

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
CAMP COURT ABBOTTABAD

Service Appeal No.18/2015

Date of Institution... 05.01.2015

Date of decision... 23.11.2017

Mr. Riaz Khan, Head Constable No. 99. Police Line, Abbottabad District  
Abbottabad. ... (Appellant)

Versus

1. The Deputy Inspector General of Police Hazara Region at Abbottabad and  
another. .... (Respondents)

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MR. MUHAMMAD ASLAM TANOLI,  
Advocate ... For appellant.

MR. KABEERULLAH KHATTAK,  
Addl. Advocate General, ... For respondents.

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN  
MR. AHMAD HASSAN, ... MEMBER

JUDGMENT

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

FACTS

2. The appellant was dismissed from service on 29.10.2014, against which he  
filed departmental appeal on 07.11.2014. The departmental appeal was partially  
accepted and the penalty of dismissal from service was converted into reduction in  
rank. Thereafter, the appellant challenged the appellate order through this service  
appeal on 05.01.2015. The main charge against the appellant was that he received  
gratification in connection with transportation of some legal timbers and harassed

the complainant. The proceedings were initiated on the basis of a complaint filed by one Amjad Zubair Khan.

### ARGUMENTS

3. The learned counsel for the appellant argued that the charge sheet alongwith statement of allegations was issued on 20.08.2014 which was duly replied to by the appellant on 23.08.2014. That an enquiry officer was appointed namely Mr. Khan Khail, DSP Cantt. That the appellant was served with final show cause notice on 28.08.2014 before the enquiry report. That the alleged occurrence took place not on 04.07.2014 but on 21.07.2014. That the charge of illegal gratification by receiving money has not been proved through independent witnesses. That the whole proceedings are against the rules.

4. On the other hand, the learned Addl Advocate General argued that the present proceedings were initiated on the basis of a complaint. That the enquiry officer submitted enquiry report on 26.08.2014. That the final show cause notice was issued on 17.10.2014 after the receipt of enquiry report. That the whole proceedings were in accordance with the law.

### CONCLUSION.

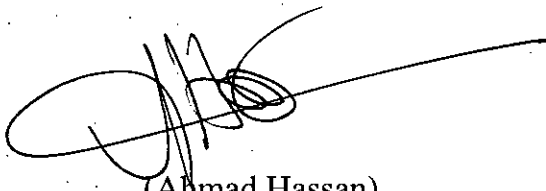
5. Regardless of the merits of the appeal, there is final show cause notice bearing No. 86 dated 28.08.2014 on the file. The Verbatim copy of the said show cause notice has been produced today from the office file by the representative of the department which bears No. 110 dated 13.10.2014 at the top of the notice. The contention of the respondent department is that this final show cause notice was issued on 13.10.2014 whereas the verbatim copy of the same annexed with the

appeal by the appellant bears dated 28.08.2014 with different number. This Tribunal is to see that which date is correct. If we go through the contents of this notice, there is no mention of any enquiry findings nor copy of the enquiry findings is given to the appellant, which means that this notice was given to the appellant before the enquiry report. On the file there is an enquiry report dated 30.09.2014 which is a regular enquiry after the issuance of charge sheet and statement of allegations. At the footings of the said enquiry report the competent authority has given a note for the issuance of a final show cause notice to the appellant which bears the date as 01.10.2014 and again below that note another note is added dated 29.10.2014 whereby the authority had decided that in the light of the findings of the enquiry officer, the allegations stood proved and hence the appellant be dismissed from service. But the learned AAG referred to the said final show cause notice discussed above in order to support his arguments that show cause notice was issued on 13.10.2014. But this is not correct as discussed above because this final show cause notice is not based on the findings of the enquiry officer. Irrespective of these controversies it is an admitted position that no copy of the enquiry report was given to the appellant. Learned AAG referred to an enquiry dated 26.08.2014 submitted by the same enquiry officer namely Khan Khail, DSP which is not annexed with this file and has been produced from the office file of the department today. It is strange to note that it has not been mentioned in the said enquiry that who appointed him as enquiry officer for this report. He was appointed enquiry officer in the statement of allegations on 20.08.2014 and he submitted his enquiry report after his appointment ~~and~~ the statement of allegations on 30.09.2014. But it is not understandable that how he submitted another report prior to 30.09.2014 and under which authority. If it is


presumed that this ~~was~~ <sup>was</sup> earlier report <sup>of</sup> fact finding enquiry bearing dated 26.08.2014 then how charge sheet preceded this fact finding enquiry.

6. Coming to the proof of the charge, the enquiry officer has based his findings only upon the statements of complainant and his friend namely Muhammad Javed, Tahsildar. The enquiry officer recorded the statements of many police officials accompanying the appellant at the time of alleged occurrence and all those witnesses did not support the complaint. But the enquiry officer has not relied upon their statements for being interested. He has not taken into consideration the fact that the complainant and his friend were more interested than the police officials accompanied by the appellant.

7. As a sequel to the above discussion the present appeal is accepted, the impugned order is set aside and the appellant is restored to his original position. The department is however, at liberty to hold denovo proceedings in accordance with the law. Parties are left to bear their own costs. File be consigned to the record room.



(Ahmad Hassan)  
Member



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

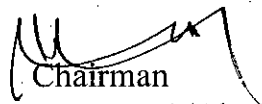
ANNOUNCED

23.11.2017

23.08.2017

Appellant alongwith Muhammad Aslam Tanoli, Advocate present and fresh Wakalatnama submitted. Mr. Mubammad Bilal, Deputy District Attorney alongwith Shamraiz Khan, Reader for the respondents present. The learned counsel for the appellant seeks adjournment. Adjourned. To come up for final hearing before the D.B on 23.11.2017 at camp court, Abbottabad.

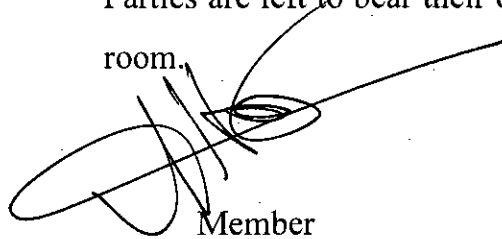
  
Member

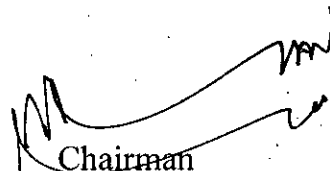
  
Chairman  
Camp court, A/Abad

23.11.2017

Counsel for the appellant and Addl. Advocate General alongwith Shamraiz Khan, H.C 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  
23.11.2017

18.07.2016


Junior to counsel for the appellant and Mr. Shamraiz Khan, Reader alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Senior counsel for the appellant has not turned up from Peshawar. Seeks adjournment. Adjourned for final hearing before D.B to 19.12.2016 at camp court, Abbottabad.

  
Member

  
Chairman  
Camp court, A/Abad,


19.12.2016

Appellant in person and Mr. Shamraiz Khan, Reader alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Due to incomplete bench arguments, could not be heard. To come up for final hearing on 13.03.2017 before D.B at camp court, Abbottabad.

  
Chairman  
Camp court, A/Abad

13.03.2017

Appellant in person and Mr. Shamraiz Khan, Reader alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Due to non-availability of D.B arguments could not be heard. To come up for final hearing before the D.B on 23.08.2017 at camp court, Abbottabad.

  
Chairman  
Camp Court, A/Abad


4. 18.5.2015 Counsel for the appellant and Mr. Shamraiz Khan, Reader alongwith Mr. Muhammad Tahir Aurangzeb, G.P for respondents present. Comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 17.9.2015 at camp court A/Abad.

  
Chairman  
Camp Court A/Abad

17.09.2015 Appellant with counsel and Mr. Shamariz Khan, Reader alongwith Mr. Muhammad Tahir Aurangzeb, GP for respondents present. Rejoinder submitted. Due to non-availability of D.B, arguments could not be heard. Adjourned to 18.1.2016 for final hearing before D.B at Camp.Court A/Abad.

  
Chairman  
Camp Court A/Abad

18.01.2016 Appellant with Junior counsel for the appellant and Mr. Shamariz Khan, Reader alongwith Mr. Muhammad Saddique, Sr.G.P for respondents present. Senior counsel for the appellant is not in attendance due to ailment of his mother. Requested for adjournment. Adjourned for final hearing before D.B for 18.07.2016 at Camp Court A/Abad.

  
Member

  
Chairman  
Camp Court A/Abad

Appeal No. 18/2015  
Mr. Riz Khan.

2. 22.01.2015

Appellant deposited process fee  
& security.

Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, the appellant has impugned order dated 29.10.2014, vide which the major penalty of dismissal from service has been imposed upon the appellant. Against the above referred impugned order appellant filed departmental appeal on 07.11.2014 which was partially accepted on 24.12.2014 whereby the major penalty of dismissal from service has been converted into reduction from the rank of D-List Head Constable to lower rank as Constable, hence the instant appeal on 05.01.2015.

Since the matter pertains to terms and conditions of service of the appellant, hence admit for regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply. To come up for written reply/comments on 11.03.2015 before the learned Bench-III.

  
Member

3. 11.03.2015

Counsel for the appellant and Addl: A.G for respondents present. Learned Addl: A.G informed that case of the appellant pertains to territorial limits of Hazara Division and he is not in a position to contact the respondents. Requested for adjournment. The appeal adjourned for written reply to 18.5.2015 before S.B at camp court Abbottabad.

  
Chairman




Form- A

FORM OF ORDER SHEET

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

Case No. 18/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	05.01.2015	<p>The appeal of Mr. Riaz Khan presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;">   <b>REGISTRAR</b> </p> <p style="text-align: center;"> <del>This case is referred to Court for preliminary hearing to be held there on _____</del> </p> <p style="text-align: right;"> <b>CHAIRMAN</b> </p>
2		

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

APPEAL NO. 18 /2015

**RIAZ KHAN**

**VS**

**Govt: of KPK**

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**APPELLANT**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

APPEAL NO. 18 /2015

Mr. Riaz Khan, Head Constable No.99,  
Police Line Abbottabad, District Abbottabad

09  
05-01-2015

..... APPELLANT

**VERSUS**

- 1- The Deputy Inspector General of Police, Hazara Region at Abbottabad.
- 2- The District Police Officer, District Abbottabad.

..... RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORIGINAL ORDER DATED 29-10-2014 WHEREBY MAJOR PENALTY OF DISMISSAL FROM SERVICE WAS IMPOSED ON THE APPELLANT UNDER A WRONG LAW AND AGAINST THE IMPUGNED APPELLATE ORDER DATED 24-12-2014**

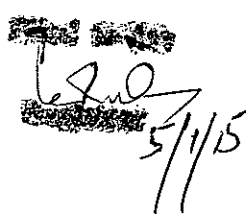
**PRAYER:**

That on acceptance of this appeal the impugned orders dated 29-10-2014 and 24-12-2014 may very kindly be set aside and the respondents may kindly be directed to restore the appellant to the rank of D List Head Constable with all back benefits. Any other remedy which this august Tribunal deems fit may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

1- That appellant was enrolled as Constable in the respondent Department vide order dated 02-10-1990. That right from the appointment till date the appellant has served the respondent Department quite efficiently and up to the entire satisfaction of his superiors. Copy of the relevant service book is attached as annexure.....A.



2- That appellant was than promoted to the rank of Head Constable. The appellant while serving as Head Constable in charge police post Bodla District Abbottabad a charge sheet and statement of allegation were served by the respondent No.2 on the appellant on the complaint of one namely Mr Amjad Zubair on the allegation that "On 04-07-2014 the said

person i.e. Amjad Zubair complainant while transporting Timber of Cheerh under permit and transport pass from Makhmial towards Haripur was intercepted by the appellant in the way near Seria Barrier. That the said Timber Laden vehicle was taken to the police post Bodla by the appellant where the same was retained for 2 days and was released after extracting illegal gratification of Rs. 50,000/- from the complainant party by the appellant". Copies of the charge sheet and statement of allegation are attached as annexure ..... **B & C.**

**3-** That in response to the said charge sheet and statement of allegation, the appellant submitted his detailed reply and rebutted the said charge sheet and statement of allegation alongwith documentary proof. Copy of the reply is attached as annexure ..... **D.**

**4-** That on 28-08-2014 a show cause notice was issued to the appellant and in response the appellant submitted his detailed reply along with the statement of complainant Amjad Zubair and other related persons. That it is very pertinent to mention that the complainant in his statement clearly declared that the complainant had never gave any kind of bribe to the appellant. Copies of the show cause notice, reply and statements are attached as annexure ..... **E, F & G.**

**5-** That inspite of providing documentary proof and clarification about his innocence the respondent No.2 issued the impugned order dated 29-10-2014 whereby the appellant was dismissed from service under wrong a law and with out conducting regular inquiry in the matter. Copies of the impugned order is attached as annexure ..... **H.**

**6-** That appellant feeling aggrieved from the impugned order dated 29-10-2014 issued by the respondent No.2 the appellant filed Departmental appeal before the respondent No. 1 vide dated 07-11-2014. That in response the respondent No.1 issued the appellate order dated 24-12-2014 whereby the penalty of dismissal from service have been converted into reduction from the rank of D list Head Constable to lower rank of Constable along with other penalties of transfer, the period the appellant remained out of service is treated as leave with out pay and kept the appellant for 6 months special report. Copies of the Departmental appeal and appellate order are attached as annexure ..... **I & J.**

- 7- That appellant having no other remedy prefer this appeal on the following grounds amongst the others.

**GROUND:**

- A- That the impugned orders dated 29-10-2014 and 24-12-2014 are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the complainant in his statement clearly declared/stated that he had never gave any kind of bribe to the appellant but inspite of that the respondent Department issued the impugned orders dated 29.10.2014 and 24.12.2014 against the appellant.
- D- That no fact finding inquiry has been conducted in the matter of appellant and as such the impugned orders dated 29.10.2014 and 24.12.2014 are void ab initio in the eyes of law.
- E- That no initial show cause notice has been issued to the appellant before issuing the impugned order dated 29.10.2014.
- F- That no chance of personal hearing/defense has been given to the appellant before issuing the impugned order dated 29.10.2014 against the appellant.
- G- That the respondent Department acted in arbitrary and malafide manner while issuing the impugned orders dated 29-10-2014 and 24-12-2014.
- H- That the action against the appellant has been taken by the respondent Department under a wrong law, therefore the impugned order dated 29.10.2014 is void ab initio.
- I- That no chance of defense has been given to the appellant to cross examine the witness produced against the appellant by the respondent Department.
- J- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellants may be accepted as prayed for.

Dated: 30.12.2014

**APPELLANT**

  
**RIAZ KHAN**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

**(Mobile No.0345-9383141)**

121-71-435067

ریاض خاں جرون 99

عبدالقیوم خان

کاؤن ڈار خانہ باڈہ سید خان

مظہر رضا ایسٹ ایلو

الفنا

1971

Assistant Director

DPO Abbottabad

99 A-5

DISTRICT

DISTRICT

DISTRICT


Police Station	District	Province	Date of Birth	Height	Chest Measurement	Date of Enrolment	Age on Enrolment	Distinctive Marks
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Tribe or	Village	Post and
Riaz Khan	Abdul Sayam	
	Pakhan	
	Bande Said Khan	
	Rajpoot	
	Howellian	
	Abbottabad	
	Muz P.	
	10-11-1971	
	5'7 1/2	
	33 1/2 x 35	
	02-10-90	
	18 years, 10 months & 22 days	

A cut mark on the left knee

Verification Roll No. dated received back and attached to the Fauji Misal.

Government Service prior to present employment, which is approved for pension service.

Service or department of last Appointment	From	To	PERIOD		
			Years	Months	Days
					
Cause of and on discharge above service	Reference to orders approving above service for pension service in the Police Department.				

Agreement. I agree to serve faithfully under the provisions of the Police Act (V of 1861), and the purport of that section explained to me. I agree to serve faithfully under the provisions of the Police Act and to obey all lawful orders issued to my Superior Officers and undertake not to resign my appointment within three years from the date of my enrolment. I received a certificate of appointment issued under section 8 of the Police Act (V of 1861).

Signature.

Sr. Superintendent of Police Abbottabad

rolled impression of fingers and thumb of left hand

Left little	Left ring	Left middle	Left index	Left thumb

ATTESTED

CHARACTER ROLL OF

APPOINTMENTS, PROMOTIONS, REDUCTIONS, DISCHARGES, ETC.

(cont)

*PP*

1	2	3	4	5
Appointed, promoted, suspended, reduced, discharged, dismissed, resigned or died	To what grade and pay Appointed, promoted or reduced	Date	No. of District Order	Full Signature of Superintendent of Police
<p>Appointed as Const in Bbs No 5 Cb. 700-25-1200) with effect from 2-10-90 on Temp. basis and his service are liable to be terminated any time under P.R. 12-21 during this period.</p> <p>OR No 153/FAR Dtd 2-10-90</p>	<p>As Const @ Rs. 700/m in 2-10-90</p>			<p><i>[Signature]</i> Mr. Superintendent of Police Abbottabad</p> <p><i>[Signature]</i> Mr. Superintendent of Police Abbottabad</p>

- PROPERTY BY THE PD (PEC)
1. Name
  2. Desig
  3. Dept
  4. Exis
  5. Mod
  6. Rev
  7. Pay
  8. Pay
  9. Sta
  10. And
  11. To in
  12. Pa
  13. In

7. TRANSFERS BEYOND THE DISTRICT-

1	2	3	4
Date	From	To	Authority for transfer



(4) B-6

DISCIPLINARY ACTION

I, Muhammad Ali Khan District Police Officer Abbottabad, as Competent Authority of the opinion that you HC Riaz, Incharge Police Post Bodla have rendered yourself liable to be proceeded against as you committed the following act/omission within the meaning of Police Disciplinary Rules 1975.

STATEMENT OF THE ALLEGATION


Consequent upon an application/complaint moved by Amjad Zubair Khan alleging therein that on 04-07-2014 he while transporting timber of "Cheerh" under valid permit & Transport Pass from Makhnial towards Haripur, he was intercepted by you in the way near Seria Barrier. His timber laden vehicle was taken to Police Post Bodla by you where the same was retained for two days and was released after extracting illegal gratification Rs. 50,000/- from the applicant party by you. The applicant had to bear extra monetary burden of Rs. 15,000/- which he had to pay to the vehicle owner which you had detained wrongfully for 02 days.

During my personal meticulous probe it has been established that you had agonized the applicant innocently and also extracted illegal gratification as mentioned above.

In this regard, on 19-08-2014, Mr. Amjad, Tehsildar and presently posted as Collector in NHA, Abbottabad visited the office of undersigned. He was tremendously distressed as according to him Mr. Amjad Zubair (applicant) his friend was also accompanied by him when the latter met you at Police Post Bodla. He also requested you to release the wood loaded vehicle which was legitimate and legal in all respect. You did not listen to any request and remained adamant. You intimidated them that you will defame and humiliate the applicant in front of Media men by holding Press Conference. Ultimately you compelled the applicant to pay you illegal gratification Rs. 50000/- through mentioned Javed. Mr. Javed was so harassed by you though exerting pressure of his kens, kiths, fraternity and political big wigs that he regretted to give written statement. All this tantamount to gross misconduct.

For the purpose of scrutinizing your conduct with reference to the above, Mr. Khan Khail, DSP Cantt is deputed to conduct formal Departmental Enquiry against you HC Riaz, Incharge Police Post Bodla. The Enquiry Officer shall in accordance with the provision of the rules, provide reasonable opportunity of hearing to you, record finding and make with thirty days of the receipt of this order, recommendation as to punishment or other appropriate action against you.


You should attend the proceedings on the date, time and place fixed by the Enquiry Officer.

