

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	28.10.2019	<p align="center"><u>BEFORE THE YBER PAKHTUNKHWA SERVICE TRIBUNAL</u> Service Appeal No. 95/2018</p> <p align="center">Date of Institution 08.01.2019 Date of Decision 28.10.2019</p> <p>Nazir ur Rehman, Sub Inspector No.343/M ASHO, PS Daggar District Buner. <p align="right">Appellant</p> <p align="center">Versus</p> <ol style="list-style-type: none"> The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar. The Regional Police Officer, Malakand Region at Saidu Sharif Swat. The District Police Officer, Buner. <p align="right">Respondents</p> <p>Mr. Muhammad Hamid Mughal-----Member(J) Mr. Hussain Shah-----Member(E)</p> <p align="center"><u>JUDGMENT</u> <u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> Appellant</p> <p>with counsel present. Mr. Riaz Paindakheil learned Assistant Advocate General present.</p> <ol style="list-style-type: none"> The appellant (Sub Inspector) has filed the present service appeal being aggrieved against the adverse remarks in his ACR for the period 01.01.2014 to 31.12.2014 communicated to him vide office letter dated 02.04.2018. The appellant has also challenged the order dated 18.12.2018 through which his representation against the adverse remarks in his ACR for the year 2014, was filed. Learned counsel for the appellant argued that though the </p>

28.10.2019

appellant was dismissed from service vide order dated 11.08.2014 however the appellate authority reinstated the appellant and ultimately upon the recommendation of the inquiry officer, the de-novo proceeding against the appellant was filed; that the adverse remarks were not communicated to the appellant during the stipulated period rather conveyed to the appellant after a period of four (04) years vide office letter dated 02.04.2018. Further argued that no counseling was issued to the appellant by the reporting officer prior to recording of adverse remarks in his ACR. Further argued that this Tribunal has already accepted service appeals bearing No.1153/2013, 530/2017 and 1022/2017 due to non-issuance of prior counseling. Further argued that the adverse remarks were communicated when the appellant is at the verge of his retirement.

4. As against that learned Assistant Advocate General argued that during posting of the appellant as Incharge Anti Car Lifting Cell, he was charge sheeted due to his poor performance and was dismissed from service but upon departmental appeal the appellate authority reinstated him and also issued direction for de-novo proceeding. Further argued that due to poor performance of the appellant the reporting officer recorded adverse remarks in his ACR; that the adverse remarks are not based on any malafide intention; that the reporting officer is competent to judge his subordinates and record remarks in their ACRs accordingly; that the ACR of the appellant was produced to the countersigning officer

28-10-2019

and thereafter the adverse remarks were conveyed to the appellant.

5. Arguments heard. File perused.

6. It is settled proposition that before recording adverse remarks in the ACR/PER, the reporting officers should ensure that proper counseling has already been given to the concerned officers under report.

7. This Tribunal has already accepted number of service appeals and expunged the adverse entries recorded in the ACR/PER for the reason that adverse remarks were recorded without prior counseling/advice. Consequently the present service appeal is also accepted and the adverse remarks recorded in the ACR/PER for the year 2014 of the appellant are expunged. Parties are left to bear their own costs. File be consigned to the record room.



(Hussain Shah)
Member



(Muhammad Hamid Mughal)
Member

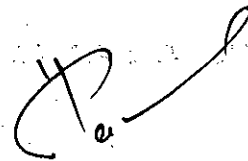
ANNOUNCED
28.10.2019

28.10.2019

Appellant with counsel present. Mr. Riaz Paindakheil
learned Assistant Advocate General present. Vide separate
judgment of today of this Tribunal placed on file, the present
service appeal is ~~also~~ accepted and the adverse remarks recorded
in the ACR/PER for the year 2014 of the appellant are expunged.
Parties are left to bear their own costs. File be consigned to the
record room.



(Hussain Shah)
Member



(Muhammad Hamid Mughal)
Member

ANNOUNCED.
28.10.2019

17.06.2019

Appellant in person and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Nowsherwan, Inspector (Legal) for the respondents present. Written reply on behalf of respondents submitted. Adjourned to 09.08.2019 for rejoinder and arguments before D.B.



(Muhammad Amin Khan Kundi)
Member

09.08.2019

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant submitted rejoinder which is placed on file and seeks adjournment. Adjourn. To come up for arguments on 25.09.2019 before D.B.



Member



Member

25.09.2019

Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney for the respondent present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 28.10.2019 before D.B



(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

95/19

08.04.2019 Appellant in person and Addl. AG alongwith Noshawan, Inspector (Legal) for the respondents present.

The representative of respondents states that the requisite reply has been prepared but is yet to be vetted, therefore, requests for adjournment.

Adjourned to 09.05.2019 before S.B.


Chairman

09.05.2019 Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Samad Sher, Head Constable for the respondents present. Written reply on behalf of respondents not submitted. Learned District Attorney requested for further adjournment. Adjourned to 17.06.2019 for written reply/comments before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

04.03.2019

Counsel for the appellant Nazir-ur-Rahman present. Preliminary

arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Police Department as Sub-Inspector. It was further contended that the respondent sent the Annual Confidential Report with effect from 01.01.2014 to 31.12.2014 through letter No. 105 dated 02.04.2018 to the appellant wherein the appellant was given adverse remarks. The same was received to the appellant through letter No. 410/PA dated Daggar the 09.4.2018. It was further contended that the appellant filed departmental appeal on 07.05.2018 which was rejected on 13.12.2018 hence, the present service appeal on 08.01.2019. Learned counsel for the appellant further contended that the adverse remarks against the appellant was for the period with effect from 01.01.2014 to 31.12.2014 therefore, the respondent-department was bound to sent the same within the stipulated period but the same was sent to the appellant through letter No. 410/PA dated Daggar the 09.04.2018 after a period of four years. It was further contended that before sending adverse remarks no warning or counseling was issued to the appellant therefore, the impugned adverse remarks is and is liable to be set-aside.

The contention raised by the learned counsel for the appellant needs 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, notice be issued to the respondents for written reply/comments for 08.04.2019 before S.B.


Appellant Deposited
Security & Process Fee

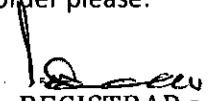


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

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Form- A
FORM OF ORDER SHEET

Court of _____

Case No. _____ 95/2019 _____

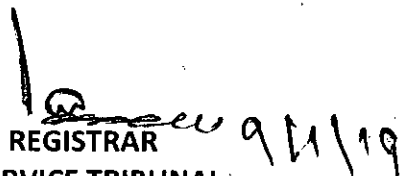
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/1/2019	<p>The appeal of Mr. Nazir-ur-Rehman resubmitted today by Mr. Taimur Ali Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 21/1/19</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>4-3-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Nazir-ur-Réhman Sub Inspector no. 343/M ASHO PS Daggar Distt. Buner received today i.e. on 08.01.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Annexures of the appeal may be flagged.
- 3- Copy of impugned order dated 02.04.2018 is not attached with the appeal which may be placed on it.

No. 62 /S.T,

Dt. 9/01 /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Taimur Ali Khan Adv. Pesh.

Respected Sir,

1- Renowned.

2- Renowned.

3- copy of order dated 2/4/18 is attached at page-17

Resubmitted after compliance



21/01/19

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 95 /2019

Nazir Ur Rahman

V/S

Police Deptt:

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3.	Copy of re inquiry report	B	07
4.	Copies of order dated 11.08.2014, departmental appeal and order dated 06.11.2014	C,D&E	08-11
5.	Copies of show cause notice, grounds of allegations and reply to show cause notice	F,G&H	12-14
6.	Copies of letter dated 11.06.2015 and order dated 30.06.2015	I&J	15-16
7.	Copies of letter dated 02.04.2018, ACR report and letter dt: 09.4.2018	K,L&M	17-19
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APPELLANT

THROUGH:


TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)

&
ASAD MAHMOOD
Advocate High Court

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 95 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 38

Dated 08/01/2019

Nazir ur Rahman, Sub Inspector, No. 343/M,
ASHO, PS Daggar District Buner.

(APPELLANT)

VERSUS

1. The Provincial Police Officer, KPK, Peshawar.
2. The Regional Police Officer, Malakand Region at Saidu Sharif Swat.
3. The District Police Officer, Buner.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 13.12.2018, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT FOR EXPUNCTION OF ADVERSE REMARK RECORDED IN HIS ACR FOR THE PERIOD FROM 01.01.2014 TO 31.12.2014 HAS BEEN REJECTED FOR NO GOOD GROUNDS.

Filed to-day
Registrar
21/1/19

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 13.12.2018 MAY KINDLY BE SET ASIDE AND THE RESPONDENTS MAY BE DIRECTED TO EXPUNGE THE ADVERSE REMARKS RECORDED IN THE ACR OF THE APPELLANT FOR THE PERIOD FROM 01.01.2014 TO 31.12.2014. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.

Re-submitted to -day
and filed.

