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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD

Service Appeal No. 677/2015

Date of Institution... 15.05.2015

Date of decision... 22.02.2018

Sajid Farooq son of Gohar Rehman, Sub Inspector Investigation, Police Station,
Karoar, District (R/O Sector No. 1 KTS, Haripur). ... (Appellant)

Versus

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and two
others. ... (Respondents)

Mr. Muhammad Aslam Tanoli,
Advocate

... For appellant.

Mr. Ziaullah,
Deputy District Attorney

... For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. MUHAMMAD HAMID MUGHAL,

... CHAIRMAN
... MEMBER

JUDGMENT

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

FACTS

2. The appellant was reduced in rank on 18.02.2015 against which he filed
departmental appeal on 24.02.2015 which was not responded to and thereafter, he
filed the present service appeal on 15.5.2015.

ARGUMENTS

3. The learned counsel for the appellant argued that the appellant was a competent police officer. That his performance was acknowledged by his superiors by rewarding him on different occasions. That the appellant was assigned the task of arresting some P.Os which he did to the best of his ability and a list of P.Os arrested by him was on the file bearing dated 11.2.2015. That on the basis of this performance the appellant was also rewarded. That the appellant arrested one Amjad Qureshi whose name appeared at S. No. 8 of the above mentioned list. That on 16.1.2015, a letter was issued by the IGP Khyber Pakhtunkhwa to the Regional Police Officer, Hazara Region wherein there was a mention of a complaint and the IGP directed the RPO to award major penalty to the officer short of dismissal. That on the basis of this letter the RPO further instructed the concerned DPO to initiate the proceedings. The DPO after initiating the proceedings issued a show cause notice to the appellant on 19.1.2015 by dispensing with the enquiry and after reply to the show cause notice and personal hearing awarded the penalty of reduction in rank vide order dated 18.2.2015. That the whole proceedings were illegal on the ground that the PPO directed the DPO before any enquiry etc. to award the penalty to the appellant. That no regular enquiry was conducted though factual controversy was involved in the complaint and the show cause notice.

4. On the other hand learned DDA argued that the DPO was competent to dispense with the enquiry. That the show cause notice was issued under Rule 5(3)

of the Khyber Pakhtunkhwa Police Rules, 1975. That there was no need of enquiry.

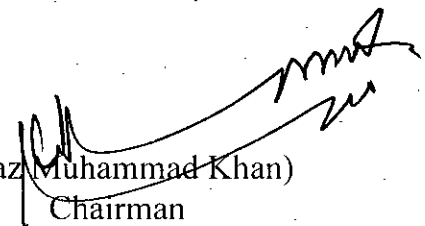
CONCLUSION.

5. The very proceedings were marred by the letter of the IGP dated 16.1.2015 whereby the appellant was awarded penalty by the PPO just on the basis of a complaint. How a PPO could direct his subordinate to award the penalty to the appellant prior to any proceedings by the concerned authority. How a DPO could deviate from the letter of PPO dated 16.1.2015 wherein the PPO had awarded the penalty. This is an extreme example of interference by the higher authority in the discharge of functions of his subordinates. The show cause notice issued by the DPO itself shows that factual controversy was involved and the complaint was to be thrashed out by holding an enquiry. The facts of the complaint were verified by the DPO through a fact finding enquiry and on the basis of the fact finding enquiry the appellant was awarded major penalty. It is ironical to note that in the show cause notice issued on 19.1.2015 the DPO had dispensed with the enquiry but after three days he appointed enquiry officer namely Hassam Bin-e-Iqbal on 22.1.2015 which is clear from the report of said Hassam Bin-e-Iqbal. This is a paradox that on one hand in the show cause notice dated 19.1.2015 the DPO dispensed with the enquiry and after three days on 22.1.2015 he appointed an enquiry officer without issuing of any charge sheet and statement of allegations to the appellant or associating the appellant in the enquiry proceedings and then in the final order dated 18.2.2015 reference was given to report of the said enquiry officer.

6. This Tribunal is, therefore, of the view that the whole proceedings were illegal and the penalty cannot be sustained. This Tribunal, therefore, accepts the appellant and sets aside the penalty. This Tribunal would not issue directions to the department to hold denovo proceedings because in the presence of the letter from the PPO no subordinate can decide the enquiry impartially. Parties are left to bear their own costs. File be consigned to the record room.



(Muhammad Hamid Mughal)
Member



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


ANNOUNCED

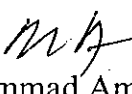
22.02.2018

Service Appeal No. 677/2015

20.12.2017

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Nazir, Head Constable for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 22.02.2018 before D.B at Camp Court Abbottabad.


(Gul Zehra Khan)
Member (Executive)
Camp Court Abbottabad

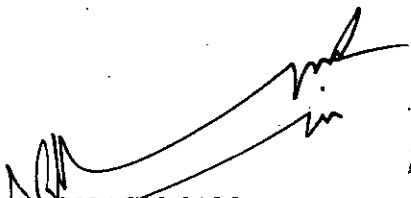

(Muhammad Amin Khan Kundi)
Member (Judicial)
Camp Court Abbottabad

22.02.2018

Counsel for the appellant and Mr. Ziaullah, DDA alongwith S. Akhlaq Hussain Shah, Inspector (Legal) for the respondents present. Arguments heard and record perused.

This appeal is accepted as per our detailed judgment of today. Parties are left to bear their own costs. File be consigned to the record room.



MEMBER


CHAIRMAN
Camp Court, A/Abad

ANNOUNCED
22.02.2018


21.11.2016

Counsel for the appellant and Mst. Bushra Bibi, Government Pleader for respondents present. The Bench is incomplete. To come up for rejoinder and final hearing before D.B on 17.4.2017 at camp court, Abbottabad.


Chairman
Camp Court, A/Abad

17.04.2017

Counsel for the appellant and Mr. Akhlaq Hussain Shah, Inspector (Legal) alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Counsel for the appellant seeks adjournment to submit rejoinder. D.B is also not available. To come up for rejoinder final hearing before the D.B on 16.10.2017 at camp court, Abbottabad.


Chairman
Camp court. A/Abad

16.10.2017

Appellant with counsel and Mr. Muhammad Bilal, Deputy District Attorney alongwith Muhammad Nazir, H.C for the respondents present. Rejoinder received. To come up for arguments on 20.12.2017 before the D.B.


Member


Chairman
Camp court, Abbottabad.


16.11.2015

Appellant with counsel and Mr. Akhlaq Hussain Shah, Inspector (legal) alongwith Mr. Muhammad Siddique, Sr.G.P for respondents present. Requested for adjournment. To come up for written reply/comments on 17.2.2016 before S.B at Camp Court A/Abad.


Chairman
Camp Court A/Abad.


17.02.2016

Appellant with counsel and Mr. Akhlaq Hussain Shah, Inspector (legal) alongwith Mr. Muhammad Saddique, Sr.G.P for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments before S.B on 21.4.2016 at Camp Court A/Abad.


Chairman
Camp Court A/Abad

21.04.2015

Counsel for the appellant and Mr. Haq Nawaz, Constable alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Written reply by respondents submitted. The appeal is assigned to D.B for rejoinder and final hearing for 21.11.2016 at Camp Court, Abbottabad.


Chairman
Camp court, A/Abad.


19.08.2015

Appellant Deposited
Security & Process Fee

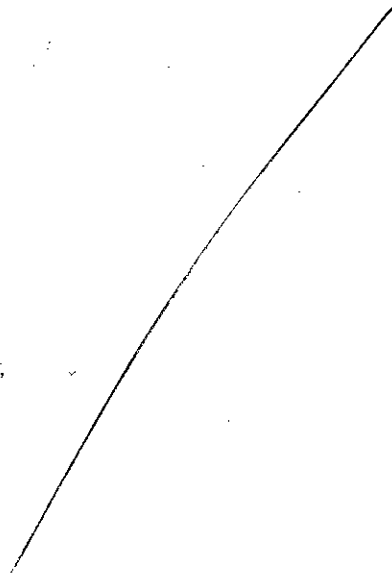
Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as SI when subjected to enquiry on the allegations of raiding the abode of POs during midnight instead of arresting the said POs from shop located on the main KKH and thus harassed the family members of the POs and therefore major penalty in the shape of reduction in rank was imposed against him vide impugned order dated 18.02.2015 regarding which he preferred departmental appeal on 24.02.2015 followed by service appeal on 15.05.2015 .

That the appellant has raided the premises keeping in view the provisions of Police Rules and has violated none of such rules and, moreover, favourable reports were recorded by the Inquiry Officer but despite the same the impugned major penalty was imposed which is not sustainable in the eye of 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 16.11.2015 before S.B at camp court A/Abad.


Chairman

Camp Court Abbottabad





Form- A
FORM OF ORDER SHEET

Court of _____

Case No. _____

677/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	16.06.2015	<p>The appeal of Mr. Sajid Farooq presented today by Mr. Muhammad Aslam Khan 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	22-6-15	<p>This case is entrusted to Touring Bench A.Abad for preliminary hearing to be put up thereon <u>19-08-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

This is an appeal filed by Mr. Sajid Farooq today on 15/05/2015 against the order dated 18.02.2015 against which he preferred/made a departmental appeal on 24.02.2015 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action.

No. 737 /ST,

Dt. 15/5 /2015


REGISTRAR- 15/5/15
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Aslam tanoli Adv. Haripur

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal no. 677/2015

Sajid Farooq S/O Gohar Rehman, Sub. Inspector (Inv.OII) Police Station
Karoar, District Tourghar (R/O Sector-No.1, KTS, Haripur).

Appellant

VERSUS

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

Respondents

SERVICE APPEAL

S/No	Description of Document	Ann- exure	Page No.
1.	Appeal		1-12
2.	Copy of impugned order dated 18-0-2015.	"A"	13
3.	Copy of Daily Diary Mad No.54 dated 08-01-2015	"B"	14
4.	Copy of FIR No.905.	"C"	15-16
5.	Copy of Application for recording statement of Hafeez.	"D"	17
6.	Copy of order of Judicial Magistrate.	"E"	18
7.	Copy of statement of Hafeez (Affectee).	"F"	19-20
8.	Copy of list of arrested proclaimed offenders.	"G"	21-23
9.	Copy of order dated 16-01-2015 of P.P.Officer.	"H"	24
10.	Copy of Show Cause Notice.	"I"	25
11.	Copy of Reply to Show Cause Notice.	"J"	26-28
12.	Copy of Warrant/DFC Report dated 19-09-2014.	"K&L"	29-30
13.	Copy of inquiry report 16-02-2015.	"M"	31-35
14.	Copy copies of commendation/reward certificates.	"N"	36-37
15.	Photo-graphs	"O"	38-39
16.	Copy of departmental appeal dated 24-02-2015.	"P"	40-47
17.	Wakalatnama		

Through:

APPELLANT

M. Aslam Tanoli
A.T.W.

(Mohammad Aslam Tanoli)
Advocate High Court
at District Bar Haripur

Dated: 15-05-2015

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

**K.W.F Province
Service Tribunal**

Diary No. 507

Dated 15-5-2015

Appeal no. 677/2015

Sajid Farooq S/O Gohar Rehman, Sub. Inspector(Inv.OII) Police Station
Karoar, District Tourghar (R/O Sector-No.1, KTS, Hariur.)

Appellant

VERSUS

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

Respondents

APPEAL UNDER SECTION-4 KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT 1974 AGAINST THE ORDER OB NO.39 DATED
18-02-2015 PASSED BY THE DISTRICT POLICE OFFICER
MANSEHRA THE APPELLANT HAS BEEN AWARDED WITH THE
MAJOR PENALTY OF REDUCTION IN RANK FROM SUB.
INSPECTOR TO ASSTT. SUB. INSPECTOR WITH EFFECT FROM
18-02-2015.

