

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1483 /ST Dated 23/ 5/2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281 Fax:- 091-9213262

To ·

The District Police Officer, D.I.Khan.

Subject:

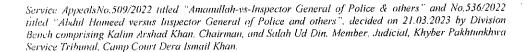
JUDGMENT IN SERVICE APPEAL NO'S. 509/2022, TITLED AMAN ULLAH VERSUS THE INSPECTOR GENERAL OF POLICE, GOVERNMENT OF KHYBER PAKHTUNKHWA, PESHAWAR AND OTHERS.

I am directed to forward herewith a certified copy of order dated 21.03.2023, passed by this Tribunal in the above mentioned service appeal for strict compliance.

Encl. As above.

(AAMIR FAROOQ)

ASSISTANT REGISTRAR KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, CAMP COURT DERA ISMAIL KHAN.

BEFORE: KALIM ARSHAD KHAN ... CHAIRMAN
SALAH UD DIN ... MEMBER (Judicial)

Service Appeal No.509/2022

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Date of presentation of appeal	01.04.2022
Dates of Hearing	21.03.2023
Date of Decision	21.03.2023

Amanullah son of Jamal Din caste Marwat resident of Moazam, Tehsil & District Dera Ismail Khan, Ex-Head Constable No.1017, D.I.Khan.

Appellant

Versus

- 1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2. Regional Police Officer, Dera Ismail Khan.
- 3. District Police Officer, Dera Ismail Khan

.....(Respondents)

Present:

Mr. Imtiaz Ali Khan,

Advocate......For the appellant.

Mr. Muhammad Jan,

District AttorneyFor the respondents

Service Appeal No.536/2022

Date of presentation of appeal	01.04.2022
Dates of Hearing	21.03.2023
Date of Decision	21.03.2023

Abdul Hameed son of Abdul Majeed resident of Thafal, Tehsil Paharpur District Dera Ismail Khan.

Appellant

Versus

- 1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2. Regional Police Officer, Dera Ismail Khan.
- 3. District Police, Officer, Dera Ismail Khan. (Respondents)

Present:

Mr. Imtiaz Ali Khan, Advocate	For the appellant.
Mr. Muhammad Jan,	
District Attorney	For the respondents

APPEALS UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST

- 1. THE IMPUGNED ORDERS DATED17.05.2021, AND 18.05.2021 WHEREBY THE APPELLANTS WERE DISMISSED FROM SERVICE
- 2. ORDERS NO.5243 & 5241 BOTH DATED 06.12.2021 WHEREBY THE DEPARTMENTAL APPEALS OF THE APPELLANTS WERE REJECTED AND
- 3. ORDER DATED 02.06.2022 WHEREBY THE REVISION PETITION FILED BY THE APPELLANT AMANULLAH WAS ALLOWED AND HE WAS REINSTATED IN SERVICE WHILE PUNISHMENT OF DISMISSAL OF SERVICE WAS CONVERTED INTO FORFEITURE OF TWO YEARS APPROVED SERVICE AND THE INTERVENING PERIOD WAS TREATED AS LEAVE WITHOUT PAY

CONSOLIDATED JUDGMENT.

KALIM ARSHAD KHAN CHAIRMAN: Through this single judgment this and connected appeal No.536/2022 titled "Abdul Hameed versus Inspector General of Police and others" are going to be decided as both are regarding almost the same facts with slight difference that the revision petition of the appellant of connected appeal had not yet allegedly been decided while that the of the appellant of this appeal has been allowed, therefore, both the appeals can be conveniently decided together.

2. According to the appeal of Amanullah, he was performing the duties of Head Constable at the Hathala Check post of Police Station Kulachi

District Dera Ismail Khan, when a truck was intercepted at Chehkan by the Station House Officer (SHO) Police Station Saddar and an FIR No.164 dated 03.04.2021 under sections 419/420/468/471/162 of the Pakistan Penal Code against the truck driver and a smuggler; that the appellant remained in quarter guard for 10 days and was released on 12.04.2021 vide DD No.55; that in the meanwhile charge sheet along with summary of allegations was issued vide No.1593-94 dated 02.04.2021 on two allegations first that the appellant allowed a truck carrying Non-Customs Paid (NCP) rice 875 bags and second that the appellant was transferred from check post Hathala to Police Station Paharpur on 02.04.2021 but he did not proceed to the new place of posting; that the appellant submitted reply to the charge sheet that the truck was not carrying NCP rice as the local police failed to hand over the truck to Customs Authorities and the court of learned Additional Sessions Judge had also released to the owner vide order dated 15.04.2021 which was handed over vide DD No.19 dated 15.04.2021 (Annexure-E); that the enquiry officer submitted report recommending reduction in rank to the appellant; that the District Police Officer D.I.Khan did not agree to the report of the enquiry officer and awarded punishment of dismissal to the appellant; that the appellant filed departmental appeal to respondent No.2, who ordered de novo enquiry vide order No.3199/ES dated 28.07.2021; that after the de novo enquiry, the Regional Police Officer D.I.Khan rejected the appeal vide order No.5243 dated 06.12.2021; that the appellant lodged a revision petition to the Inspector General of Police/respondent No.1 for setting aside the impugned dismissal and appellate orders but till filing of the

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appeal that was not decided, which was, however, received during the pendency of the appeal and the appellant filed an application for filing amended memorandum and grounds of appeal, which is allowed today and instead of filing amended appeal, the order passed in revision petition was directed to be considered as part of the appeal as the appellant is also challenging the same.

The facts of the connected appeal No.536/2022 are that he was posted 3. as Constable at Police Check Post Tariq Shaheed of Police Station Saddar, where a truck, allegedly carrying non-customs paid items, was intercepted at Chehkan by the SHO PS Saddar and FIR No.164 dated 03.04.2021 under sections 419/420/468/471/162 of the Pakistan Penal Code was registered; that the appellant remained in quarter guard for ten days and was released on 12.04.2021 vide DD No.55; that in the meanwhile a charge sheet along with summary of allegations was issued vide No.1599-1600/EC dated 03.04.2021 charging the appellant with the allegation that checking the call phone of smuggler/accused Jamal Wazir had revealed that he was in communication with appellant to pass truck loaded with NCP items through CP Tariq Shaheed unchecked; that the appellant was transferred to Police Station Kirri Khaisore vide OB No.676 dated 02.04.2021 but he failed to obey the orders deliberately; that the appellant submitted reply; that after an enquiry, the District Police Officer, D.I.Khan, awarded punishment of dismissal from service to the appellant; that the appellant filed departmental appeal to the Regional Police Officer (RPO) D.I.Khan, who ordered de novo enquiry vide order No.3200/ES dated 28.07.2021; that after the de novo enquiry, the RPO



- D.I.Khan, vide order bearing Endst No.5241 dated 06.12.2021 rejected the appeal; that aggrieved of the same, the appellant filed revision petition to the Inspector General of Police, Khyber Pakhtunkhwa but no action was taken, compelling the appellant to file the connected appeal.
- 4. On receipt of the appeals and their admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeals by filing written replies raising therein numerous legal and factual objections. The defence setup was a total denial of the claim of the appellant, however, no specific denial was made in the replies of the two appeals. It was mainly contended that the appeals were badly barred by time; that that the links of the appellants were established through cell phone data; that the recommendation of the enquiry officer was not binding upon the competent authority.
- 5. We have heard learned counsel for the appellants and learned District Attorney for the respondents.
- 6. The Learned counsel for the appellants reiterated the facts and grounds detailed in the memo and grounds of the appeals while the learned District Attorney controverted the same by supporting the impugned orders.
- 7. There are two same allegations on both the appellants. One is that a truck carrying non-custom paid items was intercepted at Chehkan by SHO Saddar; that upon enquiry, it came to surface that the said NCP items were owned by a renowned smuggler Jamal Wazir; that upon checking cellphone

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of said smuggler, it revealed that he was in communication with the appellants and both of the appellant let the truck go unchecked through their respective check posts Hathala and Tariq Shaheed. The second allegation was that the appellant Amanullah was transferred to Police Station Paharpur and the appellant Abdul Hameed was transferred to Police Station Kirri Khaisore vide OB No.676 with directions to report at new place of posting immediately but they deliberately did not obey the order with malafideintention. During the initial enquiry conducted by Alamgir Khan SDPO Paharpur, the appellant Amanullah the allegations against him were proved and he was awarded major penalty of dismissal from service but during the de novo enquiry by Fazal Rahim Khan SDPO City Circle conducted on the order of RPO D.I.Khan, the appellant Amanullah was though found guilty of relations with the smugglers and the reduction in the punishment was recommended but even then his appeal was rejected by the RPO D.I.Khan. The IGP KP, however, reinstated the appellant in service and his punishment of dismissal from service was converted into forfeiture of two years approved service with treatment of intervening period as without pay. Similarly, the same proceedings were held in the case of the appellant Abdul Hameed but the enquiry officer of the de novo enquiry Fazal Rahim Khan SDPO City Circle, though held the appellant Abdul Hameed responsible for having contacts established with the smugglers yet recommended permanent stoppage of two increments. However, his appeal was also rejected and by the time appeal was filed his revision petition preferred to the IGP KP was not responded. In the statement record during enquiry, the appellant

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Amanullah alleged that because of polio duty there was only one constable for checking at the check post and that was why the thorough checking could not have been made. As to his transfer to Police Station Paharpur it was contended by the appellant that the officer who had to replace him had not arrived at the check post, therefore, he could not leave the check post without proper handing-taking over the charge.

- 8. It is found that the appellant Amanullah was posted at Police Post Hathala from where allegedly the truck containing non-customs paid items had passed unchecked and the appellant Abdul Hameed was posted at Police Check Post Tariq Shaheed. The appellant Abdul Hameed in his statement recorded during the enquiry stated that on the day of occurrence i.e. on 03.04.2021, he was on polio duty and after polio duty at about 1330 hours he came back to perform duty at the check post from 1400 hours to 1600 hours and during this time no truck or vehicle had passed unchecked and as regards truck No.PKJ-438 that had not passed during his duty hours. As regards his transfer order, he alleged that the Moharrar Staff had not informed him about the same.
- 9. Main allegation against the two appellants is allowing the truck carrying non-customs paid items. This allegation is not tenable for manifold reasons. Firstly except the non-custom paid rice no other item was alleged to be in the truck. Leaving aside the question whether or not the rice was an import item on which custom duty is levied as that is quite irrelevant for decision of these appeals, the undisputed fact is that the alleged non-custom paid rice, allegedly carried by the truck No.PKJ-438, was never handed over

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court, which undisputed fact belies the allegations of allowing a truck carrying non-custom paid items to pass through the check posts unchecked, where the appellants were posted. When the items along with truck were returned to the owner, then it can safely be held that those were not being carried by unlawful means holding the appellants liable for the same. As to the non-relinquishment of charge and non-joining the new places of postings of the appellants, they had sufficiently explained the same and their stances taken in their statements could not be rebutted by the official respondents.

- 10. Therefore, the punishment awarded to both the appellants were not justified hence not sustainable. As a resultant consequence, we allow both the appeals and set aside the punishments awarded to both the appellants by directing the respondents to reinstate the appellants from the date of dismissal along with all consequential benefits. We direct that the costs of the appeal shall follow the result. Consign.
- 11. Pronounced in open Court at Dera Ismail Khan and given under our hands and the seal of the Tribunal on this 21st day of March, 2023.

KALIM ARSHAD KHAN

Chairman

Camp Court D.I.Khan

SALAH UD DIN

Member (Judicial)

Camp Court D.I.Khan

ORDER

- 21st March, 2023
- 1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for respondents present.
- 2. Vide our detailed judgement of today placed on file, the punishment awarded to both the appellants were not justified hence not sustainable. As a resultant consequence, we allow both the appeals and set aside the punishments awarded to both the appellants by directing the respondents to reinstate the appellants from the date of dismissal along with all consequential benefits. We direct that the costs of the appeal shall follow the result. Consign.
- 3. Pronounced in open court at D.I.Khan and given under our hands and seal of the Tribunal on this 21st day of March, 2023.

(Kalim Arshad Khan)

Chairman

Camp Court D.I.Khan

(Salah Ud Din)

Member(Judicial)

Camp Court D.I.Khan

15th, Feb, 2023

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney Mr. Muhammad Ramzan, Inspector (Legal) for the respondents present.

Learned counsel for the appellant requested for adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 21.03.2023 before D.B at camp court D.I.Khan.

SCANNED KPST Peshawar

(Muhammad Akbar Khan) Member (E)

(Kalim Arshad Khan) Chairman Camp Court, D.I.Khan Appellant present in person.

Kabir Ullah Khattak, learned Additional Advocate General alongwith Khalil Khan S.I for respondents present.

Reply on behalf of respondents submitted. Copy of the same was handed over to appellant. To come up for rejoinder, if any, and arguments on 24.11.2022 before D.B at Camp Court, D.I Khan.

(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

24.11.2023

Tour to camp court D.I Khan has been cancelled therefore to come up for the same on 19.01.2023.

READER

19th Jan, 2023

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Muhammad Ramzan, Inspector (Legal) for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation of the brief. Adjourned.. Adjourned. To come up for arguments on 15.02.2023 before D.B at camp court D.I Khan.

(Mian Muhammad) Member (E) (Kalilm Arshad Khan) Chairman Camp Court, D.I Khan 28.09.2022

Learned counsel for the appellant present. Mr. Muhammad Khalil, S.I (Legal) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned counsel for the appellant stated at the bar that revision petition of the appellant has been partially accepted vide order dated 02.06.2022 and the penalty of dismissal from service awarded to the appellant is converted into forfeiture of two years approved service, therefore, he wants to challenge the said order. In this respect, he also submitted an application, which is placed on file and copy of the same is handed over to learned Additional Advocate General, who sought time for submission of reply on the same. Adjourned. To come up for submission of reply as well as arguments on the said application on 26.10.2022 before the S.B at Camp Court D.I.Khan.

(Salah-Ud-Din) Member (J) Camp Court D.I.Khan 29.06.2022

Mr. Imtiaz Ali Khan, Advocate for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant at the outset of his arguments, contended that the appellant is aggrieved of the impugned order dated 17.05.2021 whereby major penalty of dismissal from service was imposed on him. On his departmental appeal dated 31.05.2021, the appellate authority ordered denovo enquiry, vide appellate order dated 28.07.2021. In the denovo enquiry, enquiry officer recommended demotion of the appellant from Head Constable to Constable and stoppage of two increments. But instead of the recommendations in the denovo enquiry, the appellant was dismissed from service on the basis of previous charges on 06.12.2021. His revision petition submitted on 24.12.2021 was not decided whereafter the appellant approached the Service Tribunal through institution of the instant service appeal on 01.04.2022. It was argued that the charges alleged in FIR No. 164 under Section 419/420/468-471-171A/162 were not proved as it did not fall in as an offence, vide judgement of Additional Session Judge-IV D.I.Khan dated 15.04.2021.

Points raised need consideration. The appeal is admitted to regular hearing subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices beissued to the respondents for submission of written reply/comments. To come up for written reply/comments before the S.B on 27.07.2022 at Camp

Court, D.I.Khan.

(Mian Muhammad) Member (E)

Camp Court, D.I.Khan

27/07/2022

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Form- A

FORM OF ORDER SHEET

Court of	·
ase No	509/2022

	Case No	<u> </u>
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/04/2022	The appeal of Mr. Amanullah resubmitted today by post through Mr. Imtiaz Ali Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please
		REGISTRAR
2		This case is entrusted to touring Single Bench at D.I.Khan for preliminary hearing to be put there on 29,04-2022. Notices be issued to appellant and his counsel for the date fixed.
	29,4.22	Tour to Caup Court A.1-Wen
		Tour to Camp Court A.1-Illu has been cancelled to Come of For the same as kefore on 29-06-2022
	. *	on 29-86-2021 Perdr

The appeal of Mr. Aman Ullah, R/O Moazam, Tehsil and District D.I. Khan received today i.e. on 01.04.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1. Every memorandum of appeal shall be presented in approved file covers.
- 2. Checklist is not attached with the appeal.
- 3. Appeal has not been flagged/marked with annexure marks.
- 4. Annexures of the appeal may be attested.
- 5. Certificate be given to the effect that appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.
- 6. Copies of charge sheet, statement of allegation, show cause notice, enquiry report and replies there to are not attached with the appeal which may be placed on it.
- 7. Copy of departmental appeal and revision petition mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 8. Copy of Annexure-J attached with the appeal is illegible which may be replaced by legible/better one.

REGISTRAR SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Mr. Imtaiz Ali Khan Adv. D.I. Khan.

Registrar Somce Tribunal KP Puhamar.

Resubstitled after necessary
Completion phase.

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BEFORE KHYBER PAKHTUNKHAWA SERVICE TRIBUNALS PESHAWAR

CHECK LIST

Case Title: Amanullh vs 160 etc

S#	Contents	Yes	No
1.	This appeal has been presented by:	V	
2.	Whether Counsel/Appellant/Respondent /Deponent have signed the requisite documents?	V	
3.	Whether Appeal is within time?	V	
4.	Whether the enactment under which the appeal is filed mentioned?	1	
5.	Whether the enactment under which the appeal is filed is correct?	1	
6.	Whether Affidavit is appended?	/	<u></u>
7.	Whether Affidavit is duly attested by competent oath commissioner?	1/	
8.	Whether Appeal / annexure are properly paged?	1	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	1	
10.	Whether annexure are legible?	/	<u> </u>
11.	Whether annexure are attested?	V_	<u> </u>
12.	Whether copies of annexure are readable/clear?	1	<u> </u>
13.	Whether copy of appeal is delivered to A.G/D.A.G?	1	l
14.	Whether power of attorney of the counsel engaged is attested and signed by petitioner/Appellant /respondents?	1	
15.	Whether number of referred cases given are correct?		
16.	Whether appeal contains cuttings/over writing?		1
17.	Whether list of books has been provided at the end of appeal?		
18.	Whether case relate to this court?	V	_
19.	Whether requisite number of spare copies attached?	1	
20.	Whether complete spare copy is filed in separate file cover?	/	
21.	Whether addresses of parties given are complete?	\ <u>\</u>	
22.	Whether index filed?	5	
23.	Whether index is correct?	/	
24.	Whether security and process fee deposited? On	\ <u>\</u>	
25.	Whether in View of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexure has been sent to respondents? On	✓	•
26.	Whether copies of comments/reply/rejoinder submitted? On	_	
27.	Whether copies of comments/reply/rejoinder provided to opposite party? On		

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

Name Amanulah
Signature Lymn
Dated: 09-4-22

BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 509 /2022

Aman Ullah s/o Jamal Din Caste Marwat r/o Moazam, Tehsil and District DIKhan Ex-Head Constable No. 1017, DIKhan ...(Appellant)

Versus

- 1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2. Regional Police Officer, Dera Ismail Khan.
- 3. District Police Officer, Dera Ismail Khan.