Registrar
21/1/19

RESPECTFULLY SHEWTH:

FACTS:

1. That the appellant was appointed as Constable in the year 1981 and promoted to the rank of Sub Inspector with the passage of time due to excellent performance.
2. The appellant performing his duty with great devotion and honesty whatsoever assigned to him and no complaint has been filed against him.
3. That the appellant was posted as In charge Anti Car Lifting Cell on 01.01.2014 and remained on the post till 07.03.2015 and while posting as in charge Anti Car lifting Cell, charge sheet was issue to the appellant for some baseless which was duly replied by the appellant in which he denied the allegations, however he did not keep the copy of charge sheet which may be requisite from the department.
(Copy of reply to charge sheet is attached as annexure-A)
4. That inquiry was conducted against the appellant, however inquiry officer did not held responsible on which the respondent No.3 directed for re-inquiry on which re-inquiry was conducted against the appellant in which the inquiry officer mentioned in his inquiry report that allegation of corruption was not proved on the appellant, however the appellant admitted his week performance which can be forgave. **(Copy of re-inquiry report is attached as Annexed-B)**
5. That respondent dismissed the appellant from service vide order dated 11.08.2014 without observing the re-inquiry report. The appellant filed departmental appeal against the dismissal order on which the respondent No.2 passed the order dated 06.11.2014 in which it was mentioned that on perusal of record it has been noticed that no specific charge, no cross examination have been conducted and also not proved guilty. Denovo inquiry was ordered, set aside the dismissal order and reinstated the appellant into service from the date of dismissal. **(Copies of order dated 11.08.2014, departmental appeal and order dated 06.11.2014 are attached as Annexure-C,D&E)**
6. That on the direction of respondent No.2, show cause along with grounds of action was issued to the appellant, which was duly replied

by the appellant in which he denied the allegations. **(Copies of show cause notice, grounds of allegations and reply to show cause notice are attached as Annexure-F,G&H)**

7. That the appellant was called to appear before respondent No.2 on 22.06.2015 vide letter dated 11.06.2015 and the basis of which the appellant was appear before respondent No.2. The respondent No.3 passed an order dated 30.06.2015 where it was mentioned that denovo inquiry filed by respondent No.2 vide order dated 25.06.2015. **(Copies of letter dated 11.06.2015 and order dated 30.06.2015 are attached as Annexure-I&J)**
8. That respondent No.2 wrote a letter to respondent No.3 on dated 02.04.2018 to conveyed ACR to the appellant which contained adverse remarks against the appellant reported by the reporting officer that the appellant was involved in releasing stolen /non-custom paid cars in return for money and categorized the ACR as "B" and the same was communicated to the appellant on 09.04.2018 and acknowledgment of communication was also sent to respondent No.2 by respondent No.3 through a letter dated 09.04.2018 . **(Copies of letter dated 02.04.2018, ACR and letter dated 09.4.2018 are attached as annexure-enclosed as Annexure-K,L&M)**
9. The appellant filed departmental appeal on 07.05.2018 for expunction of adverse remarks in his ACR for the period from 01.01.2014 to 31.01.2014, which was rejected on 13.12.2018 for no good grounds. **(Copies of departmental appeal and rejection order are attached as annexure-N&O)**
10. That now the appellant comes to this august Tribunal on the following grounds amongst others.

GROUND:

- A) That the rejection order dated 13.12.2018 and adverse remarks in the ACR of the appellant for the period of 01.01.2014 to 31.01.2014 are against the facts, norms of justice and material on record, therefore not tenable and the order dated 13.12.2018 is liable to be set aside and the adverse remarks in the ACR of the appellant for the period of 01.01.2014 to 31.01.2014 is liable to be expunged.

- B) That re-inquiry was conducted against the appellant in 2014, in which the inquiry officer clearly mentioned in his re-inquiry report that charge of corruption has not been proved against the appellant, but despite that the reporting officer mentioned in his remarks about the appellant as corrupt in the ACR of the appellant for the period from 01.01.2014 to 31.12.2014, which shows that adverse remarks has been written in the ACR of the appellant without observing re-inquiry report and material on record and this ground is sufficient to expunge adverse remarks in the ACR of the appellant for the period of 01.01.2014 to 31.01.2014.
- C) That the appellant was dismissed from service on the same allegation reported in his ACR of 2014, but he was reinstated by respondent No.2 for not proved guilty and directed for denovo inquiry and in denovo inquiry too, allegations was not proved on the appellant and denovo inquiry was filed without further proceeding, which shows that the appellant is innocent and was punished for no fault by reporting adverse remarks in his ACR for the period of 01.01.2014 to 31.01.2014.
- D) That one allegation is week performance but the appellant remain only for 2 months and 7 days as incharge Anti Car lifting well and in such short period period, the performance of no one can be judged.
- E) That in re-inquiry, the allegation of corruption was not proved on the appellant and in denovo inquiry too, allegations was not proved, but despite adverse remarks of corruption was report, which is against the norms of justice and fair play.
- F) That there is nothing on record in support of the allegations mentioned in the ACR and the remarks are based on surmises and conjectures.
- G) That the allegation of releasing stolen and un-custom paid cars are totally false and unfounded and not supported by any evidence.
- H) The adverse remarks was reported in the year 2014 in ACR of the appellant but the same was communicated to the appellant 09.04.2018 after the lapse of about 4 years, which also shows the malafide of the respondents.
- I) That the appellant was never warn about the allegations and advised him to improve his performance and was never offered the

opportunity of personal hearing to clarify his position and as such the appellant has been condemned unheard.

- J) That respondent No.3/ reporting officer gave report in 2014 in Security clearance Performa of police officials, that the appellant have good character and well disciplined person, but despite that respondent No.3 gave adverse remarks in the ACR of the appellant for the period of 01.01.2014 to 31.12.2014. which is against the available record and therefore the adverse remarks in the ACR is liable to expunged **(copy of Performa is attached as Annexure-P)**
- K) That adverse remarks was reported in the ACR of the appellant without to observing material on record and without adopting proper procedure will also affect his promotion if not expunged.
- L) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.



APPELLANT

Nazir Ur Rahman

THROUGH:



**TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)**



**ASAD MAHMOOD
(ADVOCATE HIGH COURT)**

بسم الله الرحمن الرحيم
الحمد لله رب العالمين
والصلاة والسلام على
سيدنا محمد وآله الطيبين
الطاهرين
الذين هم خلائقنا
وآئتنا
والله اعلم
بما نؤمن به
والله اعلم
بما نؤمن به

حوالہ جاری شدہ / اسٹیٹ آف الیکشن جزی ۱۵/۴ مورخہ ۱۶/۴، ریمارکس ضا۔ DPo نمبر
نام ۱۔ نذیر الرحمن ایڈ ایٹی کارکننگ سیل حال پولیس اسٹیشن

ضالی

حوالہ مشمولہ انکوائری کا عدالت، فائینڈنگ رپورٹ تحریرہ ۱۶/۴/۱۵
ہیکہ جاری شدہ جاری شدہ جزی ۱۵/۴ مورخہ ۱۶/۴ میں نذیر الرحمن ایڈ ایٹی
انٹی کارکننگ سیل ضلع یونین اور اسٹیٹ ٹیم ممبران پر آنکی کمزور کارکردگی اور
ڈیوٹی میں عدم دلچسپی پر جاری شدہ جزی (DSP/HQ) محکمہ
انکوائری پر مامور کیا جا کر دوران انکوائری بیانات قلمبند ہو کر بیانات قلمبند
کے روشنی میں نذیر الرحمن ایڈ کی کمزور کارکردگی کا مظاہرہ کرنے پر تھوٹی سزا
دینے کی سفارش کی گئی تھی جو انکوائری مورخہ ۰۲.۰۶.۱۶ کو واپس موصول ہو کر جس
پر ضاب DPo صاحب نے ذیل حکم تحریر فرمایا ہے کہ

Re-enquiry Allegation of Corruptions alongwith bad performance and report.

نذیر الرحمن ایڈ اور اسکی ٹیم سے خلاف کرپشن کے شواہد اکٹھا کرنے کی کوشش کی گئی لیکن
کوئی بھی شخص ضمیمہ یا اعلانہ طور پر لب کشائی کرنے پر تیار نہیں مندرجہ سماعت دے کر
میں اڑہ سواری میں فلائنگ کوچ / رنٹ اسے کار اور ڈائشن اڈہ کے رخصت ہو اور
سٹیڈنڈ ۱ لظہ احمد خان ولد شہ خان ۲ محمد شاہ ولد رحمت شاہ ۳ سید دراجان
ولد سید صہان ۴ میاں گل محمد ولد عثمان اور سید محمد شاہ ولد عمر خان کے بیانات
قلمبند سے تھے جو نذیر الرحمن ایڈ پر کرپشن کے الزامات کی تردید کرتے ہیں علاوہ اس
میں اڑہ بازار سواری میں موجود ڈرائیوران میں بھی کوئی شخص لٹکائے سے کرپشن
کے الزام سے تائب نہیں کرتے دوسرے جانب نذیر الرحمن ایڈ نے اپنے بیان میں
انہی کارکردگی کی کمزوری تسلیم کی ہے۔ جو قابل مؤخذہ ہے

لہذا اگر اتفاق ہو تو مذکورہ نذیر الرحمن ایڈ کو معقول / مناسب سزا
دینے کی سفارش کی جاتی ہے۔

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ORDER

after show cause pursued on week project CO


This order will disposed off departmental enquiry conducted by DSP HQrs: against SI Nazir-ur- Rehman the then Incharge Anti Car Lifting Cell regarding his poor performance vide this office No.150/E, dated 16.04,2014.

On 14.05.2014 the EO submitted his findings with the conclusion that the defaulter SI Nazir-ur-Rehman the then Incharge Anti Car Lifting Cell admitted the charge leveled against him and thus the EO recommended his name for the appropriate punishment.

On 10.07.2014 he was issued with final show cause notice vide this office No.192/E, dated 10.07.2014 and heard in orderly room on 07.08.2014 personally but his reply is found unsatisfactory.

I Asif Iqbal Mohmand DPO Buner see no reasons that the defaulter SI SI Nazir-ur- Rehman the then Incharge Anti Car Lifting Ccell will improve his performance and award major punishment i.e. dismissal from service under para (4) (b) (iv) Police Rules 1975.

Order announced.


DISTRICT POLICE OFFICER,
BUNER

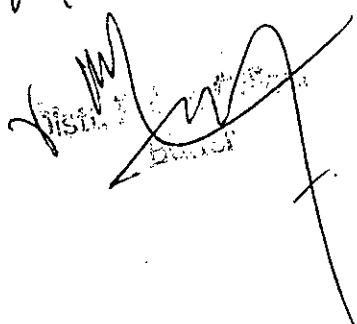
OB 78

Dated 11/08 /2014
No. 46/83-85 /EE, dated 13-8-2014

Copy of the above is submitted for favour of information to the Regional Police Officer, Malakand Region at Saidu Sharif Swat, please

- 2. The District Accounts Officer Buner.
- 3. The Pay Officer.
- 4. The OASI.


