BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, CAMP COURT, ABBOTTABAD.

Service appeal No. 842/2015

 Date of institution ...
 27.07.2015

 Date of decision ...
 21.05.2018

Jabbar Khail son of Kushaly R/O Darbani P/O Darband District Torghar (Ex-
Constable No. 111) District Police, Torghar.(Appellant)

Versus

1. Deputy Inspector General of Police, Hazara Region, Abbottabad and 2 others. ... (Respondents)

Mr. Muhammad Hamayun, Advocate Mr. Muhammad Jan, Deputy District Attorney

For appellant.

For respondents.

MR. SUBHAN SHER, MR. MUHAMMAD HAMID MUGHAL,

CHAIRMAN MÈMBER.

JUDGMENT

<u>SUBHAN SHER, CHAIRMAN:</u> The appellant Jabbar Khail preferred the instant service appeal against the order dated 31.3.2015 whereby he was dismissed from service.

2. Briefly stated the facts of the appeal in hand are, that the appellant was appointed as Consable on 06.07.2011 in the District Police of Torghar and thereafter, underwent necessary training. On 12.3.2015 respondent No. 2 i.e. District Police Officer, Torghar issued a charge sheet to the appellant on the allegation of calling a lady namely Mst. Tajo Bibi on mobile which was duly replied by him. On 25.3.2015, respondent No. 2 issued final show cause notice to the appellant which was too replied by him. Ultimately on 31.3.2015, respondent No. 2 issued the impugned order whereby the appellant was dismissed from service, against which the appellant preferred departmental appeal before respondent No. 1 i.e. Deputy Inspector General of Police, Hazara Region,

Abbottabad, who summoned the appellant for personal hearing, however, no final order was passed so far, hence the present appeal before this Tribunal.

3. Mr. Muhammad Hamayun Khan, Advocate the learned counsel for the appellant contended that neither any oral or written complaint was lodged by above named lady Mst. Tajo Bibi nor she was examined during the enquiry but respondent No. 2 placed reliance on the statements and allegations made by SHO Police Station, Torghar. He further contended that no proper opportunity was afforded to the appellant to rebut the allegations. At the end, he requested this Tribunal that the punishment awarded to the appellant is harsh and made a request for taking lenient view.

18/AC.J. MAS R

4. Mr. Muhammad Jan, learned Deputy District Attorney strongly opposed the contentions of the appellant and contended that the police is a disciplined force, and the appellant being member of the said force has committed a big blunder by calling the above named lady on mobile phone, so he deserves no leniency or relaxation in the punishment awarded by respondent No. 2. He supported the order of dismissal and requested the Tribunal to dismiss the appeal of the appellant.

5. From perusal of the record it appears that the above named Tajo Bibi and the appellant are close relatives and both are already married as well. The appellant took the stance that they were relatives and did talk with each other but he never blackmailed her nor he had any bad intention. This frank admission by the appellant start from the very beginning till today, clearly suggests his straightforwardness and truthfulness in his stance. This admission of the appellant was further reinforced when the above named Tajo Bibi, her husband, father and brother etc. none of them either lodged any complaint against him with the local police nor associated any departmental proceedings. From this conduct of the above named lady and her relatives, this Tribunal would be justified to draw inference that the matter was not like one which the respondents alleged against the appellant. From the above stated situation, it would manifest that except a simple conversation, it was nothing else.

2

6. So far the contention of the appellant is concerned, after due consideration and consulting the record, it was found forceful to the extent that being a young constable, the punishment of dismissal was too harsh as it will not only deprive him from his service but he will also be debarred permanently from service in any government department. So request of the appellant of leniency will be considered at the relevant time.

7. So far the contention of the learned Deputy District Attorney is concerned that being employee of a disciplined force, the appellant should not have indulged in such like matters seems to be forceful as besides that, sometimes such incidents culminate in blood feud enmity between the parties. So he would deserve some punishment to realize his blunder and prevent him from repeating such action in future.

8. The crux of the above discussion is that this appeal is partially allowed and the impugned order dated 31.03.2015 is modified to the extent that the major penalty of dismissal from service of the appellant is converted into forfeiture of 3 (three) increments as well as withholding of promotion for 3 (three) years. The intervening period shall be treated as extra-ordinary leave without pay. In the circumstances, parties are left to bear their own costs. File be consigned to the record room.

(MUHAMMAD HAMID MUGHAL) Member

<u>ANNOUNCED</u> 21.05.2018

(SUBHAN SHER)

(SUBHAN SHER) Chairman Camp Court, Abbottabad. 842/2015

21.05.2018

Appellant Jabbar Khail in person alongwith Mr. Muhammad Hamayun Khan, Advocate present. Mr. Wajid Ali, ASI (Legal) alongwith Muhammad Jan, Deputy District Attorney on behalf of the respondents present. Attested copies of enquiry report and charge sheet etc. submitted by the learned counsel for the appellant which are placed on file. Similarly the above named representative also produced the entire record for perusal.

in and the second s

Arguments heard and file perused.

Vide our detailed judgment of today, this appeal is partially allowed and the impugned order dated 31.03.2015 is modified to the extent that the major penalty of dismissal from service of the appellant is converted into forfeiture of 3 (three) increments as well as withholding of promotion for 3 (three) years The intervening period shall be treated as extra-ordinary leave without pay. In the circumstances, parties are left to bear their own costs. File be consigned to the record room.

Member

Sec. Sec.

ANNOUNCED 21.05.2018

Chairman

Camp court, A/Abad

22.11.2017

Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Learned DDA seeks adjournment as no representative of the department attended today. Last opportunity granted. To come up for arguments on 21.12.2018 before the D.B at camp court, Abbottabad.

Member

#man Camp Court, A/Abad.

21.12.2017 Counsel for the appelant present. Mr. Kabir Ullah Khattak,
Addl: AG alongwith Mr. Wajid Ali, SI (Legal) for the respondents present. Arguments could not be heard due to incomplete bench. To come up for arguments on 19.03.2018 before D.B at Camp Court, Abbottabad.

