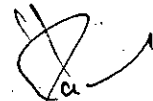


03.03.2020

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant has filed the present service appeal against the order dated 17.09.2019 whereby the appellant was reverted to the rank of Head Constable and against the order dated 28.10.2019 through which his departmental appeal was filed.

Submissions made by the learned counsel for the appellant, need consideration. The present service appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 04.05.2020 before S.B at Camp Court, Swat.



Member
Camp Court, Swat.

I want to withdraw my service appeal because my client has been reinstated to the post of A.S.I. Muhammad Arif Advocate

08.09.2020

Appellant alongwith counsel present.

Mr. Riaz Khan Paindakheil learned Assistant AG for respondents present.

At the very outset an application for unconditional withdrawal was submitted by the appellant. To this effect, statement of learned counsel for appellant Mr. Muhammad Arif Advocate was recorded and ^{his} signature was obtained on the margin of order sheet.

In view of the request, the appeal stands dismissed as withdrawn. File be consigned to the record room.

Announced.
08.09.2020




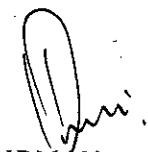
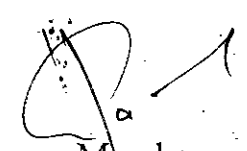
(Rozina Rehman)
Member (J)
Camp Court, Swat

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1632/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/12/2019	<p>The appeal of Mr. Alim Ullah presented today by Mr. Muhammad Arif Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 3/12/19</p>
2-		<p>This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on <u>04-02-20</u></p> <p> CHAIRMAN</p>
	04.02.2020	<p>Appellant in person present and seeks adjournment as his counsel is not available. Adjourn. To come for preliminary hearing on 03.03.2020 before S.B at Camp Court, Swat.</p> <p> Member Camp Court, Swat.</p>

Before the Service Tribunal K.P.K at Comptroller
Court

Halim Ullah vs Govt K.P.K etc

Service Appeal

Application for unconditional withdrawal
of the above mention case

Respectfully sheweth

- 1: That the above mention case is pending before this honourable tribunal, which is fixed for today.
- 2: That the mercy petition of appellant have been accepted by respondent no. 2 and have been reinstated to the post of A.S.I (Assistant Sub-inspector) therefore, the instant appeal become infructuous.

on acceptance of instant application due to the above mention grounds, the applicant may be allowed to withdraw his appeal.

Appellant

Halim Ullah

through ~~Halim~~ Muhammad Arif Adnan

8.9.2020

BEFORE, THE HONOURABLE KHYUBAR PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service appeal No. 1632 of 2019

Alim Ullah **VERSUS** Govt. of Khybar Pakhtunkhwa etc.

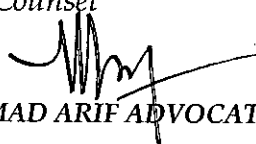
INDEX

S.No	Description	Annexure	Page No
1	Appeal along with certificate	1-4
2	Affidavit	5
3	Memo of addresses	6
4	Copy of FIR	A	7
5	Copy of Zimini	B	8
6	Copy of index column	C	9
7	Copy of notice	D	10
8	Copies of charge sheet and disciplinary action	E&F	11-12
9	Copy of reply	G	13
10	Copy of impugned order dated 17/9/2019	H	14
11	Copy of department appeal and order 28/10/2019	I & J	15-16
12	Wakalat Nama	17

APPELLANT

Alim Ullah

Through Counsel


MUHAMMAD ARIF ADVOCATE

High court,

Cell No. 0332-9483542

BEFORE, THE HONOURABLE KHYUBAR PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service appeal No. 1632 2019

Khyber Pakhtunkhwa
Service Tribunal

Slary No. 1707

Dated 03/12/2019

Alim Ullah S/o Kareem Ullah Resident of Islampur, Tehsil Babozai
 District Swat.(Appellant)

VERSUS

- 1) Govt. of Khyber Pakhtunkhwa through Inspector General of Police
 K.P.K at Peshawar.
 - 2) Regional Police Officer Malakand Region Sidu Sharif Swat.
 - 3) District Police Officer Swat at Gulkada Saidu Sharif Swat.
-(Respondents)

*Appeal U/s 4 of the Service Tribunal Act 1974, against the
 Impugned order dated 28/10/2019, of respondent No. 2, whereby
 uphold reduction to lower post / the reversion order of respondent
 No. 3, from Assistant Sub Inspector to the post of head constable.*

PRAYER:

*On acceptance of instant appeal the impugned order of respondent
 No.2 dated 28/10/2019 and of respondent No. 3 dated 17/9/2019,
 be declare null and void and the appellant may kindly be reinstated
 to post of A.S.I (Assistant Sub Inspector), along with all back
 benefits.*

Filed to-day

Registrar
 3/12/19

Respectfully Sheweth:

1. That the appellant was initially appointed in police
 department as constable on 02/11/2004 and performed his
 duty with great Zeal and Zeast.
2. That the appellant after completing various departmental
 course promoted to post of Head Constable on 2012 and later
 on promoted to the post of A.S.I on 25/12/2018.
3. That the appellant is efficient, hardworking and devoted to his
 Honourable department, So, therefore, keeping in view the
 matrimonial service render by the appellant, department has award
 various certificate to appellant.