DISTRICT POLICE OFFICER,
BUNER

Attested


ATTESTED
Ar

ATTESTED

D 9

BEFORE THE HONOURABLE DEPUTY INSPECTOR GENERAL OF POLICE MALAKAND
REGION AT SAIDU SHARIF SWAT

Ex-Si Nazirur Rahman No. 343 -M S/o Gul Rahman R/O Gul Bahar, Jamal Ghari, Mardan

(Appellant)

VERSUS

District Police Officer Buner.....(Respondent)

APPEAL AGAINST THE IMPUGNED ORDER OF THE RESPONDENT VIDE OB-NO. 78
DATED 11-08-2014 WHEREBY THE APPELLANT WAS DISMISSED FROM SERVICE.
(PHOTO COPY OF THE IMPUGNED ORDER IS ATTACHED)

Prayer:

On acceptance of this appeal, the impugned order cited in the subject may be declared as Null and Void, against law, justice and shariah and may be cancelled thereby giving all back benefits of the appellant.

Respected Sir,

The appellant submits as under


1. That the appellant joined the police department in the rank of constable in the year 1981.
2. That, after qualifying A-1, ~~BI~~ Examination, the appellant also qualified lower course in the year 1989 and was promoted as Head Constable in the year 1992.
3. That the appellant also qualified intermediate school course in the year 1994/1995 and was promoted to the rank of ASI in 2007 and thereby to the rank of S.I in the year 2011. Vide notification No 893/E dated : 26/02/2011. (Photo copy attached).

APPEALED
x

10


- e) That the appellant has 6 Daughters and 3 Sons of whom 2 are disabled.
(Photo copies of the medical certificates of disability are attached). Whose are depended on my salary.
- f) That the appellant has always performed official duty as an Ibadat and never give a chance of complaint what so ever , either to the superior officers or to the general public, but the responded does not give sufficient time/ opportunity for the purpose.
- g) That the respondent on flimsy and baseless ground has deprived not only the appellant but the entire family of disabled child and Daughters.
- h) That no omission or commission has been proved against the appellant.
- i) That the impugned order is not only harsh, unjust but also arbitrary and fanciful thus liable to be cancelled.
- j) That the appellant has not been given opportunity of personal hearing by the respondent and now pray for personal hearing to explain factual position before your honour.
- k) That the respondent keep the appellant under suspension for along period of five months and no thing was brought on the record against the appellant Which shows my innocent .

It is therefore humbly prayed that on acceptance of this appeal, the impugned Order vide OB-No. 78, dated 11-08-2014, may please be set aside and appellant may please be reinstated in service on parent post with all back benefits.


Yours Obediently,

NAZIRUR RAHMAN S/O GUL RAHMAN R/O JAMAL GARHI
Mobile# 03439626169 (EX-Sub inspector No 343/M)

Dated:22/08/2014

AMSTED


D. No. 4197/E
Dated 7/10/14
11

**OFFICE OF THE REGIONAL POLICE OFFICER, MALAKAND
REGION, AT SAIDU SHARIF SWAT**

ORDER:

This order will dispose off appeal of Ex-SI Nazir Ur Rehman No. 343/M of Buner District for reinstatement in service.

Brief facts are that appellant Ex-SI Nazir Ur Rehman No. 343/M was posted as Incharge Car Lifting Cell Buner on 02/01/2014, but his performance during the period from 02/01/2014 to 09/03/2014 was found poor. Therefore, he was suspended and closed to Police Lines Daggar. Proper departmental enquiry was conducted against the appellant Ex-SI Nazir Ur Rehman, wherein, the Enquiry Officer recommended his name for appropriate punishment. He was issued with Final Show Cause Notice and heard in Orderly Room by District Police Officer Buner, but his reply was found unsatisfactory and as such he was dismissed from the service vide District Police Officer, Buner O.B No. 78 dated 11/08/2014.

The appellant was called in Orderly Room on 31/10/2014 and heard him in person. On perusal of record it has been noticed that no specific charge, no cross examination have been conducted and also not proved guilty. Denovo Enquiry is ordered. District Police Officer, Buner is directed to entrust enquiry to Head of Investigation, Buner and report finding within 15 days. Order of District Police Officer, Buner is set aside. He is reinstated in service from the date of his dismissal.

Order announced.

(Signature)
(ABDULLAH KHAN) PSP
Regional Police Officer,
Malakand, at Saidu Sharif Swat
Naqi

No. 9032 /E.

Dated 6-11- /2014.

Copy to District Police Officer, Buner for information and necessary action with reference to his office Memo: No. 19757/E, dated 15/09/2014.

SP/I
OB/EC

Follow the instruction
as directed

(Signature)
DPO/Buner

APPROVED
(Signature)

SI Nazir ur Rahman
I/C Car Lefting Cell

No. 1730 / Invest:
Dated. 07-11 / 2014

(12)

OFFICE OF THE SUPERINTENDENT OF POLICE INVESTIGATION BUNER
SHOW CAUSE NOTICE (DENOVO)

(Under Rule 5 (3) KPK Police Rule 1975)

1. That you SI Nazir ur Rahman while posted as I/C Car Lefting Cell have rendered yourself liable to be proceeded under Rule 5(3) of the Khyber Pakhtunkhwa Police Rules 1975 for following misconduct:
 - i. Your performance during your posting as incharge car lefting cell was found poor. It is presumed that you and your team members were not taking interest in his duty to, recovered the stolen/ tempered and suspect vehicles and also not taken full advantage of your equipments.
 - ii. _____
 - iii. _____
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 proceeding 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 in efficient and unbecoming of good Police Officers;
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 within 07 days of the receipt of this 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.



(Muhammad Arif)

Head of Investigation,
Buner

Dated: 07 / 11 / 2014

Received by _____

Dated: / / 2014.

ATTACHED


Dano agny

13

OFFICE OF THE SUPERINTENDENT OF POLICE INVESTIGATION LUNER

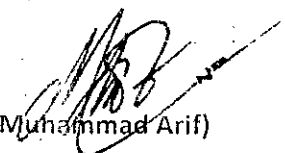
GROUNDS OF ACTION

That you SI Nazir ur Rahman who is posted as I/C Car Lifting Cell

Committed following misconduct/s:-

- a. Your performance during your posting as incharge car lifting cell was found poor. It is presumed that you and your team members were not taking interest in his duty to recovered the stolen/ tempered and suspect vehicles and also not taken full advantage of your equipments.
- b. _____
- c. _____

By reason of above you have been rendered yourself liable to be proceeded under Khyber Pakhtunkhwa Police Rules 1975, hence these grounds of action.



 (Muhammad Arif)
 Head of Investigation,
 Buner


Dated: 07/11/2014

No. 1760-63 /Invest., dated Daggur the 07/11 /2014

Copy of above is forwarded for information to the:-

- 1. Deputy Inspector General of Police, Investigation, Malakand at CPO, Peshawar
- 2. Regional Police Officer, Malakand at Saidu Sharif Swat
- 3. District Police Officer, Buner.


 (Muhammad Arif)
 Head of Investigation,
 Buner

ATTACHED


H (14) (18)
 reply to change sheet /
 show case in memo
 معامی

ظالم مقبول جاریہ سہ ماہیہ 1808/11 19/11 31 مارچ SP ماہیہ الٹو سٹیشن دوسرے
 نمبروں میں 2014/1 2 و ماہیہ DPo ماہیہ دوسرے صفحے یعنی مار لفتنگ پیل دوسرے
 کا اخیار حقہ کیا۔ اور جو 9/3/2014 و عہدہ پرائس پر لائن تبدیل کیا۔ جو صفحے 0 Asi
 اور 2 سٹاٹس کے علاوہ 3 سٹاٹس کیسٹیا جین کیا۔ بلکہ اپنی عہدہ اب کے وقت میں اس کے پاس
 ٹیم ممبر کے ہمراہ مسرور / ٹیم شدہ بناتے۔ لوگ عام بلڈنگ، عملی معائنات رکھتے اسٹیشن
 ماسٹر ایچ ٹیکسٹریٹس درگاہی 6-2 میں تقریباً 25 کروڑ مختلف قسم کے مشورے
 ممبروں سے ہیں۔ جو یہی ممبر اور ممبر کے ٹیم ممبر ماسٹر پرائس کے ساتھ علاقہ
 6/7 ممبروں کے RE ممبروں میں ٹیکسٹریٹس MRA سے دوسری پیش کشی۔ مشورے دینے کی

سایر فرم ماسٹر 147/PSB 2) 1246/PSB 3) 9194/PSB 4) 9289/PSB 5) 353/PSB 6) 175/FSC
 349/PSB 7) 335/MNL 8) 319107/PSB 9) 9194/PSB 10) 353/PSB
 10) دوسرے سٹیشن 4533 ممبروں میں اسے 784 پر 9194 دوسرے ممبروں کے ساتھ 53/2011
 9289، 349 لائبریریوں اور فرم ماسٹر 4533 دوسرے ممبروں کے ساتھ دوسرے ممبروں کے ساتھ
 ممبروں کے ساتھ 319107 کے ساتھ 487/2011 کے ساتھ واہ سٹیشن ڈاؤن لائنوں اور مطلوبہ
 فرم ماسٹر 147/PSB - 9194 کے ساتھ بلڈنگ ڈاؤن ٹائٹ ہوئے ہیں۔ جو ماسٹر 353/PSB
 کے متعلق ممبروں کے ساتھ 418/468 کے ساتھ ممبروں کے ساتھ ممبروں کے ساتھ
 بلڈنگ کے ساتھ 471 کے ساتھ ممبروں کے ساتھ ممبروں کے ساتھ ممبروں کے ساتھ
 اس پر ممبروں SP - Dig ممبروں کے ساتھ ممبروں کے ساتھ ممبروں کے ساتھ ممبروں کے ساتھ
 دی ہیں۔ جس کے ساتھ لفظ ہوا ہے لفظ ممبروں

سالہ نہشتہ میں میں نے چار بار سٹیشن 30 پر 75 کے ممبروں کے ساتھ 25 کروڑ میں ممبروں
 کے لفظ 111 شامل کیے تھے۔ تاکہ ممبروں کے ساتھ ممبروں کے ساتھ ممبروں کے ساتھ
 دوسرے ممبروں کے ساتھ ممبروں کے ساتھ ممبروں کے ساتھ ممبروں کے ساتھ ممبروں کے ساتھ
 ایک بار کے ساتھ ممبروں کے ساتھ ممبروں کے ساتھ ممبروں کے ساتھ ممبروں کے ساتھ ممبروں کے ساتھ
 1) لوٹنیر دیگر ممبروں کے ساتھ ممبروں کے ساتھ ممبروں کے ساتھ ممبروں کے ساتھ ممبروں کے ساتھ
 دوسرے ممبروں کے ساتھ ممبروں کے ساتھ ممبروں کے ساتھ ممبروں کے ساتھ ممبروں کے ساتھ ممبروں کے ساتھ
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5) ممبروں کے ساتھ ممبروں کے ساتھ ممبروں کے ساتھ ممبروں کے ساتھ ممبروں کے ساتھ ممبروں کے ساتھ

on basis derowagry
I (15)

Phone No. 0939-510470
Fax No. 0939-510501
dpobuner@gmail.com

From The District Police Officer,
Buner

To: The Commandant,
PTC Hangu.

