; hence liable to be set aside.

- b) That no proper departmental inquiry was conducted, no witness was produced before the inquiry officer in presence of appellant, nor provided with a chance of cross examination. Appellant was not confronted with any documentary evidence nor was afforded to rebut

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such document. Inquiry Report was not issued to the appellant. Even he was not provided with opportunity of personal hearing.

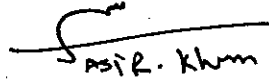
- c) That the respondents have not treated the appellant in accordance with law, departmental rules & regulations and policy on the subject and have acted in violation of Article-4 of the constitution of Islamic Republic of Pakistan 1973 and unlawfully issued the impugned orders, which are unjust, unfair hence not sustainable in the eyes of law.
- d) That the appellate authority has also failed to abide by the law. Departmental appeal of the appellant has not been decided by the Appellate Authority within the statutory period of 90 days. Impugned order of the Competent Authority is also contrary to the law as laid down in the KPK Police Rules 1934, other departmental rules regulations read with section 24-A of General Clause Act 1897 read with Article 10A of the Constitution of Islamic Republic of Pakistan 1973.
- e) That instant appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudication upon the same.

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Service Appeal order dated 02-08-2019 of the District Police Officer Haripur may graciously be set aside and the

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appellant be resorted his forfeited 02 (two) years approved service with all consequential service back benefits. In circumstances of the case any other relief which this Honourable Tribunal deems fit may also be granted.


Asif R. Khan

Appellant

Through:

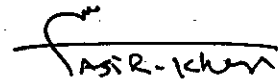


(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated 6 -12-2019

VERIFICATION

It is verified that the contents of instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed thereof.


Asif R. Khan

Dated 6 -12-2019

Appellant

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BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Yasir Khan, Constable No. 713, District Police Haripur.

Appellant

VERSUS

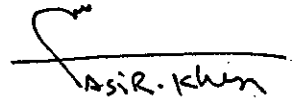
1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur

Respondents

SERVICE APPEAL

CERTIFICATE

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


Yasir Khan

APPELLANT

Dated: 6-12-2019

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BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Yasir Khan, Constable No. 713, District Police Haripur.

Appellant

VERSUS

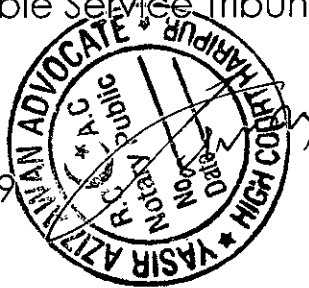
1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur

Respondents

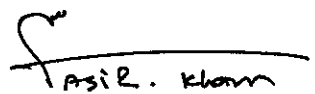
SERVICE APPEAL

AFFIDAVIT:

I, Yasir Khan appellant do hereby solemnly declare and affirm on oath that the contents of the instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Service Tribunal.



Dated: 6-12-2019


Yasir. Khan

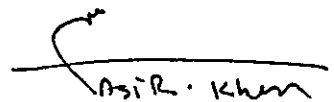
Deponent/Appellant

Identified By:



Mohammad Aslam Tanoli
Advocate High Court
At Haripur

Dated: 6-12-2019


Yasir. Khan

Appellant

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Annex - A

CHARGE SHEET

(1) I, Dr. Zahid Ullah, (PSP) District Police Officer, Haripur as competent authority, hereby charge you Constable Yasir No. 713 as enclosed statement of allegations.

(2) You appear to be guilty of misconduct under Police Efficiency & Discipline Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the said Rules.

(3) You are, therefore, required to submit your written defense within 07 days of the receipt of this charge sheet and statement of allegation to the Committee/Enquiry Officer as the case may be.

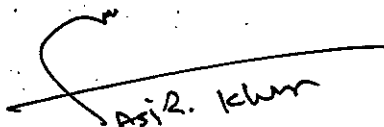
(4) Your written defense, if any, should reach the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.

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

(6) A statement of allegations is enclosed.


Dr. Zahid Ullah, (PSP)
District Police Officer
Haripur

Attested


Asir Khan

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DISCIPLINARY ACTION

I, **Dr. Zahid Ullah, (PSP)**, District Police Officer, Haripur as competent authority of the opinion that you **Constable Yasir No. 713** have rendered yourself liable to be proceeded against as you committed the following acts/omissions within the meaning of Police Efficiency & Discipline Rules 1975.

STATEMENT OF ALLEGATION

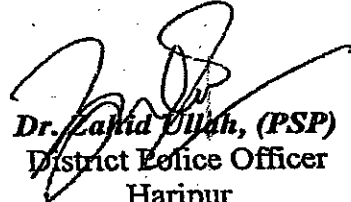
"That while you posted as DFC PS Ghazi, it has come to the notice of the undersigned through reliable sources that you have connivance with gamblers and other criminals of the area. Your act shows your inefficiency, incompetency, dishonesty, and corruption on your part, which is gross misconduct in terms Police E&D Rules 1975, hence charge sheeted"

(2) For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, an Enquiry Committee consisting of the following is constituted.

Mr. Muhammad Oais Khan, SDPO Saddar Haripur

(3) The Enquiry Officer/Committee shall in accordance with the provision of this Ordinance, provide reasonable opportunity of hearing to the accused, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or the appropriate action against the accused.

(4) The accused and a well conversant representative of departmental shall in the proceedings on the date, time and place fixed by the Enquiry Officer/Committee.

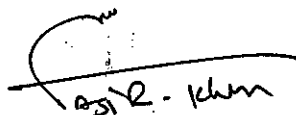

Dr. Zahid Ullah, (PSP)
District Police Officer
Haripur

No: 819-21

/PA, dated Haripur the 04/06/2019.
Copy of above is submitted to the: -

- 1) Regional Police Officer, Hazara Region, Abbottabad, for favor of information, please.
- 2) Enquiry Officer for initiating proceedings against the said accused under Police Efficiency & Discipline Rules 1975.
- 3) **Constable Yasir No. 713** with the direction to submit his defense within 7 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purpose of departmental proceedings.