4. *That on 27/6/2019, the appellant was on patrolling near, old check post Fizagat road, there were some crowd due to the abduction of a person as soon as the appellant reach to the spot, the security personal were lifting the spot, the appellant called them, but the security personal / secret agency reply that they belong to security forces. However, immediately inform the Anwar Khan SHO of Mingora from the Act of Security forces.*
5. *That as the appellant collecting the information about the abduction occurrence, the security personal had already dismantle the Camera system of AlJazera Hotel, and than take away the abduct, person namely Jehanzeb S/o Safdar, to the Unknown place.*
6. *That on the following day abducte brother report to the local police for the abduction of his brother namely Jehanzeb against the unknown security forces, on 27/6/2019 the FIR No. 788, under section 365 PPC, was lodge on 1/7/2019 on the report of abductee brother. (Copy of FIR as annexure A).*
7. *That the investigation was carried out by the inquiry officer till 15/7/2019, and according Ziminal First, the Abductee has been return to his home. While relucting to join the investigation therefore, the index column of accused is still vacant and also not reply of notice under section 160 of Cr.P.C. (Copy of Zimin as annexure B, index column as annexure C and notice is annexure D).*
8. *That the respondent No. 3 issue charge sheet along with the statement of allegation No. 28/PA dated 3/7/2019 to the appellant and the SDPO was appointed as enquiry officer. (Copy of charge sheet is annexure E & statement of allegation /disciplinary action F).*
9. *That the appellant reply to the charge sheet, and deny from the allegation leveled against appellant the inquiry officer never meet with the appellant for hearing the case the reply submitted to the reader of line officer. (Copy of reply as annexure G).*

10. *That the respondent No.3 passed the impugned order vide No. O-B No.147 dated 17/9/2019 and awarded major punishment to the appellant i.e reversion to lower rank of head constable from A.S.I.(Copy of impugned order from respondent No.3 as annexure H).*
11. *That the appellant aggrieved from the impugned order of respondent No.3 prefer departmental appeal to the respondent No.2 on 18/9/2019, the respondent No.2, also uphold the order of respondent No.3 vide order No.1156/E dated 28/10/2019, received by the appellant on dated 04/11/2019. (Copy of departmental appeal as annexure I & order is annexure J).*

GROUNDS:

- a) *That the impugned order of respondent No.2, as well as respondent No.3, is illegal, unlawful, unconstitutional and without lawful authority, hence liable to be set aside.*
- b) *That the appellant has try his best to know about the occurrence, recover the abductee but they were in Security forces Uniform, which manifest that they were acting in the grab of law.*
- c) *That there is no omission or negligence on the part of appellant because the appellant promptly inform the Anwar Khan SHO Mingora. The CDR of the appellant fully support the version of appellant.*
- d) *That the so called reason noted in the impugned order is not applicable to the appellant case, because the appellant promptly conduct the investigation for the identification of the accused, but the security forces had already dismantle the camera system of the hotel.*

- e) That the abductee was returned to his home on 15/7/2019 while, the respondent No. 3 pass the impugned order of reduction to lower rank head constable 17/9/2019. the second inquiry with respect to the recovery of abductee was not conducted by respondent No.3, because the appellant was not personally heard, nor meted with the appellant.
- f) That the enquiry was no conducted according to law. The major punishment awarded by respondent No.3 is against the law and Police Rule.
- g) That any other grounds will be raised at the time of arguments, before, the Honourbale Tribunal.

It is therefore, humbly prayed that on acceptance of instant appeal the impugned order of respondent No.2 dated 28/10/2019 and of respondent No. 3 be declare null and void and the appellant may kindly be reinstated to post of A.S.I (Assistant Sub Inspector), along with all back benefits.

APPELLANT



Alim Ullah

Through Counsel



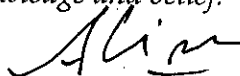
MUHAMMAD ARIF ADVOCATE

High court,

2.12.2019

CERTIFICATE:

It is, certified that all the contents of this appeal are true and correct to best of my knowledge and belief.



APPELLANT

Alim Ullah

BEFORE, THE HONOURABLE KHYUBAR PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service appeal No. _____ of 2019

Alim Ullah **VERSUS** Govt. of Khybar Pakhtunkhwa etc.

APPEAL

Affidavit

I, Alim Ullah S/o Kareem Ullah Resident of Islampur, Tehsil Babozai District Swat, do hereby stated on oath that no such like appeal has earlier been filed before this Honourable Tribunal or any other competent court.

DEPONENT

Alim

Alim Ullah S/o Kareem Ullah



6

BEFORE, THE HONOURABLE KHYUBAR PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service appeal No. _____ of 2019

Alim Ullah **VERSUS** Govt. of Khybar Pakhtunkhwa etc.

