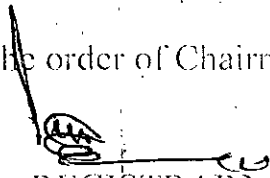


# FORM OF ORDER SHEET

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

Case No. - \_\_\_\_\_

624/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/03/2023	<p>The appeal of Mr. Muhammad Irfan presented today by Mr. Muhammad Aslam Tanoli Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abd on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman</p> <div style="text-align: right;">   <b>REGISTRAR</b> </div>

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

**CHECK LIST**

Case Title: Muhammad Toqan v/s KPk SPO & others

S#	CONTENTS	YES	NO
1	This Appeal has been presented by <u>M. Aslam Tambi Advocate</u>	✓	
2	Whether counsel / appellant/ respondent/ deponent have signed the requisite document?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent oath commissioner?	✓	
8	Whether Appeal / Annexures are properly paged?	✓	
9	Whether Certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/ clear?	✓	
13	Whether copy of appeal is delivered to AG/ DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by Petitioner/ Appellant / Respondents?	✓	
15	Whether number of referred cases given are correct?	✓	
16	Whether appeal contains cutting / overwriting?		✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this Court?	✓	
19	Whether requisite number of spare copies are attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether security and process fee deposited? On _____		✓
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, Notice along with copy of Appeal and annexures has been sent to Respondents? On _____	✓	
26	Whether copies of comments / reply / rejoinder submitted? On _____	x	✓
27	Whether copies of comments/ reply/ rejoinder. provided to opposite party? On _____		✓

It is certified that formalities /documentations as required in the above table, have been fulfilled.

Name: - Muhammad Aslam Tambi Advocate

Signature: - M. Aslam

Dated: - 21-03-2023

BEFORE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

Appeal No.....624.....2023

Muhammad Irfan Constable No. 542 District Police Abbottabad  
R/O Village Gajjal, Tehsil Havelian District Abbottabad.

**(Appellant)**

**VERSUS**

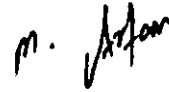
1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

**(Respondents)**

**SERVICE APPEAL**

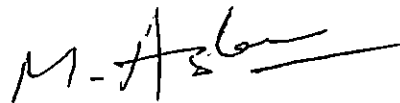
**INDEX**

S/No.	Description of documents.	Annexure	Page No.
1.	Memo of appeal & condonation application.		01-09
2.	FIR dated 7-07-2021	"A"	10-11
3.	Application for grant of leave.	"B"	12
4.	Order dated 28-01-2022 of DPO	"C"	13
5.	Application for grant of order	"D"	14
6.	Copy of Court Order 28-11-22	"E"	15-16
7.	Departmental Appeal 29-12-22	"F"	17-20
8.	Order dated 08-03-2023 of RPO	"G"	21
9.	Wakalatnama		



**APPELLANT**

THROUGH

  
(MUHAMMAD ASLAM TANOLI)  
ADVOCATE HIGH COURT  
AT PESHAWAR.

Dated: 15-03-2023

1

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Appeal No.....624.....2023

Muhammad Irfan Constable No.542 District Police Abbottabad  
R/O Village Gajjal, Tehsil Havelian District Abbottabad.

**(Appellant)**

**VERSUS**

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

**(Respondents)**

**SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT  
1974 AGAINST THE ORDER DATED 28-01-2022 OF THE DISTRICT  
POLICE OFFICER ABBOTTABAD WHEREBY APPELLANT HAS BEEN  
DISMISSED FROM SERVICE AND ORDER DATED 08-03-2023 OF  
REGIONAL POLICE OFFICER ABBOTTABAD WHEREBY HIS  
DEPARTMENTAL APPEAL HAS BEEN FILED/REJECTED.**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH  
ORDERS DATED 28-01-2022 AND DATED 08-03-2023 OF THE  
RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND APPELLANT BE  
RE-INSTATED IN SERVICE FROM THE DATE OF DISMISSAL WITH ALL  
CONSEQUENTIAL SERVICE BACK BENEFITS ON RENDITION OF  
ACCOUNTS.**

Respectfully Sheweth:

1. That appellant while posted as Constable in Anticorruption Establishment Haripur a case FIR No, 708 dated 17-07-2021 U/S-302/34 PPC was registered at PS Havelian wherein he was not charged but later on complainant in his statement U/S-164 Cr.PC dated 05-09-2021 (after about 50 days) charged appellant falsely with mala fide intention. **(Copy of FIR dated 17-07-2021 is attached as Annexure- "A")**.