PRAYER: ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL
THE ORDER DATED 18-02-2015 MAY GRACIOUSLY BE SET
ASIDE AND THE APPELLANT BE RESTORED IN HIS RANK OF
SUB. INSPECTOR FROM THE DATE OF REDUCTION WITH HIS
ORIGINAL SENIORITY AND WITH ALL CONSEQUENTIAL
SERVICE BACK BENEFITS ON RENDITION OF ACCOUNT.

Respectfully sheweth,

1. That the District Police Officer, Mansehra vide his order OB No.39 dated 18-02-2015 has awarded the appellant with major penalty of reduction in rank from Sub. Inspector to Assistant Sub. Inspector with effect from 18-02-2015.

(Copy of order dated 18-02-2015 attached as Annex- "A").

2. That the impugned order of the District Police Officer, Mansehra is illegal, unlawful, against the facts & circumstances and passed in utter violation of mandatory statutory provision of law, passed without adhering to the inquiry procedure, departmental rules and regulations and in a slipshod & perfunctory manner; hence liable to be set aside.

re-submitted to-day
and filed.

Registrar

16/6/15

FACTS:

3. That just after posting as S.H.O. City Police Station, Mansehra on 28-11-2014 the appellant was entrusted with special task of arresting a large number of Proclaimed Offenders who were at large quite for a long time.

4. That on the night of 07-08/01/2015 the appellant received an spy information that Proclaimed Offender namely Gulfaraz Qureshi S/O Umar Khitab Qureshi R/O Ghazi Kot Township, Mansehra involved in case FIR No.905/14 U/S-435/147/149 PPC was available in his house. Believing the information as true the appellant alongwith police party including **lady constable Bushra No.1168** and Investigating Officer IHC/INV Chan Zeb, conducted the raid and arrested the P.O. Gulfaraz.

5. That during the raid, Informer also intimated that P.O. Amjad (real brother of PO Gulfranz) whose name had wrongly been incorporated as "Ahmed" instead of "Amjad" involved in FIR No.905 alongwith another P.O. Waqar was also available inside the house. So they were also arrested. All three accused were confined in Lock-up. The IHC/INV Chan Zeb was directed to take legal steps with regard to verification/correction of the name of PO Amjad. **(Copy of DD Mad No.54 dated 08-01-2015 is attached as "B")**.

6. That so far recording name of the PO as "Ahmed instead of Amjad" is concerned "the cases with FIR No.904 & 905/2014 were registered at the report of the then ASHO/Gulzar Khan Police Station City Mansehra. The P.O. Gulzar was nominated as accused in both the cases while the name of Amjad was incorporated later on by the statement of Hafeez S/O Mohammad Sadiq (affectee) under section 161 Cr.PC. His name was written as "Ahmed" Qureshi S/O Umar Khitab R/O Ghazi Kot Township.

7. That the then Investigation Staff (S.I. Munir and Chan Zeb IHC/Inv) did not verify the name of accused Amjad in the initial

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stage and started absentia proceeding against both Gulzar and Amjad without any efforts to arrest them and submitted challan u/s 512 Cr.PC. Thus they shifted the responsibility of arresting the accused to preventive staff by declaring both the accused as Proclaimed Offenders. In fact all this was done by the then Investigation Staff to save themselves from facing the situation which the appellant is confronting today because they knew that accused P.Os. Gulzar and Amjad were influential and therefore they did not lay hands upon the accused to arrest them. The then Investigation Staff felt it better to declare them Proclaimed Offenders and leave their arrest to their other colleagues.

8. That the very facts have been mentioned in his report dated 16-02-2015 submitted by Mr. Hasam-bin-Iqbal, ASP/SDPO Balakot at Page-4 of inquiry findings, para-2 & 3 of Recommendation that "Mohammad Munir SI the then Investigation Officer PS City Mansehra may be awarded major punishment for his criminal negligence of verifying correct name of person and his inability to arrest Gulfaraz and Ahmed who were present in the market this creating whole situation. He also commenced absentia proceeding U/S 512 Cr.P.C against a person which identity was not confirmed. DFC mislead the I.O. and Court while processing U/S 204 Cr.P.C warrant, so major punishment is also suggested against him.
9. That as the IHC/Inv/Chan Zeb was directed by the appellant to take legal steps with regard to verification of name of arrested P.O. Amjad. The IHC/Inv took permission from Judicial Magistrate-I Mansehra and recorded statement of Hafeez S/O Mohammad Sadiq (affectee) who was in Jail in a case FIR No.902 dated 22-08-2014. Appellant had acted honestly while arresting said Proclaimed Offenders. He did nothing beyond his official duties, responsibilities and jurisdiction. **(Copies of FIR NO. 905, Application for recording statement of Hafeez, Order of JMIC Mansehra, Statement of Hafeez are attached as Annex-"C, D, E & F")**.

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10. That appellant arrested not only P.Os Gulfaraz, Amjad and Waqar rather 12 Proclaimed Offenders in a very short time i.e. from 28-11-2014 to 08-01-2015. The arrest of proclaimed offenders was necessary and therefore raid was essential and in accordance with law. **(List of arrested Proclaimed Offenders is attached herewith as Annexure-"G")**.
11. That against his said arrest the PO Amjad made a complaint to the District Police Officer, Mansehra wherein he alleged that "Sajid Farooq the SHO PS City Mansehra on the night between 7-8/01/2015 alongwith police party illegally raided the applicant house and broke the main gate of his house. The incident caused defamation to his family reputation and mental torture. He further alleged that the SHO has forged the name Ahmed into Amjad in case FIR No.905/14 U/S-435/147/149 PPC to falsely involve him in this case".
12. That before issuing any explanation, charge sheet, show cause notice or conducting inquiry, the Provincial Police Officer, KPK, Peshawar vide letter No.614-16/PPO dated 16-01-2015 passed an order against the appellant to the Regional Police Officer, Hazara Region, Abbottabad directing him that "DPO to award major penalty to the officer short of Dismissal under intimation to this office. Simple SCN in enough. Enquiry has already been conducted". **(Copy of order dated 16-1-2015 of PPO is attached as Annex "H")**.
13. That thereafter the District Police Officer, Mansehra served the appellant with the Show Cause Notice dated 19-01-2015 which was duly replied by the appellant on 02-02-2015 explaining all facts, circumstances and legal position of the matter. **(Copies of the Show Cause Notice and its reply are attached "I & J")**.
14. That the District Police Officer, Mansehra appointed Mr. Hassam-bin-Iqbal, ASP/SDPO Balakot as Inquiry Officer who concluded enquiry and submitted his findings dated 16-02-2015 exonerating

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the appellant of the charges and declared him as innocent. In his enquiry findings, the Enquiry Officer submitted that:

- a) SHO PS City receiving credible information that 3 POs concerned FIR No.905/14 & 904/15 namely Gulzar, Amjad & Waqar present in the house of Gulzar conducted raid on said house and all 03 Pos were apprehended. Later it was found that the first name of Amjad was written as Ahmed by mistake in record but his father's name & address were correct. SHO had powers to arrest POs without Warrant, enter the house to arrest and conduct raid under CrPC. Further Arrest of PO Waqar at the same time and at the same place eliminates doubt that the raid was manipulated to defame accuse. Further Lady Constable Bushra stated that she was present during the raid.
- b) While going through police rules, it is found that SI Sajid had no legal restriction about choosing time of raid to arrest any person whom he is authorized to arrest.
- c) No other changing was noticed on history sheet, case diaries and register No.10. So it is concluded that forgery was not intended. However, the correction of name was done as per prevalent procedure.
- c) Carelessness on part of complainant. On 15-09-2014, **DFC Sher Mohammad** No.622 went to the complainant Amjad with **warrant U/S-204 Cr.PC** for attendance in court against Ahmed Qureshi S/O Umar Khatab Qureshi R/O Ghazi Kot. Amjad despite having similar name, same father name and address and concerned in same offence stated that he is not known or associated with Ahmed Qureshi S/O Umar Khatab Qureshi R/O Ghazi Kot.
- d) **Recommendation:** SI Sajid Farooq may be **awarded minor punishment** for mistakenly writing wrong date of arrest on history sheet. SI should be counsel for use of legitimate

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powers with caution. **(Copies of Warrant, DFC Report and Findings of Enquiry are attached as Annex-"K, L & M")**.

15. That on receipt of inquiry report dated 16-02-2015, the District Police Officer, Mansehra straightway awarded the appellant with major penalty of reduction in rank from Sub. Inspector to ASI illegally, against the facts, contrary to the departmental rules & regulation, enquiry procedue and natural justice as well as on the basis of pre-determined mind under the orders of High-Ups.
16. That Show Cause Notice was served upon the appellant on 19-01-2015, while inquiry report was sought on 22-01-2015. On receipt of inquiry report dated 16-02-2015 the District Police Officer Mansehra awarded the appellant with major penalty of reduction in rank vide his order dated 18-02-2015. But astonishingly much before the initiation of so-called departmental formalities the Provincial Police Officer, KPK, Peshawar vide order No.614-16/PPO dated 16-01-2015 had directed the Regional Police Officer, Hazara Region, Abbottabad to dismiss the appellant.
17. That inquiry report and issuing of Show Cause Notice to the appellant were mere completion of formalities otherwise Police Officers were already under pressure to award penalty to the appellant because the proclaimed offenders Gulfaraz & Amjid Qureshi are very influential.
18. That not only the charge leveled against the appellant in the Show Cause Notice was incorrect rather he has been condemned unheard. Neither Charge Sheet was served upon the appellant nor was a full fledged/proper inquiry conducted. Neither any witness was produced against the appellant nor was he provided with a chance of cross-examination. No documentary proof was ever brought on record against the appellant was he confronted with such proof however the appellant was awarded with Major Penalty of reduction in rank on flimsy grounds and that too without any fault on his part.

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19. That appellant always performed his assigned duties with devotion, dedication, dexterity, honesty and with a sense of responsibility and never provided a chance of reprimand to his worthy officers. Appellant has excellent rather meritorious service record at his credit.

20. That due to his tremendous services in the Police Department the appellant was awarded with the commendation certificates as well as Cash Rewards on different occasions by his worthy Police High-Ups.

(Photo copies of commendation/cash reward certificates and photo graphs are attached as Annex-"N & O").

21. That in view of the facts and circumstance mentioned above, by stretch of no imagination the appellant could be held responsible for the allegation as mentioned in the Show Cause Notice issued to him.

22. That the Appellant preferred a departmental dated 24-02-2015 challenging the impugned order dated 18-02-2015 which has not been responded till this day; hence instant service appeal inter alia, on the following grounds:

(Copy of departmental appeal is attached herewith as Annex-P)

GROUND

- i) That the impugned order dated 18-02-2015 is illegal, unlawful passed in slipshod, cursory and superficially manner, contrary to facts on record thus is liable to be set aside.

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- ii) That the appellant has been awarded the Major Penalty of reduction from the rank of Sub Inspector to ASI dispensing with full fledged in violation of requirements of statutory mandatory provisions of law; hence the impugned order is not sustainable in the eyes of law and needs to be down straight way.
- iii) That the appellant has been awarded with the major penalty under pressure with pre-determined mind and in utter violation of law, departmental rules & regulations, procedure and natural justice.
- iv) That no Charge Sheet/Statement of allegations was issued to appellant while calling so-called Enquiry Report against appellant.
- v) That the appellant was neither called for by any Enquiry Officer nor was question about anything.
- vi) That neither any witness was ever produced against the appellant nor was appellant provided with a chance of cross-examining such witness, if any.
- vii) That neither any documentary evidence was brought on record against the appellant nor was he confronted with such documentary evidence.
- viii) That so-called Enquiry Officer while submitting his findings has exonerated the appellant of the charge leveled against and declared all the acts done and steps taken by the appellant during the raid as legal, in accordance with Law, Police Rule, Cr.P.C and Discipline. Enquiry Officer recommended only **Minor Penalty** for the appellant.

