21.01.2020 Clerk to counsel for the petitioner present. Mr. Muhammad Jan, DDA alongwith Mr. Misal Khan, ASI for respondents present.

As directed vide order sheet dated 21.11.2019, cheque to the tune of Rs. 65683/- has been handed over to the petitioner. Clerk to counsel for the petitioner present during the course of hearing confirmed the same and further stated that grievances of the petitioner have been redressed and did not want to further pursue the matter.

As grievances of the petitioner have been redressed, so the present execution petition in hand stands implemented. File be consigned to the record room.

Announced:
21.01.2020

(Ahmad Hassan)
Member
Camp Court A/Abad

22.10.2019 Learned counsel for the petitioner present. Mr. Usman Ghani learned District Attorney present. Learned District Attorney stated that the petitioner has been transferred to District Haripur. Adjournment requested. Adjourn. To come up for implementation report on 21.11.2019 before S.B. To also come up for arguments on the issue that as to whether the District Police officer Haripur has become necessary party to the present execution petition as a result of transfer of the petitioner to District Haripur, on the date fixed .

Member
Camp Court, A/Abad

21.11.2019 Counsel for the petitioner present. Mr. Usman Ghani, District Attorney for respondents present. Learned counsel for the petitioner informed that representative of the DPO, Haripur (Mr. Misal Khan, SI) present during the hearing showed willingness to make payment of outstanding arrears of the petitioner on account of pay etc. They are directed to produce proof of payment on or before the next date of hearing. To come up for further proceedings on 21.01.2020 before SB at camp court Abbottabad.

Member
Camp Court Abbottabad

08.07.2019

Petitioner alongwith his counsel present. Mr. Muhammad Bilal, Deputy District Attorney alongwith Mr. Shamraiz Khan, ASI for the respondents present. On the previous date, representative of the department was stated before this Tribunal that the petitioner is satisfied with the order of reinstatement and does not seeks any back benefits therefore, petitioner was summoned for attendance. Today petitioner appear in person and stated that he seeks back benefits and for this purpose he also filed this execution petition. Moreover, the representative of the department was also directed on the previous dated to produce copy of de-novo inquiry. Today he furnished the copy of de-novo inquiry. The same is placed on record. To come up for arguments on 16.09.2019 before S.B at Camp Court Abbottabad.

(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

16.09.2019

Counsel for the petitioner and Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Shamraiz Khan, ASI for the respondents present. Learned counsel for the petitioner requested for adjournment. Adjourned to 22.10.2019 for arguments before S.B at Camp Court Abbottabad.

(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

21.05.2019

Counsel for the petitioner and Mr. Shamraiz Khan, ASI alongwith Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Representative of the department submitted implementation report which is placed on record.

The petitioner was dismissed from service by the respondent-department however, the departmental appeal of the petitioner was accepted and major penalty of dismissal from service was converted into another major penalty of reversion from the post of Head Constable to the post of Constable. Thereafter, the appellant filed service appeal which was accepted, the impugned order was set-aside and the appellant was restored to his original position, the department was however, held at liberty to hold de-novo proceeding in accordance with law vide judgment dated 23.11.2017. After conducting de-novo inquiry as per order of District Police Officer Abbottabad the allegation could not be proved therefore, the competent authority agreed with the findings of the inquiry officer by warning him to remain carful in future vide order dated 22.02.2018. The petitioner feeling aggrieved from the order of District Police Officer Abbottabad filed the present execution petition. Learned counsel for the petitioner stated that the petitioner has been reinstated but since in the de-novo inquiry the charges level against the petitioner could not be proved therefore, the petitioner was entitled to be reinstated with back benefits.

On the other hand, representative of the department stated that the petitioner is satisfied from the order of reinstatement and does not seeks any back benefits therefore, petitioner be ~~also~~ summoned for attendance for the next date. Same way learned Deputy District Attorney also stated that the petitioner has been reinstated as per judgment of this Tribunal therefore, he is not entitled for back benefits.

Representative of the department is directed to produce copy of de-novo inquiry.

To come up for attendance of the petitioner as well as arguments on 08.07.2019 before S.B at Camp Court Abbottabad.

(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

17.12.2018 Counsel for the petitioner present. Mr. Shamraiz, ASI alongwith Mr. Usman Ghani, District Attorney for respondents present. Counsel for the petitioner seeks adjournment. Case to come up for further proceedings on 18.03.2019 before S.B at camp court A/Abad.

(Ahmad Hassan)
Member
Camp Court A/Abad

18.03.2019 Learned counsel for the petitioner and Mr. Muhammad Bilal learned Deputy District Attorney alongwith Shamrez SI present. Implementation report not submitted. Representative of the respondent department seeks time to furnish implementation report. Granted. To come up for implementation report otherwise parawise comments on 21.05.2019 before S.B at Camp Court Abbottabad.

Member
Camp Court A/Abad.

FORM OF ORDER SHEET

Execution Petition No. 150 /2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of Judge
1	2	3
1	18.05.2018	The Execution Petition of Mr. Riaz Khan submitted to-day by Mr. Muhammad Aslam Tanoli Advocate may be entered in the relevant Register and put up to the Court for proper order please. REGISTRAR
2-	31-5-2018	This Execution Petition be put up before Touring S. Bench at Abbottabad on 16-07-2018 CHAIRMAN
	16.07.2018	**Counsel for the petitioner Mr. Muhammad Tanoli Advocate present and heard. Notices be given to the respondents. To come up for implementation report on 19.09.2018 before S.B at camp court, Abbottabad.** **Chairman** **Camp Court, A/Abad**
	19.09.2018	Learned counsel for appellant and Mr. Usman Ghani learned District Attorney alongwith Mr. Shamrez S.I legal for the respondents present. Implementation report not submitted. Adjournment requested. Adjourned. To come up for implementation report on 17.12.2018 before S.B at Camp Court A/Abad Member Camp Court A/Abad

BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Execution Petition No. 150/18

Riaz Khan, Head Constable No. 99/182 (now Officiating ASI) Police Department Abbottabad.

V/S

1. The Regional Police Officer, Hazara Region, Abbottabad.
2. The District Police Officer, Abbottabad.

PETITION IN SERVICE APPEAL NO.18/2015

INDEX

S/No.	Description of Documents.	Annex	Page No.
1.	Petition		01-03
2.	Copy of Service Appeal dated 05-01-2015	"A"	04-07
3.	Copy of judgment/decision of KPK Service Tribunal dated 23-11-2017	"B"	08-11
4.	Copy of order dated 22-02-2018	"C"	12
5.	Copy of promotion order dated 12-03-2018	"D"	13
6.	Copy of order dated 24-12-2014	"E"	14
7.	Wakalatnama		

PETITIONER

THROUGH

(MOHAMMAD ASLAM TANOLI)
ADVOCATE HIGH COURT
AT HARIPUR

Dated: 18-05-2018

BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Execution Petition No. 150/2018

Khyber Pakhtunkhwa Service Tribunal
Diary No. 565
Petition No. dated 18/05/2018

Riaz Khan, Head Constable No. 99/182 (now Officiating ASI) Police Department Abbottabad.