MEMO OF ADDRESSES

ADDRESS OF THE APPELLANT:

Alim Ullah S/o Kareem Ullah Resident of Islampur, Tehsil Babozai District Swat.

CNIC No. 15602-0246400-3

Cell No. 0348-9175217

ADDRESSE OF THE RESPONDENT:

- 1) Govt. of Khybar Pakhtunkhwa through Inspector General of Police
K.P.K at Peshawar.
- 2) Regional Police Officer Malakand Region Sidu Sharif Swat.
- 3) District Police Officer Swat at Gulkada Saidu Sharif Swat.

APPELLANT

Alim Ullah

Through Counsel


MUHAMMAD ARIF ADVOCATE

High court,

2.12.2019

ابتدائی اطلاعی رپورٹ

دفعہ نمبر ۲۲-۱۵

ابتدائی اطلاع نہایت جرم قابل دہشت اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۳ مجموعہ ضابطہ فرجاری

۱۸/۱۱/۲۰۱۱
۱۱/۰۷/۱۱

سوات ضلع

منگورا

تھانہ

788 05

تاریخ ۲۷/۰۷/۱۱ بوقت شب

۱	تاریخ و وقت رپورٹ	۲۷/۰۷/۱۱ بوقت ۱۷:۱۵ بجے	۲۷/۰۷/۱۱ بوقت ۱۸:۳۰ بجے
۲	نام و سکونت اطلاع دہندہ مستغنیث	۱۷۳۵۱-۹۸۲۹۹۳۱-۳	نام (۱) حیدر علی ولدیت ضلع خاران کونٹ بھادر ولد امرتھا موبائل نمبر ۰۳۱۵-۹۹۶۷۹۹۹
۳	مختصر کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	R 365	
۴	جائے وقوعہ فاصلہ تھانہ سے اور سمت	الخبر یہ سوئیل واقع فحاشی باصدا قریب ڈاکو سٹریٹ ٹائپ ٹھکانہ	
۵	نام و سکونت ملزم	(۱) نام _____ ولدیت _____ سکونت _____ CNIC نمبر _____ موبائل نمبر _____ (۲) نام _____ ولدیت _____ سکونت _____ CNIC نمبر _____ موبائل نمبر _____ (۳) نام _____ ولدیت _____ سکونت _____ CNIC نمبر _____ موبائل نمبر _____	
۶	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو	برسیدی مرشد پر چھ دیا گیا	
۷	تھانہ سے روانگی کی تاریخ و وقت	بہ سبیل ڈاک	

ATTESTED
SHO PS MINGORA

ابتدائی اطلاع شیپے درج کرو۔ اس وقت ایک خبری مرشد جناب انور خان صاحب بدست سبیل حیدر خان ۱۸۳۸ حوصلہ پور من ذیل ہے۔ افسر انچارج تھانہ منگورا متفقہ طور پر رپورٹ جو افسر نے درج کی ہے۔ تھانہ منگورا دورے روز نامہ گزرا ابد اسٹیشن کے قلمدان بالا ادرہ جات سے صورت جرم بالا پائی جا کر مرشد مجرم بالا عرفان گلزمان سیلورٹی فورسز اورڈر میں ملیں اور ملاہ بیاس اسم و سکن نامعلوم مرشد ضابطہ قریب میں ۸ گھر لنگرن نامی مشہور بدست سبیل حیدر خان ۱۸۳۸ سال تھانہ ہے۔ انوسی ٹن سٹاف کو حاکم تفتیش بنا جانے کے بعد ذیل SOI محمد انور خان ۱۸۳۸ تھانہ منگورا مورف ۱۱/۰۷/۱۱ اظہار کیا اور سوات میں حیدر علی ولد حیدر خان قوم خلیل ہند لہر قریب ۳۱ سال ساکن بھادر ولد امیر تھانہ بالا مانڑی سٹیڈ ۱۷۳۵۱-۹۸۲۹۹۳۱-۳ CNIC موبائل نمبر ۰۳۱۵-۹۹۶۷۹۹۹ بجے ۱۷:۱۵ بجے حورہ کی طرف مجاز تھانہ اور رپورٹ کرنا ہے۔ ام جھانڑی خان ولد حیدر خان مع فیملی سمیت لغرض سیر و تفریح سوات آکر الخبر بدست سوئیل واقع فحاشی ٹھکانہ میں رہا ہے کہ مجھے بھی ام نے بذریعہ فون اطلاع دی کہ خاوند ام جھانڑی سوئیل کے وقت شب حورہ کی طرف فورسز اورڈر ہوئی میں ملیں اور کہہ ساروں بیاس میں ملیں سان امرتھا کے بعد میں معلوم ہوا کہ وہی سوئیل چھوٹا واقعہ ہائی بیاس ہے۔ میں صبح آکر جھانڑی کو کوٹواچہ سوار بنایا ابھی تک معلومات کر رہا ہوں کہ برادر ام کیا ہے۔ ملکہ کوئی معلومات نہ ہو سکتا۔ برادر ام جھانڑی ہے موبائل نمبر ۰۳۳۱۵۵-۵۳۳۲۔ مگر حال اسے دوست کو حوصلہ پور میں ہے۔ برادر رپورٹ کرنا ہوں۔ ام کا روٹی پوریں تھانہ سا سبیل رپورٹ صرف مجرم درج صدر سوئیل پر ملکر بنایا سمجھا گیا۔ درشت نیک ٹرے زیر رپورٹ خود دستخط نہ کی۔ سبیل میں لنگرن ٹرے ہوں۔ رپورٹ کنندہ کا بیان ہے کہ مذکورہ کسان سیلورٹی فورسز اورڈر اور سارے دستور