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- ix) That the District Police Officer, Mansehra (Competent Authority) has awarded the appellant with major penalty of reduction in rank contrary to the recommendation of Enquiry Officer and that too without recording any reason which was mandatory under the statutory provisions of law thus the impugned order is liable to be set aside.

- x) That the appellant while conducting the said raid had acted in accordance the provisions contained in Police Rules-1934 and Criminal Procedure Code and complying with all departmental rules and regulations, directives and instructions, police discipline and norms of ethics with full sense of responsibilities as a Police Officer and the allegation are incorrect and baseless; hence the penalty awarded on the basis of such complaint is against the law and natural justice and the impugned orders needs to be discarded.

- xi) That the appellant was never provided with the findings of inquiry before issuing of Show Cause Notice which is mandatory under the law. (Findings attached with this appeal were obtained by the appellant after awarding penalty and that too on his specific written request).

- xii) That no Final Show Cause Notice was ever issued to the appellant before awarding the major penalty of reduction in rank thus impugned order is liable to be set aside.

- xiii) That the appellant was never provided with the opportunity of personal hearing before awarding major penalty with is mandatory under the law, hence the impugned need to be turned down.

(10)

- xiv) That the appellant is a young, energetic, literate and experienced police officer with good reputation and exemplary service record.

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant appeal the impugned order dated 18-02-2015 may graciously be set aside and the appellant be restored in his rank of Sub. Inspector from the date of his reduction i.e. 18-02-2015 with all consequential service back benefits. Any other relief which this Honourable Tribunal deems fit may also be granted.

Through:


Appellant


Mohammad Aslam Tanoli
Advocate High Court
At Haripur.

Dated 15-05-2015

Verification:

It is verified that the contents of instant appeal are true and correct to the best of my knowledge and belief.


Appellant

(11)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Sajid Farooq S/O Gohar Rehman, Sub. Inspector(Inv.OII) Police Station
Karoar, District Tourghar R/O Sector-No.1, KTS, Hariur.

Appellant

VERSUS

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

Respondents

SERVICE APPEAL

AFFIDAVIT

I, Sajid Farooq, the appellant do hereby declare and affirm on oath that the contents of above titled Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed there-from.

Sajid
Deponent

Datd: 15-05-2015

Identified by :

M. Aslam Tanoli
Mohammad Aslam Tanoli
Advocate High Court
At District Bar Haripur



Sajid
APPELLANT

Dated: 15-05-2015

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Sajid Farooq S/O Gohar Rehman, Sub. Inspector(Inv.OII) Police Station
Karoar, District Tourghar R/O Sector-No.1, KTS, Hariur.

Appellant

VERSUS

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

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: 15-05-2015

-9 (13)
ORDER

Ann 12-A
→

In compliance to the orders of the worthy Regional Police Officer vide No. 33/C dated 13-01-2015, the undersigned issued Show Cause Notice to Si Sajid Farooq for conducting raid on the house of Amjad Khitab Qureshi s/o Umer Khitab r/o Ghazikot Township Mansehra and arresting him and his brother Gulfaraz, maltreating the family, threatening them with dire consequences and changing the name of Amjad Khitab Qureshi from Ahmed to Amjad in police record. A preliminary enquiry had already been conducted by SP Investigation Batagram which termed the raid unnecessary as the alleged PO was running a business on the main KKH and could have been arrested easily out of his residence.

With reference to the mentioned episode, Amjad Khitab Qureshi submitted a separate complaint to the undersigned vide No .862 dated 22.01.2015, alleging that Si Sajid Farooq conducted the raid on his abode at the behest of his opponent and that the gate of his residence was broken by the raiding party. A separate enquiry was conducted through ASP Balakot, who brushed aside the allegations and recommended punishment for mistakenly writing wrong date of arrest on history sheet and that the SI should have used legitimate powers with caution.

Having gone through all reports and the contents of OG-10 which mandates the SHO for conducting regular raids on the abode of the POs Si Sajid Farooq performed his duty but he could have easily arrested the PO from his shop on the main KKH or any other place and avoided harassment to the family members. He is therefore awarded major punishment of reduction in rank under Khyber Pakhtunkhwa Efficiency and Disciplinary Rules 1975.

District Police Officer,
Mansehra

OB No 39

Dated 18-02-2015

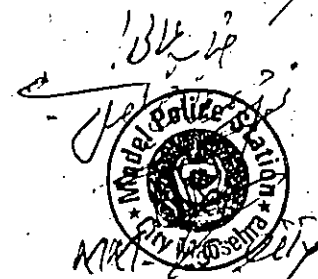
Sajid

خانہ سہ ماہی

جیل خانہ

نمبر 54 درجہ اولیٰ 15/8

نمبر 54 درجہ اولیٰ 15/8 وقت 00:50 بجے میں میرا پاس 4 بجایا نمبر 39 بلکہ
 39 نمبر میں نمبر 1/14 بجایا
 عبدالرحمن صاحب کی گھنٹی لپواری سرکاری گاڑی میں داخل ہوا 89 نمبر ڈرائیور کے
 دروازے سے داخل ہوا اور وہاں گھنٹی ختم ہونے سے اندر آئی جہاں
 اسٹیج پر خواتین جمع تھیں۔ عدالت 905/14 بجے 341/14 بجے 435/14 بجے
 خانہ سہ ماہی جہاں ٹیلیفون پر شہداء اور دیگر افراد نے طلب کیا۔ وہاں موجودگی کے
 عیوض سے ان کے نام لکھے گئے اور ان کے نام لکھ دیئے گئے جو میں نے فوراً اس اندر
 کو جمع کیا۔ جہاں ٹیلیفون پر شہداء 1168 اور دیگر افراد نے طلب کیا۔ خانہ سہ ماہی
 کی طرف سے ٹیلیفون پر شہداء کے نام لکھے گئے اور ان کے نام لکھ دیئے گئے
 اسٹیج پر شہداء کے نام لکھے گئے اور ان کے نام لکھ دیئے گئے۔ عدالت 905/14 بجے 341-147-149 بجے
 عدالت 905/14 بجے 435-147-149 بجے میں جب شہداء نے ان کے نام لکھے گئے اور ان کے
 نام لکھے گئے اور ان کے نام لکھ دیئے گئے۔ خانہ سہ ماہی کے اندر سے ان کے
 نام لکھے گئے اور ان کے نام لکھ دیئے گئے۔



12/10/2015
 9-1-2015

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ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 154 مجموعہ ضابطہ نو جہازی۔

تاریخ وقت وقوعہ 23/8/14 ورت 09:50 بجے
مقدمہ نمبر 905

تاریخ وقت رپورٹ 23/8/14 ورت 10:20 بجے	جائیدگی کی تاریخ 23/8/14 ورت 11:00 بجے
نام و سکونت اطلاع دہندہ مشتعل	گل نزار خان ASHO حقانہ سٹی
مختصر کیفیت جرم مع دفعہ حال اگر کچھ کیا گیا ہو۔	435-147-149
جائے وقوعہ فاصلہ حقانہ سے اور سمت دفتر ایٹیا اور ایڈوائزر واقعہ جھانسی پلازہ 0 ماؤن شپ جانب جنوب باغ کلاں 2/3 KM	
نام و سکونت ملزم	
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو تو وجہ بیان کرو۔	برسیدگی حراسہ مقدمہ تمام ہو
حقانہ سے روانگی کی تاریخ و وقت	روٹین ڈاکی

ابتدائی اطلاع نیچے درج کرو۔ بحوث صدر شہری حراسہ حوثہ گل نزار خان ASHO
 ری زیارت روڈ ٹھونک میں صوفی خاندان کا اطلاع ملی کہ جس شہر پندرہ عمار نے جھانسی پلازہ میں آئی دفتر
 وقوعہ صدر پنچا کو دیکھا جھانسی پلازہ میں واقع دفتر ایٹیا اور ایڈوائزر کا کاشٹیل قریب
 میں موجود مسلمان کارپین بیبل صوفی وغیر نکال کر باہر آویں جگہ میں رکھ کر ان کے مکانی بونے
 جس پر وہ ہم انیوں کے آگ پر نکلن جا بویان کی کوشش کی گئی لیکن آگ کی شدت
 سے جا بونہ پایا جا سکا خاٹر برگیڈ کو بل سے بدروع نہروں طلب کیا گیا تھا بھی پینچ
 نام ہم جگہ مسلمان جل چکا تھا خرید آگ کو ناز برگیڈ سٹاف نے بجھایا ہے دریا بند ہر معلوم
 ریاسر نقاش لہران علی زمان شفقت ولد سردار بیات ولد مسائیں ضیاض ولد ایوب
 خزان جہانگیر ولد بشارت ولد بابا معلوم و نام عرف دی ولد و نام سکنان جہانگیر کھوٹ
 10/5 اشخاص اسم و سکن نام معلوم کے آگ دفتر ایٹیا اور ایڈوائزر واقعہ جھانسی
 کاشٹیل کو دفتر کا مسلمان ماہر نکال کر آگ کے کار وقوع سے نہیں بھاگ سکے تھے میں ملزمین
 اور دیگر نام معلوم 10/5 اشخاص کو در طلب جرم بالا کا پانچ حراسہ نجر میں قائمی مقدمہ بدست بیبل
 881 ارسال حقانہ سٹی صدر دفتر کے نقل ہر جہ سے برات تفتیش حوالہ 172 سٹاف یا جاے
 ان بالا کو اطلاع دی جاوے میں ملزمان کی تلاش اور روڈ کو آزاد کرنے میں صوفی بھوں
 ڈانگری گل نزار خان ASHO حقانہ سٹی 23/8/14 کارروائی حقانہ آئندہ حراسہ مقدمہ جرم بالا
 نقل ہر جہ سے حراسہ بعض تفتیش حوالہ 177 سٹاف کیا جا تا ہے افسران بالا کو اطلاع
 کی ہے ہر جہ گزارش ہے

129

ASI - PS. city (M)

23-08-2014

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مقدمہ حالت نمبر 905 فر و خلاصہ 238 14 قفانہ سٹی ٹائپوگرافی 435/147/149 رقم 147/149 قفانہ سٹی ٹائپوگرافی

1106106 پانائن عدالت میں یا نہیں

کیا ملزم / ملزمان زیر دفعات

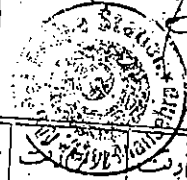
کیا ملزم / ملزمانہ مندرجہ ذیل سے ہیں

محرر رپورٹ کریں

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SHOI City 180 25/9/14

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M.M.P.S-City 25/9/2016

تاریخ گرفتاری	نام و پتہ ملزمان	نام و پتہ مشتکی علیہ	تفصیل مال مقدمہ	تاریخ و وقت رپورٹ	جائے وقوعہ
	نام و پتہ ملزمان	نام و پتہ مشتکی علیہ	تفصیل مال مقدمہ	تاریخ و وقت رپورٹ	جائے وقوعہ
	نام و پتہ ملزمان	نام و پتہ مشتکی علیہ	تفصیل مال مقدمہ	تاریخ و وقت رپورٹ	جائے وقوعہ

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کے لئے مشورہ فراہم کرنے والے ادارے کے نام سے پانچ دفعہ فراہم کیے گئے ہیں۔
کامات کی صورت میں 23/8 کو فراہم کیا گیا ہے۔

مال والا ذرا کھوئے ہیں۔ صرف وہی (میں نے) ان کے لئے پانچ دفعہ فراہم کیے ہیں۔
سر دفتر کو توڑ کر دفتر کا سامان باہر نکال کر آگ لگادی ہے اس کے بعد اس کے لئے

پیسے کے پیرل جانے شروع ہوئے تو دیکھا کہ پانچ دفعہ فراہم کیے گئے ہیں۔
پیسے کے پیرل جانے شروع ہوئے ہیں۔ پیرل سے پہلے ہی سے فراہم کیا گیا ہے۔
پیرل سے پہلے ہی سے فراہم کیا گیا ہے۔ پیرل سے پہلے ہی سے فراہم کیا گیا ہے۔

