


16.09.2019

Appellant alongwith his counsel and Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Shamraiz Khan, ASI for the respondents present. Arguments heard. Case to come up for order on 17.09.2019 before D.B at Camp Court Abbottabad.

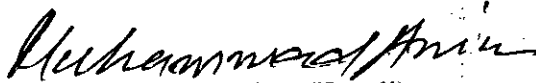


(Hussain Shah)
Member
Camp Court Abbottabad

(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

17.09.2019

Learned counsel for the appellant and Mr. Muhammad Bilal Khan learned Deputy District Attorney alongwith Shamraiz Khan ASI for the respondents present. Vide our detail judgment of today of this Tribunal placed on file, of service appeal No. 116/2015 filed by Mr. Mubashir Ali vs Government of Kyber Pakhtunkhwa, that we are of the considered view that the disciplinary proceedings are retained to the extent of completion of inquiry and the responding authorities are directed to provide a copy of the inquiry report to the appellant while issuing the final show cause afresh within a period not longer than sixty (60) days after the copy of receipt of this judgment. The appeal is disposed off in the above terms. Parties are left to bear their own costs. File be consigned to the record room.



(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad



(Hussain Shah)
Member
Camp Court Abbottabad


ANNOUNCED
17.09.2019

18.04.2019

Junior to counsel for the appellant and Mr. Muhammad Bilal, DDA alongwith Shamraiz Khan, ASI for the respondents present.

Due to general strike on the call of Pakistan Bar Council, instant matter is adjourned to 20.06.2019 before the D.B at camp court, Abbottabad.


Member

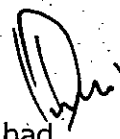

Chairman
Camp court, A/Abad

20.06.2019

Junior to counsel for the appellant and Mr. Muhammad Bilal DDA alongwith Shamraiz Khan, ASI for the respondents present.

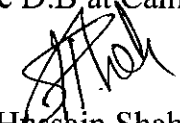
A request for adjournment is made due to indisposition of learned senior counsel for the appellant who is hospitalized at present. Adjourned to 09.07.2019 for arguments before the D.B at camp court, Abbottabad.



Member


Chairman
Camp court, A/Abad

09.07.2019


Appellant in person and Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Appellant requested for adjournment on the ground that his counsel is ill and cannot attend the Tribunal today. Adjourned to 16.09.2019 for arguments before D.B at Camp Court Abbottabad.


(Hussain Shah)
Member
Camp Court Abbottabad


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

15.11.2018

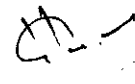
Counsel for the appellant present. Due to retirement of the Hon'ble Chairman the Service Tribunal is incomplete. Tour to Camp Court Abbottabad has been cancelled. To come up for the same on 16.01.2019 at camp court Abbottabad.


Reader
A/Abad

16.01.2019

Learned counsel for the appellant and Mr. Muhammad Bilal learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 21.02.2019 before D.B at Camp Court Abbottabad.


Member



Member

Camp Court Abbottabad.

21.02.2019

Counsel for the appellant present. Mr. Muhammad Bilal, DDA alongwith Mr. Shamraiz Khan, ASI for respondents present. Counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 18.04.2019 before D.B at camp court Abbottabad.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member
Camp Court Abbottabad

19.04.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Atif, H.C for the respondents present. The court time is over. Adjourned. To come up for arguments before the D.B on 18.07.2018 at camp court, Abbottabad.



Member



Chairman
Camp court, A/Abad

18.07.2018

Appellant Ahmad Waqas is not in attendance. However, his counsel Mr. Afsar Shah, Advocate present. Mr. Shamraiz Khan, ASI on behalf of the respondents alongwith Mr. Usman Ghani, District Attorney present. Since counsel for the appellant in connected appeals is not in attendance and adjourned to 20.09.2018, this case is also adjourned to 20.09.2018 before the D.B at camp court, Abbottabad.



Member



Chairman
Camp Court, A/Abad

18.09.2018

Since 20th September, 2018 has been declared as public holiday on account of Moharram therefore, case is adjourned to 15.11.2018 for arguments before the D.B at camp court, Abbottabad.



Chairman
Camp court, A/Abad

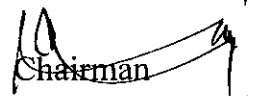
15.03.2017

Counsel for the appellant and Mr. Shamraz Khan Reader alongwith Muhammad Siddique S.G.P for the respondents present. Rejoinder submitted. 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.

23.08.2017

Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney alongwith Shamraiz Khan, Reader for the respondents present. 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 Mr. Kabeerullah Khattak, Addl. AG alongwith Shamraiz Khan, H.C for the respondents present. Counsel for the appellant seeks adjournment. Granted. To come up for arguments on 19.02.2018 before D.B at camp court, Abbottabad.


Member


Chairman
Camp court, A/Abad

19.02.2018


Junior counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for the respondents present. Junior to for the appellant requested for adjournment as senior counsel for the appellant is not available. Request accepted. To come up for arguments on 19.04.2018 before the D.B camp court, A/Abad.


Member


Chairman
Camp Court, A/Abad

16.03.2016

Appellant in person and Mr. Shamriaz Khan, Reader alongwith Mr. Muhammad Saddique, Sr. GP for official respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 19.5.2016 before S.B at Camp Court A/Abad.


Chairman
Camp Court A/Abad

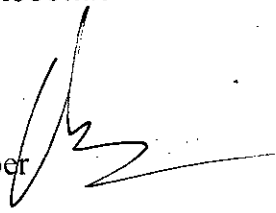
19.5.2016

Counsel for the appellant and Mr. Shamraiz Khan, Reader alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 19.10.2016 at camp court, Abbottabad.


Chairman
Camp Court, A/Abad.

19.10.2016

Counsel for the appellant and Mr. Shamraiz Khan Reader alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Counsel for the appellant seeks adjournment. To come up for rejoinder and final hearing on 15.3.2017 before the D.B at camp court, Abbottabad.

Member 


Chairman
Camp Court, A/Abad

19.08.2015

Counsel for the appellant present. Argued that identical Service Appeals No. 116/2015 and 322/2015 have already been admitted to regular.

In view of the above, this appeal is also admitted to regular hearing. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 15.09.2015 before S.B at camp court A/Abad.


Chairman

Camp Court Abbottabad

15.9.2015

Appellant in person present. Security & process fee not deposited. Directed to deposit the same within a week, where-after notices be issued to the respondents for 14.12.2015 before S.B at camp court A/Abad.


Chairman

Camp Court A/Abad

14.12.2015

Counsel for the appellant and Mr. Shamraiz Khan, Reader alongwith Mr. Muhammad Siddique, Sr.G.P for official respondents No.1 to 5 present. None present for private respondent No.6 despite service of notice. Proceeded ex-parte. Requested for adjournment. To come up for written reply/comments on behalf of official respondents No.1 to 5 on 16.3.2016 before S.B at Camp Court A/Abad.


Chairman

Camp Court A/Abad

Appellant Deposit
Security & Process Fee



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 603/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	04.06.2015	<p>The appeal of Mr. Ahmad Waqas resubmitted today by Mr. Afsar Shah Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2	5-6-15	<p>This case is entrusted to Touring Bench A.Abad for preliminary hearing to be put up thereon <u>12-6-2015</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
3	17.06.2015	<p>None present for appellant. Notice to counsel for the appellant be issued for preliminary hearing before S.B for 19.8.2015 at Camp Court A/Abad.</p> <p style="text-align: right;"><i>[Signature]</i> Chairman Camp Court A/Abad</p>

The appeal of Mr. Ahmad Waqas son of Muhammad Siddique Ex-Foot Constable No.1421 received to-day i.e. on 26.05.2015 is incomplete on the following scores which is returned to the counsel for the appellent for completion and resubmission within 15 days.

- 1- Copy of reply to the Final Show Cause Notice mentioned in para-11 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Copy of departmental appeal is misprinted which may be replaced by legible/better one.
- 3- Address of respondent no. 6 is incomplete which may be completed according to the Khyber Pakhtunkhwa service Tribunal rules 1974.
- 4- Two more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 795 /S.T,


Dt. 26/5 /2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Afsar Shah Adv. High Court
Abbottabad.

1. The reply given by the appellent to the final show cause notice is annexed as annexure "A" at page no. 29.
2. The original departmental appeal is in the custody of respondent no. 3. During the trial of the appeal he will be asked through the Honorable Council to produce the same.
3. The correct address of the respondent no. 6 has been given in the heading of the appeal.
4. Two more copies/sets of files sent here with as desired please.
5. Submitted for further proceeding.