من ملوس کے ساتھ تصنیف لکھی اور انور علی کا خطاب ہے۔ نیکو انور
با آسائش و تسلی کی جاہلی۔ نیکو دستیں جیسا ہی صورت یا یا جاتے تانوی کاروانی
مخل سے لائی جاہلی۔ جیسا ہی نقل بقایا اصل ہے ہی انور علی محمد انور خان سے
تعمیر منورہ جو روز ۱۹۰۶ء میں آمد مراد عرف عرف دوز صبر سوز نقل و ترجمہ
اصل پر ایسے لکھیں جس کو اللہ تعالیٰ قبول فرمائے۔ انور علی کا کو اہل علم کی جاہلی

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ABDUL KALAM

۱۹۰۷-۱۹۰۸

۱۹۰۷-۱۹۰۸

۱۹۰۷-۱۹۰۸
۱۹۰۹-۱۹۱۰
۱۹۱۱-۱۹۱۲
۱۹۱۳-۱۹۱۴
۱۹۱۵-۱۹۱۶
۱۹۱۷-۱۹۱۸
۱۹۱۹-۱۹۲۰
۱۹۲۱-۱۹۲۲
۱۹۲۳-۱۹۲۴
۱۹۲۵-۱۹۲۶
۱۹۲۷-۱۹۲۸
۱۹۲۹-۱۹۳۰
۱۹۳۱-۱۹۳۲
۱۹۳۳-۱۹۳۴
۱۹۳۵-۱۹۳۶
۱۹۳۷-۱۹۳۸
۱۹۳۹-۱۹۴۰
۱۹۴۱-۱۹۴۲
۱۹۴۳-۱۹۴۴
۱۹۴۵-۱۹۴۶
۱۹۴۷-۱۹۴۸
۱۹۴۹-۱۹۵۰
۱۹۵۱-۱۹۵۲
۱۹۵۳-۱۹۵۴
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۱۹۵۹-۱۹۶۰
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۲۰۱۹-۲۰۲۰
۲۰۲۱-۲۰۲۲
۲۰۲۳-۲۰۲۴
۲۰۲۵-۲۰۲۶

اطلاع کے لیے اطلاع دہندہ کا خط ہوگا یا اس کی سرانجام دہندہ کی اطلاع کا خط بطور تصدیق ہوگا۔ حرف الف یا ب سرخ روشنائی سے بالقابل نام پر
ایک لکھنا یا شہر علی الترحیب واسطے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں موزوں ہوں، لکھنا چاہیے۔
۲۰۱۳-۲۰۱۴
۲۰۱۵-۲۰۱۶
۲۰۱۷-۲۰۱۸
۲۰۱۹-۲۰۲۰
۲۰۲۱-۲۰۲۲
۲۰۲۳-۲۰۲۴
۲۰۲۵-۲۰۲۶

رپورٹ ضمنی

پولیس فارم نمبر ۱۵۳/۱۲۵ (۱)

فارم نمبر

حصہ اول (بیرونی)

ضلع مسوات

مینگورہ

تھانہ

۲۰۱۹ء ضمنی نمبر ۶

تھانہ میں موصول ہونے کا وقت و تاریخ

تھانہ سے روانگی کا وقت و تاریخ

ابتدائی اطلاع رپورٹ نمبر 788 حوضہ 07/019 01
تاریخ و مقام وقوع 27/06/19 عقاب الجزیرہ ہوسٹل واقعہ حفاظت

ج.م

PC 365

تاریخ مہر وقت جس پر کارروائی کی گئی	سلسلہ وار نمبر	از حقا	حالات تفتیش دستگیرہ کو سفٹنک ASI/INV
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بذریعہ صدر حیدر علی ولد صفیر خان سنگھ بنیاد و حلالہ میر تقی آباد مانتری لیسٹوار بنام :- متذکرین اس میں دستگیر کیا گیا ہے۔