...(Respondents)

INDEX

S.No.	Description of documents	Annexure	Pages
1.	Memo: of Appeal	-	1-4
2.	Affidavit	_	5
3.	Application for condonation of delay	-	6
4.	Copy of FIR	A	7
5.	Copy of DD No. 55 dated 12.4.21	В	8
6.	Copy of Charge Sheet & Summary of Allegation	С	9-10
7.	Copy of Bail/Superdari order dated 15.4.21	D	11-13
8.	Copy of DD no. 19, dated 15.4.21	E	14
9.	Copy of Enquiry Report	F	15-16
10. ·	Copy of Punishment order No. 2138/EC, dated 17.05.21	G	17
11.	Copy of departmental appeal and RPO order No. 3199/ES, dated 28.07.21	Н	18-20
12.	Copy of application of appellant for transfer of enquiry		21-22
13.	Copy of DPO letter No. 4863/EC, dated 28.7.121 forwarding Denovo enquiry to RPO DIKhan	J	23-25
14.	Copy of RPO DIKhan order 5243/ES, dated 06.12.21 rejecting departmental appeal	К	26-27
15.	Copy of Revision Petition	L	28
16.	Wakalat Nama	-	29

Your Humbale Appellant

AMAN ULLAH

Through Counsel

Dated: / /2022

Imtiaz Ali Khan Advocate District Bar DIKhan Cell#. 03467847274



BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.

509 /2022

Aman Ullah s/o Jamal Din Caste Marwat r/o Moazam, Tehsil and District DIKhan

Ex-Head Constable No. 1017, DIKhan(Appellant)

Versus

Diary No. 543

Dated 01-4-2022

- 1. Inspector Gneral of Police, Khyber Pakhtunkhwa, Peshawar.
- 2. Regional Police Officer, Dera Ismail Khan.
- 3. District Police Officer, Dera Ismail Khan.

...(Respondents)

APPEAL U/S 4 OF THE KP SERVICE TRIBUNAL ACT 1974
AGAINST THE IMPUGNED ORDER NO. 2138/EC, DATED
17.05.21 OF DPO DIKHAN WHEREBY APPELLANT WAS
DISMISSED FROM SERVICE AND AGAINST IMPUGNED
ORDER NO. 5243, DATED 06.12.21 WHEREBY THE
DEPARTMENTAL APPEAL OF APPELLANT WAS REJECTED

FOR NO GOOD GROUNDS

Registrar 07/04/2022

Respectfully Sheweth:

- 1. That the appellant is naturally bonafide citizen of Islamic Republic of Pakistan and hails from respectable family of DIKhan.
- 2. That the appellant was appointed as Constable in Police Department on 17.01.1995 and performed him duties with full zest and devotion and gained promotion to the rank of Head Constable in due course of service.
- 3. That during service appellant remained posted at various stations and checkposts and performed duties to the entire satisfaction of senior officers.

Registrar 2022

ed Haded.



- check post "Hathala" which was intercepted at "Chehkan" by SHO PS Saddar and case FIR No. 164, dated 03.04.2021 u/s 419/420/468/471/162 PPC was registered against Truck driver and a smuggler. Copy of FIRs is Annexure "A".
- 5. That appellant remained in quarter guard for 10 days and was released on 12.04.21 vide DD No. 55 dated 12.04.21 Copy of which is Annexure "B".
- 6. That in the meanwhile Charge Sheet alongwith Summary of allegations was issued vide No. 1593-94, dated 02.04.2021 on two allegations:
 - i. That appellant allowed a Truck carrying NCP rice 875 bags.

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ii. That appellant was transferred from C.P. Hathala to P.S. Paharpur on02.04.21 but did not proceed to new place of posting.

Copy of Charge Sheet & Summary of Allegations is Annexure "C".

- 7. That Appellant submitted comprehensive reply to the Charge Sheet that the Truck was not carrying NCP rice as the local police has failed to hand over the Truck to Custom Authorities and the Court of Addl: Session Judge has also allowed the case-property to the owner vide order dated 15.04.2021. Copy is Annexure "D" while DD report No. 19 dated 15.04.2021 is Annexure "E".
- 8. That the Enquiry Officer submitted enquiry report recommending punishment of reduction in Rank to the appellant. Copy Annexure "F".
- 9. That not agreeing with the recommendation of Enquiry Officer DPO DIKhan (Respondent No.3) awarded punishment of dismissal from service to the appellant. Copy is Annexure "G".
- 10. That appellant lodged departmental appeal to Respondent No. 2 RPO DIKhan who ordered Denovo Enquiry vide order No. 3199/ES, dated 28.07.2021. Copy Annexure "H".
- 11. That appellant submitted separate application for transfer of enquiry to another officer but no action was taken. Copy Annexure "I".
- 12. That Respondent No. 3 DPO DIKhan forwarded the denovo enquiry report to RPO DIkhan (Respondent No.2) for perusal and orders. Copy Annexure "J".
- 13. That RPO DIKhan vide order No. 5243, dated 06.12.2021 rejected the departmental appeal of appellant through Stereotype order, Copy is Annexure "K" Copy which was received to appellant on 22.12.2021.
- 14. That feeling aggrieved appellant lodged a Revision Petition to the IGP,
 Respondent No.1 for setting aside impugned dismissal order and appellate

- 13. That RPO DIKhan vide order No. 5243, dated 06.12.2021 rejected the departmental appeal of appellant through Stereotype order, Copy is Annexure "K" Copy which was received to appellant on 22.12.2021.
 - 14. That feeling aggrieved appellant lodged a Revision Petition to the IGP,
 Respondent No.1 for setting aside impugned dismissal order and appellate
 order but no action yet taken within the prescribed period. Copy is Annexure
 "L".
 - 15. That appellant has no other adequate remedy except to file the instant Service Appeal in this Honourable Tribunal on the following grounds, inter-alia.

GROUNDS:

- a. That impugned dismissal order dated 17.05.2021 and departmental appeal order dated 06.12.2021 are against the law, facts, norms of justice and material on record, therefore, not tenable and liable to be set-aside.
- b. That the impugned dismissal order is unwarranted, illogical and against the rules, therefore not tenable in the eye of law.
- c. That the appellant has been condemned unheard and as such the impugned order are heaving no legal sanctity, therefore, liable to be set-aside.
- d. That the Enquiry Officer conducted enquiry in slipshod manner and failed to appreciate as to how it was made possible to smuggle the rice from Afghanistan passing the Truck through Check-posts of Army +Police of South Waziristan Tribal District and District Tank unchecked. The enquiry report is silent.
- e. That the enquiry officer also failed to appreciate the order dated 15.04.2021 passed by Addl: Session Judge DIKhan for return of case-property to accused, which negate the element of smuggling.
- f. That the appellant has been punished on basis of hearsay evidence. There is not an iota of proof during enquiry about the so-called smuggler.
- g. That when the case-property rice is not established as NCP, the allegations of links with smugglers is void ab-initio.
- h. That the 2nd allegations of not obeying the transfer order is also after-thought.
- i. That Respondent No.3, DPO DIKhan failed to pass any order upon denovo enquiry, hence whole proceedings are null and void.

- I. That appellant has 25 years service and that too unblemished, therefore the impugned punishment is too harsh.
- m. That from every angle the appellant is liable to be reinstated into service with all back benefits.
- n. That any ground no raised here may graciously be allowed at the time of arguments.

PRAYERS

It is, therefore, humbly prayed that acceptance of instant service appeal, the impugned order No. 2138/EC, dated 17.05.2021 of office of DPO DIKhan and impugned order No. 5243, dated 06.12.2021 of the office of RPO DIKhan whereby appellant has been dismissed from service may graciously be setaside and appellant may very graciously be reinstated into service with all back benefits.

Dated:

Your Humbale Appellant

AMAN ULLAH Through Counsel

Imtiaz Ali Khan Advocate District Bar DIKhan Cell#. 03467847274

Note:-

No such like appeal for the same appellant upon the same subject matter has earlier been filed by me, prior to the instant one, before this Honourable Tribunal.

Imtiaz Ali Khan Advocate District Bar DIKhan Cell#. 03467847274

5

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, CAMP COURT DERA ISMAIL KHAN.

Service Appeal No. ____/2022

Aman Ullah(Appellant)

VERSUS

Inspector General of Police KPK etc .. (Respondents)

AFFIDAVIT

I, Aman Ullah son of Jamal Ud Din Caste Marwat R/o Moazam District Dera Ismail Khan, the appellant, do hereby solemnly affirm declared on oath that contents of the above Appeal are true and correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal.

DEPONENT

Before The Service Tribunal, KP Pethanor

Service Appeal Amanullah versus 16,8 etc

Certificate

It is cortified that no such type of appeal is funding or submitted before This honorable Tribunal before submission of instant appeal.

Your Sincere Amanullah Appellant

Identifieds by Combile

mt 2

Advocate

09/4/22

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, CAMP COURT DERA ISMAIL KHAN.

CM No. _____ of 2022
In Service Appeal No. ____/2022

Aman Ullah(Appellant)

VERSUS

Inspector General of Police KPK etc .. (Respondents)

APPLICATION U/S-5 OF LIMITATION ACT FOR CONDONATION OF DELAY.

Respectfully Sheweth:-

- That the above titled Service appeal is being filed before this Honourable Tribunal and the contents of service appeal may kindly be considered as part of main appeal.
- 2- That the appellant remained ill due to which the impugned orders were not communicated to the appellant well in time. Hence, the appellant appeal is well within time.
- 3- That there is no delay in filing the above mentioned appeal before the Honourable Tribunal as the appellant filed departmental appeal well within time, but result / order was communicated after considerable delay.
- <u>4-</u> That valuable rights of the appellant are involved in the main appeal. Hence the appeal of the appellant may graciously be disposed on merits, rather then on technicalities.

It is, therefore, humbly prayed that on acceptance of the above mentioned application, the delay of appeal may kindly be condoned in the light of above submissions.

Your Humble Appellant

Aman Ullah

Dated: /04/2022

Through Counsel

IMTIAZ ALI KHAN Advocate, District Bar Association, DIK Cell No. 0346-7847274

AFFIDAVIT:-

I, Aman Ullah son of Jamal Ud Din Caste Marwat R/o Moazam District Dera Ismail Khan, the appellant, do hereby solemnly affirm declared on oath that contents of the above application are true and correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal.

DEPONENT

فارم نمبر۲۳_۵ ال وف وتوكم المرج وفي ٥٥٠ كال £16:00 309 3 7 SWG تاريخ ووت رپورك م تر 3 و كوت 15.15 خ نام وسكونت اطلاع دمنده متغيث مدخطورا رين ن ن ن كاي كرف شرع مدر ريد الم 14 مرد دفعه على الم 14 مرد و الم 14 م جاے دقوعہ فاصلہ تھانے۔ دوست میں سرمال کر ہو کہ سری کے ال جانب فرید نفاصل فریس میں کو میرازی کا سے كاروائي جوتفيش معتعاق كي الاراطلاع ورج كرف مين توقف وابوتو وجه بيان كرد ميرسترس مرسية وتصرح السرسول تفات بروانگی کی تاریخ ووقت ابتداني اطلاع يجدرج لروي بريه المد مان عنى بالعلم والم مقد مردور للبرل خلاب ما دوي و و الومر ل مورد فراي المردور من الدرور المن العرك الراس المراد المراد المراد الم على كا منه نام الما الحادث المراد الم سے دمیونی طرف آرہا ہے جو اس اللہ عرب شرفی بی فر عال حرصال آرائے ۔ کے کا دسماک کارف الدسين طرك المدرون وي المراك المراك المراك و المراك و المراك و المراك المرك المراك المراك المرك المرك المراك المراك المراك المراك المراك المراك المراك المراك المرا حال فوموز سرساز واندر و مراك مروس من مرسعة انساع و ابني النام فيال خارد المادي معمور المكنوات عداله ولايد مان ويوز برند و بياله عالم ل المرابي مالي فيرا لو دسيوم إلى فودر شوا ع 875 كنوسيد ع اور تمال فالم عشر رد يرف ال كراع رسالي ال تسريح حول مات روم 363 حور فراتي الاجمال جائد على ال ال الورم المرافقة كا مرسندماك GD جهل دلونس سي و مرمنال غريك المالي هم الحرج ما يك الوزرون (د) ما مسركو مال هفرا يا كريد ك عادى التوت في يستى كسل حرى ولاله ولفاد درا بحى موتود بوكرام والم بوليس كى جمال فيد فريون المنزمين المعالم مع المراح ول المرا بادشاه كالم المراح المفاليسان إلى اله دا د باغفااورا عملیات ایزیرانور فیمل ای درس در بانده داندوان و ما ما میشرده عرورای واول بدالعربهل وروس مع ميكل ريك بوسيش كروس عوص فالبرنقل فالل فوفرد وجرا فريال بالاندك بعصاول كيزا ه- ي مشر دو مروح فر د صفر بوليس من كوشد بير الميز كسان فتريز و الا - قرا عمر ما مدمس من بطرار من وطرار كرا ما ومراسل العرض ما فتح تقدم در من كندل ما الإس فال 19200 تهاد محفدور و ردبل كرنستن طاميروميد بهاجاد عد منظ الكربيري درعي ماله أو 3 ماروان أحده نويم مواسا . وراع المعلول مرحم محرا أم بالديم فلا مر مان مان مان مان مان المان المرافق المرافق アルルルンとというしょうしょいいはんない Allytel 3 = 41= 21

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نارم نبر ۲۵ ا**بند انی اطلاعی ربور** ط نارم نبر ۲۵ م

كونثر

(فاکل) کی ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورث شده زیر د فعه ۱۵۳مجعه ضابطه فوجداری

DIK	ضلع	صدر	تقانه
3.4.2وقت 51-00 يح	تا <i>ر ت</i> َ وقت و قومه 1.	164	نمبر
<i>چاکيد</i> گ.4.21وقت 16:00 <u>ب</u> ځ	ت.15:15 <i>يخ</i>	تارت وقت رپورك 03.04.21 وقد	1
	احمد خانSHO تقانه صدر	نام وسكونت اطلاع دېند ه مستغيث منظور	2
419-420-468-471-171A/162	ه ليا گيا هو	مختفر کیفیت مجرم (معه د فعه) حال اگر پچ	3
جانب غرب بفاصله تقريباً 14/13 كلو يمثر فقانه	ڈیرہ ٹانک روڈ نز دچیکان	جائے و توعہ فاصہ تقانہ سے اور سمت	4
(3)عصمت الله ولد حبيب حان اقوام ويزر سكنائے دانه	لے خان(2) جمال خان ولد غازی خان	نام وسکونت ملزم (1)زرجنان ولد زال	5
برسیدگی مراسله مقدمه قائم ہوا	اع د نر کرنے میں تو قف ہو دوہ تو وجہ بیان کر و	کاروائی جو تفتیش کے متعلق کی گئ اگراطلا	6
به سبیل داک		تقانه سے روانگی کی تاریخ ووقت	7

ابتدائی اطلاع نیجے ورج خریری مراسد مجانب مدی بالا بنزص قائمی مقدمہ بدستہ کنسٹیبل

گلب خان 1592 موصول ہوکر ذیل ہے محرر تھانہ صدر امروز میں معہ نفری پولیس گشت پر تھے کہ مخبر نے اطلاع دی کہ ٹرک نمبر 438 میں کچہ چاول غیر ملکی جو افغانستان ہے سمگنگ ہوکر ٹائک ہے ڈیرہ کی طرف آ رہا ہے جو اس اطلاع پر میں محمہ عارف ASI، فرمان HC کے ناکہ بند کے دوران ناکہ بند ٹرن مذکورہ کو جانب ٹائک ہے آتے ہوئے روکا ڈوا کیور نے دویافت پر اپنانام زرجنان ولد زالے خان قوم وزیر سکتہ وانہ اور ٹرک کی فرنٹ سیٹ پر بیٹھے اشخاص نے اپنا اس جال ولد خان کو موزیر سکتہ وانہ بھال کے ٹو ڈیر سکتہ وانہ ور ٹرک کی فرنٹ سیٹ پر بیٹھے اشخاص نے اپنا اس جال ولد خان کا خان قوم وزیر سکتہ وانہ بھال کے ٹرک کوچیک کرنے پر غیر سکی چاول کچے لوڈ شدہ پایا جو ڈراکٹور نے 875 گو بھالے کا ور جمال خان متنذ کرہ نے چاول کچے غیر سکی اپنی اکھیں ہوئی ہوئی کہ جال خان متنذ کرہ نے بیٹر کی جال خان کو سرسری انٹار و گیسٹن کرنے پر بھا یا کہ GD جھلی وہو گس ہواور میل کے باد شاہ گل غرنی افغانستان کی طرف دوانہ کردی تھا اور ایم پونس آباد کے پاس لے جار ہا تھا ڈراکٹوران وہا لک متنذ کرہ روئے فرد قبضہ پولیس کی جال خان مذکورہ انٹر نیشل سمگلر ہے جو گھ چاول کچے باد شاہ گل غرنی افغانستان کی طرف دوانہ کردی تھا اور ایم پونس آبار میں حسب ضابط گر فارکیا جاکر مراسلہ بغیر قائمی مقدمہ دری روٹر کرنے نفیش کا ہند وبست کیا جاوے دستھا اگریزی مدی کا بالامیں حسب ضابط گر فارکیا جاکر مراسلہ بغیر قائمی مقدمہ بلاہ ہوکر پرچہ جرائم ہلاب طاف ملزمان بالا چاک کرنے نقل FIR بغرش تفیش حوالے اس اطاف کی جاتی ہے دیرچہ گرام گونست کیا جادے دستھا انگریزی مدی کا بالامیں حسب ضابط کی خارش ہے۔

Sd/-IHC/Sdr 3.4.21

Albested Im 2 Advocate

لولس رأس 218-45 1/20 08/1/ die 3/8/1/3/ 67 67 1619 مر در معلم معنا معنا الله ١٥١٦ محال من ولي الله ١٥١٦ مرام 2000 lo ció 15 405 justo planes de 1/106 3 04 /13 1367 (1) 8 c 1373 WI 120 1017 WIULIW 31 3 003/8/1/1/ in a de 0 Po (3/2m) a 06 2/1/20 1551 jeb a 8 NS/cm 6 5 (623 cm 3 16 / 1/3 / 1/3 Co Do 13 cm Asiloju Il ossis clo Dho is is ce Dho juicio الرور رود المرادي وي المراديس المون مي ريس في حورس المرادي المراديس في حورس المرادي المراديس في حورس المراديس المراديس في حورس المراديس المراديس في حورس المراديس المراديس في حورس المراديس في حورس المراديس المراديس في حورس المر - WW (PUCD) and CIPS 1375 Gud Jus 337 mb flo m po. lu

مد نمبر 67 آمد / بندش کوارٹر گارڈ فضل الرحمن 18:45،03.04.21،SI/LO بیجو درج ہے کہ ہید کنسٹیبل امان اللہ 1017/HC ہتھالہ چیک پوسٹ سے پولیس لائن حاضر آیا جسکو حسب میسی نمبر 405 مور خد 3.4.21، محکم جناب DPO صاحب نے 7/7 یوم بندش کوارٹر گارڈ کیا جاکر سنتری الوقت کو مناسب ہدایت ہوئی۔

مدع نمبر 55 مخلصی کوارٹر گارڈ فضل الرحمن SI/LO، 12.4.21 بوقت 00:01 بج درج ہے کہ ملازمان بند کوارٹر گارڈ گشیر 333/LHC میداللہ 1373، عبدالعفیظ 1375 مورخہ 31.3.21 ہے امان اللہ 1017/HC، حمیداللہ 1373، محداسلم 1367 مورخہ 21.3.21 ہے ففر 1551 مورخہ 25.01 ہے حسب المحم DPO صاحب ڈیرہ کوارٹر گارڈ میں حسب المحم DPO صاحب ڈیرہ کوارٹر گارڈ سے مخلصی دی گئی حسب اطلاع نائب ریڈر DPO صاحب بحم جناب DPO صاحب نہ کورہ بالاملازمان پولیس کو کوارٹر گارڈ سے مخلصی دی جاکہ پولیس کو کوارٹر گارڈ سے مخلصی دی جاکر پولیس لائن میں رہنے کی ہدایت ہوئی جبکہ گلشیر 337، عبدالحفیظ 1375 کو حوالہ گلشیر 20 الدی گلیا۔

جناب عالی نقل بمطابق اصل ہے۔

Sd/-

M P.Lines

Allested ms.
Adv. ats





OFFICE OF THE DISTRICT POLICE OFFICER, Annexton C DI KHAN

No.1592/EC,

Dated

03/04/2021

CHARGE SHEET

I, <u>CAPT: NAJMUL HASNAIN LIAQUAT, DISTRICT POLICE OFFICER, DIKHAN</u>, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you <u>HC Aman Ullah</u>, 1017 rendered yourself liable to be proceeded against departmentally as you have committed the following act/omissions.

