

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

**Service Appeal No. 729/2019**

Date of Institution ... 11.06.2019

Date of Decision ... 18.06.2021

Fakhar-e-Alam, LHC No. 1897 at PS Faqir Abad.

... (Appellant)

**VERSUS**

Inspector General of Police Khyber Pakhtunkhwa Peshawar and two others.

... (Respondents)

Mr. ARBAB NASRUMMINNALLAH,  
Advocate

--- For appellant.

MR. JAVED ULLAH,  
Assistant Advocate General

--- For respondents.

**MR. SALAH-UD-DIN**

---

**MEMBER (JUDICIAL)**

**MR. ATIQ-UR-REHMAN WAZIR**

---

**MEMBER (EXECUTIVE)**


**JUDGEMENT:**

**SALAH-UD-DIN, MEMBER:-**

The appellant has filed the instant Service Appeal against the impugned order dated 19.07.2018, whereby he was awarded the punishment of withholding of two increments with cumulative effect and the departmental appeal as well as revision filed by the appellant were also dismissed vide order dated 11.04.2019 and 16.05.2019 respectively.


2. Precise facts are that the appellant was posted as M.M in Police Station Faqir Abad, when disciplinary proceedings were initiated against him upon written complaint filed by one Muhammad Luqman S/o Fazal Roman. The appellant was issued show-cause notice on the allegations that one Muhammad Luqman S/o Fazal Roman R/o Peshawar had

submitted a written complaint to CCPO Peshawar, wherein it was alleged that on 12.05.2018 at 09:30 P.M, Constable Amir No. 3276 alongwith Constable Farhat Hussain No. 372 (Rider Squad) arrested the complainant without any reason, who was taken to Police Station Faqir Abad, where he was subjected to physical torture in connivance with the appellant and was confined in the lock-up, despite non recovery of any illegal thing from his possession. Appellant submitted reply to the show-cause notice, however vide the impugned order No. 954-57/P.A dated 19.07.2018 passed by SSP (Operation) Peshawar, penalty of withholding of two increments with cumulative effect was imposed upon the appellant. The same was challenged by the appellant through filing of departmental appeal which was dismissed by CCPO Peshawar vide impugned order No. 587-92/P.A dated 11.04.2019, which was challenged through appeal before the Inspector General of Police Khyber Pakhtunkhwa Peshawar but the same was also filed by upholding the penalty awarded to the appellant, hence the instant Service Appeal.

 3. Learned counsel for the appellant has argued that the impugned order dated 19.07.2018 passed by the competent Authority was not at all conveyed to the appellant and when the appellant received less pay than his normal pay, he came to know about the impugned order and the same was challenged through filing of departmental appeal, which is within time; that the appellant is quite innocent and had not manhandled the complainant; that the complainant was arrested and brought by Constable Farhat Hussain No. 372 and Constable Amir No. 3276 but they got scot free, while the appellant was made scapegoat; that neither any evidence was procured against the appellant nor any opportunity of hearing was provided to him and the impugned penalty was imposed upon the appellant without any justification; that the allegations against the appellant as mentioned in the show-cause notice are quite wrong and baseless but the same were wrongly and illegally considered as proved by the competent Authority, resulting in the imposition of illegal penalty of withholding of two increments with cumulative effect; that the impugned orders passed by

Authority as well as by the appellate and revisional Authority are cursory in nature, therefore, liable to be set-aside.

4. On the other hand, learned Assistant Advocate General has argued that one Muhammad Luqman S/o Fazal Roman was tortured by the appellant, who filed complaint against the appellant and the allegations stood proved against the appellant, therefore, the impugned penalty was imposed upon the appellant after issuing him proper show-cause notice; that the complainant was having no enmity or ill will with the appellant, which could prompt the complainant to file any false complaint against the appellant; that the allegations in the complaint were correct and the same stood proved against the appellant, therefore, the penalty of withholding of two increments with cumulative effect has rightly been imposed upon him; that the departmental appeal of the appellant was badly time barred, therefore, on this score alone, the instant appeal is liable to be dismissed.

 5. We have heard the arguments of learned counsel for the appellant as well as learned Assistant Advocate General for the respondents and have perused the record.

6. A perusal of record would show that the impugned order dated 19.07.2018 was neither passed in presence of the appellant nor copy of the same was communicated to him for information. The appellant has categorically alleged in his departmental appeal that he came to know about the impugned order, when he received less pay than his usual pay. In such a situation, the limitation period would start from the date on which the appellant gained knowledge of the impugned order dated 19.07.2018 passed by the Authority. It is well settled that in case of financial matters, cause of action is a recurring one, therefore, the departmental appeal filed by the appellant cannot be considered as time barred.

7. Disciplinary action against the appellant was initiated upon the application of one Muhammad Luqman S/o Fazal Roman, addressed to CCPO Peshawar, wherein it was mainly alleged that he works as Sales Man in Usman Store situated at Government College Chowk Peshawar;


that on 12.05.2018 at 09:30 P.M, he was proceeding back from the Godown to the store, however he was unlawfully arrested by Constable Farkat Khan and other officials of Rider Squad, Police Station Faqir Abad, that they snatched cell phone from the complainant and after subjecting him to physical torture, they took the complainant to police station and confined him in lock-up; that upon hue and cry of the appellant, Moharrar of PS alongwith other staffs subjected him to physical torture; that on the following day, the father of the complainant came to the Police Station, who was informed that the accused has been booked under section 107/151 Cr.P.C; that disciplinary action be taken against Constable Farkat Khan as well as Moharrar and other staffs of the Police Station.

8. The names of Constable Farhat Hussain (Farkat Khan) No. 372 as well as Constable Amir No. 3276 are though mentioned in the show-cause notice issued to the appellant, however the record is silent regarding any disciplinary action being taken against them. Moreover, annexed with the appeal is copy of Daily Diary No. 9 dated 13.05.2018, which shows that Mohammad Alam Khan SI alongwith other Police Officials had arrested the complainant Muhammad Luqman S/o Fazal Roman as well as Amin Khan S/o Fareed Khan residents of Naguman for bounding them under section 107/151 Cr.P.C. The record does not show as to whether the aforementioned entry in Daily Diary was taken in to account or not, while taking disciplinary action against the appellant. Except the application of the complainant Muhammad Luqman, no other material is available on the record in support of the allegations leveled against the appellant, however the Authority while issuing show-cause notice to the appellant has mentioned in para-2 that as sufficient material was placed before the Authority, therefore, it was decided to proceed against the appellant in general police proceedings without aid of inquiry officer. It has however not been mentioned in the show-cause notice that what was the material, which was considered sufficient for doing away with the appointment of inquiry officer for inquiry in to the matter. Keeping in view the nature of complaint filed by the complainant Muhammad Luqman, it was appropriate to appoint any inquiry officer for conducting of proper inquiry, so as to meet the

ends of justice. The impugned penalty imposed upon the appellant is not sustainable in the eye of law and is liable to be set-aside.