حالات مقدمہ بذریعہ حکمیات گذشتہ تحصیل طور پر عرض ہو چکے ہیں۔

مذکورہ نمبروں یعنی مقدمہ عدلیہ میں دعویٰ جہانزیب خان کا کوکین حملہ کرنے کی خاطر اس کے ذریعہ استقال نو بائیل نمبر 03305331057 کا 03/07/19 حاصل کرنے کی عرض سے بذریعہ تحریری درخواست استعدا کی گئی تھی۔ جسے 03/07/19 امروز موصول ہو کر دعویٰ جہانزیب خان کا کوکین حملہ کرنے پر مختلف طور پر معائنہ میں لگ رہا جو کہ اسلام شہر خان شہد عیسیٰ اور اور انٹری کوکین حوضہ 07/019 01 محل رہ جو کہ اسلام آباد میں آیا ہے۔ اندر میں سلسلہ عدلیہ مقدمہ کیسٹا کے بذریعہ نو بائیل نمبر 03159967998 پر ذرا لگنے کے بعد عدلیہ مقدمہ حیدر علی نے بتلایا کہ اس کا بھائی دعویٰ جہانزیب خان کے اخوان کا ذکر ہے جسے جمعہ دی ہے اور گھر خود بھی میریت و انسید آیا ہے۔ مذکورہ حیدر علی کو بذریعہ نو بائیل نمبر خود اور اپنے بھائی جہانزیب خان کو قہا میں پیش کرنے کی ہدایت کی۔ مذکورہ نے واضح کیا کہ سہ بدست وہ بیمار ہے صحت از حد صحت یابی پر قہا مینگورہ میں خود اور جہانزیب کو پیش کرنے کی یقین دہانی کرائی۔ دعویٰ جہانزیب خان کی بازیابی کے متعلق اطلاع اس میں مالا کو دی جا رہی ہے اس قدر حالات پر ضمنی رپورٹ مرتب ہو کر گزارش ہے۔

15.7.019

12.00

12.30

ATTESTED
SHO PSTMINGORA

ASININGORA
ASI-INV. P. Mingora
15-7-019

فقدور عدل 788
365 = 31-7-19

9

انڈکس ضمنیات

ضمنیات کے پہنچنے پر فوراً خانہ پری کی جائے گی۔

05

نمبر شمار	تاریخ رپورٹ ضمنی	نام آفیسر تفتیش کنندہ	نمبر شمار	تاریخ رپورٹ ضمنی	نام آفیسر تفتیش کنندہ
1	1-7-19	یوسف خان	8	23-9-19	یوسف خان
2	2-7-19	د د د	9		
3	03-7-19	د د د	10		
4	04-7-19	د د	11		
5	05-7-19	د د	12		
6	15-7-19	د د	13		
7	19-7-19	د د	14		

ATTESTED

SHO PS MINGORA

اطلاع جو چالان یا رپورٹ اختتامی کے بھیجنے پر درج کی جائیگی۔

تاریخ و وقت روانگی چالان یا رپورٹ اختتامی اور دفعہ جس میں ملازمان کا چالان کیا گیا ہو۔	نام گواہان	نام و سکونت ملازمان (الف) برائے تجویز حراست میں بھیجا گیا (ب) ضمانت یا چلکے پر (ج) جو برائے تجویز بھیجا گیا ہو۔	مال بشمولیت اسلحہ جو دستیاب ہوں

مل نام

اطلاع جو موصول ہوتے ہی فوراً درج کی جائے گی۔

خانہ نمبر 05	نتیجہ مقدمہ بصورت سزایابی یا بریت نام عدالت و حکم کی تاریخ و تفصیل درج کرو	جرم جس میں سزایاب یا بری ہوا۔	عدالت میں چالان کے پینچنے کی تاریخ
1	تاریخ و وقت رپورٹ		
2	نام و سکونت اطلاع دہندہ		
3	مختصر کیفیت جرم		
4	جائے وقوعہ فاصلہ		
5	نام و سکونت ملزم		
6	کارروائی جو تفتیش		
7	خانہ سے روانگی کی		

اطلاع دوبارہ مکمل حالات

ملازمین معہ چالان و مال مقدمات وغیرہ کی خانہ پری کرنی چاہیے۔

SHD صاحب

7L کا رپورٹ

کاٹھ 19

میں ملبوس

بدست

سید محمد انور

ہند لہر

سورجیل

احمد حجاز

قائم

سب حور

میں

گوگرو

نہ ہر

سی

در

ہوں۔

کارروائی جو برخلاف مشتکہ	اندراج متعلقہ کارروائی	اگر پرچہ مشکوک سمجھوایا گیا ہے۔	حوالہ رجسٹر نمبر (۹) اگر قابل	حوالہ رجسٹر (۲۰) اور نمبر (۲۱)	حوالہ تاریخ روز نامہ دوبارہ
مثلاً (۱۰۰۳) پر سٹی	حفظ امن	تو حوالہ نمبر تاریخ	اندراج رجسٹر نمبر (۹) ہو	مال مقدمات	بالیڈگی پرچہ
			۷۷/۹۲ P-783 S-153		۷۷/۹۲ ۷۲-۷۳ ۵۱-۵۷-۱۹