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2. That after his false involvement in above case the complainant party extended threatens to appellant with dire consequences. Due to these threats appellant was under pressure and compulsion to shift his family to a safe place. Appellant was in need of leave thus he submitted application for grant of 04 months Earned Leave. But appellant did not receive anything from his office with regard to sanction or rejection of applied leave. **(Copy of leave application is as Annexure ("B"))**.
3. That the allegation as mentioned in the FIR was incorrect, baseless, with malafide and enmity being appellant a relative of accused family otherwise he is totally innocent.
4. That on the basis this false involvement the District Police Officer Abbottabad vide order dated 28-01-2022 dismissed the appellant from service without any proof and justification against the law, departmental rules & regulations and facts. **(Copy of Dismissal Order dated 28-01-2022 is attached as Annexure-"C")**.
5. That appellant was granted bail by the Additional Sessions Judge Abbottabad at Havelian vide order No. 05 dated 28-11-2022. **(Copy of court order date 28-11-2022 is attached as Annexure-"D")**.
6. That though appellant was dismissed from service on 28-01-2022 but copy of the same was never addressed and issued to him. When appellant reported for duty he was told that he had been dismissed from service. Then

after grant of bail on 28-11-2022 he applied for dismissal order through written request dated 17-12-2022 and order was given to him. **(Copy of application is attached as "E")**.

7. That department inquiry was not conducted. Neither charge sheet nor show cause notice was issued. Copy of inquiry report, if any, was not provided. Even opportunity of personal hearing was not afforded. Appellant was condemned unheard.
8. That appellant aggrieved of the order dated 28-01-2022 of the DPO Abbottabad, preferred a departmental appeal dated 29-12-2022 before the Regional Police Officer, Hazara Region, Abbottabad which was filed/rejected vide order dated 08-03-2023. **(Copies of departmental appeal and its rejection order dated 08-03-2023 are as Annexure-"F & G")**; hence instant service appeal on the following grounds:-

**GROUND:-**

- A) That both the impugned orders dated 28-01-2022 and 08-03-2023 of the respondents are illegal, unlawful against the departmental rules and regulations, facts and principle of natural justice hence liable to be set aside.
- B) That proper departmental inquiry was not conducted. No charge sheet or show cause notice was issued. Copy of inquiry report, if any, was also not provided. Even opportunity of

4

personal hearing was not afforded to the appellant rather he was condemned unheard against the principle of natural justice.

- C) That the respondents have not treated the appellant in accordance with law, departmental rules and regulations and have acted in violation of Article-4 of the constitution of Islamic Republic of Pakistan 1973 and unlawfully issued impugned orders which are illegal, unjust, unfair hence not sustainable in the eyes of law.
- D) That appellate authority has failed to abide by the law and even did not take into consideration the grounds taken by appellant in the memo of appeal. Thus act of respondent is contrary to the law as laid down in the KPK Police Rules 1934 read with section 24-A of General Clauses Act 1897 and Article-10 of the Constitution of Islamic Republic of Pakistan 1973.
- E) That appellant has rendered more than 15 years service and always discharged his assigned duties with devotion, honesty and never involved himself in any such omission & commission as alleged against him. Allegations are incorrect, false and fabricated based on malafide which remained unproved and unsubstantiated till to this day.
- F) That under CSR rule-194 the respondents were bound to have waited the outcome of the criminal case from the Trial Court. But they failed

5

personal hearing was not afforded to the appellant rather he was condemned unheard against the principle of natural justice.

