

S.No.	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	18.10.2016	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL CAMP COURT ABBOTTABAD</u></p> <p>1. 900/2015, Ahmad Ali Shah, 2. 903/2015, Raja Mehboob Khan and 3. 944/2015, Naseer Shah Versus Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and 2 others.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-</u></p> <p>Counsel for the appellants and Mr. Muhammad Siddique, Senior Government Pleader alongwith Mr. Muhammad Zahoor, Inspector (Legal) for the respondents present. Rejoinder submitted.</p> <p>2. This judgment will dispose of the instant service appeal No. 900/2015, titled "Ahmad Ali Shah Versus Provincial Police Officer. Khyber Pakhtunkhwa, Peshawar and 2 others", service appeal No. 903/2015, titled "Raja Mehboob Khan Versus Provincial Police Officer. Khyber Pakhtunkhwa, Peshawar and 2 others", and service appeal No. 944/2015 titled "Naseer Shah Versus Provincial Police Officer and 2 others" as identical questions of facts and law are involved in all the appeals.</p> <p>3. Brief facts of the afore-stated service appeals are that the appellants were proceeded against for supporting the narcotics sellers/paddler and taking "monthly" from them which showed malafide and dishonesty in discharge of their official duties/responsibilities.</p>

Handwritten signature and date:
18-10-16

amounting to professional misconduct.

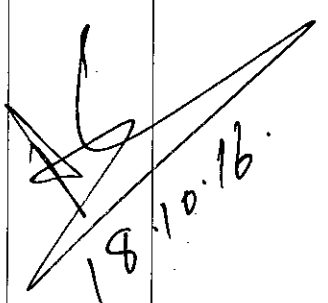
4. Appellant Ahmad Ali Shah was awarded major punishment of reduction in rank from Head Constable to Constable with effect from 02.12.2014 where-against his departmental appeal was rejected vide final order dated 28.07.2015.

5. Appellant Raja Mehboob Khan was awarded major punishment of reduction in rank from Inspector to Sub Inspector with effect from 02.12.2014 where-against his departmental appeal was partially accepted and major punishment was converted to major punishment of reduction in pay for 2 stages (2 years). He was also reprimanded with a warning to be careful in future.

6. Appellant Naseer Shah was awarded minor punishment of time scale constable for 2 years with effect from 02.12.2014 where-against his departmental appeal was rejected vide order dated 28.07.2015.

7. Learned counsel for the appellants has argued that the appellants were subjected to enquiry but the enquiry officer failed to collect any evidence. That the allegations were not substantiated during the enquiry and that the impugned orders referred to above were based on "*secret information*". That the impugned orders are liable to be set aside.

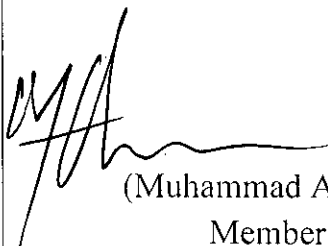
8. Learned Senior Government Pleader has argued that the appellants were found guilty during the enquiry. That the enquiry officer was in the know of the secret information but he did not disclose the same as those conveying the secret information were apprehending undesirable consequences.


18.10.16

9. We have heard arguments of learned counsel for the parties and perused the record.

10. The enquiry officer has collected no evidence whatsoever in support of the allegations. The alleged "secret information" cannot be based for punishing a civil servant as any information leading to the guilt of a civil servant is to be conveyed to such civil servant and such civil servant is entitled to defend himself in the mode and manners prescribed by law. The impugned orders based on secret information forming no part of the enquiry proceedings are therefore found illegal and not sustainable.

11. In the light of the above we are constrained to accept the instant service appeals and set aside the impugned orders, original as well as final referred to above and direct that the respondents may conduct a denovo enquiry in the matter wherein evidence in the mode and manners prescribed by rules shall be collected and recorded and opportunity of hearing and participation including cross-examining the witnesses be afforded to the appellants within a period of 2 months from the date of receipt of this judgment. Parties are left to bear their own costs. File be consigned to the record room.


(Muhammad Aamir Nazir)
Member


(Muhammad Azim Khan Afridi)

Chairman
Camp Court, A/Abd.

ANNOUNCED

18.10.2016


15.12.2015

Counsel for the appellant and Mr. Zahoor Khan, Inspector (legal) alongwith Mr. Muhammad Siddique, Sr. G.P for respondents present. Requested for adjournment. To come up for written reply/comments on 17.3.2016 before S.B at Camp Court A/Abad.


Chairman
Camp Court A/Abad

17.03.2016

Counsel for the appellant and Mr. Sher Afzal, HC alongwith Mr. Muhammad Saddique, Sr. GP for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 18.10.2016 at Camp Court A/Abad.


Chairman
Camp Court A/Abad

19.08.2015

Counsel for the appellant present. Requested for adjournment. Adjourned to 15.09.2015 for preliminary hearing before S.B at camp court A/Aabad.


Chairman
Camp Court Abbottabad

15.9.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as HC at P.S KTS, Haripur when subjected to inquiry on the allegations of supporting the narcotics sellers and vide impugned order dated 2.12.2014 appellant was awarded major punishment in the shape of reduction in rank from the position of H.C to that of Constable regarding which he preferred departmental appeal on 10.12.2014 which was filed vide order dated 28.7.2015 where-after the instant service appeal was preferred on 11.8.2015.

That the appellant was given no show cause notice nor full-fledged inquiry was conducted and that the findings of the inquiry officer were not provided to the appellant for defence.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 15.12. 2015 before S.B at Camp Court A/Abad.


Chairman
Camp Court A/Abad

Appellant Deposited
Security & Process Fee



1105 - 10 - 101



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 900/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	11.08.2015	<p>The appeal of Mr. Ahmad Ali Shah presented today by Mr. Muhammad Aslam Tanoli Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	12-8-15	<p>This case is entrusted to Touring Bench A.Abad for preliminary hearing to be put up thereon <u>19-01-2015</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No. 900/2015

Ahmed Ali Shah S/O Sher Shah Constable No.79 District Police,
Haripur (R/O Village Baso Maira, Tehsil & District Haripur).

Appellant

VERSUS

1. The Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. The Regional Police Officer, Hazara Region, Abbottabad.
3. The District Police Officer, Haripur

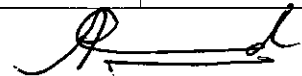
Respondents

SERVICE APPEAL

INDEX

S/N o	Description of Document	Ann- exure	Page No.
1.	Appeal		01-11
2.	Copy of Charge Sheet dated 13-10-2014	"A"	12-13
3.	Copy of reply to Charge Sheet dated 17-10-2014	"B"	14-16
4.	Copy of report dated 30-09-2014 of Police Special Branch.	"C"	17-19
5.	Copies of FIRs	"D"	20-22
6.	Copy of Commendation Certificate.	"E"	23
7.	Copy of impugned Order dated 02-12-2014	"F"	24
8.	Copy of Departmental Appeal 10-12-2014	"G"	25-30
9.	Copy of impugned Order dated 28-07-2015	"H"	31-
10.	Copy of RPO Atd dated 27-08-2015	"I"	32-33
11.	Wakalatnama		

Through



Appellant



(Mohammad Aslam Tanoli)
Advocate High Court
at Haripur

Dated: 11-08-2015

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No- 900/2015

Ahmed Ali Shah S/O Sher Shah Constable No.79 District Police,
Haripur (R/O Village Baso Maira, Tehsil & District Haripur).

Appellant

VERSUS

**K.W.F. Province
Service Tribunal
Diary No. 950
dated 11-8-2015**

1. The Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. The Regional Police Officer, Hazara Region, Abbottabad.
3. The District Police Officer, Haripur

Respondents

**SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL
ACT 1974 AGAINST THE ORDER DATED 02-12-2014 OF DISTRICT
POLICE OFFICER HARIPUR WHEREBY THE APPELLANT HAS BEEN
AWARDED MAJOR PENALTY OF REDUCTION IN RANK FROM HEAD
CONSTABLE TO CONSTABLE AND ORDER DATED 28-07-2015
WHEREBY APPEAL OF THE APPELLANT HAS BEEN DISMISSED BY THE
REGIONAL POLICE OFFICE HAZARA REGION ABBOTTABAD.**

**PRAYER: ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL
IMPUGNED ORDER DATED 02-12-2014 OF DISTRICT POLICE HARIPUR
AND ORDER DATED 28-07-2015 OF REGIONAL POLICE OFFICER
HAZARA REGION ABBOTTABAD MAY GRACIOUSLY BE SET ASIDE AND
THE APPELLANT MAY KINDLY BE REINSTATED IN HIS RANK OF HEAD
CONSTABLE WITH EFFECT FROM 02-12-2014 WITH ALL
CONSEQUENTIAL SERVICE BACK BENEFITS.**

Respectfully sheweth,

FACTS:

1. That appellant was served upon with a Charge Sheet dated 13-10-2014 along-with statement of allegations by the District Police Officer Haripur alleging therein that

*Filed to-day
11/8/15*

②

"while posted as Head Constable at Police Station K.T.S, it came to his notice through letter No. No.15869-72/PPO dated 03-10-2014 of the Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar that appellant was supporting the narcotics sellers/paddlers and taking 'monthly' from them". Mr. Bilal Zafar Shekh, ASP Headquarters was appointed as Enquiry Officer.

(Copy of Charge Sheet is attached as annex "A").

2. That the above mentioned Charge Sheet was duly responded by the appellant vide his reply dated 17-10-2014 explaining all facts and circumstance and denied the allegation straightway leveled against him therein.

(Copy of reply is attached herewith as annex "B").

3. That according to the report of Police Special Branch Haripur, "the persons (fathers & sons) were selling narcotics from the times of their forefathers. Sometimes the local police took action on receipt of complaint. On release from Jail, they again resumed their activities. Inspector Raja Mehboob SHO, Sub. Inspector Zari Khan ASHO, HC Ahmed Ali Shah (Appellant) and Constable Naseer Shah No.719 were supporting the narcotics sellers & getting "monthly" from them. It is flabbergasted one that appellant was posted at PS KTS only about a year ago but criminals had been selling narcotics from the time of their forefathers. In such a situation as to why the Police Special branch did not report the matter to the High-Ups to have had rooted them out earlier. For showing efficiency, a baseless report was submitted by Special Branch and on the basis of said baseless report the appellant was charge-sheeted and ultimately awarded with the penalty of

3

reduction in rank from Head Constable to Constable by the DPO Haripur. **(Copy of report of Police Special Branch dated 30-09-2014 is attached as annex "C").**

4. That during his posting at PS KTS, the appellant remained attached with his officers who launched crack-downs against the narcotics sellers/peddlers, arrested them and recovered huge quantity of narcotics material and FIRs registered against them. It is incorrect that appellant had been supporting such criminals and taking monthly. The appellant is a low rank employee and has no say or influence that he would be paid monthly by the narcotics sellers/peddlers. However, the charge is mere allegation based on the false and baseless report communicated by Special Branch just to show their performance and complete formalities as the report was required by the Provincial Police Officer.

(Copies of FIRs are attached herewith as annexure D/1-3).

5. That on account of best performance, the appellant, while posted at Police Station KTS, was awarded with commendation certificate alongwith Cash Reward of Rs.1000/- by Honorable Deputy Inspector General of Police Hazara Range, Abbottabad vide No.9415-24/A dated 03-06-2014.

