

I want to see my

Post Script

24.05.2019

No. 5. 19

Amal

Later on appellant appeared and submitted application alongwith copy of office order dated 26.03.2019 stating therein that his grievance has been redressed and he does not want to pursue the appeal further. Application alongwith copy of office order is placed on record. The appellant also requested for withdrawal of the instant service appeal. In this regard signature of the appellant was also obtained at the margin of order sheet as a token of proof. Accordingly the instant service appeal is dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED
24.05.2019

Muhammad Amin
(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

DFA

Post Script

24.05.2019

Later on appellant appeared and submitted application alongwith ^{copy of} office order dated 26.03.2019 ^{stating there is} and stated that at the bar that his grievance has been redressed and he does not want to pursue the appeal further and also requested for withdrawal of the instant service appeal. In this regard signature of the appellant was also obtained at the margin of order sheet as a token of proof. Accordingly the instant service appeal is dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED
24.05.2019

(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

*Application along with office order is
Decided on record. The appellant is
by*

ANNEX

I

44

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. _____ /2017

Wassem Nazir PET, Govt. Middle School, Dham Nallah, Tehsil & District Mansehra.

...APPELLANT

VERSUS

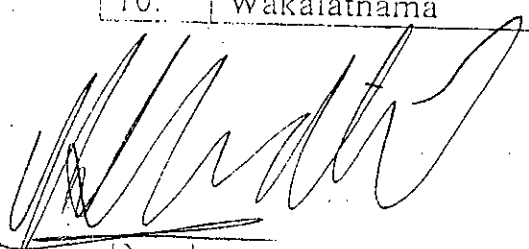
Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

INDEX

S. #	Description	Page #	Annexures
1.	Service appeal alongwith affidavit	1 to 9	
2.	Copy of the transfer order dated 08/02/2015 of the appellant.		"A"
3.	Copy of charge report		"B"
4.	Copy of attendance sheet of the appellant at GMS Dham Nallah, District Mansehra		"C"
5.	Copy of service book showing fixation of pay of the appellant		"D"
6.	Copy of verification of transfer order of the appellant		"E"
7.	Copy of departmental appeal dated 14/11/2015		"F"
8.	Copies of writ petition and judgment dated 26/10/2017		"G" & "H"
9.	Absentee report and show cause notice etc		"I"
10.	Wakalatnama		



Wassem

...APPELLANT

Through

Dated: _____ /2017
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt. Bar Abbottabad

(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt. Bar Abbottabad

24.05.2019

Counsel for the appellant Sajjad Ahmed present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Police Department as Head Constable. He was imposed major penalty of dismissal from service vide order dated 09.10.2018 on the allegation that one lady Mst. Anwar Jan came for lodging report to the effect that she was raped by Imtiaz Hussain S/O Riaz Hussain and Zubair Farooq S/o Arif, Muhammad Akhtar S/o unknown, in a congested area of police Station Mirpur and the appellant referred her to lodge report in Police Station Havelian. The appellant filed departmental appeal on 22.10.2018 which was rejected on 13.12.2018 hence, the present service appeal on 03.01.2019. Learned counsel for the appellant contended that neither proper inquiry was conducted under the Police Rules, 1975 nor opportunity of personal hearing and defence was provided to the appellant therefore, the impugned order is illegal and liable to be set-aside.




The contention raised by the learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days thereafter, notice be issued to the respondents for written reply/comments for 19.08.2019 before S.B at Camp Court Abbottabad.

MA
(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 8/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/1/2019	<p>The appeal of Mr. Sajjad Ahmad presented today by Mr. Muhammad Arshad Khan Tanoli 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 03/01/19</p>
2-	8-1-19	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>22-3-2019</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
22.03.2019		<p>Appellant in person present and seeks adjournment. Adjourn. To come up for preliminary hearing on 24.05.2019 before S.B at Camp Court A/Abad.</p> <p style="text-align: right;"> Member Camp Court A/Abad</p>

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

Service Appeal No. 8 /2018

Sajjad Ahmed son of Lehrasif Khan, H.C. 1190, Police Station Mirpur,
Presently Village & Post Office Chandu Maira, District Abbottabad.

...APPELLANT

VERSUS

Inspector General of Police

~~Capital City Police Officer~~, (IGP) KPK, Peshawar & others.

....RESPONDENTS

SERVICE APPEAL

INDEX

S. #	Description	Page #	Annexures
1.	Service appeal alongwith affidavit	1 to 7	
2.	Addressed of the parties	8	
3.	Copy of impugned dismissal order dated 09/10/2018	9	"A"
4.	Copy of departmental appeal and rejection order dated 13/12/2018	10-11	"B"
5.	Copy of charge sheet and statement of allegation	12-13	"C"
6.	Copy of charge sheet dated 28/09/2018	14-19	"D"
7.	Wakalatnama	20	

...APPELLANT

Through

Dated: _____/2018


(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

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

Service Appeal No. 8 /2019

Sajjad Ahmed son of Lehrasif Khan, H.C. 1190, Police Station Mirpur,
Presently Village & Post Office Chandu Maira, District Abbottabad.

...APPELLANT

Khyber Pakhtukhwa
Service Tribunal

Diary No. 8

Dated 03/1/2019

VERSUS

1. Capital City Police Office (IGP) KPK, Peshawar.
Inspector General of Police
2. Regional Police Officer Hazara Range, Abbottabad.
3. District Police Officer, District Abbottabad.