1. You while posted as Incharge CP Hathala of PS Kullachi, a truck bearing No. PKJ-438 carrying non custom paid Items was intercepted at Chehkan by SHO/ Saddar. Upon inquiry, it came to surface that said NCP items were owned by a renowned smuggler named Jamal Wazir. Upon checking cellphone of said smuggler, it revealed that he was in communication with you and had already passed a/m truck registration number to you on text message and for the same reason, you let said truck loaded with NCP items go unchecked through Hathala CP.

2. Moreover, you were transferred to PS/ Paharpur vide OB with directions to report at new place of posting immediately but you deliberately did not obey the order with malafide intention. Prima facie, your above-mentioned acts show your affiliation with smugglers and amounts to gross misconduct, which is punishable under Khybei

Pakhtunkhwa Police Rules- 1975 (amended-2014).

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.

3. You are, therefore, required to submit your written statement within 07 days of 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 exparte action shall be taken against you.

A statement of allegation is enclosed.

DIS

DISTRICT POLICE OFFICER,

DIKHAN





OFFICE OF THE DISTRICT POLICE OFFICER, DI KHAN

No. 1592/EC.

Dated

03/04/2021

DISCIPLINARY ACTION

I, <u>CAPT: NAJM-UL-HASNAIN LIAQAT, DISTRICT POLICE OFFICER, DIKHAN</u> as competent authority, under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) have the opinion that you <u>HC Aman Ullah, 1017</u> rendered yourself liable to be proceeded against departmentally as you have committed the following acts/omissions.

STATEMENT OF ALLEGATIONS

- 1. You while posted as Incharge CP Hathala of PS Kullachi, a truck bearing No. PKJ-438 carrying non custom paid Items was intercepted at Chehkan by SHO/ Saddar. Upon inquiry, it came to surface that said NCP items were owned by a renowned smuggler named Jamal Wazir. Upon checking cellphone of said smuggler, it revealed that he was in communication with you and had already passed a/m truck registration number to you on text message and for the same reason, you let said truck loaded with NCP items go unchecked through Hathala CP.
- 2. Moreover, you were transferred to PS/ Paharpur vide OB with directions to report at new place of posting immediately but you deliberately did not obey the order with malafide intention. Prima facie, your above-mentioned acts show your affiliation with smugglers and amounts to gross misconduct, which is punishable under Khyber Pakhtunkhwa Police Rules- 1975 (amended-2014).

2.	For	the	purpose	of	scrutiniz	ing	the	conduct	of	said	accused	with
reference to t	the abo	ove a	llegations [.]		<u> 1054</u>	A\	awag	tir .				
is appointed a	as enq	uiry c	officer. Th	e en	quiry offi	cer s	hall	in accorda	ince	with r	provision o	—— of tha
Police Rule-19	975, pr	ovide	reasonab	le o	portunit	v of ł	heari	ng to the a	annu.	sed of	ficial roca	nd bic
undings and r	nake, i	withir	ኀ twenty f	ive (days of th	ie re	ceipt	of this or	der.	recon	inciai, reco imendatio	iu iiis)ns as
to punishmen	t or ot	her a	ppropriate	act	ion again:	st the	e acc	used offici	al.			

The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

DISTRICT POLICE OFFICER,

No.1593-94/	EC,
-------------	-----

dated

02/04/2021.

Copy of above to:-

- 1. :- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
- The <u>Accused officer</u>, with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the purpose of enquiry proceedings.

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IN THE COURT OF ADIL MAJEED KI

Additional Sessions Judge-IV, Dera Ismail Khan

Criminal Revision No.11 of 2021

Zar Janan son of Zare Khan caste Wazir resident of WANA Janubi District Dera Ismail Khan.

..... (Petitioner)

Annextur D

VERSUS

The State

.....(Respondent)

• Date of institution _____12.04.2021

Date of decision ______ 15.04.2021

JUDGMENT

Petitioner has challenged order dated 10.04.2021, passed by the learned Judicial Magistrate-1, Dera Ismail Khan, through which his application for return of case property was accepted subject to furnishing surety bonds in the sum of Rs.25,00,000/- with two sureties each in the like amount to the satisfaction of SHO concerned.

Brief facts culminating into the present revision petition are that the petitioner Zar Janan was allegedly found driving the truck in question containing 875 sacks of smuggled rice, thus was booked in case F.I.R No.164 Police Station Saddar and the truck in question was taken into custody. Upon application of the petitioner for handing him over the truck in question on superdari, the learned trial court allowed his request

Allested Im 2 Advocat

Service School Review

Examina 15-4-2 Page **2** of **3**

but directed him to submit bail bonds in the same of Rs.25,00,000/- with two sureties each in the like abount to the satisfaction of concerned SHO. Considering the same through the instant revision petition.

Section 498 Cr.P.C provides that the amount of every bond executed under the said chapter shall be fixed with due regard to the circumstances of the case, and shall not be excessive. In the instant case, no offence has been committed in respect of the truck in question, nor it is case property in strict sense, as the F.I.R has been registered for alleged smuggling of rice and presentation of forged document in respect of the said rise. In such circumstances, keeping in view the provision of section 498 Cr.P.C mentioned above, I am of the considered view that the amount of bail bonds ordered by the learned Judicial Magistrate is not in accordance with the circumstances of the case and is excessive as well. The basic scheme of Section 498 Cr.P.C is that the Courts shall consider facts and circumstances of each case while fixing the amount of bail bonds, and if such amount is not reasonable, the same may be reduced.

In view of the above, while accepting the instant revision petition impugned order of the learned Judicial Magistrate is modified to the effect that amount of surety bonds is hereby reduced from Rs.25,00,000/- to Rs.500,000/- (five

Examiner 15/4-7

13 On 21

lacs) with two sureties each in the like amount to the satisfaction of concerned SHO. File of this Court beconsigned to the Record Room after completion and compilation, while requisitioned record be transmitted back forthwith along with a copy of this judgment.

Announced 15.04.2021

> Maleed Khan) tional Sessions Judge-IV Dera Ismail Khan

CERTIFICATE

Certified that this judgment consisting of three (03) pages, each page has been read, signed and corrected by me wherever necessary:

> Additional/Sessions Judge-IV Dera Ismail Khan

Zar Janan V/S The State

Order - 03 15.04.2021

Petitioner present. Learned SPP for the State present. Arguments already heard and record perused.

Vide my detailed judgment of even date, consisting of three (03) pages, while accepting the instant revision petition impugned order of the learned Judicial Magistrate is modified to the effect that amount of surety bonds is hereby reduced from Rs.25,00,000/- to Rs.500,000/- (five lacs) with two sureties each in the like amount to the satisfaction of concerned SHO. File of this Court be consigned to the Record Room after completion and compilation while requisitioned record be transmitted back forthwith along with a copy of this

judgment.

Announced 15.04.2021

(Adil Majeed Khan) Additional Sessions Judge-IV Dera Ismail Khan

ATTESTED

xamirin N

في المعال من المعال على - أو ما من المعال ال ر صلی ور رارے حال قوم وزیر کس وانا جنری ضلع KPK الله کا جنری ضلع الله KPK PPC 471-162 100 ilis 03 - 201/64 / 1900 th اور فائل ترجم کے اور فیلے کا رقم س محقیقہ کیا جا نامیں فرزر ک ر الما ي الله على الل تحقیق ورمائر کم سے کم کی جاوے - 2 is institute of 1 Ste is. TRJ 438 6/2/01 & W 40/7/01/20 2 W 10/20 138 TXJ

2 - 1367 136 - 1997 136 55 9997 136 55 سائل براندا تنا سخت / بجاری فانت ناج / فیللم جم سنی در نباه - 2 53 w 6 /1 w 3/ 2 m hair w/ 1/5 8- WW 200 July (& P) Sup & 5/5 كفار استعاعاً م منظرى ملك فيا علم مرقم 4/0/ س مخفیف فرماند کم سے کم فیلم کا حکم ملار فرمایا جاسی -12/9 com 10/4 2020 (0) بال على - عنه بال ندنا بران م المرات على عنا رست بن إن اس اس نوعت كى تكانى در كرى الما المارى ويوعدالك سي

14 is in in Annexture E دريم والموي والمورم وشيران مشيران ميرا المرام والموري والموري والمورم والموري والمورم درج معير الموندة ومها حال دان ولا غازى دان فورا وزمر ودفر رب تطرارد را کال ور و تر دار هادن نا م بارن دانس وال فر ۱ (۱) न्य एं में देव की हिल्ह تُعام مرار المم حر 5 جرو مرال والمرام المرام المرا

مد نمبر 19 والهی مالمقدمه مثنا تی 261/MHC مورخه 15.04.21 وقت 12:50 یجے درج ہے کہ اسوقت مسمی جمال خان ولد غازی خان قوم وزیر سکنہ وانہ دنیا ہے والهی مالمقدمہ 15.88 گٹو چاول، مسمی زرجنان ولد زرے خان قوم وزیر سکنہ وانہ والهی مالمقدمہ 475 گٹو چاول، مسمی زرجنان ولد زرے خان قوم وزیر سکنہ وانہ والهی مالمقدمہ ٹرک نمبر ماڈل نمبر 1997 – 184-420 جم –471 جم –470 –468 مقدمہ نمبر 164/21 جرم –471 –468 –400 حالت مقدمہ متذکرہ بالامالکان متذکرہ بالاکے حوالے کرکے رخصت از تھانہ کیا گیا۔

جناب عالی نقل بمطابق اصل ہے۔ -/Sd MM/ PS-Saddar 27.5.21

Achsted mes at

(15)

عظف منع فشيط والمان الد 1017

Annextur "F"

عمد حمول بادن شدند شنست آل الکیمن میره بدی ب DPO ما دید مثن قریره اما کلی قرن بیم بنا ب DPO ما حب مجالد ریز نبر 21 28/EC و دری 2021 17/05 17/05 ازن اند 1017/HO کا کھرست برفاست کیا کھا جس پر ندکود و نے بنا ب RPO ما ب ایر آوازش البرک افک کو سنگ سند بعد دنا ب RPO ما حب فریرا نے ادباره اکموائزگ کو نے کا مکانات ما دوفر اسے جس می سلیل میں توج انتھی کا در کو ایک جمعر موتر کے کیا ہے

ای مرت اس کا جاول بچوالہ OB نبر 676 میرو 02.04.2021 جس شد انسٹا توریدا محیا می اوفرری طور پر جائے تعینا تی ہ عاضرى كرسيكم فدكود بن تعمدول كراود بسية تيماً تي ما خرق يس كل وينا إلا خاكل سد يا با تا بي كران مسيم عمر مسكرما تواها التي و ا كلوائرًى كا زكرت : وســ HC ابن الشر 1017 كوطلب كم إلى جرما ضرة يا ورا بنا جواب وإرن شيف جمع كرا وجواب جوارت جيث عى تحريكيا كدائ كاوق ويان ب جود و پين احجازى كسلندى دى ب بعابته بيان عى ندكور، ن تحريكيا كديدودان بهنتك الى ن بتحالہ چیک ٹاسٹ پریک نفرب بسل 30 بیدمد 03 بیگڑین 30 بور 15 مدد کارتوس اورایک مزداست 800 قنان NCP کپڑا برآ سرک بَرْضَ ﴾ رواتی SHO قاندکا پی حوالے کئے مورند 2021 03.04 کرجتا یا فلری پالیود این کی چیکہ ہمران کا تشییل انڈیواز 1571 چیک یوست پر و دور نے کوایک نزک بعمال چیک پیسندی طرف آیا جس وکاشیل ندکود و نے چیک کینادد کیا کہ زک ش چیکرنواحی جس کوچیک کے بعد چوڑا کی دی چ کروالازک مدر نویس فے روک کراس سے NCP جاول برآ ند کیاس فے اسپے مربائل نمبرے کی وکول اطاباع وقیرونیس دی س ان کے GD کا غذات کی قیل سے لئے ما مان کے ماتان کے ماتھ رابط کر تاہزہ ہے جس بمی کوئی بدیا ٹی ٹائل جی مورفد 2021 402.04 كوج دار محسلسلديس كول اطلات وفيروتين وى كى نفرق إلى الدوي في مِيقى المهدايمونين دويكر سامان بفيمى جانشين مع حواله يحدود في كرى ورست نبیں قدامان طرح ند کور دبیڈ کاشیبل نے زیر پھٹھی کو جواب جارج شیٹ میں پیچریکیا کہ چھالہ چیک پیسٹ پرم ووف 03.04.2021 کو پستوالہ چنیک پوسٹ سے گزر کرآنے والے فرک جس می NCP سامان غیر بکی جاول قنام کا کر پکڑا می تحاند کورو سامان تو تمشم حکام سے حوالے بیس کریا تھی بنگ اس كراد برستندمه نبر 164 مودند 03.04.2021 برم 468-471ppc 468-471ppc قاندمندر برخلاف وُداميورمزم ذر جنان درن د جنر كيا ميا فير كل عادل كمتعاق الزم جمال وزي في GD فبر 586 بعي لاكر بوليس كويش كى نزك عن لدا ووا بال اكر فيركل تعا (NCP) تو محملم كے حوالے كرتے ليكن SHO مدر في مشم كے حوالے فيل كيا وى جاول بمد ثرك فبر 438-441 تدالت سے جوزت برحوالے ما لك وعط ين وابس مال عدمه في رورت بيش في وولف فراب ال طرح تباوله كم نتعلق اس كوقفاند يكوني اطلاع وفير بنيس وي مي اور يرائيو بدك طور يراس ومعلوم : واكراس كانتاوار تعاف بباز بور: و چكاب بمام ملازمان كى بوليود يونى تحى المدايم وييشن راكث لا نجروغير وحوالے مانشين كرف فى وجدت روا كى تين كى بروعد 03.04.2021 كوكرد لاكن طاف ف اطال دى كد حسب الكم 717 يوم كواز كا وكا كام موا ب جرك حسب الکم DPO صاحب نولس لائن حاضری کی بدوران بندش کوافرگارواس کودل کا دورو بزانگراس کی لمبی معاصد کے سپتال نبیس نے بدیا ا کیا کواٹر گار ڈے رہائی پر پر سپتال اسلام آباد جا کرانج گرائی کرائی اور دل کے سنٹ ڈالوائے میڈیکٹ کاغذات لف بنداجی سابقہ انجوائری تبضیر نے بیند کیااور دوباہ تک اپنے پاس دکھااور جوالزام دکایا کہ موبائل نمبر OKJ 03228942811 پرسیوتھا اسے کوئی علم نیس نے بیاس کا نمبر ہے

Almado Maharita

(16)

Equilibritime interior

بجدول محدث عديدة الشين كي مشد ويا ما جيكياكيا يوكدان باب بوكدوكده الخامروس عدا ايودويا ثال بل ميشد يبك ياست و 17 مرج المجدون على محالة وادووو 2021226 02،2021 00:00 بادع بيك ياست محالتها

ن المدن الله معتم على الموق معلى المران في المحرات ال

عاليجاها

کی اکوائی ماجدا کو اکوائی ماجدا کو ان کے بعد احداق شدہ اور میں اور میں ہور کی ایک اللہ اللہ ہور کے میں کا اللہ اللہ ہور کی اللہ اللہ ہور کا اور میں اللہ ہور اللہ کہ ہور اللہ ہور کا اللہ ہور اللہ ہو

نتبته انكوائريء

کی گئی انجائز نے یہ بہتر امذکیا جاتا ہے کہ HC اہن انتہ 1017 موہائی نمبر (03228942811) کے ذریعے منظر بھال وزیر کے رہ تو رہنے علی قدا ہر مودید 03.04.2021 کو جو ماہان فرک نمبر PKJ-438 میں اوز تماج د SHO مندو نے چہان پر قبند عمد المیاوو NCP نیس قر اور اس پر مقدمہ مؤان العدودون رجنو کیا اور ماہان جاول تھا کے کشم نیس کیا اور مزید ہے کہ ذکر و میڈ کا کشیل نے بعید نج لیوووا کی مندمی کیا

تِذاك النان الله 1017 براكات كے الزانات دوابط مظمران ابت اوكر ندورہ بيذ كالمشيل كوتبدہ بيز كاشيل سے تزل كيا جاد 5.50 تمريمت مستش سناب كے جانے كى استديا كى جاتى ہے.

ائوائرى ريورك كزارش ب

نفنل دحيم خان (PPM)

ب دورج بالاس أفسر على مركل

وُمرِواساعيل فان

Alleted Ins.

532/DSPC

برخلاف بيذكانشيبل ابان الله 1017

عنوان:_

جناب عالى!

بحوالہ مشمولہ چارج شیٹ شینٹ آف الیکیشن مجاریہ جناب DPO صاحب ضلع ڈیرہ اساعیل خان بھکم جناب DPO صاحب بحوالہ لیم نمبر 2138/EC مورخہ 17.05.2021 امان اللہ 1017/HC کو ککھ سے برخاست کیا گیاتھا جس پر فدکورہ نے جناب RPO صاحب ڈیرہ کو اپیل دائر کی اپیل کو سننے کے بعد جناب RPO صاحب ڈیرہ کو ایکل دائر کی اپیل کو سننے کے بعد جناب RPO صاحب ڈیرہ نے دوبارہ انگوائری کرنے کے احکامات صادر فرمائے جس کے سلسلے میں زیر ویکھ کی کا گوائری آفیسر مقرر کیا گیا ہے۔

ندکورہ ہیڈ کانٹیبل پر چارج شیٹ میں یہ الزامات عائد کیا گیا کہ بدوران پوسٹنگ متھالہ چیک بوسٹ تھانہ کلا چی ایک ٹرک نمبر SHO جسکو SHO حدر نے CRBC چیک پوسٹ پرروک کر چیک کیا جس میں نان سٹم پیڈ سامان لوڈ تھا اور بدوران انکوائزی پایا گیا کہ ذکورہ سامان جمال وزیرنا می سمگر کا تھا اور جمال وزیر کے موبائل فون کو چیک کرنے کے بعد پتہ چلا کہ جمال وزیراس سے را بیطے میں تھا اوراس گرک نمبر کی بابت ندکورہ ہیڈ کانٹیبل نے SMS کے زریعے اطلاع دی گئی جس کی وجہ سے ندکورہ ہیڈ کانٹیبل نے NCP سامان سے جمرائرک بغیر چیکنگ کے جانے دیا۔

ک برپیده و با کا تبادلہ بحوالہ OB نمبر 676 مورخہ 02.04.2021 جس میں واضح تحریر کیا گیا کہ وہ فوری طور پر جائے تعیناتی پر حاضری کریے مگر مذکورہ نے تھم عدولی کی اور جائے تعیناتی پر حاضری نہیں کی درج بالاحقائق سے پایا جاتا ہے کہاس کے ممگار کے ساتھ تعلقات ہیں.