Attested


Yasir Khan


District Police Officer,
Haripur

گذشتہ سال - SDF - صدر عسکری فورس (انٹرویو افسر)

عنوان :- گورنمنٹ آف ایئر سروسز، گورنمنٹ آف پاکستان
ضابطہ عالی - گورنمنٹ آف ایئر سروسز، گورنمنٹ آف پاکستان
صوبہ پنجاب میں صدر عسکری فورس کے قیام کے بارے میں -

گورنمنٹ آف پاکستان

1- یہ کہ الزام مندرجہ بالا کے تحت ہونے والی تمام چیزیں جاری کیے گئے ہیں اور ان کی کاپیاں بھی منسلک ہیں۔
کچھ کوئی کوئی وارنٹ دیا گیا ہے۔ اور دوسرے کچھ چیزیں بھی منسلک ہیں۔
تجزیہ - لیکن جنہاں اور جہاں بھی اس کے بارے میں سوال کیا گیا ہے۔
اس کے متعلق کسی ذرا کچھ بھی نہیں ہے۔ اس کے بارے میں کوئی اور
الٹی خبر نہیں ہے۔ تو یہ سب ہی بنیاد - عدالت اور منیجر پر ہے۔
اور ذاتی عنایت ہے۔

2- گورنمنٹ آف ایئر سروسز کے بارے میں ڈی ایچ جی کے بارے میں
اپنے عدالت میں ہر قسم کے حوالے کیے گئے ہیں۔ لیکن ان کے بارے میں
انہیں انہیں سے نوٹس میں خوری اور ہر وقت لیا گیا اور ان کی
منشیات بھی اور ان کے بارے میں ہر قسم کے حوالے دیے گئے ہیں۔
جو وہ اور ان کے بارے میں ہر قسم کے حوالے دیے گئے ہیں۔
وغیرہ گورنمنٹ آف ایئر سروسز کے بارے میں ہر قسم کے حوالے دیے گئے ہیں۔
گورنمنٹ آف ایئر سروسز کے بارے میں ہر قسم کے حوالے دیے گئے ہیں۔
اسی طرح

P-2, Contd

Attested

Asir Khan

تمہارا کارڈ دینی بار بار ہے۔ افسوس کہ میں نے اس وقت میں تھا تم
 غازی میں رہے۔ مثلاً یہ ہے کہ ASP اور جو لوگ اس میں تبدیل
 ہوئے ہیں۔ لہذا یہ نام لکھو۔ ASP غازی سے جو لوگ جا سکتے
 ہیں۔ وہ تمام سٹیٹ افراد بار میں اس وقت اظہار عملی نہ دی بلکہ
 گرفتار کروایا۔ اور ان سے لے کر اعلیٰ جا بھی گئی ہیں۔ ان شخصوں میں
 تقاضہ غازی کا کارڈ بھی وہ ہے جسے طلب کیا جا سکتا ہے۔
 اور اس لحاظ سے فرمایا جا سکتا ہے۔ ان کا رد میں لکھنا کہ میں نے
 اپنے فرائض میں کبھی کوئی کوتاہی کی یا کبھی غلطی کی تو وہی
 Comidance۔ عذر لارے بنیاد۔

3۔ کہہ سکتے ہیں جو جو بازی ہے کہ جانے اپنی ذاتی اللہ
 ہے۔ اس بات میں بہت پریشانی ہے۔ اپنے آپ کو حلال
 کر سکتے ہیں۔ اس لئے کہ یہ سب اس وقت کی ہے۔ تو وہی
 درجہ میں ہے۔ اس لئے کہ اس وقت میں اپنی ذاتی اللہ سے

9۔ کہہ سکتے ہیں اپنے فرائض میں اپنی ذاتی اللہ سے کہہ سکتے ہیں۔
 کہہ سکتے ہیں اور شہادت کا بھی موقع ہے۔ اس کا حلال و
 ذرا لکھو۔ اس لئے کہ اس وقت میں اپنی ذاتی اللہ سے کہہ سکتے ہیں۔
 اپنے آپ کو حلال کر سکتے ہیں۔ اس لئے کہ اس وقت میں اپنی ذاتی اللہ سے کہہ سکتے ہیں۔
 اس لئے کہ اس وقت میں اپنی ذاتی اللہ سے کہہ سکتے ہیں۔
 اس لئے کہ اس وقت میں اپنی ذاتی اللہ سے کہہ سکتے ہیں۔

کالیشن ماسٹر 713 طالب تحفہ اول لکھنؤ ایچ اے
 6/6/2019

Allied

Asir Khan

Asir Khan

FINAL SHOW CAUSE NOTICE

I, **Dr. Zahid Ullah, (PSP)**, District Police Officer, Haripur as Competent Authority under Police Rules 1975, do hereby serve Final Show Cause Notice upon you **FC Yasir No. 713** on the following grounds: -

- (1) *"That while you posted as DFC PS Ghazi, it has come to the notice of the undersigned through reliable sources that you have connivance with gamblers and other criminals of the area. You act shows your inefficiency, incompetency, dishonesty, and corruption on your part, which is gross misconduct in terms Police E&D Rules 1975,,*
- (2) For the purpose of scrutinizing the conduct on your part with reference to the above allegation, you was serve with Charge Sheet/Statement of allegation and Assistant Superintendent of Police, Saddar, Haripur was appointed as enquiry officer against you for the conduct of proper departmental enquiry vide this office Endst No. 319-21, dated 04.06.2019.
- (3) The enquiry officer after conducting proper departmental enquiry submitted his finding vide his office letter No. 294 dated 15.07.2019, in which he had the charges of misconduct proved and recommended for suitable punishment under section-4 of the KPK Police E&D Rules 1975.
- (4) Keeping in view of above allegation on your part, you are hereby called upon. To Show Cause within (07) days of the removed of this Final Show Cause notice as to why you should not be awarded punishment under the Police Rule 1975, if your written reply is not received with in stipulated period. It shall be presumed, that you have no defense to affirm, you are also allowed to appear before the undersigned, if you so desired.


Dr. Zahid Ullah, (PSP)
District Police Officer
Haripur

No. **460-61** / dated Haripur the **17** 2019

Copy of above is submitted to the Regional Police Officer, Hazara Region Abbottabad for favor of information please.

Attested


Dr. Zahid Ullah (PSP)
District Police Officer,
Haripur

Yasir Ullah

کریڈٹ کا حساب دیکھ کر اس میں ترمیم کی جائے۔

جو اب پورا فائنل شیڈول مارچ 2019 تک ہو گا۔

جو وہ لکھ کر لے کر آئے۔ اس کے ساتھ ساتھ

اس کے ساتھ ساتھ پندرہ مارچ کو اس کا جواب دینا ضروری ہے۔
جو اب شیڈول کے مطابق ہے۔ اس کے ساتھ ساتھ
اس کے ساتھ ساتھ اس کے ساتھ ساتھ اس کے ساتھ ساتھ

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اس کے ساتھ ساتھ اس کے ساتھ ساتھ اس کے ساتھ ساتھ

23/19

یا اس کے ساتھ ساتھ اس کے ساتھ ساتھ اس کے ساتھ ساتھ

Attested

Signature

23/19

(15) Annex: 'E'

Ph. # 0995-614712 / 0995-11291

Fax # 0995-614714

E-Mail: dpoharipur@gmail.com

No. 5675 Dated 23 8 2019

ORDER

Constable Yasir Khan No.713, while posted at PS Ghazi as DFC. It came to the notice of undersigned through reliable sources that he has connivance with gamblers and other criminals of the area. The acts and omissions of defaulter police official were misconduct under Khyber Pakhtunkhwa, police efficiency and discipline rules 1975. Therefore, He was served with charge sheet and statements of allegations, vide this office Endst No.319-21/PA dated 04.06.2019.