....RESPONDENTS

Filed to-day

Registrar

03/01/19

**SERVICE APPEAL UNDER SECTION 4 OF
SERVICE TRIBUNAL ACT, 1974,**

=====

Respectfully Sheweth:-

1. That the appellant was serving as H.C Police Station Mirpur, Abbottabad and served the P.S with complete devotion and dedication to the entire satisfaction of his superiors.

2. That respondent No. 3 dismissed the appellant from service vide impugned dismissal order No. 5033-35/PA dated 09/10/2018 on the so called charges of not chalking of FIR of Mst. Anwar Jan of District Sahiwal. Copy of impugned dismissal order dated 09/10/2018 is attached as Annexure "A".

3. That on receipt of impugned dismissal order dated 09/10/2018, the appellant filed departmental appeal to the next higher authority on 22/10/2018 which has been rejected vide impugned rejection letter/ order No. 5882/PA dated 13/12/2018. Copy of departmental appeal and rejection order are attached as Annexure "B".

Hence, the instant service appeal is filed inter-alia on the following grounds:-

GROUND:-

- a) That the impugned dismissal order dated 09/10/2018 is malafide, perverse, discriminatory, without lawful justification, and is a result of non following of the

prescribe procedure/ code formalities. Hence, the impugned order is liable to be set aside.

- b) That the appellant was present in his sleeping room at P.S Mirpur on 28/09/2018 and was awakened by L.H.C Sheraz at 02:45 Am. The appellant, Mst. Anwar Jan who said that her husband had divorced her and snatched the children and she wanted to go to the supreme court of Pakistan. Hence, she went away. As per law, if a person comes into the PS but does not desire to lodge FIR against any person and leaves the PS. Hence question of lodging does not arise. In a similar situation, the said Anwar Jan without disclosing the fact of lodging of FIR against the accused went away by saying that she want to go to Supreme Court of Pakistan.
- c) That the appellant has rendered 17 years of services in respondents' department and there is no complaint against him during the entire period of his service. The appellant has not been provided opportunity of

personal hearing nor the opportunity of cross examination of Mst. Anwar Jan. Hence, the whole inquiry as well as dismissal from service order dated 09/10/2018 of the appellant is liable to be set aside.

- d) That prior to the initiation of inquiry, no show cause notice was issued to the petitioner by the respondents but provided only charge sheet and statement of allegation. Copy of charge sheet and statement of allegation is annexed as Annexure "C" and reply of the appellant dated 01/10/2018 to the charge sheet dated 28/09/2018 is annexed as Annexure "D".
- e) That the competent authorities ordered a so called inquiry wherein the appellant was held responsible for not lodging FIR. The inquiry was conducted on verbal report of Mst. Anwar Jan as consequent these of has been dismissed the appellant from service. No inquiry can be ordered against an employees, without written complaint against him

- f) That the appellant is suffering from financial hardships and is unable to cope with household expenses of his defendant family members. The punishment awarded to the appellant is not due to his fault, but the inquiry report/ findings are based on conjectures, surmises and is not maintainable at law.
- g) That respondent No. 3 issued final show cause notice to the appellant on 05/10/2018 and appellant submitted the same reply which was submitted in the charge sheet. The final show cause notice is also against the law because no punishment was mentioned in the show cause notice. Hence, the impugned dismissal order dated 09/10/2018 is liable to be set-aside.
- h) That the matter relates to the terms and condition of service, hence the Service Tribunal has jurisdiction to entertain the instant service appeal of the appellant.

It is, therefore, humbly prayed that on acceptance of the instant appeal, impugned dismissal order dated 09/10/2018 and rejection order dated 13/12/2018 may be set-aside and respondents' department may be directed to re-instate the appellant in service w.e.f the date of his dismissal with all service back benefits. Any other relief which this Honourable tribunal deem, appropriate in the circumstances may also be granted to the appellant.

...APPELLANT

Through

Dated: _____/2018

(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of our knowledge and belief and nothing has been concealed therein from this Honourable Court.

...APPELLANT

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

Service Appeal No. _____/2018

Sajjad Ahmed son of Lehrasif Khan, H.C. 1190, Police Station Mirpur,
Presently Village & Post Office Chandu Maira, District Abbottabad.

...APPELLANT

VERSUS

Inspector General of Police

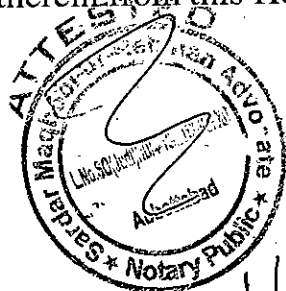
Capital City Police Office, (IGP) KPK, Peshawar & others.

....RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Sajjad Ahmed son of Lehrasif Khan, H.C. 1190, Police Station Mirpur,
Presently Village & Post Office Chandu Maira, District Abbottabad, do
hereby solemnly affirm and declare that the contents of foregoing service
appeal are true and correct to the best of my knowledge and belief and
nothing has been concealed therein from this Honourable Court.



11-2019

DEPONENT

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

Service Appeal No. _____/2018

Sajjad Ahmed son of Lehrasif Khan, H.C. 1190, Police Station Mirpur,
Presently Village & Post Office Chandu Maira, District Abbottabad.

...APPELLANT

VERSUS

Inspector General of Police

~~Capital City Police Officer (IGP) KPK, Peshawar & others.~~

....RESPONDENTS

SERVICE APPEAL

ADDRESSES OF THE PARTIES

Respectfully Sheweth:-

Addresses of the parties are as under:-

Sajjad Ahmed son of Lairasab Khan, H.C. 1190, Police Station Mirpur,
Presently Village & Post Office Chandu Maira, District Abbottabad.

