BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, CAMP COURT SWAT.

SERVICE APPEAL NO. 750/2015

Date of institution ... 07.07.2015 Date of judgment ... 05.04.2017

Bahadar Khan S/o Gul Haider (Ex-Constable No. 102, Police Station Mingora Swat) R/o Village Muhammad Akram Banda Kati Garhi Tehsil & District Mardan.

(Appellant)

VERSUS

- 1. The Secretary, Home Department, KPK, Peshawar.
- 2. The Inspector General of Police, KPK, Peshawar.
- 3. The District Police Officer, Swat at Saido Sherif.
- 4. The Regional Police Officer, Malakand at Saido Sherif.

(Respondents)

APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORDER OF RESPONDENT NO. 3, CONTAINED IN O.B NO. 113 DATED 30.06.2014, WHEREBY APPELLANT WAS DISMISSED FROM SERVICE AND APPEAL THEIR AGAINST REJECTED.

Mr. Muhammad Adam Khan, Advocate.

.. For appellant.

Mr. Muhammad Zubair, Senior Government Pleader

.. For respondents.

MR. MUHAMMAD AMIN KHAN KUNDI MR. AHMAD HASSAN

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: This Service appeal has been filed against the order dated 30.06.2014 passed by District Police Officer Swat whereby the appellant Bahadar Khan was dismissed from service. The appellant also challenged the said order through departmental appeal but the same was also rejected

M. Amin 5-4-2018

vide order dated 06.11.2014 passed by Regional Police Officer Malakand and hence the present service appeal.

- 2. Brief facts of the case are that the appellant Bahadar Khan was posted as Constable in Police Station Mingora, however, vide impugned order dated 30.06.2014 passed by the District Police Officer he was dismissed from service on the charge that Muhammad Ishtiaq S/o Rahat Gul R/o Charsadda was arrested in case vide FIR No. 159 dated 19.03.2014 u/s 4PHO Police Station Rahimabad and during interrogation he disclosed that he had purchased the Churs from the appellant. Against the impugned order dated 30.06.2014 appellant filed a departmental appeal which was also rejected vide order dated 06.11.2014.
- 3. Learned counsel for the appellant contended that the appellant was dismissed from service on the charge that he was involved in narcotics peddling but neither proper inquiry was conducted against the appellant under the rules nor any statement of witnesses have been recorded nor any opportunity of cross examination was given to the appellant. It was further contended that neither any show cause notice has been given to the appellant nor any opportunity of personal hearing has been afforded to the appellant, therefore, it was contended that the appellant was condemned unheard and the impugned order is liable to be set-aside and prayed for reinstatement through acceptance of this appeal.
- 4. On the other hand learned Senior Government Pleader for respondents contended that the appellant was involved in selling narcotics. It was further contended that the appellant was charge sheeted and proper inquiry was conducted against the appellant and during the inquiry proceeding he was found guilty and thereafter on conclusion of inquiry the appellant was dismissed from service, therefore, prayed for dismissal of appeal.

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5. We have heard the arguments on both sides and gone through the record.

Perusal of the record reveals that the appellant was performing his duty in police department as constable and during his service he was charged for involvement in narcotics matter. The record further reveals that the inquiry officer in the inquiry report recommended stoppage of two annual increments vide inquiry report dated 30.06.2014, but the competent authority imposed major penalty of dismissal from service on the appellant vide impugned order dated 30.06.2014. The record also reveals that neither proper inquiry was conducted against the appellant under the rules nor statements of witnesses were recorded and opportunity of cross examination was also not provided to the appellant no show cause notice was served on him nor opportunity of personal hearing was afforded to the appellant, therefore, the impugned order passed by the respondents was illegal and liable to be set aside, hence, we set-aside the impugned order passed by the respondents and accept the present appeal of the appellant by reinstating him in service, however, the respondents are directed to conduct de-novo inquiry under the law and rules by fully associating the appellant with inquiry proceedings and conclude it in three months from the date of receipt of this judgment. The intervening period from the date dismissal from service till reinstatement be treated as leave of the kind due. The issue of back benefits shall be subject to the final outcome of the de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

05.04.2017

MULA MANA AMIN KHAN KUND MEMBER

IMAD HASSAN) MEMBER 05.04.2017

Appellant alongwith his counsel present. Mr. Khawas Khan, S.I (Legal) with Mr. Muhammad Zubair, Senior Government Pleader for respondents also present.

Vide our detailed judgment of tôday consisting of three pages placed on file. We set-aside the impugned order passed by the respondents and accept the present appellant by reinstance out in wice were the present ty and the present appellant by reinstance out in wice were the present ty and the present the present that the present the present the present that the present the present the present that the present the pr appeal of the appellant by reinstating him in service; however, the respondents are directed to conduct de-novo inquiry under the law and rules by fully associating the intervening ner of the apellant after dismissing him from service and appellant with inquiry proceedings and conclude it in three months from the date of instaling the near as leave without pay. Parties are left to be and own comp receipt of this judgment. The intervening period from the date dismissal from service till reinstatement be treated as leave of the kind due. The issue of back 10.24.2017/ benefits shall be subject to the final outcome of the de-novo inquiry. Parties are left (MATHAL DE ALANDE) to bear their own costs. File be consigned to the record room.

ANNOUNCED 05.04.201

ANMED HASSAN)

MEMBER

(MUHAMMAD AMIN KHAN KUNDI)

MEMBER' CAMP COURT SWAT

10.03.2016

Appellant in person and Mr. Imranullah, Inspector (legal) alongwith Mr. Muhammad Zubair, Sr.G.P for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 5.9.2016 at Camp Court Swat.

Charman Camp Court Swat

05.09.2016

Appellant in person and Mr. Khawas Khan, SI (Legal) alongwith Mr. Muihammad Zubair, Sr.GP for the respondents present. Appellant seeks adjourned due to strike of the bar. To come up for final hearing before the D.B on 07.12..2016 at camp court, Skejninder submitted.

A - --

Member

Chairman Camp Court, Swat

07.12.2016

Appellant with counsel and Mr. Khawas Khan, S.1 (Legal) alongwith Mr. Muhammad Zubair, Sr.GP for respondents present. Due to non-submission of rejoinder and incomplete bench arguments could not be heard. To come up for rejoinder and final hearing on 05.4.2017 at camp court, Swat.

Camp court, Swat

Appellant Deposited
Security & Process Fee

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Constable when subjected to inquiry on the allegations of indulging in supplying of Chars to certain accused in custody and dismissed from service vide impugned order dated 30.6.2014 regarding which he preferred departmental appeal on 3.7.2014 which was rejected on 6.11.2014 which came into the notice of appellant on 17.12.2014 regarding which he preferred revision before the authority on 17.12.2014 which was rejected on 1.6.2015 and came into the notice of appellant on 8.6.2015 and hence the present service appeal on 7.7.2015.

That the appellant was neither involved in any activity referred to above nor the inquiry was conducted in the prescribed manners and no opportunity of hearing afforded to him.

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 26.10.2015 before S.B.

Chairman

26.10.2015

Appellant in person present. Notices be issued to the respondents for written reply/comments for 14.1.2016 before S.B at Camp Court Swat as the matter pertains to the territorial limits of Malakand Division.

Chairman

14.01.2016

Appellant in person and Mr. Khawas Khan, S.I (legal) alongwith Mr. Muhammad Zubair, Sr.GP for respondents present. Requested for adjournment. To come up for written reply/comments on 10.3.2016 before S.B at Camp Court Swat.

Chall man Camp Court Swat

Form- A FORM OF ORDER SHEET

Court of_			
Case No	 	750	/2015

	Case No	$\frac{\int \mathcal{O} / 2015}{\int \mathcal{O} / 2015}$			
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate			
1	2	3			
1	07.07.2015	The appeal of Mr. Bahadar Khan presented today by Mr Muhammad Adam Khan Advocate, may be entered in the			
		Institution register and put up to the Worthy Chairman fo			
		proper order.			
		REGISTRAR—			
2	10-7-15	This case is entrusted to S. Bench for preliminar			
		hearing to be put up thereon $13-7-3$			
	•				
		\			
		CHAIRMAN			
3	13.7.2015 Agent of counsel for the appellant prese				
:	-	counsel for the appellant is not in attendance. Requested fo			
·		adjournment. To come up for preliminary hearing on 28.3.2015			
		before S.B.			
		CHARMAN			
	_				

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, PESHAWAR

Appeal No. ________/ 2015.

Bahadar khan ahas VS
Whan Bahadur

The Police Deptt; and others

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4.	Order dated 30.06.2014.	. "A"	7	• .
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_		Total: -	12	-)

Appellant

Bahadur khan

Dated: 03 - 07 - 2014

Through:

Arman

Muhammad Adam Khan Advocate High Court at District Courts Mardan.

Muhammad

CADAMKHAN

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BEFORE THE PROVINCIAL SERVICE TRIBUNAL, PESHAWAR

Appeal No. ________/ 2015.

Bahadar khan, alias Khan Bahadur, (Ex-Constable No. 102, Police Station Mingora Swat) S/O Gul Haider Village Muhammad Akram Banda Kati Garhi Tehsil & District Mardan.

(Appellant).

VERSUS

- Bervice Tribunal
 Diary No 774

 Oated 97-7-2015
- 1. The Secretary, Home Department, K.P.K, Peshawar.
- 2. The Inspector General of Police, K.P.K, Peshawar.
- 3. The District Police Officer, Swat at Saido Sherif.
- 4. The Regional Police Officer ,Malakand at Saido Sherif.
 (Respondents)

APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT, 1974
AGAINST THE ORDER OF RESPONDENT No. 3, CONTAINED IN O.B No. 113
DATED 30-06-2014, WHEREBY APPELLANT IS DISMISSED FROM SERVICE AND
APPEAL THEIR AGAINST REJECTED.