V/S

1. The Regional Police Officer, Hazara Region, Abbottabad.
2. The District Police Officer, Abbottabad.
3. District police officer Haripur

Impleaded as respondent vide order sheet dt 22/8/19

PETITION AGAINST NON-IMPLEMENTATION OF DECISION IN ITS TRUE LETTER AND SPIRIT PASSED BY THIS HONOURABLE SERVICE TRIBUNAL IN SERVICE APPEAL NO.18/2015 FILED ON 05-01-2015 AND DECIDED ON 23-11-2017 WHEREBY APPEAL OF THE PETITIONER/APPELLANT WAS ACCEPTED AND HE WAS RESTORED IN HIS ORIGINAL POSITION IN SERVICE.

PRAYER:- ON ACCEPTANCE OF INSTANT PETITION THE RESPONDENTS MAY GRACIOUSLY BE DIRECTED TO IMPLEMENT DECISION DATED 23-11-2017 OF THIS HONOURABLE SERVICE TRIBUNAL AND THE PETITIONER/APPELLANT BE PAID ALL CONSEQUENTIAL BACK BENEFITS ON RENDITION OF ACCOUNT.

Respectfully Sheweth:

1. That on 05-01-2015, the petitioner/appellant filed the titled appeal No.18/2015 which was decided by this Honourable Service Tribunal on 23-11-2017 whereby appeal of the petitioner/appellant was accepted and he was restored in his original position in service with mentioning that department was at liberty to hold de-novo proceeding in accordance with the law. **(Copies of the service appeal and its decision dated 23-11-2017 are attached herewith as Annex-"A & B).**

2. That a de-novo enquiry was conducted by the department wherein Mr. Abdul Aziz Afridi, Superintendent of Police (Investigation) Abbottabad was appointed as Enquiry Officer who after conducting proper departmental enquiry exonerated the petitioner/appellant of the charge and submitted Enquiry Report to the District Police Officer Abbottabad that **"allegation could not be proved"**. The District Police Officer Abbottabad agreed with the said enquiry report and issued order dated 22-02-2018. **(Copy of order dated 22-02-2018 is attached as Annex- "C").**

3. That thereafter the Regional Police Officer, Hazara Region, Abbottabad vide his Order No.6779/E dated 12-03-2018 promoted the petitioner/appellant as Officiating ASI with his colleagues with effect from 18-08-2016. **(Copy of promotion order is attached as Annex-"D").**

4. That petitioner/appellant remained out of service from 29-10-2014 to 24-12-2014 and he was reinstated by the Regional Police Officer, Hazara Region, Abbottabad in a departmental appeal vide letter dated 24-12-2014 treating the period he remained out of service as "leave without pay". **(Copy of the order is attached as Annex-"E").**

5. That when the petitioner/appellant has been exonerated of the charge for which he was kept out of service for no fault on his part then under the law he was entitled to be treated as **"ON DUTY"** for the said period and be paid with his salary. Further Petitioner/appellant has been promoted from the rank of Head Constable to Officiating ASI (BPS-11) w.e.f. 18-08-2016. But despite repeated requests he is deprived of his very legitimate monitory right. Not only that ultimately the period of leave without pay will also be

considered as **"interruption period"** towards petitioner's qualifying service at the time of retirement.

6. That the petitioner/appellant deserves to be paid his salary for the period he remained out of service i.e. from 29-10-2014 to 24-12-2014 by treating the period he remained out of service as **on duty** and payment of arrear on account of fixation of his pay in BPS-11 with effect from 18-08-2016 till rendition of account.

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant petition the respondents may graciously be directed to implement decision dated 23-11-2017 of this Honourable Tribunal in its letter and spirit and the petitioner/appellant be paid all consequential service back benefits like salary for the period he remained out of service/arrear of increased pay etc. Any other relief which this Honourable Tribunal may deem fit may also be granted.

PETITIONER/APPELLANT

THROUGH

(MOHAMMAD ASLAM TANOLI)
ADVOCATE HIGH COURT
AT HARIPUR

Dated: 18-05-2018

AFFIDAVIT:

ABDUL WAJID ADVOCATE HIGH COURT R.O A.C Attested: Notary Public No ... Date ... HARIPUR

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

17 MAY 2018

Dated: 18-05-2018

Deponent/Petitioner

(4)

Annex-A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 18 /2015

Mr. Riaz Khan, Head Constable No.99,
Police Line Abbottabad, District Abbottabad

..... **APPELLANT**

VERSUS

1- The Deputy Inspector General of Police, Hazara Region at Abbottabad.
2- The District Police Officer, District Abbottabad.

..... **RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORIGINAL ORDER DATED 29-10-2014 WHEREBY MAJOR PENALTY OF DISMISSAL FROM SERVICE WAS IMPOSED ON THE APPELLANT UNDER A WRONG LAW AND AGAINST THE IMPUGNED APPELLATE ORDER DATED 24-12-2014

PRAYER:

That on acceptance of this appeal the impugned orders dated 29-10-2014 and 24-12-2014 may very kindly be set aside and the respondents may kindly be directed to restore the appellant to the rank of D List Head Constable with all back benefits. Any other remedy which this august Tribunal deems fit may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

1- That appellant was enrolled as Constable in the respondent Department vide order dated 02-10-1990. That right from the appointment till date the appellant has served the respondent Department quite efficiently and up to the entire satisfaction of his superiors. Copy of the relevant service book is attached as annexure.....A.

2- That appellant was than promoted to the rank of Head Constable. The appellant while serving as Head Constable in charge police post Bodla District Abbottabad a charge sheet and statement of allegation were served by the respondent No.2 on the appellant on the complaint of one namely Mr Amjad Zubair on the allegation that "On 04-07-2014 the said

person i.e. Amjad Zubair complainant while transporting Timber of Cheerh under permit and transport pass from Makhmial towards Haripur was intercepted by the appellant in the way near Seria Barrier. That the said Timber Laden vehicle was taken to the police post Bodla by the appellant where the same was retained for 2 days and was released after extracting illegal gratification of Rs. 50,000/- from the complainant party by the appellant". Copies of the charge sheet and statement of allegation are attached as annexure ..... **B & C.**

3- That in response to the said charge sheet and statement of allegation, the appellant submitted his detailed reply and rebutted the said charge sheet and statement of allegation al0ongwith documentary proof. Copy of the reply is attached as annexure ..... **D.**

4- That on 28-08-2014 a show cause notice was issued to the appellant and in response the appellant submitted his detailed reply along with the statement of complainant Amjad Zubair and other related persons. That it is very pertinent to mention that the complainant in his statement clearly declared that the complainant had never gave any kind of bribe to the appellant. Copies of the show cause notice, reply and statements are attached as annexure ..... **E, F & G.**

5- That inspite of providing documentary proof and clarification about his innocence the respondent No.2 issued the impugned order dated 29-10-2014 whereby the appellant was dismissed from service under wrong a law and with out conducting regular inquiry in the matter. Copies of the impugned order is attached as annexure ..... **H.**

6- That appellant feeling aggrieved from the impugned order dated 29-10-2014 issued by the respondent No.2 the appellant filed Departmental appeal before the respondent No. 1 vide dated 07-11-2014. That in response the respondent No.1 issued the appellate order dated 24-12-2014 whereby the penalty of dismissal from service have been converted into reduction from the rank of D list Head Constable to lower rank of Constable along with other penalties of transfer, the period the appellant remained out of service is treated as leave with out pay and kept the appellant for 6 months special report. Copies of the Departmental appeal and appellate order are attached as annexure ..... **I & J.**

Attested

7- That appellant having no other remedy prefer this appeal on the following grounds amongst the others.

GROUNDS:

A- That the impugned orders dated 29-10-2014 and 24-12-2014 are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.