Registrar
Service Tribunal
KPK Peshawar


(AFSAR SHAH)
Advocate
High Court. Peshawar
M.A. (Pol. Sc.) MA (Edu) LL.B
ADVOCATE
Distt. Bar Abbottabad

BEFORE THE KHYBER PAKHTUNKHAWA,
SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 603 /2015

Ahmed Waqas son of Muhammad Siddique, resident of Mohallah Muhammad Zai, Nawanshehr, Tehsil & District, Abbottabad, Ex-Foot Constable, No. 1421, Police Line, Abbottabad.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Home & TAs, Department, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL


INDEX

S.#	Description	Page No.	Annexure
1.	Service Appeal alongwith Affidavit	1 to 11	
2.	Application alongwith affidavit	12 to 13	
3.	Copy of the service card	14	"A"
4.	Copy of the report	15	"B"
5.	Copy of the document exonerating the police officials from any offence	16	"C"
6.	Copy of disciplinary action and charge sheet	17-18	"D" & "E"
7.	Copy of reply	19-20	"F"
8.	Copies of findings & show cause notice	21-22	"G" & "H"
9.	Copy of reply <i>appeal addendum to DIG</i>	23-24	"I"
10.	Attested copy of the impugned order	25	"J"
11.	<i>of presentation &</i> Copy order dated 17/04/2014	26-28	"K" & "L"
12.	Wakalatnama		


...APPELLANT

Dated: 20/5 /2015

Through;


(AFSAR SHAH)
Advocate High Court, Abbottabad
Majors (P) Afsar Shah of 88
MA(Pol.Sc)MA(Edu)LL.B
ADVOCATE
Dist. Bar Abbottabad

BEFORE THE KHYBER PAKHTUNKHAWA,
SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 603 /2015

Ahmed Waqas son of Muhammad Siddique, resident of Mohallah Muhammad Zai, Nawanshehr, Tehsil & District, Abbottabad, Ex-Foot Constable, No. 1421, Police Line, Abbottabad.

...APPELLANT

K.W.F. Province
Service Tribunal
Diary No. 547
Dated 26-5-2015

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Home & TAs, Department, Peshawar.
2. IG Police, Khyber Pakhtunkhwa, Peshawar.
3. District Police Officer, Abbottabad.
4. DIG/ Regional Police Officer, Abbottabad.
5. Additional SP/ Inquiry Officer, Police Lines, Abbottabad.

Mr. Arslan son of Muhammad Javed, resident of ~~Kunj Jadeed,~~ Abbottabad. House No. 372 Ward No. 11 Near Bilal Masjid,
Kunj Gadcom Abbottabad

...RESPONDENTS

EX PARTE
14-12-2015 (6)

filed to-day
Registrar
26/5/15

re-submitted to-day
and filed.
Registrar
4/6/15.

APPEAL UNDER SECTION 4 OF THE KPK
SERVICE TRIBUNAL ACT, 1974 AGAINST THE
ORDER OF RESPONDENT NO. 3 DATED 29/08/2014,
WHEREBY THE PETITIONER WAS DISMISSED
AND THE ORDER PASSED BY RESPONDENT NO. 2
DATED 17/04/2015 RECEIVED BY THE

APPELLANT ON 29/04/2015 ON REPRESENTATION AGAINST THE ORDER OF RESPONDENT NO. 3 REJECTING THE SAME IS WITHOUT ANY PLAUSIBLE EXPLANATION ILLEGAL, VOID WITHOUT LAWFUL AUTHORITY, WITHOUT JURISDICTION AND SAME IS NOT TENABLE IN THE EYES OF LAW AND ARE LIABLE TO BE SET ASIDE.

PRAYER:- ON ACCEPTANCE OF INSTANT APPEAL, THE ORDERS OF RESPONDENTS NO. 2 & 3 MAY KINDLY BE SET ASIDE AND THE PENALTY IMPOSED UPON THE APPELLANT MAY ALSO BE SET ASIDE AND THE APPELLANT BE RESTORED ON HIS SERVICE WITH ALL PREVIOUS BENEFITS.

Respectfully Sheweth:-

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

1. That the appellant was appointed in the Police Department as Foot Constable on 21/01/2008 and has unblemished service record. Copy of the service card is attached as Annexure "A".
2. That on the eventful day of appellant was detailed for petrol duty at Ilyasi Mosque from the incharge Guard duty.
3. That the three army men came into the tent of the guard and informed us that a boy and a girl are busy in objectionable acts and they desired that they should be asked and interrogated.
4. That we the petrol duty members found that person in a hidden place behind a big stone and asked for his identity. He discloses his name as Arslan son of Javed resident of Kunj Jadeed, Abbottabad and became annoyed over such query and threatened the police party for dire consequences and went away.
5. That later on were informed that he had lodged some report in P.S Nawanshehr vide serial No. 18 of diary dated 22/04/2014 stating there in that he

was on a visit of Ilyasi Mosque alongwith his fiancé, when stopped by a uniform constable alongwith two others whom he could identify, searched him, beaten him and took a sum of rupees 2000/- from him as well as twenty two hundred and golden ring from his fiancé, also his mobile QX6 alongwith SIM No. 0311-1632282 was also taken by them. Copy of his report is attached as Annexure "B".

6. Copy of the above report was sent by the Nawanshehr Police to the high-ups mentioning therein that the matter was compromised between the complainant Arslan and the delinquent police officials. It was however recommended departmental action against the appellant and other constables.
7. That the complainant Arslan in the presence of witness Zaheer Khan son of Khushal Khan had given written statement to the police at Nawanshehr that he has lodged the report on the basis of some misunderstanding and that he requested not to take any action against the police officials. He further clarified that the police

constables had not taken from them any money, Mobile or ring, therefore he requested to file his report. As the token of his correctness he signed it giving his mobile Nos. besides it was also attested by witness Zaheer Khan son of Khushal Khan. Copy of the document exonerating the police officials from any offence is attached as Annexure "C".

8. That on the basis of Annexure "C" the respondent No. 3 initiated disciplinary action under Police Rule 1975, against the appellant by issuing him statement of allegation and charge sheet and also appointed Shams ur Rehman Additional SP respondent No. 5 as inquiry officer. Copy of disciplinary action and charge sheet is attached as Annexure "D" & "E".
9. That the appellant replied the charge sheet and the statement of allegation explaining every corner of the case and requested that it be filed having no substance. Copy of reply is attached as Annexure "F".

10. That the inquiry officer respondent No. 5 submitted his findings to the respondent No. 3, where upon final show cause notice alongwith grounds of action issued to the appellant by respondent No. 3. Copies of findings & show cause notice attached as Annexure "G" & "H".
11. That consequent upon the above final show cause notice the appellant furnished his reply properly. Copy of reply is attached as Annexure "I".
12. That on 29/08/2014 respondent No. 3 passed the impugned order vide OB No. 228 dated 29/08/2014 under Police E & D Rules 1975 and awarded major punishment dismissal from service with immediate effect. Attested copy of the impugned order is attached as Annexure "J".
13. That against the impugned order of the respondent No. 3, the appellant submitted representation to the IG Police KPK Peshawar which was also not considered favourably and turned down with the order of dismissal dated 17/04/2015 received by the appellant on 29/04/2015. Copy order dated 17/04/2015 is attached as Annexure "K".

to appreciate the fact that I was not involved in the case but was arrayed in the matter which initially was cleared when the Police at Nawanshehr initially probed the matter where the complainant clarified that it was a misunderstanding based report and that nothing valuable was taken by any of the police constables from him. Therefore any such order based on misreading and non-reading of the facts and evidence clearly suggest it to be an order against law, facts and circumstances of the case hence not tenable under the law and needs to be reversed

- c. That the DIG respondent No. 4 also did not take in to consideration the true facts and relied on the controversial inquiry report and order based on surmises and conjectures, therefore the dismissal of appeal also amount an order passed illegally without jurisdiction and not tenable under law.
- d. That the charge of involvement in the case made basis for dismissal of the appellant has already been denied by the complainant at initial stage that no occurrence of taking money;

mobile or gold ring had taken place and all what happened was due to misunderstanding. But the respondents did not consider the same which was the very base of the impugned inquiry and orders passed in matter which itself carries no justification in the eye of law.

e. That the orders of the respondents Nos. 2 and 3 are illegal arbitrary, void without lawful authority and also without jurisdiction and hence liable to be set aside.


f. That much importance has been given to the inquiry report conducted in the matter which itself is full of material legal and factual flaws hence the orders based on such a shaky inquiry is needed be set aside.

g. That patently order of dismissal from service is illegal without lawful authority and result of misreading and non reading and also illegal.

h. That the illegal and without jurisdiction orders of respondents No. 2 & 3 on the basis of the unfair-partial, un-reasonable and discriminatory inquiry have resulted in miscarriage of justice.


- i. That respondent No 2 and 3 did not take into consideration the fact that the allegations leveled in the Roznamcha did not gets supports from the clarification of the complainant who with drew the charges while effecting compromise in the matter.
- j. That further points will be submitted at the time of arguments

It is, therefore, humbly prayed that on acceptance of instant appeal, the orders of respondents no. 2 & 3 may kindly be set aside and the penalty imposed upon the appellant may also be set aside and the appellant be restored on his service with all previous benefits.