FACTS:

1. That Appellant while posted as Constable in police station Mingora, was awarded the punishment of dismissal from service by The Respondent No.3 vide O.B No. 113 dated 30.06.2014.

(Copy Annexure "A").

- 2. That grieved therefrom the Appellant preferred departmental Appeal to Respondent No.4 on 03. 07.2014.
- That the copy of the aforesaid Departmental Appeal is misplaced from Appellant and he has submitted application for supply of copy thereof to Respondent No. 4. But, the copy is not supplied.

(Copy Annexure "B").

4. That the Respondent No.4 rejected the departmental Appeal vide endorsement No.9089/E dated 06.11.2014. But the same was not communicated to Appellant. The Appellant while persing the fate of departmental Appeal learnt about it on 17.12,2014.

(Copy Annexure - "C").

5. That the Appellant under misconception preferred a Revision Application dated 17.12.2014, to The I.G.P/ Respondent No.2, which was rejected vide Endorsement No. 7311-15/E-IV dated 01.06.2015.

(Copy Annexure - D).

6. That the aforesaid order (Annexure _D) was not communicated to Appellant officially. He came across it on 08.6.2015, when he was persuing the fate of his revision application in the office of The I.G.P.

The impugned order is unjustified, illegal and being against the principals of natural justice, The same is liable to be set-aside with retrospective effect, on the following amongst many other grounds: -

GROUNDS:

- I. That the Appellant had never indulged himself in the commission of the alleged offence. He is falsely implicated there-in. Even, he was not charged sheet in the alleged criminal case.
- II. That no charge-sheet / statement of allegations, as mentioned in the impugned order, was ever served upon the Appellant nor he had submitted any reply there-to.
- III. That no enquiry, as mentioned in the impugned order was conducted in the presence of Appellant.
- IV. That the Appellant was never informed for participation in the alleged enquiry proceedings.

- V. That the none of the persons as named in the impugned order was examined in the presence of Appellant.
- VI. That the evidence of a person / witness, even, if examined in the absence of Appellant, and no opportemity was afforded to cross-examine him, has no legal force.
- VII. That Appellant has not talked to the person accused in case F.I.R, No.159/19.03.2014, of P.s Rahimabad Swat, as the Appellant had no terms with him.
- VIII. That the Appellant was not served with the final show cause notice & even not supplied with the copy of alleged enquiry report, before the impugned order.
- IX. That defense reply of Appellant is never given any attention at any stage.
- X. That the charge are never proved agaist Appellant. But, the burden of proof of his innocence is illegally shifted to the shoulders of Appellant.
- XI. That the Appellant is condemned through-out.
- XII. That no objection as to maintainability of the Revesion application is raised Respondent No.2. Hence, the same, if any, stands condoned in favour of Appellant. Yet, an application for the condonation of delay, jany is also appended herewith.

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XIII. That the long standing record of Appellant is clean and unblaueshed through-out.

XIV. That Appellant is jobless after the impugned order.

It is prayed that on acceptance of this Appeal, the impugned orders may be set-aside and the Appellant may be re-instated into service with back service benefits.

The costs of this appeal may also be awarded in favour of Appellant against the Respondents.

Appellant

,

Dated: 63-07-2015

Through:

Muhammad Adam Khan Advocate High Court

at District Courts Mardan.

<u>AFFIDAVIT</u>

Muhammad ADAM KHAN E.A. LLB. Advocate HIGH Court MARDAN

I, Bahadur khan / the Appellant, do hereby stated on solemn affirmation that the contents of the above Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

.Deponent:

Bahadu

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, PESHAWAR

Appeal No. ______ / 2014.

Bahadur khan

VS

The Police Deptt; and others

List of books

- 1. The Civil Servant Act, 1973.
- 2. The Police (E & D) Rules, 1975.
- 3. The Police Act, 1938.
- 4. Any Other Law Book / Judgment Deemed Relevant.

Dated: **03**-0**7**-2015

Through:

Muhammad Adam Khan Advocate High Court at District Courts Mardan.

> Muhammad ADAM KHAN E.A. LLB Advocate HIGH Court MARDAN



BEFORE THE PROVINCIAL SERVICE TRIBUNAL, PESHAWAR

Appeal No.	/ 2014.

Bahadur khan

VS

The Police Deptt; and others

FOR CONDONATION APPLICATION OF DELAY.

- 1. That the Appellate order (Annexure C) was never conveyed to Appellant. He learnt about it on 17.12.2014.
- 2. That the Appellant had preferred Revision Application before The I.G.P under mescription, as it is provided under the Police Act, 1938.
- 3. That all the proceeding are valative of the natural justice, as well as, the law on the subject.
- 4. That the delay, of considered on the part of Appellant is liable to be condoned on the grounds as per Para No. 1 to 3, above.
- 5. That the valuable right of Appellant are involved in this Appeal. Hence, he has the right to be heard on legal and factual grounds.

It is prayed that the delay, if any, considered in the institution of the captioned Appeal, the same may be condoned in favour of Appellant.

Appellant

Klicheralia (Bahadur khan)

Dated: 03-07 -2014

AFFIDAVIT

Through:

Muhammad Adam Khan

Advocate High Court

at District Courts Mardan.

HIGH Court MARDAN

I, Bahadur khan / the Appellant, do hereby stated on solemn affirmation that the contents of the above Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

> Deponent: Bahadur khan

Khihese

PAGE ...

ANNEXURE ATTESTED

ORDER

ADAM KHὧN

This order will dispose off the departmental enquiry against Constable Bahadar Khan No 102 that he while posted to Police Station Mingora was involved in narcotics peddling. As per report of ShiO Police Station Rahimabad, accused namely Muhammad Ishtiaq s/o Rahat Gul r/o Charsadda was arrested in Case vide FIR No.159, dated 19-03-2014 u/s 4PHO Police Station Rahimabad disclosed during interrogation that he has purchased the said chars from him. The conversation of accused and the delinquent Constable through cellular phone was also heard by Constables Arnjad No.2876 and Sultanat Khan No.2882 of Police Station Rahimabad.

SDPO/Barikot Circle was deputed as Enquiry Officer. The Enquiry Officer conducted proper departmental Enquiry against the delinquent officer and recorded the statements of all concerned officers. He provided ample opportunity to the delinquent officer to defense the charges rendered by him. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings wherein he recommended the delinquent officer for stoppage of two annual increments. He was heard in Orderly Room. However, he could not present any plausible defense for the charges leveled against him.

Foregoing in view the undersigned is of considered opinion that there are no chances that Constable Bahadar Khan No.102 become an efficient Police Officer. His further retention in service is bound to affect the discipline of the entire force. Therefore in exercise of the powers vested in the undersigned under Rules 2 (iii) of Police Disciplinary Rules-1975, I, Sher Akbar, S.St, P.S.P, District Police Officer, Swat as a competent authority, am constrained to award him the punishment of Dismissal from Service.

Order announced

District Police Officer, Swat

O.B. No. 113
Dated 30 / 06 /2014.

2 / 7/1<u>4</u>

PAGE NO. 8

ANDIG LIST SELLEDIS SELLEDI 30-00 me - and of of me - and confined عن سر اس داده ما تعد اس وساس الم رساليا - يسم كرام رود و كونوره كا مونوره 20 6 ev والمم من لا تح-كارون (سان مر المان الما ما سال فواكم ناره وقع أي ترفي على وال Kharilas

معروض خدمت وول كه آج مورخد 14-3-19 كو بمقام جزل بس منينه معتر محرون المعتباق طائر احت كل سكنه خلّه شيخان كل آباد ميزه ذا كانه سرة عير أي ضلع جارسده ہے وزنى 95 گرام چرى برآيد موكر ندكور ك خلام وي علي 159 مورند 14-3-19 جرم 4PHO فهاندريم آباد قائم كيا عميار دوران انثاروكيش طزم كالماشيا . سے میان کیا کم اس نے چرس متز کرہ پولیس گذشیل خان بہا در تھانہ مینگورہ سے سلنے 3000 ہزار رویبے پرخریدا ہے۔جوالا <u>کیم عزمتر حرمی پولس گنشلیل بیزن لانا ہے۔ طرم نہ کورہ نے میرے کہتے پہلے کتا طریرے رو پر دیزر لید مو بائل اول نمبر 27</u> خ-034240162 سے گنشیل فال بہادر کے موبائل تون نمبر 196468 و-0342 پر ابطہ کر کے سزید چرک خرید نے کیلئے النائكا كا وعده كالتعليل خان بهاور نے سافر بہ فوشی قبول كر سے سزيد چرس لانے كا وعده كيا۔ دونوں كے سے ڈیل ميرے ر روبرو مور حوم ادركنشيلان انجد 2876 سلطانت خان 2882 نے بررابیدمو بائل لاؤڈ سپيکرسنی ہے۔ ، اسطیموں اس مے سام میاں ہے۔ کہ طبیل مذکورہ جس کے فروخت کا مکرہ وحدہ کررہا ہے۔ اورش ا رسرع محرب والح كرد إب مذكوره كنشيل إلى إ ودى ب ناجائز فانكره أفحاكر بولس كنشيل موت موت بوليس -کے سرنامی سب اور است بنا کورہ کے خلاف تا اول کا روائی ہے بات سندیا ہے سائے آ کر بحکہ پولیس کی سرید بدنا کی ہوگا۔ غالنا بيها درنمبر 102 متعينه قعانه ميتكوره كيفلا ف تخب تحكمانه كاروالأ الور ملاين راحزر معن مروره نمر بها معلوك مل لله ع قبل امر مورا سے فی de ligit () de en l'aris. L'inte

NO-654-R 12-5-074

CHARGE SHEET

Mr. Sher Akbar S.St. P.S.P. District Police Officer, Swat as competent authority, hereby charge you, Constable Bahadar Khan No.102 while posted to Police Station Mingora as follows:-

It has been reported that you committed the following act / acts, which is / are gross misconduct on your part as defined in Rules 2 (iii) of Police Disciplinary Rules 1975.