09. In light of the above discussion, the appeal in hand is allowed by setting-aside the impugned penalty awarded to the appellant, however it is directed that a proper inquiry through appointing any inquiry officer be conducted in to the matter within a period of three months of the receipt of copy this judgment. In case, the respondents failed to conduct the inquiry within the given time period, the appellant shall be entitled to all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

**ANNOUNCED**  
**18.06.2021**



**(SALAH-UD-DIN)**  
**MEMBER (JUDICIAL)**



**(ATIQ-UR-REHMAN WAZIR)**  
**MEMBER (EXECUTIVE)**


ORDER  
18.06.2021

Mr. Arbab Nasruminnallah, Advocate, for the appellant present. Mr. Muhammad Raziq, Reader alongwith Mr. Javed Ullah, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is allowed by setting-aside the impugned penalty awarded to the appellant, however it is directed that a proper inquiry through appointing any inquiry officer be conducted in to the matter within a period of three months of the receipt of copy this judgment. In case, the respondents failed to conduct the inquiry within the given time period, the appellant shall be entitled to all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
18.06.2021


  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

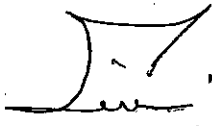
  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

17.06.2021

Appellant in person present. Mr. Javed Ullah, learned Assistant Advocate General alongwith Muhammad Raziq H.C for the respondents present.

Appellant sought adjournment on the ground that his counsel is not available due to strike of lawyers. Adjourned. To come up for remaining arguments before the D.B on 18.06.2021 before D.B.

  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

  
(SALAH-UD-DIN)  
MEMBER (JUDICIARY)

14.06.2021

Appellant alongwith his counsel Mr. Arbab Nasruminnallah, Advocate, present. Mr. Javed Ullah, Assistant Advocate General for the respondents present.

Partial arguments heard. To come up for remaining arguments before the D.B on 15.06.2021.

(ATIQU-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

15.06.2021

Appellant in person present. Mr. Javed Ullah, Assistant Advocate General for the respondents present.

Appellant sought adjournment on the ground that his counsel is not available today due to strike of Lawyers. Adjourned. To come up for remaining arguments before the D.B on 17.06.2021.

(ATIQU-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

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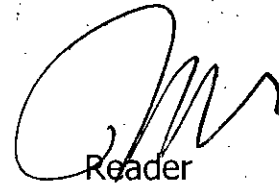
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MEMBER (EXECUTIVE)

[Redacted]  
MEMBER (JUDICIAL)



12.10.2020

Due to incomplete Bench, the case is adjourned. To come up for the same on 18.12.2020 before D.B.

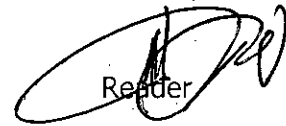


Reader

18.12.2020

Junior counsel for appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Due to COVID-19, case is adjourned to 11.03.2021 for the same as before.



Reader

11.03.2021

Due to non availability of Bench, the case is adjourned to 14.06.2021 for arguments before D.B



READER

729/2019

22.01.2020

Junior to counsel for the appellant and Addl. AG alongwith Muhammad Raziq, H.C for the respondents present.


Representative of respondents seeks further time. Last opportunity granted. To come up for written reply/comments on 27.02.2020 before S.B.

Chairman 

27.02.2020

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG alongwith Mr. Raziq H.C for respondent present.

Representative of respondent submitted written reply/comments. To come for rejoinder if any and arguments on 15.04.2020 before D.B. \

  
(Hussain Shah)  
Member

15.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 13.07.2020 before D.B.

  
Reader

13.07.2020

Due to COVID-19, the case is adjourned to 12.10.2020 before D.B.


  
Reader

02.09.2019

Mr. Muihammad Deen Advocate for appellant present.

An application for extension of time to deposit security and process fee has been submitted. It is noted that the requisite deposit could not be made in time due to unavoidable circumstances.

The application is allowed and the period for making the deposit is extended for another period of three days. After the requisite deposit notices be issued to the respondents for submission of written reply/comments on 04.11.2019 before S.B.

  
12/9/19  
Security & Process Fee

  
Chairman

04.11.2019

Appellant in person and Addl. AG for the respondents present.

Learned AAG seeks adjournment to contact the respondents for furnishing comments. Adjourned to 11.12.2019 on which date the requisite reply/comments shall positively be submitted.

  
Chairman

11.12.2019

Appellant in person and Addl. AG alongwith Muhammad Raziq, H.C for the respondents present.

Representative of the respondents seeks further time. Adjourned to 22.01.2020 on which date the requisite reply/comments shall positively be submitted.

Chairman 


729/2019

04.07.2019

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued that after joining the Police Department the appellant performed duty regularly. That departmental proceedings were initiated against him and minor penalty of withholding of two increments with cumulative effect was awarded to him vide impugned order dated 19.07.2018, which he assailed through departmental appeal dated 06.02.2019. The same was dismissed vide order dated 11.04.2019, which was followed by an undated review petition which was also dismissed vide order dated 16.05.2019 followed by the present service appeal. Before awarding penalty proper enquiry was not conducted rather the appellant was condemned unheard. Apparently the present departmental and service appeals are barred by time. When learned counsel for the appellant was confronted on this point was unable to give any plausible explanation for condonation of delay. No application for condonation of delay has been submitted by the learned counsel for the appellant.

Points raised need consideration. The appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 02.09.2019 before S.B.

  
Member

04.07.2019

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued that after joining the Police Department the appellant performed duty regularly. That departmental proceedings were initiated against him and minor penalty of withholding of two increments with cumulative effect was awarded to him vide impugned order dated 19.07.2018, which he assailed through departmental appeal dated 06.02.2019. The same was dismissed vide order dated 11.04.2019, which was followed by an undated review petition which was also dismissed vide order dated 16.05.2019 followed by the present service appeal. Before awarding penalty proper enquiry was not conducted rather the appellant was condemned unheard. Apparently the present departmental and service appeals are barred by time. When learned counsel for the appellant was confronted on this point was unable to give any plausible explanation for condonation of delay. *No application for condonation for of delay has been submitted*

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 02.09.2019 before S.B.



*by the learned counsel for the petitioner. Member*

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 729/2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/06/2019	<p>The appeal of Mr. Fakhar-e-Alam resubmitted today by Mr. Muhammad Deen Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;">                       REGISTRAR <sup>ev</sup> 12/16/19                 </p>
2-	13/06/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>04/07/19</u></p> <p style="text-align: right;">                       CHAIRMAN                 </p>

The appeal of Mr. Fakhar-e-Alam LHC No. 1897 at PS Faqir Abad Peshawar received today i.e. on 11.06.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of first departmental appeal mentioned in para-5 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Copy of order dated 11/04/2016 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.

No. 1068 /S.T,

Dt. 12-6-2019.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Muhammad Din Adv. Pesh.

*Sir Resubmitted after completion*  
*M. Din*  
*12.6.2019*

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A 729 /2019

Fakhar E Alam

**VERSUS**


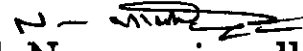
Inspector General of Police Khyber Pakhtunkhwa and  
others

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3.	Addresses of parties		8
4.	Copy of Show cause Notice, Reply, Roznamcha No.9 Dated 13/05/2018, Isteghasa U/S 107/151 CrPC, Machalkay	"A to D/1"	9-13
5.	Copy of the impugned office order No.954-57/PA, dated 19/07/2018 dismissal order	"E"	14-
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Appellant

Through

Muhammad Din   
&   
Arbab Naruminnallah  
Advocates, High Court  
Peshawar.