پیرل سے پہلے ہی سے فراہم کیا گیا ہے۔ پیرل سے پہلے ہی سے فراہم کیا گیا ہے۔
پیرل سے پہلے ہی سے فراہم کیا گیا ہے۔ پیرل سے پہلے ہی سے فراہم کیا گیا ہے۔
پیرل سے پہلے ہی سے فراہم کیا گیا ہے۔ پیرل سے پہلے ہی سے فراہم کیا گیا ہے۔

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پیرل سے پہلے ہی سے فراہم کیا گیا ہے۔ پیرل سے پہلے ہی سے فراہم کیا گیا ہے۔

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پیرل سے پہلے ہی سے فراہم کیا گیا ہے۔ پیرل سے پہلے ہی سے فراہم کیا گیا ہے۔
پیرل سے پہلے ہی سے فراہم کیا گیا ہے۔ پیرل سے پہلے ہی سے فراہم کیا گیا ہے۔

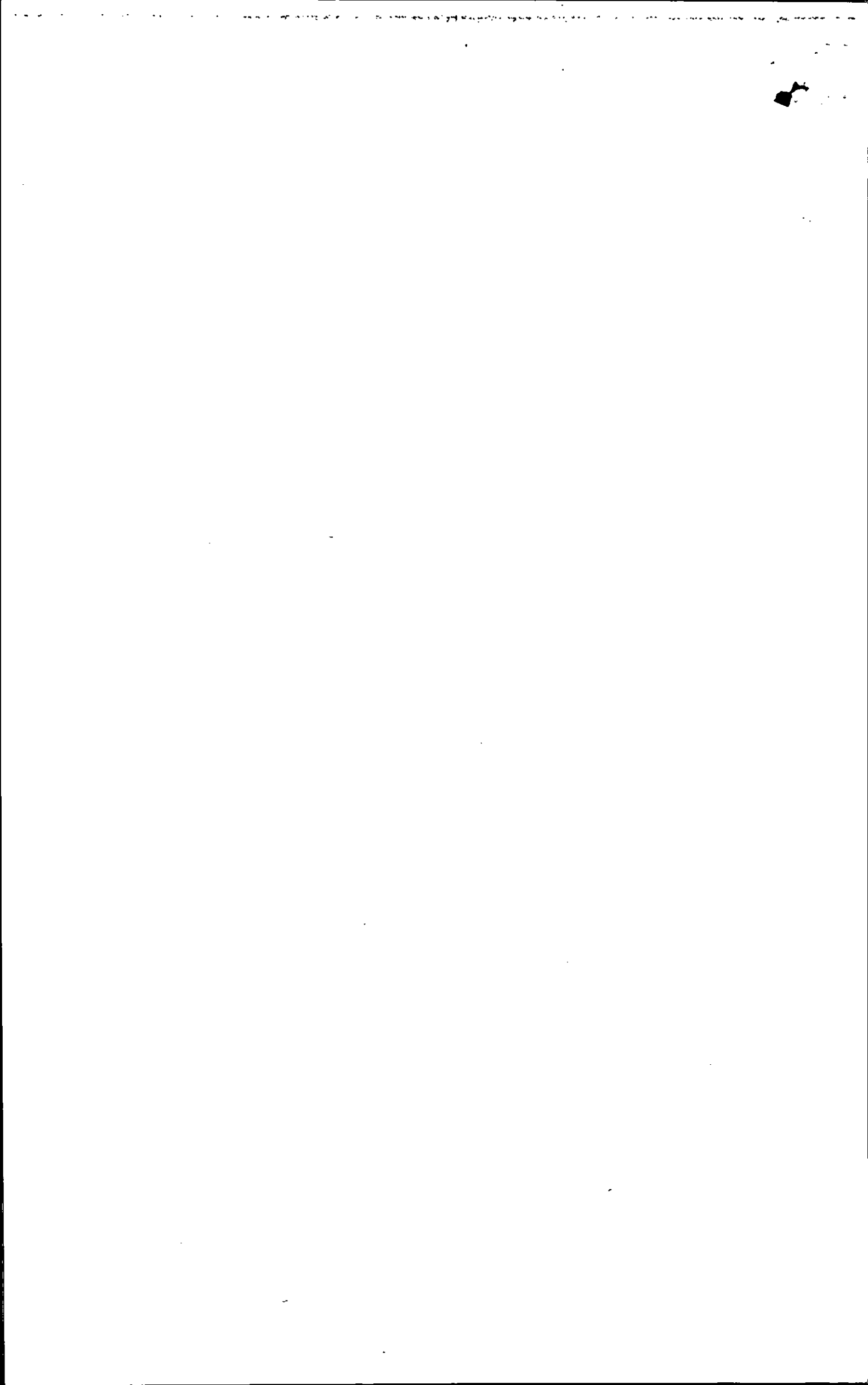
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27/11/2019

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Annex-D

تمام رشی جائزہ

درخواست لبرٹی اجازت قلمبندی بیان

صفا لبرٹی

صفحہ عدد 905 ص 8/23 (3) 435/147/149 تمام رشی جائزہ

صفا عالی

صفحہ نمبر 902 ص 8/22 (3) مجموعہ صفحہ عدد 902

302/324/34 تمام رشی جائزہ میں گرفتار ہو کر بند کی مشورتی

جیل جائزہ کے بیان الینا صلہ کے

اللہ کا عہد متاثرہ شخصوں کے مورد کا بیان کی مشورتی جیل جائزہ میں لینے کی اجازت فرمائی جائے

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[Signature]

112 P. C. A. (201) 10-01-2015

Sir,

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Sr/O. P. C. A. (201) 10-01-15

10-01-15

Garib

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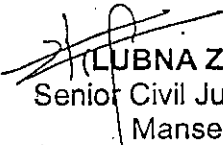
'Annex-E'

IN THE COURT OF LUBNA ZAMAN,
SENIOR CIVIL JUDGE/JMIC, MANSEHRA

Case FIR # 905 dated 23.08.2014 u/s 435/147/149 PPC of P.S City
Mansehra

Court Order
10.01.2015

Instant application is submitted by the Incharge Investigation for recording the statement of PW namely Hafeez s/o Sadiq r/o Phul Kari Mansehra in the FIR captioned above within the jail premises. Record shows that PW Hafeez s/o Sadiq is confined at District Jail Mansehra in case FIR # 902 dated 22.08.2014 u/s 302/324/34 PPC P.S City Mansehra, and instant FIR bearing # 905 dated 23.08.2014 u/s 435/147/149 PPC of P.S City Mansehra has been registered consequent upon setting his office known as Asia Estate Advisory on fire, therefore, recording of his statement is material. Hence the application is allowed. Notice be issued to Superintendent District Jail Mansehra to do the needful.


(LUBNA ZAMAN)
Senior Civil Judge/JMIC,
Mansehra

LUBNA ZAMAN
Senior Civil Judge/Jmic
Empowered U/S 30Crpc
Mansehra

10 01 / 15 ①

محمد حنیف ولد محمد صادق ترحم تنولی پتو قریب 28/7/72 سال کنہ پھیل کنہ کا حال میل
 ماہیہ ٹاٹ السارق ایڈوانٹس ایڈوانٹس ٹرننگ کالج کارو ٹبر 34057455743503
 موبائل نمبر 3479705766 ہے بریافت پر لکھی بیان کیا میرا دفتر السارق
 ایڈوانٹس ایڈوانٹس کو عبثاً ازرق نقصان کر کے دی دیکھو پوری میں نے لبر صرف 10
 نومبر 2002 میں لکھی تھی اس وقت میں نے دیکھو پوری کی تھی اس وقت میں نے لکھی
 طور پر حضور ڈاٹ کام پر لکھا تھا کہ میں نے صرف 302 کی دیکھو پوری کی تھی اس وقت
 جسے لبر میں پتہ چلا ہے میں نے اسے لکھی تھا کہ میں نے لکھی تھی اس وقت میں نے لکھی
 احمد قریشی لبر اور لکھی طرح وقار عرف موسیٰ ولد بیاضت کے بجائے وقار عرف
 موسیٰ ولد وقار لبر دیکھو پوری کر دی تھی جو اس مجھے مکمل تسلی اور یقین ہو
 چکا ہے احمد قریشی کا اصل نام احمد قریشی ولد یحییٰ عرف قریشی ترحم
 قریشی ہے گاؤں کھوکھو ہے، النما علیہ مدح وقار عرف موسیٰ کا اصل نام وقار
 عرف موسیٰ ولد بیاضت ترحم الخوان ہے، حال گاؤں کھوکھو، خانیہ ہے، میں نے
 سابق بیان کی تائید کرتا ہوں اور ان کے زمانے کے ساتھ ساتھ قریشی
 احمد قریشی اور وقار عرف موسیٰ متکررہ نالہ لبر بجا دیکھو پوری میں نے
 لکھی ہے بیان ہے قانونی کارروائی کی طرف 4

بیان متاثرہ نقصان لکھی ہے

حنیف
عرف

ایڈوانٹس

بیان المسخانی ASI حیرت خانہ شیخا مابلسیرہ

بیان المسخانی ASI نتیجہ تقانہ شکاری حلقہ بیانی چونکہ مقدمہ عدالت نمبر 905
14/

حکم 119-147-435 تقانہ شیخا مابلسیرہ میں ملزم احمد ولد عمر خطاب فریسی

جو کہ مورخہ 15-01-05 کو حساب 5450 سے گزشتہ لڑکے کے لڑا 5 لائبر تقانہ میں

اسی نام سے گزشتہ مورخہ 15-01-05 کو حساب 5450 سے گزشتہ لڑکے کے لڑا 5 لائبر تقانہ میں

میں ہنر شہیدی کے مطابق ریکارڈ درست لگتا ہے ، سہرا میں بیان ہے

جدرست سے لکھا گیا ہے
10-01-15

اسی نام سے

فهرست اسامی دانشمندان ایرانی در رشته‌های مختلف علمی

۵۴۰ - ۵۴۱

ردیف	نام دانشمند	تخصص	APD NO	تاریخ تولد	تاریخ فوت
1	دکتر علی‌اکبر گلشنی	فلسفه	504/APD	28/11/14	28/11/14
2	دکتر محمد تقی میرزا	ادبیات	511/APD	"	"
3	دکتر محمد علی باقری	تاریخ	"	29/11/14	"
4	دکتر حسن دواتور	تاریخ	512/APD	17/12/14	"
5	دکتر اسماعیل دواتور	تاریخ	513/APD	12/12/14	"
6	دکتر محمد باقر دواتور	تاریخ	516/APD	3/1/15	"
7	دکتر محمد علی دواتور	تاریخ	515/APD	8/1/15	"
8	دکتر محمد باقر دواتور	تاریخ	516/APD	"	"
9	دکتر محمد باقر دواتور	تاریخ	517/APD	"	"
10	دکتر محمد باقر دواتور	تاریخ	519/APD	9/1/15	"
11	دکتر محمد تقی میرزا	ادبیات	37/APD	28/11/14	"
12	دکتر محمد علی دواتور	تاریخ	166/APD	"	"

تعداد کل اسامی: ۱۰۴
تعداد اسامی مرد: ۱۰۴
تعداد اسامی زن: ۰
تاریخ: ۱۱ - ۲ - ۲۰۱۵

محمد باقر دواتور

From The District Police Officer,
Mansehra

To The Inspector General of Police,
Khyber Pakhtunkhwa Peshawar

Subject: ARREST OF EXTORTIONIST GANG – RECOMMENDATION ROLL

Memorandum

It is submitted that on 11-12-2014, a trader Muhammad Saleem s/o Muhammad Irfan Khan r/o Lohar Banda Mansehra submitted an application in PS City stating therein that unknown accused entered in his house and looted cash and gold ornaments. Now some unknown accused are making calls through mobile and are demanding Rs. 3,00,000/- lac as extortion and in case of failure giving threats to kill him or abduct his son. He requested for security and legal action against unknown accused. Immediately a team was constituted for solving the case. The team with their extreme professionalism efficiently traced and arrested the following culprits.