You Constable Bahadar Khan No.102 while posted to Police Station Mingora were involved in narcotics peddling. As per report of SHO Police Station Rahimabad, accused namely Muhammad Ishtiaq s/o Rahat Gul r/o Charsadda was arrested in Case vide FIR No.159, dated 19-03-2014 u/s 4PHO Police Station Rahimabad disclosed during interrogation that he has purchased the said Chars from you. The conversation of accused with you through cellular phone was also heard by Constables Amjad No.2876 and Sultanat Khan No.2882 of Police Station Rahimabd. All these based on malafid intention and disinterest in duty on your part.

- 2. By reasons of the above, you appear to be guilty of misconduct and rendered yourself liable to all or any of penalties specified in Rule-4 of the Disciplinary Rules 1975.
- 3. You are, therefore, required to submit your written reply within seven (7) days of the receipt of this Charge Sheet to the Enquiry officer.
- 4. Your written reply, if any, should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
 - 5. Intimate as to whether you desire to be heard in person or not.
 - 6. A statement of allegations is enclosed.

District Police Offices, Swat

10. <u>70</u> /E,

DISCIPLINARY ACTION

I Mr. Sher Akbar S.St. P.S.P. District Police Officer, Swat as competent authority, is of the ion that he Constable Bahadar Khan No.102 while posted to Police Station Mingora has rendered elf liable to be proceeded against departmentally as he has committed the following acts/omissions as ned in Rule 2 (iii) of Police Rules 1975, as per Provincial Assembly of Khyber Pakhtunkhwa Notification PA/Khyber Pakhtunkhwa/ Bills/ 2011/ 44905 dated 16/09/2011 and C.P.O, K.P.K Peshawar Memo: No. '-62/Legal, dated 19/11/2011.

STATEMENT OF ALLEGATIONS

It has been reported that he while posted to Police Station Mingora committed the wing act / acts, which is / are gross misconduct on his part as defined in Rules 2 (iii) of Police Rules 1975.

That he Constable Bahadar Khan No.102 while posted to Police Station Mingora was Ived in narcotics peddling. As per report of SHO Police Station Rahimabad, accused namely ammad Ishtiaq s/o Rahat Gul r/o Charsadda was arrested in Case vide FIR No.159, dated 19-03-2014 4PHO Police Station Rahimabad disclosed during interrogation that he has purchased the said Chars I him. The conversation of accused with him through cellular phone was also heard by Constables ad No.2876 and Sultanat Khan No.2882 of Police Station Rahimabd. All these based on malafid ntion and disinterest in duty on his part.

- 2. For the purpose of scrutinizing the conduct of the said officer with reference to the above ations, SDPO/Barikot Circle, Swat is appointed as Enquiry Officer.
- 3. The enquiry officer shall conduct proceedings in accordance with provisions of Police s 1975 and shall provide reasonable opportunity of defense and hearing to the accused officer, record ndings and make within twenty five (25) days of the receipt of this order, recommendation as to shment or other appropriate action against the accused officer.
- 4. The accused officer shall join the proceedings on the date, time and place fixed by the iry officer.

/EB, Dated Gulkada the,

Copy of above is forwarded to the:-

SDPO/Barikot Circle, Swat for initiating proceeding against the accused Officer/ Official namely Constable Bahadar Khan No.102 under Police Rules, 1975.

Constable Bahadar Khan No.102 Police Station Mingora:-

With the direction to appear before the enquiry officer on the date, time and place fixed by the Enquiry Officer for the purpose of enquiry proceeding.

(فائينڈنگ رپورٹ) محکمانه کاروائی برخلاف کنسٹیمبل بھا درخان نمبر 102/FC متعینه چوکی اتر وڑتھانہ کالام

جناب عالى!

فلاصالزام: کنشیل بھادرخان نمبر 102/FC متعیندا تر و ڈھاند کالام کے متعلق جناب SHO تھاند تیم آباد نے ایک تحریر ارپورٹ بابت چرس فروختگی اسپلائی عوام الناس تحریر کر کے جس پر چاری شیٹ نمبر 70/E محرد 2014ه - 50-05 جناب کر صاحب وات کے زیر دختی جاری ہو کر تکھاندا کو ائیری کی ہدایت ہوئی ۔ جس پراکاوائیری حسب ضابط شروع ہو کر ذیل پایا گیا۔

معاحب سوات کے زیر دختی جاری ہو کر تکھاندا کو ائیری کی ہدایت ہوئی ۔ جس پراکاوائیری حسب ضابط شروع ہو کر ذیل پایا گیا۔

معصب سے تعین بیش کی ۔ کہ مساق شازیہ کے گھر کے گار دیر عوصد ڈیڑھ ماہ سے ڈیو ٹی پر تعینات تھا۔ اپنی ڈیو ٹی نہایت خوش اسلوبی انجام دے رہا تھا۔ میرے ڈیو ٹی نہایت خوش اسلوبی ۔ انجام دے رہا تھا۔ میرے ڈیو ٹی نہایت خوش اسلوبی ۔ انجام دے رہا تھا۔ میرے ڈیو ٹی نہا تھا۔ تھا۔ بی ڈیو ٹی نہایت خوش اسلوبی ۔ فروخت کرنے کا الزام ہے۔ تو میں فو را OBA صاحب کو پیش ہوا میرے اوپر لگائے ہوئے الزام سے آگاہ کیا۔ جوابا میں کو ساحب نے کہا کہ آپ نے کمل ملزم اشتیاق نامی شخص سے فون پر بات کی تھی ۔ اور اشتیاق نے ہمارے سامند میون کی بات ہا لاؤڈ کیا۔ اب سے مزید چرس لانے کا ڈیمانڈ کردیا جواپ نے اس آفر کو خوثی سے قبول کرلیا۔ جہاں تک ٹیلی فون کی بات ہا اشتیاق نامی شخص کو نہیں جانتا اور نہ بھی فون پر ہمارے بات چیت ہوئے ہے۔ البتہ میرا موبائل فون بعض اوقات چارج کو اسلامی کی جو۔ اور ملزم اشتیاق نے میرے اوپر بیچھوٹا اور منگھوٹ سے الزا استیاق نے میرے اوپر بیچھوٹا اور منگھوٹ سے دعائی دے جادی دے جادے۔

نقیجہ تحقیق: دوران انکوائیری کنسٹیل فدکورہ کے خلاف پولیس آفسران کے بیانات لئے جاکرالزام علیہ کنسٹیل فدکورہ واقعی میں میں بھی اس بات کا اقرار کیا ہے۔ کہ میراموبائل اکثر چارج پرلگا ہوتا ہے۔ شاید کسی نے میراموبائل فون ہو۔ تمام بیانات پولیس آفسران تھاندر حیم آباد ہمراہ لف انکوائیری ہے۔

سفارش: چونکه نسٹیل سال 2009 کا بحرتی ہوکر تربیت یافتہ پولیس ملازم ہے۔ ذیادہ تر نوکری تھانہ رحیم آباداور تھانہ مینگورہ یا ہے۔ ضلع مردان سے تعلق رکھتا ہے۔ اکوائیری صداسے واقعی گنہگار ہے۔ اور محکمہ پولیس کیلئے بدنای کا سبب ہے۔ ایسے میں اگرا تفاق دورانی مازمت سے کے سال اینکر یمنٹ سٹاپ کرنے اور آئیند و محتاط رہے کیلئے آخری وارنگ دی جائے۔

ر می اور شاه کار کی اوسر کل بر یکوٹ ایس ڈی کی اوسر کل بریکوٹ OR Sported South 306-19

ORDER

This order will dispose off the departmental enquiry against Constable Bahadar Khan No.102 that he while posted to Police Station Mingora was involved in narcotics peddling. As per report of SHO Police Station Rahimabad, accused namely Muhammad Ishtiaq s/o Rahat Gul r/o Charsadda was arrested in Case vide FIR No.159, dated 19-03-2014 u/s 4PHO Police Station Rahimabad disclosed during interrogation that he has purchased the said chars from him. The conversation of accused and the delinquent Constable through cellular phone was also heard by Constables Amjad No.2876 and Sultanat Khan No.2882 of Police Station Rahimabad.

He was issued Charge Sheet alongwith Statement of Allegations and SDPO/Barikot Circle was deputed as Enquiry Officer. The Enquiry Officer conducted proper departmental Enquiry against the delinquent officer and recorded the statements of all concerned officers. He provided ample opportunity to the delinquent officer to defense the charges rendered by him. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings wherein he recommended the delinquent officer for stoppage of two annual increments. He was heard in Orderly Room. However, he could not present any plausible defense for the charges leveled against him.