ضلع سوات


ٹھانسینگورہ

کوٹس زبردغہ 60 اصف

عوالد خدمت 788 حوضہ 07/01/07 فرم 365 PP کا مینگورہ
بذریعہ صدر علی ولد صفدر خان سکنہ قسملہ اچر پادر کلے لیسٹاور
نہا آ۔ ماکر 3/ ماکر زمان نافعہ

تقدیم غرضوں کے سبب میں آپ مدعی بالا کو بذریعہ کوٹس ہذا مطلع کیا جاتا ہے کہ تم
نے اپنے دعائیہ بیان تریب خان کے اغوا شکنگی کی رپورٹ بر خلاف ماکر زمان
نافعہ کی تھی۔ تمہارا دعائیہ بیان تریب خان بھی سیریت گھر خورد والیسیا اچر پادر
آپ کو بذریعہ حوالہ سبیل خوں بار بار اپنے دعائیہ بیان تریب خان کو اور خورد خورد
تلمبندی بیان مطلع کیا گیا ہے اور اندر میں سلسلہ بیان تریب خان گیسٹا قو بذریعہ
حوالہ سبیل خوں بھی رابطہ کیا گیا ہے۔ لیکن بار بار رابطہ کے باوجود نہ تم خورد
دیش ہو اور نہ اپنے دعائیہ بیان تریب خان کو تا حال خورد خورد قلمبندی بیان
دیش کیا۔

لہذا آپ کو بذریعہ کوٹس ہذا مطلع کیا جاتا ہے کہ آ۔ نہات خورد اور
اپنے دعائیہ بیان تریب خان کو خورد خورد قلمبندی بیان خورد خورد 9/06/07
موز مہجرات عملاً ٹھانسینگورہ ضلع سوات دیش پور خانے کی صورت
دیگر آ۔ کا خدمت خارج کیا جائیگا اور آ۔ کے خلاف قانونی کارروائی
عمل میں لائی جائیگی


Hamid
ASI - INW - P.S. Mingora
23-9-07

ATTESTED

SHO PS MINGORA

سین مسعودی صفدر خان کوٹس
ہذا سے مطلع ہوا ہے
صدر علی سلسلہ بھی کام لا پورہ
گیا ہے لوالیسیا مذکورہ صدر علی کو
مطلع کروانے کا نقل کوٹس ہذا
میں نے دھولی کیا

نور احمد
صفدر خان ولد صفدر خان سکنہ قسملہ اچر پادر
NIC # 17301-1558207-3

CHARGE SHEET

11

I, Syed Ashfaq Anwar, PSP District Police Officer, Swat being competent authority, hereby charge you, ASI Alim Ullah while posted to Police Station Mingora as follows:-

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

It has been reported by DSP City Circle that on 27-06-2019 night you were on patrolling when unknown persons took one namely Jehan Zeb s/o Safdar away. You had reached the venue and could have identify the kidnappers but you did not fulfill the requirements of your job and rather returned without indentifying or chasing the perpetrators. You have already been suspended, closed to Police Station and thus issued this charge sheet and statement of allegations.

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

3. You are, therefore, required to submit your written reply within seven (07) days of the receipt of this Charge Sheet to the Enquiry officer.

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

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

6. A statement of allegations is enclosed.

District Police Officer
Swat

28

Date: 03-07-2019

Attested
to be true
My copy
in my hand

11-A

BATTER COPY OF CHARGE SHEET

CHARGE SHEET

I Syed Ashfaq Anwar, PSP District Police, Officer, Swat, being a competent authority, hereby charge you ASI Alim Ullah, while posted to Police Station Mingora as follows:

You committed the following act / acts . which is / are gross misconduct on your part

as defined in Rule 2(iii) of police disciplinary rules 1975, with amendments 2014, vide notification No.3859/Legal dated 27/08/2014 of the General of Police Khybar Pakhtunkhwa Peshawar.

It has been reported by DSP City Circle, date on 27-6-2019 night, you were on patrolling when unknown person took one namely Jehanzeb S/o Safdar away. You had reached the venue and could have identify the kidnappers but you did not fulfill the requirements of your job and rather returned without identifying or chasing the perpetrators. You have already been suspended closed to Police Line and thus issued this charge sheet and statement of allegation.

2. By reason of above you appear to be guilty of misconduct and returned your self liable to all or any of penalties specified in Rule -4 of the disciplinary Rule 1975.
3. You are therefore, enquired to submit your written reply within seven (07) days of the receipt of the charge sheet to the enquiry officer.
4. Your written reply if any should reached the enquiry officer, within the specified period. Otherwise it shall be presumed that you have no defense to put in and in the case expartee action shall follow against you.
5. Intimate as to whether you desire to be heard in person or not.
6. A statement of allegation is enclosed.