1. Zeeshan s/o Muhammad Pervez r/o Baila Kotkay Mansehra
2. Hamid Ali Khan s/o Muhammad Riaz r.o Township Sector D
3. Muhammad Waseem s/o Muhammad Sadiq r/o Lohar Banda
4. Noman r/o Labarkot

The accused confessed the offense before police/ media. A case vide FIR No. 1414 dated 31.12.2014 u/s 382/387/34 PPC PS City has been registered.

The following officers have shown excellent performance which is also being lauded by the general public. This action of the police has created a sense of security amongst the public and deterrence for the criminals.

Keeping in view the extra ordinary performance of the following police officers they are recommended for appropriate reward in recognition of their hectic efforts that has busted an extortionist/dacoit gang, please.

1. Mr. Zulfiqar Jadoon SDPO HQ
2. SI Sajid Farooq SHO PS City
3. ASI Aamir Hussain No.37/H
4. Constable Sadaqat.870
5. Constable Sheeraz .1157
6. Constable Muddasar. 48 SPF)

No. 18 /PA

District Police Officer,
Mansehra

Copy submitted to the Regional Police Officer, Hazara Region Abbottabad for favour of information, please.

District Police Officer,
Mansehra

POLICE DEPARTMENT

DISTRICT MANSEHRA

Office of the DPO Mansehra No.

23

IPA dated 06/01/2015

From: The District Police Officer,
Mansehra

To: The Inspector General of Police,
Khyber Pakhtunkhwa Peshawar

Subject: RECOVERY OF KIDNAPEE- RECOMMENDATION ROLL

Memorandum

It is submitted that on 27-12-2014 complainant Abdul Rasheed s/o Abdul Khaliq r/o Mohallah Aurang Abad Mansehra reported that his cousin Farid has been kidnapped at gun point from a shop in Mohallah Aurang Abad in Motor Car No. 0014. Immediately a team was constituted for the recovery of kidnapee. The technical unit assisted the responding party. The local police of PS City raided at a house in village Karkalla PS City. The team with their extreme professionalism, efficiently succeeded in recovering the kidnapee and arrest of following culprits within 12 hours.

1. Kala Khan s/o Ghullam Mustafa r/o Karkalla Mansehra
2. Sabir Khan s/o Sadoor r/o Karkalla Mansehra

As per policy the case was referred to CTD where a case vide FIR No. 06 dated 27-12-2014 U/S 365-A/34 PPC PS CTD Abbottabad have been registered.

The following team members have shown boldness and bravery. They have shown excellent performance which also being lauded by the general public. This effort of the police has created a sense of security amongst the public and deterrence for the criminals.

Keeping in view the extra ordinary performance of the following police officers they are recommended for appropriate reward in recognition of their brave efforts, please.

1. Mr. Zulfiqar Jadoon , SDPO HQ
2. SI Muhammad Sajid, SHO PS City
3. ASI Muhammad Shaukt
4. LHC Qaiser No.26
5. LHC Bilal No.1013

District Police Officer,
Mansehra

No. 16 /PA

Copy submitted to the Regional Police Officer, Hazara Region Abbottabad for favour of information, please.

District Police Officer,
Mansehra

Said

24

Annex-H



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

No. 614-16 /PPO, Dated Peshawar the 16-1-2015

To: The Regional Police Officer,
Hazara Region, Abbottabad

Subject: Complaint (SI Sajid Farooq)

Dear Sir,

Please refer to your office letter No. 33/C, dated: 13.01.2015 on the subject cited above. Upon perusal, the Police Chief Khyber Pakhtunkhwa has passed the following remarks which are reproduced as below:-

"DPO to award major penalty to the officers short of Dismissal under intimation to this office. Simple SCN is enough. Enquiry has already been conducted."

[Signature]
71 (Principal Staff Officer)
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar

- C.C:
- i. The W/IGP Khyber Pakhtunkhwa, Peshawar for favour of information please.
 - ii. The DPO Mansehra

PA

ky
Submitted for kind
Perusal & further order
if any please.

[Signature]
16-1-15

Gaito

SHOW CAUSE NOTICE

(Under Rules 5(3) KPK Police Rules, 1975)

Amjad

1. That you SI Sajid Farooq while posted as SHO PS City have rendered yourself liable to be proceeded under Rule 5(3) of Khyber Pakhtunkhwa Police Rules 1975 for the following misconduct:

Vide worthy RPO, Hazara Letter No. 33/C dated 13-01-2015 it has been reported that on the night between 07/08/01/2015 you conducted raid at the house of one Mr. Amjad Khitab Qureshi s/o Umer Khitab r/o Ghazikot Township Mansehra. During the raid you arrested Amjad Khitab Qureshi and his brother Gul Faraz, maltreated the family and threatened them with dire consequences. You also changed the name of Amjad Khitab Qureshi from "Ahmed" to Amjad in police record. In this regard an enquiry was conducted by the Superintendent of Police Investigation, Batagram assisted by DSP Khabbir Muhammad ADIG. According to findings of enquiry you conducted raid at the house of Amjad Khitab Qureshi "unnecessarily". You failed to recognize the very fact that the alleged PO is running a business on main KKH road and has not absconded elsewhere. It amounts to gross misconduct and inefficiency.

2. That by reason of above, as sufficient material is placed before the undersigned, therefore, it is decided to proceed against you in general police proceeding without aid of enquiry officer;

3. That the misconduct on your part is prejudicial to good order of discipline in the Police Force.

4. That your retention in the police force will amount to encourage in efficient and unbecoming of good Police officers;

5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishment as provided in the rules.

6. You are, therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred to above.

7. You should submit reply to this show cause notice within 07 days of the receipt of the notice falling which an ex parte action shall be taken against you.

8. You are further directed to inform the undersigned that you wish to be heard in person or not.

9. Grounds of action are also enclosed with this notice.

(Muhammad Ijaz Khan)
District Police Officer,
Mansehra

No. 218 /PA Dated Mansehra the 19/01 /2015

Received by Sajid Dated: 27 / 01 /2015

Accepted

بخدمت جناب ڈسٹرکٹ پولیس آفیسر صاحب ضلع مانسہرہ

عنوان: جواب بابت شوکا ز نوٹس نمبری 218/PA مورخہ
-19.01.2015

جناب عالی!

بحوالہ شوکا ز نوٹس نمبری 218/PA مورخہ 19.01.2015 ذیل
معروض خدمت ہوں۔

(1) مورخہ 7/8.01.2015 کی درمیانی شپ کو مخبر خاص نے اطلاع دی کہ
بحوالہ مقدمہ علت نمبر 904/14 جرم زیر دفعہ 341/147/149 ت
پ اور 905/14 جرم زیر دفعہ 435/147/149 ت پ میں P.O
گلفر از قریشی ولد عمر خطاب قریشی ساکن غازیکوٹ اپنے گھر خود میں موجود
ہے جو اس اطلاع کو مصدقہ جانتے ہوئے بمعدہ نفری پولیس، لیڈی کانسٹیبل
بشری نمبری 1168 اور مقدمات عنوان بالا میں تفتیشی افسر چن زیب
IHC/INV کو ہمراہ رکھ کر چھاپہ زنی عمل میں لائی۔ دوران چھاپہ زنی
گلفر از حسب ضابطہ گرفتار ہوا جبکہ مخبر خاص نے بتلایا کہ P.O گلفر از کا
بھائی "امجد" جس کا نام ریکارڈ میں "احمد" ہے، جو بھی مقدمہ علت نمبر
905 میں P.O ہے، بھی موجود ہے۔ P.O گلفر از کو مقدمات علت نمبر
904/14 اور 905/14 میں حسب ضابطہ طور پر گرفتار کیا جبکہ P.O
امجد کو مقدمہ علت نمبر 905 میں حسب ضابطہ طور پر گرفتار کیا اور ہمراہ لا کر
بند حوالات تھانہ کئے۔ تفتیشی آفیسر چن زیب IHC/INV کو ہدایت ہوئی
کہ وہ P.O امجد کے نام میں جو فرق یعنی "احمد" ہے اس کو قانونی طور پر
درست کرے۔ (نقل واپسی مذمب 54 مورخہ 08.01.2014 تھانہ شی
لف ہے)۔

امجد

(۲) جہاں تک ملزم کے نام کو تبدیل کرنے کا تعلق ہے وہ محرر شاف کا کام ہوتا ہے کہ وہ اپنے ریکارڈ کو درست اور مکمل رکھیں۔ (بیان انس ASI لف قابل ملاحظہ ہے اور انڈکس FIR لف قابل ملاحظہ ہے۔

جناب عالی!

جہاں تک چھاپہ زنی کا تعلق ہے کہ چھاپہ زنی غیر ضروری عمل میں لائی گئی تو اس سلسلہ میں ملک نوید سکنہ غازیکوٹ کو متعدد بار کہا گیا کہ مقدمات عنوان بالا میں جتنے بھی POs ہیں ان کو تھانہ سٹی میں پیش کرے یا ان کی BBA کروائے جو کہ P.Os 5/6 نے BBA کروائیں جبکہ ملزم گلفر از اور امجد وغیرہ ایسا کرنے میں جان بوجھ کر لیت و لعل کرتے رہے۔ اصل چھاپہ زنی P.O گلفر از کی گرفتاری کے لئے کی گئی مگر مخبر خاص کی اطلاع پر امجد کو بھی بعد تصدیق و تسلی گرفتار کیا گیا جبکہ دونوں بھائی ایک ہی مکان میں رہائش پذیر ہیں۔

جناب عالی!

P.O گلفر از قریشی، امجد خطاب قریشی پسران عمر خطاب قریشی کو حسب ضابطہ طور پر گرفتار کر کے بعد مکمل تصدیق و تسلی ان کے اصل ناموں سے روزنامچہ میں گرفتاری درج کی گئی جو بعدہ مقدمات عنوان بالا کے تفتیشی افسر چین زیب IHC/INV نے بھی امجد کے نام کی مکمل تصدیق کی جو بیان لف قابل ملاحظہ ہے۔

اس کے علاوہ مقدمہ علت نمبر 905/14 جرم 435/147/149 میں اس وقت کے DFC شیر محمد نے بھی "امجد" اور امجد کے نام میں مکمل تصدیق و تسلی نہیں کی جو وارنٹ 204 ض ف لف قابل ملاحظہ ہے۔ جبکہ اسی مقدمہ میں I.O منیر خان ASI نے بھی دوران تفتیش "امجد" اور "امجد" کو درست طور پر تصدیق نہیں کیا اور چالان مکمل 512 ض ف دے دیا جبکہ ریکارڈ کو درست محرر صاحب نے کیا اور بعد گرفتاری P.O مکمل تصدیق و تسلی P.O "امجد" ہی "امجد" نکلا۔ جو بیان ملزم حفیظ بھی لف ہے۔ مزید برآں ہسٹری شیٹ سابقہ SHO صاحب نے بنائی تھی جس میں بھی

امجد

صرف انٹری P.Os کی گرفتاری کے بعد انٹری کی گئی۔ اس کے علاوہ میں نے صحیح ایمانداری اور نیک مٹی سے اپنی ذیوقی سرانجام دی ہے اور نہ ہی کسی کے دباؤ یا کسی کے ساتھ مل کر یا کوئی رشوت لے کر P.O گلفرازی یا امجد کے خلاف کوئی کارروائی کی ہے۔

لہذا استدعا ہے کہ حالات و واقعات بالا کو مد نظر رکھتے ہوئے شوکاژ نوٹس نمبری 218 مورخہ 19.01.2015 بلا مزید کارروائی داخل دفتر فرمایا جائے۔

المرقوم 02.02.2015

محمد ساجد فاروق سب انسپکٹر پولیس لائن مانسہرہ

محمد ساجد

دارالت برقیہ اہل سنت والجماعت

بہداشت خطاب لندن میں سے

سرکار بنام اہل سنت والجماعت لندن
مقدمہ عدالت نمبر 905 مورثہ 8/23/147-435
تھانہ 149

S.H.O.