(Copy of the certificate is attached as annex "E").

6. That no so-called inquiry was ever conducted to prove the allegation against the appellant. Even no one from the staff of Special Branch, who made the report that appellant is supporting the narcotics sellers/peddlers, was ever called for to appear before the Inquiry Officer and

4

record his statement to corroborate report they had submitted to the Provincial Police Officer against the appellant and others. However, while awarding the appellant with the penalty of reduction in rank from Head Constable to Constable, the District Police Officer Haripur asserted in his order dated 02-12-2014 that "Enquiry Officer conducted departmental proceedings and submitted his findings, vide Memo No.149 dated 27-10-2014 and held the charges of misconduct as proved". The findings of Inquiry Officer are incorrect, against the facts and circumstances and based on surmises and conjectures without proof and that too without conducting any inquiry. The penalty awarded on the basis of such inquiry findings is illegal and against the law, disciplinary rules 1975, natural justice. Hence impugned orders needs to be set aside. **(Copy of order of District Police Officer, Haripur is attached as annex-"F").**

7. That if there had been any such thing as reported by the Special Branch and mentioned in the Charge Sheet on the part of appellant then as to why the Special Branch did not manage & plan to have him got arrested red-handed the moment he was supporting and taking monthly from narcotics sellers. The act of receiving monthly from narcotics sellers/peddlers is a recurring one and occurring every month and the same could easily be trapped by the Special Branch if they had tried but as there was nothing to be true in their report then they failed to appear and record their statement before the Inquiry Officer. Had they appeared and cross-examined by the appellant the situation would have been totally different. Therefore, the report submitted by the Special Branch is false, baseless,

5

concocted and based on malafide just to show their performance to the High-ups and the penalty awarded on the basis such false report and so-called inquiry is liable to be turned down straightway.

8. That appellant's reply to the charge sheet has not been considered. Even the appellant has been condemned and penalized unheard against the facts, circumstances and in serious violation of departmental disciplinary rules, regulations as well as natural justice.
9. That neither any witness was called to appear and record his statement before the inquiry officer regarding charges against the appellant nor was appellant allowed to cross-examine such witness.
10. That no one from the Special Branch was summoned to appear and record his statement in corroboration of the allegations made by them in their report maligning the appellant and his other colleague police officers posted at PS KTS.
11. That neither any documentary evidence was produced against the appellant nor was he confronted with such documentary evidence, if any, as a token of proof of allegations as leveled in the charge sheet issued to the appellant.
12. That appellant has carried out his job with dexterity and a sense of responsibility. He has discharged his duties with care and caution and fulfilled necessary requirements of police rules as well as that of discipline. No stone has been

6

left unturned by the appellant in pulling on his job. Appellant throughout entire service always performed his duties with devotion, dedication and honesty. Appellant has been awarded major penalty of reduction in rank from Head Constable to Constable without any fault on his part thus caused irreparable loss in his service career.

13. That against the order impugned dated 02-12-2014 of the District Police Officer Haripur, the appellant preferred a departmental appeal before the Regional Police Officer Hazara Region Abbottabad for the redress of grievance. **(Copy of appeal dated 11-12-2014 is attached herewith as annexure- "G").**

14. That the said departmental appeal of the appellant was dismissed by the Regional Police Officer Hazara Region Abbottabad through a non-speaking order dated 28-07-2015 against the law, rules & regulations and natural justice. Hence this service appeal, inter alia, on the following grounds.

(Copy of order dated 28-07-2015 of Regional Police Officer is attached herewith as annexure "H").

GROUND:

a) That the impugned orders dated 02-12-2014 and 28-07-2015 are illegal and unlawful thus liable to be set aside.

b) That the appellant was never served with any explanation or show cause notice before appointment of Inquiry Officer and conducting so-called inquiry. Even

7

no preliminary inquiry was made to probe into the guilt or innocence of appellant.

- c) That the Inquiry Officer has acted in a flimsy and whimsical manner without conducting the so-called alleged inquiry in utter violation and negation of the procedure set forth by the law for the dispensation of justice at the preliminary stages during the course of departmental inquiries, hence the order impugned is liable to be turned down on this score alone.
- d) That no one from the Special Branch was summoned to appear and record his statement in corroboration of the allegations made by them in their report maligning the appellant.
- e) That no witness was produced before the inquiry officer to prove the allegation made against the appellant in the charge sheet nor was he provided with the chance of cross-examining such witness.
- f) That the appellant was never confronted with documentary evidence, if any, produced against him.
- g) That the reply to the Charge Sheet explaining all facts and circumstances, as submitted by the appellant was never considered and he was awarded penalty against the law, rules & regulations and natural justice..

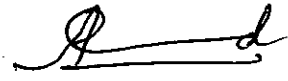
8

- h) That the appellant was never provided with the findings/inquiry report of the so-called inquiry, if any, which provision is mandatory under the departmental inquiry procedure.
- i) That the appellant was never served with FINAL SHOW CAUSE NOTICE before awarding penalty which is mandatory under prevailing law.
- j) That the appellant was also not provided with an opportunity of personal hearing before awarding the penalty which is also necessary and mandatory thus has been condemned unheard.
- k) That while dismissing departmental appeal of the appellant the appellate authority has not followed the rules of consistency while converting the major penalty of reduction in rank into reduction in pay for 02 stages (2 years) of his officers who were similarly proceeded against the same cause and awarded penalty. **(Copies of the orders of Regional Police Officer, Hazara Range, Abbottabad are attached as Annex-"I/I-1")**.
- l) That the appellant is a young man with sound physique, stout, energetic, literate Police Officer, well equipped with the departmental training of police force and knowing police rules to a great extent. Appellant will suffer irreparable loss in his service career even being innocent if the impugned orders are not set aside.

9

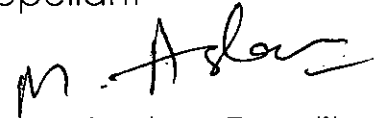
PRAYER:

It is, therefore, humbly prayed that on acceptance of instant service appeal order dated 02-12-2014 of District Police Officer Haripur as well as order dated 28-07-2015 passed by the Regional Police Officer Hazara Region Abbottabad may graciously be set aside and the appellant may be restored in his rank of **Head Constable** with all consequential service back benefits.



Appellant

Through:



(Mohammad Aslam Tanoli)

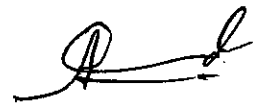
Advocate High Court

At Haripur

Dated 11 -08-2015

VERIFICATION

It is verified that the contents of instant service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed thereof.



Appellant

Dated: 11 -08-2015

10

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Ahmed Ali Shah S/O Sher Shah Constable No.79 District Police,
Haripur (R/O Village Baso Maira, Tehsil & District Haripur).

Appellant

VERSUS

1. The Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. The Regional Police Officer, Hazara Region, Abbottabad.
3. The District Police Officer, Haripur

Respondents

SERVICE APPEAL

AFFIDAVIT:

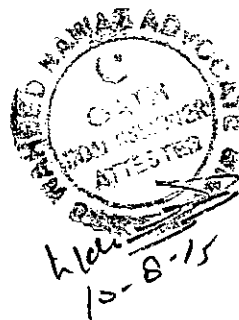
I, Ahmed Ali Shah S/O Sher Shah do hereby solemnly declare and affirm on oath that the contents of the instant appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Service Tribunal.

Deponent/Appellant

Dated: 11-08-2015

Identified By:

Mohammad Aslam Tanoli
Advocate High Court
At Haripur,



Appellant

11

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Ahmed Ali Shah S/O Sher Shah Constable No.79 District Police,
Haripur (R/O Village Baso Maira, Tehsil & District Haripur).

Appellant

VERSUS

1. The Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. The Regional Police Officer, Hazara Region, Abbottabad.
3. The District Police Officer, Haripur

Respondents

SERVICE APPEAL

CERTIFICATE

It is certified that no such Appeal on the subject has ever been
filed in this or any other court prior to the instant one.



APPELLANT

Dated: 11-08-2015

CHARGE SHEET

12

B

Annex 'A'

(1) I, Muhammad Khurram Rashid (PSP), District Police Officer, Haripur as competent authority, hereby charge you HC Ahmed Ali Shah NO: 79 as enclosed statement of allegations.

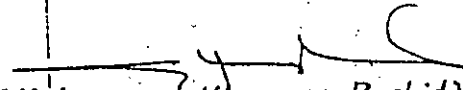
(2) You appear to be guilty of misconduct under Police Efficiency & Discipline Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the said Rules.

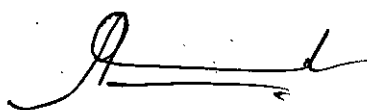
(3) You are, therefore, required to submit your written defense within 07 days of the receipt of this charge sheet and statement of allegation to the Committee/Enquiry Officer as the case may be.

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

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

(6) A statement of allegations is enclosed.


(Muhammad Khurram Rashid) PSP
District Police Officer
Haripur



DISCIPLINARY ACTION

13

Annex A/1

I, Muhammad Khurram Rashid (PSP), District Police Officer, Haripur as competent authority of the opinion that you HC Ahmed Ali Shah NO: 79 have rendered yourself liable to be proceeded against as you committed the following acts/omissions within the meaning of Police Efficiency & Discipline Rules 1975.

STATEMENT OF ALLEGATION

"That while you posted at PS KTS it has come to the notice of the undersigned vide letter No: 15869-72/PPO dated 03.10.2014 by PPO Office, Khyber Pakhtunkhwa, Peshawar that you are supporting the narcotics sellers/paddler and taking "monthly" from them which shows malafidy and dishonesty in discharge of your official duties/responsibilities and is gross misconduct on your part in terms of Police Rules 1975"

(2) For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, an Enquiry Committee consisting of the following is constituted.

ASP H Q K Pailal

(3) The Enquiry Officer/Committee shall in accordance with the provision of this Ordinance, provide reasonable opportunity of hearing to the accused, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or the appropriate action against the accused.

(4) The accused and a well conversant representative of departmental shall in the proceedings on the date, time and place fixed by the Enquiry Officer/Committee.

(Muhammad Khurram Rashid) PSP
District Police Officer
Haripur

No: 152-55 /PA, dated Haripur the 13-10 /2014.
Copy of above is submitted to the:-

- 1) Regional Police Officer, Hazara Region, Abbottabad please.
- 2) Enquiry Officer for initiating proceedings against the said accused under Police Rules 1975.
- 3) HC Ahmed Ali Shah NO: 79 with the direction to submit his defense within 7 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purpose of departmental proceedings.