B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

C- That the complainant in his statement clearly declared/ stated that he had never gave any kind of bribe to the appellant but inspite of that the respondent Department issued the impugned orders dated 29.10.2014 and 24.12.2014 against the appellant.

D- That no fact finding inquiry has been conducted in the matter of appellant and as such the impugned orders dated 29.10.2014 and 24.12.2014 are void ab anitio in the eyes of law.

E- That no initial show cause notice has been issued to the appellant before issuing the impugned order dated 29.10.2014.

F- That no chance of personal hearing/defense has been given to the appellant before issuing the impugned order dated 29.10.2014 against the appellant.

G- That the respondent Department acted in arbitrary and malafide manner while issuing the impugned orders dated 29-10-2014 and 24-12-2014.

H- That the action against the appellant has been taken by the respondent Department under a wrong law, therefore the impugned order dated 29.10.2014 is viod ab anitio.

I- That no chance of defense has been given to the appellant to cross examine the witness produced against the appellant by the respondent Department.

J- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

7

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

Dated: 30.12.2014

APPELLANT

RIAZ KHAN

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE
(Mobile No.0345-9383141)

Attested

(8)

Annex-B

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD

Service Appeal No.18/2015

Date of Institution... 05.01.2015

Date of decision... 23.11.2017

Khyber Pakhtunkhwa Service Tribunal
Peshawar

Mr. Riaz Khan, Head Constable No. 99. Police Line, Abbottabad District Abbottabad. ... (Appellant)

Versus

1. The Deputy Inspector General of Police Hazara Region at Abbottabad and another. .... (Respondents)

MR. MUHAMMAD ASLAM TANOLI, Advocate ... For appellant.

MR. KABEERULLAH KHATTAK, Addl. Advocate General, ... For respondents.

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN
MR. AHMAD HASSAN, ... MEMBER

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The appellant was dismissed from service on 29.10.2014, against which he filed departmental appeal on 07.11.2014. The departmental appeal was partially accepted and the penalty of dismissal from service was converted into reduction in rank. Thereafter, the appellant challenged the appellate order through this service appeal on 05.01.2015. The main charge against the appellant was that he received gratification in connection with transportation of some legal timbers and harassed

the complainant. The proceedings were initiated on the basis of a complaint filed by one Amjad Zubair Khan.

ARGUMENTS

3. The learned counsel for the appellant argued that the charge sheet alongwith statement of allegations was issued on 20.08.2014 which was duly replied to by the appellant on 23.08.2014. That an enquiry officer was appointed namely Mr. Khan Khail, DSP Cantt. That the appellant was served with final show cause notice on 28.08.2014 before the enquiry report. That the alleged occurrence took place not on 04.07.2014 but on 21.07.2014. That the charge of illegal gratification by receiving money has not been proved through independent witnesses. That the whole proceedings are against the rules.

4. On the other hand, the learned Addl Advocate General argued that the present proceedings were initiated on the basis of a complaint. That the enquiry officer submitted enquiry report on 26.08.2014. That the final show cause notice was issued on 17.10.2014 after the receipt of enquiry report. That the whole proceedings were in accordance with the law.

CONCLUSION.

5. Regardless of the merits of the appeal, there is final show cause notice bearing No. 86 dated 28.08.2014 on the file. The Verbatim copy of the said show cause notice has been produced today from the office file by the representative of the department which bears No. 110 dated 13.10.2014 at the top of the notice. The contention of the respondent department is that this final show cause notice was issued on 13.10.2014 whereas the verbatim copy of the same annexed with the

ATTESTED

KHYBER PAKHTUNKHWA
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

the complainant. The proceedings were initiated on the basis of a complaint filed by one Amjad Zubair Khan.

ARGUMENTS

3. The learned counsel for the appellant argued that the charge sheet alongwith statement of allegations was issued on 20.08.2014 which was duly replied to by the appellant on 23.08.2014. That an enquiry officer was appointed namely Mr. Khan Khail, DSP Cantt. That the appellant was served with final show cause notice on 28.08.2014 before the enquiry report. That the alleged occurrence took place not on 04.07.2014 but on 21.07.2014. That the charge of illegal gratification by receiving money has not been proved through independent witnesses. That the whole proceedings are against the rules

4. On the other hand, the learned Addl Advocate General argued that the present proceedings were initiated on the basis of a complaint. That the enquiry officer submitted enquiry report on 26.08.2014. That the final show cause notice was issued on 17.10.2014 after the receipt of enquiry report. That the whole proceedings were in accordance with the law.

CONCLUSION.

5. Regardless of the merits of the appeal, there is final show cause notice bearing No. 86 dated 28.08.2014 on the file. The Verbatim copy of the said show cause notice has been produced today from the office file by the representative of the department which bears No. 110 dated 13.10.2014 at the top of the notice. The contention of the respondent department is that this final show cause notice was issued on 15.10.2014 whereas the verbatim copy of the same annexed with th

appeal by the appellant bears dated 28.08.2014 with different number. This Tribunal is to see that which date is correct. If we go through the contents of this notice, there is no mention of any enquiry findings nor copy of the enquiry findings is given to the appellant, which means that this notice was given to the appellant before the enquiry report. On the file there is an enquiry report dated 30.09.2014 which is a regular enquiry after the issuance of charge sheet and statement of allegations. At the footings of the said enquiry report the competent authority has given a note for the issuance of a final show cause notice to the appellant which bears the date as 01.10.2014 and again below that note another note is added dated 29.10.2014 whereby the authority had decided that in the light of the findings of the enquiry officer, the allegations stood proved and hence the appellant be dismissed from service. But the learned AAG referred to the said final show cause notice discussed above in order to support his arguments that show cause notice was issued on 13.10.2014. But this is not correct as discussed above because this final show cause notice is not based on the findings of the enquiry officer. Irrespective of these controversies it is an admitted position that no copy of the enquiry report was given to the appellant. Learned AAG referred to an enquiry dated 26.08.2014 submitted by the same enquiry officer namely Khan Khail, DSP which is not annexed with this file and has been produced from the office file of the department today. It is strange to note that it has not been mentioned in the said enquiry that who appointed him as enquiry officer for this report. He was appointed enquiry officer in the statement of allegations on 20.08.2014 and he submitted his enquiry report after his appointment and the statement of allegations on 30.09.2014. But it is not understandable that how he submitted another report prior to 30.09.2014 and under which authority. If it is

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal
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presumed that this ~~was~~ earlier report ~~of~~ fact finding enquiry bearing dated 26.08.2014 then how charge sheet preceded this fact finding enquiry.

6. Coming to the proof of the charge, the enquiry officer has based his findings only upon the statements of complainant and his friend namely Muhammad Javed, Tahsildar. The enquiry officer recorded the statements of many police officials accompanying the appellant at the time of alleged occurrence and all those witnesses did not support the complaint. But the enquiry officer has not relied upon their statements for being interested. He has not taken into consideration the fact that the complainant and his friend were more interested than the police officials accompanied by the appellant.

7. As a sequel to the above discussion the present appeal is accepted, the impugned order is set aside and the appellant is restored to his original position. The department is however, at liberty to hold denovo proceedings in accordance with the law. Parties are left to bear their own costs. File be consigned to the record room.