انکوائری کا آغاز کرتے ہوئے HC امان اللہ 1017 کوطلب کیا گیا جوحاضر آیا اور اپنا جواب چارج شیث جمع کرایا جواب چارج شیث میں تحریر کیا کہ اس کا وہی بیان ہے جووہ پہلے انگوائری کے سلسلہ میں دے چکا ہے سابقہ بیان میں مذکورہ نے تحریر کیا کہ بدوران پوشننگ اس نے متھالہ چیک پوسٹ پر یک ضرب پیٹل 30 بورمعہ 03 میگزین 30 بور 15 عدد کارتوس اور ایک مزواسے 800 تھان NCP کپڑ ابرآ مدکر کے بغرض كاروائي SHO تھانه كلا چي حوالے كئے مورخه 03.04.2021 كو بقايا نفري يوليوڈيوٹي برتھي جبكه ہمراہي كانشيبل الله نواز 1571 چيك یوسٹ پرموجود تھے کہ ایک ٹرک متھالہ چیک پوسٹ کی طرف آیا جس کو کانٹیمبل مذکورہ نے چیک کیا اور کہا کہ ٹرک میں چوکر لوڈ تھی جس کو چیکنگ کے بعد چھوڑا گیاوہی چوکر والاٹرک صدر پولیس نے روک کراس سے NCP جاول برآ مدکیااس نے اپنے موبائل نمبر سے کسی کوکوئی اطلاع وغیرہ نہیں دی سامان کے GD کاغذات کی تعمیل کے لئے سامان کے مالکان کے ساتھ رابطہ کرنا پڑتا ہے جس میں کوئی بدیانتی شامل نہیں مورخہ 02.04.2021 کو تبادلہ کے سلسلہ میں کوئی اطلاع وغیرہ نہیں دی گئی نفری پولیوڈیوٹی پڑھی اسلحہ ایمونیشن ودیگر سامان بغیر کسی جانشین کے حوالہ کئے روانگی کرنا درست نہیں تھا ای طرح مذکورہ ہیڈ کانشیبل نے زیر و تخطی کو جواب حپارج شیٹ میں میر حمریکیا کہ متھالہ چیک پوسٹ پرمورخہ 1 03.04.202 کو متھالہ چیک پوسٹ سے گزر کر آنے والےٹرک جس میں NCP سامان غیر ملکی جاول تھا کا کہ کر پکڑا گیا تھا مذکورہ سامان کو کشم حکام سےحوالے نہیں کیا گیا بلکہاس کے اوپر مقدمہ نمبر 164 مورخہ 03.04.2021 جرم 471ppc -468-420-419 تھا نەصدر برخلاف فی رائیورملزم زر جنان درج رجٹر کیا گیا غیرمکلی حیاول کے متعلق ملزم جمال وزیر نے GD نمبر 586 بھی لا کر پولیس کوپیش کی ٹرک میں لدا ہوا حیال اگر غیر مکلی تھا (NCP) تو کشم کے حوالے کرتے لیکن SHO صدر نے کشم کے حوالے نہیں کیا وہی چاول بمعدڑک نمبر PKJ-438 عدالت سے ضانت پر حوالے ما لک ہو کیے ہیں واپسی مال مقدمہ کی رپورٹ پیش کی جولف ہذا ہے اس طرح تبادلہ کے متعلق اس کوتھانہ ہے کوئی اطلاع وغیرہ نہیں دی گئی اور پرائیویٹ طور پراس کومعلوم ہوا کہاس کا تبادلہ تھانہ پہاڑ پورہو چکاہے تمام ملاز مان کی پولیوڈ یوٹی تھی اسلحہ ایمونیشن را کٹ لانچروغیرہ حوالے جانشین كرنے كى وجدسے روائلى نبيس كى مورخد 03.04.2021 كومحرر لائن ساف نے اطلاع دى كدحسب الحكم 717 يوم كواٹر گارڈ كاحكم ہوا ہے جوك حسب الحکم DPO صاحب پولیس لائن حاضری کی . بدوران بندش کواٹر گارڈ اس کودل کا دورہ پڑا مگر اس کی طبی معائنہ کے لئے ہپتال نہیں لے جایا گیا کواٹرگارڈ ہے رہائی پرپیز سپتال اسلام آباد جا کرانجوگرافی کرائی اور دل کے سٹنٹ ڈالوائے میڈیکل کاغذات لف مذاہیں سابقہ انکوائری اقیسر نے قبضہ کیا اور دوماہ تک اپنے پاس رکھا اور جوالزام لگایا کہ موبائل نمبر OKJ 03228942811 پرسیوتھا اسے کوئی علم نہیں نہ توبیاس کا نمبر ہے

اورنہ ہی اس کے نام پر ہے اور خامخواہ اس کے کھاتے میں ڈالا گیا ہے۔

ا نکوائزی کےسلسلہ میں ندکورہ ہیڈ کانشیبل کا پوسٹنگ ریکارڈ چیک کیا گیا جو کہلف بذا ہے جو کہ مذکورہ اپنی سروس میں ڈیرہ دریا خان بل ، چشمه چیک پوسٹ، 07 مرتبرانچارج PP نکواڑه اورمور نه 26.02.2021 تا 02.04.2021 نیارج چیک پوسٹ متھالدر ہا۔

HC امان الله 1017 و جمال وزیر سمگلر کے موبائل نمبر 25 68 67 40 0 3 0اور HC امان اللہ کے زیر استعال نمبر CDR و نیا کے ملاحظہ سے پایا گیا ہے کہ مذکورہ ہیڈ کانشیبل کا جمال وزیر سمگلر سے اس نمبر (CDR و شاک میں میں) ہے را بطے میں تھا جو بطور ثبوت لف ہذا ہے مزید رید کہ فدکورہ ہیڈ کانطیبل کے زیر استعال دوسرانمبر (0345983789) کی لوکیشن بدوران ڈیوٹی ہتھالہ ہوئی تو موبائل نمبر (03228942811) کی لوکیشن بھی ہتھا لہ میں یائی جاتی ہے جونہی مذکورہ ہیڈ کانشیبل کی لوکیشن تخصیل پہاڑیوریا اس کے گاؤں وانڈہ معظم میں ہوتو موبائل نمبر (03228942811) کی بھی وہی لوکیشن آتی ہے جس سے یہ ظاہر ہوتا ہے کہ موبائل نمبر (03228942811) ندکورہ کے استعال میں تھا.اور پینمبراس نے ناجائز طریقے ہے کسی شخص سے حاصل کیا۔

کی گئی انگوائری سابقہ انگوائری کے مطالعہ جمع شدہ جواب چارج شیٹ اور دستاویزی ثبوت HC امان اللہ یر کئے گئے کراس سوالات سے یا یا گیاہے کہ ذکورہ ہیڈ کاشیبل نے اکثر ڈیوٹی کلا چی سرکل PP نکواڑہ اور متھالہ چیک پوسٹ ڈیرہ دریا خان میں چشمہ چیک پوسٹ برگی ہے مذکورہ ہیڈ کانشیبل نے بدوران پوسٹنگ ہتھالہ چیک پوسٹ مگلرران سے رابطے میں تھااورایک ایسے موبائل نمبر سے رابطہ کرتار ہاجواس کے نام برنہیں تھا اور ہروقت اس کے پاس بھی رہتا تھا اور سمگر جمال وزیراسی نمبر (03228942811) پر مذکورہ ہیڈ کانشیبل سے رابطہ کرتا تھا حالانکہ بدوران کراس سوالات اس نے بیرکہا کہ وہ جمال وزیر کونہیں جانتا تو یہ کیسے ممکن ہے کہ ایک سمگلر کے موبائل میں بینمبر (03228942811) امان اللہ ہتھالہ کے نام سے سیوتھا اورمور ند 2021.04 20 کو کانشیبل الڈنواز نے ٹرک نمبر PKJ-438 ہیڈ کانشیبل کے کہنے پر بغیر تلاثی کے جانے دیا اس طرح بصورت تبادلہ نہ کو ہرنے اپنی روانگی اس لئے نہیں کی کیونکہ تمام نفری پولیس ڈیوٹی پرتھی اوراسلحہ ایمونیشن وغیرہ بغیر جانیشن کے حوالے کئے جانا مناسب نہیں تھا واضح رہے کہ جس سامان کا NCP ہونا ہتلایا گیا اگروہ مال NCP تھا تو SHO صدر نے حوالے سلم کیوں نہیں کیا اور GD نہ ہونے کی وجہ سے بچر م GD-440-468-471 میں مقدمہ درج رجٹر کیا جو کہ جمال وزیر کی جانب سے GD پیش کرنے پر چاول مال مقدمہ ضانتاً حوالے ما لک کرنے کے احکامات صا در فر مائے جوحوالے ما لک کیا گیا جس سامان پر NCP کاالزام ندکورہ ہیڈ کانشیبل پرلگایا گیاوہ NCP نہیں تھااورعدالت نے صانناً حوالے مالک کردیا.

نتیجه انکوائری: ـ

کی گئی انگوائزی سے یہ نتیجہ اخذ کیا جاتا ہے کہ HC امان اللہ 1017 موبائل نمبر (03228942811) کے ذریعے سمگر جمال وزیر کے ساتھ را بطے اور مور ند 03.04.2021 کو جو سامان ٹرک نمبر PKJ-438 میں لوڈ تھا جو SHO صدر نے چرکان پر قبضہ میں لیا وہ NCP نہیں تھااوراس پرمقدمہ عنوان الصدر درج رجٹر کیااور سامان جاول حوالے سٹم نہیں کیااور مزیدیہ کہ ذکورہ کانشیبل نے بوجہ یولی روانگی نہیں کی۔

لہذا HC امان اللہ 1017 پرلگائے گئے الزامات روابط سمگلرران ثابت ہو کر مذکورہ ہیڈ کانشیبل کوعہدہ ہیڈ کانشیبل سے تنزل کیا جادے اور 05 انگریمنٹ مستقل سٹاپ کئے جانے کی استدعاکی جاتی ہے.

انکوائری ربورٹ گزارش ہے

فضل رحيم خان (PPM) ىپ دْ وېژنل بولىس مەفىسرىشى سركل ور واساعیل خان

532/DSP-C تاریخ <u>22-09-2021</u>



No.2138 /EC



DISTRICT POLICE OFFICER. DERA ISMAIL KHAN

Tel: (0966) 9280062 Fax (0966) 9280293

17/05/2021

ORDER

This order aimed to dispose-off the departmental proceedings conducted against Head Constable Aman Ullah, 1017 of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014) vide this office C/S No.56/2021.

- You while posted as Incharge CP Hathala of PS Kulachi, a truck bearing No. PKI-438 carrying non custom paid items was intercepted at Chehkan by SHO Saddar. Upon inquiry, it came to surface that said NCP items were owned by a renowned smuggler named Jamal Wazir. Upon checking cell phone of said smuggler, it revealed that he was in communication with you and had already passed a/m truck registration number to you on text message and for the same reason, you let said truck loaded with MCP items go unchecked through Hathala CP.
- Moreover, you were transferred to PS/Paharpur vide OB No.676 dated 02.04 2021 with directions to report at new place of posting immediately but you deliberately did not obey the orders with malafide intention. Prima facie, your abovementioned acts shows your affiliation with smugglers and amounts to gross misconduct, which is punishable under Khyber Pakhtunkhwa Police Rules.

An enquiry was conducted into the matter by Mr. Alamgir Khan A/SDPO/Paharpur Circle DIKhan, under Police Rules-1975 ammended-2014. The Enquiry Officer submitted his finding report in which he stated that as per CDR data / locations the defaulter Head Constable was in contact with smuggler Jamal Wazir and intentionally gave him a safe way to cross the area of check post. He also disobeyed the order of high-ups regarding his transfer, hence, found guilty of the charges levelled against him. Submitted for appropriate order.

He was also served with Final Show Cause Notice and reply submitted by -defaulter Constable was examined thoroughly and found unsatisfactory.

He, was summoned in Orderly Room to provide lawful opportunity of hearing. The official was heard in person in Orderly Room and was afforded apportunity of defense.

From the perusal of the relevant record shows that the accused official is found guilty of the charges levelled against him and with no genuine explanation from the hearing of the defaulter, I am satisfied that the charges of misconduct stand proved against him.

Therefore, in exercise of powers conferred upon the undersigned, awarded him Major Punishment of Dismissal from Police Service, with immediate effect.

OB No.

Dated:

/05/2021,

CAPT A NAIMUL HASNAIN LIAGAT, PSP DISTRICT POLICE OFFICER, DERA ISMAIL KHAN



Bother upy

OFFICE OF THE DISTRICT POLICE OFFICER, DERA ISMAIL KHAN

Tel: (0966) 9280062 Fax (0966) 9280293

Date 21/10/2021

No. 2138 /EC

<u>ORDER</u>

This order aimed to dispoe-off the departmental proceedings conducted against Head Constable Aman Ullah, 1017 of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014) vide this office C/S No. 56/2021.

- 1) You while posted as Incharge CP Hathala of PS Kulachi, a Truck bearing No. PKJ-438 carrying non custom paid items was intercepted at Chehkan by SHO Saddar. Upon inquiry, it came to surface that said NCP items were owned by a renowned smuggler named Jamal Wazir. Upon checking cell phone of said smuggler, it reveled that he was in communication with you and had already passed a/m truck registration number to you on text message and for the same reason, you let said truck loaded with NCP items go unchecked through Hathala CP.
- 2) Moreover, you were transferred to PS/Paharpur vide OB No. 676 dated 02.04.2021 with directions to report at new place of posting immediately but you deliberately did not obey the orders with malafide intention. Prima facie, you abovementioned acts shows your affiliation with smugglers and amounts to gross misconduct, which is punishable under Khyber Pakhtunkhwa Police Rules.

He was also served with Final Show Cause Notice and reply submitted by defaulter Constable was examined thoroughly and found unsatisfactory.

He was summoned in Orderly Room to provide lawful opportunity of hearing. The official was heard in person in Orderly Room and was afforded opportunity of defense.

From the perusal of the relevant record shows that the accused official is found guilty of the charges leveled against him and within no genuine explaination from the hearing of the defaulter, I am satisfied that the charges of misconduct stand proved against him.

Therefore, in exercise of powers conferred upon the undersigned awarded him Major Punishment of Dismissal from Police Service, with immediate effect.

OB / Dated /05/2021

Allusted Jans att

Sd/CAPT ® NAJMUL HASNAIN LIAQAT, PSP
District Police Officer,
Dera Ismail Khan

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D. Baraga.

The Worthy Regional Police Officer, Runge D.I.Khan.

Dr 31 Clo21

Subject:

DEPARTMENTAL PROCEEDING AGAINST EX. HC AMAN ULLAH NO. 1017 IN CONSEQUENCE OF WHICH HE WAS DISMISSED FROM SERVICE VIDE ORDER DATED 17-05-2021 ON THE CHARGES OF MISCONDUCT.

Brief Fact:

Brief facts of the case are that petitioner appellant was charged sheeted by the competent authority and served with summary of following allegations:

- 1. That while posted as incharge check post Hathala of PS Kulachi a Truck bearing No. TKJ-438 carrying non-custom paid items was intercepted by the SHO PS Saddar and during enquiry it came to a surface that the said NCP items were owned by one re-known smuggler Jamal Wazir and on checking his mobile it was found that he was in communication with you and you have already passed from the said Truck smuggled/NCP items through check post.
- 2. That you were transferred to PS Paharpur by the competent authority from check post but you intentionally disobeyed the order and failed to comply the said order in letter and spirit.

During enquiry, the enquiry officer did not observed the legal formalities and recommended for major penalty and consequently I was dismissed by the DPO from service vide order dated 17-05 2021.

Grounds for Appeal:

- 1. That the order of competent authority is against law, justice and facts on record.
- 2. That on the event full day the petitioner was on duty on Hathala check post and after routine checking the Truck was passed through check post as nothing NCP items were found their in while the Truck in question was checked by the SHO Saddar namely Manzoor Khan on CRBC check post and during checking

Page 1 of 2

sacks of rice were found in it as evident from the copy of the Daily Diary No. 36 and no banned items were recovered and from the record it is also clear that the above mentioned rice bags were returned to its lawful owner by the Court of law as mentioned in Daily Diary No. 19 dated 15-04-2021 of PS Saddar.

- 3. That it is incorrect, that I was in communication with the alleged smuggler, I do not know any such person and have no concerned . with him to pass his Truck having alleged NCP items. From the record it is clear that I have no communication through SMS etc. therefore, this allegation stand unproved and based on surmises and conjectures.
- 4. That during enquiry I was not afforded with sufficient opportunity to cross examine the witnesses. Similarly I was put in quarter guard and was served with charge sheet in the detention of quarter guard. During enquiry proceedings my statement was also recorded while I was confined in quarter guard which speaks that no fare and clean enquiry was conducted and during enquiry legal formalities were not observed, I also faced heart problem during enquiry inside the quarter guard and my medical documents are enclosed herewith in this respect.
- 5. That so far my non-compliance of the transfer order is concerned I have never disobeyed the such order as the duty of check post is very important and cannot be left without replacement and no substitute made arrival to replace me due to which delay occurred however, I cannot think about such dis-obayance.
- 6. That I have served the police department for about 27 years and discharged my duties honestly and to the satisfaction of my high ups.

Prayer:

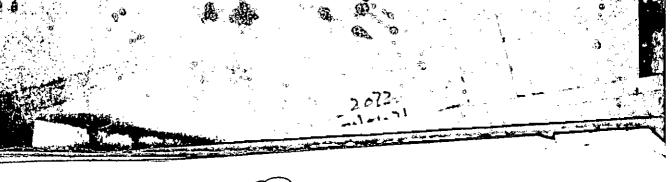
In the light of above submissions the impugned order of dismissal may be set aside in the interest of justice and I may be re-instated in No. 2167 1 = Satech 0 6/021 service with all back benefits

D. Pro D. J. Khan

For detail comments

Aman Ullah Ex. HC No. 1017 Appellant

along with complete service seconds 05-days to proceed







OFFICE OF THE REGIONAL POLICE OFFICER DERA ISMAIL KHAN REGION

vo. 3199 /E

Dated

DI Khan the

28 /07/2021

То

The District Police Officer,

Dera Ismail Khan.