District Police Officer
Haripur

[Handwritten signature]

مطواں :- جواب نمبر 14 چارج شیٹ نمبری PA/44-142 جو 10/3/2014

ضمانت نامی - ذیل کے امور پر مشتمل چارج شیٹ نمبر 14 کے جواب میں حسب ذیل
موضوع ہوں -

1- یہ کہ چارج شیٹ میں لکھا گیا ہے چارج ختم ہوا ہے۔ حقائق صرف واقعات کے بنیاد، غلط اور بلڈ شیٹ ہے۔ چارج شیٹ سیشن ہیرالڈ میں لکھی ہے اور کیمبرج سے من گھڑت۔ غلط ہے بنیاد۔ بلڈ شیٹ اور مینی لبر ہیری اور حقیقت کارڈنگ دیکھنے کے لئے مہر کی رپورٹ کا نتیجہ ہے۔ جس کا حقائق سے دور کا واسطہ ہی نہیں ہے۔

2- یہ کہ معلق رپورٹ سیشن ہیرالڈ میں لکھی ہے اور منشیات فروش ادو اور ادو کے آباد اعداد سے ملتا ہے۔ اور منشیات فروش گھر میں۔ گہرائی اور کیمبرج کی دوبارہ منشیات فروش کا دھڑہ شروع کر دیتے ہیں۔ جبکہ مہر کی تعیناتی کے لئے مہر میں مہر کو ایک سال ہوا۔ یہ سچ ہے۔ اس حقیقت کو سیشن ہیرالڈ میں لکھی ہے اور حقیقت کے بعد یہ کہ رپورٹ میں لکھی ہے۔ مہر کی تعیناتی کے بعد یہ کہ رپورٹ میں لکھی ہے۔ مہر کی تعیناتی کے بعد یہ کہ رپورٹ میں لکھی ہے۔ مہر کی تعیناتی کے بعد یہ کہ رپورٹ میں لکھی ہے۔

3- یہ کہ میں نے اپنے طرف ایک سال کے عہدے کے دوران اپنے اہلکاروں کے تحت تذکرہ و دیگر منشیات فروشوں کے خلاف کارروائی کی۔ انہیں گرفتار کیا۔

(مہر کی تعیناتی کے بعد)

[Handwritten signature]

ن سے لہذا ایسی ہی - قانونی و الہی کے ساتھ ساتھ - اس لیے اس لیے شخص
کی رپورٹ کرنے یا ان سے کچھ لینے کا سوال یہ پیدا نہیں ہوتا - (الہی کا معافی
کی FIR کی قانونی لفٹا قابل حلف نہیں -

4 - کہہ کہ محفل بھرت میں کسٹیشن ہر ایک کا یہ کہہ دینا - کہ جن حدیث میں فضیلت ضرورتوں
کی support کرتا ہوں - جو کہ ہا بلکہ ہے - الہی کوئی وہ کہتی - تو مجھے
سپورڈ کرتے ہیں - کہوں نہ تکرار کیا - کوئی وہ کسٹیشن بنا گیا - ساتھیوں خطوط
پر گفتگو کی گئی - دیکھ مایوس و بھولی کا الزام خود کسٹیشن ہر ایک کا ایک
گفتگو مانا ہے - الہی کا تھا - تو قانونی مجھے وقوع پر کسٹیشن ہر ایک کے ساتھ
تھا - کہوں کہ مایوس و بھولی تو ایک بار کا محفل ہے - بلکہ ہر ماہ ایک بار
بار بار صبر کرتا ہے - لہذا ایسی حدیث کو محفل غلط بھرت میں لے کر آنا
اور اپنی کارکردگی دکھانا - تو ایک شاہ ہے کہ حدیث مانا ہے کہ معافی
Misconduct سے بچنے سے آتی ہے - یہ محفل الزام نہیں ہے - جسکی
میں واقع تردید کرتا ہوں -

5 - کہہ کہ حدیث کی 16 ساری قابل سٹائٹس میں سے ہے - اس دوران کبھی
Explanation تک نہ دے گی - بھگتہ لیکن - محنت - حالتی لہذا مماندری
سے فہم الفہم منہی کہ انجام دے - لہذا اپنے افسران کو کبھی شکایت کا واقع
نہ دے - لہذا ہر سہولت اختیار ممانی ہے - جو قابل حلف ہے -

6 - کہہ کہ اعلیٰ کارکردگی پر مجھے 19 دی گئی ہے ہزارہ ریجن ایکٹ آبادی
صاف سے لہذا دو ماہ قبل ہی کہیں ریفلیکٹ II - CC صاف
بنا دیا ہے - اس لیے بھی جو کہ الزام لگانا غلط اور ہے
شہادتیں - کہوں کہ میں اپنے فہم الفہم بنات لہذا مماندری سے ہر انجام دیتا ہوں
لفظ لفظی اسناد و لفٹا قابل حلف نہیں -
(عقبتہ صاف ہے)

7- کہ نہ صرف یہ ہے کہ مدوزت ان کے لئے ہوتی ہے بلکہ ان کے لئے بھی ہوتی ہے۔
 کہ مدوزت میں کبھی کبھی بعض چیزیں ہوتی ہیں جن سے کسی قسم کی کوئی شہادت
 نہیں ملتی ہے۔ نہ ہی یہ ان کے لئے ہوتی ہے بلکہ کسی ایسی چیز کے لئے ہوتی ہے
 جس کے لئے کوئی شہادت ہے۔ جو وہ بہترین سپروں کا
 ہوتی ہے۔

8- کہ نہ صرف یہ ہے کہ مدوزت ان کے لئے ہوتی ہے بلکہ ان کے لئے بھی ہوتی ہے۔
 کہ مدوزت میں کبھی کبھی بعض چیزیں ہوتی ہیں جن سے کسی قسم کی کوئی شہادت
 نہیں ملتی ہے۔ نہ ہی یہ ان کے لئے ہوتی ہے بلکہ کسی ایسی چیز کے لئے ہوتی ہے
 جس کے لئے کوئی شہادت ہے۔ جو وہ بہترین سپروں کا
 ہوتی ہے۔

9- کہ نہ صرف یہ ہے کہ مدوزت ان کے لئے ہوتی ہے بلکہ ان کے لئے بھی ہوتی ہے۔
 کہ مدوزت میں کبھی کبھی بعض چیزیں ہوتی ہیں جن سے کسی قسم کی کوئی شہادت
 نہیں ملتی ہے۔ نہ ہی یہ ان کے لئے ہوتی ہے بلکہ کسی ایسی چیز کے لئے ہوتی ہے
 جس کے لئے کوئی شہادت ہے۔ جو وہ بہترین سپروں کا
 ہوتی ہے۔

10- کہ نہ صرف یہ ہے کہ مدوزت ان کے لئے ہوتی ہے بلکہ ان کے لئے بھی ہوتی ہے۔
 کہ مدوزت میں کبھی کبھی بعض چیزیں ہوتی ہیں جن سے کسی قسم کی کوئی شہادت
 نہیں ملتی ہے۔ نہ ہی یہ ان کے لئے ہوتی ہے بلکہ کسی ایسی چیز کے لئے ہوتی ہے
 جس کے لئے کوئی شہادت ہے۔ جو وہ بہترین سپروں کا
 ہوتی ہے۔

کہ نہ صرف یہ ہے کہ مدوزت ان کے لئے ہوتی ہے بلکہ ان کے لئے بھی ہوتی ہے۔
 کہ مدوزت میں کبھی کبھی بعض چیزیں ہوتی ہیں جن سے کسی قسم کی کوئی شہادت
 نہیں ملتی ہے۔ نہ ہی یہ ان کے لئے ہوتی ہے بلکہ کسی ایسی چیز کے لئے ہوتی ہے
 جس کے لئے کوئی شہادت ہے۔ جو وہ بہترین سپروں کا
 ہوتی ہے۔

17/10/2014

کہ نہ صرف یہ ہے کہ مدوزت ان کے لئے ہوتی ہے بلکہ ان کے لئے بھی ہوتی ہے۔
 کہ مدوزت میں کبھی کبھی بعض چیزیں ہوتی ہیں جن سے کسی قسم کی کوئی شہادت
 نہیں ملتی ہے۔ نہ ہی یہ ان کے لئے ہوتی ہے بلکہ کسی ایسی چیز کے لئے ہوتی ہے
 جس کے لئے کوئی شہادت ہے۔ جو وہ بہترین سپروں کا
 ہوتی ہے۔

1254

CR# 2675/PSO

From: - The Addl. Inspector General of Police,
Special Branch, Khyber Pakhtunkhwa,
Peshawar.

Phone: 9218173
Fax : 9218073

To: - The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

No. 646 /PA/SB, dated Peshawar the 30 | 9 /2014.

Subject: - COMPLAINT AGAINST LOCAL ADDAS & P.S KHALABAT DISTRICT HARIPUR.

Memo: - Kindly refer to your office memo NO. 14705-06/PPO dated 15.09 2014.

The matter was enquired into through G.O Special Branch Haripur, which revealed as under:-

Reportedly the following persons are running narcotics dens at Sector No. 4 Khalabat Township Haripur:-

Adda No. 1

- i. Bashir Khan s/o Abdul Ghaffar Khan r/o Mohallah Khabal
- ii. Shah Zeb Khan s/o Bashir Khan r/o -do-
- iii. Tariq Khan s/o Bashir Khan r/o -do-

Adda No. 2

- i. Jehanzeb s/o Hamesh Gul r/o Mohallah Civil Hospital
- ii. Babar Zeb s/o Jehanzeb r/o -do-
- iii. Faisal Zeb s/o Jehanzeb r/o -do-

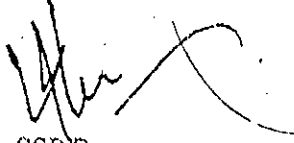
1. During 2013, two cases u/s 74 PEHO and 9-CNSA have been registered at P.S/K Khalabat Township against Bashir Khan and Tariq Khan of Adda No. 1, while one case u/s 9-C has been registered against Shah Zeb of Adda No. 1 during 2014.
2. Similarly during 2013 three cases u/s 74 EHO and 9-C have been registered at P.S/Khalabat Township against Babar Zeb and Faisal Zeb sons of Jehanzeb, while one case u/s 9-C has been registered against Babar Zeb in 2014.

[Handwritten Signature]

19

9/1

3. The persons (fathers and sons) at the above Addas are running narcotics dens from the times of their forefathers. Sometimes the local Police take action on receipt of complaint. On release from Jail, they again resume their activities.
4. Inspector Raja Mehboob SHO, S.I Zari Khan ASHO, H.C Ahmed Ali Shah and Constable Naeem Shah Rider are supporting the narcotics sellers and get "monthly".
5. Notables and elders of the area demand action against the criminals.

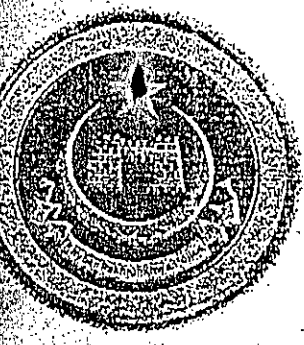


SSP,
FOR ADDL; INSPECTOR GENERAL OF POLICE,
SPECIAL BRANCH, KHYBER PAKHTUNKHWA,
PESHAWAR.