  
(MUHAMMAD ALI KHAN)  
District Police Officer  
Abbottabad

No. 66 /PA, Dated Abbottabad the 20/8 /2014.

- Copy of above is forwarded to:-
1. Mr. Khan Khail, DSP Cantt (Enquiry Officer) for initiating proceedings against the defaulter officer under provisions of the Police Disciplinary Rules 1975.

**ATTESTED**

  
(MUHAMMAD ALI KHAN)  
District Police Officer  
Abbottabad

CHARGE SHEET

C-7

I, Muhammad Ali Khan District Police Officer Abbottabad, as competent authority, hereby charge you HC Riaz, Incharge Police Post Bodla as explained in the attached statement of allegations.

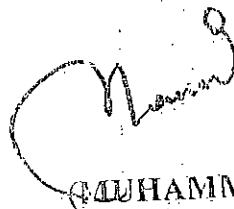
You appear to be guilty of misconduct under Police disciplinary rules 1975, and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.

You are therefore, directed to submit your written defense within seven days on the receipt of this Charge Sheet in the Enquiry Officer.

Your written defense, 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.

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

A statement of allegation is enclosed.



(MUHAMMAD ALI KHAN)  
District Police Officer  
Abbottabad

**ATTESTED**



*Handwritten notes and signatures in the bottom left corner, including a date '10/10/75' and various illegible signatures.*

جناب عالی!

حوالہ چارج شیٹ و سپلنڈری ایکشن نوٹس نمبر PA-66 مورخہ: 14-08-2014 جاریہ۔

جناب DPO صاحب ایبٹ آباد پر معروضی خدمت ہوں کہ مورخہ 2014-07-21 کو میں سید کا سٹیبلان غضنفر 184، خالد محمود 03، شاکر 1268 کے بسلسلہ سرکاری موبائل گشت علاقہ میں موجود تھا کہ مخبر خاص نے اطلاع دی ہے کہ لورہ کی جانب سے غیر قانونی لکڑ گاڑیوں میں اوڈ ہوئے ڈسٹرکٹ ہری پور جاری ہے۔ اس اطلاع پر میں سید ہمایان کے کریکیٹور پانچا تو معلوم ہوا کہ گاڑیاں روڈ پر آگے آگے جارہی ہیں۔ ان گاڑیوں میں ایک جیپ نمبری BB8576 دو عدد سوزوکیاں نمبرات 2234/RIS و 0117/ATD میں غیر قانونی لکڑ موجود پائی گئی اور ان گاڑیوں کو بمقام گلی پٹھراں موڑ کے قریب روکا، اور ان ہر تین گاڑیوں میں از قسم لکڑ چیر پائی گئی۔

پس میں جیپ میں 18 نمبر، سوزوکی 0117/ATD میں 13 عدد گیلی اور دوسری سوزوکی 2234/RIS میں 11 عدد پائی پائی گئی۔ ان ہر تین گاڑیوں میں جو اشخاص لکڑ لے جا رہے تھے ان میں سے ایک پولیس ملازم جس کا نام امجد ہری پور پولیس اور ایک ملازم محکمہ جنگلات کا جس کا نام خالد ہے۔ جب ان اشخاص سے اس غیر قانونی لکڑ کے بارے میں پوچھا گیا تو انہوں نے لکڑ کے متعلق کوئی قانونی دستاویزات یا اجازت نامہ پیش نہ کر سکے۔ انا مجھ سے بحث و مباحثہ اور تو تکلیر سے بولنا شروع کر دیا۔ اور تیش میں آکر پولیس ملازم امجد نے اپنا ہاتھ جیسے ہی اپنے اوڈ شدہ پینٹل پر دلا، جس پر میرے ہمراہ کا سٹیبلان میں سے غضنفر نے اسے پکڑ کر اس سے پینٹل چھین لیا۔ کیونکہ ان کی یہ کوشش تھی کہ یہ کسی بھی طرح ہم سے گاڑیوں کو چھوڑ دالیں گے۔ مگر میں ہر تین گاڑیوں کو بسے غیر قانونی لکڑی کے چوکی لے گیا۔ اور تفصیلاً رپورٹ نمبر 12 روزنامہ 2014-07-21 درج کی جو کہ لف و قابل ملاحظہ ہے۔ اور ساتھ ہی ڈرائیوران وغیرہ کو ہدایت بھی کہ وہ قانونی جواز پیش کریں بصورت دیگر محکمہ جنگلات کے ذریعے جرمانہ عائد کیا جائے گا۔ جو دوسرے روز مورخہ 2014-07-22 کو سخی جاوید خان بمعہ ریٹائرڈ انسپکٹور پولیس مرسلین خان کے چوکی حاضر آئے اور جیپ نمبر BB8576 کے متعلق پرمٹ پیش کیا جو چیک کرنے پر درست پایا جا کر گاڑی بمبہ لکڑ مذکورہ جاوید خان کے حوالہ کی گئی۔ جس کے متعلق تفصیلاً رپورٹ نمبر 21 روزنامہ 2014-07-22 درج کی گئی جو کہ لف و قابل ملاحظہ ہے۔ دیگر دو سوزوکیوں کے متعلق جنگل کے ملازمین سے رابطہ کیا جو مورخہ 2014-07-23 کو چوکی حاضر آئے جنہوں نے بمطابق قانون دونوں گاڑیوں پر

ATTESTED

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برسوق مبلغ - 367321 روپے فائن مائیکڈ کیا جو رقم جرمانہ دونوں گاڑیاں کسی امجدزیر درخواست  
دہندہ نے ادا کر کے رسید جرمانہ وصول کی اور بعد وصولی رسید جرمانہ ہر دو گاڑیوں کو درخواست دہندہ  
کے حوالہ کیا جس کے متعلق نئی تفصیلاً رپورٹ نمبر 8 روز نامہ 23-07-2014 بمعد رسید جرمانہ  
بمراہ لف و قابل ملاحظہ ہیں۔

جناب عالی! میں نے جہاں کاروائی کا Process بمطابق قانون کیا ہے جس کا مکمل ثبوت ہمراہ  
لف و قابل ملاحظہ ہیں۔

اب جہاں تک درخواست دہندہ امجدزیر کا تعلق ہے یہ شخص جس کٹر کٹر طاہر الرحمن صاحب کا ملازم  
ہے کو بھی سس گائیڈ کر رہا ہے اور پولیس افسران کو بے بنیاد درخواست دے کر مجھ پر بلا جواز پیسے لینے  
کی الزام تراشی بھی کر رہا ہے۔ حالانکہ امجدزیر نے خود اپنے ہاتھوں سے محکمہ جنگلات والوں کو  
جرمانہ ادا کیا ہے۔

اور چھ سہ کارئی بلاز میں گاڑیوں کو غیر قانونی طور پر نکالنا چاہتے تھے ایبٹ آباد پولیس نے انکا منصوبہ  
ناکام بنا دیا۔ جس پر انھیں شدید غصہ، غم اور رنج ہے۔ جسکی وجہ سے وہ کوئی بھی ایسی حرکت کرتے  
رہیں گے جس سے مجھے کسی بھی قسم کی تکلیف اور پریشانی کا سامنا ہوتا رہے۔

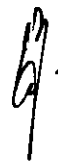
لہذا افسران بالائے اہتدعا ہے کہ تمام ثبوت کی روشنی میں سائل کے خلاف درخواست پر  
جاری کردہ چارج شیٹ کو داخل دفتر کرنے کا حکم صادر فرمایا جاوے تاکہ آئندہ غیر قانونی طور پر کام  
کرنے والے ایسے مافیائے حوصلے پست ہو سکیں۔

جواب چارج شیٹ، جناب کی خدمت میں بمراہ ملاحظہ گزارش ہے۔



نمبر ریاض نمبر 99/HC چوکی بودلہ  
23/8  
2014  
حال پولیس لائن ایبٹ آباد۔

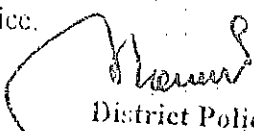
ATTESTED



**FINAL SHOW CAUSE NOTICE**  
(Unit Rule (3) KPK Police Rules, 1975)

That you HC Riaz, while posted at Incharge Police Post Bodla rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 for following misconduct;

- i. Consequent upon an application/complaint moved by Amjad Zubair Khan alleging therein that on 04-07-2014 he while transporting timber of "Cheerh" under valid permit & Transport Pass from Makhnia towards Haripur, he was intercepted by you in the way near Seria Barrier. His timber laden vehicle was taken to Police Post Bodla by you where the same was retrained for two days and was released after extracting illegal gratification Rs. 50,000/- from the applicant party by you. The applicant had to bear extra monetary burden of Rs. 15,000/- which he had to pay to the vehicle owner which you had detained wrongfully for 02 days.
  - ii. During my personal meticulous probe it has been established that you had agonized the applicant innocently and also extracted illegal gratification as mentioned above.
  - iii. In this regard, on 19-08-2014, Mr. Amjad, Tehsildar and presently posted as Collector in MHA, Abbottabad visited the office of undersigned. He was tremendously distressed as according to him Mr. Amjad Zubair (applicant) his friend was also accompanied by him when the latter met you at Police Post Bodla. He also requested you to release the wood loaded vehicle which was legitimate and legal in all respect. You did not listen to any request and remained adamant. You intimidated them that you will defame and humiliate the applicant in front of Media men by holding Press Conference. Ultimately you compelled the applicant to pay you illegal gratification Rs. 50000/- through mentioned Javed. Mr. Javed was so harassed by you though exerting pressure of his kens, kiths, fraternity and political big wigs that he regretted to give written statement. All this tantamount to gross misconduct.
  - iv. During proper departmental enquiry the allegations have been proved against you.
1. 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;
  2. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
  3. That your retention in the police force will amount to encourage in efficient and unbecoming of good Police officers;
  4. 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.
  5. You are, therefore, called upon to Final 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.
  6. You should submit reply to this Final Show Cause Notice within 07 days of the receipt of the notice failing 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.