Ahmed Waqas
...APPELLANT

Through;

Dated: 26/5 /2015


(AFSAR SHAH)
Advocate High Court, Abbottabad
MA(Pol. Sc) MA(Edu) LL. B
ADVOCATE
Distt. Bar Abbottabad

VERIFICATION: -

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

APPELLANT


**BEFORE THE KHYBER PAKHTUNKHAWA,
SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No. _____/2015

Ahmed Waqas son of Muhammad Siddique, resident of Mohallah Muhammad Zai, Nawanshehr, Tehsil & District, Abbottabad, Ex-Foot Constable, No. 1421, Police Line, Abbottabad.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Home & TAs, Department, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

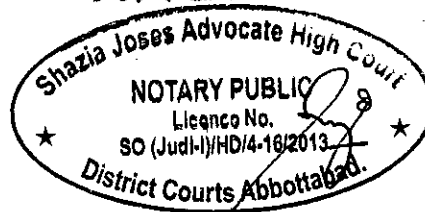
AFFIDAVIT

I, Ahmed Waqas son of Muhammad Siddique, resident of Mohallah Muhammad Zai, Nawanshehr, Tehsil & District, Abbottabad, Ex-Foot Constable, No. 1421, Police Line, Abbottabad, do hereby solemnly affirm and declare that the contents of forgoing service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



DEPONENT

ATTESTED

Identified By:-



25/5/2015


(AESAR SHAH)
Advocate High Court, Abbottabad
Majid/PJ Aesar Shah ABB
MA(Pol.Sc)MA(Edu)LL.B
ADVOCATE
Distt. Bar Abbottabad

**BEFORE THE KHYBER PAKHTUNKHAWA,
SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No. _____/2015

Ahmed Waqas son of Muhammad Siddique, resident of Mohallah Muhammad Zai, Nawanshehr, Tehsil & District, Abbottabad, Ex-Foot Constable, No. 1421, Police Line, Abbottabad.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Home & TAs, Department, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

**APPLICATION UNDER SECTION 5 OF THE
LIMITATION ACT, 1908 FOR CONDONATION OF 50
DAYS DELAY.**

=====

Respectfully Sheweth;-

The petitioner/ appellant submits as under;

1. That the petitioner/ appellant submitted representation to the I.G Police KPK, Peshawar on 09/02/2014.
2. That the petitioner/ appellant kept on waiting for the reply from the IG Police KPK, Peshawar.
3. That the petitioner/ appellant received the reply from the I.G Police KPK, Peshawar office in term of impugned dismissal order dated 17/04/2015 which was delivered to the petitioner/ appellant on 29/04/2015.

It is, therefore, requested that if any period beyond 90 days found as delay, The same may please be condoned for natural justice.


...APPELLANT

Dated: 26/5 /2015

Through;

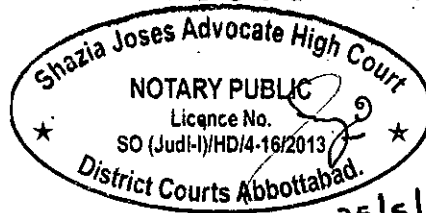

(AFSAR SHAH)

Advocate High Court, Abbottabad
Majid (P) Afsar Shah et al
MA (Pol. Sc) MA (Edu) LL.B
ADVOCATE
Distt. Bar Abbottabad

AFFIDAVIT:-

I, Ahmed Waqas son of Muhammad Siddique, resident of Mohallah Muhammad Zai, Nawanshehr, Tehsil & District, Abbottabad, Ex-Foot Constable, No. 1421, Police Line, Abbottabad, do hereby solemnly affirm and declare that the contents of forgoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

ATTESTED




DEPONENT

Identified By:-


(AFSAR SHAH)

Advocate High Court, Abbottabad
Majid (P) Afsar Shah et al
MA (Pol. Sc) MA (Edu) LL.B
ADVOCATE
Distt. Bar Abbottabad

25/5/2015



K.P.K. POLICE SERVICE CARD

S. No. 457



District Police Officer
ABBOTTABAD
Controlling Authority

ABDUL WAQAS
1421

14

ANNEXURE 4 A

Mark: NIL

Date of Birth: 22-11-1987 Blood Group: B+ve

21.1.2008

Date of Appointment: 22-11-1987 Height: 5-10 inches

Address: Moh; Muhammad Zai, Nawanshehr,
Tehsil & District Abbottabad.

N.I.C. No. 13101-0869216-9

Emerg. Contact No.: 0992-9310033 Valid upto: 10-10-2015



Mirza

(Signature)
Mirza
(Pol. Sc) MA (Edu) LL.B
ADVOCATE
Dist. Bar Abbottabad

میں نے جو رپورٹ کی کہ 18 روزہ ناظم 22/7/74 بروز خلاف بلازنا
 پورس سیم گارڈ ایسے ٹا بے گرواٹ کے ہیں ان کے لیے رپورٹ
 ملے گی کہ سارے ایسے گرواٹ کے خلاف گرواٹ کے لیے
 گرواٹ کے لیے گرواٹ کے خلاف گرواٹ کے لیے گرواٹ کے لیے
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الو اسلٹ ولڈ شرعاً ویر قوم سلطان شہ سید خدیم

13/01-2462653-7
 0311-9846858

Handwritten signature

گوانہ ہذا الیہ شرعاً ویر قوم سلطان شہ سید خدیم

13/01-9666123-1
 0315-7277725

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Handwritten text in Urdu



4-5-15

(17) (14)

ANNEXURE D

CHARGE SHEET.

I, Muhammad Ali Khan District Police Officer Abbottabad, as competent authority, is hereby charge you FC Ahmed Waqas No.1421 as explained in the attached statement of allegations.

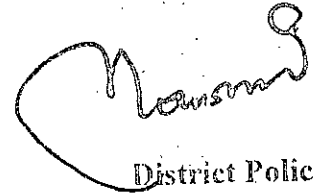
You are therefore, directed to submit your written defense within seven days on the receipt of this Charge Sheet to the Enquiry Officer.

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.


A statement of allegation is enclosed

07/05/2014
کوچا ب دیر ایگیا



District Police Officer,
Abbottabad.

Attested


Moghan/Dr. Ahsan Shah of SSC
MA(Pol. Sc)MA(Edu)LL.B
ADVOCATE
Dist. Bar Abbottabad

(18) (17)

ANNEXURE B D.

DISCIPLINARY ACTION.

I, Muhammad Ali Khan District Police Officer Abbottabad, as Competent Authority of the opinion that you FC Ahmed Waqas No. 1421 have rendered yourself liable to be proceeded against as you committed the following act/omission within the meaning of Police Disciplinary Rules 1975.

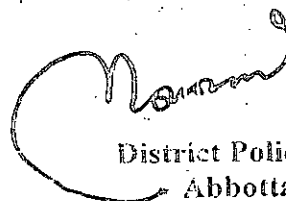
STATEMENT OF THE ALLEGATION.

As per DD No. 18 dated 22.04.2014 of PS Nawansher, you FC Ahmed Waqas No. 1421 alongwith FC Shakeel No. 1071 and FC Mubashir Ali No. 509, have beaten one Arsalan and his family and also taken a sum of Rs: 4200/-, one golden ring and one Mobile (Qx6) from them, which is a gross misconduct on your part.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, Mr. Ghous-ur-Rohman, Addl. SP is deputed to conduct formal Departmental Enquiry against you.

The Enquiry Officer shall in accordance with the provision of ordinance, provide reasonable opportunity of hearing the defaulter, furnish findings within 30 days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

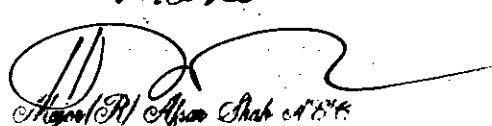
The accused and a well conversant representation of the departmental shall in the proceedings on the date, time and place fixed by the Enquiry Officer.

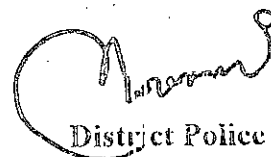

District Police Officer,
Abbottabad.

No 1214-16/PA, Dated Abbottabad, the 30-4 /2014.

Copy of above is forwarded to:-

1. Mr. Ghous-ur-Rohman Addl. SP (Enquiry Officer) for initiating proceedings against the defaulter officer under provisions of the Police Disciplinary Rules 1975.
2. FC Ahmed Waqas No. 1421 through RI Lines with the direction to submit his defense within 7 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purpose of departmental proceedings.
3. RI P/Lines Abbottabad with the directions that the duplicate copy of the same be returned to this office after taking signature of official concerned as a token of receipt.

Attested

MA(Pol. Sc)MA(Edu)LL. B
ADVOCATE
Dist. Bar Abbottabad


District Police Officer,
Abbottabad.

خواب گاہی

بحوالہ مشہور چارج شیٹ و ڈیپلنٹری ایکشن شیٹ
 1914-15ء مورخہ 20/4/14ء مورخہ 20/4/14ء مورخہ 20/4/14ء
 20/4/14ء کو بدووان تحصیل پولیس ٹھکانہ واقعہ الیاس ٹاپ گارڈ
 کے ٹینٹ میں فوجی ملازمان جو کھانا کھا رہے تھے۔ جو وادی
 میں ملبوس تھے۔ نے آکر ہم ٹھکانہ ملازمین کو جو وہ ٹینٹ کو
 کیا۔ کہ ملبوسہ ایڑیاں میں ایک ٹکڑا اور لڑکی بچھے ہیں جو
 شکوک اور شبہ میں انہیں پکڑے اور کھاروائی کریں
 جو ہم نے اس جرحے کو آواز دیکر اپنے یاں ٹینٹ کے
 یاں بلا یا۔ جو ہمارے بلائے پر دو ٹکڑے لڑکا اور لڑکی
 ٹینٹ کے آگے آگئے۔ ان سے ہم نے ٹینٹ کے باہر
 ان کی شناخت پر ہیں اور شناختی کارڈ طلب کیے
 جو لڑکی کے یاں شناختی کارڈ نہ تھا۔ جو لڑکی سے
 پوچھنے پر اس نے کہا کہ یہ میرا سہوکار ہے۔ جس
 پر ہم نے اس کے کانٹا پتہ ٹوٹ کر کے انہیں چلے
 جانے کا کہا۔ چونکہ دوران پوچھ گچھ حذ کورہ لڑکے
 اسی ارسلان جو خواہ چونکہ میں ریٹھی لگانے کا
 کہتا تھا۔ ہماری پوچھ گچھ کا براضا کر ہمیں لڑھی
 دیا تھا۔ کہ میں تمہارے ساتھ دیکھوں گا۔ چونکہ
 ہم نے نہ تو اسکے ساتھ کوئی زیادتی کی تھی۔ نہ ہمیں
 سرکاری ڈیوٹی کے علاوہ ان کے ساتھ کوئی خاطر
 بات کرنی اختیار تھا۔ نہ ہمارا کوئی قصور تھا۔
 اس کے ہم نے اسکی بات کا کوئی نوٹس نہ لیا۔ جو
 دوسرے دن ہمیں تھا نہ تو اس شہر میں فرما رہے
 نے بلایا۔ ہمارے تھا نہ تو اس شہر میں پچھنے پر حذ کورہ