(Niaz Muhammad Khan)
Chairman
Camp Court, A/Abad

(Ahmad Hassan)
Member

Certified to be ture copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ANNOUNCED
23.11.2017

Date of Presentation of Application 29-11-17
Number of Words 1600
Copying Fee 10.00
Urgent 2.00
Total 12.00
Name of Copyist
Date of Completion of Copy 29-11-17
Date of Delivery of Copy 29-11-17

(12)

Annex-C

ORDER

In compliance with the judgment of Honorable Service Tribunal Peshawar Appeal No. 18/2015 HC Muhammad Riaz No. 182 was reinstated in service and a De-Novo Enquiry was initiated on the allegations that an application/complaint was moved by Amjad Zubair Khan alleging therein that on 04-07-2014 he while transporting timber of "Cheerh" under valid permit & Transport Pass from Makhnial towards Haripur. was intercepted by him in the way near Seria Barrier. His timber laden vehicle was taken to Police Post Bodla by him where the same was retained for two days and was released after extracting illegal gratification of Rs. 50,000/- from the applicant party by him. The applicant had to bear extra monitory burden of Rs. 15,000/- which he had to pay to the vehicle owner which he had detained wrongfully for 02 days.

During my personal meticulous probe it has been established that he had agonized the applicant innocently and also extracted illegal gratification as mentioned above.

In this regard, on 19-08-2014, Mr. Amjad, Tehsildar presently posted as Collector in NHA, Abbottabad visited the office of undersigned. He was tremendously distressed as according to him Mr. Amjad Zubair (applicant) his friend was also accompanied by him when the later met him at Police Post Bodla. He also requested him to release the wood loaded vehicle which was legitimate and legal in all respect. He did not listen to any request and remained adamant. He intimidated them that he will defame and humiliate the applicant in front of Media men by holding Press Conference. Ultimately he compelled the applicant to pay his illegal gratification of Rs. 50000/- through above mentioned Javed. Mr. Javed was also harassed by him through exerting pressure of his kens, kiths, fraternity and political big wigs so that he was compelled to give written statement.

He was issued Charge Sheet along with statement of allegations as per order of Honorable Court Mr. **Abdul Aziz Afridi, SP Investigation Abbottabad** was appointed as Enquiry Officer. He conducted proper departmental enquiry against the delinquent officer and recorded statements of all concerned. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings, wherein allegations could not be proved. The undersigned agreed with the findings of Enquiry Officer by warning him to remain careful in future.

Order announced.

Attested

03 - Aug - 18

22 - 2 - 18

District Police Officer
Abbottabad

(13)

Annex-D

Phone No. 0992-9310021
Fax No. 0992-9310023

ORDER

This is an order in light of Judgment of Court of Khyber Pakhtunkhwa Service Tribunal Abbottabad dated 23-11-2017 and denovo enquiry conducted by Superintendent of Police Investigation Abbottabad in light of the said Judgment, Head Constable Riaz Khan No.182 of Abbottabad District is hereby promoted as officiating ASI with effect from 18-08-2016 and awarded seniority alongwith his collogue i.e. above the name of officiating ASI Akhtar Zaman No.116 and below the name of officiating ASI Munir Ahmed No.717.

Regional Police Officer,
Hazara Region Abbottabad
(AEC Dilawar)

No. 6779 /E, dated Abbottabad the 12/03 /2018.

Copy of above is forwarded to District Police Officer, Abbottabad for information w/r to his office Memo: No.1244 dated 19-02-2018.

Attested

14

Annex-E

J-(26)

ORDER

This is an order on the representation of *Ex-HC Muhammad Riaz No.99* of Abbottabad District against the order of major punishment i.e. dismissal from service by the District Police Officer, Abbottabad vide his OB No.285 dated 29-10-2014.

Facts leading to his punishment are that he while posted at Police Post Bodla, on 04-07-2014 stopped a vehicle bearing No.BB-8576 loading timber of "Cheerh" belonging to one Amjad Zubair Khan (collector in NHA Abbottabad), under valid permit and transport pass, near Seria Barrier. Vehicle was taken to Police Post Bodla where the same was retrain for two days and was released after extracting illegal gratification of Rs.50,000/- by the HC. Consequent upon a written complaint moved by victim bearing similar complaint requested to release the wood loaded vehicle being legitimate in all respect. During quick probe the allegation, prime facie, were proved.

Proper departmental enquiry was conducted by SDPO Circle Cantt Abbottabad. After conducting a detailed enquiry, the E.O proved him guilty. On the recommendation of E.O, the District Police Officer Abbottabad awarded him major punishment of dismissal from service under the relevant law.

After receiving the appeal, the comments of DPO Abbottabad were obtained. The enquiry file, appeal & the comments of the DPO were perused. The appellant was also heard in person in the orderly room who failed to offer any cogent reason.

The act of the Head Constable is serious; keeping in view his prolonged service punishment of dismissal from service awarded by DPO Abbottabad is converted into reduction from the rank of D-List Head Constable to lower rank as Constable. He is also transferred to District Torghar and kept under 6 month's special report. The period he remained out of service is treated as leave without pay.

REGIONAL POLICE OFFICER
Hazara Region Abbottabad

No. 11370 /PA Dated Abbottabad the 24/12 /2014.

Copy of above is forwarded to the District Police Officer, Abbottabad for information and necessary action with reference to his Memo: No.4616 dated 28-11-2014. The Service Roll and Fauji Missal containing enquiry file of the appellant are returned herewith.

ATTESTED

REGIONAL POLICE OFFICER
Hazara Region Abbottabad

DBA No: 206 S:No: 20432

RC No:

Name of Advocate: محمد اسلم خٹک

DISTRICT BAR ASSOCIATION HARIPUR
ڈی۔بی۔اے

وکالت نامہ

DISTRICT BAR ASSOCIATION HARIPUR
S.No: 20432
Date:
LIBRARY

بعدالت: جناب سیشن جج صاحب ہری پور

عنوان: ریاض خان بنام: محمد یاسر وغیرہ

منجانب: پٹیشنر نوعیت مقدمہ: Petitions

باعث تحریر آنکہ: Petition / Bail

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام ایبٹ آباد کے لیے

محمد اسلم خٹک ایڈووکیٹ

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

لہذا وکالت نامہ لکھ دیا ہے کہ سند رہے۔

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ مورخہ: 18 / مئی / 2018
دن ماہ سال

Aslam Khattak

Petitioner

(1)

ACE تھانہ
نوشہرہ

NO.61-5-Co.ACE.NSR
date 2.3-2015

مقدمہ علت 5 مورخہ 2 3 2015 جرم PPC. 161-420 468-471 5(2)PC Act تھانہ ACE نوشہرہ

بنام :- محمد حسن سابقہ پٹواری خلقہ گاڑو نظامت پور حال ڈھیری لٹی چنڈ نوشہرہ

OFFICE OF THE
DEPUTY COMMISSIONER
NOWSHERA
Diary No 3224
Date 02-03-15

بخدمت جناب ڈپٹی کمشنر صاحب ضلع نوشہرہ

جناب عالی!

معروض خدمت ہوں کہ ملزم بالا کے خلاف
مقدمہ ہذا درج رجسٹر ہوکر ملزم بالا حسب ضابطہ گرفتار
کیا گیا۔ لیٹر بذری بالا بغرض اطلاع ارسال خدمت ہے
فقل ROZNAMCHA ہذا ہے۔

DK
2/3
Deputy Commissioner
NOWSHERA

Co-ACE-N.S.R
2.3-2015

DK
As proposed
DK

DFA

21.05.2019

Counsel for the petitioner and Mr. Shamraiz Khan, ASI alongwith Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Representative of the department submitted implementation report which is placed on record.