Dated: 11/06/2019



**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A. 729 /2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 844

Dated 11/6/2019

Fakhar E Alam LHC NO.1897 at PS Faqir  
Abad.

-----*(Appellant)*

**VERSUS**

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar
2. Capital city police officer, Khyber Pakhtunkhwa Peshawar
3. Senior Superintendant of Police (Operation) Peshawar.

-----*(Respondents)*

**APPEAL U/S 4 OF THE KHYBER  
PAKHTUNKHWA SERVICES TRIBUNAL ACT -  
1974 AGAINST THE IMPUGNED ORDER NO. 954-  
57/PA DATED 19/07/2018 WHEREBY THE  
APPLICANT WAS REGARDED THE  
PUNISHMENT OF "WITHHOLDING 2  
INCREMENTS WITH ACCUMULATIVE EFFECT".  
AND DEPARTMENTAL APPEAL AGAINST THE  
IMPUGNED PUNISHMENT OF THE APPELLANT  
WAS DISMISSED VIDE ORDER NO.587-92/PA  
DATED 11/04/2019 AND ORDER NO. 1775/19  
DATED 16/05/2019 WAS DISMISSED IN A  
CLASSICALLY CURSORY AND WHIMSICAL  
MANNER**

Filed to-day

Registrar

11/6/19

Re-submitted to -e  
and filed.

Registrar

**Respectfully Sheweth;**

1. That the appellant was inducted into service of the Police Department, after going through the mandatorily required test and interviews.

2. That since recruitment in this prestigious Force, the appellant left no stone unturned in performance of his duties and he ever proved his mental, wetted skill and potential for rendering meritorious services and this is the reason that the appellant has always won the appreciation of his high ups.
3. That show cause notice was served on the appellant whereby the appellant was proceeded for the following misconducts.
  - i. *“That one Muhammad Luqman S/O Fazal Roman R/O Peshawar submitted a written application allegation therein that on 12/05/2018 at 09:30 am Constable Amir No. 3276 alongwith Constable Farhat Hussain No.372 (Rider Squad) attested him for no reason and after frisking taken him to police Station Faqirabad, where he was subjected to physical torture in Connivance with Constable Fakhr-e-Alam No 1897 (MM on duty) and confined in the lock up despite the fact that nothing illegal was recovered from his possession”.*
  - j. *“By doing so you have exhibited hisgh handedness and misuse of your official authority which amounts to gross misconduct on your part”.*

The appellant submitted his reply in quite detail in true scenario, was detail therein and proved his innocence therein. (Copy of Show cause Notice, Reply, Roznamcha No.9 Dated 13/05/2018, Isteghasa U/S 107/151 CrPC, Machalkay, are annexed as annexure "A, B, C,D, and D/1" respectively)

4. That the applicant properly replied to the show cause Notice, but no heed was ever paid to the same and thus the final abominable step came up and at last the appellant was awarded with punishment of "*withholding 2 increments with accumulative effect*" vide impugned order No.954-57/PA, dated 19/07/2018 by Senior Superintendant of Police (Operation) Peshawar. (Copy of the impugned office order No.954-57/PA, dated 19/07/2018 dismissal order is annexed as annexure "E")
5. That the appellant being aggrieved preferred a departmental appeal quite well in time to Capital City Police Officer Peshawar against the dismissal order of Senior Superintendant of Police (operations) Peshawar but the same was dismissed in a Classically, Cursory, and whimsical manner vide impugned office order No.587-92/PA dated 11/04/2019. Thereafter being aggrieved the appellant preferred

second appeal before the Inspector General of Police Khyber Pakhtunkhwa under Rule 11-A of Khyber P.K Police Rules-1975, whereby the appellate Board dismissed the second appeal of the appellant in a classically cursory and whimsically manner vide office order No. 1775/19/18 dated 16/05/2019. (Copies of departmental appeal, rejection order, of appeal dated 11/04/2019 second appeal, and dismissal order dated 16/05/2019 are annexed as annexure "F, G & H")

6. That now the appellant being aggrieved come to this Hon'ble court for setting aside the impugned office punishment order and for reinstated of increments on the following grounds inter alia:-

### **Grounds:**

- A. That the punishments orders are wrong, illegal, vide ab-initio and is not sustainable at all.
- B. That the impugned punishment order is unwarranted, illogical and against the Rules so therefore not maintainable at all.
- C. That no proper inquiry was ever conducted in case of the appellant, nor the appellant was ever heard in person, nor was ever allowed to

cross examine any witness and thus the appellant was condemned unheard.

**D.** That not only the punishment order is illegal, unlawful, void, ab initio but the rejection of departmental appeals by the Respondents are also against the law and rules governing the subject, therefore not sustainable in the eye of law and need to be set aside in the best interest of justice.

**E.** That the appellant proved his innocence while replying to the Show Cause notices, but even then the Respondent drastically, dismiss the prayer of the appellant which not only illegal, void, void ab initio but is also against the fundamental rights guaranteed and protected by the constitution of Islamic Republic of Pakistan 1973

**F.** That the appellant belongs to a poor family, and is the only earning hand in the whole family to look after them.

**G.** That the appellant has 10 year's service and that too unblemished, without any complaint ever against, on part of the appellant.

**H.** That from every respect of law all the impugned punishment orders are not

sustainable in the eye of law, that is why impugned orders may not only be set aside.

- I. That any other ground not raised here may graciously be allowed at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant appeal, the impugned awarding of Punishment order No. 954-57/PA DATED 19/07/2018 as well as impugned rejection of departmental appeal impugned office orders 587-92/PA dated 11/04/2016 and order NO. 1775/19 dated 16/05/2019 may graciously be set aside and by doing so the increments of the appellant may very graciously be restored in the best interest of justice.

Any other relief not specifically asked for may also graciously be extended in favour of the appellant in the circumstances of the case.

Appellant

Through

Muhammad Din  
&  
Arbab Narumminallah  
Advocates, High Court  
Peshawar.

Dated: 11/06/2019

**NOTE:-**

No such like appeal for the same appellant, upon the same subject matter has earlier been filed by me, prior to the instant one, before this Hon'ble Tribunal.

Advocate.

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A \_\_\_\_\_/2019

Fakhar E Alam

**VERSUS**

Inspector General of Police Khyber Pakhtunkhwa and  
others

**AFFIDAVIT**

I, **Fakhar E Alam LHC NO.1897 at PS Faqir Abad**, do hereby solemnly affirm and declare that all the contents of the accompanied **appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

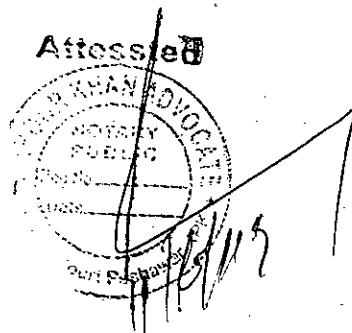
**DEPONENT**

Identified By:

*Muhammad Din*

*Fakhar E Alam*

**Muhammad Din**  
Advocate High Court  
Peshawar.



**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A \_\_\_\_\_/2019

Fakhar E Alam

**VERSUS**

Inspector General of Police Khyber Pakhtunkhwa and  
others

**ADDRESSES OF PARTIES**

**APPELLANT**

Fakhar E Alam LHC NO.1897 at PS Faqir  
Abad.