19

C/2



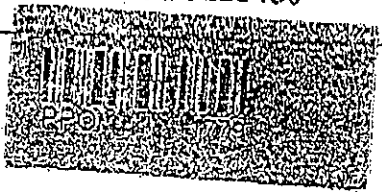
OFFICE OF THE INSPECTOR GENERAL OF POLICE, (PPO) KHYBER PAKHTUNKHWA, PESHAWAR

No. 15864-72/PPO

Ph # 091-9213261

Dated: 03/10/2014

Fax# 091-9223480



To: The District Police Officer, Haripur

Subject: Complaint against Local Addas & PS Kalabat District Haripur

Dear Sir,

Enclosed please find herewith a letter received from Addl: IGP/Special Branch Khyber Pakhtunkhwa vide No. 646/PA/SB, dated: 30.09.2014 on the subject cited above. The Police Chief Khyber Pakhtunkhwa has desired for you to take strict legal action, ensure conviction of identified drug peddlers and also probe into the allegation against police officials and report by 25.10.2014

45/C
09.10.14

Principal Staff Officer
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

SHO PS KTS
for n/actia
Arrest culprits
SDPO - SADAR
HARIPUR

Cc:-

- i. The W/IGP Khyber Pakhtunkhwa for favour of information.
- ii. The Addl: IGP/Special Branch Khyber Pakhtunkhwa w/r to his letter quoted above.
- iii. The RPO Hazara Region, Abbottabad

Departmental
proceedings
No. 375-76/cell
9.10.2014

DSP Saldar
Ensure
arrest of
culprits &
report

[Handwritten signature]

ابتدائی اطلاعی رپورٹ

قابل

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

صفحہ ۱۷۵
تاریخ ۲۴/۳/۱۱
تقریباً ۳۰/۳۰

تاریخ وقت رپورٹ	۲۲-۰۵-۱۱	تاریخ وقت	۲۴/۳/۱۱
نام و کنوت اطلاع دہندہ مستقیم	اسٹیشن ہاؤس ملازمین	نام و کنوت ملزم	حکومت سندھ ٹیکس
مقرر کیفیت جرم (مخبر کا بیان) حال اگر کچھ لیا گیا ہو۔	۹۰/۱۲/۱۱ SA ۲۸ نومبر ۲۰۱۱ء	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو	روشنی ڈال
جائے وقوعہ حاصلہ قحانہ سے اور سمت	خانہ مقرر مقررین	قحانہ سے روانگی کی تاریخ و وقت	۲۴/۳/۱۱

ابتدائی اطلاع سے درج کردہ رپورٹ صدر دفتر کے مطابق حتمی جا - ۱۵۰
 ۱۱ نومبر ۲۰۱۱ء کو سرگرمیوں کے دوران ایک شخص نے ایک گاڑی کو روک کر اس پر حملہ کیا اور اس کے ساتھ ساتھ ایک شخص کو زخمی کر دیا۔
 پولیس نے اطلاع پر فوراً جواب دی اور گاڑی کو روک کر اس کے مال کا جائزہ لیا۔
 پولیس نے اطلاع دہندہ سے پوچھا کہ کیا یہ شخص کبھی آپ کو دیکھا ہے؟
 اطلاع دہندہ نے کہا کہ نہیں، لیکن اس شخص کی تصویر دیکھ کر اسے پہچان سکتا ہوں۔
 پولیس نے اطلاع دہندہ سے کہا کہ اس شخص کی تصویر دیکھ کر اسے پہچان کر اسے گرفتار کر لیں۔
 اطلاع دہندہ نے کہا کہ اس شخص کی تصویر دیکھ کر اسے پہچان کر اسے گرفتار کر لیں۔
 پولیس نے اطلاع دہندہ سے کہا کہ اس شخص کی تصویر دیکھ کر اسے پہچان کر اسے گرفتار کر لیں۔
 اطلاع دہندہ نے کہا کہ اس شخص کی تصویر دیکھ کر اسے پہچان کر اسے گرفتار کر لیں۔
 پولیس نے اطلاع دہندہ سے کہا کہ اس شخص کی تصویر دیکھ کر اسے پہچان کر اسے گرفتار کر لیں۔
 اطلاع دہندہ نے کہا کہ اس شخص کی تصویر دیکھ کر اسے پہچان کر اسے گرفتار کر لیں۔
 پولیس نے اطلاع دہندہ سے کہا کہ اس شخص کی تصویر دیکھ کر اسے پہچان کر اسے گرفتار کر لیں۔
 اطلاع دہندہ نے کہا کہ اس شخص کی تصویر دیکھ کر اسے پہچان کر اسے گرفتار کر لیں۔
 پولیس نے اطلاع دہندہ سے کہا کہ اس شخص کی تصویر دیکھ کر اسے پہچان کر اسے گرفتار کر لیں۔
 اطلاع دہندہ نے کہا کہ اس شخص کی تصویر دیکھ کر اسے پہچان کر اسے گرفتار کر لیں۔

۳۱۴۰ - راجہ خواجہ عبدالکریم - ۳۱۴۰

۳۱۴۱ - ۳۱۴۱ - ۳۱۴۱

۳۱۴۲ - ۳۱۴۲ - ۳۱۴۲

۳۱۴۳ - ۳۱۴۳ - ۳۱۴۳

۳۱۴۴ - ۳۱۴۴ - ۳۱۴۴

۳۱۴۵ - ۳۱۴۵ - ۳۱۴۵

۳۱۴۶ - ۳۱۴۶ - ۳۱۴۶

۳۱۴۷ - ۳۱۴۷ - ۳۱۴۷

۳۱۴۸ - ۳۱۴۸ - ۳۱۴۸

۳۱۴۹ - ۳۱۴۹ - ۳۱۴۹

۳۱۵۰ - ۳۱۵۰ - ۳۱۵۰

۳۱۵۱ - ۳۱۵۱ - ۳۱۵۱

۳۱۵۲ - ۳۱۵۲ - ۳۱۵۲

۳۱۵۳ - ۳۱۵۳ - ۳۱۵۳

۳۱۵۴ - ۳۱۵۴ - ۳۱۵۴

۳۱۵۵ - ۳۱۵۵ - ۳۱۵۵

۳۱۵۶ - ۳۱۵۶ - ۳۱۵۶

۳۱۵۷ - ۳۱۵۷ - ۳۱۵۷

۳۱۵۸ - ۳۱۵۸ - ۳۱۵۸

۳۱۵۹ - ۳۱۵۹ - ۳۱۵۹

۳۱۶۰ - ۳۱۶۰ - ۳۱۶۰

۳۱۶۱ - ۳۱۶۱ - ۳۱۶۱

۳۱۶۲ - ۳۱۶۲ - ۳۱۶۲

۳۱۶۳ - ۳۱۶۳ - ۳۱۶۳

KHYBER PAKHTUNKHWA POLICE



Commendation Certificate
CLASS II
Granted by

DEPUTY INSPECTOR GENERAL OF POLICE HAZARA RANGE
ABBOTTABAD

To HC Ahmad Ali
Son of Ps K.T.S
District Hazara

In Recognition of

For his good performance in case FIR No
44/14 ws 365/34 Ps K.T.S, with cash
reward Rs 1000
No. 9415-241A
Dated 03-06-2011

[Signature]
Deputy Inspector General of Police
Hazara Range Abbottabad

[Signature]

24

Annex-F

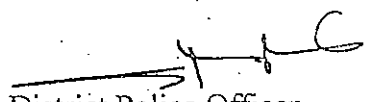
ORDER

HC Ahmed Ali Shah No. 79 while posted at PS KTS was reported by worthy Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar vide letter No. 15869-72/PPO dated 03.10.2014. As receiving monthly from the drug paddlers/smugglers. The accused police official was suspended and was sought with charge sheet and summery of allegation. This act was found gross misconduct on his part.

ASP/HQ Mr. Bilal Zafar Sheikh was deputed as Enquiry Officer, to probe the allegations of misconduct under Police Rule 19975. The enquiry Officer conducted departmental proceedings and submitted his findings, vide Memo No. 149, dated 27.10.2014 he held the charges of misconduct are proved and recommended to accused police official for major punishment.


Consequent, upon enquiry HC Ahmed Ali Shah No. 79 was called in orderly Room on 02.12.2014 heard in person. Having perused the enquiry papers and personal hearing and recommendation of the enquiry officer, the charges of misconduct are proved beyond any doubt. Therefore, I, Khuram Rashid, District Police Officer, Haripur being competent authority under the police Rules 1975, I am satisfy that the charges of misconduct are fully proved, and awarded him major punishment of reduction in rank from Head Constable to Constable with effect from 02.12.2014.

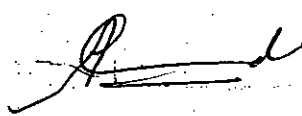
Order announced.
OB No.718, dated:02/ 12/2014


District Police Officer
Haripur

No: /
Copy of above is submitted to:-

1. The Regional Police Officer, Hazara Region, Abbottabad.
2. The Superintendent of Police, Investigation, Haripur.


District Police Officer,
Haripur



25

Annex - G

BEFORE HONOURABLE REGION POLICE OFFICER, HAZARA
RANGE, ABBOTTABAD.

Through Proper Channel:

DEPARTMENTAL APPEAL AGAINST ORDER OB NO.718 DATED
02-12-2014 PASSED BY THE DISTRICT POLICE OFFICER, HARIPUR
WHEREBY THE APPELLANT HAS BEEN AWARDED WITH THE
PENALTY OF REVERSION FROM THE RANK OF HEAD CONSTABLE
TO THE RANK OF CONSTABLE.

PRAYER: ON ACCEPTANCE OF THE INSTANT DEPARTMENTAL
APPEAL THE IMPUGNED ORDER DATED ~~02-12~~ 02-12-2014 MAY
GRACIOUSLY BE SET ASIDE AND PENALTY OF REVERSION FROM
THE RANK OF HEAD CONSTABLE TO CONSTABLE BE WITHDRAWN
FROM THE DATE OF ITS AWARDING AND ALLOWING
CONSEQUENTIAL SERVICE BENEFITS.

Respected Sir,

Appellant submits as under:-

1. That the District Police Officer, Haripur vide impugned ~~order OB~~ No.718 dated 02-12-2014 has awarded the appellant with major penalty of reversion from the rank of Head Constable to the rank of Constable. **(Copy of order dated 02-12-2014 is attached "A")**.
2. That cited impugned order of the District Police Officer Haripur is illegal, unlawful, against the facts based on false, fabricated and concocted allegations and in utter violation of mandatory **statutory** provision of law.
3. That above referred impugned order has been passed without adhering to the inquiry procedure set forth by the law for the dispensation of justice at preliminary stages during the course of departmental inquiries. The Departmental rules and **regulations have** seriously been violated while passing the impugned order dated 02-12-2014 awarding appellant the penalty of reversion from the rank of Head Constable to the rank of Constable, hence impugned order is not tenable in the eyes of law rather is liable to be set aside.