ارسلہ جو قمار میں موجود تھا۔ کے متعلق ضرور صاحب نے
 کیا کہ اس نے تمہارے خلاف درخواست دی ہے۔
 جو میرے لئے جواب میرا اور اسے حل کرنے میں درج ہے۔
 میں سگائے گئے الزامات ثابت کرنے کیلئے پریزنٹ
 نے غلط نہیں کی بنا پر درخواست دینے اور رقم
 انگوٹھی اور عوبالک کے سہارے ان سے منگنے کا لکھنا
 دیر یا۔ کیونکہ ارسال نے ہمیشہ کما جھوٹ لکھو ایسا ہے ہمیشہ
 اس وقت ایسا ہی ٹاپ پرنہ تھا۔
 اسٹیمپ چارج شیف اور ڈیپلٹری ایکشن
 شیف داخلہ فتر فرمائی جاوے۔

المعظم
 2014 07 05

احمد وقاص کنٹریس 1421 کوٹلی ڈیپلٹری آفیسر آف آب و ہوا

Attest

(Signature)
 Muzaf Ali Khan Chah of
 MA (Pol. Sc) MA (Edu) LL.B
 ADVOCATE
 Dist. Bar Abbottabad

21-20

ANNEXURE 'G'

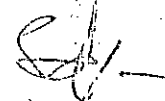
OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD

NO 45 /PA, Dated Abbottabad, the 11-8 /2014

GROUND OF ACTION


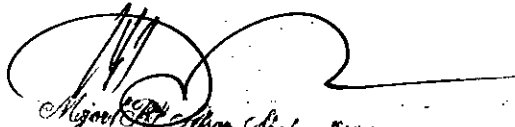
That you FC Ahmed Waqas No: 1421 while posted at Police Lines, Abbottabad committed following misconduct:-

- i. As per D.D No: 18, dated 22-04-2014 of Police Station Nawansheri, you FC Ahmed Waqas No: 1421 alongwith FC Shakeel No: 1071 and FC Mubashir Ali No: 509, have been one Arsalan and his family and also taken a sum of Rs. 4200/- one golden ring and one Mobile (Qx5) from them, which is a gross misconduct on your part.
- ii. During proper departmental enquiry the allegation 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

No. _____ /PA Dated _____ /2014.

Copy of above in duplicate is forwarded to RI Lines with the direction that the duplicate copy of the same be returned to this office duly signed by the official concerned as a token of receipt.



 MA(Pol.Sc)MA(Edu)LL.B
 ADVOCATE
 Dist. Bar Abbottabad

27/22

ANNEXURE 'H' 11

OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD

NO 45 /PA, Dated Abbottabad, the 11-08 /2014

FINAL SHOW CAUSE NOTICE

(Unit Rule (3) KPK Police Rules, 1975)

1. That you FC Ahmed Waqas No: 1421 while posted at Police Lines, Abbottabad rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 for following misconduct;
 - i. As per D.D No: 18, dated 22-04-2014 of Police Station Nawanshehr, you FC Ahmed Waqas No: 1421 alongwith FC Shakeel No: 1071 and FC Mubashir Ali No: 509; have ^{beaten} ~~been~~ one Arselan and his family and also taken a sum of Rs. 4200/- one golden ring and one Mobile (Qx6) from them, which is a gross misconduct on your part.
 - ii. During proper departmental enquiry the allegation ^{have} ~~has~~ been proved against you.
2. That by reason of above, as sufficient material is placed before the undersigned therefore it is decided to proceed against you in general Police proceeding without aid of enquiry officer;
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the police force will amount to encourage in efficient and unbecoming of good Police officers;
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.
6. 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.
7. 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.

Munir
District Police Officer,
Abbottabad.

Received by _____

Dated _____/2014

Dated _____/2014

Ahmed
Munir
MA(Pol.Sc)MA(Edu)LL.B
ADVOCATE
Dist. Bar Abbottabad

23

سماں پور پولیس ایجنسی میں زخمی کئی گئے اور ضلع ہیڈ آفس آباد

درخواست برادر رحمانہ اپیل برائے بحال سروس کنٹیننٹ 14/21/14
اعدو قائل - حکم صدر جنرل آرمڈ فورسز
مورخہ 29-8-2014 مجاز یہ از دفتر جناب DPO
جناب ہیڈ آفس کے ذریعے موصوف کے پاس
ملازمت سے ڈسمنس فرمادیا۔

الستماس حقیقہ رسید رحمانہ منظور فرمائی جا کر
سائل کو ملازمت پر بحال فرمایا جاوے۔
جناب عالی درخواست ذیل طریقہ سے ہے۔

1. جناب عالی! میں سائل مورخہ 1/2/2008ء کو فکرم پولیس ضلع ایبٹ آباد میں بطور کنٹیننٹ مقرر
ہو کر بعد پاس کرنے جھڑہ کو میں بائس پولیس لائن ایبٹ آباد، چوکیات، تھانہ
جات میں خوش اسلوبی اور اہلیت احسن ازم داری سے خدمات سر انجام دیتا رہا ہے۔
2. میں سائل کو مورخہ 29/9/2014ء کو آرڈر نمبر 228 کے تحت ڈسمنس کیا گیا ہے۔ جو جویات ڈسمنس میں بہوران

ایسا ہی ٹاپ ڈیوٹی پر موجود تھا۔ دریں اثناء دوسرے ساتھیوں نے حساس ایئر یا/محلہ ایئر
میں ایک کپیل (مرد و عورت) کو بل کر پوچھ گچھ کی کہ بتائیں کارڈ چیک کے بعد اس
کپیل کو محترم ایئر یا سے باہر بھیج دیا۔ اسی دوران اس کپیل کے مرد نے بہت غلط انداز

میں سائل کو گھونچ کر بہترینی میں سائل کے ساتھ لگی پھر میں میں سائل نے ان کو بطور
اجنہ / اچھے رشتہ کے ساتھ پتہ ایڈریس پوچھا کھو کر جانے دیا۔
3. میں سائل نے ان کپیل سے کوئی لین دین نہ کیا ہے۔ اپنی ڈیوٹی کرتے ہوئے رہنے کا کارڈ

گھنڈر چھاب کے حکم کی تعمیل کی۔
4. بعد ازاں دوسرے دن بہ اطلاع تھانہ معلوم ہوا کہ اس کپیل نے تھانہ میں جوئی

من حکومت ریپورٹ درازی کی۔ جو بعد ازاں تھانہ میں ہی جو جوئی راجہ ممتاز
5. میں سائل نے نہ تو موقع ڈیوٹی کرنے میں تھانہ میں کسی قسم کا لین دین کیا ہے۔
محض جوئی درخواست گزار تھانہ سے بے مبراہت کیا گیا ہے۔

6. حالانکہ دوران رانی نامہ تھانہ میں موجود کپیل میں سے ارسلان مدد ہراہ دوست
ظہیر دولوں نے رانی نامہ کو نہیں خود کیا مدد کسی قسم کے لین دین کا کوئی
ذکر واسطہ نہ ہوا ہے۔

7. جہاں گناہ میں موجود ڈیوٹی حاضر رہا ہم ممتاز ای کی موقع پر موجود تھے۔
راہی نامہ گناہ کی نقولت لکھ ہذا درخواستیں اپیل ہیں۔

8. ان تمام صورتوں حالات کے باوجود من سہل کو نوکری سے بے گناہ ارجو ہے بر فاسدیت

کیا گیا ہے۔

استغنا فیکہ من سہل کو اس جھوٹے اہل گناہ قہقہ
سے برک فرمایا گیا ہے اور من منظر کو بحال نوکری کرنے کے حدود اقصا
صہام فرمائیں۔ من سہل آپ اور آپ کے اہل و عیال کے لئے تادم
خیر دعا گو رہتا ہوں گا۔

جناب کے اقبال مند ہوں۔

العلم 11/9/2014

ایبٹ آباد

13101-0869216-9

احمد و تاسین بر فاسدیت کنٹریز 1421

Attest

Majid Ali Khan Chah
MA(Pol.Sc)MA(Edu)LL.B
ADVOCATE
Dist. Bar Abbottabad

24/05

ANNEXURE 5J

ORDER

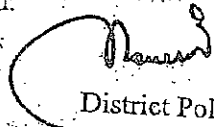
This order would disposes off departmental enquiry conducted against Constable Ahmed Waqas No.1421 who while posted at Police guard of Ilyasi Top along-with Constable Shakeel No.1071 & Constable Mubshir No.509 beaten one Arslan & his family, also taken cash of Rs. 4200/-, one golden ring & one Mobile (Q6) from them as a gratification by harassing them. Consequent upon a complaint, in this regard, made by victim at Police Station Nawansher, The SHO PS Nawansher testified the genuineness of the grievances of the complainant followed by suspension of the mentioned officials and initiation of departmental proceedings.