No. 6835 / EC, dated Duggar, the 11 - 06/2015

Subject: - ORDERLY ROOM DATED 22.6.2015

Memo:

It is submitted that SI Nazir Rehman No. 5-13/M of this office presently under your command in Upper College Course at PTC may kindly be directed to appear before the Regional police officer, Malakand Region at Saidu Sharif Swat in orderly Room on 22.6.2015, called vide his office Memo No. 902-13/E, dated 11.6.2015 please.

**DISTRICT POLICE OFFICER,
BUNER**

No. 6836 / E,
Copy of above is submitted to the Regional police officer, Malakand Region at Saidu Sharif Swat for favour of information with reference to his Memo No quoted above please.

**DISTRICT POLICE OFFICER,
BUNER**

For Compliance
Commandant
Police Training College
Hangu

Received
today
11/12/15

12/6/2015
C.C.
11/12/15

Order:

J (16)

Denovo enquiry filled with Regional
Police officer Malakand at Saide Sharif
Serial Order Endst No. 5200/B, dated

25-06-2015.

OB No. 58

At 30-6-15

^M
~~DP~~ ~~Banker~~

ATTESTED

AA



**OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND
AT SAIDU SHARIF SWAT.**

Ph: 0946-9240381-83 & Fax No. 0946-9240390

Email: digmalakand@yahoo.com



No. 105 /AS, dated Saidu Sharif the 2 / 4 /2018

To: **The District Police Officer, Buner.**

Subject: **ANNUAL CONFIDENTIAL REPORTS (COMMUNICATION OF ADVERSE REMARKS).**

Memorandum:

In the Annual Confidential Reports on the working of SI Nazir Ur Rahman No. 343/M of Buner District for the period mentioned below:-

1. From 01/01/2014 to 31/12/2014

Remarks of the reporting Officer:

Corrupt.

As I/C ACLC he was involved in releasing stolen/ un-custom paid cars in return for money.

Remarks of the Countersigning Officer:-

Convey adverse remarks.

The above adverse remarks may please be conveyed to the officer concerned in Order that he may remedy the effects. Representation if made should be sent not later than one month from the date of receipt of this communication.

The acknowledgment in token of the receipt of memo: may please be obtained from him on the attached duplicate copy of this communication and sent to this office for record on his CR dossier.

(Enclos ACR Duplicate)

SI Nazir Ur Rahman

Regional Police Officer,
Malakand, at Saidu Sharif Swat

21/05/18
District Police Officer
Buner

ATTACHED

N 20

**BEFORE THE HONORABLE REGIONAL POLICE OFFICER
MALAKAND REGION AT SAIDU SHARIF SWAT
(APPELLATE JURISDICTION)**

Representation Regarding

Adverse remarks in the ACR of 2014

Sir,

I do very humbly submit the following few lines for your kind perusal and sympathetic consideration.

- 1) That I was enlisted in police 01-03-1981 after qualifying the request courses' lower intermediate courses I was promoted ASI on 05-10-2007
- 2) On 26-02-2011 the appellant was promoted SUB INSPECTOR also qualified upper college course in 2015
- 3) I have served in both the operation as well as Investigation wings and get A Report of every year till Now.
- 4) I have been awarded lot of commendation certificate with cash rewards.
- 5) On 01-01-2014 I was posted as I/C anti car lifting cell Buner . I performed my duty honestly, un pertinently on 07-03-2014 worthy DPO Buner suspend me on week progress closed to police line and keep me under enquiry for long period of six months though Enquiry officer give his fending that there is No single evidence against the corruption of the Defaulter SI after this worthy DPO Buner Blindly passed my dismissal Order which was set side on appeal on 07-11-2014 worthy DPO Buneer again punish me in the form of adverse remarks in the ACR and died not convay me in reasonable time , from all this his cons piracy is established ,
- 6) Without receiving public complaint the worthy DPO made me sacrificial gout by giving punishment and Adverse remarks in the ACR.

ATTACHED

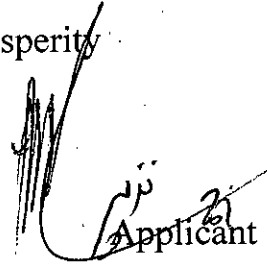


21

- 7) On the order of DPO three time-enquiry of matter and one time by the order of worthy DIG MKD Region But not Brought any proof of the corruption all this shows the said DPO Conspiracy as to stop my further promotion

Prayer: keeping in view the aforesaid fact length of service and qualification It is prayed to EXPUNGE the adverse remarks PER 01-01-2014 to 31-12-2014 in ACR

I will pray for your life and prosperity


Applicant

NAZIR UR RAHMAN No 343/M ASHO

PS Dagger District Buneer

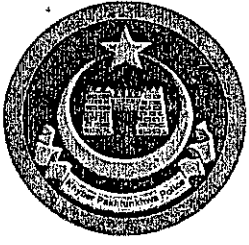
CNIC 16101-9747101-3

Mobil No 0343-9626169

Date 07-05-2018

TESTED





OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

022

No. 5/4948-52 /18, Dated Peshawar the 18/12/2018.

ORDER

This order pertains to the representation preferred by Sub-Inspector Nazir-ur-Rahman No. 343/M of Special Branch Khyber Pakhtunkhwa for the expunction of Adverse Remarks contained in his ACR for the period from 01.01.2014 to 31.12.2014 recorded by the District Police Officer, Buner (Mr. Asif Iqbal Mohmand). Comments of the reporting officer were also obtained.

From the perusal of the relevant record and material on ground the remarks recorded by the then DPO/Buner in the ACR of Sub-Inspector Nazir-ur-Rahman No. 343/M for the period from 01.01.2014 to 31.12.2014. The countersigning officer has also agreed with the reporting officer.

Keeping view the comments of reporting officer, the competent authority examined the case and found no weight to expunge the adverse remarks; hence the representation in hand is hereby filed.

This issues with the approval of the competent authority.

(SADIQ BALOCH)PSP
AIG/Establishment

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

Endst: No. & date even.

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

1. Regional Police Officer, Malakand Region, Saidu Sharif, Swat Peshawar w/r to his letter No. 323/AS, dated 18.05.2018. Necessary entry into this effect may also be made in his Duplicate Character Roll (if available).
The Representationists may be informed accordingly.
2. District Police Officer, Buner.
3. Office Supdt: "E-III" Branch, CPO.
4. Office Supdt: CP Branch CPO.
5. U.O.P. File.

ATTESTED

1/2

DPO/B

No. 11615/E DT= 3/6/14

P (23)

شیرہ بکتو خواہ

سیکورٹی کاپس فارم برائے پولیس ملازمان

5

پولیس

حوادل

(To be filled by officer personally)

1. نام: فدیر حسین

2. عہدہ: سیکورٹی کاپس

3. ولدیت: گل رحمن

4. ذات: افغان

5. مذہب: اسلام

6. رنگ: دھمکی

7. موجودہ پتہ: گاجی پورہ، گاجی پورہ، گاجی پورہ

8. قلم: سیر

9. شناختی کارڈ نمبر: 16101-9749101-3

10. پاسپورٹ نمبر: A9456250

11. سہ ماہی نمبر: 0343-9626169

12. تاریخ پیدائش: 08-03-1962

13. تاریخ کمرل: 01-03-1981

14. بھرتی کی تاریخ: 01-03-1981

15. موجودہ پتہ: گاجی پورہ، گاجی پورہ، گاجی پورہ

16. تاریخ عطلاتی: 15-3-2014

17. (a) Elite کی ٹریسنگ حاصل کی ہے یا نہیں

(b) ATS کی ٹریسنگ حاصل کی ہے یا نہیں

(c) سال تربیت از ٹریسنگ ادارہ

18. کچھلی پانچ تین تیاں:

سال	تعدادی	رتبہ
2008	کوئی سرکاری	1
2010	کوئی سرکاری	2
2011	کوئی سرکاری	3
2012		4
2013	کفارہ جوڑ	5

سال	نام سکول / کالج / کورس / ادارہ	رتبہ
1986	بشائرہ ڈیپارٹمنٹ	BA
1982	BISE	FA
1977		SSC

تمام بڑی کالجز اور کورسز میں (بشمول برطانوی، بھارتی، پاکستانی، انڈیائی، امریکی، فرانسیسی، جرمن، روسی، مشرق وسطیٰ، مشرق وسطیٰ، مشرق وسطیٰ، مشرق وسطیٰ)

نمبر شمار	تاریخ	مقام	بھارتی	نتیجہ امتحان

دورہ

ATTESTED

ESTABLISHMENT CLERK S.P. OFFICE BUNER.