  
District Police Officer,  
Abbottabad.

Dated \_\_\_\_\_/2014

Received by \_\_\_\_\_

Date: \_\_\_\_\_/2014

**ATTESTED**  

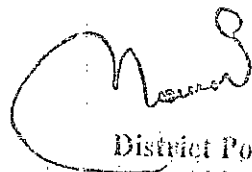

OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD

NO 86 /PA, Dated Abbottabad, the 28/8 /2014

GROUNDS OF ACTION

That you HC Riaz, while posted at Incharge Police Post Bodla committed following misconduct:-

- i. Consequent upon an application/complaint moved by Anjad Zubair Khan alleging therein that on 04-07-2014 he while transporting timber of "Cheerh" under valid permit as Transport Pass from Makhniat towards Haripur, he was intercepted by you in the way near Seria Barrier. His timber laden vehicle was taken to Police Post Bodla by you where the same was retained for two days and was released after extracting illegal gratification Rs. 50,000/- from the applicant party by you. The applicant had to bear extra monetary burden of Rs. 15,000/- which he had to pay to the vehicle owner which you had detained wrongfully for 02 days.
- ii. During my personal meticulous probe it has been established that you had agonized the applicant innocently and also extracted illegal gratification as mentioned above.
- iii. In this regard, on 10-08-2014, Mr. Anjad, Tehsildar and presently posted as Collector in NHA, Abbottabad visited the office of undersigned. He was tremendously distressed as according to him Mr. Anjad Zubair (applicant) his friend was also accompanied by him when the latter met you at Police Post Bodla. He also requested you to release the wood loaded vehicle which was legitimate and legal in all respect. You did not listen to any request and remained adamant. You intimidated them that you will defame and humiliate the applicant in front of Media men by holding Press Conference. Ultimately you compelled the applicant to pay you illegal gratification Rs. 50000/- through mentioned Javed. Mr. Javed was so harassed by you though exerting pressure of his kens, kiths, fraternity and political big wigs that he regretted to give written statement. All this tantamount to gross misconduct.
- iv. During proper departmental enquiry the allegations have been proved against you. By reasons of above you have rendered yourself liable to be proceeded under Khyber Pakhtunkhwa Police Rules, 1975, hence these grounds of action.



District Police Officer,  
Abbottabad.

Dated \_\_\_\_\_/2014.

**ATTESTED**



جناب عالی!

بحوالہ فائنل شو کاز نوٹس نمبری 110/PA مورخہ 13/10/2014 پر معروض خدمت ہوں کہ سائل کے خلاف جو شکایت/درخواست منجانب امجد زبیر خان دی گئی۔ جس میں مسمیٰ مذکور نے مورخہ 04/07/2014 کو چڑھ کی لکڑی پر مٹ والی مکھڑیاں سے ہری پور لے جاتے ہوئے سیریاں بیرٹر کے قریب پولیس چوکی بودلہ نے پکڑ کر دو دن اسے چوکی بودلہ میں رکھ کر رقم مبلغ -/50,000 روپے اس سے لے کر اسے لکڑی کے جو جائز تھی کو چوکی سے چھوڑا اور گاڑی والے کو مزید -/15,000 روپے دیے۔ پڑے۔ مذکورہ امجد زبیر خان کا یہ الزام سراسر غلط اور بے بنیاد اور ذاتیات پر مبنی ہے۔ نہ ہی مورخہ 04/07/2014 کو میں چوکی بودلہ سے باہر نکلا نہ ہی چوکی پولیس بودلہ کے کسی ملازم نے کوئی اس قسم کی کارروائی کی ہے۔

۲۔ میرے خلاف یہ الزام کہ میں مذکورہ امجد زبیر خان سے کوئی رشوت لی ہے جو سراسر غلط اور بے بنیاد ہے۔

۳۔ میرے خلاف مورخہ 19/08/2014 کو امجد خان اور تحصیلدار جاوید خان سے سراسر جھوٹا بیان اور درخواست ایک منصوبے کے تحت محض اس لیے عرصہ ڈیڑھ ماہ کے بعد اس بناء پر دی کہ میں نے مورخہ 21/07/2014 کو غیر قانونی لکڑی از قسم چڑھ کی گاڑیاں جن میں ایک جیب اور دو سوزو کی پک اپ جو لوڈ شدہ جانب لورہ روڈ سے ہری پور جا رہی تھیں جن کو جاتے ہوئے بمقام گلی بھنگراں پکڑیں اور پولیس چوکی بودلہ لے جا کر Impound کیں جن میں سے جیب پر لوڈ شدہ لکڑی 22/07/2014 کو تحصیلدار جاوید خان نے ہمراہ حاجی مرسلین خان ریٹائرڈ انسپکٹر نے کاغذات لکڑی پیش کر کے جیب بمعہ لکڑی و آگزار کرائی۔ نہ تو میں نے امجد زبیر خان کو دیکھا اور نہ ہی میں نے اس سے کوئی بات چیت کی اور نہ ہی تحصیلدار صاحب سے کوئی رقم لی اور کاغذات دیکھ کر تسلی ہونے پر روزنامچہ چوکی میں درج کر کے جیب و آگزار کی تھی۔ جب کہ دونوں سوزو کیاں پک اپ ہائے مورخہ 23/07/2014 کو مبلغ -/36,732 روپے بذریعہ محکمہ جنگلات سے حفظانہ وصولی کرا کر محکمہ جنگلات بعد وصولی جرمانے لکڑی و آگزار کی تھی۔ میرے خلاف انکواری افسر نے ایک طرف انکواری کر کے میرے خلاف من گھڑت الزامات ثابت ہونے تحریر کر کے واپس کر دی تھی جو میرے اعتراض پر دوبارہ انکواری ہو کر میرے ساتھ والے ملازمین کے بیانات جن میں سے حاجی مرسلین خان انسپکٹر ریٹائرڈ نے بھی درخواست کو غلط اور بے بنیاد قرار دینے کے باوجود انکواری افسر نے اپنی اناہ اور رٹ کو بحال رکھتے ہوئے حسب سابق میرے خلاف لگائے گئے الزامات ثابت ہونے کا لکھ کر نا انصافی کی ہے۔ حالانکہ از روئے قانون اور انصاف میرے خلاف کوئی جرم ثابت نہ ہوا تھا۔ صرف اور صرف درخواست کنندہ اور تحصیلدار جو ہر دو ایک ہی چیز ہیں اور ہم نوالہ ہیں۔ میرے پولیس افسران نے ان بااثر افراد کو سچا قرار دے کر بغیر کسی

ATTESTED



شہادت کے مجھے قصور وار ٹھہرایا۔

- ۴۔ فائل شوکار نوٹس پیرہ نمبر 4 میں میرے خلاف باضابطہ انکوائری ہونے کا اور میرے خلاف الزامات کے ثابت ہونے کا غلط لکھا گیا ہے۔ جرماتحت کشی کا واضح ثبوت ہے۔
- ۵۔ میرے خلاف انکوائری میں کوئی موادی ثبوت نہ ہے جس سے میرے خلاف محکمانہ کارروائی ثابت ہوتی ہو۔
- ۶۔ میرے خلاف محکمانہ بدچلنی کا کوئی ثبوت نہ ہے جس سے سے پولیس کی بدنامی ہوتی ہو۔
- ۷۔ میں نے کوئی ایسا کام نہیں کیا جس سے میرے ایک اچھا پولیس افسر نہ ہونے کا کوئی ثبوت ملتا ہو۔
- ۸۔ مجھے اس بے ضابطہ انکوائری اور رائے کے اظہار پر سزا دی جانی عین انصاف کا واضح قتل ہو گا کیونکہ نہ تو ماسوائے مدعی کے یا اس کے ہم پیالہ، ہم نوالہ گواہ کے کوئی ثبوت نہیں ہے۔
- ۹۔ سائل کی تمام نوکری ایک مثال کی حیثیت رکھتی ہے۔ قبل ازیں کوئی من گھڑت درخواست ہائے کسی کی طرف سے محکمہ پولیس افسران بالا کو نہ دی گئی جو کہ سائل کی صاف و شفاف نوکری کو واضح ثبوت ہے۔

عالی جاہ!!!

مندرجہ بالا حالات و واقعات کی روشنی میں آپ جناب سے بھرپور استدعا کی جاتی ہے کہ فائل شوکار نوٹس اور انکوائری داخل دفتر فرمائی جا کر سائل کو انصاف فراہم کیا جاوے۔

العارض

مجر ریاض نمبر 99/HC متعینہ پولیس لائن ایبٹ آباد

ATTESTED





درخواست از انجمن زبیر علی صاحب فاضل دین اور

بمخلاف محمد ریاض والد اور پولیس فوجی بورڈ کی آڈیٹری

کے لئے دیا گیا D.S.P. صاحب سٹیٹس میں طلب کیا گیا

میں اور انجمن زبیر درخواست دہندہ ہیں جو

50,000/-

انجمن زبیر کے اپنے بیان میں میرا ذکر کیا ہے کہ میں پولیس فوجی بورڈ سے

میری وساطت سے پولیس کو دیے گئے۔

پولیس فوجی بورڈ میں ایک عدد جیپ اور ڈو سوڑنی پائے

لوگوں کے لئے از قلم پھر موجود تھی جیپ کی T.P. مع

طابق دفینے دی اور انجمن زبیر میں میرا تھا۔

میں T.P. بورڈ پولیس میں محمد ریاض صاحب A.H.C. اپنی

جگہ پر جیپ لوگوں کے لئے بیمارہ فوالہ کی گئی اور دوسرے

AS

دن ڈو سوڑنی پائے پر گناہ منگولت کے / 86732 برآمد کیا

میں موجود نہ تھا۔

میں نے نہ پتہ کوئی رقم انجمن زبیر سے لی ہے اور نہ ہی

پولیس کو دی ہے رقم لے لینا دھین سے میرا کوئی

تعلق نہیں ہے۔

محمد ریاض صاحب صاحب N.A.A. ڈاؤن ڈوٹر

~~محمد ریاض صاحب~~

(03018120207)