**ADDRESSES OF RESPONDENTS**

1. Inspector General of Police Khyber  
Pakhtunkhwa Peshawar
2. Capital city police officer, Khyber Pakhtunkhwa  
Peshawar
3. Senior Superintendant of Police (Operation)  
Peshawar.

Appellant

Through

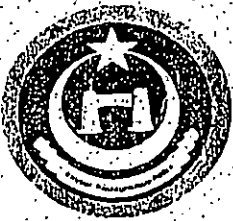
  
**Muhammad Din**

**& Arbab Narumminallah**

Advocates, High Court  
Peshawar.

Dated: 11/06/2019





Ann - "A"

9

OFFICE OF THE  
SENIOR SUPERINTENDENT OF POLICE  
(OPERATIONS),  
PESHAWAR

Phone: 091-9210508 Fax: 091-9213054  
E-mail: [sspoperations2448@gmail.com](mailto:sspoperations2448@gmail.com)

**SHOW CAUSE NOTICE**  
**(Under Rules 5 (3)(a) KPK Police Rules, 1975)**

1. That you Constable Fakhr-e-Alam No. 1897 while posted at PS Faqirabad Peshawar have rendered yourself liable to be proceeded under Rules 5(3)(a) of the Khyber Pakhtunkhwa Police Rules 1975 for following misconducts:

i) That one Muhammad Luqman s/o Fazal Roman r/o Peshawar submitted a written complaint wherein he alleges that on 12.05.2018 at 09:30 PM Constable Amir No. 3276 along with Constable Farhat Hussain No. 372 (Rider Squad) arrested him for no reason and after frisking, taken him to Police Station Fakirabad where he was subjected to physical torture in connivance with you Constable Fakhr-e-Alam No. 1897 (MM on duty) and confined in the lock-up despite the fact that nothing illegal was recovered from his possession.

ii) By doing so, you have exhibited highhandedness and misuse of your official authority which amounts to gross misconduct on your part.

2. That by reason of above, as sufficient material is placed before the undersigned, therefore it is decided to proceed against you in general police proceeding without aid of enquiry officer.
3. That the misconduct on your part is prejudicial to good order of discipline in the police force.
4. That your retention in the police force will amount to encourage in efficient and unbecoming of good police officer.
5. You are, therefore, called upon to Show Cause Notice as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred to above.
6. You should submit reply to this Show Cause Notice within 07 days of the receipt of the notice failing which an ex-parte shall be taken against you.
7. You are further directed to inform the undersigned that you wish to be heard in person or not.

Attested  
*[Signature]*

*[Signature]*  
SENIOR SUPERINTENDENT OF POLICE,  
OPERATIONS, PESHAWAR

No. 709/18A Dated - 22-05-2018

16

Ann - "B"

جناب عالی!

بجوالہ مشمولہ شوگاز نوٹس نمبری PA/709 مورخہ 22/05/2018 معروض خدمت ہوں کہ  
مورخہ 13/05/2018 کو کنسٹبلان فرقت اللہ 872، عامر 3276 نے دو کسان اسمائے لقمان ولد فضل  
الرحمن سکند ناگمان، امین خان ولد عزیز خان سکند ناگمان کو تھانہ لا کر بتلایا کہ ہر دو اشخاص انبال پلازہ میں خواجہ  
سراوں کو چھیڑتے ہوئے اخلاق باختہ حرکات و سکنات کرتے تھے۔ جن کو حسب شکایت انبالیان علاقہ قابو کر  
کے قانونی کارروائی کی خاطر تھانہ لائے جن کو بجوالہ مد 9 روز نامہ 13-05-2018 زیر دفعہ 151/107 ضل  
ف میں حسب ضابطہ گرفتار کر کے حوالات میں بند کئے۔ اور عدالت علاقہ مجسٹریٹ کو آگے دن چالان کر کے  
پابند ضمانت کئے گئے۔ اسی شب میں بطور آن ڈیوٹی بد مذمور ڈیوٹی پر موجود تھا۔ ہر دو اشخاص کو بند کر کے  
سرکاری ڈیوٹی کی ہے۔ جس میں میری کوئی بدیتی شامل نہیں ہے۔ جو کچھ کیا ہے کار سرکار کو مقدمہ سمجھ کر کیا  
ہے۔ استدعا ہے کہ شوگاز نوٹس کو بغیر کسی کارروائی کے داخل دفتر فرمایا جائے۔

Attested -

MM PS FAQIR ABAD

*M. Faqir*

26-05-2018

11

بغداد فقیر آباد

نمبر 9 روزنامہ 13/5/18

مصلح لیٹا

Ann - C

9 داسی

محمد عالم خان ایف وقت 00:30 جم مورہ 13/5/18

بحوالہ امر بالا کہد از صرافت غلام محمد مورث لگشت سے واپس آیا اور ان لگشت  
 کاغذی دفتوں سے شہادت موصول ہو رہی تھی کہ فقیر احمد اقبال بدلاڑہ جوان  
 البصر لڑکے آ کر بیان بر حوالہ سروروں کو جو کچھ کہتے ہیں اور  
 غلط سرگت لڑکے ہیں جن سے تو حوالوں آتی ہے وہ روزگار  
 اندر تیار کیا گیا شہادت لوگ انداسی موقع آ کر لڑکان کو مالہ  
 کر کے دیکھنے کے بعد رہا گیا ہے نام دیا محمد عثمان ولد فضل رحمان  
 سیدہ نام لگان (ہا) آہن خان عبد صبر بر خان سیدہ نام لگان سیدہ نے وہی  
 بداسی سے کوئی نہیں جانتی تھے ہر آدمی کو سنی جن سے لگتی ہیں  
 خانز سیدہ نایا جا تا ہے صلہ حفظ امن کی خاطر زبردستی 13/5/18 جن  
 ضامین صبا حافظ گرمنا لڑکے کے ہمراہ ہتھیار لگ کر بندھوالات  
 گمان کیا گیا دیکر ضرورت رہی

Attested  
Deen

صاحب عالی  
 نعل عثمانی لعل سے  
 M. M. P. S. P. A.  
 13-5-18

564-565-2

(19)

13-5-18

15/5/18

Ann-D

اسٹیشن ریفر 157/10/100

مدرسہ محمد عامر خان ای سی ایف ایف ایف ایف ایف

(1) لیٹریچر اور ایف ایف ایف ایف ایف ایف ایف

(2) ایف ایف ایف ایف ایف ایف ایف ایف ایف

10/5/18

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Accepted  
\*  
15/5/18

57/15/18  
13-5-18

شمارت

(1) ایف ایف ایف ایف ایف ایف ایف ایف ایف ایف ایف

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محکمہ حفظ امن زیر دفعہ ۱۵ ضابطہ فوجداری

۱۵۱  
13

Ann - "D/1"

P. 8  
صبر کیا

محمد نعمان ولد فضل ارومان ساکن ناگوان کابل  
سرکار بنام مکہ ولد ساکن کابل

ہر گاہ و جگہ محکمہ سے محکمہ حفظ امن برائے ایک سال عدالت میں طلب کیا گیا ہے لہذا میں بذریعہ تحریر خط اقرار کرتا ہوں کہ اندر میعاد مذکورہ برائے امن رہوں گا۔ نقص امن یا کوئی فعل جس سے نقص امن کا احتمال ہو نہ کروں گا۔ بمقابلہ سرکار رعایا سرکار پر امن رہوں گا۔ اگر اس میں قصور کیا تو مبلغ 000/- دہی روپیہ بطور تادان سرکار دولت مدار کو ادا کروں گا۔