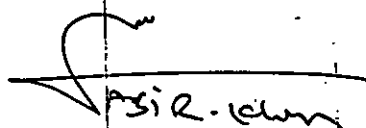
To probe the allegations, Mr. Muhammad Qasim Khan, ASP/Saddar, District Haripur, was appointed as enquiry officer, who conducted proper departmental enquiry and submitted his finding, vide his office Memo No.294 dated 15.07.2019. In which, he mentioned that the charges of misconduct proved against defaulter police officer. Therefore, enquiry officer recommended him for appropriate punishment.

Having gone through enquiry papers, recommendation of enquiry officer and personal hearing of accused Constable Yasir Khan No.713. He could not produce any plausible ground in his defense. Based on the above facts & finding, the charges of misconduct against the defaulter police officer stands proved, I am fully satisfied that Constable Yasir Khan No.713 committed gross misconduct. Therefore, I, Dr. Zahid Ullah District Police Officer, Haripur being competent authority under Khyber Pakhtunkhwa police efficiency and discipline rules 1975, awarded minor punishment of "forfeiture of approved service for 02 year" and reinstated in service with immediate effect. Furthermore, he shall not be posted at any place where there is public dealing.

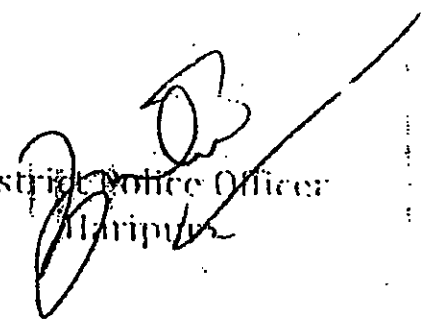
Order announced.

OR No 529 dated 02 08 2019

Attested



Yasir Khan



District Police Officer
Haripur

Khyber

Fakhtunkhwa

Police



Commendation Certificate

Class III

Granted by

Dr. Zubair Ullah (PSP)

DISTRICT POLICE OFFICER HARIPUR

To FC Yasir Khan No. 713

Resident of PS Gabazi
Haripur

in Recognition of

For his good performance in arrest of PO involved
in case FIR No 155/19 u/s 7-C/NSPA, 368/18 u/s 489-F
PPC PS Gabazi with cash reward Rs. 1000/-

OB No. 316

Dated: 03-05-2019

[Signature]
District Police Officer
Haripur

Attested

[Signature]
Asst. Comm.

17
Pakhtunkhwa
Police

17
Pakhtunkhwa
Police



Pakhtunkhwa
Police

Commendation Certificate

Class III

Granted by

Dr. Zahid Ullah (PSP)

DISTRICT POLICE OFFICER HARIPUR

To DFC Yousaf Khan No 713

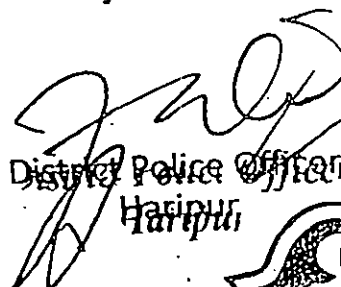
Resident of PS Gabazi
Haripur

in Recognition of

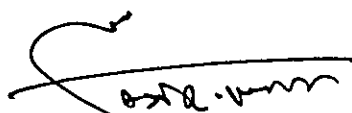
For his good performance in arrest of accused involved
in case FIR No. 148/19, 155/19 vs ISPP and 94/CNSA
PS Gabazi with cash reward Rs. 500/-

OB No. 356

Dated: 27-05-2019


District Police Officer
Haripur

Attested



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Annex-4

BEFORE HONOURABLE REGIONAL POLICE OFFICER,
HAZARA REGION, ABBOTTABAD.

(Departmental Appeal by Constable Yasir Khan No.713 District Police Haripur).

(THROUGH PROPER CHANNEL)

DEPARTMENTAL APPEAL AGAINST ORDER OB NO. 529 DATED 02-08-2019 (DELIVERED ON 27-08-2019) OF THE DISTRICT POLICE OFFICER HARIPUR WHEREBY APPELLANT HAS BEEN AWARDED WITH THE PENALTY OF "FORFEITURE OF APPROVED SERVICE FOR 02 YEARS".

PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL IMPUGNED ORDER DATED 02-08-2019 MAY KINDLY BE SET ASID AND APPELLANT'S FORFEITED SERVICE OF 02 YEARS BE RESTORED TO HIM WITH GRANT OF ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respected Sir,

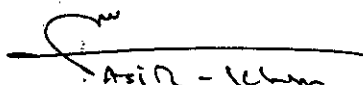
1. That the District Police Officer Haripur served upon the appellant a Charge Sheet dated 04-06-2019, appointing Mr. Mohammad Oais Khan, SDPO Saddar Haripur as inquiry officer to inquire and submit report into the following allegations :-

"that while you posted as DFC PS Ghazi, it has come to the notice of the undersigned through reliable sources that you have connivance with gamblers ad other criminals of the area. Your act shows your inefficiency, incompetence, dishonesty and corruption on your part, which is gross misconduct in terms of Police E&D Rules 1975, hence charge sheeted".

(Copy of Charge Sheet is attached "A").

2. That aforementioned Charge Sheet was replied on 06-06-2019 explaining all facts and circumstances of the matter

Attested


Yasir Khan

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in detail, and the allegations leveled against appellant were vehemently denied being incorrect and baseless.

(Copy of Reply to Charge Sheet is attached as "B").

3. That thereafter the appellant was served upon with a Final Show Cause Notice dated 19-07-2019 by the District Police Officer Haripur with the same allegations which the appellant had replied earlier.

(Copy of Final Show Cause Notice attached as "C").

4. That the aforementioned Final Show Cause Notice was replied by the appellant on 23-07-2019 by giving reference to his previous reply to the very allegations.

(Copy of Reply to Final Show Cause Notice is attached as "D").

5. That ultimately the worthy District Police Officer Haripur without giving any heed to the averments advanced in defense by appellant in the shape of reply to the Charge Sheet as well as to the Final Show Cause Notice proceeded to award him the penalty of "Forfeiture of approved service for 02 years" through impugned order OB No. 529 dated 02-08-2019 without any reason, proof and justification. But copy of the said order was provided to him on 27-08-2019, hence instant departmental appeal.

(Copy of order dated 02-08-2019 is attached as "E").