26

FACTS:

- a) That on the report of police special branch, the appellant was issued with a charge sheet dated 13-10-2014 alleging therein that "While posted at PS KTS it has come to the notice of the undersigned vide letter No. 15869-72/PPO dated 03-10-2014 by PPO Office, Khyber Pakhtunkhwa, Peshawar that you are supporting the narcotics sellers/peddler and taking "monthly" from them". The charge sheet was duly replied on 17-10-2004. **(Copies of the charge sheet & its reply are attached as B & C).**
- b) That according to the report of police special branch, "the persons (fathers & sons) are selling narcotics from the times of their forefathers. Sometimes the local police took action on receipt of complaint. On release from Jail, they again resume their activities. SHO, SI, HC(appellant) and Constable are supporting & getting "monthly" from them". It is surprising one that I was posted at PS KTS only a year ago but criminals have been selling narcotics from the time of their forefathers. In such a situation why the special branch did not reported the matter to the High-Up to have controlled them earlier. This is nothing but to only show performance and a baseless report has been submitted by the special branch and on the base said baseless report the appellant has been charge-sheeted and awarded penalty, hence the impugned order deserves to be turned down straightway.
- c) That during posting at PS KTS, the appellant remained attached with his officers who launched crack-down against the narcotics sellers/peddiers, arrested them and recovered huge quantity of narcotic material and FIRs registered against them. Therefore, it is incorrect that police officers including appellant have been supporting such criminals and taking monthly. (Copies of FIRs are attached herewith for kind perusal).
- d) That on account of best performance, the appellant was awarded with commendation certificate alongwith Cash Reward of Rs.1000/- by Honourable Deputy Inspector General of Police Hazara Range, Abbottabad vide No.9415-24/A dated 03-06-2014. **(Copy of the certificate is attached herewith as 'D').**



e) That no so-called inquiry was ever conducted to prove the allegation against the appellant. Even staff of special branch, who made the report that appellant is supporting the narcotics sellers/peddlers, was never called to appear and record statement in support of their report before the Inquiry Officer. However, while awarding penalty of reversion from the rank of Head Constable to the rank of Constable to the appellant the District Police Officer Haripur asserted in his order dated 02-12-2014 that "Enquiry Officer conducted departmental proceedings and submitted his findings, vide Memo No.149 dated 27-10-2014 he held the charges of misconduct are proved". The findings report of Inquiry Officer is incorrect, against the facts and circumstances and based ^{on} false information, surmises and conjectures without proof and that without conducting any inquiry. The penalty awarded on the basis such inquiry findings are illegal and against the law and justice.

f) That if there was any such thing on the part of appellant then as to why the special branch did not try to have him got arrested red-handed while supporting and taking monthly from narcotics sellers . The special branch has made a false, baseless, concocted and based on malafide ~~report~~ **report just to** show their performance.

g) That appellant's reply to the charge sheet has not been considered. Even the appellant has been condemned and penalized unheard against the facts, circumstances and in serious violation of departmental ~~rules~~ **rules**, regulations as well as natural justice.

h) That neither any witness was called to appear and record his statement before the inquiry officer regarding charges against the appellant nor was appellant allowed cross-examining such witness.

i) That no one from the Special Branch was summoned to appear and record his statement in corroboration of the allegations made by them in their report maligning the appellant and his other colleague police officers posted at PS KTS.



28

j) That neither any documentary evidence was produced against the appellant nor he was confronted with any such documentary evidence, if any, advanced as a token of proof of allegations as leveled in the charge sheet issued to the appellant.

k) That appellant has carried out his job with dexterity and a sense of responsibility. He has discharged his duties with care and **caution and** fulfilled necessary requirements of police rules as well as that of discipline. No stone has been left unturned by the appellant in pulling on his job.

l) That appellant always performed his duties with zeal zest, dexterity, and honesty as well as with a sense of responsibility.

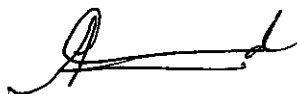
m) That in view of the facts and circumstance explained here above, by stretch of no imagination appellant could be held responsible for baseless allegation as mentioned in the Charge Sheet.

n) That appellant shall be very grateful, if he is provided with an opportunity of personal hearing enabling him to bring the real **picture of the** matter into the knowledge of your Highness and to clear his position as well.

o) That the Appellant has been awarded the penalty of reversion in rank from Head Constable to the rank of Constable illegally, unlawfully against the facts and circumstances without any reason and rhyme, hence this Departmental Appeal, inter alia, on the following:

GROUND:

1. That the impugned order dated 02-12-2014 **is illegal and unlawful thus** is liable to be set aside.
2. That the Inquiry Officer has acted in a flimsy and whimsical manner while conducting the alleged so-called inquiry in utter violation and negation of the procedure set forth by the law for the dispensation of justice at the preliminary stages during the course of departmental



inquiries, hence the order impugned is liable to be turned down on this score alone.

3. That not a single witness was produced before the so-called Inquiry Officer to establish the charge leveled against the appellant.
4. That no one from the Special Branch was summoned to appear and record his statement in corroboration of the allegations made by them in their report maligning the appellant and his other colleague police officers posted at PS KTS.
5. That the appellant was never confronted with documentary evidence, if any produced against the appellant.
6. That the appellant was never served with any explanation or show cause notice before appointment of Inquiry Officer and conducting so-called inquiry. Even no preliminary inquiry was made to probe into the guilt or innocence of appellant.
7. That the appellant was never provided with a chance to cross-examine the witnesses, if any, produced against the appellant.
8. That reply of the Charge Sheet, including all facts and circumstances, as submitted by the appellant was never considered and the appellant is innocent.
9. That the appellant was never provided with the findings of the so-called inquiry, if any, which provision is mandatory under the departmental inquiry procedure.
10. That the appellant was never served with FINAL SHOW CAUSE NOTICE before awarding penalty which is mandatory under prevailing law.

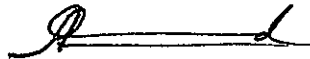


11. That the appellant was also not provided with an opportunity of personal hearing before awarding the penalty which is also necessary and mandatory thus has been condemned unheard.
12. That the appellant is a young man with sound physique, stout, energetic, literate Police Officer, well equipped with the departmental training of police force and knowing police rules to a great extent.
13. That Sir, the appellant is the only supporter of his large family consisting upon his old parents, younger brothers & sisters having no source of income and they are fully dependent upon him.

PRAYER:

Sir, in view of the facts and circumstances narrated here above, it is earnestly requested that the impugned order dated 02-12-2014 whereby the appellant has been awarded the penalty of reversion in rank from Head Constable to the rank of Constable may graciously be set aside exonerating the appellant of charge and reinstated him in the rank of Head Constable with all consequential service back benefits. Thanking you sir in anticipation.

You're obedient Servant



(AHMED ALI SHAH)
Constable No.79
Police Line Haripur

Dated 10-12-2014



31

Annex-H

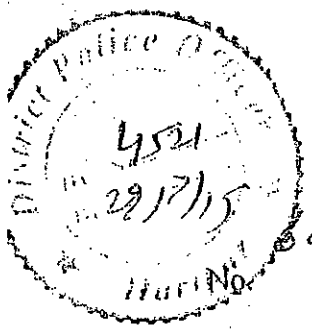
ORDER

This is an order on the representation of *Constable Ahmed Ali Shah No.79* of Haripur District against the order of major punishment i.e. Reduction in Rank from Head Constable to Constable by the District Police Officer Haripur vide his OB No.718 dated 2-12-2014.

Facts leading to his punishment are that he while posted at PS ETS was reported by Worthy Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar vide letter No.15869-72/PPO dated 3-10-2014 receiving monthly from the drug paddlers/smugglers.

Proper departmental enquiry was conducted by Mr. Bilal Zafar Sheikh ASP/Iqr. After conducting a detailed enquiry, the E.O pronounced him guilty. On the recommendation of E.O, the District Police Officer Haripur awarded him major punishment Reduction in Rank from Head Constable to Constable.

He preferred an appeal to the undersigned upon which the comments of the DPO Haripur were obtained. He was heard in OR where he offered no plausible explanation in his defence to prove his innocence. After thorough probe into the enquiry report and the comments of the DPO Haripur, it came to light that the punishment awarded to him by the DPO Haripur i.e. Reduction in Rank from Head Constable to Constable is genuine. Therefore, appeal is *filed*.



[Signature]
REGIONAL POLICE OFFICER
Hazara Region Abbottabad

/PA Dated Abbottabad the 28/7/2015.

Copy of above is forwarded to the District Police Officer, Haripur for information and necessary action with reference to his Memo: No.358 dated 19-1-2015. The Service Roll & Fauji Missal containing enquiry file of the appellant are returned herewith.

SRL
For n/factors MP

[Signature]
REGIONAL POLICE OFFICER
Hazara Region Abbottabad

DPD/HAR
29/7/15

[Signature]

32

Annex-1

ORDER

This is an order on the representation of *SI Raja Mehboob Khan No.H/17* of Haripur District against the order of major punishment i.e. Reduction in Rank from Inspector to Sub-Inspector by the District Police Officer, Haripur vide his OB No.720 dated 2-12-2014.

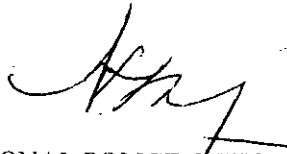
Facts leading to his punishment are that he SHO PS KTS was reported by W/Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar vide letter No.15869-72/PPO dated 03-10-2014 receiving monthly from the drug paddlers/smugglers.

Proper departmental enquiry was conducted by *Mr. Bilal Zafar Sheikh ASP Hqrs Haripur*. After conducting a detail enquiry, the E.O proved him guilty. On the recommendation of E.O, the District Police Officer Haripur awarded him minor punishment of reduction in rank from Inspector to Sub-Inspector.

After receiving the appeal, the comments of DPO Haripur were obtained. The enquiry file, appeal & the comments of the DPO were perused. The appellant was also heard in person in the orderly room where he explained no plausible reason.

The enquiry is based on Special Branch report and the ASP/Hqrs Haripur did not substantiate it as to with whom he had relation regarding monthlies in drugs etc. The reputation of the officer is not above board.

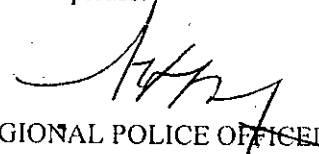
However, keeping in view his previous record of service the punishment of reversion from Inspector to SI awarded by the DPO Haripur is converted to major punishment of "*Reduction in Pay for 2 Stages (2 Years)*". He is also reprimanded with a warning to be careful in future.


REGIONAL POLICE OFFICER
Hazara Region Abbottabad

6016-18

No. /PA Dated Abbottabad the 27/7 /2015.

- Copy of above is forwarded to:-
1. The District Police Officer, Haripur for information and necessary action with reference to his Memo: No.8401 dated 29-12-2014. The enquiry file of the appellant are returned herewith.
 2. The District Police Officer, Abbottabad for information and necessary action.
 3. The EA Region Office Abbottabad for information please.


REGIONAL POLICE OFFICER
Hazara Region Abbottabad

(33)
ORDER


This is an order on the representation of *ASI Zari Khan No.282/H* of Haripur District against the order of major punishment i.e. reduction in rank from officiating SI to the rank of ASI & reduction in pay for 3 stages (3 years) in his present basic pay in the rank of ASI by the District Police Officer, Haripur vide order Endst: No.3124-25/SRC dated 5-6-2015.

Facts leading to his punishment are that he while posted at PS KTS was reported by W/Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar vide letter No.15869-72/PPO dated 03-10-2014 receiving monthly from the drug paddlers/smugglers.

Proper departmental enquiry was conducted by *Mr. Bilal Zafar Sheikh ASP Hqrs Haripur*. After conducting a detail enquiry, the E.O proved him guilty. On the recommendation of E.O. the District Police Officer Haripur awarded him major punishment of reduction in rank from officiating SI to the rank of ASI & reduction in pay for 3 stages (3 years) in his present basic pay in the rank of ASI.


After receiving the appeal, the comments of DPO Haripur were obtained. The enquiry file, appeal & the comments of the DPO were perused. The appellant was also heard in person in the orderly room where he explained no plausible reason.