...APPELLANT

VERSUS

Inspector General of Police

1. ~~Capital City Police Officer (IGP) KPK, Peshawar.~~
2. Regional Police Officer Hazara Range, Abbottabad.
3. District Police Officer, District Abbottabad.

....RESPONDENTS

...PETITIONERS

Through

Dated: _____/2018


(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

ORDER

Handwritten: 11/9/18, Annex-A, P-9

This office order will dispose of the departmental enquiry against HC Sajjad Ahmed No. 1190 the then Muharrir PS Mirpur. On 28-09-2018 Mst; Anwar Jan W/O Muzaffar Ahmed, R/O District Sahiwal reported in Police Station Mirpur that accused Imtiaz Hussain S/O Riaz Husaain, Zubair Farooq S/O Arif Chaudhry, Muhammad Akthar S/O unknown, etc. forcibly brought her in a congested area of Police Station Mirpur and committed rape with her one by one. He instead of chalking FIR referred her to Police Station Havelian. As a result she approached the high ups for extending justice. His this act amounts to gross misconduct in the performance of official duties and also earned bad name for Police Department in the eyes of general public

He was issued Charge Sheet along with statement of allegations. Ms. Sonia Shamroz Khan Addl: SP Abbottabad was appointed as Enquiry Officer. She conducted proper departmental enquiry against the delinquent officer and recorded statements of all concerned. After conducting proper departmental enquiry, the Enquiry Officer submitted her findings, wherein allegations have been proved. Consequently he was issued Final Show Cause Notice. He was summoned to appear in Orderly Room on 08-10-2018. He was given a patient hearing but he had nothing plausible to state in his defence.

Therefore, in exercise of the powers vested in the undersigned Police Disciplinary Rules-1975 (amended-2014); I, Abbas Majeed Khan Marwat PSP, District Police Officer, Abbottabad as a competent authority, am constrained to award him the punishment of Dismissal from service with immediate effect.

Order announced.

Handwritten: 03-NO-270
No 5033-35/PA 9-10-8-2018/10-18

Original
District Police Officer
Abbottabad
[Signature]

- Copy to the:-
1. Regional Police Officer, Hazara Region Abbottabad.
 2. PSO to Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
 3. Establishment Assistant DPO Office, Abbottabad
 4. Pay Officer, DPO Office Abbottabad.
 5. OASI DPO Office alongwith complete Enquiry File containing 18 pages for completion of record.

Attested
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Distt

Original
District Police Officer
Abbottabad
[Signature]

Annex - B اپیل

بکھنور جناب ریجنل پولیس آفیسر صاحب ہزارہ ریجن ایبٹ آباد

P-10

جناب عالی!

۱- معروض خدمت ہونکہ میں مورخہ 28/09/2018 کو کھٹیت محرتھانہ میر پور ایبٹ آباد تعینات تھا اور بوقت شب اپنے کواٹر میں خوابیدہ تھا کہ آن ڈیوتی مدد محرتھانہ 1275/LHC نے مجھے بیدار کیا کہ دفتر محرتھانہ میں ایک عورت آکر ٹیٹھی ہوئی ہے اس وقت رات تقریباً پونے تین (02:45) ہے کا وقت تھا۔

۲- میں شیراز مدد محرتھانہ کے بیدار کرنے پر جونہی دفتر محرتھانہ میں پہنچا تو عورت عدم موجودگی میرے پوچھنے پر شیراز مدد محرتھانہ نے مجھے بتایا کہ اس عورت نے اپنا نام انوراں جان زوجہ مظفر احمد سکندہ ساہیوال بتایا تھا جو کہہ رہی تھی کہ اس کے خاوند نے اسے طلاق دیکر بچے چھین لئے ہیں اور خاوند نے اس کے ساتھ زیادتی کی ہے وہ اپنے خاوند کے خلاف سپریم کورٹ آف پاکستان اسلام آباد جانا چاہتی ہے۔ اس عورت نے شیراز مدد محرتھانہ کو اپنی ہمیشہ کار رابطہ نمبر بھی دیا جو شیراز مدد محرتھانہ نے ڈائل کیا نمبر Attend کرنے والی عورت نے شیراز کی زبانی مسماۃ انوراں جان کا نام سن کر اپنا نمبر بند کر دیا۔ جس پر آمدہ انوراں جان غصے سے دفتر محرتھانہ سے باہر نکل کر تھانہ سے باہر چلی گئی اور آن ڈیوتی سنتری کانسٹیبل عمر 397 سے التجاء کی کہ اسے کسی گاڑی پر بیٹھا دے۔ جس نے انسانی ہمدردی کے پیش نظر گاڑی روک کر اس عورت کو بیٹھا دیا۔

۳- اسی روز صبح 6 بجے دوبارہ شیراز مدد محرتھانہ نے مجھے بیدار کیا کہ وہی عورت دوبارہ آکر تھانہ کے گیٹ پر بیٹھ گئی ہے جو شیراز مدد محرتھانہ بذر ایبٹ آباد آن ڈیوتی سنتری کانسٹیبل وحید شاہ 1248 مطلع ہو کر مجھے بتلایا جس پر میں فیل الفور باہر آیا تو مذکورہ عورت کو بلنورا اطمینان سے سنا جس کو میں نے بڑے اطمینان سے سمجھایا کہ بہن یہ ضلع ایبٹ آباد کا تھانہ میر پور ہے سپریم کورٹ آف پاکستان اسلام آباد میں ہے۔ اس وقت اس عورت کی حالت یوں تھی کہ صاف ظاہر ہو رہا تھا کہ اس نے کافی وقت جاگتے جاگتے گزارا ہے اس پر نیند کا غلبہ طاری تھا لیکن اس حوالہ سے بھی میں اس کی کوئی امداد نہیں کر سکتا تھا کہ تھانہ میں کوئی لیڈی کانسٹیبل بھی تعینات نہ ہے کسی عورت کو تھانہ میں بلا وجہ بیٹھانا بھی خلاف قانون ہے۔ اسی دوران مذکورہ نے خود اظہار کیا کہ میری طبیعت ٹھیک نہیں ہے میں کسی ہسپتال جا کر اپنا علاج معالجہ کروا کروا پس آتی ہوں آپ اسلام آباد جانے میں میری مدد کر دیں اور از خود ہی اٹھ کر تھانہ سے چلی گئی۔