(Gul Zeb Khan) Member (Executive) Camp Court, Abbottabad.

19.03.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney for respondents present. During the arguments it transpired that the department has not annexed the copy of the enquiry report, charge sheet and statement of allegations nor statement of witnesses or the statement of the appellant. The department is directed to produce all the record on the next date. To come up for arguments on 21.05.2018 before D.B at camp court, Abbottabad.

+ Member

hairman

Camp court, A/Abad

19.08.2016

Appellant with counsel and Mr. Mir Afzal, S.I (Legal) alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Written reply not submitted by the respondents as they refused to avail the opportunity on payment of cost of Rs. 1000/- as per previous order sheet dated 23.06.2016. The appeal is therefore assigned to D.B for final hearing on 13.2.2017 at camp court, Abbottabad.



Camp court, A/Abad.

Camp court, A/Abad

13.02.2017

Appellant with counsel present. Mr. Muhammad Siddique. Sr.GP alongwith Abdul Waheed SI (Legal) also present. Due to non-availability of D.B arguments could not be heard. To come up for final hearing on 18.07.2017 before the D.B at camp court. Abbottabad.

10. 18.07.2017

Appellant with counsel and Mr. Muhammad Bilal, DDA alongwith Mr. Abdul Waheed, S.I (Legal) for respondents present. Representaive of the department submitted an application alongwith written reply. Counsel for the appellant has got no objection. Written reply filed. Cost of Rs. 1000/- paid and receipt obtained from counsel for the appellant. Counsel for the appellant requested for adjourned to file rejoinder. Adjourned. To come up for rejoinder and arguments on 22.11.2017 before D.B at Camp Court A/Abad.

ember

írman Camp court, A/Abad

21.1.2016

Counsel for the appellant and Mr. Qaisar Khan, H.Č alongwith Mr. Muhammad Saddique, Sr.GP for respondents present. Requested for adjournment. To come up for written reply/ comments on 20.4.2016 before S.B at Camp Court A/Abad.

> Chailman Camp Court A/Abad

20.04.2016

Counsel for the appellant and Mr. Muhammad Siddique Sr.GP for the respondents present. Written reply not submitted. Requested for further time. Last opportunity granted: To come up for written reply/comments on 23.6.2016 before S.B at camp court, A/Abad.

Camp court, A/Abad

23.06.2016

Counsel for the appellant and Mr. Mir Afzal, S.I (Legal) alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Written reply not submitted despite last opportunity. Last opportunity is further extended subject to payment of cost of Rs. 1000/- which shall be paid by the respondents from their own pockets. To come up for written reply/comments and cost on 19.08.2016 before S.B at camp court, Abbottabad.

Chai 'nàn Camp court, A/Abad,

Appellant Deposited Security & Process Fee

17.08.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as constable when subjected to enquiry on the allegations of teasing and blackmailing a lady Mst. Tajo Bibi and dismissed from service vide impugned order dated 31.03.2015 against which he preferred departmental appeal on 01.04.2015 which was not respondent and hence the present service appeal on 27.07.2015.

That neither any evidence was adduced against the appellant nor the charges substantiated by anyone including the said lady Mst. Tajo Bibi. That the appellant was not associated with the enquiry which was conducted contrary to facts and law.

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 20.10.2015 before S.B at camp court A/Abad.

> Chairman Camp Court Abbottabad

20.10.2015

Counsel for the appellant present. Respondents are not in attendance. Notice be repeated to them for written reply/comments for 21.01.2016 before S.B at Camp Court A/Abad.

Chairman Camp Court A/Abad.

Form- A

FORM OF ORDER SHEET

Court of___

Case No.

842 /2015_

Order or other proceedings with signature of judge or Magistrate S.No. Date of order Proceedings 3 2 1 27.07.2015 The appeal of Mr. Jabbar Khail presented today by Mr. 1 Hamayun Khan Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order. REGISTRAR This case is entrusted to Touring Bench A.Abad for $\rightarrow - 10$ 2 preliminary hearing to be put up thereon 17 - 3 - 2011CHA RMAN

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBPER PAKHTUNKHWA PESHAWAR

Service Appeal No. 849 /2015

Jabbar Khail S/o Kushaly R/o Darbani P/o Darband District Torghar (Ex constable No. 111 District Police Torghar.

...APPELLANT

VERSUS

Deputy Inspector General of Police Hazara region Abbottabad and others.

...RESPONDENTS

SERVICE APPEAL

<u>INDEX</u>

<i>S.</i> #	Description	Page No.	Annexure
1.	Service Appeal	1 to 6	· · · · · · · · · · · · · · · · · · ·
2.	copy of reply	7	"A"
3.	Copy of final show cause notice	8	"В"
4.	Copy of reply	9	"C" .
5.	Copy of order dated 31/06/2015	10-11	"D"
6.	Copy of departmental appeal	12-15	"E"
7.	Wakalatnama.	16	·····

Through

...APPELLANT

(HAMAYUN KHAN) Advocates High Court Abbottabad Office No. 4, Hayat Sherpao Lawyer Plaza, Kutchery Compound, Abbottabad Cell No. 0345-9557912

Dated: 2-3 - 7 /2015

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBPER PAKHTUNKHWA PESHAWAR

Service Appeal No. <u>842</u> /2015

Jabbar Khail S/o Kushaly R/o Darbani P/o Darband District Torghar (Ex constable No. 111 District Police Torghar.

...APPELLANT

VERSUS

A.W.P. Province ervice Tribun

- 1. Deputy Inspector General of Police Hazara region Abbottabad.
- 2. District Police Officer Torghar.