Subsequently Charge sheet/summary of allegation was issued and served upon him. Addl: Superintendent of Police Abbottabad conducted formal departmental enquiry. Allegations as incorporated in charge sheet were proved against him.

Final Show Cause Notice was issued & served upon him and he was heard in person in Orderly Room held on 27-08-2014 but he failed to submit any convincing defense.

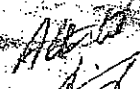
In the light of the gravity of the allegations, the gross misconduct which has been subsequently proved during the course of departmental proceedings and as per the findings & recommendation of the inquiry officer, it is evident that Constable Ahmed Waqas No.1421 does not deserve to remain in Police Department. By doing so he along-with his other accomplices those has acted as robber in Police uniform have tarnished the image of Police force. Therefore, in exercise of powers vested in me under Police E&D rules 1975, I award him major punishment of dismissal from service with immediate effect.

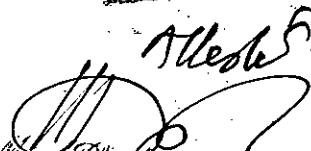
Order announced.


District Police Officer,
Abbottabad.

OB No - 228

29-08-14


Office Superintendent
Office of the District Police Officer
Abbottabad


MA(Pol.Sc)MA(Edu)LL.B
ADVOCATE
Dist. Bar Abbottabad

Handwritten initials or mark at the top center.

No. 226/E-IV

09-12-2014

کہ جسے خواتین کا I صاحب پولیس خیر بخون خواہ

درخواست بھرا اور اس کے مطابق کاپی لکھی جا

احمد رضا صاحب علم صدرہ کو الہ آباد نمبر 228

موردہ 29.8.2014 عازب از دفتر جناب۔ DPO

صاحب اسٹاٹ آباد جسے ذیل کے موضوعات کو

ملاؤ جس سے ڈسپنس فرما دیا۔

المناسبت سے اصل رجسٹرڈ منظور فرمائی جا کر سامنے

کہ ملزم کے لیے مجال فرما جاوے۔

Office of the Provincial Police Officer (Establishment Branch CPO) No. 5087/2014 Dated 09/12/2014 Khyber Pakhtunkhwa Province

BNSP in the case of Rana Adil MSP in NAB court. Registrar

Pls process

Signature and date 9/12

جناب عالی: درخواست ذیل کے ہیں۔

1. جناب عالی: منی سال 2008 کو ملزم نے پولیس اسٹیشن آباد میں بطور کسٹل بھرتی ہوئے بعد میں اس کے مجوزہ کو اس پلے پولیس اسٹیشن آباد، جو کسٹل، کھانہ خان میں خوش الحولی البرقا اسٹیٹ / ذمہ داری سے ضمانت کے ساتھ فراہم کیا گیا ہے۔
2. منی سال 2014 کو موردہ 29.8 کو آرڈر نمبر 228 کے تحت ڈسپنس فرمایا گیا ہے جو پلے ڈسپنس میں بعد از اس کی تاپ ڈیوٹی پر موجود تھا۔ اس کے ساتھ دیگر ساتھیوں کے حساب الہ آباد / ملزم کے حساب میں ایک پلے (مرد عورت) کو ملزم کو جو کسٹل شناختی کارڈ جس کے لیے نام شناختی کارڈ اور صفحہ الہ آباد سے بالکل اسی دوران اس پلے کے سر کے ہی غلط انداز میں خالی ہو گئے۔ یہ شخص منی سال کے ساتھ لگی۔ پھر بھی منی سال کے ان کے ساتھ خوش الحولی اور اچھے اچھے سے پیش آیا۔
3. منی سال کے پلے کے ساتھ کوئی لینا دین نہ تھا اس لیے ڈیوٹی لگنے سے پہلے ہی اسے صاحب کے حکم کی تعمیل کی۔
4. بعد از اس دوران میں دن بے اطلاع تھا کہ معلوم ہوا کہ اس پلے کے سر کے ساتھ منی سال کے ساتھ ملزم کے منی سال کے درخواست سے دیا ہے جو بعد از اس کے ساتھ منی سال کے راجھی نام سے پلے کے سر کے ساتھ لگا۔
5. منی سال کے ساتھ۔

عبدالغفار صاحب سے موجود ڈیوٹی صاف راجہ ممتاز ان کو مطلع کر موجود ہے۔

راجہ غازی صاحب کی تعاقب سے لف صاحب اور خواجہ صاحب سے اپیل کی گئی۔

ان کے تمام ضمنی حالات کے باوجود میں سائل کو لائف ٹائم سے بائیکاٹ / بائیکاٹ پر غصے سے بائیکاٹ ہے۔

دعا مفصلہ میں سائل کو اس کا جواب دینا / بائیکاٹ سے لبری فرمنا

ہمارے اور میں نے ظہیر کو بحال لائف ٹائم کے لئے عدالت سے درخواستیں کی ہیں اور عدالت نے فیصلے جاری کیے۔
میں سائل کے بارے میں عدالت کے فیصلے کے تحت دائرہ کار سے باہر ہے۔

9/12/2014
انصاف

اپنے نام سے
13101-0869216-9
الغادر

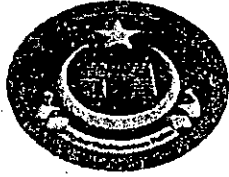
سائل کے اہل و عیال سے درخواست شدہ کیس نمبر 1421

Attested

MA(Pol. Sc) MA(Edu) LL.M
ADVOCATE
Dist. Bar Abbottabad

میں نے
اپنے
نام سے

1421



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
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-Constable Ahmad Waqas No. 1421 of District Police Abbottabad against the Punishment order i.e dismissal from service passed against the appellant by DPO/Abbottabad vide his order Book No. 228 dated 29.08.2014.

In the light of recommendations of Appeal Board meeting held on 02.04.2015, 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.

The appellant was heard in person and record perused. The board rejected his appeal as detailed enquiry has already been conducted in the case wherein his role in the above mentioned case was highly objectionable. He has also got 22 bad entries during a short period of 06 years service.

Order announced in the presence of appellant.

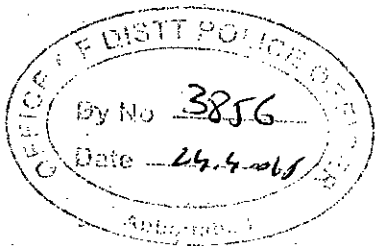
Sd/-

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

No. 4877-81 /E-IV dated Peshawar the 17/11 /2015

Copy of above is forwarded to the:-

1. Deputy Inspector General of Police, Hazara Region, Abbottabad. The service Roll, Fauji Missal and Enquiry File of the above named official are returned herewith.
2. District Police Officer, Abbottabad.
3. PSO to IGP/Khyber Pakhtunkhwa Peshawar.
4. PA to Addl: IGP/HQrs Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs Khyber Pakhtunkhwa, Peshawar.



OK
in aqata
24/11/15
(SYED FIDA HASSAN SHAH)
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa Peshawar.

G:\v\My documents\DELL\document\server 1\re-instatement orders.docx

Alshah
Office of the District Police Officer
Abbottabad

The Honourable District Police Officer
Abbottabad

Subject: Final Show Cause Notice

Respected Sir,

This is in reference with Final Show Cause Notice bearing No. 45/PA dated 11/08/2014.

As regards S No. 1 (i & ii) of the letter, it is submitted that:

1. I, Ahmed Waqas No. 1421 was on duty at Hiyasi Top alongwith Mr. Shakeel No. 1071 on, while Mr. Mubashir Ali No. 509 was not with us on duty on that day.
2. We neither beat Mr. Arsalan and his so called family nor we took away an amount (Rs: 4200) and Mobile (Qx6) from him. Rather seeing them (Mr. Arsalan & a woman with him) in suspicious activities, we just inquired about their identity and in response the girl told that boy with her was her cousin (not her husband) while the Mr. Arsalan said that the girl was his wife.

We just noted the name and address of Mr. Arsalan and let them go.

3. Later on we were informed that application had been lodged by Mr. Arsalan against us in Police Station Nawanshehr and were called for inquiry. During inquiry, the charges leveled by applicant (Mr. Arsalan) were proved wrong and Mr. Arsalan withdrew his application after his written statement signed by a witness Mr. Zaheer Khan s/o Khushel Khan R/o Kunj Qadeem Atd (Flag-A).
4. The application was withdrawn and statement was written/submitted by Mr. Arsalan in Police Station Nawanshehr in the presence and in front of Mr. Raja Mumtaz SI and Mr. Ilyas Madad Muharrar, Mr. Nazak Moharrar.

In view of the above, it is implored that the application may be considered/treated as baseless and the above show cause notice may be withdrawn please.

Ahmed Waqas Constable (No: 1421)

DBA NO.

305

BC No.

1 0 - 1 2 9 4

S.No 5946



Head Clerk
District Bar Association
Abbottabad

Name of Advocate

وکالت نامہ

Service Tribunal KkK Peshawar

بعدالت

عنوان: لکھنوی بنام صوبائی حکومت وٹیرہ

مناجب: پسند نوعیت مقدمہ سروس پسند

باعث تحریر آنکھ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جواہدی برائے پیشی یا تصفیہ مقدمہ بمقام سروس پسند اور وکالت نامہ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی 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 پشہری کے علاوہ کسی جگہ یا پشہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ پشہری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا پشہری 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 بخاند 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 مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل مگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کار و پیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر ثالثی و راضی نامہ فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے ہیر و نجات از پشہری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم انتہائی یا تفریق یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا کی علیحدہ مختانہ پیروی 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 ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔

مورخہ: 2075 / 5 / 26
سال ماہ دن

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted

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

Service Appeal No. 603/2015.