The enquiry is based on Special Branch report and the ASP/Hqrs Haripur did not substantiate it as to with whom he had relation regarding monthlies in drugs etc. The reputation of the officer is not above board. In view of the above the punishment awarded vide DPO Haripur order is modified into "*Reduction in Pay for 2 Stages (2 Years) instead of 3 stages in the rank of ASP*". He is also reprimanded with a warning to be careful in future.


REGIONAL POLICE OFFICER
Hazara Region Abbottabad

No. 6037 /PA Dated Abbottabad the 25/7 /2015.

Copy of above is forwarded to the District Police Officer, Haripur for information and necessary action with reference to his Memo: No.147 dated 06-01-2015. The enquiry file of the appellant are returned herewith.


REGIONAL POLICE OFFICER
Hazara Region Abbottabad

وکالت نامہ

بعدالت جناب محمد حسین صاحب خیر نیکوین قزوین سر میں سر سید علی حسینی صاحب
منجانب اسٹیشن

الہمد علیٰ اللہ ۱۹۲۰ ۱۹۲۰ ۱۹۲۰

دعویٰ یا جرم سر علی حسینی باعث تحریر آنکہ

مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جوابدہی مقام سید علی حسینی ارباب

محمد اسلم نوری ایڈووکیٹ بدیں شرط وکیل مقرر کیا۔ کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص

رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی

پیشی پر مظہر حاضر نہ ہوا۔ اور حاضری کی وجہ سے کسی وجہ پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ

ہونگے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ یا کچہری کے مقرر اوقات سے پہلے یا بروز

تعطیل پیروی کرنے کے مجاز نہ ہونگے۔ اگر مقدمہ مقام کچہری کے کسی اور جگہ سماعت ہونے یا بروز کچہری کے اوقات

کے آگیا یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے رابطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے

بھی صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کل ساختہ پرواختہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب

موصوف کو عرضی دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق

کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے

کا ہر قسم کا بیان دینے اور سپرد و تالی و راضی نامہ و فیصلہ برخلاف کرنے اقبال و عموے کا اختیار ہوگا۔ اور بصورت اپیل و

برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم اتناعی یا ڈگری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو

بشرط ادائیگی علیحدہ پیروی مختار نامہ کرینکا مجاز ہوگا۔ اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر

کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہونگے جیسے صاحب

موصوف کو۔ پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ

کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ سند ہے مضمون

مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

Accepted by
M. Aslam

مورخہ: ۲۰

العبد العبد العبد

محمد حسین

الہمد علیٰ اللہ
اسٹیشن

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 900/2015

Constable Ahmed Ali Shah No. 79, s/o Sher Shah r/o Village Baso Maira Tehsil & District
Haripur

.....(appellant)

Vs.

The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar and Others

.....(Respondents)

RESPECTFULLY SHEWETH!

The requisite Para-wise comments on the behalf of respondents are as under:-

PRELIMINARY OBJECTIONS:

1. That the instant appeal is badly time barred and not maintainable under the law.
2. That the appellant has not come to the Hon'ble Tribunal with clean hands.
3. That the appellant has no locus standi to file appeal.
4. That the appellant has suppressed material facts from the Hon'ble Tribunal.
5. That the appellant is estopped by his own conduct.
6. That the instant appeal is not maintainable for non-joinder/mis-joinder of necessary parties.

OBJECTIONS ON FACTS:

1. In reply to Para No. 1, It is submitted that the appellant Ex-Head Constable Ahmed Ali Shah No. 79 while posted as in PS KTS in District Haripur extended support to the narcotics dealers in consideration of monthlies, the appellant deviated from his primary duties of eliminating the crimes from area of his posting, adversely his role was cooperative to the drug peddlers, the episode continued till he was reported by watch agency of police department i.e. Special Branch, Khyber Pakhtunkhwa, Peshawar vide letter No. 646/PA/SB, dated 30.09.2014, in which it mentioned that the 02 narcotics Addas were being run by the 06 persons mentioned in the report, the acts & omission of appellant were illegal, unlawful and misconduct in terms of Police Rules 1975, hence, proper departmental enquiry was conducted, the appellant was served with charge sheet and statement of allegations vide District Police Officer, Haripur Office Endst: No. 152-55/PA, dated 13.10.2014, ASP/Headquarter, Haripur Mr. Bilal Zafar Sheikh was appointed as Enquiry Officer, he probed the allegations and in his findings report No. 149, dated 27.10.2014 held the charges of misconduct proved and recommended the defaulter police officer for major punishment (Copy of inquiry is attached as Annexure "A"),

therefore, the appellant was called in Orderly Room and was heard in person by the District Police Officer, Haripur the appellant could not produce any substantial defense regarding his guilt so he was awarded lawful punishment of reduction in rank from Head-Constable to Constable vide OB No. 718, dated 02.12.2014 (copy of ~~order~~ is attached as annexure "B").

2. Incorrect, the appellant could not give satisfactory account of his misconduct during departmental enquiry.
3. Incorrect, the appellant was complained by Special Branch Khyber Pakhtunkhwa, Peshawar vide letter No. 646/PA/SB, dated 30.09.2014 for supporting narcotics addas along with other police officers of PS KTS, specifically mentioned in the report and as reward thereof, they were taking monthlies from narcotics dealers (copy of letter is attached as annexure "C") Khala-Batt Township is famous for narcotics related activities, the police staff of PS KTS gave their protective hands to the outlaws. Therefore, the appellant was issued charge sheet and statement of allegations, on being found guilty of charges he was awarded quite legal punishment.
4. Incorrect, the appellant remained posted as Head-Constable in the PS KTS wherein, he had to perform the duties of patrolling, surveillance and others tasks, so he maintained warm relations with the narcotics dealers for giving them patronage of police so that they carried on anti-subversive activities proliferating addiction in the society, as reward the appellant received monthlies from the Adda holders, the acts and omissions were misconduct which were proved in the departmental enquiry.
5. Pertains to record, moreover, respondent department always upheld and appreciated the good practices of force members, however, a commendation certificate is not a license for mal practices adverse to the lawful duties.
6. Incorrect, proper departmental enquiry was conducted sufficient evidence was taken by the Enquiry Officer, the appellant was given right of personal hearing and self-defense during the departmental enquiry, the appellant was held guilty of charges by the Enquiry Officer and he was recommended for major punishment, therefore, lawful punishment was awarded which is quite legal and maintainable.
7. Incorrect, the appellant was specially complained by the spy agency of police force to have relations with narcotics dealers in the jurisdictional area of PS KTS and receiving monthlies from them, in consideration of protection to the outlaws, the facts were probed by the enquiry officer the guilt of the accused police official was proved, Special Branch performed its lawful duties in public interest, the appellant's conduct was stigma on police force, he deviated from his primary duties of eliminating the crimes, rather he had assumed the mischievous character in official capacity. Therefore, the punishment is lawful in accordance with natural justice and maintainable.
8. Incorrect, the appellant could not produce any defense in the enquiry, he was given right of personal hearing and defense, all the principles of natural justice were observed, hence, the punishment is quite legal.
9. Incorrect, the enquiry was conducted in accordance with Police Rules 1975, the enquiry officer collected the necessary evidence which held the appellant guilty of charges.

10. Incorrect, the enquiry officer conducted legal proceedings regarding the enquiry and fulfilled all the requirements, hence the punishment is lawful and maintainable.
11. Incorrect, the necessary evidence was taken and duly evaluated by the Enquiry Officer as well as the punishing authority, hence, the proceedings are quite legal.
12. Incorrect, the appellant indulged in negative activities which was against the norms of police force, his guilt was proved and lawful punishment of reduction in rank was passed which commensurate with the gravity of charges.
13. In reply to this Para, It is submitted that the appellant preferred a representation against the order of punishment to the Regional Police Officer, Hazara Region, Abbottabad who filed the representation and the punishment awarded by the District Police Officer, Haripur was upheld (copy of order is attached as annexure "D").
14. Incorrect, the departmental appeal was filed by the Regional Police Officer, Hazara Region, Abbottabad on quite legal and cogent grounds, hence, the punishment is lawful and maintainable.


GROUND:


- a. Incorrect, the punishment is quite legal in accordance with law, natural justice and maintainable.
- b. Incorrect, the appellant was served with charge Sheet and statement of allegations, mentioning therein, charges of misconduct and proper departmental enquiry was conducted.
- c. Incorrect, as narrated in the preceding Paras, moreover, the enquiry officer collected the sufficient evidence which proved the charges leveled against the appellant.
- d. Incorrect, the report of Special Branch was probed during enquiry proceedings and it was found correct and the guilt of appellant was established beyond any doubt, moreover, Special Branch is a public functionary which performed its lawful duty and reported the conduct of police officials of police station KTS bonafidely and in public interest.
- e. Incorrect, the enquiry was conducted in accordance with Police Rules 1975 and appellant was given ample opportunity of self-defense but he failed to prove his innocence.
- f. Incorrect, the appellant was given right of personal hearing and evidence was taken in his presence.
- g. Incorrect, the reply of the appellant was taken into consideration by the Enquiry officer as well as he was personally heard by the District Police Officer, Haripur, and the Regional Police Officer, Hazara Region, Abbottabad however, but the appellant could not prove his innocence. Therefore, the punishment is in accordance with law.
- h. Incorrect, as narrated above
- i. Incorrect, as narrated above.


- j. Incorrect, the appellant participated in enquiry proceedings, he was heard in Orderly Room, all the principles of natural justice were observed while passing the punishment.
- k. Incorrect, the appellant was awarded the punishment of reduction in rank from Head-Constable to Constable by the District Police Officer, Haripur which was upheld by the Regional Police Officer, Hazara Region, Abbottabad vide order No. 6044/PA, dated 28.07.2015 which is lawful and maintainable (copy of order is attached as annexure "E").
- l. Incorrect, the appellant committed gross misconduct for which lawful punishment was awarded.

Any other point may be argued on behalf of respondent department by the permission of this Hon'ble Tribunal during the hearing of the case.

In view of above, it is therefore, requested that instant service appeal does not hold any legal force which may kindly be dismissed.


Provincial Police Officer
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 01)


Regional Police Officer,
Hazara Region, Abbottabad
(Respondent No. 2)


District Police Officer,
Haripur
(Respondent No. 03)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 900/2015

Constable Ahmed Ali Shah No. 79, s/o Sher Shah r/o Village Baso Maira Tehsil & District
Haripur

.....(appellant)

Vs.

The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar and Others

.....(Respondents)

COUNTER AFFIDAVIT

We the following respondents do hereby solemnly affirm and declare that all the contents of reply/comments are true and correct to the best of our knowledge and belief and nothing has been concealed from the Hon'ble Tribunal.