1-D-9917

انگریزی نام و پتہ کے ساتھ ساتھ اس کی تفصیل:

نمبر	عنوان	تفصیل	تعمیرات
1			
2		نزدیک الرحمن و گل رحمن سائن جہاں گڑھیں	
3		کھانا چیرہ کھول بن مقدمہ درج اس کے ساتھ	
4		ایس کے ساتھ ہے	
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29-1-11

فیملی تفصیل:

نمبر	نام رشتہ دار	رشتہ (والد، بھائی، بیٹی، سالی، بہنوئی)	پتہ	عمر تقریباً	یادیں
1	گل رحمن	والد محمد	امیر علی	80 سال	سینئر حال زندگی
2	گل رحمن	دوہیا		65 سال	
3	عقلمند رحمن	دوہیا		58 سال	
4	عزیز الرحمن	بھائی		55 سال	
5	سید احمد			35 سال	
6	تحفہ الرحمن			32 سال	
7	جہاں رحمن			28	
8	لطیف الرحمن			24	
9	امیر حفص			20 سال	
10	سید حفص			18 سال	
11	فؤاد احمد			20 سال	
12	حافظ احمد	Son		18 سال	
13	فاطمہ رحمن	بیٹی		19 سال	
14					
15					
16					
17					

AMIR ALI

23. مسکری اجراء کی ترتیب میں کبھی ٹھہرایا اور
 ان کی صورت میں کب (سال) کہاں سے
 24. کا نام (موجودہ نام) (موجودہ نام)
 نامی میں کب کبھی تنظیم سے وابستگی رہی ہو تو تنظیم کا نام
 25. عہدہ کے نام اور مدت میں یہ کا نام
 نامی کا نام نمبر (22) کے ساتھ ان کا نام مذہبی تنظیم سے وابستگی
 نامی کا نام نمبر (22) کے ساتھ ان کا نام مذہبی تنظیم سے وابستگی

یہ عہدہ مذکورہ مدت میں یہ کا نام
 نامی کا نام نمبر (22) کے ساتھ ان کا نام مذہبی تنظیم سے وابستگی
 نامی کا نام نمبر (22) کے ساتھ ان کا نام مذہبی تنظیم سے وابستگی
 نامی کا نام نمبر (22) کے ساتھ ان کا نام مذہبی تنظیم سے وابستگی

نام: نذیر الرحمن
 عہدہ: صوبہ پولیس
 نام: علی رضا
 عہدہ: ڈی ایچ او

(To be filled by parent Unit/Department)

تصدیق نام: _____
 تصدیق نام: _____
 تصدیق نام: _____
 تصدیق نام: _____

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District Police Officer
Euzer

ATTESTED

بعدالت

خیبر پختونخوا سروسز ٹریڈ یونین لہنجاور

نذر الرحمن 2، منجانب (اسٹیشن 1)
نذر الرحمن بنام محمد یونس

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام لہنجاور کیلئے! جنمورٹلی نمان اور اسد محمود اور یونس
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقررات و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و رد پیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زر میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

Accepted & Accepted

20

ماہ

المرقوم

العبد محمد گواہ العبد

کے لئے منظور ہے۔

مقام

نذر
محمد
یونس

BEFORE THE KHYBER PUKHTOON KHAWA SERVICE TRIBUNAL PESHAWER

SERVICE APPEAL NO.95/2018

Nazir Ur Rahman Sub Inspector No.343/M ASHO PS Daggar.....Appellent

Versus

- 1.Provincial Police Officer Khyber Pukhtoon Khawa Peshawer
- 2.Regional Police Officer ,Malakand Region at Saidu Sharif Swat.
- 3.District Police Officer Buner

..... Respondents

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3.	Authority Letter	-	5
4.	Copy of charge sheet and statements of Allegation	A & B	6-7
5.	Enquiry Papers	C	8-25


NOWSHERAWAN INSP: LEGAL BUNER
(Representative for Respondents)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 95/2018
Nazir ur Rahman Sub Inspector No. 343/M ASHO PS Daggar

.... Appellant

VERSUS

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

..... Respondents

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS.

Respectfully sheweth:

Preliminary Objections:-

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

ON FACTS:

1. Para No. 01 relates to the service record of the appellant hence needs no comments.
2. Para No. 02 pertain to record.
3. Correct to the extent that during posting of the appellant as In-Charge in Anti Car Lifting Cell due to his poor performance for his duty he was charge Sheeted for departmental proceeding. **(Copy of Charge Sheet and statement of allegation are Annexed as annexure A and B).**
4. Incorrect, the appellant was proceeded departmentally and the enquiry officer found him guilty of allegation leveled against him and the appellant also admitted his poor performance in his statement recorded by Enquiry Officer. Therefore the enquiry officer recommended him for punishment. Similarly in re-enquiry the enquiry officer again held him responsible for his poor performance in his duty and recommended for punishment. **(Copy of the complete Enquiry papers are Annexed as Annexure C).**

*Checked.
by
ATG/ghd
29.4.19*

5. That after submission of finding report by the enquiry officer, final show cause notice was issued to the appellant and also heard in person in OR but he couldn't satisfy the respondent No. 03. Therefore he was dismissed from service. However it is correct that when he filed department appeal before the respondent No. 02, though the departmental appellate authority set a side the order of responded No. 03 and ordered for de-novo enquiry.
6. Pertains to record.
7. Pertains to record.
8. Correct to the extent that respondent No. 03 recorded his observation adverse remarks in the ARC of the appellant for the period i.e 01.01.2014 to 31.12.2014, which was conveyed to the appellant after countersigning / direction by the respondent No. 02 through respondent No. 03.
9. Correct to the extent that on departmental appeal of the appellant comments was called from the reporting officer and after perusal of the relevant record the departmental appeal was rejected. Order copy of the same has already been Annexed with the appeal of the appellant.
10. That the appeal of the appellant is liable to be dismissed on the following grounds.

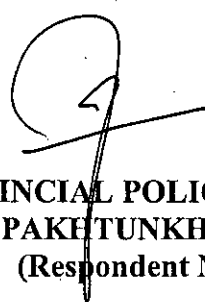
GROUND

- a. Incorrect. That the rejection order dated 13.12.2018 being passed according to the law and rules, similarly adverse remarks in ACR of the appellant was recorded according to the prevailing circumstances.
- b. In-Correct that departmental enquiry proceeding and adverse ACR report are separate matters.
- c. In-Correct the appellant was dismissed from service on allegation of poor performance in his duty. He was re-instated into the service after De-nove enquiry proceeding which was ordered by departmental appellate authority i.e respondent No. 02. Therefore adverse remarks is separate matters as explained in above Para B.
- d. Incorrect. As per Paras above.
- e. Incorrect the adverse remarks was recorded by the reporting officer on prevailing circumstances not on the basis of departmental proceeding.
- f. Incorrect the reporting officer i.e respondent No. 03 is competent to Judge his subordinates and record remarks in their ACR accordingly.
- g. Incorrect that his poor performance showed that the appellant released the stolen, suspect and NCP Vehicles during his duty while taking illegal gratification.

- h. Correct to the extent when the ACR of the appellant produced to the counter signing officer then after adverse remarks was conveyed to the appellant which are not on the basis of malafide intention.
- i. Incorrect. As per Paras above.
- j. Incorrect. Security Clearance is not related to the Assessment overall performance of the appellant.
- k. As explained in Para "F" above that the reporting officer is competent to judge his subordinates during their duty and record his remarks in their ACR accordingly.

✓ **PRAYER:**

In view of the above detailed comments it is most humbly prayed that the appeal of the appellant may graciously be dismissed with costs.



**PROVINCIAL POLICE OFFICER,
KHYBER PAKHTUNKHWA PESHAWAR
(Respondent No. 01)**



*Regional Police Officer,
Malakand at Saidu Sharif, Swat.*
**REGIONAL POLICE OFFICER,
MALAKAND REGION AT SAIDU SHARIF SWAT
(Respondent No. 02)**



**DISTRICT POLICE OFFICER,
BUNER.
(Respondent No. 03)**
**Distt. Police Officer.
Buner**

9

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 95/2018
Nazir ur Rahman Sub Inspector No. 343/M ASHO PS Daggar Appellant


VERSUS

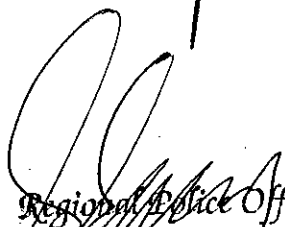
1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Malakand Region at Saidu Sharif Swat.
3. District Police officer Buner.

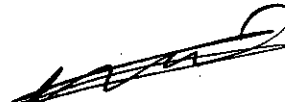
..... Respondents

AFFIDAVIT

We the above respondents do hereby solemnly affirm and state on oath that the hole contents of the accompany Para-wise comments are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honorable Tribunal.


**PROVINCIAL POLICE OFFICER,
KHYBER PAKHTUNKHWA PESHAWAR
(Respondent No. 01)**


**Regional Police Officer,
Malakand at Saidu Sharif, Swat
REGIONAL POLICE OFFICER,
MALAKAND REGION AT SAIDU SHARIF SWAT
(Respondent No. 02)**


**DISTRICT POLICE OFFICER,
BUNER.
(Respondent No. 03)
Distt. Police Officer
Buner**

5

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 95/2018
Nazir ur Rahman Sub Inspector No. 343/M ASHO PS Daggar Appellant

VERSUS

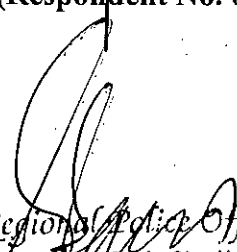
1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Malakand Region at Saidu Sharif Swat.
3. District Police officer Buner.


..... Respondents

AUTHORITY LETTER

We, the above respondents do hereby authorize and allow Mr. Nawsherawan Inspector Legal Buner to file the accompany Para-wise comments in the court on our behalf and do whatever is needed in the court.