Judicial Magistrate  
Peshawar

محمد نعمان



13/5/18

شایان خان ولد صالح محمد ساکن ایسٹ میڈیکل کالج کابل  
مکہ فضل ارومان ولد سید احمد کابل

میں سبھی طرز مذکورہ الصدر کی طرف سے فنانس ہو کر اقرار کرتا ہوں کہ طرز مذکورہ کو نمیاد کرتے ہیں

سطور کے اندر پر امن رہے گا۔ نقص امن یا کوئی فعل جس سے نقص امن کا احتمال ہو نہ کرے گا۔ بمقابلہ سرکار رعایا سرکار پر امن رہے گا۔ اگر نام بردہ نے اس میں قصور کیا تو بطور تادان سرکار دولت مدار کو مشترکہ یا منفرد ادا کرے گا۔ کریں گے مبلغ 000/- دہی

Attested  
[Signature]

۱۹۷۷ء  
17301-1265188-9  
العین  
فضل ارومان

الرقوم  
17301-5999596-7  
شایان خان  
0316 9392200

عدالت سیشنری مارت  
پولیس سٹیشنری مارت کابل  
2220193  
Mob: 0345-9223239



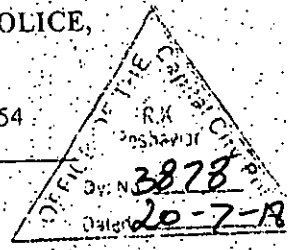
گواہ علی ولد ضابطہ جہان بیک  
17301-1894403-9  
03449290298  
گواہ شہ



(14)

OFFICE OF THE  
SENIOR SUPERINTENDENT OF POLICE,  
(OPERATIONS),  
PESHAWAR

Ph: 091-9210508 Fax: 091-9213054



ORDER

Ann - "E"

Show Cause Notice was issued to LHC Fakhar -e-Alam No. 1897 vide this office No. 709/PA dated 22.05.2018 on the basis of following charges

That one Muhammad Luqman, s/o Fazal Roman r/o Peshawar submitted a written complaint alleging therein that on 12.05.2018 at 09:30 PM Constable Amir No. 3276 along with Constable Farhat Hussain No. 372 (Rider Squad) arrested him for no reason and after frisking, taken him to Police Station Fakirabad where he was subjected to physical torture in connivance with Constable Fakhr-e-Alam No. 1897 (MM on duty) and confined in the lock-up despite the fact that nothing illegal was recovered from his possession.

In response to SCN, he submitted his written reply which was examined and found unsatisfactory. He was called in O.R. on 10/07/2018 and heard in person. He was provided full opportunity in his defense. He failed to defend himself with plausible grounds. Thus, the leveled <sup>charges</sup> against him stand proved. In the circumstances he is awarded the punishment of "withholding two increments with accumulative effect"

SENIOR SUPERINTENDENT OF POLICE,  
OPERATIONS, PESHAWAR

No. 954-57 /PA, dated Peshawar, the 19/07 /2018.  
Copy for information to:

1. The Capital City Police Officer Peshawar
2. SP-HQrs CCP Peshawar
3. OASI/CRC/FMC

- C.C.P.O. Jawad
- SSP/IO \_\_\_\_\_
- SSP/I \_\_\_\_\_
- SP/Cantt \_\_\_\_\_
- SP/City \_\_\_\_\_
- SP Rural \_\_\_\_\_
- SP/Sec \_\_\_\_\_
- SP/HQ \_\_\_\_\_
- SP/T.O \_\_\_\_\_
- SP/T. HQ \_\_\_\_\_
- DSP/LOS \_\_\_\_\_
- P.O./C.C. \_\_\_\_\_
- FW/EC-II \_\_\_\_\_
- C.Cell \_\_\_\_\_

Attested  
M. Saad

P.C.  
For operations  
24-7-18

بھنور جناب انسپکٹر جنرل پولیس صاحب خیبر پختونخواہ پشاور  
Ann - F  
(15)

مضمون: حکمانہ اپیل برخلاف حکم مجاریہ زیر دستخطی: SSP/OPS بحوالہ نمبر 954-57/PA مورخہ 19-07-2018  
جسکی بنا پر سائل کو سزا سائل کو سزا with Holding of two in Crements with comulative effect دی گئی ہے

جناب عالی!

سائل حسب ذیل عرض رساں ہے۔

(1) یہ کہ سائل سال 2009ء کو محکمہ پولیس میں بطور کنسٹیبل بھرتی ہو کر تاحال بے داغ ملازمت انجام دی ہے۔ اور کبھی انفران بالا کو شکایت کا موقع نہیں دیا ہے۔

(2) یہ کہ سائل ایک تعلیم یافتہ بندہ ہوتے ہوئے اپنی شاندار مستقبل کی خاطر مختلف قسم کے ترقیاتی کورسز کر کے A-I اور B-I کے امتحانات پاس کر کے اخرا کر لوئے کورس بھی پاس کیا ہے۔

(3) یہ کہ سائل نے انفران بالا کو پیش ہو کر حسب الحکم انفران بالا سائل تھانہ فقیر آباد میں بطور MM تطیبات کر دیا گیا۔

(4) یہ کہ مورخہ 12-05-2018 کو سائل تھانہ میں ان ڈیوٹی تھا۔ کہ رائیڈر کنسٹیبل ان نے ایک ملزم محمد لقمان ولد فضل رومان کو تھانہ لا کر جو کہ ایس میں زبان ذاری اور تلخ کلامی کر رہے تھے۔ لہذا موقع کی مناسبت سے چونکہ کنسٹیبل ان نے الزام لگایا۔ کہ شخص مذکورہ اقبال پلازہ میں خواجہ سراؤں کو تنگ کر رہا ہے اور غیر اخلاقی سرگرمیوں میں ملوث ہونے کے شکایات موصول ہوتے ہیں۔ لہذا ان شکایات کے پیش نظر شخص مذکورہ کو خواتین میں بند کر کے حسب ضابطہ پابند ضمانت کر کے بحوالہ نمبر 9 روز نامہ 13-05-2018 کو 107/151 ضف عدالت جوڈیشل مجسٹریٹ چالان کیا گیا ہے۔

(5) یہ کہ سائل کو اپنی سزا کا تہ پتہ چلا کہ جب سائل کے مقررہ تنخواہ سے ماہانہ تنخواہ کم وصول کیا۔

(6) یہ کہ من سائل نے کسی قسم کی قانونی خلاف ورزی نہیں کی ہے۔ اور نہ ہی شخص مذکورہ کے ساتھ کسی قسم کی زیادتی ہے۔ صرف اور صرف کارسہ کار کو بطریق انجام دیا ہے۔

(7) میں نے جناب CCPO صاحب پشاور کو اپیل کی تھی مگر CCPO صاحب نے اپیل بحوالہ 11-04-2019 587-92 OB کو خارج کیا۔

جناب عالی!