Attested

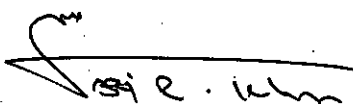
[Signature]

20

6. That the allegations as leveled in the Charge Sheet as well as in the Final Show Cause Notice are totally incorrect and result of wrong information communicated to the District Police Officer Haripur with malafide contention and under vindictive feelings against the appellant otherwise the appellant always did his duties with devotion and honesty and informed well in time his Seniors of the criminals came to his notice. Appellant while posted as DFC at PS Ghazi, he traced out a majority of the criminals and got them arrested by informing his officer which fact is available on the record of PS Ghazi to which the then SDPO Ghazi Mr. Shamraiz Khan and Additional Superintendent of Police Ghazi Mr. Nasir Mehmood are witnesses as well.

7. That during the period appellant remained posted at PS Ghazi, he was awarded with Commendation Certificates and Cash Rewards by the District Police Officer Haripur for his good performance in arresting Proclaimed Offenders involved in difference heinous crimes. This one fact is sufficient to disprove the allegations as leveled against the appellant. It is incomprehensible that on one the hand the appellant has been awarded with Commendation Certificates and Cash Rewards for his good performance in arresting the criminals and on the other the allegations of having connivance with them are attributed to him by the same officer and at the same time. The

Attested


S. R. Khan

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appellant is totally innocent and has been penalized for a fault never committed by him.

(Copies of commendations certificates dated 03-05-2019 and 27-05-2019 are attached ")

8. That no proper departmental inquiry was conducted, no witness, if any, was produced before the inquiry officer in presence of appellant, nor provided with a chance of cross examination. Appellant was not confronted with any documentary evidence nor was afforded to rebut such document. Inquiry Report was not issued to the appellant. Even he was not provided with opportunity of personal hearing. The inquiry officer was fully satisfied with the performance of appellant and with his innocence in the instant matter.
9. That through out his long services in the police department, the appellant always performed his assigned duties with devotion, dedication and honesty to the entire satisfaction of his superiors and never provided a chance of reprimand and even on occasions for tremendous service he has been awarded with the Commendation Certificates and Cash Rewards by his High-Ups.
10. That in view of the facts narrated here above by no stretch of imagination the appellant can be held responsible for the allegations as incorporated in the Charge Sheet as well as Final Show Cause Notice due to which the appellant has been awarded with the

Attested

Asir Khan

punishment in a slipshod, perfunctory, whimsical and superficial manner without any proof, justification and reason against the law, rules and regulations governing the terms and condition of appellant.

- 11. That if the appellant is provided with the opportunity of personal hearing he will try his best to prove him as innocent by adducing credible facts of the matter.

Sir, in view of the facts and circumstances narrated here above, it is earnestly prayed that impugned order dated 02-08-2019 passed by the District Police Officer Haripur may kindly be sat aside and the appellant be restored his forfeited approved service of 02 years with grant of all consequential service back benefits. Thanking you sir in anticipation.

Your Obedient Servant

Yasir Khan
(Yasir Khan)

Constable No. 713
District Police Haripur

Dated: 03 -09-2019

Attested

Yasir Khan

66691



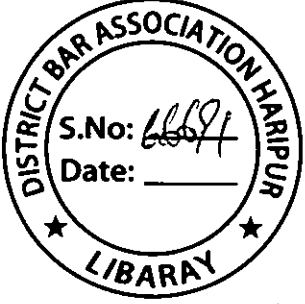
DBA.No: 205

S.No: _____

BC No: _____

Name of Advocate: محمد اسلم تنزی

وکالت نامہ



بعدالت: صاحب کمرہ عدالت پیرونی فورہ کراچی اور
 عنوان: ماسٹرز
 منجانب: اسٹریٹ
 نوعیت مقدمہ: سول ایبل
 باعث تحریر آنکھ: _____

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصدیق مقدمہ بمقام ایڈووکیٹ جنرل کے لیے
 محمد اسلم تنزی

کو حسب ذیل شرائط پروکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص روبرو عدالت حاضر ہونا ہوں گا اور بروقت
 پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری
 غیرحاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب
 موصوف صدر مقام چکھری کے علاوہ کسی جگہ یا چکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ
 ہوں گے اور مقدمہ چکھری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا چکھری کے اوقات کے آگے پیچھے پیش ہونے
 پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختانہ کے واپس کرنے کے بھی صاحب
 موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داختمہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو
 عرض دعویٰ یا جواب دعویٰ اور درخواست اجراء سے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی
 اختیار ہوگا اور اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار و پیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور
 اس کے ثالثی و راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیر و نجات از چکھری صدر
 اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم اقتتامی یا قرنی یا گرفتاری قبل از گرفتاری و اجراء ڈگری بھی صاحب
 موصوف کو بشرط ادائیگی علیحدہ مختانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ
 مذکور یا اس کے کسی جزو کی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو
 بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ
 التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب
 موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے
 برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے کہ سند ہے۔
 مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ مورخہ: 2019/12/6 دن 12/12 سال 2019

محمد اسلم تنزی
 (ایبلینٹ)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD**

SERVICE APPEAL NO.1703/2019

Yasir Khan, Constable No.713, District Police Haripur.

..... (Appellant)

VERSU

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

..... (Respondents)

RESPECTFULLY SHEWETH!

The para-wise comments on behalf of respondents No.1, 2 and 3 are submitted as under:-

PRELIMINARY OBJECTIONS:-

1. That the instant Service Appeal is not maintainable in the present form.
2. That the appellant is estopped by his own conduct.
3. That the appellant has not come to the Honorable Tribunal with clean hands.
4. That the appellant has suppressed material facts from the Honorable Tribunal.
5. That the instant Service Appeal is not maintainable for mis-joinder/ non-joinder of necessary parties.
6. That the instant Service Appeal is badly time barred.
7. That the appellant has filed the instant service appeal just to pressurize the respondents.
8. That the order passed by the authorities are as per law and rules, after fulfilling all the codal formalities, hence, the appeal is liable to be dismissed without any further proceeding.

OBJECTIONS ON FACTS:-

1. In reply to this para it is submitted that the appellant Constable Yasir Khan No.713, while posted at Police Station Ghazi, as DFC, was found involved in relationship with gamblers and other criminals of the area. Therefore, he was suspended and closed to Police Lines Haripur by the then District Police Officer, Haripur vide order No.2409 dated 04.06.2019. The acts and omissions of the appellant were gross misconduct under Khyber Pakhtunkhwa, Police Efficiency and Discipline Rules 1975. Hence, the appellant was served with charge sheet and statement of allegations vide this office Endst: No.319-21/PA dated 04.06.2019. SDPO circle Saddar, Mr. Muhammad Qais Khan was appointed as enquiry officer. Who conducted proper departmental enquiry and submitted his findings, vide office Memo No.294 dated 15.07.2019. In which he held the charges proved, and recommended the appellant for punishment. (Copy of inquiry is attached as annexure "A"). Therefore, the appellant was served with final show cause notice vide this office Endst: No.460-61 dated 19.07.2019. (Copy of final show cause notice is attached as annexure "B"). The appellant could not give satisfactory

reply of final show cause notice. Hence, he was called in orderly room and he was heard in person. The appellant could not prove himself as innocent. So, being found guilty of misconduct, the appellant was awarded minor punishment of forfeiture of 2 years approved service, vide OB No.529 dated 02.08.2019 by the then District Police Officer, Haripur. **(Copy of order is attached as annexure "C")**.