The petitioner was dismissed from service by the respondent-department however, the departmental appeal of the petitioner was accepted and major penalty of dismissal from service was converted into another major penalty of reversion from the post of Head Constable to the post of Constable. Thereafter, the appellant filed service appeal which was accepted, the impugned order was set-aside and the appellant was restored to his original position, the department was however, held at liberty to hold de-novo proceeding in accordance with law vide judgment dated 23.11.2017. After conducting de-novo inquiry as per order of District Police Officer Abbottabad the allegation could not be proved therefore, the competent authority agreed with the findings of the inquiry officer by warning him to remain carful in future vide order dated 22.02.2018. The petitioner feeling aggrieved from the order of District Police Officer Abbottabad filed the present execution petition. Learned counsel for the petitioner stated that the petitioner has been reinstated but since in the de-novo inquiry the charges level against the petitioner could not be proved therefore, the petitioner was entitled to reinstate ~~the petitioner~~ be with back benefits.

On the other hand, representative of the department stated that the petitioner is satisfied from the order of reinstatement and does not seeks any back benefits therefore, petitioner be also summoned for attendance for the next date. Same way learned Deputy District Attorney also stated that the petitioner has been reinstated as per judgment of this Tribunal therefore, he is not entitled for back benefits.

Representative of the department is directed to produce copy of de-novo inquiry.

To come up for attendance of the petitioner as well as arguments on 08.07.2019 before S.B at Camp Court Abbottabad.

Phone: 0992-9310046
Fax: 0992-9310047

Office of the Superintendent of Police, Investigation Abbottabad.

No: 120 PA/Inv: dated Abbottabad the, 06 / 02 /2018

To: The District Police Officer,
Abbottabad.

Subject: **DENOVO DEPARTMENTAL ENQUIRY AGAINST HC MUHAMMAD RIAZ NO. 182 OF PP NATHIA GALI.**

Memo:

Kindly refer to your good office Endst No: 28/PA dated 19-01-2018 on the subject cited above.

Enclosed kindly find herewith Denovo departmental enquiry report in respect of HC Muhammad Riaz of PP Nathia Gali, for favour of kind perusal please.

ENCL (44) pages

Superintendent of Police,
Investigation, Abbottabad.

PA SP.

1586
6.2.2018

'G OF DENOVO DEPARTMENTAL ENQUIRY AGAINST HEAD CONSTABLE MUHAMMAD RIAZ NO: 182

CKGROUND:-

In compliance with the judgment of Honorable Service Tribunal Camp Court at Abbottabad appeal No: 18/2015 and Worthy Deputy Inspector General of Police Enquiry & Inspection dated 10-01-2018, *an application /complaint was moved by Amjad Zubair Khan alleging therein that on 04-07-2014 he while transporting timber of "Cheerh" under valid permit & Transport Pass from Makhnial towards Haripur, was intercepted by you in the way near Seria Barrier. His timber laden vehicle was taken to Police Post Bodla by you where the same was retained from two days and was released after extracting illegal gratification of Rs. 50,000/- from the applicant party by you. The applicant had to bear extra monitory burden of Rs. 15,000/-which he had to pay to the vehicle owner which you had detained wrongfully for 02 days. (ii) During my personal meticulous probe it has been established that you had agonized the applicant innocently and also extracted illegal gratification as mentioned above. (iii) In this regard, on 19-08-2014, Mr. Amjad, Tehsildar presently posted as Collector in NHA, Abbottabad visited the office of undersigned. He was tremendously distressed as according to him Mr. Amjad Zubair (applicant his friend was also accompanied by him when the latter met you at Police Post Bodla. He also requested you to release the wood loaded vehicle which was legitimate and legal in all respect. You did not listen to any request and remained adamant. You intimidated them that you will defame and humiliate the applicant in front of Media men by holding press conference. Ultimately you compelled the applicant to pay you illegal gratification of Rs. 50,000/- through above mentioned Javed. Mr. Javed was also harassed by you through exerting pressure of his kens, kiths, fraternity and political big wigs so that he was compelled to give written statement"*. All this tantamount to misconduct and I was appointed as enquiry officer.

Upon the judgment passed by the Honorable Service Tribunal, in Service Appeal No: 18/2015, titled Mr. Riaz Khan, Head Constable No. 99 Police Lines, Abbottabad VS DIG Hazara Division, Abbottabad the appeal of said Head Constable was accepted with the directions that "The present appeal is accepted, the impugned order is set aside and the appellant is restored to his original position. The department is however, at liberty to hold denovo proceedings in accordance with the law".

PROCEEDINGS:-

During the course of enquiry the following officials were called /summoned by the undersigned and their statement were got recorded also the cross question session was made which are placed on file.

1. Inspector Retired Mursaleen Khan.
2. Constable Shakir No: 1268
3. Constable Khalid Mehmood Abbasi No: 03 of Police Lines.
4. Constable Ghazanfer Ali No: 184 (presently on LPR)
5. Naheem Gohar Khan Forester District Haripur).

iad Javed Khan Tehsildar, Havelian.
Zubair Company Manager r/o Babu Muhallah Haripur.
Muhammad Riaz No: 182 (accused Official).

All the witnesses/ civilians and officials were heard in person nad taken the plea that:-

1. **STATEMENT OF INSPECTOR ® MURSALEEN KHAN.**

Mursaleen Khan stated in his statement that HC Riaz Khan the then I/C PP Bodla caught 03 vehicles loaded with timber. Later on, one Muhammad Javed Tehsildar came to him along with (T.P) upon which one loaded vehicle being legal was handed over to them and other 02 vehicles being illegal were fined by the forest department. However, in his presence no monitory transaction was made through HC Riaz and after imposing fine through legal process the same vehicles were handed over to Mr. Amjid Zubiar.

2. **STATEMENT OF CONSTABLE MUHAMMAD SHAKIR NO: 1268 OF PP KOHALA**

Constable Shakir Khan stated in his statement on 21-07-2014 while he was posted at PP Bodla, he along with HC Riaz and other police officials was on routine duty. After receipt of information regarding illegal timber smuggling they moved onward and taken into possession 03 loaded vehicles on which one official Amjid and other Khalid were boarded, they were taken in PP Bodla. Later on the forest department imposed heavy fine on these vehicles. He further stated that the allegations of illegal gratification of 50,000/- are incorrect and no monitory transaction was made with accused official at that time.

3. **STATEMENT OF CONSTABLE KHALID MEHMOOD NO: 03 OF POLICE LINES.**

Constable Khalid Mehmood stated in his statement on 21-07-2014 while he was posted at PP Bodla, he along with HC Riaz and other police officials were on routine duty. They received information regarding illegal timber smuggling where they taken into possession 03 loaded vehicles, the report in this regard was incorporated in Daily Diary (Roznamcha). Later on forest department imposed fine on those vehicles. He further stated that he did not know about illegal gratification of 50,000/-.

4. **STATEMENT OF CONSTABLE GHAZINFER ALI NO: 184.**

He stated in his statement that on 21-07-2014 he along with HC Riaz were on routine duty, received information about illegal timber smuggling where they taken into possession 03 loaded vehicles. Later on the forest department imposed heavy fine on those vehicles. Resultantly, applicant became angry and submitted an application against Head Constable Riaz Khan.