۴- تقریباً ایک گھنٹے بعد مجھے شیراز مدد محرتھانہ نے بتایا کہ وہ عورت انوراں جان واپس تھانہ آئی تھی مالی امداد کی استدعا کر رہی تھی جو شیراز مدد محرتھانہ نے انسانی ہمدردی کے پیش نظر اپنی جیب سے رقم مبلغ 100 روپے مذکورہ کو دیا اور اسلام آباد جانے والی گاڑی پر بیٹھا کروانہ کر دی ہے۔

۵- دن دو بجے بذر ایبٹ آباد پولیس کال چلنے پر معلوم ہوا کہ تھانہ میر پور کا جملہ محرتھانہ بشمول SHO و ASHO کے معطل لائن کر دیئے گئے ہیں۔ معطلی کی وجہ یہ معلوم ہوئی کہ رات کو مسماۃ انوراں جان نامی عورت اپنے ساتھ جبراً ناکاری کرنے کی رپورٹ کرنے تھانہ

Muhammad Khyal Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Distt. Bar Office, Islamabad

میرپورگئی تو اُس کی رپورٹ نہیں لکھی گئی۔ جس پر حیرانگی ہوئی کہ اُس عورت کی امداد کیلئے ایک بار نہیں بلکہ تین بار میں نیند سے بیدار ہوا۔ اگر وہ عورت اس قسم کی کوئی رپورٹ کرتی تو فوراً اُس کی رپورٹ درج کر کے اُس کا ملاحظہ ڈاکٹری کروا کر افسران بالا سے احکامات حاصل کر کے کارروائی عمل میں لاتا لیکن اُس عورت نے اس حوالہ سے کوئی لب کشائی نہیں کی۔

۶۔ ناکردہ گناہ میں اولاً معطلی بعدہ بندش کو انٹرا گارڈ اور تیسری مرتبہ نوکری سے برخاست کر دیئے جانے کی سزائیں معزز جناب DPO صاحب ایبٹ آباد نے من مسائل کو دی ہیں کاپی حکم جناب DPO صاحب ایبٹ آباد ڈائری نمبر PA/35-5033 مورخہ 09/10/2018 ڈائری نمبر O-B No. 270 مورخہ 08/10/2018 مہرہ لف قابل ملاحظہ ہے۔

۷۔ اُسی عورت کی مدعیت میں مقدمہ علت 821 مورخہ 28/09/2018 جرم II-376 تھانہ میرپور ایبٹ آباد قائم ہو کر وہ عورت (مدعیہ) اب تک مقدمہ کو ثابت کرنے میں ناکام ہے۔ یہ بات بھی سامنے آئی ہے کہ یہ عورت قبل ازیں بھی دروغ گوئی پر مبنی مقدمات اسی حوالہ سے درج کروا چکی ہے۔ افسوس کی بات تو یہ ہے کہ میرے سامنے اُس نے زنا بالجبر تو درکنار تشدد تک کی بات نہیں کی اگر ایسی کوئی بھی بات کرتی تو میں بحیثیت ذمہ دار پولیس آفیسر آپنا کردار ادا کرتا۔

۸۔ جناب والا! قبل ازیں 04/07/2018 کو ایک عورت مسماة اریثہ سکنتہ میرپور میرے پاس آئی تھی جس نے اپنے ساتھ زنا بالجبر کی رپورٹ کی تھی جس نسبت میں نے افسران بالا کو نوٹس میں لا کر افسران بالا سے حکم حاصل کر کے مذکورہ کی مدعیت میں مقدمہ علت 607 مورخہ 04/07/2018 جرم 376 تھانہ میرپور قائم کیا تھا ریکارڈ تھانہ میں موجود ہے۔ یہ عورت انوراں جان بھی اگر رپورٹ کرتی تو میں اس کی رپورٹ لکھ کر افسران بالا کو آگاہ کرتا کہ رپورٹ لکھنا میرے فرائض مبنی کا حصہ ہے۔ مسماة انوراں جان کے جھوٹے ہونے کا پرچار میڈیا پر بھی ہو چکا ہے جس کی مزید حقیقت بھی عنقریب سامنے آجائے گی۔

میرا تعلق غریب گھرانے سے ہے میں نے اپنی 17 سالہ سروس کے دور میں کوئی ایسا فعل نہیں کیا جو میرے محکمہ کیلئے بدنامی کا باعث ہو۔ میں اپنے بوڑھے والدین اور اپنے نابالغ بچوں کا واحد کفیل ہوں مجھے ناکردہ گناہ کی سخت ترین سزا دی گئی ہے۔

استدعا ہے کہ میری نوکری و عہدہ تاریخ برخاستگی سے بحال فرمانے کا حکم صادر فرمایا جاوے حکم نمبری 270 محررہ 08/10/2018 نسبت برخاستگی من مسائل کا عدم فرمایا جاوے۔

العارض

المترقوم 22/10/18

نہج حکم برخواستگی، شکایت، اغیارات، شمال، پائین
پولیس ایف آئی آر، قتل، FIR، لٹ، اسپیل، پین

Muhammad Arshad Khan, Advocate
High Court
Office No. 33 Adjacent to

سجاد احمد ولد لہر اسف خان
سکنتہ چندو میرا سابقہ ملازم پولیس
بلٹ نمبر HC/1190 محکمہ پولیس ایبٹ آباد

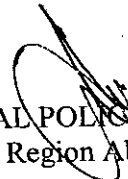
P-11-A

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 submitted by **Ex-HC Sajjad Ahmed No: 1190** of Abbottabad District against the order of punishment i.e. **Dismissal From Service** awarded by the DPO Abbottabad vide his OB No.270 dated 08.10.2018.