Subject: Memo: APPEAL

Reference your office letter No.2818/EC dated 14.06.2021.

Ex-Head Constable, Aman Ullah No. 1017 preferred an appeal to this office against the order passed by DPO DI Khan vide his office OB No.873 dated 18.05.2020. He was awarded major punishment of Dismissal from Service, on the following allegations that:

He while posted as Incharge CP Hathala of PS Kulachi, a truck bearing No.PKJ-438 carrying non custom paid items was intercepted at Chehkan by SHO Saddar. Upon inquiry, it came to surface that said NCP items were owned by a renowned smuggler named Jamal Wazir. Upon checking Cell Phone of said smuggler, it revealed that he was in communication with him and had already passed a/m truck registration number to him on text message and for the same reason, he let said truck loaded with NCP items go unchecked through Hathala CP.

Moreover, he was transferred to PS paharpur vide OB No.676 dated 02.04.2021 with the directions to report at new place of posting immediately but he deliberately did not obey the orders with malafide intention. Prima facie, above mentioned acts shows his affiliation with smugglers and amounts to gross misconduct

- 2) Appellant appeared before the undersigned, in orderly room held on 29.06.2021 in connection with reinstatement into the service. The undersigned perused his service record and enquiry file of the appellant. The appellant pleaded that enquiry conducted against him not fulfilled the legal criteria. The appellant also submitted a written application and requested that his de-novo enquiry may please be conducted from one of the following officers.
 - i) SP FRP DI Khan
 - SP CTD DI Khan
 - iii) Inspector Naqeeb Ullah of Investigation Office DI Khan

3) Hence, the case in hand is returned to the DPO DI Khan for conducting de-novo enquiry against him. DPO DI Khan is further requested that findings of the enquiry may be submitted to this office within 30-days, please.

Allisted his Advent

Regional Police Officer,

Dera Ismail Khan

Eight we Diag , he was als Annextun "1". وعدًا أما ادر میں مد مدر اس منا مدا اور مان کر فواہد ا كذا في كر مها إلك قرن حزه ب و الم الم على على المحالية على الموالية ينم عادي أن كان المدين المرازي عمر على إن وناليم السرية في عدر كر وم من وعد أنه والم مل مله لين المروار والدي مرواسي. كر خدس الناه ما ركرن سا و زورادي العوام رائرے ار زار الرائے مرے دور دورے اس کوں دُور كا سربه و در مر مرا الله دا تما ن اور در من الله أمراران ك من وبد وبد و المراط من عبر بي هري و دد نفي ال سینی سر سر دو با کیا عندے کا کام دستم دندر مراستوری -الفا ع ألا في النول على الله على وا فع وارد المواركون كيم المرام درو المال العالم عا حدم مرازمو الركادي مح بيم ك ا منسرون خوانك على يولى الله عنون دارد. عرض در روض در نو الس Cywill Church לולטאן 12103-316-2056-1 PAR BAR 10-3253 Allested # 0345.9837896

جناب صاحب بهادر DIG صاحب، ضلع ڈیر ہ اساعیل خان رینج

جناب عالى!

گزارش ہے کہ سائل کی انکوائری بغرض (Denovo) و فتر DPOصاحب بیمجھنا تھا اور میں نے درخواست جناب DSP/Inv، SP/FRP، SP/CTD نقیب بناب DSP/Inv، SP/FRP، SP/CTD نقیب اللہ خان کے نام مارک کرنے کی کہا تھا لیکن انکوائری پھر بھی اپنی من پسند افسر کے نام مارک جو کہ کئ دفعہ فائنل رپورٹ مکمل کیا ہے لیکن بار بار واپس ہور ہاہے۔ کہ مشلاً گناہ گار کرناہے جو انکوائری افسر زیراثر ہے اور انڈر پریشر ہے میرے چھوٹے چھوٹے بیں کوئی گھر کا سربراہ نہیں ہے جو میرے ساتھ ذاتیات اور دشمنی ہو رہاہے۔ انکوائری کی توقع نہیں ہے کہ دومینہ مکمل ہورہاہے پھر بھی صرف فریاد سفنے تک پیشی پرنہ بلایا گیاہے ضلع کے تمام افسر انڈر پریشر ہے۔ انصاف کی توقع نہیں ہے کوئی بھی غیر جانبدارانہ انکوائری کرنے میں بے بس ہے۔

للدا بذریعه در خواست ستدعاہے که میر اانکوائری آوٹ ڈسٹر کٹ افسر وں ضلع ککیمروت، ضلع ٹانک، ضلع بنوں مارک کیاجاوے۔

مورخه 01.10.21

العارض

Allisted Im 2-Advication

امان الله 1017/HC پولیس لائن، ڈیرہ اساعیل خان 9-3162056 -12103 0345-9837896

0316-9667367

द के कि के कि के कि الله وور المراج المراج المراج المون مادمار والمراج المولاء فعدر الده كاركون ما الماري والساع والماسية ومن الجراء والمرا حو سن يديد دا ده مران بهادر بها الا عن دمره دراورسا ديا الم كم مرى سنائد ولاله إن مع رئاسي . وعلى 19 10 م م وا مع بر من بهاس . مرزور المالاي الماي عام ا المر الحجود المت والركة نفع ما ول كما بلت النيس المرابي الي ال مندر رسر مرزم ورف ماس . حرزمود ما كا محر منبوال مرديد مرى فريا دي أمل ين يرم المراق الريك الريكال الريم من المراجع المال المراجع المرا المعان عرارا و المالية المرابع المرابع المرابع المرابع المرابع المسرون جو نديد مين ك كريلير دا دن دارد م زمور و دي معرسك تعين رنزونه درنو رس اسرعادم مهانتوام راح محر منظراً والأصرون فيعم مميرون معومنون والمنع فالدا (1563) a, 154/0/16 Allerted 11103-316 20 56- 7 # 0345.9837896 # 0516-9667367

بحضور جناب ڈسٹر کٹ ہولیس آفیسر صاحب، ضلع ڈیرہ اساعیل خان

جناب عالى!

گزارش ہے کہ سائل (Denovo) انکوائری کے لئے بحال کیا ہوا تھا جو معتبر ذرائع سے معلوم ہواہے کہ انکوائری افرازش ہے کی دفعہ فائنل رپورٹ مکمل کیا ہے۔ یعنی بار بار واپس ہور ہاہے تصدا گناہ گار کرنے کے اشارے مل افرانڈر پریشر ہے کی دفعہ فائنل رپورٹ مکمل کیا ہے۔ یعنی بار بار واپس ہور ہاہے تصدا گناہ گار کرنے کے اشارے مل رہے ہیں جو کہ پریشر ہے جو میں پہلے جناب صاحب بمادر DIG صاحب ڈیرہ در خواست دیا تھا کہ میرے ساتھ ذاتی یات ہورہا ہے۔ جو جناب DIG صاحب نے واضلع لیٹر میں لکھا ہے کہ انکوائری مارک کیا ہے جو انکوائری کے دو یات کو انکوائری کے دو کہا ہورہا ہے صرف فریاد سننے تک پیش پر نہ بلایا گیا ہے اگر انکوائری پھر بھی اسی ضلع میں مارک ہوا تمام زیر اثر انڈر پریشر افسر وں جو ضلع میں ہے انڈر پریشر میں مجھے کوئی انصاف نہیں مل رہا ہے اور نہ مجھے امید ہے۔ جو زیر اثر انڈر پریشر افسر وں جو ضلع میں ہے کہ غیر جانب دارانہ انکوائری ہو سکے۔

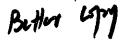
للدا بذریعه در خواست استدعا ہے که میر اانکوائری آوٹ ڈسٹر کٹ افسر وں ضلع لکیمروت، ضلع بنوں، ضلع ٹانک مارک کیاجاوے۔

مورخه 01.10.21

Allisted Ima

العارض

امان الله 1017/HC يوليس لائن، ڈيره اساعيل خان 12103-3162056-9 0345-9837896 0316-9667367





OFFICE OF THE DISTRICT POLICE OFFICER, DERA ISMAIL KHAN ©0966-9280062 fax # 9280293

Dy <u>4386</u> Dt <u>22/10/021</u>

No.

4863 /EC

dated DIKhan the

21/10/2021

To:

The Regional Police Officer,

Dera Ismail Khan

Subject:

APPEAL

Memo:

Kindly refer to your office letter No. 3199/ES, dated 28.07.2021.

It is submitted that the findings report of Denovo departmental proceedings conducted against Head Constable Aman Ullah, 1017 is enclosed herewith for kind perusal and further order, please.

Allested Ima Advicati Sd/District Police Officer,
Dera Ismail Khan

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يسو ب -

رمان المسادمة والمعمدون ومهالة تمالي معلى من الفي الفاق من ووياة مناما ما ما ما وقت أو تعشات إما مورق و من رسيد مع علادن من علاد وسيديا يودواش و دريان بيدي فالوث في والماسي ما الماسي ما الماسي كان برياما راجان يال مناهده بين الرياسية على المنافق بالمنافق على ما المسأور والما الرياسية الرياسية الرياسية س ب ب ب ب در 30 بر 15 بر ا قال د ال المحاكم و يو المسال ميرو 2021 03 أو ناو المري والما في أهي الجوام الله والميس مدار 1571 ويت ہ سے مصلے کے بیارے فرار بینے من ال موق اور بیس والا کیس مدورت بینے ابوار ساکا الے مالی اللہ مار میں سے العرب الدين و الراسم وعن شراك و ل NCP يون الدين الدين الماسية والأنه الماسية و الماسية و الماسية و الماسية و ا ور سال سال در ما در ما من سال سام و من سالته و در من من المن و المن المن المن المن و 202 و 20 و 20 و 20 و 20 ﴾ توسب مسديل ون ما عوفي وميل ون فرق و دولو في يركي اسوائه ويين ووع ما ون خوسي بالنين سداد مسدوا في ما است ل قران در زرد و به وهيل شاريه آگي وي ال يورن شيت على في بياريمن د بيد و شدود مد 2021 م 63 و مريد بسان سناست المسترات من المسترات NCP من التي تيم كلي جواراتها كالأولاد الهيافي فرود من والتم وع مستوسطين والأوا ا راست بالتشريخ. 164 معاد 2021 03 04 19pc من 468-47 19pc من من المعادلة المناوية من من من السال المناوية المنا يا يا يوس بيادل سياتمش ما عن روايا سياح GD نبر 586 مجل الرباعي والتأليان في سياد والوار اليومي فو GD الميان ا ا ميت زياد ملى مار متدمان او التسترين والمسام السادى مان جواله ساتفاق الماوقون ساول فالما والأمان فالماء ور ١٩٥٥ ما البيارة عن الناب في في مروا النابية في والرورة الن وول ووروزة المراس في مع المست المتح الأفرال مناور و الله الله المنتال مرام من والله الله والله والله المنتالة والمساملة المناسم عن الأنتاس والميم

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ع جدكة الدرواء كالمرك المرك المرك المرك و المرك و OKJ 03228942811 من المرك المرك المرك المرك و المرك المرك الم ومنت المرك الم

ي وري سيد على شرو ويد والنيس كالي سطف وي واليك مي الي الله في الله والله المن الي مروى عن اليه وووا قال في . بدر بیار بار تا ۱۹۰۰ می در ۱۱٬۰۰۱ می ۱۱٬۰۰۱ می ۱۹۰۰ می ۱۹۰۰ می ۱۹۰۰ می این این بیاری این این این این این این HC الله الله 1017 و يمل وترسطر عوال تبر 103004788625 و HC الله عروي وستوال ئېر 11 CDR (0322894281 كا علاست بال كا عبر د كورو د د كاليسل كا بمال د د يستال نير (11 189428 11 كا عدالية على قام عروال وزير مع و بأكر مع الح مع عرين شارت بس على فيكوره بيز كانسيل كان بهان الله معال مع المراسة قادر ميوادر من كال وفيره بووك فير 438 - 438 كابات مك كابت محرين الديس جويلون وت لف بدايس مويد يك شكوره بيد كالمنسيل ے دیرات مال در رافير (03459837898) كا توكنت بدران وياف معدار برتى تو مو بال فير (03228942811) كا كويش مى مواري يالى مانى بيد وى شرو وبيزة نشين كى ويمن تعمل بهالة إد ياس محكاوى والده عمم يى وود وباكر تبر (1 0322894281) ی بی وی او کیش آن ب جس سے بدفا بر برا عب کسرواک نبر (03228942811) درو مے استعال عل تقابت ذکر و مو واکن فبر شاختی كارة فيرد-1565221-1210 = الذا كما شاخي كارة فبركا والمو المالة ست بد جلام يد شاخي كارة فبرمساة موبيده في في ذوب مدارشد سته اور وسل اد بن اجرس سلدى قاد كابى بنون الله سي قريم الحامى وكساة سوبيد ولى في بمراه عوبر ومدالرشيد ماشرة نادون المان المبير كروية Verises من وساور بيان المد فرات اسما الموبيدة في في في المان كي كرون مع من في ا مرباك الدوق ادراس في المع شاخل كارو مع فبر (03228942811) الكرموباك عن والحادر بيم (21 فرورى ما دول على سيار بمقام بلوث شرنف جارى تمى مو بال كوشام عن وال كوشام على والله ومعمال يح كرها وقد كا اتكار كرود الناس كرمو باكل معمال رى كركريش ديش درئ كيونك وكازى يسروا دوكر يكوفا يسلع برجا كرمو إكل جيك كيانؤمو إكل جيب بشرم وجود يقى اس كرم و إكل متحال الاست بر فرائی ہی میں مربی جی چیزی وی آھے جا چی تی اوروائی نہیں اعلی تی ای لئے سیاہے والیسی پراس نے اپنے جیے کہ تایا کہ اس نے اس کے کال جیس کی کروں کی موبائل متعالداؤے بر محر کر جیس و چیش ہوگئ تھی استدنا ہے کہ اسکام و باک ایم جس محسی کے باس بھی ہوائی کے خلاف تا نونی كارواني عن الله في جاع اورند وريد في ويتعلى كانول عن وياكتروة في عن مورى 01.10.2021 كواني م بند كرائ كان الكون بحل

عاليجاه!

مخض اس كونا ما يزاستهال يركر سك

کی تی انجوائری سابقدا کوائری کے مطالعہ تع شدہ جواب چاری شیٹ اور دستادیزی جُوت HC امان اللہ پر کھے گئے کراس موالات ہے پار گیا ہے کہ ذکورہ بیڈ کانشیل نے اکثر ذیونی کل جی سرکل PP کواڑ واور بعضالہ چیک پوسٹ ڈیرہ وریا خان بل چشمہ چیک پوسٹ پر کل ہے ذکورہ بیڈ کانشیل نے بدوران پوسٹنگ بستمالہ چیک پوسٹ منظرران ہے رابطے میں تحااورا کیا ہے موباکی نبرے وابط کرتار ہا جواس کے تام پڑیں تھا اور ہروفت اس کے پاس بھی رہتا تھا اور منظر جمال وزیرای نبر (03228942811) پر ندکورہ بیڈ کانشیبل ہے رابط کرتا تھا اوراس کا تاری اب

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بندا الدين الله المراج المراج من المراج الم

الموازى ديدت كزارش ب

تعمل ديم خان(PPM)

مبادوين وليس فيسرني مراس

وميره اساميل فان

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برخلاف بيد كانشيبل امان الله 1017

عنوان:_

جناب عالى!

بحوالہ مشمولہ چارج شیف شیمنٹ آف الیکیشن مجاریہ جناب DPO صاحب ضلع ڈیرہ اساعیل خان بحکم جناب DPO صاحب بحوالہ لیز نمبر 2138/EC مورخہ 17.05.2021 مان اللہ 1017/HC کو محکمہ سے برخاست کیا گیا تھا جس پر فہ کورہ نے جناب RPO صاحب ڈیرہ کو اپیل دائر کی اپیل کو سننے کے بعد جناب RPO صاحب ڈیرہ نے دوبارہ اکلوائری کرنے کے احکامات صادر فرمائے جس کے سلسلے میں زیر ویخطی کو اکلوائری آفیسر مقرر کیا گیا ہے۔

ندکورہ ہیڈ کانٹیبل پر چارج شیٹ میں یہ الزامات عائد کیا گیا کہ بدوران پوسٹنگ ہتھالہ چیک پوسٹ تھانہ کلا چی ایک ٹرک نہر SHO جس و SHO جسکو SHO چیک پوسٹ پردوک کر چیک کیا جس میں نان کشم پیڈ سامان لوڈ تھااور بدوران انکوائری پایا گیا کہ ندکورہ سامان جمال وزیرنا می سمگر کا تھااور جمال وزیرے موبائل فون کو چیک کرنے کے بعد پنہ چلا کہ جمال وزیراس سے را بطے میں تھااور اس فرک نمبر کی بابت مذکورہ ہیڈ کانٹیبل نے SMS کے زریعے اطلاع دی گئی جس کی وجہ سے ندکورہ ہیڈ کانٹیبل نے NCP سامان سے بھراٹرک بغیر چیکنگ کے جانے دیا۔

ای طرح اس کا تبادلہ بحوالہ OB نمبر 676 مورخہ 02.04.2021 جس میں واضح تحریر کیا گیا کہ وہ فوری طور پر جائے تعیناتی پر حاضری کرے مگر مذکورہ نے تھم عدولی کی اور جائے تعیناتی پر حاضری نہیں کی درج بالاحقائق سے پایا جاتا ہے کداس کے ممگر کے ساتھ تعلقات ہیں.