5. **STATEMENT OF NAEEM GOHAR PRESENTLY FORESTER HARIPUR.**

He stated in his statement that on 23-07-2017 he while posted as Range Officer Stora received information about illegal timber smuggling from I/C PP Bodla Riaz Khan. When he reached at police post the said officer showed 02 vehicles loaded with timber "Cheerh" in presence of other staff. After completing

he imposed fine of Rs 86732/- vide receipt No: 043 and after ne amount from accused he moved onward. He further stated he did monitory transactions between the then I/C PP Bodla Riaz Khan and mjid Zubir Khan.

STATEMENT OF AMJID ZUBIAR KHAN COMPANY MANAGER R/O OF BABU MOHALLAH HARIPUR.

He stated in his statement that he submitted an application against HC Riaz Khan on behalf of Mr. Javed Khan. Now the matter has been resolved and prayed that his earlier application may be treated as his statement. During cross examination it was asked by the enquiry officer that if the loaded vehicles were legal and permitted by concerned department, then why the heavy fine of amounting Rs 86732/- was imposed by forest department. In response he stated that he did not know about the fine amount neither he paid the same.

7. STATEMENT OF MUHAMMAD JAVED TEHSILDAR HAVELIAN.

He stated in his statement that Mr. Amjid Zubir submitted an application on his behalf alleging therein, illegal gratification amounting Rs 50,000/- was taken by HC Riaz Khan the then I/C PP Bodla and further stated that Mr. Tahir-ur-Rehman gived him (T.P) receipt which he took at PP Bodla from where according to T.P one loaded vehicle was handed over to him by HC Muhammad Riaz. The remaining 02 vehicle were not handed over because they were stated to be illegal and forest department imposed fine amounting to RS 86732/-. After paying fine amount Amjid Zubir the manager of Tahir Rehman took the vehicles with them. He fully denied the charges /allegations and stated that no monitory transactions was made with any police official including HC Riaz Khan.

8. STATEMENT OF HC RIAZ OF PP NATHIA GALI.

He stated in his statement that on 21-07-2014 he along with FC Ghazanfer, Khalid and Shakir were on routine duty. He received information through reliable source regarding illegal timber smuggling, the 03 loaded vehicles were moving toward District Haripur which were stopped and taken to PP Bodla by them. Ex-constable Amjid Zubir and Khalid Khan employee of forest department were boarded on those vehicles. The detail report in this regard was incorporated vide DD No: 12 dated 21-07-2014 and these vehicles were taken into Police Post. On 22-07-2014 Muhammad Javed Khan along with retired Inspector Mursaleen Khan came to Police Post and produced permit issued by concerned department. Only one vehicle was handed over to them being legal. On 23-07-2014 the officials of forest department came to Police post where they imposed the penalty of fine Rs 86732/- which was paid by applicant Amjid Zubir and they obtained receipt. After submission of fine amount the remaining 02 vehicles were handed over the applicant and a report in this regard was written in Daily Diary No: 08 dated 23-07-2014. He further stated that he had completed all the legal coddle formalities. He emphasizes that Amjid Zubir being employee of Tahir-ur-Rehman contractor misguided and submitted baseless applications. Furthermore, if the applicant given illegal gratification of 50,000/- to him then why they paid fine without and action. He further prayed that his charge sheet &

Bosch
Symbol of Quality
Pharmaceuticals

ON:-

Keeping in view the facts and circumstance narrated above, it ...en observed that:-

1. HC Riaz Khan the then I/C PP Bodla apprehended /taken into possession 03 timber loaded vehicles of applicant Amjid Zubir Khan, out of which 01 vehicle was being holding legal permit (T.P) issued by forest department. After verifying the said HC written a report in Daily Diary and vehicle was handed over to authorized owner.
2. The remaining 02 timber loaded vehicles were without permit and the concerned forest staff i.e Naeem Gohar Rang forest officer collected the fine amount of 86732/- from the accused on spot.
3. Amjid Zubir submitted an application regarding illegal gratification of Rs 50,000/-to HC Riaz Khan. In his statement the applicant disclosed that illegal gratification was given through Javed Khan and he did not paid the same amount by his own while Javed Khan denied the whole matter in his statement. All the witnesses /civilians were examined /cross question session was made, circumstantial evidence rebutted the allegations of illegal gratification.
4. Naeem Gohar forester has stated the fact that upon the information of local police he along with staff went to Police Post and imposed a fine amounting to Rs 86732/- which was paid by the accused Amjid Zubir on the spot. Further he did not noticed any monitory transaction between police and accused as well.

In the light of above circumstance, no deliberate slackness has been found on the part of accused official and the action taken against timber smugglers was according with law. If the applicant had already paid fine amount of Rs 86732/- to the forest department being guilty then why he paid further amount of 50,000/- as illegal gratification to HC Riaz Khan I/C PP Bodla, which shows suspiciousness on the part of applicant. The allegations of illegal gratification could not proved / justified through the statement of witnesses as well as record.

Submitted please.

(ABDUL AZIZ AFRIDI)
Superintendent of Police,
Investigation, Abbottabad.

Sir,
Kindly Order Please.

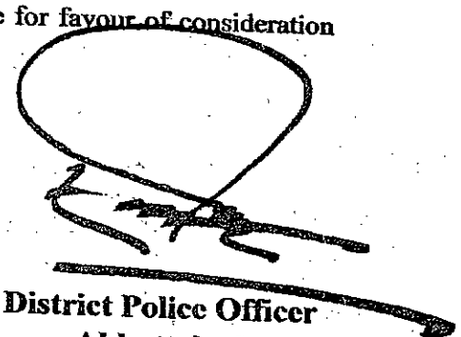
From: **The District Police Officer**
Abbottabad

To: **The Regional Police Officer**
Hazara Region, Abbottabad

No. 1244 /Dated Abbottabad the 19/02/2018.

Subject: **APPLICATION**
Memo:

Enclosed kindly find herewith an application submitted by Head Constable Muhammad Riaz No. 182 of this District Police for favour of consideration please.



District Police Officer
Abbottabad
Ph: No: 0992-9310026
Fx: No: 0992-9310025
E-Mail:atdpolice@gmail.com

بخدمت جناب ریجنل پولیس آفیسر RPO صاحب ہزارہ ریجن ایبٹ آباد

عنوان:- درخواست برائے بحالی رینک بطور Asi عطابق اصل سینارٹی یا ازحواہ بیچ میٹ ار بیک بینی فٹ جو دوران تنزلی کٹوتی ہوئی ہے۔

جناب عالی! درخواست ذیل ہے۔

1:- یہ کہ سائل عرصہ تقریباً $\frac{27}{28}$ سال سے محکمہ پولیس میں ملازمت کر رہا ہے اور سائل اپنے فرائض منصبی ہمیشہ لگن، محنت اور ایمانداری سے سرانجام دیتے اور بہترین کارکردگی ہر دوران ملازمت سائل کو تعریفی اسناد، انعامات سے افسران بالا نے نوازا ہے۔

2:- یہ کہ سائل ڈیوٹی پر تھا اور بطور ہیڈ کانسٹیبل تعینات تھا کہ سائل کیخلاف ایک من گھڑت درخواست اس لئے دی گئی کہ سائل اپنے فرائض ایمانداری سے سرانجام دے رہا تھا اور غیر قانونی کاموں سے روکتا تھا اور ملزمان کو مبلغ 86739 روپے نقد جرمانہ بذریعہ چالان فارغ کروایا۔