Facts leading to punishment are that he while posted as Moharrir PS Mirpur, on 28.09.2018 Mst: Anwar Jan w/o Muzaffar Ahmed, r/o District Sahiwal reported in Police Station Mirpur that accused Imtaiz Hussain S/O Riaz Hussain, Zubair Farcoq S/O Arif Chudhry, Muhammad Akhtar S/O unknown etc. forcibly brought her in a congested area of Police Station Mirpur and committed rape with her one by one. He instead of chalking FIR referred her to Police Station Havelian. As a result she approached the high ups for extending justice. His this act amounts to gross misconduct in the performance of official duties and also earned bad name for Police Department in the eyes of general public.

After receiving his appeal, comments of DPO were obtained and examined /perused. The undersigned called him in OR on 12.12.2018 and heard in person where he failed to explain any plausible reason in his defence. Therefore the punishment awarded to him by the DPO Abbottabad i.e **Dismissal From Service** is genuine, hence his appeal is *filed*.


REGIONAL POLICE OFFICER
Hazara Region Abbottabad

No. **5887** /PA dated Abbottabad the **13/12** /2018.

Copy of above is forwarded to the DPO Abbottabad w/r to his Memo: No: 6137, dated 27.11.2018 for information and necessary action.

Service Roll & Fauji Missal containing enquiry file are returned for your office record.


REGIONAL POLICE OFFICER
Hazara Region Abbottabad

CHARGE SHEET

Annex-C.

1). I Abbas Majeed Khan Marwat (PSP) District Police Officer Abbottabad as competent authority hereby charge you HC Muhammad Sajjad the then Muharrir Police Station Mirpur, as explained in the attached statement of allegations.

P-12

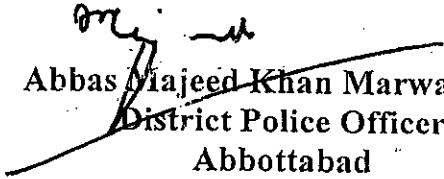
2). You appear to be guilty of misconduct under Police Disciplinary Rules 1975, and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.

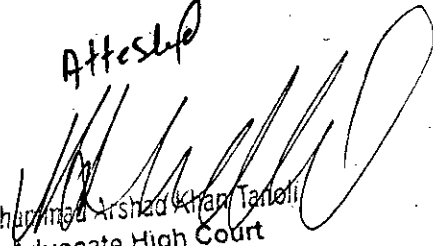
3). You are therefore, directed to submit your written defense within seven days on the receipt of this Charge Sheet in the Enquiry Officer.

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

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

6). A statement of allegations is enclosed.


Abbas Majeed Khan Marwat, PSP
District Police Officer
Abbottabad

Attested

Muhammad Arshad Khan Tareeli
Advocate High Court
Office No 33 Adjacent to
Distt. Jail Abbottabad

DISCIPLINARY ACTION

P-13

I Abbas Majeed Khan Marwat (PSP) District Police Officer Abbottabad as Competent Authority of the opinion that you HC Muhammad Sajjad the then Muharrir Police Station Mirpur, rendered yourself liable to be proceeded against as you committed the following act/omission within the meaning of Police Disciplinary Rules 1975.

STATEMENT OF THE ALLEGATIONS

- 1). On 28-09-2018 Mst: Anwar Jan W/O Muzaffar Ahmed, R/O District Sahiwal reported in Police Station Mirpur that accused Imtiaz Hussain S/O Riaz Husaain, Zubair Farooq S/O Arif Chaudhry, Muhammad Akthar S/O unknown, etc. forcibly brought her in a congested area of Police station Mirpur and committed rape with her on by one. You instead of chalking FIR referred her to Police Station Havelian. As a result she approached the high ups for extending justice. Your this act amounts to gross misconduct in the performance of official duties and also earned bad name for Police Department in the eyes of general public.
- 2). For the purpose of scrutinizing your conduct with reference to the above allegations, Ms. Sonia Shamroz Khan, Addl: Superintendent of Police, Abbottabad, is appointed as Enquiry Officer.
- 3). The Enquiry Officer 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 the accused.
- 4). The accused a well conversant representative of departmental shall in the proceedings on the date, time and place fixed by the Enquiry Officer.

Abbas Majeed Khan Marwat
Abbas Majeed Khan Marwat, PSP
District Police Officer
Abbottabad

No: *B4* /PA, Dated Abbottabad the *28 9* /2018.
CC:

1. HC Muhammad Sajjad the then Muharrir Police Station Mirpur, with the direction to submit his defense within 07 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer of the date, time and place fixed for the purpose of departmental proceedings.