تھانہ

مقدمہ عنوان بالا میں ملزم بالا کو گرفتار کر کے پیش عدالت ہذا کیا جاوے۔

عدم تقبیل کی صورت میں تقبیل کنندہ کا مندر عدالت ہو کر بیان دیوے۔

اجوڈیشیہ
LUBNA ZAMAN

DR. 1

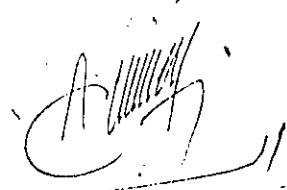
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15-9-2014



9/15

منی اعد قریبی کرکس جا رہا ہوں بہتر خبر دینا
 لکھتی لہذا تم سے کہتی ہوں کہ جاؤ اور جاؤ ہی جاؤ
 صحتی صحتی لکھتی رہا ہوں



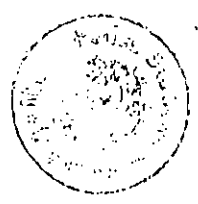
اور خفا - وارث خفا - قسم قریبی ساند خانہ کراچی

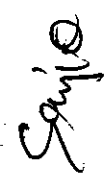
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صفا علی

دریا صفت وارث کی دہرا اہم و کفر من گرفتار اسلام خانہ کراچی
 صحتی لکھتی ہوں - جہاں سے کہتی ہوں لہذا تم سے کہتی ہوں کہ جاؤ اور جاؤ ہی جاؤ
 صحتی لکھتی ہوں - جہاں سے کہتی ہوں لہذا تم سے کہتی ہوں کہ جاؤ اور جاؤ ہی جاؤ
 صحتی لکھتی ہوں - جہاں سے کہتی ہوں لہذا تم سے کہتی ہوں کہ جاؤ اور جاؤ ہی جاؤ

DFU / PS 4411A
 19-09-14







From: The Office of SDPO Balakot.

No. 37 dated. 16 /02/ 2015.

Mailing address: sdpobalakot@gmail.com-yahoo.com

Annex-M

To, The District Police Officer,
Mansehra.

SUB: - APPLICATION.

Memo:

Kindly refer to your Office Endst: No. 862 dated 22.01.15, by which the undersigned has been entrusted an enquiry to check the legality and true facts behind raid and arrest of Amjad Khatab Qureshi S/O Umer Khatab Qureshi (Applicant).

The undersigned, in compliance of orders, summoned the applicant and his witnesses for recording their statements.

1. ALLEGATIONS:

Sajid Farooq the then SHO P.S City Mansehra on the night between 7-8/01/2015, along with police party illegally raided the applicant house and broke the main gate of his house. The incident caused defamation to his family reputation and mental torture. He further alleged that the SHO has forged the name Ahmed into Amjad in case FIR No. 905/14 U/S 435/147/149 PPC, to falsely involve him in this case.

2. PROCEEDING:

The following Police Officials and Civil persons attended the enquiry proceedings held in the Office of the undersigned and their statements were recorded.

- i. Amjad Khatab Qureshi S/O Umer Khatab Qureshi R/O Ghazi Kot Township, (Applicant).
- ii. Muhammad Jamshaid S/O Taj Muhammad R/O Chechan Parenha Mansehra.
- iii. Muhammad Sajid Farooq SI Police Line Mansehra.
- iv. Muhammad Muneer SI/OII P.S Dassu District Kohistan, the then Investigation Officer P.S City Mansehra.
- v. Chanzeb IHC Investigation Staff P.S City Mansehra.
- vi. Lady Constable Bushra PS City Mansehra.
- vii. Waqas Ahmed No. 1089 MM PS City Mansehra.

3. FINDINGS:

1. Raid was legal /illegal.

SI Sajid Farooq the then SHO PS City receiving credible information that 3 Pos concerned FIR No. 905/14 and 904/14 namely Gulfaraz Qureshi, Amjad Qureshi Ss/O Umer Khatab Qureshi and Waqar S/O Liaquat are present in the house of Gulfaraz SI Sajid Farooq the then SHO PS City Mansehra

Sajid

Conducted raid on the said house and all three Pos were apprehended. Later it was found that the first name of Amjad is written Ahmed by mistake in record but his father name and the presence of address were correct. Two other Pos concerned in the same case cleared any reasonable doubt that Ahmed may be a different person. This fact can be verified by entry in DD No. 54 dated 8-01-15 attached as Annexure A. As SI Sajid Farooq has power to arrest Pos without warrant U/S 54 Cr.P.C and power to enter premises U/S 47 and 48 Cr.P.C, so he legal power to conduct the raid. Furthermore, as per OG=-10 section 3.8, PPO has directed SHO to conduct raid on adobes of POs on regular bases. Arrest of Waqar at the same time and same place eliminates doubt that the raid was manipulated to defame accuse.

2. Presence of lady constable.

As per law, it is required for Police Officer to have presence of lady constable while enter in any house where other females are present. Lady Constable Bushra stated that she was presence during the raid. The fact can be confirmed by the entry DD No. 54 dated 8.1.15 which was entered before the enquiry was started attached as annexure A.

3. Mansrea of raid

Complainant alleged that SI Sajid Farooq has conducted raid under the pressure, guidance and sponsorship of his rival namely Raheel S/O Muhammad Bashir R/O Parhina. He also presented statement showing of hear say evidence where Raheel disclosed to a Jamshaid Khan S/O Taj Muhammad R/O Parhina Mansehra that SI Sajid Farooq will arrest Amjad to teach him lesson. Later it was found, Jamshaid had a criminal record of selling liquor. Raheel has also denied that he made such statement. As the both concerned persons had criminal record and statement was based on necessary evidence, this allegation has to be discredited. Furthermore, if SI Sajid had mansrea, he must have rectified the mistake of first name of Amjad.

4. Timing of raid.

Complainant has alleged about the time of raid by Police party that raid was conducted during late night at 1200 hours. While going through Cr.P.C and Police Rules, it is found that SI Sajid had no legal restriction about choosing time of raid to arrest any person whom he is authorized to arrest. But morally, it may be wrong to conduct a raid to arrest a person who is running business on main road. On the other hand, it is also morally and legally wrong for such person who knows he is concerned

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in an offence not to cooperate with Police. Therefore, it may be suggested to CPO to issue detailed guidelines to curtail powers of Police Officer as per modern times and nature of different offences. Furthermore, SI has arrested another 11 POs during that month and raid was conducted at midnight which shows it was a routine raid.

5. Forgery of Police record.

Complainant alleged that SI Sajid Farooq has forged his name from Ahmed to Amjad in Police Record. On back side of FIR, It was checked and found that there is common practice that when absconding person is apprehended, re entry of name is rewritten in blue entry to show that absconder is apprehended. Furthermore, no other changing was noticed on history sheet, case diaries and register no. 10. So, it is concluded that forgery was not intended. However, the correction of name was done as per prevalent procedure in case diary No. 12 attached as appendix No. B and parwana is attached appendix No. C.

6. Breaking into of main gate.

Complainant alleged that the gate was broken into by Police. Statements of all Police Officers who participated into the raid denied that gate was not broken. Furthermore, from personal visit, it was concluded that gate can be easily opened by climbing up the 5-6feet wall. The pictures which are shown are unable to ascertain facts as article 164 of Qanoon-E-Shahadat requires certificates of proper functioning of camera, original film or digital stamp of genuine created/accessed/modify date and time. Furthermore, as the house was suspected to be a PO SI Sajid Farooq has power to even break into the house u/S 47 and 48 Cr.P.C.

7. Carelessness on part on complainant.

On 15th Sep 2014, DFC Sher Muhammad No. 622 went to the complainant Amjad with warrant U/S 204 Cr.P.C for attendance in court (attached as annexure D) against Ahmed Qureshi S/O Umer Khatab Qureshi R/O Ghazi Kot. Amjad despite having similar name, same father name and address and concerned in same offence stated that he is not known or associated with Ahmed Qureshi S/O Umer Khatab Qureshi R/O Ghazikot.

Furthermore; he was also shown similar warrant on same time U/S 204 Cr.P.C against his brother Gulfaraz, he stated that Gulfaraz is his real brother and I don't

Sajid

know his whereabouts (attached as annex- E) from the above fact, it is clear that complaint Amjad knew that his brother is required by court and he is also required by court (though his first name was wrong written) but they did not do anything to get bail or attend court. Rather, he took it casually for himself and his brother and the same thing exploded again after four months.

8. Wrong date on History Sheet.

SI Sajid Farooq entered the arrest of Amjad on history sheet with the date of 6-1-15. However, he arrested him on 8.1.15. This entry seems to be act of carelessness and such carelessness is not expected from an Officer Incharge of Police Station.

9. Criminal negligence of I.O.

Muhammad Muneer SI the then OII P.S City Mansehra submitted to court for warrant of arrest U/S 204 Cr.P.C without verifying correct name of "Ahmed" and mislead the whole process. Furthermore, I.O did not arrest his brother till date who happens to presence in the same area. I.O also requested court to proceed U/S 87 Cr.P.C again without verifying actual name. Furthermore, no proceeding U/S 88 Cr.P.C was carried out against Gulfaraz who happens to be owner of same property. The whole incident did bring bad name to Police all because of negligence and careless of I.O. he also proceeded absentia proceedings U/S 512 Cr.P.C against a person without verifying.

10. Criminal name of DFC.

DFC Sher Muhammad No. 622 while unable to find Ahmed instead of informing I.O that such person does not exist suggested that Ahmed is absconding and preventing arrest. This misleads the whole process. If name was corrected on the first instance, the whole situation may have been avoided.

Recommendations.

1. SI Sajid Farooq may be awarded minor punishment for mistakenly writing wrong date of arrest on history sheet. SI Should be counsel for use of legitimate powers with caution.
2. Muhammad Muneer SI the then Investigation Officer PS City Mansehra may be awarded major punishment for his criminal negligence of verifying correct name of

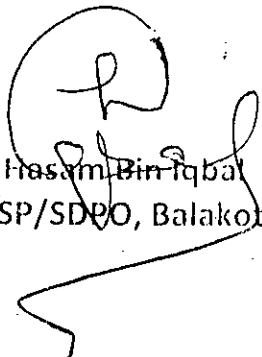
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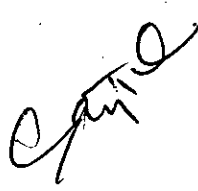
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person and his inability to arrest Gulfaraz and Ahmed who were present in the markets this creating whole situation. He also commenced absentia proceeding U/S 512 Cr.P.C against a person which identity was not confirmed.

3. DFC misleads I.O and court while processing u/s 204 Cr.P.C warrant, so major punishment is also suggested against him.

It is also suggested that Investigation branch may be informed for not proceeding U/S 512 Cr.P.C without verifying the actual identity of persons. It is also suggested that operation branch may be informed that SHO or Police Officer may go through complete case file of POs while apprehending them instead of going to PO list of register No. 10. Guidelines may also be issued for times of raids during day in normal cases instead of leaving it to instead of leaving it to then common sense.


Hasam Bin Iqbal
ASP/SDPO, Balakot.



Khyber Pakhtunkhwa Police



Commendation Certificate

*Class I
Granted by*

NASIR KHAN DURRANI

Inspector General of Police, Khyber Pakhtunkhwa

To

MR. SAJID FAROOQ SI SHO PS CITY.

Son of

District

HARIPUR

In Recognition of
FOR HIS GOOD PERFORMANCE OF DUTY

(CASH REWARD OF RS.10,000/-).