انگوائری کا آغاز کرتے ہوئے HC مان اللہ 1017 کوطلب کیا گیا جوحاضر آیا اور اپنا جواب چارج شیٹ جمع کرایا جواب حارج شیٹ میں تحریر کیا کہ اس کا وہی بیان ہے جووہ پہلے انکوائری کے سلسلہ میں دے چکا ہے سابقہ بیان میں ندکورہ نے تحریر کیا کہ بدوران یوسٹنگ اس نے ہتھالہ چیک پوسٹ پریک ضرب پیٹل 30 بورمعہ 03 میگزین 30 بور 15 عدد کارتوس اور ایک مزدا سے 800 تھان NCP کپڑا برآ مدکر کے بغرض کاروائی SHO تھانہ کلا چی حوالے کئے مور نہ 03.04.2021 کو بقایا نفری پولیوڈ ہوٹی برتھی جبکہ ہمراہی کانطیبل الله نواز 1571 چیک یوسٹ برموجود تھے کہ ایک ٹرک متھالہ چیک یوسٹ کی طرف آیا جس کو کانٹیبل ندکورہ نے چیک کیاا درکہا کہ ٹرک میں چو کرلوڈ تھی جس کو چیکنگ کے بعد چھوڑا گیا وہی چوکروالاٹرک صدر پولیس نے روک کراس ہے NCP جاول برآ مدکیا اس نے اپنے موبائل نمبر سے کسی کوکوئی اطلاع وغیرہ نہیں دی سامان کے GD کا غذات کی تعمیل کے لئے سامان کے مالکان کے ساتھ رابطہ کرنا پڑتا ہے جس میں کوئی بدیا نتی شامل نہیں مور خد 2021.04.00 کو تبادلہ کے سلسلہ میں کوئی اطلاع وغیرہ نہیں دی گئی نفری یو لیوڈیوٹی پڑھی اسلحہ ایمونیشن ودیگر سامان بغیر کسی جانشین کے خوالہ کئے روانگی کرنا درست نہیں تھا ای طرح ندکورہ ہیڈ کانشیبل نے زیر پیخطی کو جواب جارج شیٹ میں پیچریر کیا کہ متھالہ چیک بوسٹ پرمورخہ 03.04.2021 کو متھالہ چیک پیسٹ سے گزر کر آنے والے ٹرک جس میں NCP سامان غیر ملکی حاول تھا کا کہ کر پکڑا گیا تھا نہ کورہ سامان کو سٹم حکام کے حوالے نہیں کیا گیا بلکهاس کے اوپر مقدمه نمبر 164 مورخه 03.04.2021 جرم 03.471ppc خطاف شصدر برخلاف ڈرائیور ملزم زر جنان درج رجٹر کیا گیا غیرمکلی جاول کے متعلق ملزم جمال وزیر نے GD نمبر 586 بھی لا کر پولیس کو پیش کی ٹرک میں لدا ہوا حیال اگر غیرمکلی تھا (NCP) تو تسلم کے حوالے کرتے لیکن SHO صدر نے تسلم کے حوالے نہیں کیا وہی جاول بمعہ ٹرک نمبر PKJ-438 عدالت سے ضانت برحوالے ما لک ہو بیچے ہیں واپسی مال مقدمہ کی رپورٹ پیش کی جولف ہذا ہے اسی طرح تبادلہ کے متعلق اس کوتھانہ سے کوئی اطلاع وغیرہ نہیں دی گئی اور یرائیویٹ طور پراس کومعلوم ہوا کہاس کا تبادلہ تھانہ پہاڑیور ہو چکاہے تمام ملاز مان کی پولیوڈیوٹی تھی اسلحہ ایمونیشن راکٹ لانچر دغیرہ حوالے جانشین کرنے کی وجہ سے روانگی نہیں کی مورخہ 03.04.2021 کومحرر لائن ساف نے اطلاع دی کہ حسب اٹھم 717 یوم کواٹر گارڈ کا تھم ہوا ہے جو کہ حسب الحکم DPO صاحب پولیس لائن حاضری کی بدوران بندش کواٹر گارڈ اس کودل کا دورہ پڑا مگراس کی طبی معائنہ کے سپتال نہیں لے جایا گیا کواٹرگارڈے رہائی پر پر مہبتال اسلام آباد جا کرانجوگرافی کرائی اور دل کے سٹنٹ ڈالوائے میڈیکل کاغذات لف ہذاہیں سابقہ انکوائری آفیسر

Allested Janati

نے قبضہ کیا اور دوماہ تک اپنے پاس رکھا اور جوالزام لگایا کہ موبائل نمبر OKJ 03228942811 پرسیوتھا اسے کوئی علم نہیں نہ توبیاس کانمبر ہے اور نہ ہی اس کے نام پر ہے اور خامخواہ اس کے کھاتے میں ڈالا گیا ہے .

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انگوائری کےسلسلہ میں مذکورہ ہیڈ کانشیبل کا پوشٹنگ ریکارڈ چیک کیا گیا جو کہ لف بذا ہے جو کہ مذکورہ اپنی سروس میں ڈیرہ دریا خان بل ، چشمہ چیک پوسٹ، 07مر تبدانچارجPP ککواڑہ اورمور خہ 26.02.2021 تا 02.04.2021 نچارج چیک پوسٹ ہتھالہ رہا.

HC امان الله 1017 و جمال وزیر سمگلر کے موبائل نمبر 4 C 6 8 6 2 7 0 0 0 0 اور HC امان اللہ کے زیر استعال نمبر CDR 6 نیٹا کے ملاحظہ سے پایا گیا ہے کہ مذکورہ ہیڈ کانٹیبل کا جمال وزیر سمگلر سے اس نمبر (CDR 11) میں میں) سے رابطے میں تھا بمگر جمال وزیر کے موبائل کے لئے گئے سکرین شارف جس میں مذکورہ ہیڈ کانشیبل کا نام امان اللہ متھالہ کے نام سے SAVE تھااورمیسجو اورمس کال وغیرہ جوٹرک نمبر PKJ-438 کی بابت کئے گئے کےسکرین شارٹس جوبطور ثبوت لف بذا ہیں مزیدیہ کیہ ندکورہ ہیڈ کانشیبل کے زیرِاستعال دوسرانمبر (03459837896) کی لوکیشن بدوران ڈیوٹی ہتھالہ ہوتی تو موبائل نمبر (03228942811) کی لوکیشن بھی ہتھالہ میں پائی جاتی ہے جونہی ندکورہ ہیڈ کانشیبل کی لوکیش بخصیل پہاڑیوریااس کے گاؤں وانڈہ معظم میں ہوتو موبائل نمبر (03228942811) کی بھی وہی لوکیشن آتی ہے جس سے بینظاہر ہوتا ہے کہ موبائل نمبر (03228942811) ندکورہ کے استعمال میں تھا متذکرہ موبائل نمبر شناختی کارڈ نمبر2-1565221-12102 سے نکالا گیا شاختی کارڈ نمبرکا ورائسز نکالنے سے پنہ چلا کہ بیشناختی کارڈ نمبرمساۃ صوبیدہ بی بی زوجہ عبدالرشيد سكنه كلواڑه تخصيل كلاچي كاہے جس كےسلسله ميں تھانه كلاچي بغرض طلى ميسج تحرير كرائي گئي جو كه مسماة صوبيده بي بي ہمراه شوہرخودعبدالرشيد حاضرآئی اوراپنابیان قلمبند کرایا ندکوریه Verisesرپورٹ اور بیان لف بذا ہے مساۃ صوبیدہ بی بی نے بیان کیا کہ اس کے بیٹے نے اپنی پرانی موبائل اسے دی اور اس نے اپنے شناختی کارڈ سے سم نمبر (03228942811) نکال کرموبائل میں ڈالی اور چیتر (21 فروری تا ماہ مارچ) میلہ بمقام بلوٹ شریف جار ہی تھی موبائل کوشاپر میں ڈال کرشاپر میں ڈالا اور متھالہ پہنچ کرگاڑی کا نتظار کرنے لگی انتظار کے دوران اس کی موبائل متھالیہ یر کہیں گر کریس دیش ہوگئی کیونکہ وہ گاڑی میں سوار ہو کر بچھ فاصلے پر جا کرموبائل چیک کیا تو موبائل جیب میں موجود نتھی اس کی موبائل ہتھا لہ اڈے پر گرگئی اس میں سم بھی تھی چونکہ گاڑی آ گے جا بھی تھی اور واپس نہیں آ سکتی تھی اس لئے میلہ سے واپسی پراس نے اسینے بیٹے کو بتایا کہاس نے اس لئے کال نہیں کی کہاس کی موبائل ہنھالہ اڈے پر گر کر پس و پیش ہوگئی تھی استدعا ہے کہ اسکا موبائل پاسم جس کسی کے پاس بھی ہواس کے خلاف قانونی کاروائی عمل میں لائی جائے اور مذکوریہ نے زیر پی خطی کے نوٹس میں دیا کہوہ آج ہی مورجہ 01.10.2021 کواپنی سم بند کرائے گی تا کہ کوئی بھی شخص اس کونا جائز استعال نه کر <u>سک</u>ے .

CDR ڈیٹاجس میں مگلر جمال وزیراورامان اللہ HC کے مابین رابطہ ہوتارہا وہ بھی 07 مارچ 2021 ہے لیکر 03.04.2021 تک CDR کیا گیا ہے اور مذکورہ ہیڈ کانٹیبل امان اللہ 1067 مور دے 03.04.2021 کوسپینڈ ہوکر بندکواٹرگارڈ کیا گیا اوراس پر ہا قاعدہ چارج شیٹ تقسیم کر کے اکاوائری شروع کی گئی واضح رہے کہ منبر (03228942811) جو کہ امان اللہ HC کے استعال میں رہاجو نہی وہ کواٹرگارڈ بند ہواتو سم کی ارکے اکلوائری شروع کی گئی واضح رہے کہ منبر (03228942811) جو کہ امان اللہ کیا سنعال میں ہوا کیونکہ امان اللہ ہیڈ کانٹیبل نے بوقت اکوائری وسسینشن سم بند کردی جس سے بید واضح ہو گیا کہ بیسم امان اللہ کے استعال میں بی تھی ای طرح مور دے گئے گئے ۔

عاليجاه!

کی گئی اکلوائری سابقہ اکلوائری کے مطالعہ جمع شدہ جواب چارج شیٹ اور دستاویزی شوت HC امان اللہ پر کئے گئے کراس سوالات سے پایا گیا ہے کہ ذکورہ ہیڈ کا نشیبل نے اکثر ڈیوٹی کلا چی سرکل PP کلواڑہ اور ہتھا لہ چیک پوسٹ ڈیرہ دریا خان بل چشمہ چیک پوسٹ پر کی ہے نہ کورہ ہیڈ کانشیبل نے بدوران پوسٹنگ ہتھا لہ چیک پوسٹ سمگرران سے رابطے میں تھا اور ایک ایسے موبائل نمبر سے رابطہ کرتا رہا جواس کے نام پرنہیں تھا اور ہروقت اس کے پاس بھی رہتا تھا اور سمگر جمال وزیراسی نمبر (03228942811) پر نہ کورہ ہیڈ کانشیبل سے رابطہ کرتا تھا اور اس کا نام اپنے موبائل میں اس نمبر سے امان اللہ متھا لہ کے نام سے SAVE کیا ہوا تھا سکرین شارٹس لف بندا ہیں ، اور مورضہ 03.04.2021 کو جمال وزیر

Allted me Advictor

نے ٹرک کی بابت میسے جس کیا عالانکہ بدوران کراس سوالات اس نے یہ کہا کہ وہ جمال وزیر کوئیس جانتا تو یہ کیئے ممکن ہے کہ ایک سمگلر کے موبائل میں بینجبر (03.04.2021) امان اللہ متھالہ کے نام سے سیوتھا، اور مور دیہ 03.04.2021 کو کانٹیبل بند با کوائر گارڈ کیا گیا اورا کوائری شروع کی گئی متذکرہ کانٹیبل کے کہنے پر بغیر تلاثی کے جانے دیا مور نہ 03.04.2021 کو ذکورہ ہیڈ کانٹیبل بند با کوائر گارڈ کیا گیا اورا کوائری شروع کی گئی متذکرہ سم نمبراس وقت سے لے کر 30.09.2021 کی مسلسل بندر با اور کس سے رابطہ و غیرہ نہیں ہوا اگر سم کسی اور کے پاس ہوتی تو کسی نہیں کی سے ضرور رابطہ ہوتا جس سے بینظا ہر ہوتا ہے کہ بیسم فذکورہ ہیڈ کانٹیبل کے استعمال میں ہی تھی ، ای طرح بصورت تبادلہ فذکورہ نے اپنی روا گی اس لیے نہیں کی کیونکہ تمام نفری پولیوڈ یوٹی پرتھی اور اسلحرا بیونیشن وغیرہ بغیر جانشین کے حوالے کئے جانا مناسب نہیں تھا واضح رہے کہ جس سامان کا OP مدر نے حوالے کئے جانا مناسب نہیں تھا واضح رہے کہ جس سامان کا OP مدر نے حوالے کشم کیوں نہیں کیا اور GD نہ ہونے کی وجہ سے بچرم ONC کہ مقالہ حوالے ملک مقدمہ درج رجم کیا جو کہ جمال وزیر کی جانب سے GD پیش کرنے پرچاول مال مقدمہ ضائنا حوالے مالک کرنے کے احکامات صادر فرمائے جو حوالے مالک کیا گیا جس سامان پر NCP کا الزام فیکورہ ہیڈ کانٹیبل پر لگایا گیا وہ NCP نہیں تھا اور عدالت نے ضائنا حوالے مالک کردیا . مقدمہ تو ایک کیا گیا۔ ان کا کری کیا گیا کہ کیا گیا۔ ان مقدمہ ضائنا حوالے مالک کردیا۔

کی گی اکوائری سے یہ نتیجہ اخذ کیا جاتا ہے کہ HC امان اللہ 1017 موبائل نمبر (03228942811) کے ذریعے مگلر جمال وزیر کے موبائل میں امان اللہ متھالہ کے نام سے کے ساتھ را بطے میں تھا جس کے سکرین شارٹس واضح ثبوت ہے کہ اس کے نام سمگلر جمال وزیر کے موبائل میں امان اللہ متھالہ کے نام سے SAVE (03228942811) ورمس کال اور میں SAVE (03228942811) ورمس کال اور میں SAVE (03228942811) ورمس کال اور میں کی اور کی مورخہ SHO میں لوڈ تھا جو SHO صدر نے چہان پر قبضہ میں لیا وہ NCP نہیں تھا اور اس پر مقدمہ عنوان الصدر درج رجم کیا اور سامان چا ول حوالے کے منہ میں کیا اور مزید ہیا کہ ندکورہ ہیڈ کا نشیبل نے بعجہ یو لیوروا نگی نہیں کی .

لہٰذا HCامان اللہ 1017 پرلگائے گئے الزامات روابطِ ممگرران اور مسماۃ صوبیدہ بی بی کی ہم نمبر (0322894281) نا جائز طور پر استعال کرنا ثابت ہوکر مذکورہ ہیڈ کانشیبل کوعہدہ ہیڈ کانشیبل سے تنزل کیا جاوے اور 02ائکر بینٹ مستقل شاپ کئے جانے کی استدعاکی جاتی ہے

انکوائری ربورٹ گزارش ہے

فضل رحيم خان (PPM) سب ڈویژنل پولیس آفیسر شی سرکل ڈیرہ اساعیل خان

hms Advicto

نبر <u>553/DSP-C</u> تاریخ <u>12/10/2021</u>



OFFICE OF THE REGIONAL POLICE OFFICER DERA ISMAIL KHAN

REGION

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No. 52

/ES

Dated DI Khan the

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ORDER

This order disposes of a departmental appeal filed by Ex-Head Constable Aman ullah No.1017 of District Police DI Khan against the impugned order of Major Punishment-(Dismissal from Service)by DPO D.I.Khan, passed vide his office OB No.873 dated 18.05.2021, on the following allegations:

He while posted as Incharge CP Hathala of PS Kulachi, a truck bearing No.PKJ-438 carrying non custom paid items was intercepted at Chehkan by SHO Saddar. Upon inquiry, it came to surface that said NCP items were owned by a renowned smuggler named Jamal Wazir. Upon checking Cell Phone of said smuggler, it revealed that he was in communication with him and had already passed a/m truck registration number to him on text message and for the same reason, he let said truck loaded with NCP items go unchecked through Hathala CP.

Moreover, he was transferred to PS paharpur vide OB No.676 dated 02.04.2021with the directions to report at new place of posting immediately but he deliberately did not obey the orders with malafide intention. Prima facie, above mentioned acts shows his affiliation with smugglers and amounts to gross misconduct.

- DPO D I Khan served the appellant with the charge sheet. Enquiry into the matter was got conducted into through Alamgir Khan acting SDPO Paharpur Circle DI Khan who concluded that allegation stood proved against the appellant and that he was found guilty of the charges levelled against him beyond shadow of doubt. The appellant was issued final show cause notice by DPO/ DI Khan but, reply received and found unsatisfactory. Hence, the appellant was awarded major punishment of Dismissal from Service by DPO DI Khan, vide the impugned order OB No.873 dated 18.05.2021.
- The appellant preferred an appeal against the impugned order on 31.05.2021. His appeal was sent to DPO DI Khan for comments and provisions of his service record vide this office Endst: No.2167/ES dated 01.06.2021. DPO DI Khan, vide his office memo: No.2818/EC dated 14.06.2021, furnished comments on the subject appeal wherein he defended and justified the impugned order on the ground that the said truck, carrying NCP items, was allowed to pass through the Hathala Check Post as unchecked but was the same was intercepted by SHO Saddar at Chehkan. During the course of departmental inquiry, it transpired that the said NCP items belonged to a notorious smuggler namely Jamal Wazir with whom the appellant was in contact over his cell phone; that the appellant had sent a text message to the said smuggler that he had allowed the said truck to pass through the said Check Post unchecked; that CDR data/location of the appellant prove connection of the appellant with the said smuggler Jamal Wazir. Thus, the allegations stood proved against the appellant.
- The appellant was heard in person in Orderly Room on 29.06.2021. The appellant pleaded that the departmental inquiry was not conducted according to the laid down procedure and requested for a Denovo enquiry.
- Perusal of the inquiry proceedings revealed that the appellant's plea carried weight. His appeal was therefore, accepted and the DPO DI Klian was directed to conduct denovo enquiry into the allegations against him afresh and report within 30-days, vide this office letter No.3199/ES dated 28.07.2021.

Allisted .

The DPO DI Khan, vide his office letter No.4863/EC, dated 21.10.2021, intimated that the namer was re-inquired through Mr. Fazal Rahim acting SDPO City Circle DI Khan, who concluded that Ex-Head Constable Aman Ullah No.1017 was found guilty of the charges levelled against him and the appellant's link with the said smuggler Jamal Wazir had been established. He recommended to inflict punishment of reduction in rank from Head Constable to Constable alongwith stoppage of two increments permanently.

- The appellant was again called in orderly room on 16.11.2021 and heard him in person. His written as well as oral pleas were found unconvincing.
- On a similar matter my predecessor rejected appeal of PASI Muhammad Rafi No.124/D wherein it was alleged that while posted at Chashina check post on 14.04.2021 he omitted to stop a truck bearing No.EA-3054, carrying smuggled almonds covered under the burnt wood, which was stopped by District Mianwali Police at Kundian check post and took necessary legal action. Order of my predecessor was upheld by IGP KP vide his office order No.S/3989-99/21, dated Peshawar, the 29,10,2021.
- Keeping in view the above, I, SHAUKAT ABBAS, PSP, Regional Police Officer, Dera Ismail Khan, in exercise of the powers conferred upon me under Rule-11, clause-4 (a), of Police Rules 1975, appeal of the appellant Mr. Aman Ullah No.1017/HC, is hereby REJECTED despite recommendations of the inquiry officer to inflict punishment of reduction in rank from HC to Constable with stoppage of two increments permanently, after concluding that the charge levelled against the appellant stood proved beyond any reasonable doubt. One cannot take a lenient view in the case of a Police officer whose contact stands established with a known smuggler and with whose connivance he omitted to stop a truck bearing No. PKJ-438 carrying NCP items. I, therefore, UPHOLD the impugned order of major punishment of Dismissal from Service passed by DPO DI Khan vide OB No.873 dated 18.05.2021:

(SHAUKAT ABBAS) PSP

Regional Police Officer

Dera Ismail Khan

Ps. abadua 3-14

Copy to the DPO DI Khan w.r.t his office letter No. 4863/EC dated 21.10.2021. No. alongwith his service record (S/Roll & F/Missal). The appellant may please be informed accordingly.