Attested
Muhammad Arshad Khan Taroni
Advocate High Court
Office No 33 Adjacent to
Dist. Jail Abbottabad

Annex-D P-14

جناب عالی

محوالہ چارج شیٹ نمبر 534 حروف 9 بجاریہ 28/18

معروفی خدمت سے کہ میں تقاضا میں پیدل پور میں بطور خیر و نیکوئی سے
 حروف 28/18 کو جو ٹائٹل ڈیوٹی عدد شدہ شہزادہ نے بتلایا اور ایک
 عورت جو سا سوال سے کہی جو ادھر ادھر کی باتیں کرتی تھی اسکی حالت
 رپورٹ میں کہی جس نے بتلایا کہ عید الفطری سے اسکا خاندان ہوس
 سے ناراضی ہے اور اس کے بچے خاندان کے پاس میں۔ خاندان سے بچے نہیں
 دے رہا اس کے ساتھ زیارتی ہے اور پنجاب سے اسے انصاف نہیں مل
 رہا وہ اسلام آباد سپریم کورٹ جا کر بچے حاصل کرے گی اس پر
 شہزادہ عدد ہونے مذکورہ عورت سے اسکی بیوی کا فخر حاصل کر کے مذکورہ
 کی بیوی کے دوبابیل نمبر مال کی فوری سے اس نے خون بند کر دیا پھر وہ
 عورت مجھے میں دفتر سے چلی گئی اور سٹری سے کیا اسے گاڑی میں
 بٹھا دیا کچھ دیر بعد میں کوہ سے دفتر کی طرف آیا تو وہ مذکورہ عورت
 گیس پر بیٹھی تھی میں نے اسے مذکورہ سے اسکا نام پوچھا تو وہ مذکورہ
 کے رہنے والا نام اور جان زوجہ خطو احمد کے سا سوال بتلایا جس نے مذکورہ
 سے تقاضا کرنے کا حق پوچھی تو بچہ بتلایا وہ اپنے بچے حاصل کرنے کے
 سپریم کورٹ اسلام آباد جائیگی اور از خود کہا کہ وہ تھوڑی ہی کسی
 ہسپتال سے دوائی لیکر دالیا ستانہ اسے تو اسلام آباد سپریم کورٹ
 ہسپتال میں اسکا عدد کا جائے میں بتاؤ مذکورہ سے اسے بتاؤ ہون والی
 زنا کاری کے بارہ میں ذکر نہیں کیا اگر زنا کاری کے بارہ میں پوچھو
 کرنی تو میں اس کے ٹولس میں لگا کر باقاعدہ مذکورہ کا رپورٹ
 لیتا۔ کچھ عرصہ قبل ہی میں دفتر میں موجود تھا ایک عورت سماج اور لیسٹہ دفتر
 مذکورہ کے سپریم کورٹ سے یا اس زنا کاری کا رپورٹ لیتا تھا میں نے اس کے
 کے ٹولس میں لگا کر اسکا رپورٹ کی جس پر بعد 607 جرم 376
 تقاضا سپریم کورٹ میں قائم ہوا اگر سماج اور جان زنا کاری کا رپورٹ لے
 کرے تو اسکی رپورٹ بھی لکھی جاتی۔ میں نے سماج اور جان سے کافی کوشش
 کی کہ وہ کوئی بات مجھے بتلانے لیکیں وہ نہ آئی اور وہ اپنی بیوی روانہ ہو گئی
 دیر بعد دالیا ستانہ کے اور شہزادہ عدد خیر سے گواہ کا مطالبہ کیا تو شہزادہ
 نے 100 روپے گواہ کے گاڑی میں بیٹھا کر روانہ کیا۔ یقیناً مذکورہ شہزادہ
 عدد خیر سے ہی رہنے کے ساتھ زنا کاری کی رپورٹ میں کی ہوگی اور نہ ہی
 اس کے ساتھ زنا کاری کا رپورٹ کی۔ اس کے بعد چارج شیٹ ڈنل دفتر کے

M. H. Khan Tangar
 Advocate High Court
 Office No: 33 Adjacent to
 Dist. Bar Association

P-15

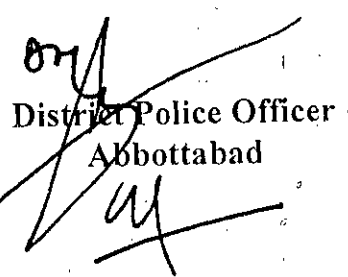
OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD

No: 4966/PA, Dated Abbottabad, the 5/10/2018.

FINAL SHOW CAUSE NOTICE
(Unit Rule (3) KPK Police Rules, 1975)

1. That you **HC Sajjad Ahmed** the then MHC PS Mirpur, rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 for following misconduct;
 - I. On 28-09-2018 Mst: Anwar Jan W/O Muzaffar Ahmed, R/O District Sahiwal reported in Police Station Mirpur that accused Imtiaz Hussain S/O Riaz Husaain, Zubair Farooq S/O Arif Chaudhry, Muhammad Akthar S/O unknown, etc. forcibly brought her in a congested area of Police station Mirpur and committed rape with her on by one. You instead of chalking FIR referred her to Police Station Havelian. As a result she approached the high ups for extending justice. Your this act amounts to gross misconduct in the performance of official duties and also earned bad name for Police Department in the eyes of general public.
 - II. During proper departmental enquiry the allegations have been proved against you.
2. That by reason of above, as sufficient material is placed before the undersigned therefore it is decided to proceed against you in general Police proceedings without aid of enquiry officer;
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the police force will amount to encouragement of inefficient 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 Final 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 Final Show Cause Notice within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

Muhammad Arshad Khan Jano
Advocate High Court
Office No 33 Adjacent to


District Police Officer
Abbottabad

Received by _____
Dated ___/___/2018.

P-16

OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD

No: 4966/PA, Dated Abbottabad, the 5/10/2018.