**PROVINCIAL POLICE OFFICER,
KHYBER PAKHTUNKHWA PESHAWAR
(Respondent No. 01)**


*Regional Police Officer,
Malakand at Saidu Sharif, Swat.*
**REGIONAL POLICE OFFICER,
MALAKAND REGION AT SAIDU SHARIF SWAT
(Respondent No. 02)**


**DISTRICT POLICE OFFICER,
BUNER.
(Respondent No. 03)**

**Dist: Police Officer,
Buner**

(6)

Annex 2 A

No 151 /EC,
Dated 16/4/2013

CHARGE SHEET

1. ASIF IQBAL MOHAMMAD District Police Officer, as competent authority do hereby charge you SI Nazir -ur- Rehman while posted to the A.C.L. as follows.

It has been reported against you that you while posted as the In-charge of A.C.L. cell committed the following act/ acts.
Your performance, during your posting as In-charge cell as poor. It is presumed that you and your team members, were not taking interest in taking full advantage of your equipment (PRS) in detection of stolen, tampered and suspected vehicles.

Which is / are gross misconduct on your part as defined in Rules 2 (iii) of Police Disciplinary Rules, 1975.

2. By reason of above, you appear to be guilty of mis-conduct and have rendered your-self liable to all or any of the penalties specified in Rule-4 of the Disciplinary Rules, 1975.

3. You are therefore, required to submit your written reply within 7 days of the receipt of this charge sheet to the enquiry Officer.

4. Your written reply, if any, should reach to the Enquiry Officer within the specified period. In case failing, it shall be presumed that you have no defense to put-in and an ex-parte action will be followed against you.

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

6. Statement of allegation is enclosed.


DISTRICT POLICE OFFICER,
BUNER

7

Annex-13
2

DISCIPLINARY ACTION

ASIF IQBAL MAHMOOD District Police Officer, Buner, as competent authority, is of the opinion that you ^{Mr. Nazir - Rehman} while posted as as the In-charge Anti car lifting cell have rendered yourself liable to be proceeded against departmentally as you have committed the following acts / omission as defined in Rule 2 (iii) of Police Rules 1975.

STATEMENT OF ALLEGATION

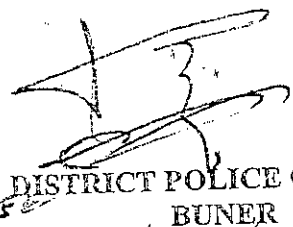
That it has been reported against you that you while posted as the In-charge Anti car lifting cell committed the following act/acts:
Your performance during your posting as In-charge car lifting cell is poor. It is presumed that you and your team members, were not taking interest in taking full advantage of your equipment (ERS) in detection of stolen, tampered and suspect vehicles

Which is/are gross misconduct on your part as defined in Rule 2 (iii) of Police Rules 1975.

2. For the purpose of scrutinizing the conduct of said officer with reference to the above allegations Mr. Qasim Malik is appointed as enquiry officer.


3. The Enquiry officer shall conduct proceedings in accordance with provision 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 proceeding on the date, time and place fixed by the Enquiry officer.


DISTRICT POLICE OFFICER,
BUNER

No. 150 /EC, Dated 16/04 /2014

- 1. Enquiry officer for initiating proceeding against the accused officer namely under Police Rules 1957.
- 2. Defaulter concerned.


DISTRICT POLICE OFFICER,
BUNER

انڈکس انگریزی

والہ جاہ 2 ستمبر 150/EC 16 4/19 23 16 4/19 23 16 4/19 23 16 4/19 23

نمبر شمار	تفصیل کاغذات	تعداد صفحات	کیفیت
1	انڈکس ہذا	01	
2	فائل ٹینڈر نوٹ نمبر 14/14	02	
3	انگریزی آرڈر نمبری 150/EC اور خراج 16 4/14	02	
4	کاغذات نمبری 6 3/14 7 3/14 17 3/14 10 3/14 اور کی سولوی	02	
5	تخلیہ 14 روزہ 22 4/14 کوکس لائن ڈک	01	
6	بیان آزان نزیہ الرحمٰن ای کوکس لائن ڈک	01	
7	بیان آزان سبھن ای حصہ انتہائی کارکن	01	
8	بیان آزان کنسل عبدالرؤف نمبر 129	01	
9	بیان آزان کنسل اکبر شاہ نمبر 6	01	
موازن کل			
10	بیان فائینڈنگ نوٹ نمبر 12 6/14	01	
11	بیان فطیمہ آفیمہ و دیگر کتب خانہ ٹیلیفون صدر سولوی	01	
12	فصلہ شاہ و سر قیاس شاہ صدر آل ٹرینوٹ پوسٹ	01	
13	سر درجائی و سر درجائی ٹائلنگ آڈیٹ ایف بی 20	01	
14	بیان فطیمہ و دیگر کتب خانہ ٹیلیفون صدر سولوی	01	
15	سر درجائی و سر درجائی ٹائلنگ آڈیٹ ایف بی 20	01	
12 صفحات			
18			

انڈکس انگریزی

مانڈیٹڈ لوٹ

خالہ چارج سٹی اسٹیٹس اف الیکشن ٹری 150% فورم 16/14 16 چارج دفتر جی اے ڈی

برخلاف، نذیر الرحمن کی زبانی مارننگ سید میں حاصل ہو سکتا ہے

صاف علی 1

خالہ چارج سٹی اسٹیٹس اف الیکشن ٹری 150% فورم 16/14 16 چارج

دفتر 4 - DPPO - نذیر الرحمن کی نذیر الرحمن کو صحت ای جی آر ایچ
 کارڈنگ سے تعلق تھا۔ کارڈنگ انتہائی ضروری تھی۔ وہ اور ایک
 ٹیم میں ڈیوٹی میں رہیں تھے جو کہ ان کی ڈیوٹی چوری شدہ اور
 سکوٹی گاڑیوں کی ٹریڈنگ کے لئے تھیں۔ دفتر سے وصول ہو کر ڈی
 DPPO نے تھے انکواری کرنے پر حاضر ہوا ہے۔

اسلام انکواری نذیر الرحمن کی طلب کیا گیا۔ صاف کاپیاں ملنے ہو کر عطیات
 پانچواں عرصہ دو قاف انٹی کارڈنگ سے ملے ہوئے ہیں انچارج کی صحت سے تعلق رہا ہے
 صاف کے معاون ASI/01 اور FLS/02 کیلئے۔ اس عرصہ کے دوران 7754 ڈزیز
 526 مختلف قسم کی خوشبو گاڑیاں میں کرنا ضروری ہے۔ اس عرصہ کے دوران ایسا
 کارڈنگ عمل میں آئی اور خوشبو گاڑیاں مطلوب پائے۔ اور ایک علاقہ میں جانور
 کا قسم کا موسم واقع نہ ہوا ہے۔ اس عرصہ کے دوران کارڈنگ کی
 خاطر اپنے عرصہ میں کرنا ہوا تھا اور انہیں ضمنی کام دیا
 وقت کے دوران جو 9/3/14 کی پورٹ ٹور کے طور پر (NAN) وصول ہونے
 پر اس وقت کے حکام کا وہاں کا کام سنبھالنے کے لئے ضروری تھا۔ اس کا
 نے جو بھی بدیاہتیاں یا مسائل آئے انہیں حل کرنا ہے۔ اس کا کام
 سکرووی تسلیم کرنا ہے اور اس کے بعد اس میں پورٹ ٹور کی

2014
 Ministerial Statement
 4th March 2014
 Ministerial Statement
 192
 383
 15
 ASI
 RW

129
 Ministerial Statement
 ASI

Ministerial Statement
 ASI
 Ministerial Statement
 ASI

14-05-2014

O R
 D. P. O. Bureau

ASPI HQ
 please re-inquire allegations
 of corruption along with
 bad performance and
 report
 21/6/2014

11

4

2

DISCIPLINARY ACTION

NO- 28-EHQ

21-04-2014

1. ASIF GOBAL MOHAMMAD District Police Officer, Buner as competent authority, is of the opinion that you Mr. Nazim Raza while posted as Anti-terror charge Anti-terror charge have rendered yourself liable to be proceeded against departmentally as you have committed the following acts / omission as defined in Rule 2 (iii) of Police Rules 1975.

STATEMENT OF ALLEGATION

That it has been reported against you that you while posted as the Anti-terror charge committed the following act/acts:
Increase / as leaving cell
Your performance during your posting as Incharge
as leaving cell as per. It is presumed that you
and your team members, were not taking interest
in taking full advantage of your equipment (BRS)
in detection of stolen, repaired and suspect vehicles

Which is / are gross misconduct on your part as defined in Rule 2 (iii) of Police Rules 1975.

2. For the purpose of scrutinizing the conduct of said officer with reference to the above allegations Mr. Shaham Mahmood is appointed as enquiry officer.

3. The Enquiry officer shall conduct proceedings in accordance with provision 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 proceeding on the date, time and place fixed by the Enquiry officer.


 DISTRICT POLICE OFFICER,
 BUNER

No. 150 /EC, Dated 16/04/ /2014

- 1. Enquiry officer for initiating proceeding against the accused officer namely under Police Rules 1957.
- 2. Defaulter concerned.


 DISTRICT POLICE OFFICER,
 BUNER

12

18

2

No 151 /EC,
Dated 16/4 /2012

CHARGE SHEET

I, ASIF IQBAL MOHAMMAD, District Police Officer, as competent authority do hereby charge you SI Nazim - us - Rehman while posted the S/O A.C.L. as follows.

It has been reported against you that you while posted as the S/O A.C.L. cell committed the following act/ acts:
Your Performance, during your posting as the increase car-locking cell as poor. It is Presumed that you and your team members, were not taking into in making full advantage of your equipment (BRS) in detection of stolen, tampered and suspicious vehicles.

Which is / are gross misconduct on your part as defined in Rules 2 (iii) of Police Disciplinary Rules, 1975.

2. By reason of above, you appear to be guilty of mis-conduct and have rendered your-self liable to all or any of the penalties specified in Rule-4 of the Disciplinary Rules, 1975.

3. You are therefore, required to submit your written reply within 7 days of the receipt of this charge sheet to the enquiry Officer.

4. Your written reply, if any, should reach to the Enquiry Officer within the specified period. In case failing, it shall be presumed that you have no defense to put-in and an ex-parte action will be followed against you.