3. Deputy Superintend of Police Head Quarter District Torghar.

...RESPONDENTS

APPEAL UNDER 1 **SECTION** OF **KHYBER** 4 PAKHTUNKHWA SERVICE TRIBUNAL ACT AS AMENDED UP TO DATE AGAINST IMPUGNED DISMISSAL ORDER NO. 75/2015, NO. 695/PA DATED, TORGHAR 31/03/2015 WHICH IS ILLEGAL, AGAINST THE LAW, FACTS, CIRCUMSTANCES VOID AB-MALAFIDE, WITHOUT INQUIRY INITIO. AND AGAINST THE PRINCIPAL OF NATURAL JUSTICE AND LIABLE TO BE SET-ASIDE.

PRAYER: ON ACCEPTANCE OF INSTANT APPEAL ORDER NO. 75/2015, NO. 695/PA DATED TORGHAR 31/03/2015 MAY KINDLY BE DECLARED AS NULL AND VOID BY SETTING ASIDE THE SAME THE

APPELLANT BE RE INSTATED ALONG WITH ALL BACK BENEFITS.

Respectfully Sheweth: -

1.

2.

3.

Brief facts giving rise to the instant appeal are as under:-

That the appellant was appointed on 06/07/2011 as constable in District Police, District Torghar.

That, thereafter appellant went to Police Training on direction of respondent and THE APPLANT was qualified after completion of 9 month training form Police College Hangu.

That, thereafter appellant continuously performed his duties on different station with full devotion and liability in District Torghar on different station and there had no complaint against appellant.

That, on 12/03/2015 respondent No. 2 issued charge sheet No. 660/PA against appellant on the basis of so called allegation of mobile contact with a lady namely Mst. Tajo bibi. That, on 18/03/2015 Appellant submitted complete reply of so called charge sheet and denied all self made allegation copy of reply is annexed as Annexure "A".

That, on 25/03/2015 respondent No. 2 issued final show cause notice on the basis of previous self made charge sheet. Copy of final show cause notice annexed as annexure "B".

That, on 26/03/2015 appellant again submitted reply of the final show cause notice and fully described the situation of incident. Copy of reply annexed as annexure "C".

That, on 31/03/2015 respondent No. 2 issued impugned order on the basis of self made so called allegation without inquiry and appellant was dismissed from service. Copy of order dated 31/06/2015 annexed as annexure "D".

That, feeling aggrieved appellant proffered the departmental appeal on 02/04/2015 before the respondent No. 1 against the impugned order dated 31/03/2015 passed by respondent No. 2. Copy of departmental appeal annexed as annexure "E".

5.

6.

7.

8.

9.

10. That, respondent No. 1 issued notice to appellant for personal hearing and on 16/07/2015 appellant appeared before respondent No. 1. But respondent No. 1 till date did not pass any order/judgment on the departmental appeal of the appellant and similarly not given any response.

That, feeling aggrieved the appellant approach this Honourable tribunal for setting aside impugned order dated 31/03/2015 inter alia on the following grounds.

GROUNDS:-

a.

b,

11.

- That impugned order dated 31/03/2015 against the law, facts and principle of natural justice.
- That, respondent No. 2 not recorded any statement of Mst. Tajo Bibi in support of allegation and similarly they have not recorded statement of any volunteer and relative witnesses and passed impugned order on hear say propaganda without inquiry hence the impugned order dated 31/03/2015 is liable to be set aside.

2

c.

d.

e

f.

That, respondent No. 2 initiated so called proceeding against appellant without any proof and justification. Hence order dated 31/03/2015 is liable to set aside.

That, respondent No. 2 passed impugned order dated 31/03/2015 on the basis of misreading and non reading of evidence available on record.

That, respondent was not provided proper opportunity to appellant for personal hearing and similarly adopted summery procedure and through order 31/03/2015 imposed major penalty of dismissal from service hence impugned order is liable to be set aside and appellant be reinstated along with all past benefits.

That, respondent No. 2 passed impugned order without adopting proper law and procedure which is lead in E&D Rules and all proceeding was initiated with malafide intention only for black mailing and torturing to appellant hence order dated 31/03/2015 is liable to be set aside.

 h. That, all acts done by respondent against the fundamental right and against principle of natural justice.

That, addresses of the parties have correctly given in the heading of appeal.

That other point would be argue at the time of argument with the kind permission of this Honourable Court.

It is, therefore, respectfully prayed that, on acceptance of this appeal, impugned order No. 75/2015, No. 695/PA dated Torghar 31/03/2015 may kindly set aside and appellant be reinstated in service alongwith all back benefits. σ

Through;

i.

j.

(HAMAYUN KHAN) Advocates High Court Abbottabad

ELLANT

VERIFICATION: -

Dated: 23 - 7 /2015

Verified on oath that the contents of forgoing writ petition are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

Annerure "A" Rela 12 7 Pir GOOM UP Lin Cital in average alle plo -in مسعاة تا جوبي شرمري فودي رشير داري - بيشتر داري تي شاء بر الإرابيات جار عكو الوب سماس كار الطرسي الم الم عاري الم Side Best Condition and the start and the sol Mobile وج سے تماری گذشت رکھرو سوئی وک کی متر مول سے اپنے سوما شل مسل ١٤، مر برامع بلولو المركس المرديا مي ١٠٠٠ مرد مارو ماس بليك سایتک نام کی کرتی چیز بر بیم obule ین خاری خبره بول شد مح هدن مس زیز ار خان م ب الورليا ميل كما بي المرى المرى خالية على في توكي راج مطلى ب علاون از اس با ت س دی کوی می مت اس مت اس می اس ا خطوید، هاری آی میں میں میرداری میں اگر سائڈ تھ بر ابت محط نے کہ میں نے کہ کہ دباب سل کلا ہے تو میں ہر ا الم تر رون به مدا بان ال Africe لي رحم حسل في الله محتم عول ف 18-3 Aulles Eid H Tam

Ampaire B

OFFICE OF THE DISTRICT FOLICE OFFICER, TORGHAR

R

No. <u>673</u> /PA dated, Torghar the <u>25 /03</u> /2015.