(NASIR KHAN DURRANI)

Inspector General of Police
Khyber Pakhtunkhwa

Dated 13/05/2014

Annex-N

36

Sajid

AMM-N

37

Khyber Pakhtunkhwa Police



Commendation Certificate

CLASS I
Granted by

Inspector General of Police, Khyber Pakhtunkhwa

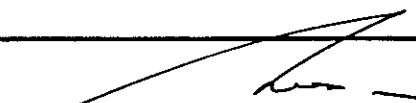
To SI SAJID FAROOQ SHOPS CITY.

Son of _____

District HARIPUR

in Recognition of
CASE FIR NO.855 DATED 5.8.2014 U/S 365-A PPC PS CITY.

Dated 25 / 08 / 2014


Inspector General of Police
KHYBER PAKHTUNKHWA PESHAWAR.

Handwritten signature



Amex-O.

388

Annex - 0

39



(40)

Annex-P

BEFORE HONOURABLE REGIONAL POLICE OFFICER,
HAZARA REGION, ABBOTTABAD.

THROUGH PROPER CHANNEL:

DEPARTMENTAL APPEAL AGAINST ORDER OB NO.39
DATED 18-02-2015 PASSED BY THE DISTRICT POLICE
OFFICER, MANSEHRA WHEREBY THE APPELLANT HAS BEEN
AWARDED WITH THE MAJOR PENELTY OF REDUCTION IN
RANK FROM SUB. INSPECTOR TO ASSTT. SUB. INSPECTOR
WITH EFFECT FROM 18-02-2015.

PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL
APPEAL THE IMPUGNED ORDER DATED 18-02-2015 MAY
GRACIOUSLY BE SET ASIDE AND THE APPELLANT BE
RESTORED IN THE RANK OF SUB. INSPECTOR FROM THE
DATE OF REDUCTION I.E. 18-02-2015 WITH ALL
CONSEQUENTIAL SERVICE BACK BENEFITS.

Respected Sir,

1. That the District Police Officer, Mansehra vide his order OB No.39 dated 18-02-2015 has awarded the appellant with the penalty of reduction in rank from Sub. Inspector to Assistant Sub. Inspector. **(Copy of order dated 18-02-2015 is attached herewith as "A")**.
2. That the impugned order of the District Police Officer, Mansehra is illegal, unlawful, against the facts & circumstances and passed in utter violation of mandatory statutory provision of law, passed without adhering to the inquiry procedure, departmental rules and regulations and in a slipshod & perfunctory manner; hence liable to be set aside.

FACTS:

3. That the fact is that while appellant posted as S.H.O. at City Police Station, Mansehra received a spy information between the night of 07 & 08 January 2015 that Proclaimed Offender

namely Gulfaraz Qureshi S/O Umar Khattab Qureshi R/O Ghazikot involved in case FIR No.905/14 U/S-435/147/149 PPC was available in his house. Believing the information as true the appellant alongwith police party including lady constable Bushra No.1168 and Investigating Officer IHC/INV Chan Zeb conducted the raid and P.O. Gulfraz was arrested.

4. That during raid the informer also told that P.O. Amjad (real brother of PO Gulfraz) whose name had wrongly been inserted in the record as "Ahmed" instead of "Amjad" involved in FIR No.905 was also available in the house. So he was also arrested. Both were confined in Lock-up. IHC/INV Chan Zeb was directed to take legal steps with regard to verification/correction of the name of PO Amjad. **(Copy of DD Mad No.54 dated 08-01-2015 is attached as "B")**.
5. That while appellant conducting the said raid had acted in accordance the provisions contained in Police Rules-1934 and Criminal Procedure Code and complying with all departmental rules and regulations, directives and instructions, police discipline and norms of ethics. No stone was left unturned in discharge of his assigned duties and that too with full care , caution and sense of responsibilities as a Police Officer.
6. That so far recording name of the PO as "Ahmed instead of Amjad" is concerned the same was inserted by the then Investigating Officer Munir ASI in Zimmies at the time investigation and was later on verified as "Amjad" through statement of Mohammad Hafeez S/O Mohammad Sadiq, accused in FIR No.902 dated 22-08-2014. The statement of Hafeez was obtained by IHC through application with the permission of Judicial Magistrate-I, Mansehra. Further it was the duty of Moharrir Staff to keep the correct record. I had acted honestly while arresting said Proclaimed Offenders. I did not do anything beyond my official duties, responsibilities

and jurisdiction. **(Copies of FIR NO.905, History sheet, Zimmies, Application for recording statement of Hafiz, Order of JMIC Mansehra, Statement of Hafeez are attached herewith).**

7. That the District Police Officer, Mansehra served the appellant with the Show Cause Notice which was duly replied by the appellant explaining all facts, circumstances and legal position of the matter. **(Copies of the Show Cause Notice and its reply are attached).**
8. That against his said arrest the PO Amjad made a complaint to the District Police Officer, Mansehra wherein he alleged that "Sajid Farooq the SHO PS City Mansehra on the night between 7-8/01/2015 alongwith police party illegally raided the applicant house and broke the main gate of his house. The incident caused defamation to his family reputation and mental torture. He further alleged that the SHO has forged the name Ahmed into Amjad in case FIR No.905/14 U/S-435/147/149 PPC to falsely involve him in this case". The said application was sent to ASP Balakot for Enquiry vide Dairy No.862 dated 22-01-2015.
9. That Mr. Hasam Bin Iqbal, ASP/SDPO, Balakot was appointed as his Enquiry Officer to check the legality and true facts behind raid and arrest of Amjad Qureshi (P.O. Complainant).
10. That Enquiry Officer while concluding the enquiry submitted his findings exonerating the appellant of the charges leveled and declared him as innocent in this regard. In his enquiry findings, the Enquiry Officer submitted his report that:
 - a) SHO PS City receiving credible information that 3. POs concerned FIR No.905/14 & 904/15 namely Gulzar, Amjad & Waqar present in the house of Gulzar conducted raid on

said house and all 03 Pos were apprehended. Later it was found that the first name of Amjad is written as Ahmed by mistake in record but his father's name & address were correct. SHO had powers to arrest POs without Warrant, enter the house to arrest and conduct raid under CrPC. Further Arrest of PO Waqar at the same time and at the same place eliminates doubt that the raid was manipulated to defame accuse. Further Lady Constable Bushra stated that she was present during the raid.

- b) **While going through police rules, it is found that SI Sajid had no legal restriction about choosing time of raid to arrest any person whom he is authorized to arrest.**
- c) No other changing was noticed on history sheet, case diaries and register No.10. So it is concluded that forgery was not intended. However, the correction of name was done as per prevalent procedure.
- d) Carelessness on part of complainant. On 15-09-2014, DFC Sher Mohammad No.622 went to the complainant Amjad with warrant U/S-204 Cr.PC for attendance in court against Ahmed Qureshi S/O Umar Khatab Qureshi R/O Ghazi Kot. Amjad despite having similar name, same father name and address and concerned in same offence stated that he is not known or associated with Ahmed Qureshi S/O Umar Khatab Qureshi R/O Ghazi Kot.
- e) Recommendation. SI Sajid Farooq may be awarded minor punishment for mistakenly writing wrong date of arrest on history sheet. SI should be counsel for use of legitimate powers with caution. **(Copies of Warrant, DFC Report and Findings of Enquiry are attached).**

11. That after his posting on 13-11-2014 as SHO PS City Mansehra, the appellant had a task to arrest a large number of Proclaimed Offenders. As appellant was a new one over there and did not know that PO Amjad was running business at main KKH. At the time of arrest of PO Gulfraz and Waqar, informer told the appellant that POs Amjad was also available in that house. He arrested not only PO Amjad rather 12 Pos in a very short time i.e. from 28-11-2014 to 08-01-2015. The arrest of proclaimed offenders was necessary and therefore raid was essential and in accordance with law. (List of arrested Pos is attached herewith).
12. That not only the charge leveled against the appellant is incorrect even he has been condemned unheard. He was never provided with a chance of personal hearing rather he was awarded Major Penalty on flimsy grounds and that too without any proof or fault on the part appellant.
13. That before issuing Charge Sheet or appointment of Enquiry Officer the appellant was not asked for to explain about his omission/commission, if any, nor was any enquiry conducted in this regard. The appellant has been awarded the Major Penalty of reduction in rank on the basis of false, fabricated and concocted complaint filed by complainant PO Amjad on account of his arrest in criminal case.
14. That in view of the facts and circumstance explained here above, by stretch of no imagination the appellant could be held responsible for the allegation as mentioned in the Show Cause Notice.

15. That appellant always performed his assigned duties with devotion, dexterity, honesty and never provided a chance of reprimand to his officers. Appellant has excellent rather meritorious service record at his credit.
- ✓ 16. That due to his tremendous services in the Police Force the appellant was promoted from the rank of A.S.I. to Sub. Inspector and was also awarded with commendation certificates as well as cash rewards on different occasions by his worthy High-Ups.
17. That the Appellant has been awarded with the Major Penalty of reduction in rank from Sub. Inspector to ASI illegally, unlawfully against the facts and circumstances without any reason and rhyme, hence this Departmental Appeal, inter alia, on the following:

GROUND

- i). That the impugned order dated 18-02-2015 is illegal, unlawful passed in slipshod, cursory in manner, superficially, contrary to facts on record thus is liable to be set aside.
- ii) That the appellant has been awarded the Major Penalty of reduction in rank from Sub Inspector to ASI dispensing with full fledged inquiry contrary to the requirements of statutory mandatory provisions of law in the cases of awarding Major Penalty; hence the impugned order is liable to be turned down straight way.
- iii) That no Charge Sheet/Statement of allegation was issued to appellant while conducting so-called Enquiry against him.

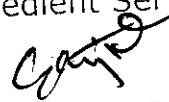
- iv) That so-called Enquiry Officer while submitting his findings has exonerated the appellant of the charge leveled against and declared all the acts done and steps taken by the appellant during the conduction of raid as legal, in accordance with Law, Police Rule, Cr.P.C and Discipline. **Enquiry Officer recommended only Minor Penalty for the appellant.**
- v) That the District Police Officer, Mansehra (Competent Authority) while awarding Major Penalty to the appellant contrary to the recommendation of Enquiry Officer has not recorded any reason for disagreeing with Enquiry Officer which was mandatory under the statutory provisions of law thus the impugned order is liable to be set aside.
- vi) That the appellant while conducting the said raid had acted in accordance the provisions contained in Police Rules-1934 and Criminal Procedure Code and complying with all departmental rules and regulations, directives and instructions, police discipline and norms of ethics with full sense of responsibilities as a Police Officer and the allegation are incorrect and baseless; hence the penalty awarded on the basis of such complaint is against the law and natural justice and the impugned orders needs to be discarded.
- vii) That the appellant was never provided with the findings of inquiry before issuing of Show Cause Notice which is mandatory under the law. (Findings attached with this appeal were obtained by the appellant after awarding penalty and that too on his specific written request).

- viii) That no Final Show Cause Notice was ever issued to the appellant before awarding the major penalty of reduction in rank thus impugned order is liable to be set aside.
- ix) That the appellant was never provided with the opportunity of personal hearing before awarding major penalty with is mandatory under the law, hence the impugned need to be turned down.
- x) That the appellant is a young, energetic, literate ad experienced police officer with good reputation and exemplary service record.

PRAYER:

Sir, in view of the facts and circumstances narrated here above, it is earnestly prayed that the impugned order dated 18-02-2015 may graciously be set aside and the appellant be restored in his rank of Sub. Inspector from the date of his reduction i.e. 18-02-2015 with all consequential service back benefits. Thanking you sir in anticipation.