- C) That the respondents have not treated the appellant in accordance with law, departmental rules and regulations and have acted in violation of Article-4 of the constitution of Islamic Republic of Pakistan 1973 and unlawfully issued impugned orders which are illegal, unjust, unfair, hence not sustainable in the eyes of law.
- D) That appellate authority has failed to abide by the law and even did not take into consideration the grounds taken by appellant in the memo of appeal. Thus act of respondent is contrary to the law as laid down in the KPK Police Rules 1934 read with section 24-A of General Clauses Act 1897 and Article-10 of the Constitution of Islamic Republic of Pakistan 1973.
- E) That appellant has rendered more than 15 years service and always discharged his assigned duties with devotion, honesty and never involved himself in any such omission & commission as alleged against him. Allegations are incorrect, false and fabricated based on malafide, which remained unproved and unsubstantiated till to this day.
- F) That under CSR rule-194 the respondents were bound to have waited the outcome of the criminal case from the Trial Court. But they failed



6

to follow these mandatory rules. And in a hasty manner without observing the law governing the terms and conditions of appellant's service, respondents have dismissed him from service.

- G) That instant service appeal is well within time and this honorable Tribunal has got every jurisdiction to entertain and adjudicate upon the lis.

It is, therefore, humbly prayed that on acceptance of instant service appeal order dated 28-01-2022 and order dated 08-03-2023 of the respondents may graciously be set aside and the appellant be re-instated in service from the date of dismissal with all consequential service back benefits. Any other relief which this Honorable Service Tribunal deems fit and proper in circumstances of the case may also be granted.

*M. Aslam*  
**Appellant**

Through

*M. Aslam*  
(Muhammad Aslam Tanoli)  
Advocate High Court  
At Abbottabad

Dated: 15-03-2023

**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 from this Honorable Tribunal.

Dated: 15-03-2023

*M. Aslam*  
**Appellant**

7

**BEFORE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**Appeal No.....**

Muhammad Irfan Constable No. 542 District Police Abbottabad  
R/O Village Gajjal, Tehsil Havelian District Abbottabad.

**(Appellant)**

**VERSUS**

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

**(Respondents)**

**SERVICE APPEAL**

**AFFIDAVIT**

I, Muhammad Irfan, appellant do hereby solemnly declare and affirm on oath that contents of instant service appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.

Dated: 14-03-2023

*M. Irfan*  
**Deponent/Appellant**

Identified By:

*M. Aslam*  
(Muhammad Aslam Tanoli)  
Advocate High Court  
At Peshawar



Dated: 14 -03-2023

*M. Irfan*  
**Appellant**

3

**BEFORE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**Appeal No.....**

Muhammad Irfan. Constable No.542 District Police Abbottabad  
R/O Village Gajjal, Tehsil Havelian District Abbottabad.

**(Appellant)**

**VERSUS**

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

**(Respondents)**

**SERVICE APPEAL**

**CERTIFICATE**

It is certified that no such appeal prior to this one on the subject has ever been filed in this Honorable Service Tribunal or any other court.

Dated: 15/03-2023

*m. Irfan*  
**Appellant**

(9)

**BEFORE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Muhammad Irfan Constable No.542 District Police Abbottabad R/O Village Gajjal,  
Tehsil Havelian District Abbottabad.....(Appellant)

**VERSUS**

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.....(Respondents)

**APPEAL SERVICE**

**APPLICATION FOR CONDONATION OF DELAY IN FILING SERVICE APPEAL BEFORE THIS HONOURABLE SERVICE TRIBUNAL.**

Respectfully Sheweth:

1. That applicant/appellant has filed today service appeal, which may be considered as part and parcel of this application, against orders dated 28-01-2022 and 08-03-2023 of the respondents whereby appellant has been awarded penalty of dismissal from service and his departmental appeal has been filed/ rejected.
2. That impugned orders have been passed in violation and derogation of the statutory provision of law, rules and regulations governing the terms and conditions of service of the appellant, therefore, causing a recurring cause action to applicant/appellant can be challenged and questioned irrespective of a time frame.
3. That impugned order passed by the respondents on 28-01-2022 and 08-03-2023 are illegal, without lawful authority and whimsical in manner. The applicant/appellant filed departmental appeal well in time and has rigorously been pursuing his case, dismissal order passed on 28-01-2022 but its copy was provided on 21-12-2022 and that too on specific written request of applicant/appellant, hence this service appeal. The delay if any, in filing service appeal needs to be condoned.
4. That this application is being filed as an abundant caution for the condonation of delay, if any. The impugned orders are liable to be set aside in the interest of justice.