FINAL SHOW CAUSE NOTICE

The Tinol Show Cause Notice would dispose off the Departmental Proceedings conducted against Mr. Jubbar khail. No.111, while posted at Police Pest Shagai remained on 23rd feb-2015, according to information Constable Mr.Jabbar khail posted in PP Shagai use to black mail Mst, Tajoo bibl w/o Bakht Rasool r/o kamil akazai PS Darbani via his mebile phone a serious wrath anger is found the family of said women due to his phone /call, whereas according to the customs of the area threat of the murder of the said person is also found.

Departmental enquiry was initiated against you and entrusted to Shoukat khan DSP/Hars who conducted the departmental enquiry and stated that constable found defautter according to which he suggested Major Punishment against you which may be your dismissal from service. In this light of above mentioned circumstances. Hence final show cause is being served to you. Why your service not be finished as due to your ugly act bring bad stamma on the part of local police and created hate in eye of *Quirem* public for police department as well. If you have any defence you can produce before the undersigned within 05 days otherwise major punishment would be given awarded you that can be dismissed from your service.

Therefore you are directed to submit any defence if you have in this regard if you failed to produce any defence with in slipulated period you would be dismissed from service as suggested by the E/O.

District Police Officer, A Torghur.

Allesiel U Kan

Anneweure محروم جردت بون م حربياً إسال حل محمان المارك 104 . فن مركم ومار والروساة ما و الى سالك حرابة ما - برنا م لسرة حسى راسارد بك ٦ وليركسي ط حسل الله الم حسي حرسه في الحار مرجع وفي من مرك الم 1 مرار وال رالع الم في -المحد مي مرفي مرفي محل التي ماي ميت باس مرود ع 16606 $\left[\bigcup_{i=1}^{n} \bigcup$ حسا تحسي في الماري من المار ج في مرفز ب محمد علاف في ميلين) بر المرجس وناد الركاحة وم مرد المخاص مرد الحديما ما رال ام کیا جا جما که بتر فیزوز ان کسی د ي جرح جن م ج ما حرم مردس 4 ما ما تر مع مر اللافع في المرطان سلح مراصر ع في قالون كاررون مي ر نام این بخیر بی می ایس در می از می ادر امان در ا حصر باجل اور ماج حدث عامل من 4 الترج الك خوم بح تحر حين ما لمها وباع فرف تحرف فوض فرف براي ما الن فعر بحسلی جار کرالیے طالع دیائم مربطان مراب حرد قرب Re EU JULINE US SNA م بعد مرابع ومار فرض ، متردر ان مع مان من مرجع يالي م تر نادل - (راز ع) م من من من تو ال مرجل محاف ورا احاف ويراجى ساز ب مرجد جرد مركب 26/2018 23/51 Allestal H For

District Police Officer, Torghan

America

DISMISSAL ORDER

The order will dispose off the departmental proceedings conducted against Constrained labor that No.111 (Regular Police) presied at Police Post Shagai on the following prounds.

A Source Report received from W/RPO Hazara vide his office Fodst: No. 473/PA dated 02-0 1015 in which a complaint against defaulter constable was received on which charge sheet/disciplinary action was served upon definiter constable vide this office Meino: No.600/PA dated 17:03-2015, on which a constable vide this office Meino: No.600/PA dated 17:03-2015, on which a departmental enquiry was initiated and handed over to DSP Headquarters Jolibah, departmental enquiry was initiated and handed over to DSP Headquarters Jolibah, resultantly all the alleged one leveled against defaultor Constable in the procereport has been proved and suggested bins major problementate dismissal from service.

Therefore in the light of enquiry officer, I Abdul Saboor Khan District Police Officer, Torghar being competent authority in exercise of power under the MWFP Police efficiency and disciplinary Rules 1975 is hereby awarded him major punkhment is dismissal from service.

OB NO 75 12015 No. 695 IPA dated, Torshur, the 34/103/2015.

Patter Officer, J. Longhar.

Copies to the :-

Allested

نا في

وال

J. SRC 2. Pay Officer.

Allesta

DISTRICT POLICE OFFICER TORHGAR

IJ

DISMISSAL ORDER

The order will disposed off departmental proceeding conducted against constable Jabar Khail No. 111 (Regular Police) posted as Police post Shagai on the following grounds

A source report received from W/RPO Hazara vide his office Endst. No. 2473/PA dated 02/03/2015 in which a complaint defaulter constable was received on which charge sheet/disciplinary action was served upon the defaulter constable vide this office Memo No. 600/PA dated 12/03/2015 on which a departmental inquiry was initiated and handed over to DSP Head Quarter Judba resultantly all allegation leveled against defaulter constable in the sources report has been proved and suggested him major punishment dismissal from service therefore in the light of inquiry officer I Abdul Saboor Khan District Police Officer, Torghar being competent authority in exercise of power under NWFP police efficiency and disciplinary rules 1975 is hereby awarded him major punishment dismissal from service

CR No. 75/2015 No. 695/PA dated, Torghar, The 31/03/2015

> Sd/-DISTRICT POLICE OFFICER TORGHAR

Copy to:

- 1. SRC
- 2. Pay Officer

Allestal 14 Free

Ameure

From: To:

No. 3203

/PA Dated Abbottabad, the \mathcal{E}/\mathcal{L}

REPRESENTATION

· · · *

Torghar.

. . . .

The Regional Police Officer, Hazara Region, (Abbottabad).

The District Police Officer,

/2015.

Fax

Phone No.0992-9310021 No.0992-9310023

12

Memo:

Subject:

Representation received in this office in respect of Ex-FC Jabar Khel Ho.111 of your District is sent herewith for parawise comments and returned requested.

Service Roll and Fauji Missel containing Enquiry File of the applicant may be provided to proceed further in the matter.