2. Incorrect, the appellant could not prove himself as innocent, in the departmental enquiry. Rather, the appellant was held guilty by the enquiry officer.
3. On receiving the findings of enquiry officer, the appellant was issued final show cause notice as per law.
4. In reply to this para, it is submitted that the appellant could not give satisfactory reply of final show cause notice and the charges were fully proved.
5. Incorrect, the appellant was given opportunity to defend himself, but he could not give any lawful excuse or justification against the charges. The allegations were proved on strong evidence. Being held guilty the appellant was awarded lawful punishment of forfeiture of 02 years approved service.
6. Incorrect, the appellant could not perform efficiently; he also failed to communicate the information regarding the criminal to the senior officers, while posted as DFC Police Station Ghazi. His conduct was probed in departmental enquiry, and he was found guilty.
7. Incorrect, the appellant could not inform the senior officer regarding the offences like gambling in the area, he also maintained relationships with criminals, which is against the norms of police duty. His conduct rendered him for departmental action and appropriate punishment under the law. Moreover, grant of any commendation certificate is not substantive proof/evidence that the appellant would be honest and professional official in future; similarly, such certificate does not bar initiation of departmental action on charges of misconduct.
8. Incorrect, the appellant was found involved in adverse activities in the Police Station. He had maintained relationships with the criminals for ulterior motives. He earned bad name for police department. Therefore, quite legal action was taken and he was awarded appropriate punishment.
9. Incorrect, proper departmental enquiry was conducted. The appellant joined the enquiry proceedings, he was also given right of personal hearing and self defense. Consequent upon departmental enquiry, the appellant was awarded lawful punishment. The appellant could not prove his innocence.
10. Para No.10 not given in the memo of appeal, hence, no comments.
11. In reply to this para, it is submitted that the appellant filed departmental appeal against the order of punishment to the Regional Police Officer, Hazara Region, Abbottabad who consider the departmental appeal and after hearing the appellant upheld the punishment awarded to him vide order No.18266/PA dated 03.08.2020. **(Cop of order is attached as annexure "D")**.

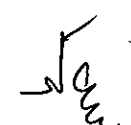
GROUND:-

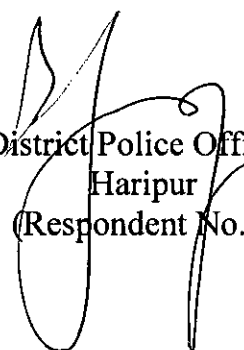
- A. Incorrect, the order of punishment is quite legal, based on facts and evidence. Therefore, this order is lawful and maintainable.

- B. Incorrect, proper departmental inquiry was conduct the appellant was served with charge sheet and statement o f allegations. Having fulfilled all legal requirements the appellant was awarded lawful punishment.
- C. Incorrect, the appellant has been dealt in accordance with law. He involved himself in criminal activities, therefore, departmental action was taken and he was awarded punishment as per law.
- D. Incorrect, the appellant was dealt with in accordance with law and departmental rules moreover, the order of punishment is lawful and maintainable.
- E. Incorrect, the instant service appeal is badly time barred and not maintainable under the law.

In view of above, it is therefore, most humbly prayed that the instant service appeal does not hold any legal force, which may graciously be dismissed with cost.


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


Regional Police Officer,
Hazara Region,
Abbottabad
(Respondent No.2)


District Police Officer,
Haripur
(Respondent No.3)

صالح 19/11/19

زنگنه

بصورت 50/50

کتابخانه

کتابخانه زنگنه به خلاف کتابخانه یاسر 713

تعداد	توضیح	تعداد
3	کتابخانه	3
4	کتابخانه	4
1	کتابخانه	1
1	کتابخانه	1
9	کتابخانه	9

کتابخانه

منجانب:- اسسٹنٹ سپرنٹنڈنٹ آف پولیس سرکل صدر ہری پور

منجانب:- ضلعی پولیس آفیسر صاحب ہری پور

نمبر:- 294 مورخہ 15/07/2019

عنوان:- محکمہ انکوائری بر خلاف FC یا سر نمبر 713

جناب عالی:-

بحوالہ چارج شیٹ نمبر PA/21-319 مورخہ 04.06.2019 برائے انکوائری موصول ہوئی

الزام:-

آپ کے بدوران تعیناتی بطور DFC تھانہ غازی باڈوئخ ذرائع سے انسران بالا کے نوٹس میں آیا ہے کہ حدود تھانہ غازی میں آپ کے جرائم پیشہ اشخاص اور جواریوں کے ساتھ تعلقات ہیں۔ جو آپ کی نا اہلی، غیر مستعدی، بے ایمانی اور کرپشن ہے۔ اور آپ کا یہ فعل قابل مواخذہ ہے۔

کارروائی:-

الزام علیہ FC یا سر نمبر 713 کو بسلسلہ انکوائری دفتر زیر دستگی میں طلب کیا گیا۔ جس نے حاضر ہو کر زبانی طور پر چارج شیٹ میں لگائے گئے الزامات کی تردید کرتے ہوئے تحریری بیان پیش کیا کہ وہ دو سال تک تھانہ غازی میں بطور DFC ڈیوٹی سرانجام دیتا رہا۔ اس عرصہ کے دوران عدالتی احکامات کی تعمیل کے سلسلے میں زیادہ تر حدود تھانہ میں رہتا۔ اور بدوران ڈیوٹی جب کسی جرائم پیشہ شخص کے بارے میں کوئی انفارمیشن ملتی تو بروقت انسران مہتمم تھانہ کے نوٹس میں لگاتا۔ مسمی چنگیز ولد انفخار خان کے ذمہ میں جواہ ہونے کی اطلاع بھی اس نے SI جاوید خان SHO تھانہ کو زبانی طور پر دے رکھی تھی۔ تحریری رپورٹ اس لئے بھی ندی چونکہ فرائض کی انجام دہی کے سلسلے میں اسے زیادہ تر علاقہ میں جانا پڑتا تھا جس کے باعث اس کے لئے مسائل ہو سکتے تھے۔ اور اس کا کسی بھی جرائم پیشہ شخص سے کوئی تعلق نہ ہے۔ اس کی چارج شیٹ داخل دفتر فرمائی جائے۔ بدوران انکوائری یہ بات سامنے آئی کہ مذکورہ بطور DFC عرصہ دو سال سے تھانہ غازی میں تعینات رہا جو حدود اختیار تھانہ میں رہنے والے لوگوں اور عام جرائم سے متعلق لازمی طور پر باخبر تھا۔ اسے چاہئے تھا کہ اس کی انفارمیشن پر اگر کسی جرائم پیشہ یا جواری کے خلاف انسران مہتمم تھانہ کارروائی کرنے میں لیت و عمل کر رہا تھا تو سپروائزی افسر کے نوٹس میں حقیقت صورتحال سے آگاہ کرتا جبکہ مذکورہ نے اس نسبت کوئی جواز پیش نہ کیا۔ طویل عرصہ تعیناتی ہونے کے سبب اس حقیقت سے انکار نہیں کیا جاسکتا کہ وہ علاقہ میں رہنے والے جرائم سے وابستہ اشخاص کی سرگرمیوں سے لاعلم نہ تھا۔ باوجود ہیکہ وہ صرف انسران مہتمم تھانہ کی زبانی آگاہی نسبت جرائم کی حد تک ہی محدود رہا۔