Ahmed Waqas s/o Muhammad Siddique, R/O Mohallah Muhammad Zai, Nawanshehr, Tehsil & District Abbottabad, Ex-Foot Constable, No. 1421, Police Lines, Abbottabad.

(Appellant)

VERSUS

1. Govt: of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs, Department, Peshawar.
2. Inspector General of Police, KPK, Peshawar
3. District Police Officer, Abbottabad.
4. Deputy Inspector General of Police Hazara Region, Abbottabad.
5. Additional SP /Inquiry Officer, Police Lines, 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.
5. That the appeal is barred by law.
6. That the appellant has suppressed the material facts from the Honourable Tribunal hence not entitled for any relief and appeal is liable to be dismissed without further proceeding.

ON FACTS

Para No. 1. Pertains to record.

Para No. 2. According to report of Arsalan vide DD No. 18 dated 22.04.2014 PS Nawansher, the appellant alongwith Constables Shakeel No. 1071 and Mubashar No. 209 have beaten one Arsalan and his family and taken a sum of Rs: 4200/-, one golden ring and one mobile (QX 6) from them while they were on gusht duty at the top of Ilyasi hill for the security of general public. In the light of above mentioned report they were charge sheeted by the District Police Officer, Abbottabad and enquiry was entrusted to the Addl: Superintendent of Police, Abbottabad who found them guilty in his enquiry report. The appellant alongwith other accomplices were separately served with Final Show Cause Notice, his reply was found not satisfactory and was

also heard in the Orderly Room but he could not advance any cogent reasons. He was awarded major punishment of dismissal from service under Police E & D Rules 1975 vide OB No. 228 dated 29.08.2014. (Copy of DD No. 18 dated 22.04.2014 is enclosed as annexure "A").

Para No. 3 Incorrect, during formal departmental enquiry, it was established /proved that the appellant alongwith his accomplices had taken rupees 4200/-, one golden ring and one mobile (QX 6) from one Arsalan and his family forcibly therefore, he and others were proceeded against departmentally and after having been found guilty of the misconduct leveled against him in the Charge Sheet and Summary of Allegations was awarded major punishment of dismissal from service as mentioned above.

Para No. 4 Incorrect, the appellant alongwith his accomplices had deprived one Arsalan who lodged a report vide DD No. 18 as mentioned above paras in pursuance to which the appellant was proceeded against departmentally and the allegations were proved against him during formal departmental enquiry.

Para No. 5 As explained above.

Para No. 6 Correct, the appellant was proceeded against departmentally on the basis of DD No. 18 dated 22.04.2014 Police Station Nawansher and the allegations mentioned therein were proved. Moreover the compromise affected by the complainant with the appellant due to pressure.

Para No. 7 Incorrect, hence denied, in fact the appellant deviated the complainant Arsalan from his stance/ report, patched up the matter at his own just to save himself from any legal / departmental action by taking written from the said Arsalan in his favour.

Para No. 8 Correct, on receiving information of misconduct by the competent authority (Respondent No. 5) vide DD NO. 18 dated 22.04.2014 the appellant was charge sheeted for the allegations mentioned therein and appointed enquiry officer to furnished findings recommendations as to punishment or other appropriate action against the accused / appellant, the enquiry officer held the appellant responsible for the allegations therefore, after fulfillment all the codel formalities, he was awarded major punishment of dismissal from service.

Para No. 9 The reply in response to the Charge Sheet and Summary of Allegations was found not satisfactory therefore, formal departmental enquiry was conducted against the appellant and he was found guilty for the allegations leveled against him and was awarded major punishment of dismissal from service.

- Para No. 10 Correct, as explained above.
- Para No. 11 The reply of para No. 11 it is humbly submitted that the reply in response to the Final Show Cause Notice by the appellant was found not satisfactory. Therefore, the appellant was further proceeded as per Law and Rules.
- Para No. 12 As explained above, after fulfillment of all the codel/ legal formalities the appellant failed to prove himself innocent therefore was awarded major punishment as mentioned above.
- Para No. 13 The representation of the appellant for his reinstatement in service was considered and rejected by the worthy Inspector General of Police (Respondent No. 2)
- Para No. 14 Incorrect, the orders of respondent No. 2 & 3 are fully justified and were made under the Rules and the enquiry report was also furnished on merit during the course of enquiry by the respondent No. 5 is correct and as per Law & Rules hence, the appeal is liable to be dismissed with out any further proceedings.


GROUNDS.

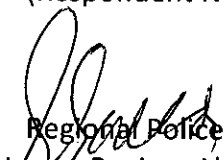
- A. Incorrect; the enquiry was conducted on merit against the appellant during which the appellant was found guilty therefore, enquiry report was submitted to the competent authority in support of allegations as leveled against the appellant in Charge Sheet and Summary of Allegation.
- B. Incorrect, as explained above the order of dismissal of the appellant was in accordance with law/facts and Rules.
- C. The representation of the appellant was considered by the respondent No. 4 and filed down as he badly defamed the image of Police department in the eye of general public and allegations were also proved against him.
- D. The complainant Arsalan was deviated from his repot by putting him under pressure by the appellant and his other accomplices and he took favorable statement from him just to save himself from any legal action.
- E. The orders of the competent authority as well as appellate authorities are legal issued under lawful, authority and are liable to be maintained.
- F. Incorrect, as explained above.
- G. Incorrect, the competent authority has exercised its legal powers vested under the Rules to him which were in accordance with Law and Rules.
- H. Incorrect, no injustice was done in the case of the appellant. All codel formalities have also been fulfilled during the course of enquiry and during subsequent proceedings initiated / taken against the appellant which are justified.


I. Incorrect, the appellant alongwith others involved himself in immoral turpitude and affected compromise with the complainant by keeping him under pressure.

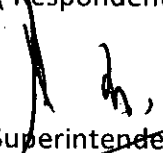
J. That respondents seek permission to advance other points at the time of arguments.

It is therefore, humbly prayed that on acceptance of parawise comments on behalf of respondents, the appeal of the appellant may graciously be dismissed with cost.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No.1 & 2)


Regional Police Officer,
Hazara Region, Abbottabad
(Respondent No. 4)


District Police Officer,
Abbottabad.
(Respondent No. 3)


Addl: Superintendent of Police,
Abbottabad.
(Respondent No. 5)

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

Service Appeal No. 603/2015.

Ahmed Waqas s/o Muhammad Siddique, R/O Mohallah Muhammad Zai, Nawanshehr,
Tehsil & District Abbottabad, Ex-Foot Constable, No. 1421, Police Lines Abbottabad.
(Appellant)

VERSUS

1. Govt: of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs,
Department, Peshawar.
2. Inspector General of Police, KPK, Peshawar
3. District Police Officer, Abbottabad.
4. Deputy Inspector General of Police Hazara Region, Abbottabad.
5. Additional SP /Inquiry Officer, Police Lines, Abbottabad.

(Respondents)


AFFIDAVIT.


We, do hereby affirm on oath that the contents of written reply are true to the
best of our knowledge & belief and nothing has been concealed from the honorable
Service Tribunal.

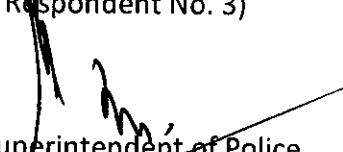
Submitted please.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

(Respondent No.1 & 2)


Regional Police Officer,
Hazara Region, Abbottabad
(Respondent No. 4)


District Police Officer,
Abbottabad.
(Respondent No. 3)


Addl: Superintendent of Police,
Abbottabad.
(Respondent No. 5)

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اس دن ولد محمد طاہر رقم بھگان سے رقم صدر میں آ رہی ہے۔
سے فونم 4-12 کو تمام ٹرانسکریپشن سے اپنے مائیکرو سٹیٹ والی زیادتی
14
کی وریوڈ کی یوٹیلٹی ٹولز کے ساتھ ہے۔ اس وریوڈ کے بعد

عشر اور ششہدہ یوٹیلٹی (42,000) جالیوں سے روپے کے طویل

کر دئے ہیں وہاں یوٹیلٹی روپے کے پیسے کے 2,000

سے واپس کر دئے گئے۔ اس فونم 2,000 روپے کے

فونم پر 5 واپس کر کے گئے اس میں اپنی روپے سے 4200
ڈالر کے لئے۔ (میکرو سٹیٹ) اور وہاں سے عشرہ واپس کر دئے

اب رہتوں کے ساتھ اور رقم نام کر کے ہے۔ اس سے اس کے

حکم سے روپے اور رقم کے ساتھ ہے

اس دن محمد طاہر رقم بھگان سے رقم صدر میں آ رہی ہے۔
x. ٹورٹ سوئٹرز پیرولس FC ٹیلی
0311-9846850
سوال 1: کیا میں نے جس فارا مار رقم لی ہے؟
0313-5897859
اب میں نے جسے فارا اور جسے کبھی لے لیں
13101-2402653-7
یہ رقم سے رقم نہیں لے لی ہے؟
یہ رقم سے رقم اور جس سے رقم لے لی ہے اور رقم کیا تم سے کیا ہے
یہ رقم سے رقم لے لیں DPہ صاحب سے نہیں کروں گا۔