REGIONAL POLICE OFFICER Hazara Region Abbottabad

Allester

, Historicasi - topiq - larias 75 LA TUS ane por colling 31 20 m 695/ Rise In 67 31 2 ---مجار از دفت جالب الع ما حب آور مزجى - a for a fo · La no the second and the second of the استرعا مسلر المراج بزا مشطور فرما ف جاتر مرعة مرابع لا مر الم مرخ وما في فروال والمرف مرز مد الا الا ال · 12 1/2a listic いとうしょうーニー اسلوب اعرها فعثنان مدخل تدريز من قرمات - انجا عديد المتها مراجع المراجع in Vicini sum while Law and a land Allestal المط کام کردا نے کی کوششی کی ہے۔ اور لیونے Fra and it is a log for the the control N- - acit actions with a start میں میں نے سے ڈی میں ترما کر تی ان ان م

14 تحدث كابيل - باف كى توشف كى بالاف ا ور از ارم می مرکز کی موت کی خواج ا مر من المرجد في مرجد محمد و المستر المر من من الم 0343-BI97344 in 2 2397-9713150 برالمات برمانوس فراج المرت المرجان جاريل یمی ، ترجی نے نامی سی جراب دیا۔ اور مذکر سے تمر یے ان اور اور ان انہ انہ انہ انہ انہ انہ ا المتيت مسل المعد تماجر محامة الدامر سرا ما در المسامين فالباد For when a colic con the the end is the Fizzanten porte coltar dest متعلقة تولاي عالم عاسوني الرباج المحافظ المواتي غلاطريا عندتى والدب محتوا المسلم تسري المنت وال ف تعلق مرد مع تی شرح ما ندان و تعد تعريق عديد ريد المريد الرريز مع سرى الله المريك مران تسری خرم می و با من در خرم خر خد فرو الجري شرع مر المر المر الم تعديد برارج جاري بايدة シューシューショー white - i de palais de anis Allester and positive of the and K. ake alter to concerte to the first aling the company on postation is control 이야지는 그 아이가 아이는 아이는 아이는 아이는 14 Koler com Sidesid Varia

. 15 فرج المحتاج المحتاج المحتاج المحتار الم Lilidet of the second for King Wis Zisite Zaar hand and 아마카다 아파 프로 아파 ~ ~ ~ · Cathe de de se com contraté de Aside La and Kring Less contraining Londer Lide allie com altriac sont in a star · con some Light in stand -2 Kalifort Body Flyne. - Repire And Contraction Signe Bread and phan Is Charles in the stand and E. S ا - شبها میتریا می دار تو ان 会からばなっからないうしいたす time For the set of the set and the the the Allested 0257JI 13502-4344172-1 としたうとう とう とう ひょう しょう しょう Marie de la salitada de la

وكالت نام كورف فيس Before the Hourswhile Service Tribrenal 15 P.K Perhoursen lise Jabbar Khail pli Di Co Zo other عنوان: Appellent منجانب: Appeal نوعيت مقدمه: باعث تحريراً نكه ARABON ARAT مقدمه مندرجه میں اپنی طرف سے واسط پیروی و جواب دہی کل کاروائی متعلقہ آس مقام Hamayunichan Advocate High Court ATD کودکیل مقرر کر کے اقر ارکرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاردائی کا کامل اختیار ہوگا نیز دکیل صاحب موصوف کو کرنے راضی نامہ وتقرر ثالث و فیصلہ برحلف ودینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ وعرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل پاکس جزوی کاروائی کے لئے کسی اور وکیل یا مختارصاحب قانونی کواپنے ہمراہ اپنی بجائے تقرر کا اختیار بهی ہوگا اور صاحب مقرر شدہ کوبھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داختہ جھ کو منظور و قبول ہوگا۔ دوران مقدمہ جوخر چہ دہر جانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایار قم وصول کرنے کا بھی اختیار ہوگا۔اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہوتو وکیل صاحب موصوف بابند ہوں گے کہ پیردی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جز و بقایا ہوتو وکیل صاحب موصوف مقدمہ کی پیردی کے پابند نہ ہوں گے۔ نیز درخواست بمراداستجارت نائش بصیخہ مفلسی کے دائر کرنے اور اس کی بيروى كابهى صاحب موصوف كواختيار هوگا-لہذاد کالت نام تحریر کردیا تا کہ سندر ہے۔ المرتوم: <u>- 7 - 7 -</u> بمقام: ABBONADAL empled my

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR

plan or file 21.5. por 8-21.5.

CM No. _____/2018 IN Service Appeal No. _____/2015

Jabbar Khail

VERSUS

Deputy Inspector General & others.

SERVICE APPEAL

APPLICATION FOR PLACING ON RECORD ADDITIONAL DOCUMENTS.

Respectfully Sheweth;-

2.

 That the above titled case is pending disposal before this Honourable Court.

That in the present service appeal the appellant wants to place on record certain documents which may be allowed to be placed on record and be treated as integral part of the present service appeal which are as under;-

i. Copy of statement of allegation.

ii. Copy of charge sheet.

iii. Copy of inquiry.

iv. Copy of final show cause notice.

That the above mentioned documents are necessary for just and proper decision of the titled service appeal.

It is, therefore, very humbly prayed from this Honourable Court that in the interest of justice and fair play the said documents be placed on record and be considered as integral part of the main service appeal.

Through

Dated:	 /2018	

3.

...APPELLANT

(HAMAYUN KHAN) Advocate High Court, Abbottabad.

I, Abdul Saboor Khan, District Police Officer, and Torghar as Competent Authority of the opinion that you Constable District Police Officer, Torghar as competent authority, is hereby, charge you Constable Jabbar khail No.111 while posted at Police Post Shagai has rendered himself liable to be proceeded against as you committed the following act/omission within the meaning under the Police Disciplinary Rules 1975.

STATEMENT OF ALLEGATION

You Constable Jabbar khail No.111 while posted at Police Post Shagai remained on 23rd feb-2015, according to information Constable Mr,Jabbar khail posted in PP Shagai use to black mail Mst, Tajoo bibi w/o Bakht Rasool r/o kamil akazai PS Darbani via his mobile phone a serious wrath anger is found the family of said women due to his phone /call, whereas according to the customs of the area threat of the murder of the said person is also found.