Foregoing in view the undersigned is of considered opinion that there are no chances that Constable Bahadar Khan No.102 become an efficient Police Officer. His further retention in service is bound to affect the discipline of the entire force. Therefore, in exercise of the powers vested in the undersigned under Rules 2 (iii) of Police Disciplinary Rules-1975, I, Sher Akbar, S.St, P.S.P, District Police Officer, Swat as a competent authority, am constrained to award him the punishment of Dismissal from Service.

Order announced

District Police Officer, Swat

O.B. No. 113

Dated 30 / 06 /2014.

بيان اذال سابقه INSP-SHO كبرزيب خان تفاندر يم آباد

نے بہ دریافت بیان کیا۔ کہ مورخہ 14-3-19 کو بمقام جزل بس سٹینڈ ملزم محمدانتہ راحت کل سکنہ محکد شیخان گل آباد میرہ وڑا کنا نہ سرڈھیر کی ضلع چارسدہ سے وزنی 95 گرام چرس برآ مدہ ہوکر مذکورہ کے خلاف علت 159 مورخہ 14-3-19 جرم 4PHO تھا نہ رقیم آباد قائم کیا گیا۔ دوران انٹاروگیشن ملزم محمدانتیات نے بیان اس نے چرس مترکرہ پولیس کنٹیبل خان بہادر تھا نہ مینگورہ سے مبلغ 3000 ہزار روپے پرخریدا ہے۔ جو اِن کے لئے آپیس کنٹیبل چرس لاتا ہے۔ ملزم مذکورہ نے میرے کہنے پرتملی کیخا طرمیر سے روبر و برز ریعہ موبائل فون نمبر 1627 میں کہنے پرتملی کیخا طرمیر سے روبر و برز ریعہ موبائل فون نمبر 3000 و کہنٹیبل خان بہادر کے موبائل فون نمبر 3408 و 1964 و 342 پر دابطہ کرکے مزید چرس خرید نے کیلئے لانے کا کہا کہ نے بیان نہادر نے موبائل فون نمبر 289 نے برز ریعہ موبائل لاؤڈ پیکیرسنی ہے۔ اور کنٹیبل خان بہادر نے ماطانت خان 2882 نے بزر ریعہ موبائل لاؤڈ پیکیرسنی ہے۔

اِس سے یہ بات عیاں ہے۔ کہ کشلیل فدکورہ چرس کے فروخت کا مکرۂ دھندہ کررہاہے۔اورشی ایریا میں چرک کررہاہے۔ فدکورہ کنٹیل پولیس کے وردی سے ناجائز فائدہ اُٹھا کر پولیس کنٹیل ہوتے ہوئے پولیس کے بدنامی کا رہاہے۔ فدکورہ کے خلاف قانونی کاروائی سے بات میڈیا کے سامنے آ کرمحکمہ پولیس کی مزید بدنامی ہوگی۔ یہی میرابیان۔ جو کہ حقیقت پڑئی ہے۔

<u>A-b</u>

ا كبرزيب خان سابقه INSP-SHO تفانه رحيم آباد

20-05-2014

Auesteel!

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W/E) (13 ASI 13 (2))

SUPERIGMASI POLICIOL

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dans of سان ازال سلطن کان 2882 مقدم فعارم آبار 3 july en SHO Up wind we wait the 5 Un - Co> EUD/1013 EUS/201840-63/2000 جنرل لسن السنگادی جرس ک فرمراور وفت می دورود اس اطلاع در ١٥٠٥ مه، ل دو حدل لسي مستلم ر ١ سخنو و حرس خلا شار دی ت در مور در در و موں شلا لي مرور دو تحق ساره دوس ورس ورا در دو وز الخرا بي 195 كرام نفل مرد فرره في لولي لا درون ا نام فيرانستها في والداوت على سر طرب بلايا رورمه ا نا روسی ن مارم آرایی دی مرعوری می می دی درخان جو والا ع أور قطاء و تركوره و و گوری مرافا کوری کر و ا ع در المراب ا فل اور درس می د زیستا فرزا فرن مادر از أنوعلا بارور فرن اولا ور سال المان ا 19/1/2 18,000 كالم المرازوا عرون الرافن بنائ الورها را فالمان المان ال 19 1216 July 1 Side : Spie of the State of the selection المعناقل المراطر المراكة و قطام 201. 191 في معالم على 20,7,18,165,165 4pm P2 1974 pm 2 Cm/2 2 05 1/2 /2016 0 1/2 Actes teel! 23020 best leder Suit 3000 Barrioi

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n i iong soil بان دران ل الحرعل 2876 قام رح مار 93 postibulisho vo poistels willed - 61/09 (0) 10/00 - 60/0000 مرل له سنا من دری فرموودرت س دو いりまないいいまりをされらとはりいり وص ملائک اوج ک در الور کود وع کی ۔ "ملات 2) 1/4/10/20 min 2/2 m 1005 013/1/ المحمد المساق والدواوس والمراس والمراس المراس المرا دولول والدي الراستگرده لكان من دولولال والاي ور. , als villes 3 des 100,000, 15 - 06,000 (0) (6) (6) (5) (5) (6) (6) (6) (6 E) TOLEN EN SEO SHO 1916 65 20 TG 201, No Ghi 13/12 26 (26) (26) (20) (20) M40/1919 2 20/89 in 10/1. Seiles ours Attested! pripired portion of the reglisher de de circile ENS La Jos w, w = wer Jos 200 12 265 or in 6-12 032 00 - 661-1661 00/12. Mg 612 (17) ch 2 611 -0. 18 000 d 12/2/2010 pho sen en le 2001/11/ 885-1 Dijbely muis 2 for Wach Boisof Corepose modernist of the will is as well sippliet & Full Cho on sie & Choist Ford المرازي الما المرام المرابي فون لعن الما المرام المرابي المرابي المرابي المرابي المرابي المرابي المرابي المرابي المرابي المرابية in the said of the state of the state of the said the sai - Edmish- Eth Risks Of mile the Challed 2 Jun 19 Allestee): \$000 Barillot Bolivia ea Shicib Jig 0342-9196468

20, 138, 1438, 150 J. J. O. J. عن بان رنا عول کر بس سال محمد و بی علم دا میں مجشت کرفیل محرفی طور تناحال مدان و فیم لیا ا فيروس الري في عروم العيناتي في الري لولي الم این کی و علم اولی کسی میں دریایی کسی سن می اروی ع . یمی قبر بهان ع جو ر فقیقت بر ای ع -0346 5220236 Actestedi Mm eles

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(9) JUST 19 17/16 769/ 36:3 Comple e contra de la la 13 a 3 papy 1 5 5 5 a 2008 (C.) Porte A- Lotol Colonista Con a ser a is Ci we copy class - a to estal post of sillips and up - who eseptes be Mec W Childe Come Poly colon colonielle muffer) Joseph John Post 1830/1, 69 July of 192 102 10 les les of DM Sunt U120 0342-91.96468-468 The Commits EC/DSP/logal. for Comments. - 1 1907/14

روض خارست ون كرآج مورخد 14-3-19 كو بمقام جزل بسية ملز الحروسيا في الاحت مُّل سكنه تحلّه شيخان مُّل آباد ميره ذا كان سرة عير لَي ضلع جارسده سے وز ل 95 گرام چرس برآيه موكر فذكو ت خلاف وي علي المارويد 14-3-19 جرم 4PHO تهاندرجم آباد قائم كيا كيار دوران الثارويين الزم تاراتي ے میں کا کہ اس نے جس سزئرہ پولیس کلشیل خان بہادر تھانہ میٹاورہ سے ملنے 3000 ہزار رویے برخر بیدا ہے۔ بولا : كَلْمُعْرِمْرُ وَمِنْ يِلِينَ كَنْفِيل جِنْ لَا تَاسِي عَنْ مِنْدُوره فِي عَيْرِتِ كَيْنَا مِلْ عِيرَ فِي وَيرو بِرَدِ بِيرِ مِنْ اللَّهِ فِي تَمْرِ ؟ 7 ئى 0342 و كى ئىلى خال بىلى خال بىلى كى تون فى قى 196468 و-0342 يردابط كر كى تريد چى تري كى يەلىك الان كا كالي جو كنشليل خان بهادر نے سافر به نوشی قبول كر كے سزيد چرى لانے كا وعدہ كيا ۔ دونول كے بير في البرے، روبروم كور حوم ادركنسيلان انجد 2876 سلطانت خان ,2882 نے بررابیمو بال لاؤ أسپير أي ہے۔ ، اسطين إلى بي بات مان ج-كسطيل خكره جن كفرون كا كرة دهنده كرد بارادي رسرع من حرري كل كرد الب مذكور و النفيل إليس إك وردى إس إجائز فالكره أفحاكر إليس كنفيل موت ورع إليس . ك سرنا دي مبعد النهائية بنكوره كوهلاف قانوني كاروائي بالت سيريا بي ساسية كريك بوليس كي مزيد بدناي المولاً-ا الهذار الله عاليك المسليل خال بهادر أبير 102 متعيد تعانه عنظوره كي بقلاف تحت محتمان كاروا de Contact con contraction a cina - List will a mai

NO-654-R 12-5-074

CHARGE SHEET

I Mr. Sher Akbar S.St. P.S.P. District Police Officer, Swat as competent authority, hereby charge you, Constable Bahadar Khan No.102 while posted to Police Station Mingora as follows:-

It has been reported that you committed the following act / acts, which is / are gross misconduct on your part as defined in Rules 2 (iii) of Police Disciplinary Rules 1975.