Provincial Police Officer
Khyber Pakhtunkhwa, Peshawar
Respondent No. 01



Regional Police Officer,
Hazara Region, Abbottabad
Respondent No. 02



District Police Officer,
Haripur
Respondent No. 03

ضلع ہری پور

اسٹنٹ پرنٹنگ آف پولیس، (ہیڈ کوارٹر) ہری پور۔
ڈسٹرکٹ پولیس آفیسر، ہری پور۔

27-10-2014 مورخہ 119

انکوائری بر خلاف ہیڈ کنسٹیبل احمد علی شاہ 79

عنوان

جناب عالی:-

مشمول انکوائری نمبر 55-152 مورخہ 13.10.2014 بر خلاف ہیڈ کنسٹیبل احمد علی شاہ 79 پر انکوائری ہو کر ذیل معروض ہوں۔

الزام:-

ہیڈ کنسٹیبل احمد علی شاہ 79 پر الزام ہے کہ اسکی دوران تعیناتی تھانہ KTS چھٹی نمبری PPO 72/15869-72 مورخہ 03.10.2014 جناب PPO صاحب، خمیر پختونخواہ موصول ہوئی جس کے مطابق وہ منشیات فروشوں کو سپورٹ کرتا ہے اور ان سے Monthly لینا ہے جو کہ مذکورہ تصویر وار ظہرانا ہے۔

کارروائی:-

- (1) الزام علیہ ہیڈ کنسٹیبل احمد علی شاہ 79 کا بیان لیا گیا جس نے چارج شیٹ کے جواب کی تائید کی جس میں مذکورہ نے اپنے خلاف لگائے گئے الزامات کی تردید کی۔ اور اپنی کارکردگی رپورٹ مع FIR پیش کیں۔ مذکورہ کا مفصل بیان لف انکوائری ہے۔
- (2) الزام علیہ کے خلاف درج بالا الزام کی نسبت خفیہ معلومات لی گئیں تاکہ حقائق سامنے آسکیں جو کہ دیگر افراد پر بھی طور پر لکھ کر دیئے گئے ہیں تاہم خفیہ معلومات دینے کو تیار پائے گئے جو کہ ان کو سنا گیا۔

فائنلنگ:-

ہیڈ کنسٹیبل احمد علی شاہ 79 کے خلاف پائے گئے الزامات کی نسبت حقائق معلوم کرنے کیلئے خود الزام علیہ کا بیان لیا گیا اور دیگر ذرائع سے خفیہ طور پر معلومات حاصل کی گئیں تاکہ الزامات کی نسبت حقائق تک رسائی ممکن ہو، اور انکوائری کے تقاضے پورے کیے جاسکیں۔ تمام تر کارروائی سے ایک تو ہیڈ کنسٹیبل احمد علی شاہ 79 کا اپنے الزامات کے حوالے سے دیا گیا بیان اطمینان بخش اور قابل قبول نہیں پایا گیا۔ دوسرا یہ کہ مذکورہ کے خلاف خفیہ طور پر حاصل کردہ معلومات بھی مذکورہ کو نہ صرف تصور وار ظہراتی ہیں بلکہ اس امر کی بھی عکاسی کرتی ہیں کہ واقعی ہیڈ کنسٹیبل احمد علی شاہ 79 کے تھانہ KTS میں بطور کنسٹیبل تعیناتی کے دوران منشیات فروشوں سے گہرے روابط رہے ہیں۔

درج بالا صورت میں ہیڈ کنسٹیبل احمد علی شاہ 79 کے خلاف چارج شیٹ میں لگائے گئے الزامات درست ثابت ہوتے ہیں لہذا مذکورہ

Major Punishment کی سزا کا مستحق ہے۔ انکوائری رپورٹ اٹھلا کر خدمت ہے۔

Reinstatement
Reduction
to constable

اسٹنٹ پرنٹنگ آف پولیس
(ہیڈ کوارٹر) ہری پور۔

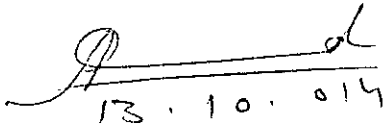
OB No 718
02-12-2014

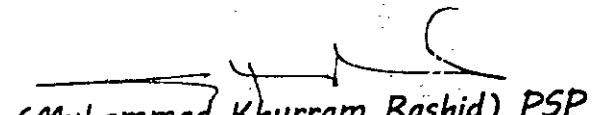
DP 7/11/14

Ammed Ali

CHARGE SHEET

- (1) I, Muhammad Khurram Rashid (PSP) District Police Officer, Haripur as competent authority, hereby charge you HC Ahmed Ali Shah NO: 79 as enclosed statement of allegations.
- (2) You appear to be guilty of misconduct under Police Efficiency & Discipline Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the said Rules.
- (3) You are, therefore, required to submit your written defense within 07 days of the receipt of this charge sheet and statement of allegation to the Committee/Enquiry Officer as the case may be.
- (4) Your written defense, if any, should reach the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
- (5) Intimate whether you desire to be heard in person or otherwise.
- (6) A statement of allegations is enclosed.


13.10.014


(Muhammad Khurram Rashid) PSP
District Police Officer
Haripur

DISCIPLINARY ACTION

Ammeoune

I, **Muhammad Khurram Rashid (PSP)**, District Police Officer, Haripur as competent authority of the opinion that you **HC Ahmed Ali Shah NO: 79** have rendered yourself liable to be proceeded against as you committed the following acts/omissions within the meaning of Police Efficiency & Discipline Rules 1975.

STATEMENT OF ALLEGATION

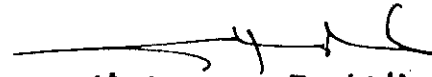
"That while you posted at PS KTS it has come to the notice of the undersigned vide letter No: 15869-72/PPO dated 03.10.2014 by PPO Office, Khyber Pakhtunkhwa, Peshawar that you are supporting the narcotics sellers/paddler and taking "monthly" from them which shows malafidy and dishonesty in discharge of your official duties/responsibilities and is gross misconduct on your part in terms of Police Rules 1975"

(2) For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, an Enquiry Committee consisting of the following is constituted.

ASP HQrs Bilal

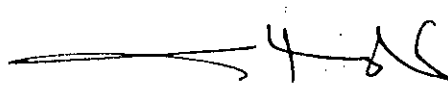
(3) The Enquiry Officer/Committee shall in accordance with the provision of this Ordinance, provide reasonable opportunity of hearing to the accused, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or the appropriate action against the accused.

(4) The accused and a well conversant representative of departmental shall in the proceedings on the date, time and place fixed by the Enquiry Officer/Committee.


(Muhammad Khurram Rashid) PSP
District Police Officer
Haripur

No: 152-55 /PA, dated Haripur the 13-10 /2014.
Copy of above is submitted to the: -

- 1) Regional Police Officer, Hazara Region, Abbottabad please.
- 2) Enquiry Officer for initiating proceedings against the said accused under Police Rules 1975.
- 3) **HC Ahmed Ali Shah NO: 79** with the direction to submit his defense within 7 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purpose of departmental proceedings.


District Police Officer
Haripur

Amirul A

ORDER

Due to severity of charges of corruption according to special report, Inspector Raja Mehboob SHO PS KTS, HC Ahmed Ali Shah No: 79 and Constable Naseer Shah No: 719 are hereby suspended and close to Police Lines, Haripur with immediate effect.

(SI Zari Khan ASHO is already suspended and closed to Police Lines, Haripur vide RPO, Order No: 8341/PA dated 24.09.2014)


District Police Officer,
Haripur

No: 7096-951

10-10-2014

Copy of the above is submitted to:-

- (I) The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar vide letter No: 15869-72/PPO dated 03.10.2014 please.
- (II) The Regional Police Officer, Hazara Region, Abbottabad for favor of information please.


District Police Officer,
Haripur

10/10/14
Dej

جواب عالی

عنوان :- جواب نمبر ۱۷۱ چارج ٹیکس ٹری ۱۸/۴۴-۱۴۲ ۱۳^{۱۰} ۲۰۱۴

جواب عالی۔
دوبلہ نمبر ۱۷۱ چارج ٹیکس ٹری ۱۸/۴۴-۱۴۲ ۱۳^{۱۰} ۲۰۱۴
موضوع ہوں۔

۱۔ کہ چارج ٹیکس ٹری میں لکھا گیا ہے چارج ٹیکس ٹری کے خلاف واقعات،
بے بنیاد، غلط اور بلا ثبوت ہے۔ چارج ٹیکس ٹری سیشن ٹریبونل
پری پور کی طرف سے من گھڑت - غلط - بے بنیاد - بلا ثبوت
اور جبری لکھی گئی اور حق کارکنوں کو رکھنے کے لئے جسٹس
کا نتیجہ ہے۔ جسٹس کے خلاف سے دور ما واسطہ ہی ہے۔

۲۔ کہ یہ بمطابق رپورٹ سیشن ٹری ٹری پور منشیات فروش اور
ادوے آباد اعداد سے مل رہے ہیں۔ اور منشیات فروش ٹری
سے۔ گرفتار ہو کر عدالتی دوبارہ منشیات فروش کی مارگنڈہ شروع
کر دیتے ہیں۔ جیل میں تصنیاتی گمانہ کھلاٹ میں عمر کو
ایک سال ہوا۔ بلوچ ہے۔ اس حقیقت کو سیشن ٹری ٹری
پری پور میں تصنیات افسران نے بند کر کے رپورٹ لیا۔ یہ حق کارکنوں
دکھانے کی خاطر من گھڑت رپورٹ لکھی دوسرے زمین کے بھی گئے۔

۳۔ کہ میں نے اپنے طرف ایک سال کے عہدے دوران اپنے افسران کے
تذکرہ و دیگر منشیات فروشوں کی طرف کارروائی کی۔ انہیں گرفتار کیا۔

ان سے لہذا ایسی قانونی و الٹہ ٹریٹمنٹ کے لئے درخواستیں درج کروائیں۔ اس کے علاوہ ایسی تمام
کی رپورٹ کر کے یا ان سے کچھ لینے کا سوال ہی پیدا نہیں ہوتا۔ (ایسی کارروائی
کی FIR کی نقولت لے کر یا قابل حفظ ہیں۔

4۔ یہ کہ محفل رپورٹ میں پیش ہونے والے گواہ کی ہر دینا۔ نہ جن حالات میں فحشیاں ضرورتوں
کی support کرتے ہیں۔ محفل کا لہذا یہ ہے۔ اگر ایسی کوئی وجہ تھی۔ تو محفل
رپورٹ کرتے ہیں۔ کہیں نہ تکہ اسے۔ کوئی گواہ پیش نہ کرے۔ اس میں خطوط
پر گفتیش کا ہے۔ دیگر مایوار و پولی مال الزام خود میں ہونے کا ایک
گفتاؤ نام ہے۔ اگر ایسا تھا۔ تو قانوناً محفل وقوع میں ہونے کے لئے کافی
تھا۔ کیونکہ مایوار و پولی تو ایک بار کا عمل ہے۔ بلکہ یہ عام ایسا ہے۔
بار بار عدم کرتا ہے۔ لہذا ایسی مبالغہ کو محفل غلط رپورٹ مسمیٰ کرنا
اور ایسی کارروائی دیکھنا۔ خود ایک گناہ ہے اگرچہ اس کے خلاف
Misconduct سے بھی وہ ہے۔ یہ محفل الزام نہیں ہے۔ جسکی
میں واقعہ تردید رہتا ہے۔

5۔ یہ کہ مندرجہ کی 16 ساری قابل ستائش سرور ہیں۔ اس دوران کبھی
Explanation تک نہ دے گی۔ پختہ تین محنت۔ طالب فحشیاں اور امانداری
سے فدا نہیں منعی کہ ان کے۔ سے۔ کہ وہ اپنے افسران کو کبھی شکایت کا موقع
نہ دے۔ کہ وہ اس سرور کے رپورٹ مثالی ہے۔ جو قابل حفظ ہے۔