(0992-382330)

31/08/2014

ATTESTED

بیان فیہ ریاض حدیث لکھنؤ نمبر ۶۹ دفعہ چوتھی کور

ایک اہل حق بدرفت بیان نام فورم 21-7-2014 بحوالہ  
 ٹیکنالوجی فالڈ ٹیڈم 3، مضافی نمبر 184، قلم نمبر  
 ڈائریکٹوریٹ نمبر 1268 سے لکھی گئی سوار سوار سوار سوار سوار  
 فقیر ~~کو~~ موجود تھا کہ غیر خاص سے بوقت فریب تقریباً پونے دس بجے  
 اطلاع دی، لوہ کو جانب سے سینے کاٹا گیا اور شدہ لکھنوی لکھنوی  
 نے ترکاری میں۔ جو اس اطلاع پر گاڑیوں کا تعاقب کیا جو سیر سیر گاڑیوں  
 مقام گلی بنگراں فور حد درجہ چوتھی میں دوسری گاڑیوں کو حیا سے جو  
 ٹینوں گاڑیوں میں لکھنوی سے چھوڑ دیا تھی جو گاڑیوں کے دروازوں  
 اندر لکھنوی کے علاوہ جو اشخاص لکھنوی کے طریقے سے اس کا  
 نام احمد علی پوٹھی ضلع میر کالہ دفعہ سیریاں سیریاں سے لکھنوی  
 میں خالہ جو کہ حکم منطقت کاملہ نام تھا جو بھی سیریاں سیریاں سے لکھنوی  
 کے دو روزہ زمان جو لکھنوی قانونی کے طریقے سے۔ موقع پر لکھنوی سے  
 کوئی دستاویزی ثبوت نہیں ہے بلکہ سیریاں اور سیریاں سے لکھنوی  
 اندر ہم باہر سے ساکھ نامی حکام کی آمد مشقت گریبان یعنی پوٹھی کے چونے  
 روڈ پر عام ٹریفک سے کسی اور سے کسی گاڑیوں کو لکھنوی اور لکھنوی  
 بھی لکھنوی سے لکھنوی سے لکھنوی سے لکھنوی سے لکھنوی سے لکھنوی سے  
 چوٹی بودم لکھنوی۔ جو دفعہ لکھنوی بندش بحوالہ 21-7-14  
 درج ہو کر میں لکھنوی۔ جبکہ طالبان تحصیلدار اور ریٹائرڈ انسپکٹر پولیس  
 بریلین خان نے فورم 22-7-2014 اس نام پر TP سے لکھنوی سے لکھنوی  
 گاڑیوں میں سے لکھنوی سے لکھنوی سے لکھنوی سے لکھنوی سے لکھنوی سے  
 مندرہ لوڈ شدہ لکھنوی حوالہ طالبان سوار سوار سوار سوار سوار  
 مندرہ 22-7-2014 درج آئی گاڑی مندرہ گاڑی جیم دیکر حوالہ  
 مندرہ لکھنوی لکھنوی لکھنوی لکھنوی لکھنوی لکھنوی لکھنوی لکھنوی

Attested  
 S.D.P.O. Centre  
 Abbottabad

ATTESTED

کو جی میں لکھ کر کے ٹکڑا لگان کی مرہی سے جو جانم میں  
 سوئٹریز دو کارڈز میں رسید پر جانم وصول کر کے ملا لگان کے حوالے  
 جن کی رولڈ بھی تفصیل کے معام عدہ ۲۰۱۴-۲۰۱۵-۲۳  
 لودم گاڑی جو بھی پیش کرتا ہوں۔ سفید پٹیوں کا لگان قلعے جند  
 کے ساتھ کو در خواست دہندہ راجہ زبیر نے ادا کیا تھا۔ جو جو جانم کی  
 کارروائی میں موجود تھا۔ میں نے یہی درخواست دہندہ سے لکھ کر پٹری کے  
 عدت سے اس سے بھی دلیل ہونے لگی تھی۔ تاہم کارڈز کے پتے کے لئے لودم کی  
 لودم میں بندش کے عدوان اعلیٰ افسران مجھے کالیں کرتے رہے جنہوں  
 کارڈز میں دو تین تین دنوں سے رہنے لگا ہے قانون کارروائی کے تحت  
 کی تھی جس کے متعلق اس کے افسران کو مطلع بھی کیا گیا تھا۔ جہاں تک  
 درخواست دہندہ الزام رقم مبلغ ۱۰۰۰۰۰ روپے لپٹے گا ہے اس کے لئے  
 درخواست دہندہ کو صرف سہری کارروائی جو قانون کے مطابق ہو سکتی ہے  
 لودم کو اس کارروائی سے بغیر قانونی کام لڑنے پر نقصان ہوا ہے جو  
 شخص اس رجسٹر میں بنا کر لپٹے گیا ہے اس کے غلط الزام لگایا گیا ہے۔  
 ملوہ اس کے ساتھ ساتھ اس کے لئے قانونی کارروائی جو طاری شدہ  
 تاریخ عدت ۲۰۱۴-۲۰۱۵ کا ہے یہاں تک عدت کے قانونی کارروائی کو بھی  
 کئے رہتے ہیں کیونکہ میں نے لکھ کر لپٹا ۱۰۰۰ روپے پٹری تھی جو اس وقت  
 مجھے نہیں ہے پیش کی جیکہ دوسرے دن پیش کی۔ میں نے قانونی کارروائی کے تحت  
 کی مجھے انصاف دیا جائے۔

تاریخ درخواست دہندہ راجہ زبیر کے پاس ہے

اللہ  
 محمد رفیق خان، ۹۹ پولیس سٹیشن  
 ۹.۹.۲۰۱۴

ATTESTED  
 537203 Contd  
 2014/09/09

بیان کٹیل شاکریم 1268 متفقہ قومی بورڈ سے مدد یافتہ

کے تحت 21/7/2014 کو میں نے کٹیل شاکریم 184، کالہ ٹھوڈ

تیسچ 1359 نمبر ٹرنس H.C. ٹھریا میں سبوا چاسر لری کارڈ

کی ڈرائیونگ میں کر رہا تھا گیسٹ پر فقیر ٹھریا میں موجود تھے

لکڑے منطلق اطلالے میں H.C. ٹھریا میں حکم پر کارڈوں کا تعاقب

جو پری مشکل سے کارڈوں کا تعاقب کرنے سے پہلے میں کارڈوں میں

2 عدد سوزوئیوں کو بنام علی سنگھان خود عدد چوٹی پٹر میں جو اس

وقت کارڈوں میں موجود تھا نامی لوگوں ملزم بعد دوسرا خالد نامی

ملزم حکم جفلات لکڑے جاری تھے۔ تحقیقوں سے اس وقت لکڑے

عشق کوئی قانونی ثبوت نہیں تھا۔ یہ دو مشدہ لہ بالا ملزمین میں

پہلے سرگینا تھے۔ لکڑے لکڑے کے بعد ان دونوں ملزمان نے پولیس

پارٹی کے ساتھ صلح مکہ میں کی تھی بعد میں بیان لکھی ہوئے تھے تاہم

نے ضابطہ حکمت بھی سے میریوں کارڈوں کو جوئی بعد لہ لکڑے

جلی دیکھتے H.C. میں جوئی بعد میں دو 2 بھی تھی تھی۔ لکڑے

وقت درخواست حقدہ اچھڑیہ موجود نہیں تھا۔ بعد حقدہ بیانی

دفعہ ملنے - 50/2009 حسب الزام H.C. ٹھریا میں لکڑے لکڑے

غلط اور بے بنیاد ہے۔ میری موجودگی میں کوئی رقم وغیرہ نہیں

تھی یا H.C. ٹھریا میں کوئی لکڑے لکڑے لکڑے لکڑے

رہی تھی جو پٹر سے یہ درخواست حقدہ کو دکھانے کے لئے

ہرمان ادارنا پڑا جس وجہ سے وہ H.C. ٹھریا میں لکڑے لکڑے

تھے۔ یہی بیان میں نے لکھا ہے، یہ سب لکڑے لکڑے

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ATTESTED

شاکریم 1268 متفقہ قومی بورڈ  
11.9.2014

میاں کمال خاندان 3 سینیئر بھائیوں کو دلہ سے مہربانی کے طور پر  
 سب سے پہلے مضمون 184 - نسیم نامی 1359ء کے دلہ سے  
 زیر تدبیر ہے۔ مہربانیوں سے مہربانی کے طور پر  
 کرنا، کیا گنتی ہے جو جو فقیر کے ہاں ہے۔ یہاں سے کوئی نہ  
 امداد ملی، لیکن شیخ گارڈوں سے ملنے والی رقم سے مہربانیوں  
 کے لیے جو اس امداد پر ہے۔ یہاں سے زیر تدبیر ہے۔ یہ بھی  
 قدر صد ہوگی جو کہ بڑی منزل سے تقابلاً کے لیے ہیں۔ جن میں  
 ایک صوبہ لہندہ سوات میں لوگ از قلم حیرت و شگفتگی - گارڈوں سے  
 ایک اور نامی کمال خاندان کے لیے ہے۔ جس کا نام بھی ملازم محمد  
 منگت ہے۔ گارڈوں سے ملنے والی رقم سے وہاں سے مہربانیوں  
 ہم سے ہفت گریبان بچے کے لیے مہربانی کے طور پر مہربانی ہے۔ یہ بھی  
 ہم نے حکمت عملی سے کیا۔ شیخ گارڈوں کو بھی دلہ لائے اور ان  
 کیونکہ فوجی کوئی بیوتہ متعلق نہیں رہا تھا۔ یہاں سے  
 گارڈوں کو بھی ملے۔ یہ تفصیل اور لوگوں کو بھی ملے۔ یہ بھی  
 لائے۔ یہ وقت سے خواہتا دفعہ گارڈوں سے جو رہے ہیں۔ یہ بھی  
 یہ وہاں کے متعلق ہے۔ یہ بھی ملے۔ یہاں سے کوئی نہ  
 حلقہ میں رہے نہیں دی گئی۔ گارڈوں کو بھی ملے۔ یہ بھی  
 چلے گیا تھا۔ یہ بھی ملے۔ یہ بھی ملے۔ یہ بھی  
 کی مہربانیوں سے مہربانیوں سے مہربانیوں سے  
 یہ مہربانیوں سے مہربانیوں سے مہربانیوں سے