FINAL SHOW CAUSE NOTICE
(Unit Rule (3) KPK Police Rules, 1975)

1. That you **HC Sajjad Ahmed** the then **MHC PS Mirpur**, rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 for following misconduct;
 - I. On 28-09-2018 Mst: Anwar Jan W/O Muzaffar Ahmed, R/O District Sahiwal reported in Police Station Mirpur that accused **Imtiaz Hussain S/O Riaz Husaain, Zubair Farooq S/O Arif Chaudhry, Muhammad Akthar S/O unknown, etc.** forcibly brought her in a congested area of Police station Mirpur and committed rape with her on by one. You instead of chalking FIR referred her to Police Station Havelian. As a result she approached the high ups for extending justice. Your this act amounts to gross misconduct in the performance of official duties and also earned bad name for Police Department in the eyes of general public.
 - II. During proper departmental enquiry the allegations have been proved against you.
2. That by reason of above, as sufficient material is placed before the undersigned therefore it is decided to proceed against you in general Police proceedings without aid of enquiry officer;
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the police force will amount to encouragement of inefficient 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 Final 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 Final Show Cause Notice within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

Received by _____

Dated 5/10/2018.


District Police Officer
Abbottabad

P-17

OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD

No: 4966/PA, Dated Abbottabad, the 5/11/2018.

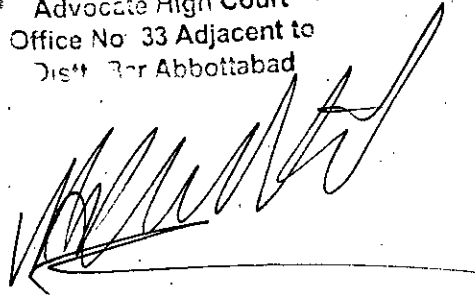
GROUNDS OF ACTION

That you HC Sajjad Ahmed the then MHC PS Mirpur, committed following misconduct:-

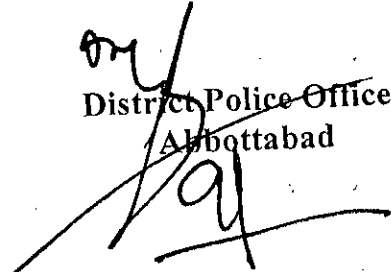
- I. On 28-09-2018 Mst: Anwar Jan W/O Muzaffar Ahmed, R/O District Sahiwal reported in Police Station Mirpur that accused Imtiaz Hussain S/O Riaz Husaain, Zubair Farooq S/O Arif Chaudhry, Muhammad Akthar S/O unknown, etc. forcibly brought her in a congested area of Police station Mirpur and committed rape with her on by one. You instead of chalking FIR referred her to Police Station Havelian. As a result she approached the high ups for extending justice. Your this act amounts to gross misconduct in the performance of official duties and also earned bad name for Police Department in the eyes of general public.
- II. During proper departmental enquiry the allegations have been proved against you.

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

Muhammed Iqbal Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Distt. Bar Abbottabad



District Police Officer
Abbottabad



ENDING OF DEPARTMENTAL ENQUIRY CONDUCTED AGAINST HC MUHAMMAD SAJJAD THE THAN MUHARRIR POLICE STATION MIRPUR

OF ALLEGATIONS:

A Departmental enquiry was received against HC Muhammad Sajjad the than Muharrir Police Station Mirpur with the allegation that "On 28-09-2018 Mst: Anwar Jan W/o Muzaffar Ahmed, s/o District Sahival reported in Police Station Mirpur that accused Imtiaz Hussain s/o Riaz Hussain, Zubair Farooq s/o Arif Chaudhry, Muhammad Akhtar s/o unknown, etc forcibly brought her in a congested area of Police Station Mirpur and committed rape with her one by one. He instead of chalking FIR referred her to Police Station Havelian as a result she approached the high-ups for extending justice. His this act amounts to gross misconduct in the performance of official duties and also earned bad name for Police Department in the eyes of General public".

PROCEEDINGS:

The Undersigned summoned all the relevant PS staff, recorded statements, cross examined and collected all the documentary evidences relating to the incident which are placed here with enquiry file:-

FINDINGS:

During course of enquiry, it has been noticed that on 28-09-2018 Mst: Anwar Jan w/o Muzaffar Ahmed came to PS Mirpur at about 02:00 am and Muharrar staff of the PS instead of corroborating her report in Roznamcha, returned back the applicant lady with the advise to lodge the report at PS Havelian. Constable Umer, who was at sentry duty at PS Mirpur under the direction of Muharrar staff stopped a vehicle and sent her to PS Havelian for lodging a report. The lady was told that it was not a police station competent to register the complaint rather it was a police post. Applicant lady reached at PS Havelian, where entry has been made in Roznamcha vide DD No.48 dated 28-09-2018 (copy enclosed). It is worth mentioning that applicant lady stated the incident to have happened in the jurisdiction of PS Mirpur. She was again returned by the Muharrar staff of PS Havelian to PS Mirpur through local Transport from where she was again returned back without taking any action by Muharrar staff of PS Mirpur which clearly shows that the Muharrar staff and guard on duty miserably failed to provide relief the victim lady. In addition, the matter was also not brought in the notice of any senior police officer.

The delinquent officer furnished the statement that the lady did not tell anything about the sexual abuse. Her primary complaint was to get her children back from her husband and she intended to approach the Honorable Supreme Court for this purpose. On inquiring about the physical and mental state of the victim lady at the time she approached PS Mirpur for the first time, the official responded that the victim lady was weak and did not seemed to be in her senses. Besides she was also foulmouthed. The delinquent head Muharrar should have called lady constable and send the victim lady for the medical checkup keeping in view her physical and mental condition.