You Constable Bahadar Khan No.102 while posted to Police Station Mingora were involved in narcotics peddling. As per report of SHO Police Station Rahimabad, accused namely Muhammad Ishtiaq s/o Rahat Gul r/o Charsadda was arrested in Case vide FIR No.159, dated 19-03-2014 u/s 4PHO Police Station Rahimabad disclosed during interrogation that he has purchased the said Chars from you. The conversation of accused with you through cellular phone was also heard by Constables Amjad No.2876 and Sultanat Khan No.2882 of Police Station Rahimabd. All these based on malafid intention and disinterest in duty on your part.

- 2. By reasons of the above, you appear to be guilty of misconduct and rendered yourself liable to all or any of penalties specified in Rule-4 of the Disciplinary Rules 1975.
- 3. You are, therefore, required to submit your written reply within seven (7) days of the receipt of this Charge Sheet to the Enquiry officer.
- 4. Your written reply, if any, should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
 - 5. Intimate as to whether you desire to be heard in person or not.
 - 6. A statement of allegations is enclosed.

District Police Office, Swat

lo. <u>70</u> /E, ated: <u>65/1</u>/2014.

DISCIPLINARY ACTION

I Mr. Sher Akbar S.St. P.S.P. District Police Officer, Swat as competent authority, is of the on that he Constable Bahadar Khan No.102 while posted to Police Station Mingora has rendered all liable to be proceeded against departmentally as he has committed the following acts/omissions as ad in Rule 2 (iii) of Police Rules 1975, as per Provincial Assembly of Khyber Pakhtunkhwa Notification A/Khyber Pakhtunkhwa/ Bills/ 2011/ 44905 dated 16/09/2011 and C.P.O, K.P.K Peshawar Memo: No. -62/Legal, dated 19/11/2011.

STATEMENT OF ALLEGATIONS

It has been reported that he while posted to <u>Police Station Mingora</u> committed the wing act / acts, which is / are gross misconduct on his part as defined in Rules 2 (iii) of Police Rules 1975.

That he Constable Bahadar Khan No.102 while posted to Police Station Mingora was lived in narcotics peddling. As per report of SHO Police Station Rahimabad, accused namely ammad Ishtiaq s/o Rahat Gul r/o Charsadda was arrested in Case vide FIR No.159, dated 19-03-2014 IPHO Police Station Rahimabad disclosed during interrogation that he has purchased the said Chars I him. The conversation of accused with him through cellular phone was also heard by Constables ad No.2876 and Sultanat Khan No.2882 of Police Station Rahimabd. All these based on malafid attion and disinterest in duty on his part.

- 2. For the purpose of scrutinizing the conduct of the said officer with reference to the above ations, <u>SDPO/Barikot Circle, Swat</u> is appointed as Enquiry Officer.
- 3. The enquiry officer shall conduct proceedings in accordance with provisions of Police 5 1975 and shall provide reasonable opportunity of defense and hearing to the accused officer, record ndings and make within twenty five (25) days of the receipt of this order, recommendation as to shment or other appropriate action against the accused officer.
- 4. The accused officer shall join the proceedings on the date, time and place fixed by the irry officer.

District Police Officer Swat

_/EB, Dated Gulkada the,

Copy of above is forwarded to the:-

<u>SDPO/Barikot Circle, Swat</u> for initiating proceeding against the accused Officer/ Official namely Constable Bahadar Khan No.102 under Police Rules, 1975.

Constable Bahadar Khan No.102 Police Station Mingora:-

With the direction to appear before the enquiry officer on the date, time and place fixed by the Enquiry Officer for the purpose of enquiry proceeding.

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(فائينڈنگ ريورث) محكمانه كاروا كى برخلاف كنسلمبل بھا درخان نمبر 102/FC متعينه چوكى اتر وڑتھا نه كالام

ٔ <u>خلاصهالزام: ۔</u> کنسٹیبل بھادرخان نمبر 102/FC متعینہ اتر وڑتھا نہ کالام کے متعلق جناب SHO تھا نہ رحیم آباد نے ایک تحریر کا ار پورٹ بابت چرس فروختگی/ سپلائی عوام الناس تحریر کر ہے جس پر چارج شیٹ نمبری 70/E محررہ 2014-05-05 جنا ب(صاحب سوات کے زیر یخطی جاری ہوکرمحکمانہ انکوائیری کی ہدایت ہوئی۔جس پر انکوائیری حسب ضابطہ شروع ہوکر ذیل پایا گیا۔ <u> تفصیل شخقیق: _</u> الزام علیه کنسلیل بھا درخان نمبر 102/FC متعینہ چوکی اتر وڑتھا نہ کالام اس سلسلہ میں دفتر ھذاء طلب کر کے جم ایک تحریری بیان پیش کی ۔ کہ مسماۃ شازیہ کے گھر کے گار دیرعرصہ ڈیڑھ ماہ سے ڈیوٹی پرتعینات تھا۔اپنی ڈیوٹی نہایت خوش اسلولی۔ انجام دے رہا تھا۔میرے ڈیوٹی ختم ہونے کے بعد تھانہ رحیم آباد اینے دوست سے ملنے گیا تھا۔تھانہ پہنچے پیۃ چلا کہ میرے اوب فروخت کرنے کا الزام ہے۔تو میں فورا SHO صاحب کو پیش ہوا میرے اوپر لگائے ہوئے الزام ہے آگاہ کیا۔جوابامیں C صاحب نے کہا کہآ پ نے کل ملزم اشتیات نا می شخص سے فون پر بات کی تھی ۔اوراشتیاق نے ہمار ےسامنے مو ہائل فون ا پکو ملایاا ہ لاؤدُ کیا۔اب سے مزید چرس لانے کا ڈیمانڈ کردیا جواپ نے اس آ فرکوخوش سے قبول کرلیا۔ جہاں تک ٹیلی فون کی بات ہے اشتیاق نامی شخص کونہیں جانتا اور نہ ہی تبھی فون پر ہمارے بات جیت ہوئے ہے۔البتہ میرا موبائل فون بعض اوقات حارج کواُ ہے۔شایدکسی نے میراموبائل فون پرمیرے خلاف بطورسازش کی ہو۔اور ملزم اشتیاق نے میرے اوپر بیجھوٹا اور منگھوٹ ت الزا ہے۔معافی دےجاوے۔

نتیج شخقیق: _ دوران انکوائیری کنسٹیل مذکورہ کے خلاف پولیس آ ضران کے بیانات لئے جاکرالزام علیہ کنسٹیل مذکورہ واقعی ہے۔اورخودایتے بیان میں بھی اس بات کا اقرار کیا ہے۔کہ میراموبائل اکثر جارج پرنگا ہوتا ہے۔شاید کسی نے میراموبائل فون ہو۔تمام بیانات بولیس آفسران تھاندرجیم آبادہمراہ لف انکوائیری ہے۔

<u>سفارش: ہے</u> چونکہ کنٹیبل سال 2009 کا بھرتی ہوکرتر بیت یافتہ پولیس ملازم ہے۔ ذیادہ تر نوکری تھانہ جیم آباد اور تھانہ میں گورہ یا ہے۔ ضلع مردان سے تعلق رکھتا ہے۔ انکوائیری صدا سے واقعی گنٹرگار ہے۔ اور محکمہ پولیس کیلئے بدنا می کاسبب ہے۔ ایسے میں اگرا تفارّ دورانیدلازمت سے 2 سال اینکر بمنٹ سٹاپ کرنے اور آئیند چھاطر ہے کیلئے آخری وارنگ دی جائے۔

الیس ڈی کی اوسرکل بریکوٹ

ORDER

This order will dispose off the departmental enquiry against Constable Bahadar Khan No.102 that he while posted to Police Station Mingora was involved in narcotics peddling. As per report of SHO Police Station Rahimabad, accused namely Muhammad Ishtiaq s/o Rahat Gul r/o Charsadda was arrested in Case vide FIR No.159, dated 19-03-2014 u/s 4PHO Police Station Rahimabad disclosed during interrogation that he has purchased the said chars from him. The conversation of accused and the delinquent Constable through cellular phone was also heard by Constables Amjad No.2876 and Sultanat Khan No.2882 of Police Station Rahimabad.

He was issued Charge Sheet alongwith Statement of Allegations and SDPO/Barikot Circle was deputed as Enquiry Officer. The Enquiry Officer conducted proper departmental Enquiry against the delinquent officer and recorded the statements of all concerned officers. He provided ample opportunity to the delinquent officer to defense the charges rendered by him. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings wherein he recommended the delinquent officer for stoppage of two annual increments. He was heard in Orderly Room. However, he could not present any plausible defense for the charges leveled against him.

Foregoing in view the undersigned is of considered opinion that there are no chances that Constable Bahadar Khan No.102 become an efficient Police Officer. His further retention in service is bound to affect the discipline of the entire force. Therefore, in exercise of the powers vested in the undersigned under Rules 2 (iii) of Police Disciplinary Rules-1975, I, Sher Akbar, S.St, P.S.P, District Police Officer, Swat as a competent authority, am constrained to award him the punishment of Dismissal from Service.

Order announced

District Police Officer, Swat

O.B. No. <u>113</u>

Dated 30 / 06 /2014.