سوال :- کیا تم سپروائز کے حوالے سے قرآن پاک پر ناپی
رکھ کر کہہ سکتے ہو ؟

جواب :- یاں میں قرآن پاک پر ناپی رکھ کر نہیں سکتا

* گراسی سوالات / جوابات - FC و خاص احمد براء مدنی

سوال :- کیا تم صرف 2000 روپے واپس کرنے کے حوالے سے قرآن پر
صرف رہ سکتے ہو ؟

جواب :- جی ہاں ! میں اسے حوالے سے قرآن پر صرف رہ سکتا ہوں

* گراسی سوالات / جوابات - FC مسٹر 509 براء مدنی

نوٹ :- FC مسٹر کو بی ایچ پی کی تمام انٹرم گراسی سوال
مدعی پر کرنا کامیو نو کر لو۔ FC مسٹر نے جواب دیا "NIL"
مدعی ارسلان نے اپنا فونائل میں کیا ہیں میں FC مسٹر کا SMS
کھا جو کہ یہ ہے۔

او کھائی میں مسٹر بیچ مار میرا پی کر د میں عافی فانی بیچ
تم سے میرا پی کر دیا۔ "یہ دعا" sms تاریخ

31.05.2014 at 11.32 am

BEFORE THE SERVICE TRIBUNAL KPK JESHAWAR
(CATP COURT ABBOTTABAD)

REJOINDER IN
SERVICE APPEAL NO.
6037/2015

Ahmed Waqas Appellant vs Govt of KPK & Shes. Respondents

SERVICE APPEAL
Rejoinder on behalf of Appellant

Respectfully Sheweth

The rejoinder on behalf of appellant is submitted as under:

Preliminary Objections

All the preliminary objections raised by the respondents in their written parasitic comment are wrong, incorrect and baseless hence expressly denied. The appellant has got cause of action against the respondents. The appellant approached the Honorable Council with clean hands and with benigine intention for redressal of his grievances. The appeal of the appellant is based on cogent and reliable grounds.

Reply to Factual Objections

1. Para 1 demands no reply.
2. Para 2 is incorrect and expressly denied.
3. Para 3 is based on false episode and hence denied.
4. Para 4 is incorrect and denied. The version given in the appeal is correct.
5. Para 5. The explanation given in the body of the memo of appeal is correct.
6. Para 6. It is incorrect the compromise was effected under pressure.
7. Para 7. The appellant did not deviate the complainant from his stance/report. This is incorrect and denied.
8. Para 8. Incorrect to the extent that all Code formalities were not observed and authorities travelled beyond their jurisdiction.
9. Para 9. No crime was established. Major punishment of dismissal from service is wrong.
10. Para 10. Action explained in the memo of appeal is correct.
11. Para 11. All Code formalities were fulfilled.
12. Para 12 wrong & denied.
13. Para 13 is incorrect & denied.
14. Para 14 is wrong & expressly denied.

Grounds

The reply of the respondents from subpara 'A' to 'J' is incorrect and based on wrong version. The grounds given in the memo of appeal by the appellant are plausible. The version of the respondents is denied.

It is therefore humbly submitted that the comments of the respondents may please be set aside.

Dated: 15/3/17

Through
(Appellant)
(Ahmed Waqas)
Adv. Hk.

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	27.08.2019	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> <u>AT CAMP COURT ABBOTTABAD</u></p> <p style="text-align: center;"><u>Appeal No. 116/2015</u></p> <p style="text-align: center;">Date of Institution ... 16.01.2019 Date of Decision ... 27.08.2019</p> <p style="text-align: center;">-----</p> <p>Mubashir Ali -----Appellant</p> <p style="text-align: center;"><u>Versus</u></p> <p>The Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar and other -----Respondents</p> <p style="text-align: center;">Mr. Muhammad Amin Khan Kundi.....Member(J) Mr. Hussain ShahMember (E)</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p><u>Mr. HUSSAIN SHAH:-</u> Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for the respondents present.</p> <p>2. This judgment shall also disposed of the instant service appeal No. 603/2015 Ahmed Waqas Vs Police Department having the same facts and grounds.</p> <p>3. The appellant was preferred the service appeal against the impugned order of respondent No.3, passed on 24.12.2014 wherein the order of respondent No.3 dated 29.08.2014 was order to be retained with the prayer on acceptance of the instant appeals both the impugned order be set aside in case of both the appellants and may direct the respondent authorities to reinstate the appellants in the service w.e.f the date of dismissal from service with all back benefits and any other relief as deemed appropriate by this Tribunal.</p> <p>4. According to the fact of the case as mentioned in the appeal the appellants were serving in the Police department as foot constables and</p>

02.10.2019

Clerk to counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Aziz Shah Reader for the respondents present. Representative of the respondent department reply of the amended appeal, which is placed on file. Clerk to counsel for the appellant seeks adjournment as counsel for the appellant is not in attendance. Adjourned. To come up for rejoinder/further proceedings on 09.10.2019 before D.B.

(Hussain Shah)
Member

(Muhammad Hamid Mughal)
Member

rendered services in different stations with entire satisfactions of their controlling officer. Disciplinary proceedings were initiated against the appellant on a complaint lodged by one Mr. Arsalan against the appellants with the allegations that both the constable beaten him and smashed Rs. 4200/- alongwith one golden ring and one Q-6 Mobile at the top of Ilyasi Masjid Nowashair when he was visiting the place of recreation alongwith his fiancé. The complainant Mr. Arsalan S/o Muhammad Javed was arrayed as Private respondent No.6 however as per order sheet of this Tribunal dated 17.03.2015 he alongwith the respondent No.8 & 9 were deleted on the basis of application submitted by the learned counsel for the appellant. Taking notice of the complaint the respondent No.4 served charge sheet/statement of allegations dated 30.04.2014 wherein an inquiry officer was appointed to scrutinize the conduct of the appellants. The appellants submitted reply to the charge sheet on 07.05.2014 wherein he requested for withdrawal of disciplinary proceedings against him. The respondent No.4 issued the impugned order after the completion of the formal departmental inquiry, issuing final show cause notice and imposed the major penalty of dismissal from service with immediate effect. The departmental appeal was also rejected by the respondent No.3. The learned counsel for the appellants argued that both the impugned orders passed by the respondents are illegal, perverse, and unilateral and are against the circumstance of the case. Further argued that inquiry conducted in the case is not based on facts and conclusion have been drawn on false imagination. Moreover the version of the explanation of the appellant regarding the occurrence at Ilyasi Masjid Top were ignored. Similarly no opportunity given to the appellant with regard to his innocence because the copy of the enquiry report was not provided to the appellant alongwith the final show cause

02.10.2019 Clerk to counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Aziz Shah Reader for the respondents present. Representative of the respondent department reply of the amended appeal, which is placed on file. Clerk to counsel for the appellant seeks adjournment as counsel for the appellant is not in attendance. Adjourned. To come up for rejoinder/further proceedings on 09.10.2019 before D.B.

(Hussain Shah)
Member

(Muhammad Hamid Mughal)
Member

notice so that the appellant could properly defend in written reply to the show cause and subsequent personal hearing. The learned counsel for the appellant pleaded this Tribunal that on the acceptance of the appeal an appropriate order may be issued in favor of appellant against the respondents.

5. The learned Deputy District Attorney contested the facts, grounds of the appeal and argument of the learned counsel for the appellant and contended that impugned orders were passed by respondents after observing all codal formalities at each stage of the case as provided in the relevant law, rules and policy. Further contended that the appellants violated the conduct of service being the member of a disciplined force while contrary to the mandate of their service conduct the appellants snatched Rs. 4200/- alongwith one golden ring and Q-Mobile from the complainant Arsalan and his fiancé, resulting into tarnishing the image of the police force in the area. The disciplinary proceedings were initiated in exercise of powers vested in the competent authority under Police Rules 1975 and all codal formalities were fulfilled by issuing charge sheet/statement of allegations asking them to submit written reply in their defense, formal inquiry was conducted through senior officer and during the inquiry proceedings the appellants were given the opportunities to defend themselves against the charges. The competent authority issued final show cause notice to the appellants which was duly replied by the appellants and opportunity of personal hearing was also provided where after the competent authority issued the impugned order. The appellants were also given proper opportunities of defense at the appeal stage. The learned Deputy District Attorney pleaded this Tribunal that as the charges/allegations had been proved against the appellant as a result of the disciplinary proceedings as prescribed in relevant law, and as

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	12.09.2019	<p align="center"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p align="center">Appeal No. 926/2019</p> <p>Date of Institution ... 16.07.2019 Date of Decision ... 12.09.2019</p> <p align="center">-----</p> <p>Mr. Tal Wadan, SST (General) GHS, Matiltan, Swat -----Appellant</p> <p align="center"><u>Versus</u></p> <p>The Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar and others -----Respondent</p> <p>Mr. Muhammad Amin Khan Kundi.....Member(J) Mr. Hussain Shah.....Member (E)</p> <p><u>JUDGMENT</u></p> <p><u>Mr. HUSSAIN SHAH:-</u>Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney for the respondents present.</p> <p>2. Being aggrieved by the impugned order dated 21.03.2019 the appellant preferred a departmental appeal on 17.04.2019 which was not responded within the statutory period of Ninety (90) days hence the instant service appeal preferred under The Khyber Pakhtunkhwa service Tribunal Act 1974 on 16.07.2019 with the prayer that on acceptance of the instant service appeal the impugned order dated 21.03.2019 may be set aside with the direction to the respondents not to transferred the appellant from the Government Middle School (GMS) KOZA Dureshkela to GHS Matiltan on Administrative grounds.</p> <p>3. According to the fact of the case the appellant belongs to Koza Dureshkela and was serving as Head Teacher at GMS Dureshkela. On 21.03.2019 the appellant was transferred on administrative grounds to GHS Matiltan Swat in his own pay scale on administrative grounds. His departmental appeal against the impugned order was preferred within the limitation on 17.04.2019. The learned counsel for the appellant argued</p>

regarding the copy of the enquiry report with the final show cause no such provision exists in the relevant police rules hence the instant appeal may dismissed with costs.