حلفاً عرض گزار ہوں کہ سائل بے گناہ ہے اور عنوان الصدر سزا سائل کو غلط فہمی کی بناء پر دی گئی ہے۔ اس لئے درخواست بھنور انور ہے کہ سائل کی

ذکورہ بالا سزا کو منسوخ فرما کر مشکور فرمائیں۔ عمر بھر دعا گور ہونگا۔

آپکا تابعدار فخر عالم نمبر 1897/LHC حال گارڈ کمانڈر گورنمنٹ کالج پشاور

Attest  
F. deen



محفوظ جناب کونسل سٹی پولیس افسر صاحب ضلع پشاور

مضمون :- حکمانہ ایسپل بر خلاف حکم جاریہ زیر دستخطی SSP/57  
حوالہ نمبر 57-954-57 PA. مؤرخہ 018-7-19 جسکی بنا پر سائل  
کو سزا "withholding of two increments with cumulative effect"  
دی گئی ہے۔

جناب عالی! سائل حسب ذیل عرض رسال ہے :-

1۔ یہ کہ سائل سال 2009ء کو محکمہ پولیس میں بطور کنسٹبل مقرر ہو کر تا حال  
بے داغ ملازمت انجام دی ہے۔ اور کئی افسران بالا کو شکایت موصول نہیں رہا

2۔ یہ کہ سائل ایک تعلیم یافتہ بندہ ہوتے ہوئے اپنی شاندار مستقبل خاطر  
مختلف قسم کی ترقیاتی کورسز کے A-I اور B-I کے امتحانات پاس کر کے  
آخر کار کوئٹہ پولیس میں بھی پاس کیا ہے۔

3۔ یہ کہ سائل نے افسران بالا کو سزا ہو کر حسب الحکم افسران بالا سائل کے نام فقہر آباد  
میں بطور 1717 تنہا کر دیا گیا۔

4۔ یہ کہ مؤرخہ 12.5.018 کو سائل کے نام میں ان ڈیوٹی تھا کہ رائڈر کنسٹیبلان نے  
ایک ملزم محمد لقمان ولد فضل رحمان کو قہانہ لاکر جو کہ اسمیں زمان دراز  
اور تلخ کلادی کر رہے تھے۔ لہذا موقع کی مناسبت سے چونکہ کنسٹیبلان نے  
الزام لگایا کہ شخص مذکورہ اقبال یلدرہ میں خواجہ سہراؤں کو تنگ کر رہا ہے اور  
غیر اخلاقی سرگرمیوں میں ملوث ہونے کے شکایات موصول ہونے ہیں۔ لہذا  
ان شکایات کے پیش نظر شخص مذکورہ کو حوالہ دے دیں۔  
حسب ضابطہ یا بندہ ضمانت کر کے بحوالہ درنمبر 9 روزنامہ 13<sup>05</sup>/<sub>018</sub> کو  
157/151 صف عدالت جوڈیشل مجسٹریٹ جالان کتا گیا ہے۔

5۔ یہ کہ سائل کو اپنی سزا کا نتیجہ جیلر نے جب سائل نے فقہرہ تنخواہ سے مایانہ  
تنخواہ کم وصول کیا۔



(5) یہ کہ من سائل نے کسی قسم کی قانونی حلف فروری نہیں کی ہے اور وہ ہی شخص مذکورہ کے ساتھ کسی قسم کی زبردستی ہے۔ صرف اور صرف کامیگار کو بطریق احسن انجام دیا ہے۔

جیہاں عالی

حلفاً عرض گزاروں کے سائل کے گناہ ہے۔ اور عنوان صدر سزا سائل کو غلط فہمی کی بنا پر پوری ہے اس لئے درخواست بحضور التور ہے۔ سائل کی فریاد یا سزا کو منسوخ فرما کر سزا کو فرمائیں۔ لہذا دعا گور ہوگا

عفو

M. A. Khan

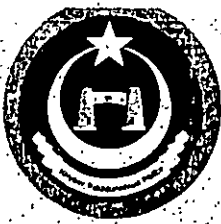
تذکرہ

6<sup>02</sup>  
2019

دکٹر کا ایڈیٹر فیض عالم پتہ 1897 / LHC

حال تحریر احوال آباد  
" مقام کھنڈرہ"

Attested by  
\*Deen



OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

Phone No. 091-9210989

Fax No. 091-9212597

Ann - G 16

ORDER.

This order will dispose of the departmental appeal preferred by LHC Fakhar-e-Alam No. 1897 who was awarded the punishment of "withholding of two increments with accumulative effect" by SSP/Operations Peshawar vide No.954-57/PA, dated 19-07-2018.

2- The allegations leveled against him were that he while posted as MM Police Station Faqirabad Peshawar one Muhammad Luqman s/o Fazal Roman r/o Peshawar submitted a written application alleging therein that on 12.05.2018 at 0930 am Constable Amir No. 3276 along with Constable Farhat Hussain No. 372 (Rider Squad) arrested him for no reason and after frisking taken him to Police Station Faqirabad, where he was subjected to physical torture in connivance with Constable Fakhr-e-Alam No.1897 (MM on duty) and confined in the lock-up despite the fact that nothing illegal was recovered from his possession.

3- He was issued a Show Cause Notice by SSP/Operations Peshawar on the above allegations. He submitted a written reply to the show cause notice, which was found unsatisfactory by the competent authority i.e. SSP/Operations Peshawar. Hence was awarded the punishment of withholding of two increments with accumulative effect.

4- He was heard in person in O.R. The relevant record perused along with his explanation. During personal hearing the appellant failed to produce any plausible explanation in his defence to prove his innocence. The record also reveals that no enquiry was conducted and in the same sort of allegations 02 others were exonerated from the charges leveled against them. Therefore, his appeal to set-aside the punishment order, passed by SSP/Operation Peshawar vide No.954-57/PA, dated 19-07-2018 is hereby rejected /dismissed being also time bared for 06 months

Attested  
by  
[Signature]

(QAZI JAMIL UR REHMAN)PSP  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

No. 587-99 /PA dated Peshawar the 11-04-2019

Copies for information and n/a to the -

1. SSP/Operations Peshawar with the direction to initiate a denovo enquiry against the other two constables namely FC Amir No. 3276 and FC Farhat Hussain No. 372 (Rider Squad) who unlawfully arrested the complainant and taken to Police Station where he was subjected to physical torture in the lockup.
2. PO/OASI/CRC for making necessary entry in his S. Roll.
3. FMC along with FM
4. Official concerned.



17

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

Ann - H

No. S/ 1775 /19, dated Peshawar the 16 /05 /2019.

To: The Capital City Police Officer,  
Peshawar.

Subject: APPLICATION.

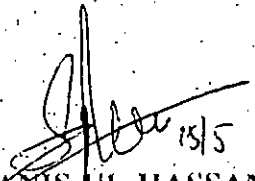
Memo:

Please refer to your office Memo: No. 12912/CRC, dated 08.05.2019.

The Competent Authority has examined and filed the application/revision petition submitted by LHC Fakhar-e-Alam No. 1897 of CCP Peshawar against the punishment of withholding of two increments with accumulative effect awarded by SSP/Operations, Peshawar vide order Endst: No. 954-57/PA, dated 19.07.2018, being badly time barred.