No 3199 ES 28 7/021.

(SHAUKAT ABBAS) PSP Regional Police Officer Dera Ismail Khan

ob 3047 of 13-12-2021

Anneatur L

To The Inspector General of Parker Myles parketeenkheren

Review Action of Man of Police Rules 1975 Armondonal 2014 regarde RAO Advidance constant bounding ess. 52.93/85 with at his war 2.1 Whomby differential appoint the Retires have regularly and DAD Dillow orginal order. At 17.5.21 wide which putition was advanted for Since

Respected Sir,

The Petitioned Submits The following for favour and sympathetic consideration.

1- That petition was entitled as constabile and in due course gamed the promotion as Hend Constable.

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Allested

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The Court's order para Monte A at Page 2

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- 8) That DPO Dominar vide order No. 2138/EC dk 17.5:21
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 Powned by Dpo Dikh vide corder at 17.5-21.
 Grounds for Review/Revision

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I that entire procuedings were completed in happhagord without following rules a proceedure and horsh prinstrumt was implicated upon petitions.

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Their was made a scape growt.

Fack as to why the Truck and rice were not hundred over to the Custom Authorities if it was NCP and registered a commind care.

5. That the competent settinty has also must appreciated.

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the remorks of Adh, sersions fuelye's order at 15-4-21;

of Page 2 Para Mork A" whiley it has been Contiguically

stated That it is amazing that need Truck coming

Stated That it is amazing that need Truck coming

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6. That in the light of contis order the latin enging proceedings and fish at order on mility and sale void absorber.

7. That offer denove enging. Her Dikhen was supported to pass a fish order as for rules but he failed to follow the rules and submitted denovo enginery organity to Ripo Dine, who rejected the opposit

8. That no proper apportunity of defence and four trial was given to petition, which is clar willite of rules and verdicts of the superior costs.

9. That senging officer has also appreciated that the fact that new war not nep but condumed petition for having Contact with accessed Sweggler on thingy grands.

10. That when the recovered site over not exep, the sixthet when I harsh Bish to Petitioner or flinning gunds of terring cell conduct with accounted sunggliss is two discriminatory and violation of Costitutual night to sorve and some family.

Allist d Im saturate 112 That crominal case against circlian according driver and surrounded was not yet been decided and any surface to state surface completed of criminal case is also against justice and equity. In view of orbine, it is humbly pronged that on auptonce of this Russens/ Revision Petation The both injugued orders of De Douber and R. Po. Della may himdly be setande and Petitorier reinstited ente since with all back benefits. In Petition shell be lighty obliged. yours fentaful Loppin M Aman allah Dt. 24-12-21 Ex. 45, No 1017 Dish Dirham # 0345-9837896

(28)

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The Inspector General of Police
Khyber Pakhtunkhwa
Peshawar.

Review petition W/P 11-A of Police Rules 1975, Amendment 2014 against RPO DIKHAN order hearing No 5243/RS date of 12-2-21 whereby department appeal of petitioner was rejected and DPO D I Khan original order date 17.5.21 vide which petitioner was dismissed from the service.

Respected Sir,

The petitioner submits the following for favor and sympathetic consideration

- 1. That petitioner was enlisted as constable a and in due course gained the promotion as Head constable
- 2. That during service remained portal at various statements and performed my duties to the entire satisfaction of my seniors.
- 3. That while posted as I/C CP Hathala, D I khan petitioner was confined in quarter guard, Police Lines D I Khan vide DD report NO. 67 dated 03-04-21 at the allegation That a Truck carrying NCP Rice has passed the check post Hathala which was intercepted by SHO sadder and case FIR No 164 date 03-04-21 U/S 419 -420-468 471-162 PPC was registered against The accused (Truck drivers and smugglers)
- 4. That petitioner remained in quarter guard for 10 days and was released on 12.4.21 vide DD No. 55 date 12.4.21.
- 5. That in the meanwhile charge sheet along with summary of allegations was issued on Two allegations
 - 1- That Petitioner allowed a Truck carrying NCP rice of 875 bags
 - 2- That petitioner was transformed from CP that date to PS paharpur on 02-04-21 but did not proceed to new place of Posting.

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- 6. That Petitioner submitted reply to the charge sheet that the Truck was not carrying NCP rice as the local police has failed to handover The Truck to Custom Authority and the Court of Additional Sessions Judge has also allowed The case Property to the owner/ accused Jamal Wazir. The Court's order Para Mark "A" at Page 2 is worth perusal.
- 7. That Enquiry officer submitted enquiry report against petitioner for having lines with accused smuggler and recommended punishment for Review / reduction in Rank.
- 8. That DPO D I Khan vide order No. 2138/EC date 17-05-21 awarded punishment of dismissal from service to the Petitioner.
- 9. That Petitioner lodged departmental appeal as RPO D I Khan, who was kind enough to order "Donavon enquiry" as The plea of petitioner carried weight as evident from impugned order date 06-12-21 Para 5.
- 10. That petitioner submitted application to worthy RPO D I Khan for transfer of enquiry to other officers copy enclosed, but no action was taken.
- 11. That other Do novo enquiry DPO D I Khan submitted the enquiry report to RPO D I Khan for perusal end orders instead of passing appropriate orders as Per Rules.
- 12. That RPO D I Khan vide impugned order date 06-12-2021 rejected. The departmental appeal of Petitioner and upheld The punishment of dismissed from service pursed by RPO D I Khan vide order date 17-05-21

Grounds for Review/Revision:-

That the impugned order of RPO D I Khan date 06-12-21 and of DPO D I Khan date 17-5-21 is against Law, rules and facts on record and not maintainable on the furthering grounds:

 That as par allegation The Truck was carrying NCP Rice which was brought from Afghanistan but The Truck had crossed The border line, District South Waziristan and district Tank but possible to play the Truck

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unchecked similar no action was initiated against the staff of concerned check.

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- 2. That entire proceedings were completed in haphazard without furthering rules procedure and harsh punishment was inflicted upon petitioner.
- 3. That enquiry proceedings were not transparent and petitioner was made a scope goat.
- 4. That the competent authority has not appreciated the facts as to why The Truck and rice were not handed over to the Custom Authorities if it was NCP and registered Criminal case.
- 5. That The competent Authority has also not appreciated the remarks of Additional Sessions Judge's order date 15-4-21 at Page 2 Para Mark "A" whereby it has been categorically stated That it is amazing That NCP Truck carrying 875 bags of rice travelled through whole area unchecked. And the port allowed superdari of rice to accused Smugglers.
- 6. That in the light of Court is order The entire enquiry proceedings and punish order on nullity and void Doritos
- 7. That after Donovan enquiry DPO D I Khan was supposed to pass a fresh order as Per rules but the he failed to follow the rules and submitted denovo enquiry report to RPO D I Khan, who rejected The appeal.
- 8. That no proper opportunity of defense and from trail was given to petitioner, which is clear violation of rules and verdicts of the superior courts.
- That Enquiry officer has also appreciated the facts the rice was not NCP but condemned petitioner for having contacts with accused smugglers on flimsy grounds.
- 10. That when the recovered rice was not NCP, the infliction of harsh punishment to petitioner on flimsy ground of merely cell contact with accused Smugglers is too harsh and violation of constitutional rights to serve and earn livelihood for the family.
- 11. That criminal case against civilian accused i.e. driver and smugglers accused has not yet become decided and any punishment to petitioner before completion of Criminal case is also against justice and equinity.

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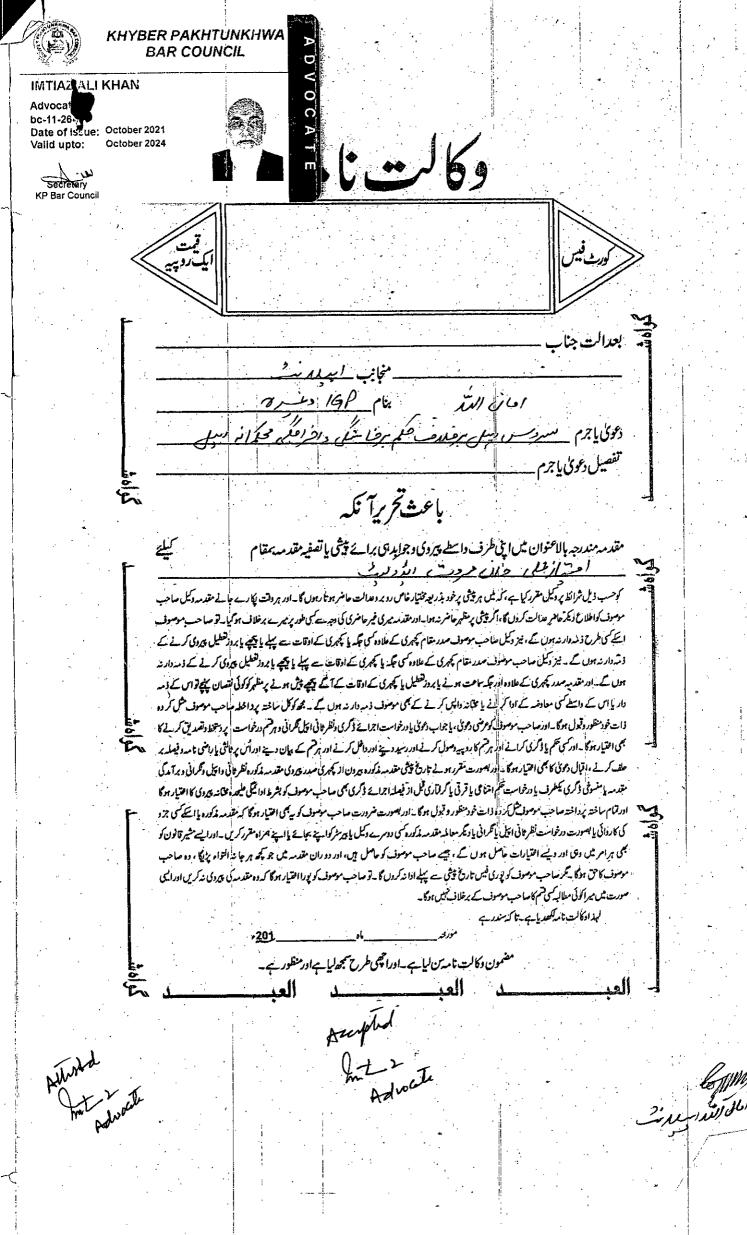
In view of above it is humbly prayed the on acceptance of this Review/Revision petitioner The both impugned order DPO D I Khan and RPO D I Khan may kindly be satisfied and petitioner resisted into Service with all back benefits. The petitioner shall be thoroughly obligated.

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Date 24-12-21 Mobile:- 0345-9837896 Yours faithful

Amanullah

Ex- H.C. No 1017 District D I Khan



BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No.

509 /2022

Aman Ullah s/o Jamal Din Caste Marwat r/o Moazam, Tehsil and Distrit DIKhan Ex-Head Constable No. 1017, DIKhan ...(Appellant)

Versus

- 1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 2. The Regional Police Officer, D.I.Khan.
- 3. The District Police Officer, D.I.Khan

...(Respondents)

WRITTEN REPLY ON BEHALF OF RESPONDENTS No. 1 to 3

PRELIMINARY OBJECTIONS

- That the appellant has got no cause of action.
- 2. That the appeal is bad for misjoinder/non-joinder of necessary parties.
- 3. That the appeal is badly barred by law & limitation.
- 4. That the appellant has not come to the Honourable Tribunal with clean hands.
- 5. That the appellant is estopped due to his own conduct.
- 6. That the appellant has concealed the material facts from the Honourable Tribunal.
- 7. That the instant appeal is badly time barred.
- 8. That the instant appeal is not maintainable in its present form.

REPLY ON FACTS

- 1. Pertains to record.
- 2. Pertains to record. Moreover, record is not upto the mark.
- 3. Pertains to record.
- Incorrect. The link of appellant with smuggler-accused was established through cell phone date. Therefore, proper charge sheet was issued and departmental proceedings initiated.
- 5. Pertains to record.
- 6. Correct to the extent of charge sheet.
- 7. During enquiry the reply was not found satisfactory and Enquiry Officer reported that allegation were established.
- 8. That recommendation of Enquiry Officer are not binding on the competent authority.
- 9. Correct to the extent of impugned order of dismissal.
- 10. Correct to the extent order of denovo enquiry.
- 11. Pertains to record.
- 12. Correct.
- 13. Correct to the extent of rejection of departmental appeal.
- 14. Correct to the extent of Revision Petition. However is has been partially accepted. Copy is Annexure "A".
- 15. That the instant appeal is not maintainable on the following grounds.

REPLY ON GROUNDS

- Incorrect. During enquiry allegations were reported to be established and appellant rightly dismissed from service.
- b. Incorrect. The impugned order of dismissal was in accordance with law/rules.
- c. Incorrect. Appellant has joined the enquiry proceedings.
- d. Incorrect. The enquiry report is comprehensive.
- e. Incorrect. As replied in preceding paras.
- f. Incorrect. During enquiry allegation were established.
- g. That the Para is misconceived. As replied above.
- h. Incorrect. As replied in above paras.
- i. As the departmental appeal was pending, therefore, denovo enquiry proceedings were submitted the RPO DIKhan accordingly.
- j. Incorrect. All the codal formalities were observed during enquiry.
- k. No comments. Moreover, all the proceedings were conducted in accordance with law/rules.
- I. Pertains to record. However, record contains adverse entries
- m. Incorrect. Revision Petition has been partially accepted and appellant reinstated into service.
- n. The Respondents also seek permission to produce additional documents/grounds at the time of arguments.

PRAYER

It is, therefore, humbly prayed that in the light of parawise comments, the Appeal of the Appellant which is devoid of legal footings and merits may graciously be dismissed.

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

> Regional Police Officer, Dera Ismail Khan

(Respondent No.2)

District Police Officer, Dera Ismail Khan (Respondent No.3)

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No.

509 /2022

Aman Ullah s/o Jamal Din Caste Marwat r/o Moazam, Tehsil and Distrit DIKhan Ex-Head Constable No. 1017, DIKhan(Appellant)

Versus

- 1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 2. The Regional Police Officer, D.I.Khan.
- 3. The District Police Officer, D.I.Khan

...(Respondents)

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS

We, the respondents do hereby solemnly affirm and declare on oath that the contents of comments-written reply to Appeal are true & correct to the best of our knowledge and nothing has been concealed from this Honourable Tribunal.

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

> Regional Police Officer, Dera Ismail Khan (Respondent No.2)

District Police Officer, Dera Ismail Khan (Respondent No.3)

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

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- 2. The Regional Police Officer, D.I.Khan.
- 3. The District Police Officer, D.I.Khan

...(Respondents)

AUTHORITY

We, the respondents do hereby authorised Inspector/Legal, DIKhan to appear before the Service Tribunal Khyber Pakhtunkhwa, Peshawar, on our behalf, He is also authorised to produce/ withdraw any application or documents in the interest of Respondents and the Police Department.

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

Regional Police Officer,

Dera Ismail Khan (Respondent No.2)

District Police Officer, Dera Ismail Khan (Respondent No.3)





OFFICE OF THE DISTRICT POLICE OFFICER DERA ISMAIL KHAN

Tel: (0966) 9280062 Fax (0966) 9280293

Dated.17/05/2021

ORDER

This order aimed to dispose-off the departmental proceedings conducted against Head Constable Aman Ullah, 1017 of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014) vide this office C/S No.56/2021.

- 1) You while posted as Incharge CP Hathala of PS Kulachi, a truck bearing No. PKJ-438 carrying non custom paid items was intercepted at Chehkan by SHO Saddar. Upon inquiry, it came to surface that said NCP items were owned by a renowned smuggler named Jamal Wazir. Upon checking cell phone of said smuggler, it revealed that he was in communication with you and had already passed a/m truck registration number to you on text message and for the same reason, you let said truck loaded with NCP items go unchecked through Hathala CP.
- 2) Moreover, you were transferred to PS/Paharpur vide OB No.676 dated 02.04.2021 with directions to report at new place of posting immediately but you deliberately did not obey the orders with malafide intention. Prima facie, your abovementioned acts shows your affiliation with smugglers and amounts to gross misconduct, which is punishable under Khyber Pakhtunkhwa Police Rules.

An enquiry was conducted into the matter by Mr. Alamgir Khan A/SDPO/Paharpur Circle DIKhan, under Police Rules-1975 ammended-2014. The Enquiry Officer submitted his finding report in which he stated that as per CDR data / locations the defaulter Head Constable was in contact with smuggler Jamal Wazir and intentionally gave him a safe way to cross the area of check post. He also disobeyed the order of high-ups regarding his transfer, hence, found guilty of the charges levelled against him. Submitted for appropriate order.

He was also served with Final Show Cause Notice and reply submitted by defaulter Constable was examined thoroughly and found unsatisfactory.

He was summoned in Orderly Room to provide lawful opportunity of hearing. The official was heard in person in Orderly Room and was afforded opportunity of defense.

From the perusal of the relevant record shows that the accused official is found guilty of the charges levelled against him and with no genuine explanation from the hearing of the defaulter, I am satisfied that the charges of misconduct stand proved against him.

Therefore, in exercise of powers conferred upon the undersigned, awarded him Major Punishment of Dismissal from Police Service, with immediate effect.

OB No. 873 /

Dated: /8, /05/2021,

CAPT NAIMUL HASNATH LIAQAT, PSP DISTRICT POLICE OFFICER,

DERA SMAIL KHAN



FINAL SHOW CAUSE NOTICE

- I, <u>DISTRICT POLICE OFFICER</u>, DI Khan as competent authority under the Khyber Pakhtunkhwa Police Rules 1975 amended-2014, do hereby served you <u>Head Constable Aman Ullah, 1017</u> Final Show Cause Notice as:-
- 1. (i) That consequent upon the completion of enquiry conducted against you by the Enquiry Officer for which you were given opportunity of hearing vide this office communicator No.1592-94/EC, dated 02.04.2021 due to found guilty of the charges levelled against you.
 - (ii) On going through the findings and recommendations of the enquiry officer, the material on record and other connected papers including your defence before the Enquiry Officer.

I am satisfied that you have committed the following acts/omissions specified of the said rules.

- 1. You while posted as Incharge CP Hathala of PS Kulachi, a truck bearing No. PKJ-438 carrying non custom paid items was intercepted at Chehkan by SHO Saddar. Upon inquiry, it came to surface that said NCP items were owned by a renowned smuggler named Jamal Wazir. Upon checking cell phone of said smuggler, it revealed that he was in communication with you and had already passed a/m truck registration number to you on text message and for the same reason, you let said truck loaded with NCP items go unchecked through Hathala CP.
- 2. Moreover, you were transferred to PS/Paharpur vide OB No.676 dated 02.04.2021 with directions to report at new place of posting immediately but you deliberately did not obey the orders with malafide intention. Prima facie, your above-mentioned acts shows your affiliation with smugglers and amounts to gross misconduct, which is punishable under Khyber Pakhtunkhwa Police Rules.
- As a result thereof, <u>I. DISTRICT POLICE OFFICER</u>, DIKhan as competent authority have tentatively decided to impose upon you the penalty of Major punishment of the said rules.
- You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you.
- 4. If no reply to this notice is received within 7-days of its deliver, in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.
- The copy of finding of the enquiry officer is enclosed.