Signed

District Police Officer

Swat

OB No. 28

Dated 3/7/2019

Attested to be
True and
Better copy
M. Arif Advokat

DISCIPLINARY ACTION

1. Syed Ashfaq Anwar, PSP District Police Officer, Swat being competent authority, is of the opinion that he ASI Alim Ullah while posted to Police Station Mingora has rendered himself liable to be proceeded against departmentally as he has committed the following acts/omissions as defined in Rule 2 (iii) of Police Rules, 1975 with amendments 2014 vide Notification No.3859/Legal dated 27-08-2014 of the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, as per Provincial Assembly of Khyber Pakhtunkhwa Notification No. PA/Khyber Pakhtunkhwa/ Bills/ 2011/44905 dated 06/09/2011 and C.P.O, K.P.K Peshawar Memo: No. 3037-62/Legal, dated 19/11/2011.

STATEMENT OF ALLEGATIONS

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

It has been reported by DSP City Circle that on 27-06-2019 night he was on patrolling when unknown persons took one namely Jehan Zeb s/o Safdar away. He had reached the venue and could have indentified the kidnappers but he did not fulfill the requirements of his job and rather returned without indentifying or chasing the perpetrators. He has already been suspended, closed to Police Lines.

2. For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations, DSP Saadu is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused officer and submit his findings immediately.

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

District Police Officer
Swat

No. 28 /PA, Dated Gulkada the, 03.07 2019

Copies of above to:-

DSP Saadu for initiating proceeding against the accused Officer/Official namely ASI Alim Ullah under Police Rules, 1975.

ASI Alim Ullah

With the direction to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer for the purpose of enquiry proceeding.

Attested to be true copy
M.A. J. Adawat

12-A

BETTER COPY

DISCIPLINARY ACTION

I Syed Ashfaq Anwar, PSP District Police, Officer, Swat, being a competent authority, is of the opinion. That the ASI Alim Ullah while posted to Police Station Mingora has rendered himself liable to be proceeded against departmentally as he has committed the following acts / omissions: defined in Rule 2(iii) of police rule 1975, with amendments 2014, vide notification No.3859/Legal dated 27/08/2014 of the Inspector General of Police Khybar Pakhtunkhwa Peshawar, as per provincial assembly of Khybar Pakhtunkhwa Notification No. PA/Khybar Pakhtunkhwa / Bill/2011/44905 dated 06/9/2011 and CPO K.P.K Peshawar memo No. 3037-62/legal dated 19/11/2011.

Statement of allegation

It has been reported that he while posted to police station Mingora committed the following Act / acts. Which is /are gross misconduct on his part as define in rule 2 (iii) of police rule 1975.

It has been reported by DSP City circle on 27/6/2019, night, he was on patrolling when unknown person took one namely Jehanzeb S/o Safdar away. He had reached the venue and could have identified kidnappers but he did not fulfill the requirement of his job and rather returned without identifying or chasing the perpetrators. He has already been suspended closed to police lines.

2. For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations DSP Saidu is appointed as inquiry officer.
3. The Inquiry Officer shall conduct the proceed in accordance with the provision of police rule 1975 and shall provide reasonable opportunity of defense and hearing to the accused officer and submit his finding immediately.
4. The accused officer shall join the proceedings on the date time and place fixed by Enquiry officer.

Signed

District Police Officer

Swat

No. 28/PA dated Gulkada the Date 03/07/2019

Copies of the above to.

DSP Saidu for initiating proceedings against the accused officer / official namely ASI Alim Ullah under police rule 1975.

ASI Alim Ullah

With the direction to appear before the enquiry officer on the date time and place fixed by the enquiry officer for the purpose of enquiry proceeding.

Attested
to be
True & better
copy
M. Arif Ahmed

124

ORDER

This order shall dispose of departmental enquiry against ASI Aleem Ullah of this district Police. He while posted to Police Station Mingora was alleged of misconduct as it was reported by DSP City that on 27-06-2019 night he was on patrolling when unknown person took one namely Jehan Zeb s/o Safdar away. He reached the spot and could have identify the kidnappers but he did not fulfill the requirements of his job and returned without identifying or chasing the perpetrators.

He was immediately suspended and closed to Police Lines which was followed by a regular enquiry against him. He was issued a charge sheet alongwith statement of allegations vide this office No. 28/PA, dated 03-07-2019 and SDPO Saidu Circle was directed to carry out a regular enquiry against the delinquent ASI. The Enquiry Officer after doing the needful reported that the Police Officer under enquiry has failed to chase the kidnappers who easily managed to flee the scene. He termed the ASI guilty of gross misconduct. He was called to weekly Orderly Room and heard in person but he failed to produce any solid reason to justify his misconduct.

The Police Officer under discussion has failed to prevent a citizen from being kidnapped which is a sheer violation of discipline and Code of Conduct for a Police Officer. The delinquent ASI played the role of a silent spectator when unknown criminals were kidnapping the person. He neither approached the kidnappers nor did he chase them to recover the victim which brought a bad name for Police department. This warrants punishment. Hence, in exercise of the powers vested in the undersigned under Rules 2 (iii) of Police Disciplinary Rules 1975, I Syed Ashfaq Anwar, PSP, District Police Officer, Swat being competent authority, am constrained to award him punishment of reversion to a lower rank of Head Constable. He is re-instated from suspension.

Order announced.