5. Arguments heard. File perused.

6. After the detailed scrutiny of the documents on record, arguments and counter arguments of the learned counsel of the appellant and the learned Deputy District Attorney this Tribunal observed that the appellants and their learned counsel could not pointed out any violation of the prescribed procedure by the responding authorities nor they could established any point on the merit of the case. The conduct of both the appellants, being the member of a disciplined force has been proved in violation of the prescribed conduct of law abiding member of the police force. However this Tribunal feels that the copy of the enquiry report should have been provided to the appellant alongwith the final show cause notice so that the appellant could avail the final opportunity of defense to fulfill the prerequisite in reaching to a judicious decision. Hence we are of the view that the disciplinary proceedings are retained to the extent of completion of enquiry and the responding authorities are directed to issue the final show cause notice afresh and the copy of the enquiry report be provided to the appellant within a period not longer than sixty (60) days after the receipt of this judgment.

7. In view of the above discussion the appeal is disposed off in the above terms. Parties are left to bear their own costs. File be consigned to the record room after its completion.

(Muhammad Amin Khan Kundi)
Member
Camp Court D.I Khan

(Hussain Shah)
Member
Camp Court D.I Khan

ANNOUNCED
27.08.2019



Establishment of Housing Foundation for Government Servants

Housing
Department

REGISTRATION FORM

Personnel No.		Dated	/ / 2019
Name of Applicant			
Husband / Father's Name			
C.N.I.C No.			
Date of Birth	/ /	Gender	
Present status	In service <input type="checkbox"/>	Retired (after 2016)	<input type="checkbox"/>
Department			
Current Posting			
Date of Entry in Govt Service		Date of Retirement	
Official Address			
Postal Address			
Permanent Address			
Email		Office No.	
District of Domicile		Mobile No.	
Pay scales	Plot Size		
BPS 01 to 06	05 Marla	<input type="checkbox"/>	
BPS 07 to 10	07 Marla	<input type="checkbox"/>	
BPS 11 to 16	10 Marla	<input type="checkbox"/>	
BPS 17 & Above	01 kanal	<input type="checkbox"/>	

Plots/houses to be allotted in the following Divisional Headquarters. You may select up to two preferences.

- Malakand Division
 Hazara Division
 Mardan Division
 Peshawar Division
 Kohat Division
 Bannu Division
 D.I. Khan Division

Whether you own any plot in housing scheme of Provincial Housing Authority. Yes No

Whether you already own a house. Yes No

I am interested in. A. Plot B. Flat C. House

Form may be sent via email i.e. housingfoundation.kp@gmail.com OR through registered post on the address "Establishment of Housing Foundation for Government Servants", Library & Cafeteria Block, Civil Secretariat, Peshawar.

OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD

NO 47 /PA, Dated Abbottabad, the 11-8 /2014

FINAL SHOW CAUSE NOTICE

(Unit Rule (3) KPK Police Rules, 1975)

1. That you FC Mubashir Ali No: 509 while posted at Police Lines, Abbottabad rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 for following misconduct;
 - i. As per D.D No: 18, dated 22-04-2014 of Police Station Nawanshehr, you FC Mubashir Ali No: 509 alongwith Shakeel No: 1071 and FC Ahmed Waqas No: 1421 have ^{beaten} been one Arsalan and his family and also taken a sum of Rs. 4200/- one golden ring and one Mobile (Qx6) from them, which is a gross misconduct on your part.
 - ii. During proper departmental enquiry the allegation have been proved against you.
2. That by reason of above, as sufficient material is placed before the undersigned therefore it is decided to proceed against you in general Police proceeding without aid of enquiry officer;
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the police force will amount to encourage in efficient and unbecoming of good Police officers;
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.
6. 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.
7. 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.

Received by

Dated _____/2014

M. Noun
18/8/2014

M. Noun
District Police Officer,
Abbottabad.

Dated _____/2014

From: Addl: Superintendent of Police,
Abbottabad.

To: District Police Officer,
Abbottabad.

No. 461 /dated Abbottabad the 06/08 /2014.

Subject: FINDINGS OF DEPARTMENTAL ENQUIRY CONDUCTED
AGAINST FC WAQAS AHMAD No. 1421.

Memo:

Kindly refer to your office diary No. 1214-16/PA dated 30-04-2014.

Arslan S/O Javaid R/O Kunj Jadeed made a report in Police Station Nawansher that on 22-04-2014, at 16:00 hours he and her fiance namely Mst. Nadia D/O Dilawar were on picnic at Alyasi top, one uniformed and two plain clothes Police Jawans came there, searched them and get an amount of RS. 4200/-. One golden ring and one mobile from them. Police officials also disgraced them beaten them and let them to run from spot. The report was entered vide DD NO. 18 dated 22-04-2014. (Copy attached)

Respondent official who were identified as FC Shakeel No. 1071, FC Mubashir Ali No 509, FC Waqas Ahmed No 1421 were called up by SHO Zakir Khan probed the matter and comments that these officials are completely involved in this illegal activity and they earned by a bad name for police.

All these constables were charge sheeted by worthy DPO Abbottabad and I was appointed as enquiry officer.

I collected all relevant record, recorded the statement of complainant, witness, respondents and also give a chance of cross examination to respondent upon applicant.

During the course of enquiry, it found that these constables who were deputed on of Alyasi Hill top guard will on 22-04-2014 they apprehended these two people, get an amount of RS 4200/-. one golden ring, one mobile, and later on they returned these articles to complainant and get a compromise written by the complainant but as I observed this compromise was effected under pressure. I also heard respondent one by one and also gave them chance for cross examination upon complaint and complainant frequently prove his allegations against the defaulters.

I also heard complaint individually and I felt his tears in his eyes.

This is fact that all these constables touchard the applicant, get his property by force which were later on returned by the fear of departmental action.

I observed that official compelled the complaint for compromise and this compromise was just under pressure.

Such like black sheep's have been damaged the honor of department.
And honorable department has no respect for such like people and no place for such
an ugly mind and cheep active peoples.

h
Addl: Superintendent of Police,
Abbottabad.

Issue hu FSC Notice

Chamber
DP/ALP
6/8

1421/FM


ORDER

This is an order on the representation of *Ex-FC Ahmed Waqas No.1421* of Abbottabad District against the order of major punishment i.e. dismissal from service by the District Police Officer, Abbottabad vide his OB No.228 dated 29-08-2014.

Facts leading to his punishment are that he while posted at Police Guard of Ilyasi Top along-with Constable Shakeel No.1071 & Constable Mubshir No.509 beaten one Arslan & his family also taken case of Rs.4200/-, one gold ring and one Mobile (Q6) from them as a gratification by harassing them. Consequent upon a complaint, in this regard, made by victim at Police Station Nawanshehr, the SHO PS Nawanshehr testified the genuineness of the grievances of the complainant followed by suspension of the mentioned officials and initiation of departmental proceedings.

Proper departmental enquiry was conducted by Addl: SP 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 dismissal from service.


He preferred an appeal to the undersigned upon which the comments of the DPO Abbottabad were obtained. He was heard in OR where he forwarded no cogent reason in his defence to prove him innocent. After thorough probe into the enquiry report and the comments of the DPO Abbottabad, the punishment given to him by the DPO Abbottabad i.e. dismissal from service is genuine. Therefore, appeal is dismissed & *filed*.


REGIONAL POLICE OFFICER
Hazara Region Abbottabad

No. *10334* /PA Dated Abbottabad the *26/11* /2014.

Copy of above is forwarded to the District Police Officer, Abbottabad for information and necessary action with reference to his Memo: No.2949 dated 02-10-2014. The Service Roll & Fauji Missal containing enquiry file of the appellant are returned herewith.

Ottic / PO / SRL
For M. A. S.
27/11


REGIONAL POLICE OFFICER
Hazara Region Abbottabad

District Police Officer
Confidential
4583
28-11-14

OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD

NO 47 /PA, Dated Abbottabad, the 11-8 /2014

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4. That your retention in the police force will amount to encourage in efficient and unbecoming of good Police officers;
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.
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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.

Received by _____

Dated _____/2014

Handwritten signature and date: 18/8/2014

Handwritten signature: Mouni
**District Police Officer,
Abbottabad.**

Dated _____/2014

Respondents

From: Addl: Superintendent of Police,
Abbottabad.

To: District Police Officer,
Abbottabad.

No. 462 /dated Abbottabad the 06/08 /2014.

Subject: FINDINGS OF DEPARTMENTAL ENQUIRY CONDUCTED
AGAINST FC MUBASHAR NO. 509.

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And honorable department has no respect for such like people and no place for such
an ugly mind and cheep active peoples.

[Signature]
Add: Superintendent of Police,
Abbottabad.

Issue them Final Show
Cause Notice.

[Signature]
D/S ATd
6/8