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

6. Statement of allegation is enclosed.


DISTRICT POLICE OFFICER,
BUNDIR



(3)

6

چوبی مسواک

نقل دریا از ناس

— x —

ادرس

در 6

تذکره الی اس وقت 15-08-1403

2014

بوم استدرت خارج است
161
3/12/11

صبا علی

نقل دریا

MM. PP. Swat
7-03-014

پولی سرکاری

مد 17 روز تا 3/10/2014

مد 17

دوبلی

انڈسٹریل ایسوسی ایشن آف پاکستان 18-45
 10/3/2014
 7/8/2014
 ممبر ایسوسی ایشن کے ذریعے ایسوسی ایشن کے
 ممبر کے ممبروں اور اس کے ممبروں کے اہل خانہ کے
 ممبروں کے ممبروں کے ممبروں کے ممبروں کے ممبروں کے
 14/7/2014
 28/7/2014
 156 (3) دفعہ کی افادت حاصل کرنے
 ممبروں کے ممبروں کے ممبروں کے ممبروں کے ممبروں کے
 ممبروں کے ممبروں کے ممبروں کے ممبروں کے ممبروں کے
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ممبر ایسوسی ایشن

10/03/2014

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

(15) 8
حلہ ۱۴ ص ۲۲/۱۴

عملہ دست

در ۱۴ ربیع الاول ۱۴۰۵ھ جمعہ ۲۲/۴
 میرزا حسن ولد میرزا حسن اسیر کا گورنر میں لائبریری میں سربراہ
 میرزا شاہ ۱۲۹ میرزا عرف ۱۲۹ کو سید علی انکوری
 میرزا عرف ۱۲۹ میرزا عرف ۱۲۹ کو سید علی انکوری
 میرزا عرف ۱۲۹ میرزا عرف ۱۲۹ کو سید علی انکوری
 میرزا عرف ۱۲۹ میرزا عرف ۱۲۹ کو سید علی انکوری
 میرزا عرف ۱۲۹ میرزا عرف ۱۲۹ کو سید علی انکوری
 میرزا عرف ۱۲۹ میرزا عرف ۱۲۹ کو سید علی انکوری
 میرزا عرف ۱۲۹ میرزا عرف ۱۲۹ کو سید علی انکوری
 میرزا عرف ۱۲۹ میرزا عرف ۱۲۹ کو سید علی انکوری
 میرزا عرف ۱۲۹ میرزا عرف ۱۲۹ کو سید علی انکوری

میرزا عرف ۱۲۹

Mirza A
22/4/2014

بیان آذان تخریر الرکن کا زیادہ حال پولیس اینڈ ڈیپارٹمنٹ

بیان کیا گیا ہے جس پولیس اینڈ ڈیپارٹمنٹ میں تعینات ہوں اس سے قبل انہی کا ریفٹنگ
 سیکرٹری میں بھجوتے آج کل تعینات تھا۔ جو کہ سب قدرہ میں تھے علاوہ
 ایک آئی ایس آئی اور ڈیوٹی ایئر میں تعینات تھے۔ میں نے اپنے خالص پورے ایمانداری سے
 ادا کیے ہیں۔ اپنے تعیناتی عرصہ دو ماہ میں جتنے 625 عدد مختلف قسم شکوے
 گاڑیاں 775 کے ذریعے چیک کیے ہیں۔ جن میں سے 15 عدد گاڑیاں
 7 عدد خوشگوار، ایک عدد ڈاٹس اور دو عدد خوشگوار سیکل مطلوب یا کر کاروائی
 کی گئی ہے۔ جن میں لوگس نمبر لسٹ کے 3 ہیں عدد نمبر 700 دو عدد گاڑیاں
 جعلی کلیدز کے دو گاڑیاں شامل ہیں۔ کتبہ میں لے گئے خوشگوار نمبر 9194
 گناہ مارچ پولیس کو مطلوب تھا۔ خوشگوار نمبر 9299 تھا اسلام پورہ لاہور کو
 مطلوب تھا۔ خوشگوار نمبر 353 اور ڈاٹس نمبر 5335 کے حسرتات میں سے
 نمبر 349 اور 1246 خوشگوار نمبر 147 اور 9194 کے نمبر لسٹ لوگس کے خوشگوار
 خوشگوار سیکل بلا نمبر لسٹ حسرت نمبر 319107 کے تھا۔ واہکنٹ کو مطلوب تھا ہے۔
 خوشگوار نمبر 175 کے علاقہ کاروائی شروع۔ اللہ تعالیٰ کے رحم اور تبارک و مجید
 کے واسطے سے اس قدر تک میں کامیاب ہوا ہے۔ حلال دماغ اور حقیقی واقعہ رونما
 کے ذریعے آفرین بارگاہی کے اطلاع دی ہے۔ اگر وہ سب سے خیر خواہ
 ہے کہ جیسا منظور شدہ رخصت ہو چکا ہے۔ افکار اور 09 کو نیم کارڈس
 ایمان رکھنے والے ہیں اور اس سے خواص پر آفرین بارگاہی کے قسط حلالہ کا وہی شروع
 کیا ہے۔ اس میں اس دن منظور شدہ رخصت ہے۔ میں نے خود کی مدد سے یا
 جس کنڈکٹ نہیں کیا ہے۔ اللہ کمزور ہو رہا ہے۔
 یہ حیران بیان ہے

Affected
 DSP HGA
 51 2814/2014

بیان اذات سہریں A-4 متعلقہ انجی کارکنٹ سہریں

بیان ک۔ 1 میں سہری تقریباً 4 سے انجی کارکنٹ سہریں سہریں
 ڈائنٹ اٹامک ہائیڈروجن، تھوری، تھوری 2014 سے سہری اٹامک
 کسٹ ریگولر تعینات تھا۔ آئی آر ٹی اے سہری، تھوری
 2014 میں ٹوٹل 383 سہری سہریں، 192 سہری سہریں، 5 سہری
 سہریں، 7 سہری سہریں، 10 سہری سہریں
 فی سہری میں سہری سہری سہری سہری سہری سہری سہری سہری
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- 6) سہری سہری سہری سہری سہری سہری سہری سہری

Attested
 DSP HQ
 A. E. L. R. M. R.
 22/04/2014

بیان آذان عبدالروف نمبر ۱۲۹ / ۲۴ اینٹ کا نصب کیلئے

بیان کیا سال ۲۰۰۸ء کا حکم پولیس میں کسٹ کنٹرول خواتین میں
 دوران ملازمت مختلف مقامات پر جو کیمت میں ایسا طریقے اپنا ڈیوٹی
 سرکام کے ریاستوں پر صدر خواتین کے اسٹیٹ کا نصب کیلئے میں
 کوئی سرکام کے ریاستوں کا ضروری ضروری ۲۰۰۸ء میں تریبٹریل
 کی کیمت ایجنٹ کے ساتھ روزانہ کیسے اور مختلف مقامات پر تاکہ تریبٹریل
 اور گاڑیوں کی کیمت کے خلاف ضروری کرنے کی صورت میں کسی کو گاڑی
 ڈرائیور کیا ہے رعایت نہیں کیے۔ جو بھی خلاف قانون / لوگس ٹریبٹریل
 وغیرہ پانڈنگ یا کیمت کے قانون کی خلاف ورزی کی ہے ایجنٹ کے تریبٹریل
 نے اسے ڈیوٹی میں لیا تریل کے لیے۔ اور میں اسے ایجنٹ کوئی کرنے کی
 رعایت دی ہے۔ جو بھی گاڑیوں کو حصہ میں لے کر اسے میں تفصیل میں
 سرافینڈ کے بیان میں تفصیل کیا ہے درج ذیل ہے۔ ایجنٹ کے
 نے اسے ڈیوٹی میں لیا ہے تریبٹریل کے لیے

عبدالروف نمبر ۱۲۹ / ۲۴ اینٹ کا نصب کیلئے
 ۹- 2397593-15701 NIL
 0345-9804871

Attested
 DSP. HQ

بیان آزان کپٹل اکبر شاہ نمبر 610 صحتہ انٹی کارپوریشن

بیان کیا کہ میں حکمہ نوکریں میں سال 2007ء کا عہدہ سیکرٹری کپٹل میں مختلف تعیناتات حوالیات میں اسن طریقے سے ڈیوٹی سر انجام دی ہے اور عہدہ 4 ماہ سے انٹی کارپوریشن سیکرٹری ڈیوٹی سر انجام دیا ہوں وہ صوری اذوری 2014ء میں نذیر الرحمن خان ای ڈی کپٹل اٹارنج تعینات کیا اور عہدہ کے بعد سے مختلف تعیناتات سر انجام دیئے اور کارپوریشن کے سیکرٹری کی یہ صلاح ووری کرنے کی صورت میں کسی بھی گارنٹی ڈریسور کے ساتھ ضمانت میں کی ہے جو فی خلاف قانون اور لوگس طریقے سے دیکھ جائے کہ یہ باقاعدگی سے ایک خلاف حالتوں کی کارروائی کی ہے اٹارنج صاحب نے انٹی ڈیوٹی ایجنڈا بنا کر دیا ہے اور میں نے انٹی ڈیوٹی کر کے کی ضمانت دیا ہے جو فی خلاف قانون قرضہ میں لگے ہیں جسکی حکمہ لفصل Asl سرز میں ہے اسے بیان کیا ہے اسکی سر بیان ہے

Attested
DSP/HO

اکبر شاہ
610
FC

وی فائینڈنگ رپورٹ

6/14
DPO

بحوالہ جاری شیٹ / اسٹیٹمنٹ آف الٹیشن بمبئی 150/E مورخہ 16/4/14، ریمارکس ضا۔

نام آر نڈر الرٹن ایڈ ایٹی کارکننگ سیل حال ٹولیس اس

ضاعالی!