District Police Officer

Swat

O.B. No. 147

Dated: 17.8.19.

Copy to:-

1. Establishment Clerk
2. OSI

For necessary action, please.

Attested to true
My copy
M. Anis J. Ahmed

درخواست بمراد رحم بابت بحالی بہ عہدہ اسٹنٹ سب انسپکٹر (ASI)

جناب عالی!

گزارش ہے کہ سائل محکمہ پولیس سوات میں بحیثیت اسٹنٹ سب انسپکٹر تھانہ مینگورہ میں ڈیوٹی سرانجام دے رہا تھا۔ ایک وقوعہ کے بنا پر انکوائری شروع ہو کر بعد از انکوائری جناب DPO صاحب سوات نے سائل کو بحوالہ آرڈر بک نمبر 147 مورخہ 17-09-2019 کو بہ عہدہ اسٹنٹ سب انسپکٹر سے تنزیلی کر کے ہیڈ کنسٹیبل بنا دیا گیا ہے۔ آرڈر جاری کردہ ہمراہ لف درخواست ہذا ہے۔ سائل ایک غریب گھرانے سے تعلق رکھتا ہے اور اپنی زندگی کا کافی عرصہ پولیس کی خدمت میں صرف کیا ہیں۔ سائل کے حالات زار پر رحم فرما کر ASI کے عہدہ پر بحال کرنے کا احکامات صادر فرمائیں۔ تو سائل تا مرگ دم دعا گورہیگا۔

العارض

آپ کا تابعدار علیم اللہ نمبر HC/2463 متعینہ JIS پولیس لائن کبل سوات

موبائل نمبر: 0348-9175217

Sir,
Forwarded .

LO-PL-SWAT
18-09-2019

Sir,
Forwarded.

DSP-HQ-SWAT
18-09-2019

Attested to be
True copy
M. Arif Khan



OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND

SAIDU SHARIF SWAT.
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16

ORDER:

This order will dispose off appeal of HC Aleem Ullah of Swat District for restoration of rank as ASI.

Brief facts of the case are that ASI Aleem Ullah while posted to Police Station Mingora was alleged of misconduct as it was reported by DSP City that on 27/06/2019 at night the petitioner while on patrolling an unknown person took away one namely Jehan Zeb s/o Safdar. He reached the spot and could not identify the kidnappers but he did not bother to fulfil the requirement of his duty and returned without identifying or chasing the perpetrators. Consequently he was issued Charge Sheet coupled with statement of allegations and SDPO Saidu Circle was appointed as Enquiry Officer. The Enquiry Officer after conducting enquiry, reported that the delinquent Police Officer has failed to chase the kidnapper who easily managed to flee the scene. He termed the ASI guilty of gross misconduct. He was also called in Orderly Room and heard him in person but he failed to produce any cogent reason in his defense. The Police Officer under discussion had failed to prevent a citizen from being kidnapped which is a sheer violation of discipline and Code of Conduct for a Police Officer. The delinquent ASI played the role of silent spectator when unknown criminals were kidnapping the person. He neither approached the kidnappers nor did he chase them to recover the victim which brought a bad name for Police Department. Being found guilty of the charges leveled against him, the delinquent officer was awarded punishment of reversion to a lower rank of Head Constable vide his office OB No. 147 dated 17/09/2019.

He was called in Orderly Room on 23/10/2019 and heard him in person. The protection of life of general public is utmost duty of Policemen. Rather than the appellant has shown cowardice / negligence in his supreme duty. In the said circumstances the appellant failed to produce an cogent reason in his defense. Therefore, I uphold the order passed by DPO Swat and his appeal is hereby filed.

Order announced.

Regional Police Officer,
Malakand Region, Saidu Sharif Swat
Naqvi

No. 11563 /E.

Dated 28/10 /2019.

Copy of above for information and necessary action to District Police Officer Swat with reference to his office Memo: No. 15698/E, dated 14/10/2019. Fauji Missal of the above named Constable is returned herewith for record in your office.

Admitted to be
true copy
M. Arif Advisor

بعدالت جناب سردس ٹریبونل حیدرآباد خواہ مقام کیسٹا

مورخہ 2 دسمبر 2019 منجانب ایڈووکیٹ علیہ السلام
 مقدمہ علیہ السلام بنام حکومت حیدرآباد خواہ دہلی
 دعویٰ جرم
 سردس ٹریبونل
 باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنے طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام محل عدالت / سردس ٹریبونل محمد عارف ایدر سند 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 و تقرر ثالث و فیصلہ بر حلف دینے جواب دہیا و اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زر اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف اپیل کی برآمدگی اور منسوخ مذکور کے مکمل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند رہے

المرقوم 2 ماہ دسمبر 2019

العبد *Aliim* گواہ شد العبد
 علیہ السلام دلہ کریم اللہ

العبد گواہ شد العبد
 Attested and accepted by
 کیلئے منظور ہے۔ بمقام

Muhammad Arif Advocate
 District Court Smt
 Mob# 03329483542