The applicant may please be informed accordingly.

Attested  
M. Javed

  
(SYED ANIS-UL-HASSAN)  
Registrar,  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.  
15/05-2019

21

00482553 FAKHRI ALAM		Prev Pers No:	Desig: CONSTABLE	(00100745)	Grade: 07 NTN:	Buckle No.: 1897	Gazetted/Non-Gazetted: N	
PAYMENTS		AMOUNT	DEDUCTIONS	AMOUNT	LOAN/FUND	PRINCIPAL	REPAID	BALANCE
0001 Basic Pay	14,040.00	3007 GPF Subscription - Rs	1,010.00-		GPF#:			36,674.00
1001 House Rent Allowance	2,384.00	6505 GPF Loan Principal In	1,000.00-	GPF Temp. Advance	0368	30,000.00	5,000.00	25,000.00
1210 Convey Allowance 20	1,932.00	3530 Police wel:Fud BS-1 t	281.00-					
1300 Medical Allowance	1,500.00	4004 R. Benefits & Death C	690.00-					
1547 Ration Allowance	681.00							
1567 Washing Allowance	150.00							
1646 Constabulary R Allow	300.00							
1901 Risk Allowance (Poli	3,530.00							
1902 Special Incentive Al	775.00							
2148 15% Adhoc Relief:All	335.00							
2168 Fixed Daily Allowanc	2,730.00							
2199 Adhoc Relief Allow @	226.00							
2211 Adhoc Relief All 201	1,153.00							
2224 Adhoc Relief All 201	1,404.00							
2247 Adhoc Relief All 201	1,404.00							
PAYMENTS		32,544.00	DEDUCTIONS	2,981.00-	NET PAY	29,563.00	01.05.2019	31.05.2019
Branch Code:221181		G.T.ROAD, PESHAWAR.	HABIB BANK LIMITED	G.T.ROAD, PESHAWAR.	PESHAWAR	Accnt.No: 79012319-03		

Attested

*[Signature]*

00482553 FAKHRI ALAM Prev Pers No: Desig: CONSTABLE (00100745) Grade: 07 NTN: Buckle No.: 1897 Gazetted/Non-Gazetted: N

Father Name: Date Of Birth: 13.04.1988 Date Of Appointment: 29.08.2009 CNIC: 1730129075953

PAYMENTS	AMOUNT	DEDUCTIONS	AMOUNT	LOAN/FUND	PRINCIPAL	REPAID	BALANCE
0001 Basic Pay	14,650.00	3007 GPF Subscription - Rs	1,010.00-				55,614.00
1001 House Rent Allowance	2,384.00	3530 Police well:Fud BS-1 t	293.00-				
DDO : PR4093 DDO FOR CAPITAL CITY POLICE PESHAW Payroll Section : 006 Payroll 6							
1210 Convey Allowance 20	1,932.00	4004 R. Benefits & Death C	690.00-				
1300 Medical Allowance	1,500.00						
1547 Ration Allowance	681.00						
1567 Washing Allowance	150.00						
1646 Constabulary R Allow	300.00						
1901 Risk Allowance (Poli	3,530.00						
1902 Special Incentive Al	775.00						
2148 15% Adhoc Relief All	335.00						
2168 Fixed Daily Allowanc	2,730.00						
2199 Adhoc Relief Allow @	226.00						
2211 Adhoc Relief All 201	1,153.00						
2224 Adhoc Relief All 201	1,465.00						
2247 Adhoc Relief All 201	1,465.00						
<b>PAYMENTS</b>	<b>33,276.00</b>	<b>DEDUCTIONS</b>	<b>1,993.00-</b>	<b>NET PAY</b>	<b>31,283.00</b>	<b>01.11.2018</b>	<b>30.11.2018</b>
Branch Code: 221181	G.T.ROAD, PESHAWAR.	HABIB BANK LIMITED	G.T.ROAD, PESHAWAR.	PESHAWAR	Accnt.No: 79012319-03		



*Attested*  
*[Signature]*

قیمت 50 روپے	16352			
ایڈوکیٹ: محمد دلین		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: bc/16655				
رابطہ نمبر: 03055516689				

بعدالت جناب: Service Tribunal kpk

مخاطب: petition er	دعویٰ: Service Appeal
مخبر عالم	علت نمبر:
بنام آئی جی کپک وغیرہ	مورخہ:
	جرم:
	تھانہ:

**باعث تحریر آنکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام سٹار کیلئے محمد دلین، ارباب لفرمن اللہ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم: 11-06-2019

الع بد گواہ شد الع بد

مقام سٹار کے لیے منظور ہے۔

Accepted by  
نور: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔



N-01168

مخبر عالم ولور رضا خان سکریٹری دایمان اصفانی

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

**Service appeal No. 729/2019**

Fakhar Alam JHC No.1897 CCP, Peshawar..... Appellant

Versus

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Senior Superintendent of Police Operations, Peshawar. .... Respondents.

**Reply on behalf of Respondents No. 1, 2, & 3.**

**Respectfully Sheweth:-**

**PRELIMINARY OBJECTIONS.**

1. That the appeal is badly time barred.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has not come to this Hon'able Tribunal with clean hands.
4. That the appellant has no cause of action.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from Honorable Tribunal.

**FACTS:-**

1. Para No.01 pertains to record, hence needs no comments.
2. Para No.02 is for the petitioner to prove. However, this Para clearly reflects that a fair process in the respondent department is observed that in case of showing honesty and dedication toward the duty, the individual is encouraged by making good entry in service record while in case of commission of misconduct, the defaulter is penalized under the relevant law as per gravity of misconduct. The instant case is an example of fairness and impartiality.
3. Para No.03 is incorrect. In fact the appellant while posted as MM PS Faqirabad Peshawar was issued Show Cause Notice containing the allegations that one Muhammad Luqman submitted a written complaint alleging therein that on 12.05.2018 at 09:00 PM, constable Amir No.3276 alongwith constable Farhat Hussain No.372 (Rider Squad) arrested him for no reason and after frisking taken him to PS Faqirabad where he was subject to physical torture in connivance with appellant (MM on duty) and confined in the lock up despite the fact that nothing illegal was recovered from his possession. The appellant submitted his written reply which was examined and found unsatisfactory.

4. Para No.04 is incorrect. In response to Show Cause Notice, the appellant submitted his reply which was examined and found unsatisfactory. He was called in OR on 10.07.2018, and heard in person wherein appellant was provided full opportunity in his defense but he failed to defend himself. The charges leveled against him were proved; hence he was awarded the punishment of withholding of two increments with accumulative effect.
5. Para No.05 is incorrect. In fact, the appellant filed departmental appeal which after due consideration was filed/rejected, because his appeal was badly time barred for about 06 months. The appellant then filed review petition before the Competent Authority which was also filed/reject on the same ground. It is worth to mention here that the present appeal is also time barred.
6. That appeal of the appellant being devoid of merits many kindly be dismissed on the following ground.