Undersigned has inferred that it was a grave negligence on the part of official that on one hand, he did not bother to register the FIR of a lady who visited the PS Mirpur at 2:00am in dilapidated condition, nor she was send for medical. The poor lady was made shuttle between PS Mirpur and PS Havelian despite the statement of victim lady that she was thrown in the bushes nearby and the

Arshad Khan Tanoli
High Court
Liaquat
[Signature]

informed and directed her to reach the closely located PS Mirpur. Inquiry into the incident proved the official did not communicate the incident to any senior police officers on time and mis handled lady in distress.

Therefore, keeping in view the facts, findings and circumstances of the incidence, I as an enquiry officer have found him guilty of willful breach and neglect of official duty and order which he was bound to obey under "The Khyber Pakhtunkhwa Police Act, 2017" and "The Khyber Pakhtunkhwa Police rules '1975 amended in 2014' , Major Penalty of Dismissal from Service is hereby recommended to be imposed on HC Muhammad Sajjad for bringing bad name to the department.

Sonoo Khan

Muhammad Arshad Khan Tariq
Advocate High Court
Office No 33 Adjacent to
Distt 37 Abbottabad

ADDL: SUPERINTENDENT OF POLICE,
ABBOTTABAD.

[Signature]

کورٹ فیس

وکالت نامہ

Service Tribunal KPIC Peshawar بعدالت

Sajjad Ahmed نام: Director General of Police IGP

Appellant منجانب:

نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام

Muhammad Arshad Khan Tanoli
Advocate High Court

Office No. 33 Adjacent to

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت ناش بصرہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم: 1 صوری 2019

بمقام: Abbottabad

Accepted

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

لعدالت جناب مگر مشنریول رعاد کب کورٹ ایسی

جناب عالی

گزارش سے یہ ہے کہ پولیس میں رجسٹرڈ کرائڈ
لٹریچر سے متعلقے جواز افسار کے فوری سے پریف
کیا تھا جس کے خلاف میں نے دیس دیس کو
اپیل کا تھا لیکن دیس دیس نے اپیل فارج
میں نے ۱۹۱۱ دیس کو نگرانی کی اپیل کا تھا
جیلوں نے جے آرڈر ۸۷-۵۵۱ حوض $\frac{3}{19}$ ۲۶ کو
Re-stated کیا ہے

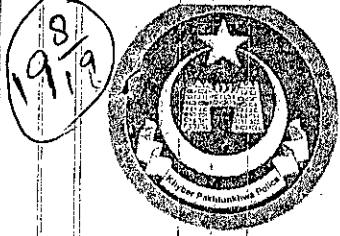
حکم کی کاپی لف - لٹریچر پریس حکم ۱۹۱۱ پریس ڈائریسی
سے کی ہے

لٹریچر رجسٹرڈری حیری اپیل کا واپس لٹریچر بار
فارج لٹریچر جائے

24.5.19
Law

العارف

سجاد احمد ولد لبراسف کان کنڈ پندرہ حیرا
مال بلازم پولیس ایسی
13101 5140337.9
0346. 9991744



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. S/ 880 /19, dated Peshawar the 26/03/2019.

ORDER

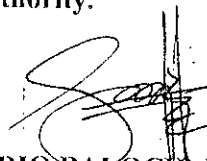
This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by **Ex-IC Sajjad Ahmad No. 1190**. The petitioner was dismissed from service by District Police Officer, Abbottabad vide OB No. 270, dated 08.10.2018 on the allegations that he while posted as Muharrir Police Station Mirpur, on 28.09.2018 Mst: Anwar Jan W/O Muzaffar Ahmed, R/O District Sahiwal reported in Police Station Mirpur that accused Intiaz Hussain S/O Riaz Hussain, Zubair Farooq S/O Arif Chudhry, Muhammad Akhtar S/O unknown etc, forcibly brought her in a congested area of Police Station Mirpur and committed rape with her one by one. He instead of chalking FIR referred her to Police Station Havelian. As a result she approached the high ups for extending justice.

His appeal was filed by Regional Police Officer, Hazara vide order Endst: No. 5882/PA, dated 13.12.2018.

Meeting of Appellate Board was held on 07.03.2019 wherein petitioner was heard in person. During hearing petitioner denied the allegations leveled against him and contented that the lady did not tell anything about the sexual abuse. Her primary complaint was to get children back from her husband and she intended to approach the Honourable Supreme Court of Pakistan for this purpose.

His appeal is accepted as per latest facts of the FIR No. 821, dated 28.09.2018 u/s 376 (II) PPC Police Station Mirpur which has been found false and fabricated. The IO has submitted discharge report in the case. The complainant of the FIR could not prove the allegations so the defaulter HC is not guilty of the misconduct for which he was awarded punishment. Therefore as recommended by the Board the petitioner is hereby re-instated in service and major penalty of dismissal from service is converted into minor penalty of stoppage of one increment without cumulative effect. The intervening period to be treated as leave of kind due, if any on his credit.

This order is issued with the approval by the Competent Authority.


(SADIQ BALOCH) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

No. S/ 881-87 /19,

Copy of the above is forwarded to the:

- ✓ 1. Regional Police Officer, Hazara at Abbottabad.
- ✓ 2. District Police Officer, Abbottabad. Service Roll alongwith Fauji Missal containing enquiry file of the above named IC received vide your office Memo: No. 371/Legal, dated 29.01.2019 is returned herewith for your office record.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.