3:- یہ کہ اس وجہ سے سائل کو 25 کو 10 R014 کو ملازمت سے ڈسمس کر دیا گیا اور محکمانہ اپیل میں سائل کو بحال کر دیا گیا، لیکن سائل کو ہیڈ کانسٹیبل کے عہدہ سے تنزلی دیتے ہوئے کانسٹیبل بنا دیا گیا۔

4:- یہ کہ سائل نے اپیلیٹ آرڈر کیخلاف ریجنل سروس ٹریبونل کورٹ میں اپیل دائر کی جو مورخہ 23/11/2017 کو خیبر پختونخواہ سروس ٹریبونل پشاور سے منظور ہوئی اور سائل کو اپنی Original Position میں بحال کر دیا گیا ہے۔ سابقہ محکمہ کو De-NOVO enquiry کا بھی حکم صادر کیا گیا جو حکم عدالت ہے۔

5:- یہ کہ سائل کو De NOVO enquiry میں بھی بے گناہ قرار دیا گیا اور درخواست دہندہ کی درخواست بنیاد، من گھڑت اور جھوٹی ثابت ہوئی ہے۔ جس کی De-NOVO enquiry کی فائنڈنگ رپورٹ اور جناب DPO صاحب کے فیصلے آن ریکارڈ موجود ہے۔

6:- عالیجاہ:- بذریعہ درخواست ہذا بھرپور استدعا ہے کہ سائل کو اپنی اصل سینارٹی پر بحال فرمائے ہوئے سابقہ تاریخوں میں بطور Asi ترقیاب فرمایا جائے اور اسے سابقہ کیا تمام اصل حقوق پر لایا جائے۔ اور جملہ بقایات جات سال 2014ء سے جو کٹوتی ہوئی اور ملازمت سے DIS MIS کا عرصہ دو ماہ کی تنخواہ سمیت ادا کرنے کا حکم صادر فرمادیں۔

عالیجاہ:- سائل اور سائل کے چھوٹے چھوٹے بچے جناب کے بلند رتبہ، مزید ترقی اور اعلیٰ سے اعلیٰ مقام عزت کیلئے بالخصوص دعاگو ہیں گے۔

العارض

محمد ریاض نمبر $\frac{182}{He}$ متعینہ چوکی نتھیا گلی ایبٹ آباد حال

17/2/2018

Sir
For sympathetic
DPO Abd

R/Sir,
It is submitted that the said HC is a hard working officer. He may kindly be promoted please.

17/2/18
Dy: Superintendent of Police
Circle Oliyat

W/DPO, Atd

1- خدمت جناب ڈسٹرکٹ پولیس آفیسر صاحب ہزارہ (ریجن ایبٹ آباد۔
2- خدمت جناب ڈسٹرکٹ پولیس آفیسر صاحب ایبٹ آباد۔

(بذریعہ محکمانہ سائلہ)

عنوان :- درخواست عرادی جانب قیاس و بحالی رینک ہمراہ بیچ ہیت عطا بیان اصل سپاہیان۔

جناب عالی - درخواست ذیل ہے۔

1- کہ یہ سائل عرصہ تقریباً 27 سال سے محکمہ پولیس میں ملازمت کر رہا ہے - اور سائل نے اپنے فرائض منصبی ہمیشہ لگن - محنت اور ایمانداری سے سرانجام دیے - اور بہترین کارکردگی کے دوران ملازمت سائل کو تعریفی اسناد اور تعریفی الفاظ سے افسران بالا نے نوازا - اور سائل کی بہترین ACRs لگاتار ملتی رہی ہیں۔

2- کہ یہ سائل D لسٹ پر تھا - اور بطور ہیڈ کانسٹیبل کام کر رہا تھا - سائل نے حضور ایک عدد تحریری درخواست اپیل دی تھی - کہ سائل اپنے فرائض ایمانداری سے سرانجام دے رہا تھا - اور غیر قانونی کارروائی کے جانے پر ملزمان کو 86000 روپے سے ذلت جرمانہ کروایا۔

3- کہ اس وجہ سے سائل کو سال 2016 میں ملازمت سے برخاست کر دیا گیا - اور محکمانہ اپیل میں سائل کو ملازمت پر بحال کر دیا گیا - لیکن سائل کو ہیڈ کانسٹیبل کے عہدے سے تنزلی دیتے ہوئے کانسٹیبل بنا دیا گیا۔

4- کہ یہ سائل نے اس اپیلیٹ آرڈر کے خلاف سروس اپیل دائر کی - جو مورخہ 23/11/2017 کو خیبر پختونخواہ سروس ٹریبونل پشاور سے منظور ہوئی - اور سائل کو اپنی Original Position میں بحال کر دیا ہے۔ (نقل حکم عدالت مورخہ 23/11/2017 لف ہذا قابل ملاحظہ ہے)۔

5- کہ یہ حکم عدالت حضور کے مطابق سائل تنخواہ میں ہونے والی کٹوتی از ماہ سال 2016 کی واپسی اور اپنے رینک میں اپنے ساتھیوں کے ساتھ جو اس وقت ASI کے عہدے پر ترقیاب ہو چکے ہیں کے بحالی کا حقدار ہے۔

استدعا کہ سائل کو اپنے ساتھیوں کے ساتھ سینیارٹی اور بحالی رینک دیتے ہوئے طلبہ لعبا یاحت سروس کی ادائیگی کا حکم صادر فرمایا جائے۔ سائل تاحیات دعا گو رہیگا۔

رضا علی خان کانسٹیبل نمبر 1823 (سابقہ نمبر 99) متعینہ چوکی نتھیا گلی ایبٹ آباد
30/11/2017

From: **The District Police Officer**
Abbottabad

To: **The Regional Police Officer**
Hazara Region, Abbottabad

No. 1244 /Dated Abbottabad the 19/02/2018.

Subject: **APPLICATION**
Memo:

Enclosed kindly find herewith an application submitted by Head Constable Muhammad Riaz No. 182 of this District Police for favour of consideration please.

District Police Officer
Abbottabad
Ph: No: 0992-9310026
Fx: No: 0992-9310025
E-Mail:atdpolice@gmail.com

بخدمت جناب ریجنل پولیس آفیسر RPO صاحب ہزارہ ریجن ایبٹ آباد

عنوان:- درخواست برائے بحالی رینک بطور Asi عطابق اصل سینارٹی یا ہمراہ بیچ میٹ ار بیک بینی فٹ جو دوران تنزلی کٹوتی ہوئی ہے۔

جناب عالی! درخواست ذیل ہے۔

1:- یہ کہ سائل عرصہ تقریباً 27/28 سال سے محکمہ پولیس میں ملازمت کر رہا ہے اور سائل نے فرائض منصبی ہمیشہ لگن، محنت اور ایمانداری سے سرانجام دیئے اور بہترین کارکردگی ہر دوران ملازمت سائل کو تعریفی اسناد، انعامات سے افسران بالا نے نوازا ہے۔

2:- یہ کہ سائل ڈالٹ پر تھا اور بطور ہیڈ کانسٹیبل تعینات کر دیا گیا سائل کیخلاف ایک من گھڑت درخواست اس لئے دی گئی سائل نے فرائض ایمانداری سے سرانجام دیئے زنا کا اور غیر قانونی لکڑ لے جانے کا ملزمان کو مبلغ 86739 روپے نقد جرمانہ بذریعہ محکمہ فارسٹ کروایا۔