**PRAYER**

It is, therefore, humbly prayed that on acceptance of instant service appeal impugned order dated 28-01-2022 and 08-03-2023 of respondents may graciously be set aside and applicant be re-instated his service. Any other relief which this Honorable Tribunal deems fit and proper in circumstances of the case may also be granted.

Through

Dated: 15-03-2023

M. Irfan  
Applicant  
M. Aslam Tanoli  
(Muhammad Aslam Tanoli)  
Advocate High Court  
At Haripur

**VERIFICATION**

It is verified that contents of instant service application/appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Dated: 15-03-2023

M. Irfan  
Applicant

ATTESTED



Annex - A

GP(SD)-KPK-1130/20-21/01/2120/Form 3 (one Jobs/Zrni) Form No 5.24

قلم نمبر ۲۳-۱۵

### ابتدائی اطلاعی رپورٹ

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

اسم لانا

3 بیس

50

708

تاریخ وقت جمع 17/07/2021 وقت نامعلوم گوتے درج

تاریخ وقت رپورٹ	17/07/2021 وقت 21:40	طابند گلام محمد	17/07/2021 وقت 22:45
نام و سکونت اطلاع دہندہ مستفیض	9-0996613-101	مہدی زنگی ولد مہدی اختر ظفر خان	مہدی زنگی ولد مہدی اختر ظفر خان
مختصر کیفیت جرم (معد دفعہ) حال اگر کچھ لیا گیا ہو۔	ذبح جرم	ذبح جرم	ذبح جرم
جائے وقوع فاصلہ تھانہ سے اور سمت	سڑک روز بازار کمانہ	سڑک روز بازار کمانہ	سڑک روز بازار کمانہ
نام و سکونت ملزم			
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو		مہدی زنگی ولد مہدی اختر ظفر خان	
تھانہ سے روانگی کی تاریخ و وقت			

ابتدائی اطلاع نے درج کردہ گوتے میں مہدی زنگی ولد مہدی اختر ظفر خان کے ساتھ 810 حوالہ کر کے ذبح جرم کیا گیا۔ مہدی زنگی ولد مہدی اختر ظفر خان نے 17/07/2021 کو 22:45 بجے اپنے گھر پر پہنچ کر اپنے گھر پر مہدی زنگی ولد مہدی اختر ظفر خان کے ساتھ 810 حوالہ کر کے ذبح جرم کیا گیا۔ مہدی زنگی ولد مہدی اختر ظفر خان نے 17/07/2021 کو 22:45 بجے اپنے گھر پر پہنچ کر اپنے گھر پر مہدی زنگی ولد مہدی اختر ظفر خان کے ساتھ 810 حوالہ کر کے ذبح جرم کیا گیا۔

Attested  
M.A.



کی حد تک ...

دفعہ 164 ...

مذکورہ ...  
مذکورہ ...  
مذکورہ ...  
مذکورہ ...

مذکورہ ...  
مذکورہ ...  
مذکورہ ...  
مذکورہ ...

التواضع  
تسلیہ ...  
24/09/2021

Attested  
M. Arifan

13

Annex-C

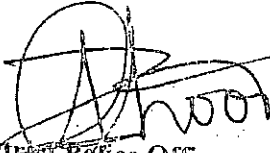
ORDER

This office order will dispose of the departmental enquiry against Constable Jrfan No.542 of Anti Corruption. While posted at anti corruption establishment repatriated to this district due to involvement in case vide FIR No.708 dated 17-07-2021 U/S 302 PPC PS Havelian. Your this illegal act earned bad name for entire police department as well as in the eye of general public, which is tantamount to gross misconduct on your part being a member of discipline force.

He was issued Charge Sheet along with statement of allegations and Mr. Sajjad Khan SDPO Havelian was appointed as Enquiry Officer but he did not bother to submit his written reply in response to charge sheet Enquiry Officer called him to join in Enquiry proceedings but he failed to appear in Enquiry proceeding. He conducted departmental enquiry against the delinquent official and recorded statements of all concerned. After conducting departmental enquiry, the Enquiry Officer submitted his findings, wherein allegations have been proved against him by taking Ex party action against him. Consequently, he was served with Final Show Cause Notice, in response to which he did not submit his written explanation. He was summoned to appear in Orderly Room on 26-01-2022 but he again failed to appear in OR.