بيان اذال سابقه INSP-SHO كبرزيب خان تفانه رحيم آباد

نے بدوریافت بیان کیا۔ کہ مورخہ 14-3-19 کو بمقام جزل بس سٹینڈ ملزم مجماشتہ راحت گل سکنہ محکہ شیخان گل آباد میرہ ڈاکنا نہ سرڈھیر کی ضلع چارسدہ ہے وزنی 95 گرام چس برآ یہ ہوکر نہ کورہ کے خلافہ علیہ 159 مورخہ 14-3-19 جرم 4PHO تھا نہ رہیم آباد قائم کیا گیا۔ دورانِ انٹاروگیشن ملزم مجم اشتیاتی نے بیال علیہ متزکرہ پولیس کنٹ علیل خان بہا در تھا نہ بیگورہ ہے مبلغ 3000 ہزار روپے پرخریدا ہے۔جو اِن کے لئے ایس نے چس متزکرہ پولیس کنٹ علیل خان بہا در تھا نہ عمیر کے تو بر و برو بر ربیہ ہوبائل نون نمبر 9401627 پولیس کے خار میر کے دوبرو بر ربیہ ہوبائل نون نمبر 9401628 و 340 پر دابطہ کرکے مزید چس خرید نے کیلئے لانے کا کہ کہ شعبیل خان بہا در کے موبائل فون نمبر 9196468 و 340 پر دابطہ کرکے مزید چس خرید نے کیلئے لانے کا کہ کہ کہ نمبیل خان بہا در بہ خوشی قبول کرکے مزید چس لانے کا وعدہ کیا۔ دونوں کے بہ ڈیل میرے رو بروہور جو کر جو اور کی ایس کے برز بیہ موبائل لاوڈ پیکس کی ہوگی ہے۔

اور کشٹیل نام مجملہ کے دوری سے ناجائز فاکدہ اُٹھا کر پولیس کنٹیل ہوتے ہوئے پولیس کے بدنا می کا کر ہ دھندہ کر رہا ہے۔اور شی ایسا میں میں ایسان کے دوری سے بات میڈیا کے سائے آکٹو کمہ پولیس کی مزید بدنا می ہوگی۔ بہی میر ایسان۔

<u>A ... b</u>

ا كبرزيب خان سابقه INSP-SHO تهانه دحيم آباد

20-05-2014

(Autesteel):

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Attesceed 1 17 (8.05.14)

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سان ازال سلطن کان 1882 منتفی تھا از م الله 3 JU ENSHO UP WINT US LIS UL ELS 5 Un - COSEND/1013 ED SHO-13/Cing حمدل لسن لسنا في حرس ع فرمراد ووت من دورو سخفی فروس فلانگ وج کے در بھر کور کور کے بوں الل لنے بروز کورہ تحقی سائے جسے درس ورس ور اور بو کر و ور المرساني 195 رام نفل مرك فررج م لول في رون ور تا المدانستاق ولادافت كالمراب بلايا رويم انظاروتسط ل ملزم ولم في ولم مروس عمل فاررهان بو والا ع زور تطام فی وی وی وی از فاع و در اواع و در اور ای مرد ا ع در الريس ك اور درس مي د آسيا فوراً فرن هادر ل كوملانا ورون ولا وفر سركرك كادر كان رين ك 19/1/2 18,000 20 20 3 510/3 عرون الرفون من الرفون المرفون الرفون المرفون ا 1 3 / (6) - 101 (10) Sep SHO 101-16) (1 à lèse) را من کل کر مار راه و فقام کا اور فرام علی 20,7,181,118,165 4040 PD 19 34 pos 2 Cm/132 05 1/2 /2016 20020 Local Blue de 2000

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1438 ; [w] J. 010 Dola علنا میل از العول کر ایس سال ۱۹۵۰ وی علم الا میں محسب کو و معرفی طور شاحال میں در ور میں دا خريره سال کري اُن ع . محرام لعيناني مي البي لوي ا - کوری ع میں تبدیل میں ان ع مور معیقت ہی گئی ہے۔ 0346 5220236 Allestedi

CE OFFICER, MALAKAND PAGE NO REGION

This order will dispose off appeal of Ex-Constable Bahadar Khan No. 102 of ORDER:

Swat District for reinstatement in service. Brief facts are that Ex-Constable Bahadar Khan No. 102 while posted to Police Station Mingora was involved in narcotics peddling as per report of SHO Police Station Rahim Abad. Accused namely Muhammad Ishtiaq S/O Rahat Gul was arrested by the local Police of Police Station Rahim Abad vide case FIR No. 159, dated 19/03/2014 u/s 4 PHO Police Station Rahim Abad who disclosed during interrogation that he has put hased the said Charas from the appellant. The conversation of accused and the delinquent Constable through cellular phone was also heard by the Constable Amjad No. 2876 and Sultanat Khan No. 2882 of Police Station Rahim Abad. DSP Barikot conducted proper departmental enquiry. During enquiry the Enquiry Officer recorded statements of all concerned officers. After enquiry the Enquiry Officer held him responsible and recommended for stoppage of two annua increments. The applicant was also heard in Orderly Room but he could not present any plausible defense for charges levelled against him. After completion of codal formalities of the enquiry he was found guilt of the charges and the District Police Officer, Swat awarded him major punishment of dismissal from service vide O.B No. 11 dated 30/06/2014.

The appellant was called in Orderly Room on 31/10/2014 and heard him person, but he did not produce any substantive materials in his defense. Therefore I uphold the order District Police Officer, Swat, whereby the applicant has been awarded major punishment of dismis from service. His appeal is filed.

Order announced.

Regional Police Officer

Malakand, at Saidu Sharif Sw

9089 1-11

Copy to District Police Officer, Swat for information and necessary actio

reference to his office Memo: No. 12811/E, dated 05/08/2014.

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PAGE NO. 10 (Service) ANNEXURE DE ALTESTEN (Re-Instartement (8) 105 ph is con of 1200 full of 1200 full of 1200 かんかいこうからいのかりしをはるい سروني ده- برون ده وي در الم وي و المرق و و قار ل - مي وي (201281012186012-01/09/355 i independente de la servición de contratorios de la contratorio della contratorio del 10 100 31 100 1 6 Bb- 2 15mb/ 2000 2. و افسرات المعالم المحالي الون - كرمية عن دي المسال المعالم المالية المراح المسالية المراح المراح المسالية المراح المسالية المراح المسالية المراح المسالية المراح المسالية المراح اً رق كامروس كالعدونس لا مؤسد مواروس السلطي في أر على ملا والله 3/2-12-03 John Con & 23 23 1-193 ترسرر کلفوال تھی ہے۔ میں اصرات یا سے اصراک کوں۔ (65) 43030 106 July 106 21 3040 660) (12/2014 (DU) (3500) 1) Local 102/2010 102/2010 102/2010 100 16/11/14



PAGE NO.______

ATTESTED

OFFICE OF THE
INSPECTOR GENERAL OF POLICE DAM KHAN
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE, PESHAWAR

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-a of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-serviceman Khan Bahadar No. 102 against the Punishment order i.e dismissal from service passed against the appellant by DPO/Swat on 30.06.2014.

In the light of recommendations of Appeal Board meeting held on 21.05.2015, the board examined the enquiry in detail & other relevant documents. It revealed that the appellant was served with Charge Sheet/Statement of Allegations and punishment order was announced on the basis of reply to the Charge Sheet and Statement of Allegations.

Heard in detail. Record perused. Being involved in male practices. A case u/s 4-PHO also registered against him. The punishment awarded by DPO/Swat is justified in the given circumstances. Therefore, the appeal is recommended to be rejected.

Order announced in the presence of appellant.

Sd/NASIR KHAN DURRANI
Inspector General of Police,
Khyber Pakhtunkhwa
Peshawar.

No. 73//-/5 /E-IV dated Peshawar the 0// 06/2015

Copy of above is forwarded to the:-

1. Regional Police Officer, Malakand. The service Roll, Fauji Missal and Enquiry File of the above named official are returned herewith.

2. District Police Officer, Swat.

3. PSO to IGP/Khyber Pakhtunkhwa Peshawar.

4. PA to Addl: IGP/HQrs Khyber Pakhtunkhwa, Peshawar.

5. PA to DIG/HQrs Khyber Pakhtunkhwa, Peshawar.

(SYED FIDA HASSAN SHAH)

AIG/Establishment

For Inspector General of Police, Khyber Pakhtunkhwa Peshawar.

VAKALAT NAMA

In the Court of The Sun	er Terbund, Pethawa	4
Appra	∠ No	of 20 15
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Daha	day lehan ahas letran	(Petitioner)
•	Bahadur	(Plaintiff)
		(Appellant)
	VERSUS	
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1h.	Police Deptt etc.	(Respondent)
	:	(Defendant)
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hereby appoint and constitute N	luhammad Adam Khan, Ad	vocate Mardan as
Counsel in subject proceedings and	l authorize him to appear, plead etc., c	ompromise, withdraw or
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refer to arbitration for me/us, as my	y/our Advocate in the above noted ma	tter, without any liability
for his default and with the autho	rity to engage/appoint any other Adv	ocate/Counșel at my/our
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MUHAMMAD ADAM KHAN,		Accepted
Advocate, District Courts, Mardan.	Muhamn	
	ADAM K	FAN:

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 750/2015

Bahadar Khan Ex Army.....

Appellant

Respondents

VERSUS

- 1. Secretary Home Department Khyber Pakhtunkhwa, Peshawar
- 2. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
- District Police Officer, Swat at Saidu Sharif.
- 4. Regional Police Officer, Malakand Saidu Sharif, Swat.