3:- یہ کہ اس وجہ سے سائل کو 25 کو ملازمت سے ڈسمس کر دیا گیا اور محکمانہ اپیل میں سائل کو بحال کر دیا گیا۔ لیکن سائل کو ہیڈ کانسٹیبل سے عہدہ سے تنزلی دیتے ہوئے کانسٹیبل بنا دیا گیا۔

4:- یہ کہ سائل نے اپیلیٹ آرڈر کے خلاف سروس ٹریبونل کورٹ میں اپیل دائر کی جو مورخہ 23/11/2017 کو خیبر پختون خواہ سروس ٹریبونل پشاور سے منظور ہوئی اور سائل کو اپنی Original Position میں بحال کر دیا گیا ہے۔ ساتھ ہی محکمہ کو De- NOVO enquiry کا بھی حکم صادر فرمایا۔ حکم عدالت لف ہے۔

5:- یہ کہ سائل کی De NOVO enquiry میں بھی بے گناہ قرار پایا گیا اور درخواست دہندہ کی درخواست بے بنیاد، من گھڑت اور جھوٹی ثابت ہوئی ہے۔ جملہ De-NOVO enquiry کی فائنڈنگ رپورٹ اور جناب DPO صاحب کا فیصلہ آن دیکارڈ موجود ہے۔

6:- عالیجاہ:- بذریعہ درخواست ہذا حضور والا سے عاجزانہ سائل کو اپنی اصل سینارٹی پر بحال فرمانے ہوئے سابقہ تاریخوں میں بطور Asi ترقیاب فرمایا جائے اور اس سالوں کا تفاوت اصل حساب پر لایا جائے۔ اور جملہ بقایات جات سال 2014 سے جو کٹوتی ہوئی اور ملازمت سے DIS MIS کا عرصہ دو ماہ کی تنخواہ سمیت ادا کرنے کا حکم صادر فرماویں۔

عالیجاہ:- سائل اور سائل کے چھوٹے چھوٹے بچے آپ جناب کے بلند رتبہ، مزید ترقی اور اعلیٰ سے اعلیٰ مقام عزت کیلئے بالخصوص دعا گو رہیں گے۔

العارض

محمد ریاض نمبر 182/Hc متعینہ چوکی نشیمانگی ایبٹ آباد

17/2/2018

Sir
Forwarded
SDPO
LHC

R/Sir,
It is submitted that the said Hc is a hardworking officer. He may kindly be promoted please.

W/DPO, Atd

Dy: Superintendent of Police
Circle Qalyal

1- کمانڈنٹ جناب کمانڈنٹ پولیس آفیسر صاحب بٹالین رجمنٹ ایبٹ آباد۔
2- محترمہ جناب ڈسٹرکٹ پولیس آفیسر صاحب ایبٹ آباد۔

(بذریعہ محکمانہ مراسلت)

عنوان :- درخواست عرادی جانب تقابیاحات و بحالی رینک سمیت بیچ میٹ عطابی اصل سنیارٹی۔

جناب عالی۔ درخواست ذیل ہے۔

1- کہ یہ سائل عرصہ تقریباً 27 سال سے محکمہ پولیس میں حلدرفت کر رہا ہے۔ اور سائل نے اپنے فرائض منصبی ہمیشہ لگن، محنت اور ایمانداری سے سرانجام دیے۔ اور بہترین کارکردگی کے دوران حلدرفت سائل کو تعریفی اسناد اور تعریفی الفاظ سے افسران بالا نے نوازا۔ اور سائل کی بہترین ACRs ریکارڈ کی گئیں۔

2- کہ یہ سائل D لسٹ پر تھا۔ اور بطور ہیڈ کانسٹیبل کام کر رہا تھا۔ سائل نے حلدرفت ایس ایچ او کی درخواست اپیل دی تھی۔ کہ سائل اپنے فرائض ایمانداری سے سرانجام دے رہا تھا۔ اور علاقہ قانونی لکیر کے جانے پر ملزمان کو 86000 روپے سے زندہ جرمانہ کروایا۔

3- کہ یہ اس وجہ سے سائل کو سال 2014 میں حلدرفت سے دسمبر کر دیا گیا۔ اور محکمانہ اپیل میں سائل کو حلدرفت پر بحال کر دیا گیا۔ لیکن سائل کو ہیڈ کانسٹیبل کے عہدے سے تنزلی دیتے ہوئے کانسٹیبل بنا دیا گیا۔

4- کہ یہ سائل نے اس اپیلیٹ آرڈر کے خلاف سروس اپیل دائر کی۔ جو مورخہ 23/11/2017 کو خیر مجرمانہ واہ سروس ٹریبونل پشاور سے منظور ہوئی۔ اور سائل کو اپنی Original Position میں بحال کر دیا ہے۔ (نقل حکم عدالت مورخہ 23/11/2017 لف ہذا قابل ملاحظہ ہے)۔

5- کہ یہ حکم عدالت عظمیٰ کے مطابق سائل تنخواہ میں ہونے والی کٹوتی از ماہ سال 2014 کی وصولی اور اپنے رینک میں اپنے ساتھیوں کے ساتھ جو اس وقت ASIs کے عہدوں پر ترقیاب ہو چکے ہیں کے بحالی کا حقدار ہے۔

استدعا کہ سائل کو اپنے ساتھیوں کے ساتھ سنیارٹی اور بحالی رینک دیتے ہوئے طبلہ تقابیاحات سروس کی ادائیگی کا حکم صادر فرمایا جائے۔ سائل تاحیات دعا گو رہے گا۔

عباس خان کانسٹیبل نمبر 182 (سابقہ نمبر 99) ہیڈ کوارٹر ایبٹ آباد 30/11/2017

BEFORE THE HONORABLE SERVICE TRIBUNAL K.P.K, PESHAWAR.

Execution Petition No. 150/2018.

Riaz Khan Head Constable No. 99/182 (Now officiating ASI) Police department Abbottabad.

(Appellant)

VERSUS

1. Regional Police Officer, Hazara Region, Abbottabad
2. District Police Officer, Abbottabad.

(Respondents)

COMPLIANCE REPORT.

Respectfully Sheweth.

It is submitted that petitioner was awarded the major punishment of dismissal from service vide OB No. 285 dated 29.10.2014 by the then District Police officer, Abbottabad. He preferred an appeal before the then Regional Police Officer, Hazara Region, Abbottabad in response to which his major punishment of dismissal was converted into major punishment of reversion from the rank of head constable to the rank of constable vide Order No. 11370/PA dated 24.12.2014.

Consequently, the petitioner filed Service Appeal No. 18/2015 before the honourable Service Tribunal Khyber Pakhtunkhwa which was accepted on 23.11.2017 with the direction to conduct denovo enquiry in the matter. After conducting denovo enquiry petitioner was placed on original seniority with his colleagues vide OB No. 50 Dated 22.02.2018.

The period for which he remained reverted from the rank of HC to FC is total 03 years and 03 days and total amount Rs:15941/ for this period is due to him please.

Deputy Superintendent of Police,
Legal, Abbottabad.

OFFICE OF THE DISTRICT POLICE OFFICER ABBOTTABAD

Ph: No: 0992-9310026, Fx: No: 0992-9310025
atdpolice@gmail.com

No. 5882 /PO Dated. 06 /09/2019

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

Subject: **APPLICATION**

Memorandum:

Enclosed please find an application in r/o ASI Riaz Khan No.182/H of your District alongwith Court Judgment Order and denovo enquiry etc for further necessary action as the official serving under your command please.

District Police Officer
Abbottabad