**GROUND:-**

- A. Incorrect the orders are just legal and have been passed in accordance with law/rules.
- B. Incorrect. The punishment order passed by the Competent Authority is as per law/rules.
- C. Incorrect. The appellant availed the opportunities of defense, the appellant was also called and heard in person, but he could not prove himself innocent.
- D. Incorrect. The allegations were proved against him, hence he was awarded the punishment as per law/rules.
- E. Incorrect. The appellant was found guilty of misconduct, hence he was awarded the punishment and no violation of constitution has been done.
- F. Incorrect. The appellant earned 06 Bad entries in his short service.
- G. Incorrect. The punishment order was passed in accordance with law/rules and liable to be upheld.
- H. That respondent may also be allowed to advance any additional ground at the time of hearing of the appeal.

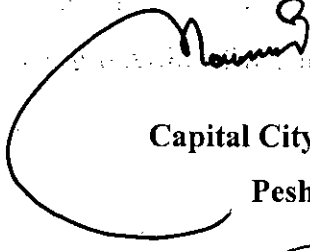


**PRAYERS:-**

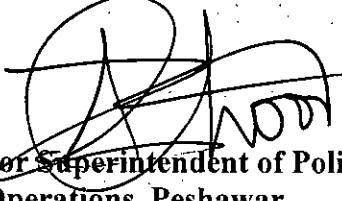
It is therefore most humbly prayed that in light of above facts, submissions the appeal of the appellant being devoid of merits, legal footing may be dismissed.



**Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.**



**Capital City Police Officer,  
Peshawar**



**Senior Superintendent of Police,  
Operations, Peshawar.**

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

**Service appeal No. 729/2019**


Fakhar-E- Alam IHC No.1897 CCP, Peshawar..... Appellant

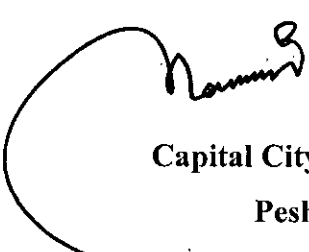
Versus


1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Senior Superintendent of Police Operations, Peshawar.....**Respondents.**

**AFFIDAVIT**

We respondents No. 1, 2 & 3 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.

  
Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.

  
Capital City Police Officer,  
Peshawar

  
Senior Superintendent of Police,  
Operations, Peshawar.

Before the Cyber Protection Tribunal  
Peshawar.

Pachori-e-Nem vs I. C. 10P.

Subject: Application for Security Fee Submission

R/Shewick ..

With due respect it is  
stated my case was submitted on dated  
4-7-2018 by this August Tribunal Peshawar.  
Due to some reason we weren't able  
to submit the Security Fee after the submission  
of the case by this August Tribunal Peshawar.

So, kindly it is requested that allow  
us for the submission of Security Fee  
on ~~next~~ today dated 2/9/2019.

Dated:  
19/2018

Yours Sincerely  
Muhammaddeen  
Advocate  
Mdeen

محضور جناب سی سی بی او صاحب، کنسٹیبل فریق پولیس، لیٹاؤر

Reader  
Case No. Police  
Party Form No.

درخواست مہراد انٹوائبری فرمائے جانے پر خلاف کانسٹیبل فریق خان و ساکھ  
اہلکاران رائیڈرسکواڈ ٹھکانہ فقیر آباد - لیٹاؤر

جناب عالی!

سائل حسب ذیل عرض رساں ہے

- 1- یہ کہ من سائل گورنمنٹ کالج ناٹمان میں سیکنڈ ایئر کا طالب علم ہوں، اور اپنی ذاتی ضروریات اور اضراجات کی خاطر عثمان سٹور واقع گورنمنٹ کالج چوک لیٹاؤر (بہیم عثمان اینڈ کو) میں 4 بجے سے رات 10 بجے تک سیزین کی حیثیت یہ کام کرتا ہوں، جس سے تعلیم کا فرض و دیگر اضراجات برداشت ہوتے ہیں۔
- 2- یہ کہ مورخہ 18-5-12 کو بوقت 9:30 بجے رات اپنے گودام واقع دلہ زاک سے اپنی بائیک پر واپس اپنی دکان جا رہا تھا کہ رائیڈرسکواڈ عنوان بالا ذکورہ نے من سائل کو بغیر کسی وجہ کے، موٹر سائیکل کی جا بیاں چھین کر جامہ نو بہ زور لینے لگے۔ من سائل کے منع کرنے اور شناخت کرانے کے باوجود بلاوجہ تہہ امارٹ کرتے ہوئے اہلیان علاقہ کی موجودگی میں ٹھکانہ فقیر آباد لے جا کر مجھ پر مزید کیا اور موٹائل چھین لیا۔ جیب سے تمام کاغذات بھی نکال لیے۔ گھر یا دکان پر ابھی نہ گئے دی اور مجھے تشدد کرنے کے بعد حوالا میں بغیر کسی جرم کے بند کر دیا۔
- 3- یہ کہ من سائل کی والدہ بیمار پڑی تھیں ٹھکانہ میں شور مچانے اور محترمہ سٹاف کو ہراسہ کرنے کے باوجود انہوں نے بھی تشدد کیا اور حوالا میں بند کر دیا۔ رات حوالا میں گزارنے کے بعد صبح میں نے کسی کی وساطت سے اپنے والد کو اطلاع دی۔ والد ٹھکانہ آنے پر تپہ چلا کہ مجھے 107 میں جالان کر رکھا ہے، جو کہ پولیس کا طریقہ وارداد ہے۔
- 4- یہ کہ من سائل کے والد سرور بلازہ کے نزدیک دلہ زاک روڈ پر لوڈنگ، ان لوڈنگ کرتا ہے جو کہ من سائل چھٹی کرنے کے بعد والد کو ساتھ لے کر گھر جاتا ہوں۔

Member Secretary  
Operations Restawar

5- بیرم من سائل انتہائی شریف النفس انسان اور طالب علم ہوں۔ اور عتقاد میں ملازمت کرنے گزر اوقات کرتا ہوں۔

6- یہ کہ فرقت خان کنسٹبل اور دیگر اہلکاران نے انتہائی ظلم کیا اور من سائل کو شہ کرنے پیر جان سے مارنے کی دھمکیاں دی کہ ہم تمہیں جان سے مار دیں گے۔

لہذا استدعا ہے کہ فرقت خان کنسٹبل و دیگر مشرکہ سٹاف کے خلاف قانونی اور محکمہ کارروائی کرنے اور سخت سے سخت سزا دینے کا حکم صادر فرمائیں۔ تاکہ من سائل کی دادرسی ہو اور انصاف ملے۔

اطراف نوم = 14/5/2018

سائل محمد عثمان ولد فضل رومان CELL# 0311-0929832

سکنہ نامگان طاک ملازم عثمان اینڈ ٹو

گورنمنٹ کالج چوک، فقیر آباد۔ لیٹا اور شہر۔

17301-9412997-3

کاپی برائے اطلاع و ضروری کارروائی :-

- 1- چیئرمین صاحب بیومن رائٹس کمیشن، جناب چیف جسٹس صاحب لیٹا اور ہائی کورٹ
- 2- چیف منسٹر کابینٹ سیل برائے کارروائی بر خلاف فرقت خان و دیگر کانسٹبل
- 3- جناب انسپکٹر جنرل آف پولیس، خیبر پختونخوا لیٹا اور

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1019 /ST

Dated 29/06 /2021

To


The Senior Superintendent of Police Operation,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 729/2019, MR. FAKHR E ALAM.

I am directed to forward herewith a certified copy of Judgement dated 18.06.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.