You are therefore, required to submit your written defense within 07 days of the receipt of this charge sheet to the enquiry officer for the purpose of scrutinizing the conduct of the said accused Officer with reference to the above allegation <u>DSP/Hqrs</u> is deputed to conduct formal department enquiry against the accused.

The accused and a well conversant representation of the departmental shall in the proceedings on the date, time and place fixed by the enquiry officer.

District Police Officer, Torghar

No. 660 /PA dated Tor Ghar the 12 /03 2015

Copy of the above is forwarded to:-

tested

1. **<u>DSP/Hqrs</u>** Enquiry Officer) for initiating proceedings against the defaulter officer under the provision of Police disciplinary rules 1975.

2. Constable Jabbar khail No.111 while posted at Police Post Shagai with the direction to submit his written statement to the Enquiry Officer within 07 days of the receipt of this charge sheet/statement of allegations and also to appear before Enquiry Officer on the date, time and place fixed for purpose of departmental proceedings.

District Police Officer, Torghar

CHARGE SHEET

I, Abdul Saboor Khan, District Police Officer, Torghar as competent authority, is hereby, charge you Constable Jabbar khail No.111 while posted at Police Post Shagai as explained in the attached statement of allegation.

By reason of the statement of allegation, you appear to be guilty of misconduct and have rendered yourself liable to all any of the penalty specified under the relevant rules.

You are therefore, directed to submit your written defence within 07-days of the receipt of this charge sheet to the enquiry officer.

Your written defiance, if any should reach the enquiry officer within a specified period, failing shall be presumed that you have no defence to put in and in that case, an ex parte action shall be taken against you.

Intimate whether you desire to be heard in person are otherwise.

A Statement of allegation is enclosed.

AN 09.06.012

District Police Officer, Torghar

Annerure "A" V Relation 12 - Fin Gort Chillen the asis para sho olo -in مسان تا جولانی مریری توزی رفته داری - است مرداری ی ناد: الإراب في الله بي محروال في معد اس مار البطر مورا رتبا بي مدر بي م وج سے تماری کونی روکورو موتی وی مراج مربع مربع الن النے مربا مسى داريم برروم بولو وروي مسلم درا مي - أس رك رو مكسي دليك مالك ام كى ترتى جز في بير. oleile سين خارى خرو بهون خري مي هون مرن زيز ار خون طل مي بي ولما ممل كراب مرى مرب خلاف ي الروسط لى ب علاودارس اس با ت سواحى كوبى مسافت من ويترار مرى جان ا خطوب ، چاری آ جل مس عثر داری میر ۱ گرد از مراز از مراز ارایت موط نر که سس نے کاری و دلیا اسل کل بیر او جس هر س حدار شاروں ہے منہ اسان ہے -A Raiel 2 2 priso 111 jo U-2 12 U 18-2 Authersteed 109 Tran

OFFICE OF THE DISTRICT POLICE OFFICER, TORGHAR

No. <u>673</u> /PA dated, Torghar the <u>25'/63</u> /2015.

FINAL SHOW CAUSE NOTICE

The Final Show Cause Notice would dispose off the Departmental Proceedings conducted against Mr, Jabbar khail No.111, while posted at Police Post Shagai remained on 23rd feb-2015, according to information Constable Mr,Jabbar khail posted in PP Shagai use to black mail Mst, Tajoo bibi w/o Bakht Rasool r/o kamil akazai PS Darbani via his mobile phone a serious wrath anger is found the family of said women due to his phone /call, whereas according to the customs of the area threat of the murder of the said person is also found.

Departmental enquiry was initiated against you and entrusted to Shoukat khan DSP/Hqrs who conducted the departmental enquiry and stated that constable found defaulter according to which he suggested Major Punishment against you which may be your dismissal from service, In this light of above mentioned circumstances. Hence final show cause is being served to you. Why your service not be finished as due to your ugly act bring bad stamna on the part of local police and created hate in eye of general public for police department as well. If you have any defence you can produce before the undersigned within 05 days otherwise major punishment would be given awarded you that can be dismissed from your service.

Therefore you are directed to submit any defence if you have in this regard if you failed to produce any defence with in stipulated period you would be dismissed from service as suggested by the E/O.

4) legt / (2) 18

t Police Officer, (Torghar.

The District Police Officer, T@ahar

The **Provincial Police Officer** Khyber Pakhtunkhwa Peshawar

_/ Torghar dated 12 / 03 / 2015No.

Subject: SOURCE REPORT (DISTRICT TORGHAR).

Kindly refer your office Memo: No.1744-45/R/(ops) dated Memo: 27.02.2015.

It is submitted that enquiry against Constable Jabbar khail No.111 of Regular police District Torghar has been initiated by DSP/Hqrs Shoukat khan. However enquiry is under process. When enquiry will be completed against said constable report will by send to your good office in the light of findings.

District Police Officer Torghar

No. <u>/PA</u>

9. 9.

To,

Copy of above is submitted, to the, Regional Police Office, Hazara Region 120 1744 120 174 120 175 120 17 Abbottabad with reference his office Memo. 1744-45/R dated 26.02.2015 for favor of information please.