*[Handwritten Signature]*

Attested  
 S.D.P.O. Cantt  
 Abbottabad  
 ATTESTED

کمال خاندان 3 سینیئر بھائیوں کو دلہ  
 11-9-2014

19

بیان مصفر علی م 184 سنہ 2014ء کی جوڈیم سے برسا ہے  
بیان کتاب جو بیان HC ٹر راض سے دیا ہے بلکل  
مدرستیہ میں ہے ہم ملازمین ٹیم، کار  
خلاف 3 سیراہ HC راض سے جو بیان کی تصدیق

کتاب 2 حد فوائد سے جو دنا ما ہے سے  
جی یاں -

سین -  
سوال  
جواب

محمد کھان

مصفر علی م 184  
9.9.2014

Attested  
ST. JAMES' CHURCH  
KARACHI

ATTESTED

Handwritten signature

میان سرسین خان ریٹائرڈ انسپیکٹر پولیس نے بعد ازاں  
 کے صدف 7-18-2014 کو میری آرا میں واقع لوہے جوک میں  
 اور ایک سازو، ٹکڑی از قسم ہیرو مع TP طویل خان  
 لدا اقد زبیر جو سابقہ پولیس کا حلالی تھا پر اس کے حیرانی  
 جو ٹکڑی سے 200 یا 225 فٹ تھی۔ صدف 7/19/2014 اور  
 کو میرے کاری گروں نے اس ٹکڑی حیرانی اقد زبیر کے بندر  
 بنایا ٹکڑی جو طائر ارجات قصبہ دار صاحبی مالکینی میں مندرجہ  
 منگولیا میں پڑی ہیں۔ صدف 7-21-2014 کو میری آرا میں  
 لدا بندہ نامہ دوستوں کو لدا اور ایک جیب جوئی لوہے میں ٹکڑی  
 صدف 7-22-2014 کو خالد فارسی کا ڈسٹنڈ سیریاں سیر  
 یا سارا اور ایک عارف طویل خان ادھما جی ریاض صدف  
 انجمن کے ساتھ اٹھارہ نا اعلیٰ سوئی ہے جو اس حوالہ سے میری  
 گاڑی میں لگی ہیں۔ جو ان کے کہنے پر میں ہمراہ طویل خان قصبہ  
 جوئی لوہے میں جہاں پر ایک صدف لدا دوستوں کوئی مالک  
 صدف لبت طویل خان قصبہ دار لدا اقد زبیر نے فریاض 11-1-2014  
 کا مذاق میں نے عارف طویل خان DSP کے ساتھ بھی فون پر  
 سرعامات ہوئی اور میں نے کیا اگر حسوس نہیں تو گاڑی کے  
 میں تھے فریاض 11-1-2014 سے لے کر طویل خان اور سریشی کے  
 کو لیا آفر ایک سیرا فر سے اسٹڈ عارف جو عارف طویل خان  
 نے اپنی حقیقی کی بعد کرتے ہوئے مجھے لیا کوئی مالک نہیں ہے

Attested  
 S.O.P.O. Cantt  
 Abbotabad

ATTESTED

ہو رہی ہے۔ یہ کام میں مقصد کام کا ہے۔  
 اعتراض چاقم نہیں ہے۔ دو سو زونوں کے لئے کھلی ہوئی  
 اس میں کہہ رہی ہیں۔ یہ ہے۔ طویل فاصلے کے حوالے کی آمد و رفت  
 وہ دو سو زونوں کے لئے کھلی ہوئی ہے۔ اس کے لئے کھلی ہوئی ہے۔ اس کے لئے  
 میں نے کہا ہے کہ اس کے لئے کھلی ہوئی ہے۔ اس کے لئے کھلی ہوئی ہے۔  
 اس کے لئے کھلی ہوئی ہے۔ اس کے لئے کھلی ہوئی ہے۔ اس کے لئے کھلی ہوئی ہے۔  
 اس کے لئے کھلی ہوئی ہے۔ اس کے لئے کھلی ہوئی ہے۔ اس کے لئے کھلی ہوئی ہے۔

محمد رفیق خان  
 12. 9. 2014  
 03005621522

Attested  
 S.D.O. Cantt  
 Abbottabad

ATTESTED  
 af



ORDER

H-22

This order would disposes off departmental enquiry conducted against Head Constable Riaz No 99 who while posted at Police Post Bodla, on 04-07-2014 stopped a vehicle bearing No. BB-8575 loading timber of "Cheerh" belonging to one Amjad Zubair Khan (collector in NHA Abbottabad), under valid permit and transport pass, near Seria Barrier. Vehicle was taken to Police Post Bodla where he same was retrain for two days and was released after extracting illegal gratification of Rs. 50,000/- by the Head Constable. Consequent upon a written complaint moved by victim bearing similar complaint, requested to release the wood loaded vehicle being legitimate in all respect. During quick probe the allegations, prime facie, were proved.

Subsequently Charge sheet/summary of allegation was issued and served upon him on 20-08-2014. SDPO Circle Cantt Abbottabad conducted formal departmental enquiry. Allegations as incorporated in the charge sheet were proved against him.

Final Show Cause Notice was issued and served upon Head Constable Riaz No. 99 on 17-10-2014. He was heard in person in Orderly Room held on 29-10-2014 but he failed to submit any convincing defense.

In the light of the findings of Inquiry Officer, the gravity of the allegations which are very serious in nature and stand proved against him, tantamounting to gross misconduct, the mentioned Official does not deserve to be retained in Police Department further. Therefore, the undersigned in exercise of powers vested in me under Police E&D rules 1975, award him major punishment of dismissal from service with immediate effect.

Order announced.

Attested

*Signature*  
District Police Officer,  
Abbottabad.

O.B NO. 285

29-X-2014

Assistant Grade Clerk  
BPS No. 16 Deptt. of Wk  
DPO, Abbottabad

ATTESTED

*Signature*

24 years  
service

I-23

BEFORE THE DIG OF POLICE HAZARA DIVISION ABBOTTABAD

SUBJECT: APPEAL AGAINST THE ORDER OF DPO ABBOTTABAD VIDE O.B NO 285 DATED 29.10.2014, WHEREBY THE APPLICANT WAS AWARDED THE MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE WITH IMMEDIATE EFFECT.

PRAYER: THAT THE IMPUGNED ORDER OF THE DPO ABBOTTABAD AS PER SUBJECT MAY KINDLY BE SET-ASIDE AND THE APPELLANT BE REINSTATED IN SERVICE FROM THE DATE OF DISMISSAL.

Respected Sir.

With due respect it is submitted that I have been awarded the subject mentioned punishment by DPO Abbottabad vide O.B No 285 dated 29.10.2014. (Copy attached at Annexure A)

2. That the charges against me as conveyed through statement of allegation and charge sheet are indicated below:

"Consequent upon an application/complaint moved by Amjad Zubair Khan alleging therein that on 04-07-2014 he while transporting timber of "Cheerh" under valid permit & Transport Pass from Makhnial towards Haripur, he was intercepted by you in the way near Seria Barrier. His timber laden vehicle was taken to Police Post Bodla by you where the same was retrained for two days and was released after extracting illegal gratification Rs. 50,000/- from the applicant party by you. The applicant had to bear extra monitory burden of Rs. 15,000/- which he had to pay to the vehicle owner which you had detained wrongully for 02 days.

During my personal meticulous probe it has been established that you had agonized the applicant innocently and also extracted illegal gratification as mentioned above.

In this regard, on 19.08.2014, Mr. Amjad, Tehsildar and presently posted as Collector in NHA, Abbottabad visited the office of undersigned. He was tremendously distressed as according to him Mr. Amjad Zubair (applicant) his friend was also accompanied by him when the latter met you at Police Post Bodla. He also requested you to release the wood loaded vehicle which was legitimate and legal in all respect. You did not listen to any request and remained adamant. You intimidated them that you will defame and humiliate the applicant in front of Media men by holding Press Conference. Ultimately you compelled the applicant to pay you illegal gratification Rs. 50000/- through mentioned Javed. Mr. Javed was no harassed by you though exerting pressure of his kens, kiths, fraternity and political big wigs that he regretted to give written statement. All this tantamount to gross misconduct."

3. That I was charge sheeted along with summery of allegation as per Annexure "B" and Mr. Khan Khail, DSP Cantt was appointed as an inquiry Officer. I have submitted a detail, convincing and fully rebuttal

**ATTESTED**



explanation. (Copy attached as Annexure "C", but the same was not considered and the inquiry officer conducted the departmental inquiry against me. That during cross examination by me on the applicant Mr. Amjad Zubair, he denied that he has not given any amount as a bribe to me and the application was given on the instant of Mr. Javed (Tehsildar) The amount of Rupees 50,000/- was given to Mr. Javed (Tehsildar). On my cross examination Mr. Javed has given ambiguous explanation.