فائدہ نگ:- درج بالا حالات و حقائق سے یہ بات عیاں ہوتی ہے کہ الزام علیہ کنشیل یا سر نمبر 713 تھانہ غازی میں سراغ رسانی کی ڈیوٹی

پر مامور تھا اس چاہئے تھا کہ وہ اپنے فرائض بلا خوف و خطر سرانجام دیتا۔ الزام علیہ کنشیل یا سر نمبر 713 پر لگائے الزامات مندرجہ چارج شیٹ اس

حد تک ثابت ہوتے ہیں کہ حدود اختیار میں پائے جانے والے ناسور جرائم جواہ سے متعلق محض زبانی اطلاعات تک ہی محدود رہا۔ جسے مناسب سزا

کی سفارش کے ساتھ انکوائری رپورٹ گزارش خدمت ہے۔

اسسٹنٹ سپرنٹنڈنٹ آف پولیس

سرکل صدر ہری پور

Final SCM

17.7.19

CHARGE SHEET

(1) I, *Dr. Zahid Ullah, (PSP)* District Police Officer, Haripur as competent authority, hereby charge you Constable Yasir No. 713 as enclosed statement of allegations.

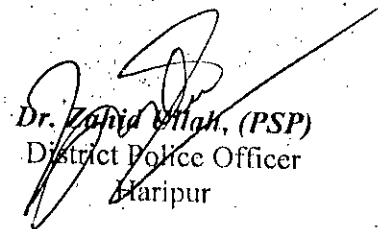
(2) You appear to be guilty of misconduct under Police Efficiency & Discipline Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the said Rules.

(3) You are, therefore, required to submit your written defense within 07 days of the receipt of this charge sheet and statement of allegation to the Committee/Enquiry Officer as the case may be.

(4) Your written defense, if any, should reach the Enquiry Officer/Committee 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 whether you desire to be heard in person or otherwise.

(6) A statement of allegations is enclosed.


Dr. Zahid Ullah, (PSP)
District Police Officer
Haripur

1/1/2008

DISCIPLINARY ACTION

I, Dr. Zahid Ullah, (PSP), District Police Officer, Haripur as competent authority of the opinion that you Constable Yasir No. 713 have rendered yourself liable to be proceeded against as you committed the following acts/omissions within the meaning of Police Efficiency & Discipline Rules 1975.

STATEMENT OF ALLEGATION

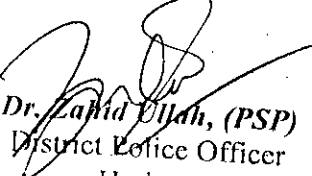
"That while you posted as DFC PS Ghazi, it has come to the notice of the undersigned through reliable sources that you have connivance with gamblers and other criminals of the area. Your act shows your inefficiency, incompetency, dishonesty, and corruption on your part, which is gross misconduct in terms Police E&D Rules 1975, hence charge sheeted"

(2) For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, an Enquiry Committee consisting of the following is constituted.

Mr. Muhaminad Qais Khan, SDPO Saddar Haripur

(3) The Enquiry Officer/Committee shall in accordance with the provision of this Ordinance, provide reasonable opportunity of hearing to the accused, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or the appropriate action against the accused.

(4) The accused and a well conversant representative of departmental shall in the proceedings on the date, time and place fixed by the Enquiry Officer/Committee.

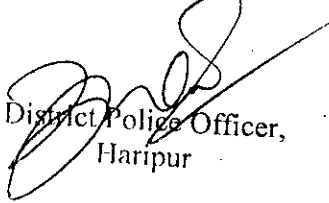

Dr. Zahid Ullah, (PSP)
District Police Officer
Haripur

No: 319-21

/PA. dated Haripur the 04/06 /2019.

Copy of above is submitted to the; -

- 1) Regional Police Officer, Hazara Region, Abbottabad, for favor of information, please.
- 2) Enquiry Officer for initiating proceedings against the said accused under Police Efficiency & Discipline Rules 1975.
- 3) Constable Yasir No. 713 with the direction to submit his defense within 7 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purpose of departmental proceedings.


District Police Officer,
Haripur

گذشتہ سال SDPO سے صدر عسکری فور (انٹرویو آفس)

عنوان :- گورنر آف چارج سٹیٹ عسکری 21-319 فورڈ 4/6/19

ضابطہ عدلیہ گڈنگ - گورنر آف چارج سٹیٹ عسکری انڈیا
صوبہ جوار میں صدر ذیل مسز جان گڈنگ سے -

گورنر عسکری

1- یہ الزام مندرجہ چارج عدلیہ میں مندرجہ ذیل سببوں سے
من ملامت ہے کہ کسی بھی کو آواز اور دیگر سرگرمیوں سے
کبھی کوئی رکاوٹ وار طلبہ رکھا ہے۔ بلکہ ایسے ذراقت میں
تیزی لیکن خدمت اور اطمینان سے کہہ سکتے ہیں۔
ایسے متعلق کسی ذراقت میں بھی نہیں۔
الہی ضروری ہے۔ تو بلکہ یہ بہت ہی - عدلیہ کو رہتی ہے
اور ذاتی عبادت ہے۔

2- کہ یہ دوران گمنامی کے طور پر DFCC کے ساتھ عازمی - جس میں ہمیشہ
ایسے عمل میں ہوتے ہیں کہ تمام سہولتوں کی نشاندہی کی
انہی افراد سے نوٹس میں فوری اور بہ وقت لیا اور کہی
نشاندہی اور اور ہر متعدد کو آواز - منشیات فروش
دوسری اور ڈاکٹر کے ملنے - سفر پر - نامہ ایئر الیم رکھنے والے
وعزہ گرفتار ہے۔ - کو عتقانی عازمی کے ریکارڈ پر
گورنر سٹیٹ میں سبب اور موجود ہیں۔ اس طرح