You're obedient Servant



**(SAJID FAROOQ)
ASSISTANT SUB. INSPECTOR
POLICE MANSEHRA**

Dated 24-02-2015

وکالت نامہ

قیمتی

کورٹ فیس

بعدالت جناب صدر عدالت عالیہ لاہور 31/3/1949
 منجانب ایڈووکیٹ ساجد فاروق

صوبائی پولیس آفیسر لاہور 1949
 ساجد فاروق

دعویٰ یا جرم مسروعلی رینل باعث تحریر آنگہ
 مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جوابدہی مقام

مقررہ ایڈووکیٹ بدیں شرط وکیل مقرر کیا۔ کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص روبرو عدالت حاضر ہوتا ہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر منظر حاضر نہ ہوں۔ اور حاضری کی وجہ سے کسی وجہ پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی اور جگہ یا پکھری کے مقرر اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام پکھری کے کسی اور جگہ سماعت ہونے پر یا بروز پکھری کے اوقات کے آگیا یا پیچھے ہونے پر منظر 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 ہوں گے۔ 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 کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپروٹائشی و راضی نامہ و فیصلہ برخلاف کرنے اقبال دعویٰ کا اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا یکطرفہ درخواست حکم امتناعی یا ڈگری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادا ایگی 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 ہوں گے 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. Adnan

مورخہ 15 مئی 2015ء

السید السید السید

(ساجد فاروق)
 ایڈووکیٹ

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWER

Appeal No. 677/2015

Sajid Farooq SIAppellant.

Versus

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Hazara Region, Abbottabad
3. District Police Officer, Mansehra..... Respondents.

WRITTEN REPLY ON BEHALF OF RESPONDENTS 1 to 3.

Respectfully Sheweth:

Preliminary Objection

- i) That the appeal is not based on facts and appellant has got no cause of action locus standi.
- ii) That the appeal is not maintainable in its present form.
- iii) That the appeal is bad for non-joinder of necessary and mis-joinder of unnecessary parties.
- iv) That the appellant is estopped by his own conduct to file the appeal.
- v) That the appeal is barred by law and limitation.
- vi) That the appellant has not come to the Honorable Tribunal with clean hands.
- vii) That the appellant has suppressed the original fact from this honorable Tribunal hence, the appellant is not entitled for any relief and appeal is liable to be dismissed.
- viii) That the competent authority issued the order dated 18-02-2015 after fulfillment of all the codel formalities, hence the appeal is liable to be dismissed.

FACTS:

1. Correct.
2. **Incorrect**, hence denied. The respondents acted in accordance with law and rules.
3. The appellant, while posted as SHO Police Station City Mansehra has conducted raid on the house of one Amjad Khitab Qureshi S/o Umer Khitab r/o Ghazikot Township Mansehra arrested him and his brother Gulfaraz maltreated

their family, threatened them with dire consequences and changed the name of Amjad Khitab Qureshi from Ahmad to Amjad in the police record.

4. Correct. The appellant raided the house of Po Gulfaraz Qureshi involved in case vide FIR No.905/14 u/s 435/147/149 PPC Police Station City. In this regard a preliminary enquiry has been conducted by Superintendent of Investigation Battagram which termed the raid as unnecessary as the said PO was running the business on main Karakorum Highway road where he could have been arrested easily.
5. The appellant also arrested brother of above PO and changed his name in the Police record from Ahmad to Amjad.
6. Correct. The name of Amjad Qureshi was incorporated later on of after his arrest during the raid on his house whereas the name of Ahmad s/o umer Khitab was written in the statement of complainant.
7. The appellant raided the house of Amjad Khitab Qureshi and arrested him from his house. It is pertinent to mention that said person was running business on main Karakorum Highway road where he could have been arrested without any difficulty. The appellant along with IO of the Case changed the name in the case file and shown Amjad Qureshi. The IO of the case SI Munir was also proceeded against and awarded major punishment.
8. Correct.
9. Incorrect, hence denied, detail reply has been given in proceeding paras.
10. Correct to the extent of arrest of PO. The appellant could have arrested the PO. Amjad Qureshi from his shop on main Karakorum Highway road .But the appellant along with investigation officer of the case changed the name of one Ahmad to Amjad Qureshi and arrested him from his House thus created the whole situation.
11. Correct.
12. All the proceeding has been don as per Law & rules by the competent authority.
13. Correct. The appellant submitted reply to the show causes notice which was found not satisfactory by the competent authority.
14. Incorrect. The enquiry officer did not exonerate the appellant from the charges leveled against in the charge sheet.
15. Incorrect. The appellant was heard in person and fulfillment of codal formalities the appellant was after awarded punishment.
16. Incorrect. The appellant has committed serious misconduct. Keeping in view the seriousness of allegation, the appellant was ordered to be dismissed from service. But the competent authority taken the lenient view of the matter only awarded punishment of reeducation from

officiating rank which under the rule is no punishment. The appellant has been promoted again to the rank of officiating Sub-Inspector.

17. Incorrect, hence denied all the proceeding has been don by authority as per Law & rules.
18. The charges leveled against appellant are correct. He was given full opportunely to defend his case.
19. Subject to proof.
20. Subject to proof.
21. Incorrect.
22. The appeal is not maintable on the following grounds.

Grounds :

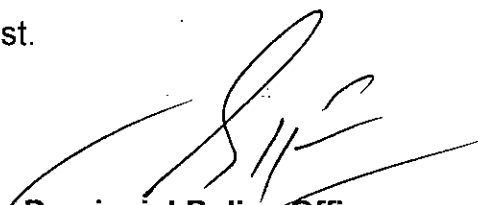
- i. Incorrect. The impugned order was lawful and passed after giving the appellant the chance of defense.
- ii. Incorrect. The order of dismissal was passed after fulfillment of mandatory requirements of Law. Moreover, under the Law reeducation from officiating rank is not punishment.
- iii. Incorrect. The punishment awarded to the appellant was perfectly in awardance with Law and rules and all the legal formalities have been fulfilled.
- iv. Incorrect.
- v. Incorrect .The appellant was properly, summoned by the Enquiry officer and was provided with opportunity to appear and defend his case.
- vi. Incorrect.
- vii. Incorrect. The case of appellant is totally based on documentary evidence; he committed gross misconduct by committing unnecessary raid and forgery in the record of case.
- viii. Incorrect. The enquiry officer recommended the appellant for punishment which was appropriate.
- ix. Incorrect. The competent authority awarded the punishment of reeducation which is fully commensurate with the gravity of allegation.
- x. Incorrect. The said raid was unnecessary as the appellant could have arrested the POs along with Amjad Quershi easily as he is running the business on main Karakorum Highway road. Moreover, initially the name Amjad was not written in the


criminal case. The change in the record from Ahmad to Amjad was done subsequently during the investigation.

- xi. Incorrect. The appellant was provided with all the enquiry papers.
- xii. Incorrect.
- xiii. Incorrect. The appellant was awarded full opportunity of personal hearing. The appellant appeared before the competent authority but he could not convince the authority, hence rightly awarded the punishment of reduction of rank.
- xiv. Pertains to record which is of worth perusal.

PRAYER:

Under the circumstance it is humbly prayed that the appeal may kindly be dismissed with cost.


Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar
(Respondent No.1)


Deputy Inspector General of Police
Hazara Region, Abbottabad.
(Respondent No.2)


District Police Officer,
Mansehra
(Respondent No.3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.677/2015.

Sajid Farooq SI..... (PETITIONER)

Versus

**Inspector General of Police Khyber Pakhtunkhwa,
Peshawar and others..... (RESPONDENTS)**

AFFIDAVIT

We respondents do solemnly affirm and declare that the contents of the comments are true and correct to our knowledge and belief and that nothing has been concealed from this honorable tribunal.



**Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)**



**Dy: Inspector General of Police,
Hazara Region, Abbottabad
(Respondent No.2)**



**District Police Officer,
Mansehra
(Respondent No.3)**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 677/2015

Sajid Farooq SI V/S PPO, KPK etc

SERVICE APPEAL
RE-JOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth:-

PRELIMINARY OBJECTION

The contents of written reply with regard to preliminary objection i.e. (i) to (viii) being against the facts and law, hence denied and that of appeal are correct.

FACTS

The contents of written reply with regard to facts i.e. (1) to (22) being against the facts and law, hence denied and that of appeal are correct.

GROUND

The contents of written reply with regard to Ground i.e. (i) to (xiv) being against the facts and law, hence denied and that of appeal are correct.


PRAYER

It is therefore humbly prayed that on acceptance of instant appeal the impugned order dated 18.02.2015 may graciously be set aside and the appellant be restored in his rank of Sub Inspector from the date of his reduction i.e. 18.02.2015 with all consequent service back benefits. Any other relief which this Honourable Tribunal deems fit may also be granted.

Dated 21-11-2016

Appellant

Through Counsel


Muhammad Aslam Tanoli *Adv*
Advocate High Court
At Haripur

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 677/2015

Sajid Farooq SI V/S PPO, KPK etc

SERVICE APPEAL
RE-JOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth:-

PRELIMINARY OBJECTION

The contents of written reply with regard to preliminary objection i.e. (i) to (viii) being against the facts and law, hence denied and that of appeal are correct.

FACTS

The contents of written reply with regard to facts i.e. (1) to (22) being against the facts and law, hence denied and that of appeal are correct.

GROUND

The contents of written reply with regard to Ground i.e. (i) to (xiv) being against the facts and law, hence denied and that of appeal are correct.


PRAYER

It is therefore humbly prayed that on acceptance of instant appeal the impugned order dated 18.02.2015 may graciously be set aside and the appellant be restored in his rank of Sub Inspector from the date of his reduction i.e. 18.02.2015 with all consequent service back benefits. Any other relief which this Honourable Tribunal deems fit may also be granted.

Dated 21-11-2016

Appellant

Through Counsel


Muhammad Aslam Tanoli ^{Adv}
Advocate High Court
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
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GROUND

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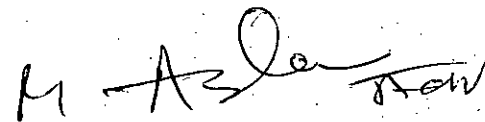
PRAYER

It is therefore humbly prayed that on acceptance of instant appeal the impugned order dated 18.02.2015 may graciously be set aside and the appellant be restored in his rank of Sub Inspector from the date of his reduction i.e. 18.02.2015 with all consequent service back benefits. Any other relief which this Honourable Tribunal deems fit may also be granted.

Dated 22-11-2016

Appellant

Through Counsel


Muhammad Aslam Tanoli
Advocate High Court
At Haripur

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 677/2015

Sajid Farooq SI V/S PPO, KPK etc

SERVICE APPEAL
RE-JOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth:-

PRELIMINARY OBJECTION

The contents of written reply with regard to preliminary objection i.e. (i) to (viii) being against the facts and law, hence denied and that of appeal are correct.

FACTS

The contents of written reply with regard to facts i.e. (1) to (22) being against the facts and law, hence denied and that of appeal are correct.

GROUND

The contents of written reply with regard to Ground i.e. (i) to (xiv) being against the facts and law, hence denied and that of appeal are correct.

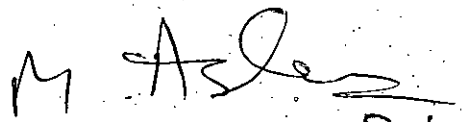
PRAYER

It is therefore humbly prayed that on acceptance of instant appeal the impugned order dated 18.02.2015 may graciously be set aside and the appellant be restored in his rank of Sub Inspector from the date of his reduction i.e. 18.02.2015 with all consequent service back benefits. Any other relief which this Honourable Tribunal deems fit may also be granted.

Dated 22-11-18

Appellant

Through Counsel


Muhammad Aslam Tanoli *Deb.*
Advocate High Court
At Haripur

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 434 /ST

Dated 01 /03/2018

To


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

Subject: **ORDER/JUDGEMENT IN APPEAL NO. 677/2015, MR. SAJID FAROOQ.**

I am directed to forward herewith a certified copy of Judgment/Order dated 22/02/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

o/c


**REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.**