Therefore, in-exercise of the powers vested in the undersigned Police Disciplinary Rules-1975 (Amended 2014), I, Zahoor Babar, Afridi (PSP) District Police Officer, Abbottabad as a competent authority, am constrained to award him major punishment of Dismissal from service, with immediate effect.

Order announced.

  
District Police Officer,  
Abbottabad

No. 6412-44 / dated 28 / 01/2022.

Copy to:

- 1. Pay Officer
- 2. EC
- 3. OB

*Attested  
m. Jafar*



(14)

Annex-1

بخدمت جناب DFO صاحب اسٹیشن آباد

جناب عالی

28.4.2022  
 گنہگار شہید کی قبر پر مقررہ عمارت کے طور پر  
 کو برصغیر میں کیے جانے والے امور کے بارے میں  
 میری اطلاع کرتا ہوں۔  
 مذکورہ درخواست اس پر مبنی ہے  
 ڈیپارٹمنٹ آف رورل کارپوریشن  
 صاحبان RPCC صاحبان کے ذریعے  
 کیے گئے ہیں۔

التعمیرات

ممبر سہولت  
S42  
EX

Attested  
M. Khan

15

Annex - E

IN THE COURT OF RAJA MUHAMMAD SHOAIB KHAN,  
ADDITIONAL SESSIONS JUDGE, ABBOTTABAD AT HAVELIAN.

Bail Petition No. 515/4-A of 2022  
Muhammad Irfan .....Vs..... State

Order—05  
28.11.2022

3

APP Lubna Shehzadi for State, accused/petitioner through learned counsel Malik Haider Ali Advocate present. Complainant alongwith his learned counsel Qazi Muhammad Arshad Advocate.

Accused/petitioner **Muhammad Irfan** s/o Muhammad Zaman **Caste** Tanoli r/o Kajal, Tehsil, Havelian & District Abbottabad, seek his post arrest bail in case **FIR No. 708** dated 17.07.2021 under Sections 302/34 PPC of Police Station **Havelian**, Abbottabad.

Arguments on behalf of the accused/petitioner already heard, while arguments for the complainant heard today.

Record depicts that present accused/petitioner has not been directly charged in the FIR. The present accused/petitioner was although, charged in the statement of complainant u/s 164 Cr.P.C on 05.09.2021 as Irfan police official for purchasing a new pistol by deceased Tahir Mehmood and murder of his son with the help of present accused/petitioner. The main accused was already been released on bail by the court of learned ASJ-VII Abbottabad vide order dated 08.09.2021. There is no recovery and confession on the part of the accused/petitioner. The alleged occurrence is unseen without any reasonable linkage

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of the present accused/petitioner with the commission of the same. Investigation is complete to the extent of present accused/petitioner and he is no more required for any other purpose.

In view of above, bail petition is accepted and the accused/petitioner is directed to be released subject to furnishes bail bonds in the sum of Rs.200,000/-, with two sureties each in the like amount to the satisfaction of this court. Requisitioned record be returned. File be consigned to Record Room after necessary completion.

Announced  
28.11.2022

(Raja Muhammad Shoaib Khan)  
Additional Sessions Judge,  
Abbottabad at Havelian.

~~ADDITIONAL SESSIONS JUDGE~~

FB

3 DEC 2022

EXAMINER  
Additional Sessions Judge  
Abbottabad

24725 Date 12-12-22  
D. of Presentation Application  
No of Vols  
Copy  
Date  
Bihil 13-12-22  
21-12-22

(17)

Annex-F

BEFORE THE REGIONAL POLICE OFFICER HAZARA REGION

ABBOTTABAD

(Departmental Appeal by Mohammad Irfan FC No. 542 District Police Abbottabad)

DEPARTMENTAL APPEAL AGAINST ORDER DATED 28-01-2022 ISSUED BY DISTRICT POLICE OFFICER ABBOTTABAD WHEREBY APPELLANT HAS BEEN DISMISSED FROM SERVICE.

PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL ORDER DATED 28-01-2022 MAY KINDLY BE SET ASIDE AND APPELLANT BE RE-INSTATED IN SERVICE FROM THE DATE OF DISMISSAL WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respected Sir,

With most respect and reverence the following few lines are submitted for your kind consideration and favorable orders:-

1. That appellant has served the police department for about 15 years. Appellant always performed his assigned duties with zeal, zest, devotion, dedication and honesty to the entire satisfaction of his officers and never provided a chance of reprimand. Appellant has meritorious service record at his credit.
2. That appellant while posted as Constable in Anticorruption Establishment Haripur and performing his duties was falsely charged on 05-09-2021 by complainant in his statement u/s-164 Cr.PC in FIR No. 708 dated 17-07-2021 u/s-302 PPC PS Havelian and was subjected to threatens of dire consequences by complainant party. Due to these threats the appellant was constrained to shift his family consist upon minor children and old ailing parents to a safe place. Appellant submitted application to the DPO Abbottabad for grant of 04 months Earned leave on

Attested  
M. Irfan

the expectation of its sanction and himself remained busy for settling his family at a far-flung safe area and managing edible and other daily use items for them. Appellant received nothing from department with regard to sanction or otherwise of his leave. **(Copy of leave application is attached as "A")**.

3. That allegations leveled against the appellant in the statement u/s-164 Cr.PC dated 05-09-2021 in FIR No. 708 dated 17-07-2021 (after 50 days of FIR) were false, fabricated and baseless against the facts and after thought with malafide intention, just to cause him damage in his service for being a relative of the accused family otherwise appellant had nothing to involve himself in criminal case. There is no wrong on the part of appellant.
4. That as per District Police Officer Abbottabad he on receipt of inquiry report vide his order dated 28-01-2022 dismissed the appellant from service. **(Copy of dismissal order dated 28-01-2022 is attached as "B")**.
5. That though appellant was dismissed from service on 28-01-2022 but copy of the dismissal order was never addressed to him. When appellant appeared before the DPO Abbottabad for duty he was informed that his services has been dismissed. Appellant made several visits to DPO Abbottabad office for his dismissal order but every time he was not delivered the same on one or the other pretext. At last appellant had to submit written application dated

*Attested*  
*m. Arifan*

07-12-2022 for issuing dismissal order which was then gave to him on 21-12-2022. **(Copy of the application is attached as "C")**.

6. That no proper departmental inquiry was conducted. Neither a Charge Sheet nor a Final Show Cause Notice was issued to appellant. He was also not given a copy of inquiry report, if any. Even the appellant was not provided the opportunity of personal hearing and he was awarded major punishment of dismissal from service in serious violation of law, departmental rules & regulations, facts and principle of natural justice.
7. That the departmental authorities under rule CSR-194-A were bound to have kept the appellant under suspension and waited for the out come of the Trial Court in criminal case against the appellant. But they in hurry dismissed the appellant without following the above cited rules.
8. That the appellant appeared before the ASJ Abbottabad at Havelian and submitted post arrest bail application which was accepted and the appellant was granted bail vide order dated 28-11-2022 copy of which was issued on 21-12-2022. **(Copy of the bail order is attached as "D")**.
9. That appellant is totally innocent and had discharged his official duties with devotion, dedication and honesty but still he was awarded

Attested  
M. Affam

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with major punishment of dismissal from service without any cause or justification. There is nothing wrong on the part of appellant.

10. That if the appellant is provided with a chance of personal hearing, he will really prove himself as innocent by explaining all the facts and circumstances of the matter.

In view of the aforementioned facts it is earnestly requested that order dated 28-01-2022 of the District Police Officer, Abbottabad may kindly be set aside and appellant be reinstated in service from the date of dismissal with all consequential service back benefits. Appellant shall pray for your good health and long life. Thanking you sir in anticipation.

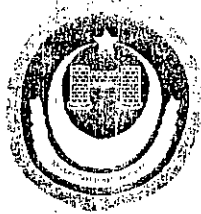
Yours Obedient Servant

(Muhammad Irfan)  
S/O Muhammad Zaman  
Constable No. 542  
District Police Abbottabad

Address: Village: Gujgal,  
Tehsil Havelian  
District Abbottabad  
Mobile No.0313-5912591

Dated: 29-12-2022

Attested  
M. Irfan



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Annex-9

OFFICE OF THE REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.pohazara@gmail.com

NO: 5268 / E DATED 08/03/2023


ORDER

This order will dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex-Constable Muhammad Irfan No. 542 of District Abbottabad against the order of punishment i.e. *Dismissal from Service* awarded by District Police Officer Abbottabad vide Order Book No. 27, dated 23-01-2022.