تم کا نام لکھ دینی تاکہ پھر اعتراضوں سے ممانعت میں رکھتا ہوں
 غازی میں رہے مثلاً پتہ پھر فریڈ ASP اور جو وہاں تبدیل
 ہوئے ہیں۔ لہذا نام لکھ دینا ASP غازی سے جو وہاں تھا
 2۔ نہ جرائم سمیت افراد بار بار میں وقت اٹھانے کی ذمہ داری ملے
 گرفتار کروایا۔ اور ان سے لے کر اعلیٰ جاں بحق کی گئیں۔ ان میں سے
 وہاں غازی کا نام لکھا جائے وہ ہے جسے طلب کیا جائے گا
 اور مسئلہ فرمایا جا سکتا ہے۔ ان کا ذکر میں نہیں کیا۔ تم میں
 اپنے فریقوں میں کسی کوئی کوئی یا کسی یا کسی کے ساتھ کوئی
 Confidence ہے۔ غلط لکھ دینا ہے۔

3۔ کہہ جاؤ جس کو جو بازی ہے اس کی ذمہ داری لکھ
 دینی۔ اس بات میں میں بہت افسوس میں اپنے افراتفرات
 رکھتا تھا۔ اس لئے اگر پھر اس سے کچھ کہے تو وہی
 درجہ نہیں ہے۔ اس لئے لکھ دینا اس میں ذمہ داری لکھی

4۔ کہہ اس میں اپنے فریقوں میں ان کا ذکر اس سے کہہ دینا ہے۔
 لکھنے اور ان کو شکایت کا بھی موقع دیا ہے۔ اس میں ملزم و
 ذمہ دار اور پیشہ کو اس میں بھی لکھ دینا ہے۔ اس میں
 اپنے بے قصوری لکھ دینا کا الزام غلط ثابت کر دینا ہے۔
 اس لئے عاقلانہ مذہب یا ان حقائق کی روشنی میں خارج نہیں
 ہوا تو ذرا دقت کے جذبے کا رفاش کی ہے۔

کانٹینٹل بائیسر 713 طالعہ صفا اول لندن 6/19/2019

R. Khan



OFFICE OF THE DISTRICT POLICE OFFICER, HARIPUR

Ph. # 0995-614712 / 0995-611291

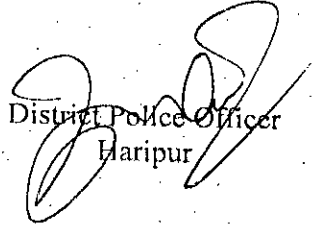
Fax # 0995-614714

E-Mail: dpoharipur1@gmail.com

OB No: 2407 Dated 4 /06/2019

ORDER

Constable Yasir No. 713, DFC PS Ghazi is hereby suspended and closed to Police Lines Haripur with immediate effect due to his connivance with gamblers and other criminals in the jurisdiction of PS Ghazi.


District Police Officer
Haripur

بیان اوزان کپڑے یا سرفاسم 713 صفحہ 2/2 لکھنؤ 1971

بدیافتہ بیان کپڑے میں تقریباً 2 سال سے گھانے گاڑی ہے پورے علاقے میں
ایک۔ اس طرح کے دوران عدالتی احکامات اور دیگر احکامات کا عمل
میں میں اپنے فرائض میں سرانجام دینے سے زیادہ تر علاقے
میں گھانے میں موجود رہا۔ جو دوران ڈپوٹ میں بھی تھے کچھ
اپنے افسران مہتمم گھانے کے فوشن میں لگاؤ اور میرا اسی لئے
کہ انعام میں پرفیکل اوزن معقول و منشیات فروش۔ جو بازار
میں دوران وغیرہ کے ضریف کا اور یہاں کی حالت میں جو کچھ احکام
گھانے گاڑی پر موجود ہیں۔ اس کے نتیجے میں اختیار جان سکتے
عظیم ماحول دیکھنے کے لیے میرے کچھ کھار جو لا پوتا رہا تھا۔ جسکی
میں میں نے جاوید خان S.A.O. گھانے گاڑی کے فوشن میں زیادہ
طواہر لگایا تھا۔ کیونکہ میں اس لئے نہ تو ماحول کا اوریج کر سکتا تھا اور
نہی جاز تھا۔ فوشن میں کھاروں سے لے کر دیا تھا کہ کچھ اکثر اوزان
میں میں نے مختلف حساب میں سرانجام دینے سے اسکا جاننا پڑتا تھا۔ جسکی
میں میں نے اس طرح سے سرانجام دینے سے اسکا جاننا پڑتا تھا۔ جسکی
کوئی فراہم نہیں کر کے ہیں۔ میں نے اسکا جاننا پڑتا تھا۔ جسکی
میں میں نے اسکا جاننا پڑتا تھا۔ جسکی

Asir. Khan

713

ضیاء عالی

3 نرسن ہندوستان کے سال سرویس بوجھ اور ایک بڑی 529
روز 19-8-02 میں پہلی کانٹریکٹ پر صحتی ماس کو اور اور

کو گائی درکار ہے

ڈائریکٹر، وزارت صحت، نئی دہلی
عزت فرمائی جانے کا حکم صادر فرمائے گا

کو نرسن بڑی

الہ آباد

7/13 سہ ماہی پوسٹ آفس لاہور
بیسر فون نمبر 7/2

Asir Khan

As per order,

28/8/2005
Asir Khan

28-8-18

FINAL SHOW CAUSE NOTICE

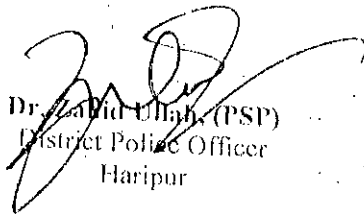
I, Dr. Zahid Ullah, (PSP), District Police Officer, Haripur as Competent Authority under Police Rules 1975, do hereby serve Final Show Cause Notice upon you FC Yasir No. 713 on the following grounds: -

(1) "That while you posted as DFC PS Ghazi, it has come to the notice of the undersigned through reliable sources that you have connivance with gamblers and other criminals of the area. Your act shows your inefficiency, incompetency, dishonesty, and corruption on your part, which is gross misconduct in terms Police E&D Rules 1975..

(2) For the purpose of scrutinizing the conduct on your part with reference to the above allegation, you was serve with Charge Sheet/Statement of allegation and Assistant Superintendent of Police, Saddar, Haripur was appointed as enquiry officer against you for the conduct of proper departmental enquiry vide this office Endst No. 319-21, dated 04.06.2019.