6۔ یہ کہ اعلیٰ کارروائی کے محفل کے 19 سب سے مزیدہ رینج ایٹ ایڈیٹ
خاص سے کہ وہ دو ماہ قبل ہی تعین شدہ تھے۔ II - CC کے
سے ہے۔ اس کے بھی جو لہذا ایسی کوئی الزام لگانا غلط اور بے
بنیاد ہیں۔ کیونکہ یہ اپنے فحشیاں امانداری سے کہہ کر انجام دیتے ہیں
ان کے لئے ایسا دلچسپا قابل حفظ ہیں۔

7- کہ میں نے صرف یہ ہی نہیں بلکہ مدد فرمائی کہ میں نے ان کو دیکھا۔ ہاؤس ٹیٹا کے دوران میں جملہ کارکنوں
 کی مدد فرمائی میں نے کبھی کسی شخص نے بیدار نہیں کی کسی قسم کی کوئی شکایت
 نہیں کی ہے۔ نہ ہی یہ اپنے اپنے یا دیگر کسی ایکٹس میں
 شہر پارٹی نے کوئی شکایت ہے۔ جو میری بہترین سپرویزوں کا
 مندرجہ ذیل ثابت ہے۔

8- کہ میں نے شہر پارٹی کے دو روزہ ایف اے کے صرف سے کچھ ہی رپورٹ لیا ہے
 صرف انہی سے۔ نہ بلیڈ ٹیوٹ رپورٹ میں شہر پارٹی میں انہوں نے کوئی قانونی
 اخذ نہیں کیا اور مذہبی غار میں نہیں گیا۔ بلکہ اپنے خلاف جارج
 کو نے گناہ نہیں کیا وہ اپنے منظم کو رپورٹ اور اپنے منظم نے کیا ہے۔

9- کہ میں نے مدد فرمائی کہ میں نے صرف اور صرف ان کو دیکھا ہے کہ ان کے رفاقت میں۔
 اور ان اور ان کے رفاقت میں عبارت رفاقت میں۔ بلکہ ان کا فوج میں مدد فرمائی ہے۔ اور
 میری بہترین سپرویزوں سے اس سے کبھی نہیں ہوا۔

10- کہ میں نے مدد فرمائی کہ میں نے صرف اور صرف ان کو دیکھا ہے کہ ان کے رفاقت میں۔
 انہی کو دیکھنے کو مبالغہ ہے۔ انہی کو دیکھا ہے کہ ان کے رفاقت میں۔ اور ان کے رفاقت میں۔
 کو دیکھنے میں نہیں ہوا۔

میں نے ان کو دیکھا ہے کہ ان کے رفاقت میں۔ اور ان کے رفاقت میں۔
 انہی کو دیکھنے کو مبالغہ ہے۔ انہی کو دیکھا ہے کہ ان کے رفاقت میں۔ اور ان کے رفاقت میں۔
 کو دیکھنے میں نہیں ہوا۔

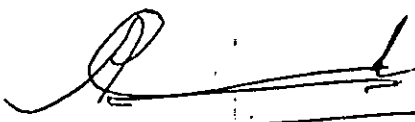
17/10
2014

بہتر شہر پارٹی کے
 79

اگر در صورت مذکور از بیان کیا صحیح ہے یا چارہ سبب

کے جواب میں دینا لفظی بیان دس دس کے ساتھ

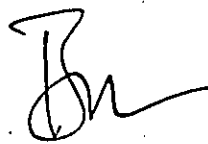
میں کیا سہارا ہوں صد افسوس بیان کے ساتھ درج ہے



انور علی شاہ HC

0300-8331672

یہ ہے



Amended B


ORDER

HC Ahmed Ali Shah No. 79 while posted at PS KTS was reported by worthy Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar vide letter No. 15869-72/PPO dated 03.10.2014. As receiving monthly from the drug paddlers/smugglers. The accused police official was suspended and was sought with charge sheet and summery of allegation. This act was found gross misconduct on his part.

ASP/HQ Mr. Bilal Zafar Sheikh was deputed as Enquiry Officer, to probe the allegations of misconduct under Police Rule 19975. The enquiry Officer conducted departmental proceedings and submitted his findings, vide Memo No. 149, dated 27.10.2014 he held the charges of misconduct are proved and recommended to accused police official for major punishment.

Consequent, upon enquiry HC Ahmed Ali Shah No. 79 was called in orderly Room on 02.12.2014 heard in person. Having perused the enquiry papers and personal hearing and recommendation of the enquiry officer, the charges of misconduct are proved beyond any doubt. Therefore, I, Khuram Rashid, District Police Officer, Haripur being competent authority under the police Rules 1975, I am satisfy that the charges of misconduct are fully proved, and awarded him major punishment of reduction in rank from Head Constable to Constable with effect from 02.12.2014.

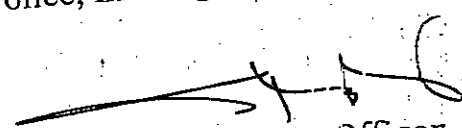
Order announced.
OB No.718, dated:02/ 12/2014


District Police Officer
Haripur

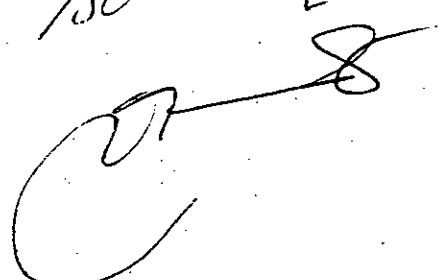
No: 816-17 / DT 9/12/14

Copy of above is submitted to:-

1. The Regional Police Officer, Hazara Region, Abbottabad.
2. The Superintendent of Police, Investigation, Haripur.


District Police Officer,
Haripur

وہاں
کاپی
دیا

Copy made is
The since all


Annexure C

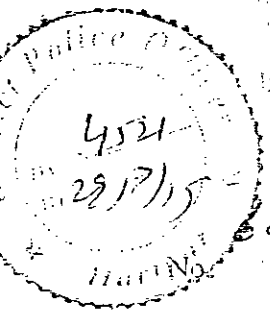
ORDER

This is an order on the representation of *Constable Ahmed Ali Shah* No.79 of Haripur District against the order of major punishment i.e. Reduction in Rank from Head Constable to Constable by the District Police Officer, Haripur vide his OB No.718 dated 2-12-2014.

Facts leading to his punishment are that he while posted at PS KTS was reported by Worthy Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar vide letter No.15869-72/PPO dated 3-10-2014 receiving monthly from the drug paddlers/smugglers.

Proper departmental enquiry was conducted by Mr. Bilal Zafar Sheikh ASP/Hqr. After conducting a detailed enquiry, the E.O proved him guilty. On the recommendation of E.O, the District Police Officer Haripur awarded him major punishment Reduction in Rank from Head Constable to Constable.

He preferred an appeal to the undersigned upon which the comments of the DPO Haripur were obtained. He was heard in OR where he offered no plausible explanation in his defence to prove his innocence. After thorough probe into the enquiry report and the comments of the DPO Haripur, it came to light that the punishment awarded to him by the DPO Haripur i.e. Reduction in Rank from Head Constable to Constable is genuine. Therefore, appeal is *filed*.



[Signature]
REGIONAL POLICE OFFICER
Hazara Region Abbottabad

/PA Dated Abbottabad the 28/7 /2015.

Copy of above is forwarded to the District Police Officer, Haripur for information and necessary action with reference to his Memo: No.358 dated 19-1-2015. The Service Roll & Fauji Missal containing enquiry file of the appellant are returned herewith.

BRL
For n/actor MP

[Signature]
REGIONAL POLICE OFFICER
Hazara Region Abbottabad

DPO/HQR
29/7/15

[Signature]

Amended "D"

ORDER

This is an order on the representation of *Constable Ahmed Ali Shah No:79* of Haripur District against the order of major punishment i.e. Reduction in Rank from Head Constable to Constable by the District Police Officer, Haripur vide his OB No.718 dated 2-12-2014.

Facts leading to his punishment are that he while posted at PS KTS was reported by Worthy Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar vide letter No.15869-72/PPO dated 3-10-2014 receiving monthly from the drug paddlers/smugglers.

Proper departmental enquiry was conducted by Mr. Bilal Zafar Sheikh ASP/Hqr. After conducting a detailed enquiry, the E.O proved him guilty. On the recommendation of E.O, the District Police Officer Haripur awarded him major punishment Reduction in Rank from Head Constable to Constable.

He preferred an appeal to the undersigned upon which the comments of the DPO Haripur were obtained. He was heard in OR where he offered no plausible explanation in his defence to prove his innocence. After thorough probe into the enquiry report and the comments of the DPO Haripur, it came to light that the punishment awarded to him by the DPO Haripur i.e. Reduction in Rank from Head Constable to Constable is genuine. Therefore, appeal is *filed*.



6044

[Signature]
REGIONAL POLICE OFFICER
Hazara Region Abbottabad

/PA Dated Abbottabad the 28/7 /2015.

Copy of above is forwarded to the District Police Officer, Haripur for information and necessary action with reference to his Memo: No.358 dated 19-1-2015. The Service Roll & Fauji Missal containing enquiry file of the appellant are returned herewith.

SRL
For n/actor MP

[Signature]
REGIONAL POLICE OFFICER
Hazara Region Abbottabad

DPO/HAR
29/7/15

[Signature]

1254

CR# 2675/250

From: - The Addl: Inspector General of Police,
Special Branch, Khyber Pakhtunkhwa,
Peshawar.

Phone: 9218173
Fax : 9218073

To: - The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

No. 646 /PA/SB, dated Peshawar the 30/9/2014.

Subject: - COMPLAINT AGAINST LOCAL ADDAS & P.S KHALABAT DISTRICT HARIPUR.

Memo: -

Kindly refer to your office memo NO. 14705-06/PPO dated 15.09 2014.

The matter was enquired into through G.O Special Branch Haripur, which revealed as under:-

Reportedly the following persons are running narcotics dens at Sector No. 4 Khalabat Town Ship Haripur:-

Adda No. 1

- i. Bashir Khan s/o Abdul Ghaffar Khan r/o Mohallah Khabal
- ii. Shah Zeb Khan s/o Bashir Khan r/o -do-
- iii. Tariq Khan s/o Bashir Khan r/o -do-

Adda No. 2

- i. Jehanzeb s/o Hamesh Gul r/o Mohallah Civil Hospital
- ii. Babar Zeb s/o Jehanzeb r/o -do-
- iii. Faisal Zeb s/o Jehanzeb r/o -do-

1. During 2013, two cases u/s 3/4 PEHO and 9-CNSA have been registered at P.S/K. halabat Township against Bashir Khan and Tariq Khan of Adda No. 1, while one case u/s 9-C has been registered against Shah Zeb of Adda No. 1 during 2014.
2. Similarly during 2013 three cases u/s 3/4 EHO and 9-C have been registered at P.S/Khalabat Township against Babar Zeb and Faisal Zeb sons of Jehanzeb, while one case u/s 9-C has been registered against Babar Zeb in 2014.

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1763 /ST

Dated 25 / 10 / 2016

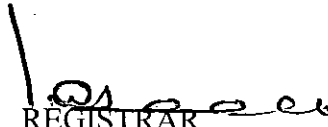
To

The D.P.O,
Haripur.

Subject: - **JUDGMENT**

I am directed to forward herewith a certified copy of Judgement dated 18.10.2016 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.