District Police Officer Torghar

مر فاسل موکز کو کس طری <u>673</u> قارم حا۔ روم مردت بون م حرب اسال حسل رفضان الماري 404 2 رالع ومل ون معاد ما و لا لا سمالات حرشه ما - برنا قرار می رک رد بک ۲ و کسی می جر لی تی جر می جر ای در ای در سر کی مال عسر وقم وقم سے حدی / اور مرار ورابی روابی اور اور اور الم اور الما اور الما اور الما اور الما المرابی مراب مرابی مال مرابی مراب 5. 7 DS/HR الملالة میں اور میں جب ریوں بنی روں بران مرد ما منان عل كسافركسى فتم النازع بن الم امر ع في فروران خ بالرج المروران ونكوا وم ورا مرار المخاص و الم مان الم ج المروس المعز مراجع ومراجع مراجع مراجع المرجع الم مع مر اللاف ، ثو مدر فالل سط برام ، ع ما فالون كار روال ال م من محري جم أحون من أرتبة دام جن المر المك والر ، جن - حیونی ، مراس س س مر در س س س س بلا اور مات در عام مان م - اگر جم ایک در س ت م) چنات در در سی جس تو حون م در ای بریکا بات این دهر بلی - خاص خراکسی طلت حس می مراک در ای بریکا بات این دهر در ای بریک بات در میرس در ای بریک بات در میرس بر بور فلاف كول مر الطلة بر وفاج في م برجم بررائع والرفي في التحديث س ما ٢٠ لح وتا تو من قرر قون زرم. مر حتری عالی م تو نادان مرزد ری م - حت - کمی کو لیک حس بی یا م . حط ی کا دارج کا دارج کی از می از کا م مرح الله - حیا م الله می کا دارج کی باک م جریسه م مرح الم م رقب الله موسی کا المرفی اللی م جریسه اللی ا المرجيل ال OS DIB 8^{9)°}

از المرا (ال منسبل جبار على الله سبع وى تى ما injel pie بازبال ولحق وار عداور الجرار ا (+) (+ رز الله الله مرز المرجم الم 4 660 ن أز ولن عليه أند مر نعی غری 1744 من 3 بان إرور الجوم بمن 5 مان از (ن لا ^عل مان از انجس جروس !!! . بن از انجس جروس !!! میتل در مرا اور خار مایک 1 1 راں ہرر 14 11 12 18 18 18 201 14 201 14 -u- (17) .S. خزال J 1114 - Logar . Jon . 2018 69 . 05 . 2018 Z Ð

ظامن أمكوامري راور بخاص أمكوامري راور العرصا تواغر مرحدت أزن ترب جبار خس مراا رجوم حل تواخر برزانك م در بول مروان انداری زی طور بان طریش ترمد بی جار والله موالم فنى المراك فرج جدي - 1744 فرم ي 72 مرس ورز من حار والله موالم فنى المراك فرج جدي 1744 فرم 27 م مرس رور من 2 وقيات ممار خاب الركز فران ترز ومن جرور فراه سادر وحول تو مورن دور من ور سے بی در دروری مرد مدین متن من مر ال ملک مت مراد ان وان وان وان وزار مرالا اجران وزار الروس من مساعمتهم زوج من رسول سكنان بمب الخاربي عسي مفت (ر) كومل فراند مراج حسب وم مزرم وامن محادير اور در رمزان من رس وربع مخت منم وعمر ما ما حاماً م جب مد مال رسم روان م رقائق مركزه فرش كوجان عار طاسط حرف في ما ما حالا سے -في في وروالد اوان بر أمواب في مار الم - من فر ماريخ هد المرام الما وي في أما ورا بال دا - وجراه لف م كمن من وأن الله جان من وركما مع كماه وحما 14 من والمركز مرکار 1979 میں اس مواس نی 1978 1929 مرمی ای ای جب رس محل ای جب رس محل میں اور می محمد اور اس مدر ماہ ناجری جو بی حضی سند می سے بات برقی (در محفی میں میں میں میں اور محق (در محفی میں مازی روی اور مرزم روارد ان عراب مان وی روی روی ان تو بس من بندی منع وه آمن مین مع وانسری الله منه المان و مع از افسان ارا بوسائ سن رمکون مر شدا - ی جرمان فرا می و می و گودان ادر ور ولك توم حل ت مراب مراب و مراب و مراب جون مر ار عران و حارش ما وسكاج المان تخلي لو ما وساى ما تكى مدر الن كام مر كارول المراسط ما الني

وعدو ما - كم عرصر حسر دوتون در مون حران حران م فرندون كل م فال ور مى مت دارى د كرمن من من من الله الم الراف المع المراف الم دار المراب المراب المراب وجرار لف - المحران مالك داري الف بال من مَا) تعرط المراه من التي النه التي صعوات كامن الل غامة عبل من ی مسم روا می ورا مراب ای موجود میں رواند کا ول مبر لکا - مرا مادور شي الك دستى محقى كرامى يو الرابى عموما كى المراج د ما تى اس وتوكوش من مرابع مرابع مرا ماز ما شرار ما مرس م سی زوج می رول موجاد تاج روم در رول فر قون اما کا . در تؤوانو اد محون حرون و شم حرف دون دون و ان مح والون بز ارزار دب را ورون روم شمار مراجعة عرف زم فعال - در و في في ارم روز عشق ببرو تر ان دما دن جرون آس موحقی تعالی کو عظل را ور تع اف والرس و کور کر اور مرشور ناطال کے ملا ک وري بان لعنه فراه لف ٢ - ان عمر مرام ما و الا ملك دان تروتون د خاروز تر می اف ک مرام کول و بال رف و بر كرولارف ولايرالم ن مر ومرم مر ومر بن م ع م م دوركوش د فو ا م الرف مدى وم عدى م مثرات رالع ما تو الجون كما ما و دون عمر زر الولر ماسم في ثر مع المر من فور من فور من مروز ومن كالرواس الخرار في فر في ورار الديون من في ورا من الي ورا م من أن بالمرور المريان من سي المن أن أن الرائي مر مد مراب محق فرع مرا كاور المراب مشرع رس مج رالم ال

التي مي وار را مي ارو المور المور المور المنام منام ما الم » انتها بن من مدن کارول را من مذا انخون روا مر روس بس ی مرا و کی مرا از مان بس نفل رف ع عدم الرزاد في ما مرا المرجم المرجم المرجم المراه الفي وش خار داند توزر کاسے ۔ قرب مدخان رسم وراح سے دان مدر واند كثر المحاون مع مى واقفة ركما مع التي والرائم الرام عدفات رو ار فاون ا حدد روان ا ب اسکا بخس ا ور سید ماید مرای م - حقور ایراو حری کوه المرين س وز برك مود الكاكار اس - وران الرف مردن عرا) روز ان والری د کو ناراض ور بعی می انداری ع جاجون من أنظر مان أن المرافعة المرافعة Chi is bad band Huble for police dept > 0000, 15000, Veral White " final Show Cause Pret or brine that we but] tu dur prily