WRITTEN REPLY ON BEHALF OF RESPONDENTS

1. PRELIMINARY OBJECTIONS

- 1. That the appellant has got no cause of action and locus standi to file the present appeal.
- 2. That the appeal is bad due to misjoinder and nonjoinder of necessary parties.
- 3. That the appeal is time barred.
- 4. That the appellant has not come to the Tribunal with clean hands.
- 5. That this honorable Tribunal has got no jurisdiction to entertain the present appeal.
- 6. That the instant appeal is not maintainable in its present form.
- 7. That the appellant has concealed the material facts from this honorable Tribunal.
- 8. That the appellant has been estopped by his own conduct to file the appeal.

2. REPLY ON FACTS

- 1. Para No. 1 is correct to the extent that the appellant while posted at Police Station Mingora was found involved in narcotics peddling. An accused namely Muhammad Ishtiaq s/o Rahat Gul r/o Charsadda was arrested in case vide FIR No. 159 dated 19-03-2014 u/s 4 PHO Police Station Rahim Abad who disclosed that he has purchased the recovered Chars from the delinquent official. In this regard he was proceeded departmentally. Proper Charge Sheet and summary of allegations was also issued to him. The E.O conducted enquiry and recommended him for appropriate punishment. Thereafter, was heard in person in Orderly Room but he could not produced any plausible reason in his defense. Hence he was awarded major punishment of dismissal from service under PR 1975. (Cop y of charge sheet statement of allegation and enquiry report is as "A" "B" "C".
- 2. Para No. 2 pertains to record.
- 3. Para No. 3 is incorrect. In fact the appellant did not submitted any application in this regard.
- 4. Para No. 4 is correct to the extent that appeal of the appellant was rejected/filed because the charges leveled against him were stand proved.
- Para No. 5 is correct to the extent that the appellant preffered a revision application but the same was rejected/filed because the charges leveled against him were stand proved and there is no second D/A or revision petition under the law.

6. Para No. 6 is incorrect. The appellant was timely informed after rejection of his appeal.

GROUNDS:

- Incorrect. The appellant was found involved in narcotics peddling. The charges leveled against him stood proved during enquiry.
- II. Incorrect. All the codel formalities were fulfilled.
- III. Incorrect. Proper departmental enquiry was conducted against him in his presence.
- IV. Incorrec t. He was duly informed departmental enquiry was conducted in this presence and he was also recorded his statement.
- V. Incorrect. The enquiry proceeding was conducted in his presence and he has also record his statement.
- VI. Incorrec t. Para already explained in detail above.
- VII. Incorrect. The charges leveled against him were stand proved and after fulfilling all the codel formalities the impugn ad away issued.
- VIII.Incorrect. The appellant was served with final show cause notice and all the required document has been provided to him.
- IX. Incorrect. The appellant failed to produce any plausible reason in his defence.
- X. Incorrect. The charges leveled against him were stand proved.
- XI. Incorrect. The appellant was heard in person in Orderly Room but he failed to defend himself.
- XII. Incorrect. The revision petition of appellant was filed because the charges leveled against him were stand proved.
- XIII. No need to comment as Para contained to his service record.
- XIV. Para is not related. Needs no comments.

PRAYERS

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

Secretary Home Department
Khyber Pakhten Thwa, Peshawar
Home Pakhten The No. 01)
Khyber Pakhten The No. 01)

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar

(Respondent No. 02)

District Police Officer, Swat (Respondent No. 03)

Regional Police Officer,
Malakand Saidu Sharif, Swat.
(Respondent No. 04)

Regional Police Officer,
Malakarid, at Saidu Sharif Swat,

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 750/2015
Bahadar Khan Ex Army...... Appellant

VERSUS

1. Secretary Home Department Khyber Pakhtunkhwa, Peshawar

Respondents

- 2. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
- District Police Officer, Swat at Saidu Sharif.
- 4. Regional Police Officer, Malakand Saidu Sharif, Swat

POWER OF ATTORNEY

We, the undersigned No. 01 to 04 doe hereby appoint Muhammad Ilyas Khan SI Legal Swat as Special representative on our behalf in the above noted appeal. He is authorized to represent us before the Tribunal on each and every date fixed and to assist the Govt: Pleader attach to Tribunal.

> Inspector General of Police, Khyber Pakhtunkhwa, Peshawar (Respondent No. 02)

> > District Police Officer, &wat (Respondent No. 03)

Regional Police Officer, Malakand Saidu Sharif, Swat. (Respondent No. 04)

Regional Police Officer, Malakand, at Saidu Sharif Swat.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 750/2015

Bahadar Khan Ex Army.....

Appellant

Respondents

VERSUS

- 1. Secretary Home Department Khyber Pakhtunkhwa, Peshawar
- 2. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
- 3. District Police Officer, Swat at Saidu Sharif.
- 4. Regional Police Officer, Malakand Saidu Sharif, Swat.

<u>AFFIDAVIT</u>

We, the above respondents do hereby solemnly affirm on oath and declare that the contents of the appeal are correct/true to the best of our knowledge/behalf and nothing has been kept secrete from the honorable Service Tribunal Khyber Pakhtunkhwa, Peshawar.

Secretary Home Department Klypber Pakhtunkhwa, Peshawar Home (Seepeldley) t No. 01)

Khyber Pakhtunkhwa

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar

(Respondent No. 02)

District Police Officer, Swat (Respondent No. 03)

Regional Police Officer, Malakand Saidu Sharif, Swat. (Respondent No. 04)

Megional Police Officer, Malakand, at Saldin Sharif Swat.

محمانه کاروائی برخلاف المسلم می مادرخان بر 102/FC متعبد چکی اثر وز تمانه کالام

چاہاں!

تنجی نے دوران انکوائیری کمٹیل فدکورہ کے خلاف پہلیں آفسران کے بیانات لئے جاکراٹرام عنیہ کشیل فدکورہ واقی آئی۔ ہے۔ اور ٹووا پنے بیان میں بھی اس بات کا اقرار کیا ہے۔ کہ میراموبائل اکثر جارن پرلگا ہوتا ہے۔ شام کی نے میراموبائل قول ا ہو تھام بیانات ہے کس آفسران تھا شرحیم آباد ہمراہ لفسا کھوائیری ہے۔

Major J.

The state of the s

DISCIPLINARY ACTION

Mr. Sher Akbar S.St. P.S.P. District Police Officer, Swat as competent authority, is of the hat he Constable Bahadar Khan No.102 while posted to Police Station Mingora has rendered able to be proceeded against departmentally as he has committed the following acts/omissions as n Rule 2 (iii) of Police Rules 1975, as per Provincial Assembly of Khyber Pakhtunkhwa Notification thyber Pakhtunkhwa/ Bills/ 2011/ 44905 dated 16/09/2011 and C.P.O, K.P.K Peshawar Memo: No. /Legal, dated 19/11/2011.

STATEMENT OF ALLEGATIONS

It has been reported that he while posted to Police Station Mingora committed the ig act / acts, which is / are gross misconduct on his part as defined in Rules 2 (iii) of Police Rules 1975

That he Constable Bahadar Khan No.102 while posted to Police Station Mingora was d in narcotics peddling. As per report of SHO Police Station Rahimabad, accused namely mean ishtlag s/o Rahat Gul r/o Charsadda was arrested in Case vide FIR No.159, dated 19-03-2014 HCI Police Station Rahimabad disclosed during interrogation that he has purchased the said Chars tim. The conversation of accused with him through cellular phone was also heard by Constables No.2876 and Sultanat Khan No.2882 of Police Station Rahimabd. All these based on malafid ion and disinterest in duty on his part.

- 2. For the purpose of scrutinizing the conduct of the said officer with reference to the above tions, SDPO/Barikor Circle, Swat is appointed as Enquiry Officer.
- 3 The enquiry officer shall conduct proceedings in accordance with provisions of Police 1975 and shall provide reasonable opportunity of defense and hearing to the accused officer, record adings and make within twenty five (25) days of the receipt of this order, recommendation as to shment or other appropriate action against the accused officer.
- 4. The accused officer shall join the proceedings on the date, time and place fixed by the riry officer.

District Police Officer, Swat

/EB, Dated Gulkada the,

Copy of above is forwarded to the:-

SOPO/Barikot Circle, Swat for initiating proceeding against the accused Officer/ Official namely Constable Bahadar Khan No.102 under Police Rules, 1975.

Constable Bahadar Khan No. 102 Police Station Mingora:-

With the direction to appear before the enquiry officer on the date, time and place fixed by the Enquiry Officer for the purpose of enquiry proceeding.

CHARGE SHEET

I Mr. Sher Akbar S.St. P.S.P. District Police Officer, Swat as competent authority, hereby charge you, Constable Bahadar Khan No.102 while posted to Police Station Mingora as follows:

it has been reported that you committed the following act / acts, which is / are gross misconduct on your part as defined in Rules 2 (iii) of Police Disciplinary Rules 1975.

You Constable Bahadar Khan No.102 while posted to Police Station Mingora were involved in narcotics peddling. As per report of SHO Police Station Rahimabad, accused namely Muhammad Ishtiaq s/o Rahat Gul r/o Charsadda was arrested in Case vide FIR No.159, dated 19-03-2014 u/s 4PHO Police Station Rahimabad disclosed during interrogation that he has purchased the said Chars from you. The conversation of accused with you through cellular phone was also heard by Constables Amjad No.2876 and Sultanat Khan No.2882 of Police Station Rahimabd. All these based on malafid intention and disinterest in duty on your part.

- 2. By reasons of the above, you appear to be guilty of misconduct and rendered yourself liable to all or any of penalties specified in Rule-4 of the Disciplinary Rules 1975.
- 3. You are, therefore, required to submit your written reply within seven (7) days of the receipt of this Charge Sheet to the Enquiry officer.
- 4. Your written reply, if any, should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
 - 5. Intimate as to whether you desire to be heard in person or not.
 - 6. A statement of allegations is enclosed.