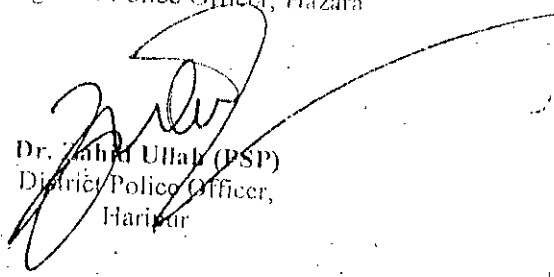
(3) The enquiry officer after conducting proper departmental enquiry submitted his finding vide his office letter No. 294 dated 15.07.2019, in which he had the charges of misconduct proved and recommended for suitable punishment under section-4 of the KPK Police E&D Rules 1975.

(4) Keeping in view of above allegation on your part, you are hereby called upon To Show Cause within (07) days of the removed of this Final Show Cause notice as to why you should not be awarded punishment under the Police Rule 1975, if your written reply is not received with in stipulated period. It shall be presumed, that you have no defense to affirm, you are also allowed to appear before the undersigned, if you so desired.


Dr. Zahid Ullah, (PSP)
District Police Officer
Haripur

No. 460-61 / dated Haripur the 17 / 2019

Copy of above is submitted to the Regional Police Officer, Hazara Region Abbottabad for favor of information please.


Dr. Zahid Ullah (PSP)
District Police Officer,
Haripur

محکمہ خزانہ و سرکاری زمینیں، آفیسر، لاہور

حاجی صاحب، فائنل شوکار ٹولس کوٹہ، 7/19

صاحب عالی
خود کارٹر ٹولس کوٹہ، لاہور
عنوان و پتہ

کہہ دیجئے گا کہ فائنل شوکار ٹولس کوٹہ، لاہور میں نام قبول کرنے
حاجی صاحب کی طرف سے جو درخواستیں 2019ء میں پیش ہوئی تھیں
ان کو اس وقت تک منظور نہیں کیا گیا ہے۔

District Police Office
CONFIDENTIAL
Daily No. /
Dated /
Haripur

ملاحظہ ہو۔

یہ نام فائنل شوکار ٹولس کوٹہ، لاہور
میں منظور کرنے کے لئے منظور کیا گیا ہے۔

OR
OHC

کہہ دیجئے گا کہ فائنل شوکار ٹولس کوٹہ، لاہور میں نام قبول کرنے
میں تاخیر کی گئی ہے۔ اس لئے درخواستیں منظور کرنے کے لئے
مقررہ وقت کے اندر درخواستیں منظور کرنے کی ضرورت ہے۔

District Police Office
Haripur

اس لئے فائنل شوکار ٹولس کوٹہ، لاہور میں نام قبول کرنے
میں تاخیر کی گئی ہے۔ اس لئے درخواستیں منظور کرنے کے لئے
مقررہ وقت کے اندر درخواستیں منظور کرنے کی ضرورت ہے۔

23/7/19

یا سیر خان، لاہور، 713
حالیہ وقت میں لاہور

P.T.O

ASIR-KLW



ORDER

Constable Yasir Khan No.713, while posted at PS. Ghazi as DFC. It came to the notice of undersigned through reliable sources that he has connivance with gamblers and other criminals of the area. The acts and omissions of defaulter police official were misconduct under Khyber Pakhtunkhwa, police efficiency and discipline rules 1975. Therefore, He was served with charge sheet and statements of allegations, vide this office Endst No.319-21/PA dated 04.06.2019.

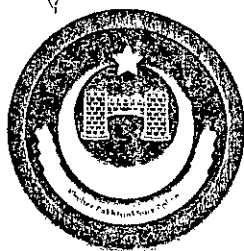
To probe the allegations, Mr. Muhammad Qais Khan, ASP/Saddar, District Haripur, was appointed as enquiry officer, who conducted proper departmental enquiry and submitted his finding, vide his office Memo No.294 dated 15.07.2019. In which, he mentioned that the charges of misconduct proved against defaulter police officer. Therefore, enquiry officer recommended him for appropriate punishment.

Having gone through enquiry papers recommendation of enquiry officer and personal hearing of accused Constable Yasir Khan No.713. He could not produce any plausible ground in his defense. Based on the above facts & finding, the charges of misconduct against the defaulter police officer stands proved, I am fully satisfied that Constable Yasir Khan No.713 committed gross misconduct. Therefore, I, Dr. Zahid Ullah District Police Officer, Haripur being competent authority under Khyber Pakhtunkhwa police efficiency and discipline rules 1975, awarded minor punishment of "forfeiture of approved service for 02 year" and reinstated in service with immediate effect. Furthermore, he shall not be posted at any place where there is public dealing.

Order announced.

OB No. 529 dated 02 08.2019


District Police Officer
Haripur



OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

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☎ 0345-9560687

NO: 18266 /PA DATED 03 / 08 /2020


ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Constable Yasir Khan No.713 of District Haripur against the punishment order i.e. *Forfeiture of 02 years approved service* awarded by DPO Haripur vide order No.529 dated 02.08.2019.

Brief facts leading to the punishment are that the appellant while posted at PS Ghazi as DFC. It came to the notice of DPO Haripur through reliable sources that he has connivance with gamblers and other criminals of the area. The acts and omissions of defaulter police official were misconduct under Khyber Pakhtunkhwa Police Rules, 1975.

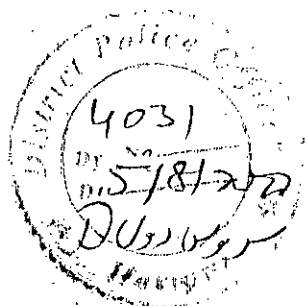
The appellant was issued charge sheet alongwith summary of allegations and SDPO Saddar, Haripur was deputed to conduct departmental enquiry. During the course of enquiry the allegations leveled against the appellant were proved. He was called in OR and heard in person, however he failed to advance any cogent reason in his defence. Consequently, DPO Haripur awarded him minor punishment of forfeiture of 02 years approved service.

After receiving his appeal, comments of DPO Haripur were sought and examined/perused. The undersigned called the appellant in OR and heard him in person. However he failed to advance any plausible justification in his defence. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 instant appeal is hereby *filed* with immediate effect.

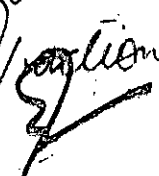

Qazi Jamil ur Rehman (PSP)
REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

No. 18267 /PA, dated Abbottabad the 03-08 /2020.
CC.

The District Police Officer, Haripur for information and necessary action with reference to his office Memo No.7607 dated 30-10-2019. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.



SRC/OHC

For information
& n/a action


DPO - HR
05-08-2020