بحوالہ مشمولہ انٹوائری کاغذات، فائینڈنگ رپورٹ متحدہ 5/14 عرض

ہیکہ جاری شیٹ جاری شدہ غری 150/E مورخہ 4/14 میں نڈر الرٹن ایڈ ایٹی کارکننگ سیل ضلع یونین اور اسٹاک ٹیم ممبرن پر انکی کمزور کارکردگی اور ڈیوٹی میں عدم دلچسپی پر جاری شیٹ جاری ہو کر تھی (DSP/HQ) محکمہ انٹوائری پر مامور کیا جا کر دوران انٹوائری بیانات تعلق ہو کر بیانات تعلق سے روشنی میں نڈر الرٹن ایڈ کی کمزور کارکردگی کا مظاہرہ کرنے پر تھیوٹی سٹا دینے کی سفارش کی گئی تھی جو انٹوائری مورخہ 2.6.14 کو واپس جو صوں ہو کر جس پر ضاب DPO مابین ذیل حکم تحریر فرمایا ہے کہ

Re-enquiry Allegation of Corruptions along with bad performance and report.

نڈر الرٹن ایڈ اور اسکی ٹیم سے خلاف کرپشن کے شواہد اکٹھا کرنے کی کوشش کی گئی لیکن کوئی بھی شخص حقیقہ یا اعلانہ طور پر لٹ گئی کرنے پر تیار نہیں منہ دست دے کر مین اڈہ سواری میں فلائنگ کوچ / اینڈ اس کار اور ڈائن اڈہ کے صدر اور سٹیڈنر 1 لظہر احمد خان ولد لظہر خان بی محمد شاہ ولد رحمت شاہ بی سید سید احمد خان ولد سید جہان بی علی گل محمد ولد عثمان اور محمد محمد شاہ ولد عمر خان کے بیانات تعلق سے تھے جو نڈر الرٹن ایڈ پر کرپشن کے الزامات کی تردید کرتے ہیں علاوہ ازیں مین اڈہ بازار سواری میں موجود ڈرائیورن میں سے ہی کوئی شخص لٹکائے گئے کرپشن سے الزام سے تعلق نہیں کرتے دوسرے جانب نڈر الرٹن ایڈ نے ایسے بیان میں ایٹی کارکردگی کی کمزوری تسلیم کی ہے۔ جو قابل ملاحظہ ہے

لہذا اگر اتفاق ہو تو مذکورہ نڈر الرٹن ایڈ کو معقول / مناسب سزا دینے کی سفارش کی جاتی ہے

DSP/HQ
12.6.14

Handwritten signature and date 17/7/14

(21)

دارت سب خان
آف کلپانی

(14)

بیان آزان لہذا آف خان صدر جو افسردہ کو ڈی ریٹ سے کارآمد کر کے
لوئس لوئس گڈ ٹرانسپورٹ ضلع یونین سال 1998 سے فرائض انجام
دے رہا ہوں آئی ٹرینٹ لہذا خان جو کہ انٹی کارکٹنگ میں بحیثیت
اخراج تحینات تھا اسلئے عہدہ تحینات کے دوران کسی سے زبانی کرپشن
کے الزامات میں سے ہیں اور نہ ہی ٹرینٹ لہذا کے شکایات ملی ہے وہ
انک بنایت ہی لمانڈر لوئس افسر ہے یہی سہرا بیان ہے جو کہ درست

Attested
D.S.P. H.O. Buner

کے
نکا
المنیر احمد
کھنڈر خان آف کلپانی
15101-0427663-5
4.6.14

(22)

(15)

بیان آزان محمد شاہ ولد رعیت شاہ صدر آل شہر انیسویں
لوہن سواتی آڑہ صلح ہوئی

بیان کیا کہ میں بحیثیت صدر آل شہر انیسویں ڈیپارٹمنٹ سواتی آڑہ
فرض الختام دہ ریسوں ایڈمنسٹریٹو جو کہ انہی کا لفٹنگ میل تھیں
تھا اسلئے عرضہ تعیناتی کے دوران کسی کے زبانی کرپشن سے الزامات نہیں
ہیں اور نہ ہی ڈیپارٹمنٹ ایڈمنسٹریٹو کے شکایت علی ہے ہی مہر بیان ہے جو کہ
درست ہے

Attested
C.A.
D.S.P. HQ

محمد شاہ
محمد شاہ ولد رعیت شاہ
15101-5145085-1
4.6.14

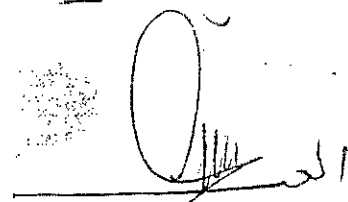
(23)

(16)

بیان آڈن سید درجیان ولد سید صہبان مالک اڈہ اور

رینٹ اے

بیان کیا کہ میں عرصہ کو قریباً تین سال سے محنت مالک افریدی 2-5 رینٹ
 کار اڈہ چلا رہا ہوں اور تشریحوں جو کہ انہی کارکنٹ سٹیل میں محنت
 اجازت تحسینات کے اُسکے تحسینات کے دوران کسی کے زمانی کر لین کے
 الزامات نہیں تھے ہیں اور ہی تشریحوں اڈ کے حکایت علی ہے یہی ہے
 بیان ہے جو کہ درست ہے



سید درجیان ولد سید صہبان اڈہ

اڈہ 2-5 رینٹ اے کار سٹیل

DSP HQ 15101-0342655-7

4.6.14

بیان آزان میان گل جسد ولد مشال آفس سیکری آل ٹرانسپورٹ
یونٹس یونٹس

بیان کیا میں میں کھیت آفس سیکری آل ٹرانسپورٹ ڈیپارٹمنٹ
یونٹس کے لئے احجام دے رہا ہوں ایڈمنسٹریٹو جوبہ ایٹی کار کفٹنگ
سیل میں کھیت اجازت احصیات تھا اس کے خلاف نہہ کر کے
الزاقات سے اس اور نہ ہی مذکورہ نے کسی ڈیپارٹمنٹ سے رٹورٹ
کام مطالبہ کیا ہے ایڈمنسٹریٹو جوبہ کی شکایت میں
فلی سے وہ نہایت ہی ایماندار آفسر ہے

الح میاں گل جوبہ
15101-0400030-3
4-6-19

AHesled
C/W
DSP. HQ

(25)

(18)

بیان آذان سپہ محمد شاہ ولد عمر خان صدر سٹریٹس آڈہ

بیان کیا کہ میں محبت صدر سٹریٹس آڈہ میرا ماں میں عمر 40 سال سے فرائض انجام دے رہا ہوں ایڈیٹر سٹریٹس آڈہ خان جو کہ انجی کار لیسٹ میں تعینات تھا اس کے عرصہ تعیناتی کے دوران کسی کے زبانی کرکین کے الزامات میں سے میں آدر تجھے اس بارے کوئی علم ہے آج تک کسی ایڈیٹر سٹریٹس آڈہ خلاف شکایت کی ہے یہی میرا بیان بیان ہے جو دست ہے

Attested
CMA
DSP-HQ.

15101-0364188-9
6/2/14

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 95/2018

Nazir Ur Rahman

VS

Police Deptt:

.....
REJOINDER ON BEHALF OF APPELLANT
.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-7) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

1. Admitted correct by the respondents as the service record of the appellant is present with the department.
2. Admitted correct by the respondents as the service record of the appellant is present with the department.
3. Incorrect. The appellant submitted detail reply to charge sheet in which he denied the allegations and also mentioned his progress during short period of about 2 months about his stay as in charge Anti Car Lifting Cell.
4. Incorrect. In both inquiry reports, inquiry officers hold that the allegation of corruption was not proved on the appellant and the inquiry officer mentioned in his report that the weak performance of the appellant can be forgave.
5. Admitted correct.
6. Admitted correct by the respondents as the service record of the appellant is present with the department.
7. Admitted correct by the respondents as the service record of the appellant is present with the department.

8. The allegation of corruption which is mentioned in the ACR of the appellant was not proved against the appellant in inquiry and denovo inquiry and the appellant was punished for no fault on his part.
9. Incorrect. The departmental appeal of the appellant was rejected for no good grounds.
10. Incorrect. The appellant has god cause of action to file this instant appeal in this Honourable Tribunal which is liable to be accepted.

GROUND:

- A) Incorrect. While para A of the appeal is correct.
- B) Incorrect. The appellant was dismissed from service on the basis of baseless allegations against which he filed departmental appeal on which he reinstated into service with the direction of denovo inquiry in which inquiry was conducted and the appellant was not found guilty of any corruption but despite that adverse remark of corruption was mentioned in the ACR of the appellant.
- C) Incorrect. As explained in para B above.
- D) Incorrect. As per paras above.
- E) Incorrect. If the allegation of corruption was not proved against the appellant then from which source the allegation of corruption was derived by the respondent department and mentioned that in the ACR of the appellant.
- F) Incorrect. As replied in para E above.
- G) Incorrect. No allegation of corruption was proved against the appellant in the inquiry and denovo inquiry.
- H) Admitted correct. Hence no comments.
- I) Not replied according to para I of the appeal. Moreover para I of the appeal is correct.
- J) Incorrect. While para J of the appeal is correct.
- K) Incorrect. If the allegation of corruption was not proved against the appellant then from which source the allegation of corruption was derived by the respondent department and mentioned that in the ACR of the appellant.

L) Not replied by the respondents.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

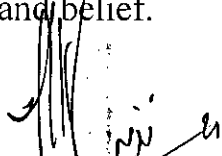

APPELLANT

Through:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.


DEPONENT

مکڑ سرہ


**OFFICE OF THE REGIONAL POLICE OFFICER, MALAKAND,
AT SAIDU SHARIF SWAT**

ORDER:

In continuation of this officer order endst: No. 9032/E, dated 06/11/2014.

As recommended by the Enquiry Officer / Head of Investigation, Buner as well as District Police Officer, Buner the denovo proceeding against SI Nazir Ur Rahman c Buner District is hereby filed.




**(AZAD KHAN) TSt, PSP
Regional Police Officer,
Malakand, at Saidu Sharif Swat**


No. 5200 /E,

Dated 25-6-2015.

Copy to District Police Officer, Buner with reference to his office mem

No. 2823/EC dated 04/03/2015.

seen / EC


DPO/Buner