4. That the facts are that while I was posted in PP Bodla as IHC, I detected 3 vehicles loaded with unlawful smuggled timber on 21.07.2014. On protection of T.P permit of Timber loaded in one Jeep by Mr. Javed on 22.07.2014, the Jeep along with Timber was entrusted to Mr. Javed (Tehsildar). On 23.07.2014 Amjad Zubair the applicant produced fine receipt of Frost Department amounting to Rupees 86,732/- and therefore the Timber along with vehicles was handed over to him. (Copies of daily dairy report and receipt and T.P are attached herewith)
5. That the alleged Javed Tehsildar for taking revenge from me for capturing his illicit Timber wood submitted the application through the applicant Amjad Zubair as after various approaches I did not relieved the vehicles and the smuggled Timber wood.
6. That the inquiry officer totally conducted one sided inquiry to oblige the Tehsildar Javed and the applicant and submitted his finding proving the alleged charges against me. He totally ignored the-facts which I have brought into his notice during the inquiry process. Mr. Mursleen Khan Retired Inspector accompanied the Tehsildar Javed Khan when he came to collect his Jeep and Timber. Mr. Mursleen Khan and three constables namely, Ghanzafaar, shakir and Khalid posted in PP Bodla, who are the main witnesses have given statement in my favour and totally refuted the allegation of extracting bribe from the applicant. The statement which are obviously authentic were totally ignored by the inquiry officer, and I was made as an escape goat by the inquiry officer merely to obliged the applicant party, although he was fully convinced during the inquiry that I was absolutely innocent. The applicant during process of inquiry wanted to withdraw the application but the inquiry officer refused to do so. Copy of written statement of Mr. Javed Khan Tehsildar, in which he categorically

**ATTESTED**

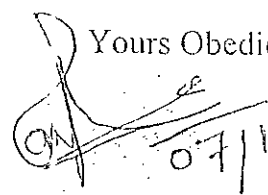


refused to have given me any amount of bribe is attached at Annexure "E", which has apparently washed away the charges/ allegation against me.


- 7. That the Episode behind the action against me is wrong, perverse, arbitrary and against the canon of law and justice. During my personal hearing by DPO during orderly room after service of final showcase notice I tried to explain the factual position but he did not agree to hear my defense side and administered the harsh punishment of dismissal without caring my 25 years unblemished and excellent service. This punishment has not only deprived me of financial benefit of 25 years service but has ruined my service carrier which is likely to very adversely affect my large family and school going children.
- 8. That I have under gone 25 years service with untarnished record and am on promotion List D. I have always rendered my services devotedly, efficiently and honestly and there is no bad entry in my service record.

In view of the above facts and circumstances it is most earnestly prayed that my case may kindly be considered on humanitarian grounds taking into consideration my long devoted service and the future of my children. The subject mentioned order may kindly be set-aside and I may be reinstated in service from the date of dismissal for being absolutely innocent.

I shall be thankful for this act of kindness and pray for your long life and prosperity.

Yours Obediently  
  
 07/11/2014

(Muhammad Riaz) Ex HC No 99  
 Abbottabad District Police

**ATTESTED**  


ORDER

J-26


This is an order on the representation of *Ex-IIC Muhammad Riaz No.99* of Abbottabad District against the order of major punishment i.e. dismissal from service by the District Police Officer, Abbottabad vide his OB No.285 dated 29-10-2014.

Facts leading to his punishment are that he while posted at Police Post Bodla, on 04-07-2014 stopped a vehicle bearing No.BB-8576 loading timber of "Cheerh" belonging to one Amjad Zubair Khan (collector in NHA Abbottabad), under valid permit and transport pass, near Seria Barrier. Vehicle was taken to Police Post Bodla where the same was retrain for two days and was released after extracting illegal gratification of Rs.50,000/- by the HC. Consequent upon a written complaint moved by victim bearing similar complaint requested to release the wood loaded vehicle being legitimate in all respect. During quick probe the allegation, prime facie, were proved.

Proper departmental enquiry was conducted by SDPO Circle Cantt Abbottabad. After conducting a detailed enquiry, the E.O proved him guilty. On the recommendation of E.O, the District Police Officer Abbottabad awarded him major punishment of dismissal from service under the relevant law.

After receiving the appeal, the comments of DPO Abbottabad were obtained. The enquiry file, appeal & the comments of the DPO were perused. The appellant was also heard in person in the orderly room who failed to offer any cogent reason.

The act of the Head Constable is serious; keeping in view his prolonged service punishment of dismissal from service awarded by DPO Abbottabad is converted into reduction from the rank of D-List Head Constable to lower rank as Constable. He is also transferred to District Torghar and kept under 6 month's special report. The period he remained out of service is treated as leave without pay


  
REGIONAL POLICE OFFICER  
Hazara Region Abbottabad

No. 11370

/PA Dated Abbottabad the 24/12 /2014.

Copy of above is forwarded to the District Police Officer, Abbottabad for information and necessary action with reference to his Memo: No.4616 dated 28-11-2014. The Service Roll and Fauji Missal containing enquiry file of the appellant are returned herewith.

**ATTESTED**

  
REGIONAL POLICE OFFICER  
Hazara Region Abbottabad

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar  
OF 2014

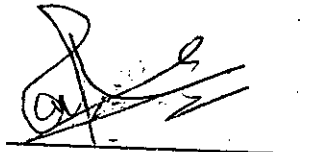
Riaz Khan (APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

VERSUS

Govt. of KPK (RESPONDENT)  
(DEFENDANT)

I/We Riaz Khan  
Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_/\_\_\_/2014



CLIENT

  
ACCEPTED  
NOOR MOHAMMAD KHATTAK  
(ADVOCATE)

OFFICE:

Room No.1, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

گرفتہ جناب DPO سے ہمارا شکریہ ادا

جہاں

دریافت شدہ رقم ۱۰۰۰۰۰ روپے ۱۰-۷-۲۰۱۴

۱۰۹۱۵۹ رقم ۸۵۷۶ / ۱۳۳

ڈاکٹر شیخ نے ہمارے کونسل سے ہولڈ لاء کے حق

صوبہ سندھ کے ہونے پر ہمارے سرکار کے قریب ہونے

کو ہولڈ لاء کے لیے ایچ آر ایف جیون ہولڈر ایڈیشن ۸۸

سے ہولڈ لاء اور گاڑی کو واپس لوٹنے میں سے کیا جاتا

ہر بار کیا گیا ہے ہر بار اور ہولڈ لاء کے تحت ہولڈ

کر کے ہولڈ لاء نہ مانا گیا تھا تو ۲ دن سے باقی رہا ہے

جس میں ۵۰,۰۰۰ روپے ہولڈ لاء کے لیے اور ہولڈ لاء

کو ۱۵,۰۰۰ روپے ہولڈ لاء دینا پڑا ہے

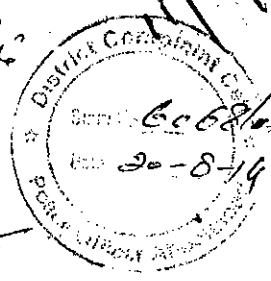
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گفتہ شدہ رقم ہولڈ لاء کے لیے ہولڈ لاء کے لیے

۹۶۳۴۶۶۹ ۰۳۴۵

۰۳۴۵ ۹۶۳۴۶۶۹

Name of Distt. HaripurBC No. 

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S.No. 0419Head Clerk  
District Bar Association  
AbbottabadName of Advocate A. Aslam

وکالت نامہ

بعدالت ہیر حسین صاحب فیڈریشن فونڈ سروس ٹریڈیوٹس اور  
 عنوان: ریاض خان نام: ریاض خان  
 منجانب: ریاض خان ایڈووکیٹ نوعیت مقدمہ سروس ٹریڈیوٹس  
 باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے بیرونی وجوہی برائے پیشگی یا تصفیہ مقدمہ بمقام سروس ٹریڈیوٹس کے لیے

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشگی پر خود یا بذریعہ اختیار خاص کرو بروعدالت حاضر ہوتا ہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشگی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ کچہری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا محتاجت کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات منظور و قبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر پٹاشی و راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے نیر و نجات از کچہری صدر اپیل و درآمدگی مقدمہ یا منسوخی ڈگری کی طرف درخواست حکم انتہائی یا قریبی یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا بیگی علیحدہ محتاجت بیرونی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے کسی جزوی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ایسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانتا تو اپنے گاہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشگی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیرونی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

مورخہ 2017/08/23  
 مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔  
 دن ماہ سال

A. Aslam



**BEFORE THE HONORABLE SERVICE TRIBUNAL K.P.K, PESHAWAR.**

Service Appeal No. 18/2015.

Muhammad Riaz Khan Ex-Head Constable No. 99 Police line Abbottabad  
(Appellant)

**VERSUS**

1. Regional Police Officer, Hazara Region, Abbottabad.
2. District Police Officer, Abbottabad.

(Respondents)

**Para wise comments on behalf of Respondents**

**Respectfully Sheweth**

**Preliminary objections.**

1. That the appellant has no cause of action.
2. That the appellant has not come to this Tribunal with clean hands.
3. That the appeal is bad for misjoinder and non joinder of necessary parties.
4. That the appellant is estopped by his own conduct.

**ON FACTS**

- Para No.1 is admitted to the extent of serving in Police department however his character and honesty is subject to proof.
- Para No. 2 is admitted to the extent that he was promoted to the rank of Head constable. The appellant was posted as HC Incharge of Police Post Bodla District Abbottabad that on 04.07.2014 he intercepted and stopped the one Amjid Zubair complainant while transporting timber of Cheerh under permit and transport pass from Makhnial towards Haripur near Seria Barrier. The said timber laden vehicle was later taken into custody by the appellant in the PP Bodla for 2 days and later on released after extracting illegal gratification of Rs: 50000/- . As the complainant has valid transport pass but the appellant used his powers unauthorizedly and extracted Rupees 50000/- as bribes from complainant which amounts to gross misconduct.
- Para No.3 Pertains to record.
- Para No. 4 is admitted that on the application of complainant Amjid Zubair proper departmental enquiry was carried out by the DSP Cantt Khan Khel,

18.05.15

during course of enquiry, statements of the witnesses were recorded. After perusal of proper departmental enquiry, the delinquent Police official were found involved in extracting illegal gratification of Rs: 50000/- from the complainant.

- Para No.5 is incorrect, proper departmental enquiry was initiated by deputing DSP, Cantt Khan Khel, Show Cause Notice and final show cause notice were served upon the appellant. He was given proper opportunity of hearing but his reply was not satisfactory. No norms of rules / law have been violated during the course of enquiry.
- Para No. 6 is pertains to record, hence needs no comments.