An and DPO an ler عمون إ درواست ب غرما ما فا فرالت de lo و منه مر م ي مراس مرجع مرومين سم ومدرم و ساد مرد مرد مرد مرد مرد مرد تى مردر - مى مرد مرد ج / المراح ما مر مر مرد و مرد مى مايت مى ي ي المري مرد . و مايت مى مايت مى ي ي ي a de juliente de l'alter als silley 1 m and 3 2 - 10 -- Statement & Allegation . - 2 change sheet DPOITA 3 Show cause Notice vi jofto 10/11/0 ") Final Stree Cause 5)/ngjing Report ASillego صار مل كافي ماي الله من وران مر فرالم

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA PESHAWAR

Appeal No.842 of 2015

Jabar Khail No.111 EX constable _

__ Appellant

Versus

Deputy Inspector General of Police, Hazara Region Abbottab and

Others_____(Respondents)

Subject: WRITTEN REPLY ON BEHALF OF RESPONDENTS

- 1. The appeal has no cause of Actium or hocks stadia.
- 2. The appeal has not been based on fact.
- 3. The appeal is not maintainable in the present form.
- 4. The appeal is bad for non-joinder and miss-joinder of necessary parties.
- 5. The appellant is estopped by his own conduct to file the appeal.
- 6. The appeal is barred by law and limitation.
- 7. The appellant has not come to the Honorable Tribunal with clean hands.

Respectfully :-

1. in correct the appellant was appointed as constable 06/07/2011

2. Correct he qualified 09th month training at Police training collage Hangu

3. Un Correct while he was posted in Police station Derbani complaint has been received from Worthy PPO. Application was issued charge sheet along with statement of allegation which he replied and proper enquiry was conducted which fulfilled all the coddle facilities and provided all opportunities to the applicant to depend himself. He proceed guilty of the allegations. he was issue at Final Show Cause Notice which was replied by applicant (copy of charge sheets allegations enquiry report, Final Show Cause Notice and replies are as A,B,C,D,E,F)

- 4. As pera 03
- 5. As pera 03
- 6. As pera 03
- 7. As pera 03 however the reply was not satisfied factory.
- 8. in correct proper enquiry has been conducted.
- 9. Petain to record

10. correct to the extent issuance of notice the rest of the para is denied. All coddle formalities fulfilled.

<u>Grounds:</u>

- A. In correct the impugned orders are just legal and were issued in accordance with law after observing all the legal and codal formalities. Regular enquiry was conducted and appellant. was found guilty of charges.
- B. Incorrect the statement of mst: Taju bibi is not recorded due
 to tradition of areas being(parda nasheen) lady. However
 sufficient evidence available against the appellant.
- C. Incorrect as per para 03
- D. Incorrect as per para above
- E. Incorrect order is passed after complete scrutiny of the case.
- F. Incorrect the proper departmental enquiry was conducted against him and full opportunities was provided the appellant for personal hearing.

- G. Incorrect the proper enquiry was conducted and all codal formalities had been fulfilled.
- H. Incorrect
- I. No comments
- J. No comments.

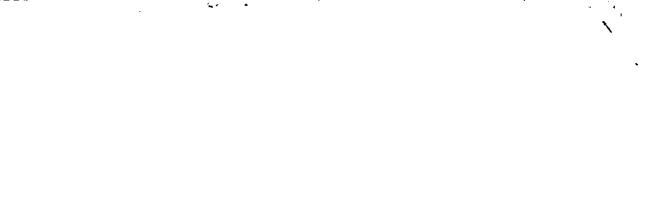
Prayers:

Keeping in the view of circumstances mentioned above it is humbly prayed that the appeal in hand may kindly be dismissed with cost.

Deputy Inspector General of Police, Hazara Region, Abbottabad. (Respondent No. 01)

District police officer

Torghar (Respondent No. 02)



7. 7

.

لعالت سروس تربيه في مرفق في مراوز Jun Low MAK $\frac{1}{2} \frac{1}{2} \frac{1}$ july go i dog al, edd and all and the contract of a go i a June d'il Torgan Sillegal 2017 18-7 2017 Alment. (h 18-9-17 Qhave recovered Ves 1500 1= cost Jattor when Appellent Ahil

<u>OFFICE OF THE SENIOR GOVERNMENT</u>

NO _____Sr.GP/ATD

Dated @ P-1 /2016

The District Police Officer, _____ Torghar.

Subject: Service Appeal Titled "Jabbar Khall VS Police "

Dear Sir,

To,

With reference to the subject noted above and to state that the titled appeal is pending for adjudication in the Service Tribunal Camp court Abboutabad and was fixed for submission of written statement on 19-08-2016 in which your representative appeared and written reply not submitted as he refused to avail the opportunity of payment cost of Rs: 1000 as per pervious order sheet dated 23-06-2016. The said appeal is therefore assigned to D.B for final hearing on 13-02-2017; hence information is forwarded for further proceeding.

Senior Government Pleader Abbottabad

NO Sta-61 Sr.GP/ATD

Cepy Forwarded: -

Seen

 The DIG Hazara Range Abbottabad for information please.
 Deputy Solicitor Law, Parliamentary Affairs and Human Rights Department Knyber Pakhtunkhwa Peshawar for information please.

NO; 20685/GC NO; 2000. 14:- 8-9-16 Dio torque

Senior Government Pleader Abbottabad

1 m. Jongv

DAO Torghor Si Lagao Ar m/achin

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 1097 /ST

Dated 29 / 05 / 2018

The District Police Officer, Government of Khyber Pakhtunkhwa, Torghar.

Subject:

To

ORDER/JUDGEMENT IN APPEAL NO. 842/2015, MR.JABBAR KHAIL.

I am directed to forward herewith a certified copy of Judgment/Order dated 21/05/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

REGISTRAR KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ØL PESHAWAR.