District Police Officer, Swat

Dated: <u>05/1</u>/2014.

جناب عالى!

بحواله شموله چارج شیث اوسپلزی ایکشن نمبری 124/EB مورخه 013-8-19 مجاربیه جناب DPO صاحب ضلع سوات به برخلاف کانشیبل امتیاز نمبر 1438 متعینه تھانه مدین معروض خدمت ہوں کہ

کانٹیبل امتیا زنمبر 1438 کوبسلسلہ اکوائیری طلب کر کے اپنے بیان میں واضح کیا کہ وہ گار درز ڑہ بل مدین ہے کوبش نہر پر گھر خود جاکرا پی بیوی جوکا فی عرصہ سے ذہنی مریض ہے۔ کوبخرض علاج معالجہ ما ہرامراض ذبنی بیاری ڈاکٹر اعزازگل میڈیک کمپلیس مردان سے علاج کرواکر والیس گھر خوداکر موجود تھا۔ کے اس دوران اُس کی بیٹی ہیم 12/13 سال گرکر دایاں ٹانگ ٹوٹ کر بغرض علاج معالجہ ڈاکٹر عبدالقیوم آرتھو پیڈک سرجن بمقام کاٹلنگ مردان لے گیا۔ اس دوران مورخہ 10-06-01 کوائس کے خلاف رپورٹ غیر حاضری درج روزنا مچہ کر کے اس نے مورخہ 10-06-10 کوائس کے خلاف رپورٹ غیر حاضری درج روزنا مچہ کر کے اس نے مورخہ 10-06-10 کوائس سے مبلغ کو حاضری کی ہے۔ اس غیر حاضری پر بحوالہ OB نمبر 133 مورخہ 133-08-12 پر افسران بالانے اُس سے مبلغ کوحاضری کی ہے۔ اس غیر حاضری پر بحوالہ OB نمبر 133 مورخہ 135-08-12 پر افسران بالانے اُس سے مبلغ

اس بابت SHO رحمت علی خان اور محرر محمعلی تھا نہ مدین نے اپنے بیانات میں واضح کیا کہ کانشیبل ابتیاز نمبر 32 مور محملی تھا نہ مدین نے اپنے بیانات میں واضح کیا کہ کانشیبل ابتیاز نمبر 32 مور خوالہ نمبر 32 مور خوالہ نمبر 32 کو حاضری کی ۔ دوبارہ بحوالہ نمبر 32 روز نامچہ 21-8-27 حاضری کی ہے۔ عادی غیر حاضر باش ہے۔ اپنے عادتوں سے مجبور ہے۔ نقل رپورٹ پیش کر کے لف ہے۔

مالات واقعات سے میں اس نتیجہ پر پہنچا ہوں کہ الزام علیہ کانٹیبل امتیا ز 1438 بحوالہ نمبر 34 روز نا محیہ دوبارہ بحوالہ 10-6-01 غیر حاضر ہو کر مورخہ 21-8-01 غیر حاضر ہو کر مورخہ 21-8-21 غیر حاضر ہو کر بحوالہ 29روز نامچہ 21-8-21 غیر حاضر ہو کر بحوالہ 29روز نامچہ 21-8-21 خیر حاضر ہو کر بحوالہ 29روز نامچہ 21-8-21 خیر حاضر ہو کر بحوالہ 20 ہو۔ جو کہ کل 6 کیوم غیر حاضر رہ چکا ہے۔ دونوں کو ملا کر کل 16 میں غیر حاضر رہ چکا ہے۔ دونوں کو ملا کر کل 16 میں غیر حاضر رہ چکا ہے۔ مذکورہ بیانی ہے کہ اس غیر حاضر می پر افسر ان بالا نے اُس کی تخواہ سے بحوالہ 08 میں 133 مورخہ 2013-8-12 میل 7667 کو تی کر کے بقایا تخواہ میل 1438 سے معلوبات کرنے پر پایا گیا۔ کہ کانٹیبل امتیاز نمبر 1438 سے ای غیر ماضری پر سزایاب کر کے تخواہ سے مبلخ -7667 دوبارہ سزایاب کر ناانصاف کا نقاضا نہیں ہے۔ حاضری پر سزایاب کر کے تخواہ سے مبلخ -7667 دوبارہ سزایاب کر ناانصاف کا نقاضا نہیں ہے۔ البندااگر جناب والاشنق ہوتو کانٹیبل مذکورہ کے خلاف جاری شدہ چارج شیٹ اؤسپلزی ایکشن بلامزید کاروائی

OR No 168 14 10.13.

اليس- دُي كِي اُو

خوازه خيله سركل

08.10.201

وافل وفتر کرنے کی سفارش کی جاتی ہے۔

on that

1438) Stanget in ئائىرىك دۇرىكى مرفال العامري والرما 48 وري 770 ما و جراماد 265 P. 1638 1438 VE 1615 والدوشرام زيادا من ما عدات معروض عدمت كرفدوق ال تر تعارف من مام الا رواضي تعام سعومول مور تقام من فالريدة في الحراج الح موما من كالعمره منه منه من نقل لف كا تعمي نقلد ما - م ه ما . سرے نے نون رکا کری بھے مارک کے سکردہ رہا ہے ofo the Des and and colo as Euchopo لقالي مد م المعالى الماري لا المعالم م ماليو مِثَدِيمُ عِن اور عَسال عِلى مردان عَ عِما لقر فَ عَراف مَ مَا اللهِ اللهِ عَلَى عَرْف مَ مَا اللهِ د کورا سے میں رسی تھے۔ می ویکی ایس کر دانھی ناکورہ کیا۔ الماريوك روان شيال س عاراه كياه مني مافوه كالم 18/18 . & Ligo on ou eles & Box 5012 ور المعلى كا دوران مرك ما وسى عام الإنها كى مع الديوس Este mo la colo i co. probe de de colonia Expression of the state of the

This order will dispose off the departmental enquiry against Constable Bahadar Khan No. 102 that he while posted to Police Station Mingora was involved in narcufics peddling. As per report of SHO Police Station Rahimahad, accused namely Muhammad Ishtibq s/o Rahat Gul r/o Charsadda was arrested in Case vide FiR No.159, dated 19-03-2014 u/s 4१भीं० Police Station Rahimabad disclosed during interrogation that he has purchased the said-chars, from him. The conversation of accused and the delinquent Constable through callular phone was also heard by Constables Amjad No.2876 and Sultanat Khan No.2882 of Folice Station Rahlmabad.

He was issued Charge Sheet alongwith Statement of Allegations and SDFO/Barikot Circle was deputed as Enquiry Officer. The Enquiry Officer conducted profes departmental Enquiry against the delinquent officer and recorded the statements of all equipmed officers. He provided ample opportunity to the delinquent officer to defense the charges rendered by him. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings wherein he recommended the delinquent office: for stoppage of the annual increments. He was heard in Orderly Room. However, he could not present any pransible defense for the charges leveled against him.

Foregoing in view the undersigned is of considered epinion that there are no chances that Constable Bahadar Khan No.102 become an efficient Police Officer. His further retention in service is bound to affect the discipline of the entire force. Therefore, in exercise of the powers vested in the undersigned under Rules 2 (iii) of Police Disciplinary Rules-1975, I. Sher Akbar, S.St, P.S.P. District Police Officer, Swat as a competent authority, am constrained to award him the punishment of Dismissal from Service.

Order announced

Joseph Pallica Officer, Spar

O.8, No. 113 Dated <u>30 / 05 /201</u>4.

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before The Scivice Trebuil Pashawer.

Appeal No. 750/2015

Hearing 05.09.2016

Bahadur khom x/s The Secretary etc;

Reglication on backey of Appellant:

Pry: Objection .-

All the preliminary objections are incorrect, irrelivant, misconcieved and based on malice. The delay is considered, is liable to be condoned.

Facts .

1. Para- 1 of written reply on behalf of Respondents is incorrect and false. The Appellant was false and onalafidely charged in the referred case. He had not committed the alleged offence. Appellant was even, not charged, in the referred criminal case.

II. Basied on malice.

Based on malice and false. Deried, Reference Can be made to fore-4 of this kepty.

TV AF Incorrect. The order inquestion is against law or facts, besides being unjustified. Denied.

W. incorrect and false. Denied.

Grounds:

I & W. incorner & false. Deviced.

I. incorrect. Denied.

VI + VII. incorrect, the same is no where explained. Denied.

VIII Incorrect of galle. Devied.

The SM. incorrect and unjustified. Denied.

XIII 4 XIV. No further Comments.

10

It is prayed that the Appeal may be accepted, I Setting aside the imprograd order, the Appellant may bee rejustated with back service being its and with costs also.

Des. 09. 2016

Appellant
Motology
(Bahadur klean)

Africalevit .-

MUHAMMAD ADAM KHAN

B.A LLB Advocate

High Court Mardan

In Bahadur khom/ the Appellant, do hereby state on solemn affirmation that the contents of the menu; of Appeal, and the above Replication are true and correct to the last of my knowledge and belief and that the objections as mentioned in the wretten Refly are false and incorrect.

Bahadur lehan (Appellant)

Klyhotalus.

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. <u>748</u>/ST

Dated 13 / 4 / 2017

To

The District Police Officer, Government of Khyber Pakhtunkhwa,

Swat at Saidu Sharif.

Subject: - .

JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 5.4.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.