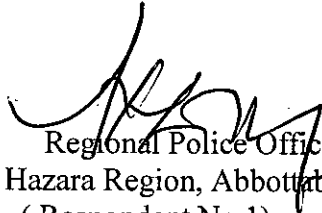
#### GROUND.

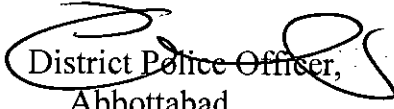
- A. Incorrect, the orders issued by Respondent No. 2 of dated 29.10.2014 and respondent No.1 of dated 24.12.2014 are correct, legal and issued after fulfilling factual and codel formalities. No provision of law, rules and policy have been violated.
- B. Incorrect, No article of Islamic Republic of Pakistan 1973, have been violated as enquiry officer was appointed under Police Rules 1975 and he was vested with the powers by the competent authority to probe into the allegations and charges leveled against the appellant.
- C. Incorrect, complainant submitted an application wherein he stated that incharge PP Bodla, HC Riaz has illegally detained his vehicle loaded with timber of cheerh having valid permit and transport pass and released it after extracting Rs: 50000/- as bribes from him. Hence proper departmental proceedings were initiated against HC Riaz and he was found guilty of the charges leveled against him.
- D. Incorrect, the enquiry officer was appointed under Police Rules, 1975 and was vested with the powers by the competent authority to probe into allegations and charges leveled against the appellant were specific and communicated to him with further directions to defend himself during the departmental proceedings. The enquiry officer conducted departmental enquiry against the appellant and provision of law, rules and regulations were abided by him. Legal and proper departmental proceeding can not be disputed and assailed by the appellant.
- E. Incorrect, proper Show Cause Notice, Statement of Allegations and final Show Cause notices were served upon the appellant.
- F. Incorrect. During the enquiry proceedings the appellant was given enough opportunity to defend himself and he was also heard in

person by the competent authority, but the appellant could not produce any cogent reason in his defense.

- G. Incorrect, the departmental proceeding against the appellant carried out according to Police Rules 1975. He was given proper opportunity. No rules of law have been violated by the enquiry officer during enquiry proceeding.
- H. Incorrect, proper departmental enquiry was conducted against the appellant and no provision of law and rules have been violated.
- I. Incorrect, proper opportunity was given to the appellant to cross examine the witnesses against the appellant.
- J. Needs no comments as it relates to honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar.

In view of the above facts it is therefore, requested that the appeal of the appellant being devoid its legal footing may graciously be dismissed with cost.

  
Regional Police Officer,  
Hazara Region, Abbottabad.  
(Respondent No.1)

  
District Police Officer,  
Abbottabad.  
(Respondent No. 2)

From: The Dy: Superintendent of Police,  
Cantt Abbottabad.

To : The District Police Officer,  
Abbottabad.

No. 777 /Dated Abbottabad the 30/9 /2014.

Subject :- ENQUIRY AGAINST HC RIAZ KHAN  
JADOON OF POLICE STATION NARA I/C  
PP BODLA DISTRICT ABBOTTABAD.

### BRIEF OF ALLEGATIONS

This enquiry is based on a charge sheet with statement of allegations issued to HC Raiz No.99.

It was alleged that consequent upon application/complaint moved by Amjid Zubair Khan alleging therein that on 04.07.2014 he while transporting timber of "Cheer" under valid permit & transport pass from Makhnial toward Haripur, he was intercepted by him in the way near Seria barrier. His timber laden vehicle was taken to Police Post Bodla by him where the same was retained for two days and was released after extracting illegal gratification Rs. 50,000/- from the applicant party by him. The applicant had to bear extra monetary burden of Rs. 15,000/- which he had to pay to the vehicle owner which he had detained wrongly for two days.

During the personal meticulous probe by DPO Abbottabad, it has been established that he had agonized the applicant innocently and also extracted illegal gratification as mentioned above.

In this regard, on 19.08.2014, Mr. Javed Tehsildar presently posted as Collector in NHA, Abbottabad visited the office of DPO. He was tremendously distressed as according to him, Mr. Amjid Zubair (Applicant) his friend was also accompanied by him when the latter met you at Police Post Bodla. He also requested him to release the wood loaded vehicle which was legitimate and legal in all respect. He did not listen to any request and remained adamant. He intimidated them that you will defame and humiliate the applicant in front of Media men by holding Press Conference. Ultimately he compelled the applicant to pay him illegal gratification Rs. 50,000/- through mentioned Javed. Mr. Javed was so harassed by him through

exerting pressure of his kens, kiths, fraternity and political big, wigs that he regretted to give statement. All this tantamount to gross misconduct.

The undersigned conducted a detailed enquiry and recorded statements of the following:-

1. Amjid Zubair (Applicant)
2. Muhammad Javed Khan Collector NHA A.Abad.
3. HC Riaz I/S PP Bodla.

The statement of HC Raiz facing enquiry was also recorded who denied the charges and stated that he had acted according to the law and rules. Since the officer facing enquiry had no where mentioned in his statement that he wanted to produce some witnesses in his denfence. Therefore the statements of constables who were allegedly accompanying him were not recorded. A finding was submitted to the worthy DPO Abbottabad. In this finding allegation against HC Raiz were proved that he received illegal gratification Rs. 50,000/- through mentioned Javed and Mr. Javed was so harassed by him through exerting pressure of his kens, kiths, fraternity and political big, wigs that he regretted to give statement are stand proved.

The accused facing enquiry was issued a final Show Cause Notice. He while submitted his response he however stated that the statements of constables who accompanied him to the spot and one (R) Inspector Mursleen Khan have not been recorded. The findings of enquiry along with other documents were sent back by the worthy DPO Abbottabad to complete the enquiry in light of statements of the constables. The following constables as well as (R) Inspector Mursaleen Khan were summoned and they were examined as defence witnesses.

1. FC Shakir No. 1268 PP Bodla.
2. FC Khalid No. 3 // // //
3. FC Ghazanfar No. 184 // //

All the constables have stated that they support the statement of accused police officer HC Riaz. (R) Inspector Mursleen also support the statement of accused officer HC Raiz. While analyzing the statements of constables as an enquiry officer I will viewing their statements not impartial and independent ones because the constables were part of the party

who are involved in the misconduct. This fact can not be ignored that all the episode took place with their connivance.

HC Riaz officer facing enquiry has produced one document (the statement of Tehsildar) but this witness while examined has resiled from his previous statement and has given reason that he had been forced and pressurized to handover this written statement to HC Raiz.

CONCLUSION.

Keeping in view the facts mentioned above I, am still of the opinion that allegations of corruption and mishandling have been substantiated against officer facing enquiry.

The enquiry papers along with my main finding are returned herewith.

Submitted please

(KHAN KHAIL)

Dy: Superintendent of Police,  
Cantt Abbottabad.

Issue his FSCN afreshly.

OB-NO-285

29-10-14

*[Signature]*  
D/S...  
1/4

In the light of findings of enquiry officer, the allegations which are very serious in nature stand proved against HC Riaz. Hence, he is dismissed from service.

*[Signature]*  
29/10

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**APPEAL NO. 18/2015**

**RIAZ KHAN**

**VS**

**POLICE DEPTT:**

**REJOINDER ON BEHALF OF APPELLANT IN**  
**RESPONSE TO THE REPLY SUBMITTED BY**  
**THE RESPONDENTS**

**R/ SHEWETH:**

**PRELIMINARY OBJECTIONS:**

**(1 TO 4):**

All the preliminary objections raised by the respondents are incorrect and baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

**ON FACTS:**

- 1- Admitted correct, hence need no comments.
- 2- Incorrect and not replied accordingly. That the appellant while serving as Incharge police post Bodla District Abbottabad a charge sheet and statement of allegation were served by the respondent No.2 on the appellant on the complaint of one namely Mr. Amjad Zubair on the allegation "that On 04-07-2014 the said person Amjad Zubair complaint while transporting Timber of Cheerh under permit and transport pass from Makhmail towards Haripur was intercepted by the appellant in the way near Seria Barrier. That the said Timber and vehicle was taken to the police post Bodla by the appellant and retained for 2 days and was released after extracting illegal gratification of Rs.50000/-from the complainant party". That in response the appellant submitted his detail reply and denied the allegation with proof.
- 3- Admitted correct hence need no comments.
- 4- Incorrect and not replied accordingly. That on 28-08-2014 a show cause notice was issued to the appellant and in response the appellant submitted his detailed reply along with the written statement of complainant Amjad Zubair and other related persons. That it is very pertinent to mention that that the complainant in his statement clearly stated that the complainant never gave any kind of bribe to the appellant but in spite of his clear statement the appellant was declared guilty by the respondent Department.

5- Incorrect and not replied accordingly. That no fact finding nor Departmental inquiries were conducted by the respondents and as such the appellant was condemned un heard.

6- Admitted correct hence need no comments.

**GROUND:**  
**(A TO F):**

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondents are incorrect and baseless hence denied. That the impugned orders are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside. That the complainant in his statement clearly declared/stated that he had never given any kind of bribe to appellant. That no fact finding inquiry has been conducted in the matter of appellant and as such the impugned orders dated 29-10-2014 and 24-12-2014 are void ab initio in the eye of law. That the action against the appellant has been taken by the respondent Department under a wrong law therefore the impugned orders dated 29-10-2014 and 24-12-2014 are illegal void ab initio.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted as prayed for.

**APPELLANT**



**RIAZ KHAN**

**THROUGH:**



**NOOR MUHAMMAD KHATTAK**  
**ADVOCATE**



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No. 2574 /ST

Dated 29 /11/2017


To

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

Subject: **JUDGEMENT IN APPEAL NO. 18/15, MR. RIAZ KHAN.**

I am directed to forward herewith a certified copy of Judgment dated 23/11/2017 passed by this Tribunal on the above subject for strict compliance.

**Encl: As above**

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

*ML*