Brief facts leading to the punishment are that the appellant while posted in Anti-Corruption Establishment repatriated to Abbottabad District due to involvement in case FIR No. 708, dated 17-07-2021 u/s 302 PPC PS Havelian. His this illegal act earned bad name for entire police department as well as in the eye of general public.

The appellant was issued charge sheet with statement of allegations by District Police Officer, Abbottabad and SDPO Havelian Abbottabad was deputed to conduct departmental enquiry. The Enquiry Officer in his findings held the appellant responsible of misconduct. Consequently, District Police Officer, Abbottabad awarded him major punishment of Dismissal from Service. Hence, the appellant submitted this present appeal.

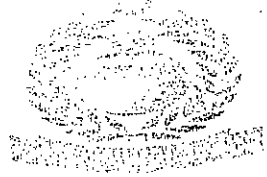
After receiving his appeal, comments of District Police Officer, Abbottabad were sought and examined/perused. The undersigned called the appellant in OR on 07-03-2023 and heard him in person, where he has been given reasonable opportunity to defend himself against the charges, however he failed to advance any justification in his defense & from the perusal of his service record it transpired that he was dismissed second time from service. Thus, the disciplinary action taken by the competent authority seems genuine and the appeal is liable to be dismissed. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014) the instant appeal is hereby *filed/rejected* with immediate effect.

  
TAHIR AYUB KHAN (PSP)  
Regional Police Officer,  
Hazara Region, Abbottabad.

Copy forwarded to District Police Officer, Abbottabad for information and necessary action w/r to his office Memo: No.48/PA, dated 09-01-2023. Service Roll and Fauji Missal containing enquiry file of the appellant is returned herewith for record.

Accepted  
M. Irfan





# وکالت نامہ

بعدالت جناب محمد حسن صاحب خیر بخشوں ڈاٹ کام سپریم ٹریڈنگ کمپنی  
منجانب ایڈولٹ

محمد عرفان  
دعویٰ یا جرم سرورس ایبل

مندرجہ بالا عنوان میں اپنی طرف سے بیرونی وجوہات ہی مقام **ٹیٹا اور ایبل ٹریڈنگ کمپنی** کے  
محمد اعظم تنولی ایڈووکیٹ بدین شرط وکیل مقرر کیا۔ کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص  
رو برو عدالت حاضر ہونا کروں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی  
پیشی پر مظہر حاضر نہ ہوں۔ اور حاضری کی وجہ سے کسی وجہ پر مقدمہ میرے خلاف ہو گیا تو وہ جب موصوف اس کے کسی طرف ذمہ دار نہ  
ہوئے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی اور جگہ یا پکھری کے مقرر اوقات سے پہلے یا بروز  
تعمیل بیروی کرنے کے مجاز نہ ہوئے۔ اگر مقدمہ مقام پکھری کے کسی اور جگہ سامنے ہونے یا بروز پکھری کے اوقات  
کے آگیا یا پیشے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے نائب اپنے کسی معاوضہ ادا کرنے مختار نامہ داخل کرنے کے  
بھی صاحب موصوف ذمہ دار نہ ہوئے۔ مجھے کل ساختہ پروا خیر صاحب شمس کردہ ذات خود منظور و قبول ہوگا اور صاحب  
موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری و نظر ثانی ایبل 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 تالی و راضی نامہ ذیلہ برخلاف کرنے اقبال دعوے کا اختیار ہوگا۔ اور بصورت ایبل و  
برآمدگی مقدمہ یا منسوخی ڈگری یا طرفہ درخواست حکم اختتامی یا ڈگری قبل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو  
بشرط ادائیگی علیحدہ بیروی مختار نامہ کریں کا مجاز ہوگا۔ اور بصورت ضرورت ایبل یا ایبل کے واسطے کسی دوسرے وکیل یا بیرونی  
کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوئے جیسے صاحب  
موصوف کو۔ پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیرونی نہ  
کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے اس قدر ہے مضمون  
مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

Accepted by  
M. Aslam

مورخہ: 15-03-2023

M. Aslam  
(محمد عرفان ایڈولٹ)