District Police Officer, Dera Ismail Khan

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<u>آر**ڈر شیٹ**</u> محکماندانگوائری برخلاف ہیڈ کانشیبل امان اللہ 1017/HC متعینہا نچارج ہتھالہ چیک پوسٹ

	ابد تات بيره من الأن الله ١٠١٢/١٦٥ معينه الجارج المعالم چيک پوست		. ;
	كاروا ئى انگوائرى	تاريخ كارواكي	مبرشار
10	عاد ت شن ع-1593 بر ضدف ۱۲ امان المرفر ١٦ ماه مان المرفر ١٦ ماه ماه المرف على ماه ١٤ ماه المرف على ماه كان ماه المرف على ماه ماه كان ماه المرف على ماه كان ماه المرف على ماه كان كان ماه كان كان ماه كان كان ماه كان	04-4-021	
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آرڈر شیٹ

کاروائی انگوائری	تاریخ کارواکی	نمبرشار
سان ازال ۱۹۱۸ میش <u>520</u> شید کیاط کر دن آنوائری خزا کیا طابع	10-4-021	q
	:	10
وناساعالی، انگوارکی کا برغائب دُنگ داورث مرب		
4. Alan 14. M. Alan		
Sub Dissiplinal Police Officer Pahalinus Brit. Khan		

ضلع ذيره اساعيل خان

<u>فائنڈ نگ رپورٹ</u>

ا تحكماندا كلوائرى يرخلاف امان الله 1017/HC متعيندا نجارج بتحاله چيك بوسك

مشمولہ چاری شیٹ تمبری 1017/HC مورونہ 03.04.21 مورونہ 03.04.21 میں ہر براہ ڈیرہ اساعیل خان برخلاف المان اللہ کا 1017/HC کے ام بخرض انکوائری مارک ہوئی ہے۔ جسمیں HC امان اللہ پرالزام ہیکہ جب وہ متحالہ چیک پوسٹ پر بطورانچاری ڈیو ٹی سرانجام دے دہا تھا تو ٹرک نمبر 8HO کو 8HU صدر نے ٹا تک روڈ نزد چیکان روکا اور جسمیں تان سمتم پیڈسامان کو ڈیف سربوران تنتیش یہ بابت منظر عام پر آئی کہ NCP سمام پیڈسامان کو ڈیف سربوران تنتیش یہ بابت منظر عام پر آئی کہ NCP ساتھ دانطہ بیں ہے۔ اور SMS پر پہلے تی ایک ٹرک کا سمتم سمتم کے موبائیل فون کی جائج پڑتال کرنے پر انکشاف ہوا کہ وہ امان اللہ HC کے ساتھ دانطہ بیں ہے۔ اور SMS پر پہلے تی ایک ٹرک کو جانے دیا۔ اسکے علاوہ امان اللہ CH کا تبادلہ چیک پوسٹ مرجم پیٹر نشان اور کی جان کو جو کر تھی کی ٹیل نہیں کی۔ درج یالا الزامات سمتم وں کے ساتھ وا بستی اروابطہ کی نشاند تی کرتی ہیں جس کا بیشل خلاف ڈسپلن اور بمطابق رولز تا بل سزا ہے۔"۔

بيان از ال مير كانشيبل المان الله 1017/HC

نے تجریری بیان کیا کی کٹن HC حاطہ چیک پوسٹ بیں موجود تھا۔ جبکہ کانشیس اللہ نواز 1571 ڈیوٹی پر موجود تھا اورٹرک متذکرہ کشٹیمیل اللہ نواز نے چیک کیا۔ جبکی یابت من HC نے دریافت کیا تو نہ کورہ کشٹیمل نے کہا کہڑک بیں چوکرلوڈ تھا۔ جو بعدہ ٹرک متذکرہ صدر پولیس نے روک کر اُس بیں NCP چاول برامد کیے۔ جہاں تک من HC کے تاولہ کا تعلق ہے تو محرر سٹان تھا نہ کا تی نے اس بابت کوئی اطلاع ٹیس کی تھی۔

بيان از ان كانشيل الله نواز 1571

نے اپنے تحریری بیان میں کہا کہ میری Heان اللہ کے ساتھ چیک ہوسٹ بڈاپر بمسلحہ SMG ڈیوٹی میں موجود تھا کہا یک ٹرک متذکرہ کو میں نے رو کئے کا اثارہ کیا تو ساتھ ہی روڈ کے کنارے بیٹے Hc امان اللہ نے اُسے آکر چیک کیا اور جھے کہا کر کیئرے جانے دو۔ بیان ہمراہ لف ہے۔

بيان ازان منظوراحمد SHO تفانه صدر

علاوه ازیں اللہ نواز OHC ، محرر تھانہ کلا پی محمد اسلم ASI،812/MHC مارف محود، اہام بخش 520/IHC انوش کیفن سٹاف کے بیا تات قلمبند ہوکر لف انکوائری بذا ہوئے۔

بيان از ان الله نواز OHC

الله نواز OHC نے اسپے تحریری بیان میں کہا کہ آرڈر بک نبر 676 مورخہ 02/04/021 کو OHL امان اللہ کا جادلہ متھالہ چیک ہوسٹ سے IHC تھا نہ پہاڑ ہورہ وکر تھا نہ کالی کی کو بحوالہ شیخ نمبر 261 مورخہ 02/04/021 جبکہ تھا نہ پہاڑ ہور شیخ نمبر 506 مورخہ 02/04/021 بروت تحریر کراچکا ہے۔

بيان ازان MHC محمد الملم 812/MHC تفانه كلا جي

محرر محمد اسلم 812/MHC في السكار الله 1017 منالد 1329/LHC كتاولدك باربي مدومرر محمد اسلم 812/MHC كوبرونت اطلاع دردي تقى ديان بمراه لف ہے۔

فاننڈنگ:

- HC -1 فرکورہ چیک پوسٹ ہائے ا۔ ڈیرہ دریا خان بل ۲۔ کواڑہ چیک پوسٹ ۲۔ چشمہ چیک پوسٹ ۲۔ ہتھالہ چیک پوسٹ پرستعدد بارڈیوٹی سرانجام دے چکا ہے۔
- 2 امان الله ١٣٠ كموبائيل فمبرات 0342.8942811 0345.9837896 كا CDR و ينا حاصل كيا كيا- و ينا ك مطابق پايا كيا كهذكوره امان الله ١٣٠ كاموبائيل فمبر 0300.4768625 متكر جمال وزير كنبر 0300.4768625 ساتھ مطابق پايا كيا كهذكوره امان الله ١٣٠ كاموبائيل في كياره مرتبه بذريعه موبائيل فون كالزاور ثرك كزرنے سے قبل بذريعه ها مسلسل رابطه ربا به اور مور وحد 03/03/04/021 و دوقوع كل كياره مرتبه بذريعه موبائيل فون كالزاور ثرك كزرنے سے قبل بذريعه ها محمد من رابطه كرچكا ہے۔
- 3- میڈ کانٹیبل نے بیان کیا کہ میراذاتی نمبر 0345.9837896 جوکہ تقریبا15/16 سال سے میرے استعال میں ہے۔ جبکہ میرا مویا تیل نمبر 0322.8942811 جوکہ ممکلر جمال وزیر کے ساتھ مسلسل رابطہ میں رہا ہے۔ کے بارے لاعلم ہوں۔
- 4۔ موہا تیل نمبرات 0322.8942811، 0345.9837896 کی لویشن چیک کرنے پرلوکیشن ایک ہی جگ رہی ہے۔ جبکہ موہا تیل سیٹ لینی IMEl نمبرات علیحہ ہلیں۔اور دونوں موہا تیل نمبرات ہیڈ کا طیبل امان اللہ کے ہی استعال میں ہیں۔
- 5۔ HC کورہ نے اپنے ذاتی موہا ئیل سیٹ ویکویس ای نمبر 0322.8942811 کو (OK g) کے نام سے محفوظ کردکھا ہے
- جسکی تصویر لی جاکر ہمراہ لف ہے۔ 6۔ HC نہ کورہ نے جالا کی امکاری سے کام لیتے ہوئے سم نبر 0322.8942811 کی دوسرے کے نام سے لےرکھی تھی۔

اليجاه:

کیکی انکوائری اور لیے محے بیانات، CDR ڈیٹا، لوکیشن کی روثن سے HC امان الله 1017 کاسمگلر جمال وزیر کے ساتھ سلسل را بطے میں روگر ناصرف ٹرک نمبر PKJ-938 جس میں NCP چاول لوڈ تھے کو دانستہ طور پر جانے کا محفوظ راستہ دیا۔ بلکہ تبادلہ کی صورت میں بھی روایق نہ کر کے تھم عدولی کی ہے۔ جس سے آرکورہ بیڈ کانشیبل امان اللہ 1017 تصور وار پایا جاتا ہے۔ مناسب سراکی سفارش کی جاتی ہے۔

(عالمگیرخان)

سب ڈویژنل پولیس آفیسر پہاڑ پور ڈیرہ اساعیل خان No-693 DSP-PAP

Dt; 25-04-021



OFFICE OF THE
DISTRICT POLICE OFFICER,
DI KHAN

Dated

03/04/2021

No. 1592/EC,

DISCIPLINARY ACTION

I, <u>CAPT: * NAJM-UL-HASNAIN LIAQAT, DISTRICT POLICE OFFICER, DIKHAN</u> as competent authority, under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) have the opinion that you <u>HC Aman Ullah, 1017</u> rendered yourself liable to be proceeded against departmentally as you have committed the following acts/omissions.

STATEMENT OF ALLEGATIONS

1. You while posted as Incharge CP Hathala of PS Kullachi, a truck bearing No. PKJ-438 carrying non custom paid Items was intercepted at Chehkan by SHO/ Saddar. Upon inquiry, it came to surface that said NCP items were owned by a renowned smuggler named Jamal Wazir. Upon checking cellphone of said smuggler, it revealed that he was in communication with you and had already passed a/m truck registration number to you on text message and for the same reason, you let said truck loaded with NCP items go unchecked through Hathala CP.

2. Moreover, you were transferred to PS/ Paharpur vide OB with directions to report at new place of posting immediately but you deliberately did not obey the order with malafide intention. Prima facie, your above-mentioned acts show your affiliation with smugglers and amounts to gross misconduct, which is punishable under Khyber

Pakhtunkhwa Police Rules- 1975 (amended-2014).

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OFFICE OF THE DISTRICT POLICE OFFICER, DI KHAN

No.1592/EC,

Dated

03/04/2021

CHARGE SHEET

I, <u>CAPT: NAJMUL HASNAIN LIAQUAT, DISTRICT POLICE OFFICER, DIKHAN</u>, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you <u>HC Aman Ullah</u>, 1017 rendered yourself liable to be proceeded against departmentally as you have committed the following act/omissions.

- 1. You while posted as Incharge CP Hathala of PS Kullachi, a truck bearing No. PKJ-438 carrying non custom paid Items was intercepted at Chehkan by SHO/ Saddar. Upon inquiry, it came to surface that said NCP items were owned by a renowned smuggler named Jamal Wazir. Upon checking cellphone of said smuggler, it revealed that he was in communication with you and had already passed a/m truck registration number to you on text message and for the same reason, you let said truck loaded with NCP items go unchecked through Hathala CP.
- 2. Moreover, you were transferred to PS/ Paharpur vide OB: /: with directions to report at new place of posting immediately but you deliberately did not obey the order with malafide intention. Prima facie, your above-mentioned acts show your affiliation with smugglers and amounts to gross misconduct, which is punishable under Khyber Pakhtunkhwa Police Rules- 1975 (amended-2014).
- 2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.
- 3. You are, therefore, required to submit your written statement within 07 days of 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 exparte action shall be taken against you.

4. A statement of allegation is enclosed.

DISTRICT POLICE OFFICER, DIKHAN

ducio 27 21 02 15 de 03 (2) 1592/Ect Cum 7.16 de 20/15 ولطر الخارج المال فيل والله المن المن الله المرون علله إلى لفني في ع دوروى المال د کسی ا , رومانتران سے ای دلول مرا نام دی ا , روز در و بلال کے د مرون مؤر مال (وقی 1571 حيث توسف مرحوجو ولي وساد طاحيت توسف من تعال جا لنا بام لنظار فو دري و المالي صي وست روس مرك لطرف ما الع رودة لها عين تكاسط إلا الأ الورز الم 157 من إلى ا كريز ك من كل عز يود كا عز كورك الله يا تر الله يا تر فرزره برك من جر كود كي 31 جو میں رک ھوڑ الل کو دم سر وہی مرک عمر الولس دار ک مراس سے اعلا داول ناك يى . فلا فيك ولا المرك الثليون كالميول وجور داك الميرا العلا سامان/ مراها كا عذات كا تسبي كلية در بيوران/ مالمان با كمين في ورادالم ر فا مره شاری در ای صری وای مریانی و میشود فیس ما فا کای یا ورم راؤد مها ن نعاص نیادلی کا لفتی ور نقانه / مدور رفان در ای ای ماری مس قد كل الملاع كسنى وى الله المولول ولول من لفرى وهر في كفي ولل ولل شالى درى دىم بوانت سے . و ميں دفع من دوسے دوللول ، داندہ لاکر دمیں المند عهدم عن بن بود و دو مرا مرام المرام المرام الما ما نا وود مرام الما ما نا وود مرام الم مرا في ول دانسي عاصر عش أما في مله عالم علا على الورالم مو ورا الطابع كها كل . كم مر الوينسال درارانوه صي عارن اسا مان وعنوه لار كا عزاكون لا. Attested.

سال ازان ا مال الله 1017 سمال عب ولان عرادي من سان كل كم مكن رمنا وماحي سان دارج مني مين و ما حكامون سوال = × × × حدب في من مسى حال وزير كو نيس جاننا . حواب محمد سے کبھی ملے بہا کا کا ۔ جاب رہے موج کیمی فون یا ۱۳۸۶ نسس کیا <u>م</u> جاب بھے میرا حوالی فر 896 378 98 378 و کے ہے۔ سال سے لَقَر بِا ً - <u>ع</u> استعال مين <u>ع</u> - ××× : ٣ عاب على الكان الك خابع و مل فاس بر لعبی کوئی کال وغیرہ میں کا ھے۔

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بعانازان منظور احر حان ١١٥ هام مدر سال لم مریافت بیان کیاکه موده وی به که فینرکی اظهر می بر سام همرعارف اجه نانک دود نزر جهان دوکا گیا . نژک کو جنگ توسهٔ پر عبر سکی چارل کچرا ودُ شُلُهُ فِي عُولُ الْمُولُ الْمُ جَالَا فِي اللَّهِ مُلَّا فِي اللَّهِ مُلَّا فَي اللَّهِ مُلَّا فَي اللَّه منت سٹ برسف ا تحاص فرا او او الله مان حال حال ، الرعازی خان ، وی عقب الله ملاحب جان إ قوام وزير سكم واذ ستلا في - ميلا سامان سمى حال خان وزير جوكر سمكل بيد كا هي سامان كا ايت ايس (D) صلى , لوك ن في 586 عوام وي 18 يش كى حس بر فعالم مقام أ 164 معدم 20 مرح مرم 1718 ما ورج ومشركا -جَالُ وَيْرِ سَنَدُرُهُ فِي مِلْ فِيزَا فِي كَيْنِ كَسُلُ بِاسْرِ وَ رَضُوتَ كَا بِسَنَ رَتَ على الله علاوه سرسرى انادرگيت كوف برسروده ممكر في تدريا كرسرا بولسين والون كما في دابع ها و ادر مسرك موائل مين بول مالون ك سر مي محموط س AHESDED. imes imes imes imes with imes imes imesجواب و جي هال مُرك 138 لوليس مقالم جي دوست نسي لزر كو آرها ها جاب ، به امان الله كا امان الله بي الحد من الله على عد الله من الله عد الله عد الله الله الله عد الله علاد اسط علاول سرا لحمد نشل کا حمد CRBC من اس فعوظ کا -مر بائل مين فعد ل في -

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عان ازال ۱۸۱ عاری عمو و متصد فعام مدار حوالم فر مدرامت بیان کیاکہ دورخ قوہ و مور من ماہ میراہ مهم مهم معور اور الدين الم من الله عن ا كوچنگ اور د برعبر سكى جاءل كيرا لود شدلا بارد - جو درا بور زرجان في تمرار (875) كو سكام في درا توركما في مزنت ست برسع انتامل به اپنے اگا ،، حال حان الم عاری خان به عقب الله ولد حسب حان اقدام وزيرسلد والم سكار في - سوسوى أنتارد كست كوف بر جال خان دنر حوکم مشهور سمار مع د افع میکنی سی کے اور الله حملي ولوگ ١٥٥ فير 386 حدود در الله جمع الا يستان في ديس 7. 9, MR 419-420,468 ps 03 021 21 20 164 2 FiR 0) clot

ردستر الوحط ع

ازال اما فیسن علی اوسکس ساف کار میرروبالها او ۱۱۰ مار مار ۱۱۰ مار ۱۱ مار ۱۱۰ مار ۱۱ مار

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رد. قبل آزی سرئے لولس والوں لسا فق لُعلَّات تھے۔ سرم جال مزیو یہ انگشاف کیا۔ موحد دہ مصّت کسی کیا تھ کوئی رابط منسرہ نہ تھے۔ اور کیب معملیا سرکو جان جھڑا نے کیا رابط کیا۔ کس کا نیب کا میس کا میس کا موا۔

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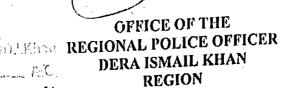
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No. 5243

/ES,

Dated DI Khan the

6 /1**2**/2021

ORDER

This order disposes of a departmental appeal filed by <u>Ex-Head Constable Aman ullah No.1017</u> of District Police DI Khan against the impugned order of Major Punishment-(Dismissal from Service)-by DPO D.I.Khan, passed vide his office OB No.873 dated 18.05.2021, on the following allegations:

He while posted as Incharge CP Hathala of PS Kulachi, a truck bearing No.PKJ-438 carrying non custom paid items was intercepted at Chehkan by SHO Saddar. Upon inquiry, it came to surface that said NCP items were owned by a renowned smuggler named Jamal Wazir. Upon checking Cell Phone of said smuggler, it revealed that he was in communication with him and had already passed a/m truck registration number to him on text message and for the same reason, he let said truck loaded with NCP items go unchecked through Hathala CP.

Moreover, he was transferred to PS paharpur vide OB No.676 dated 02.04.2021with the directions to report at new place of posting immediately but he deliberately did not obey the orders with malafide intention. Prima facie, above mentioned acts shows his affiliation with smugglers and amounts to gross misconduct.

- 2. DPO D I Khan served the appellant with the charge sheet. Enquiry into the matter was got conducted into through Alamgir Khan acting SDPO Paharpur Circle DI Khan who concluded that allegation stood proved against the appellant and that he was found guilty of the charges levelled against him beyond shadow of doubt. The appellant was issued final show cause notice by DPO/ against him beyond shadow of doubt. The appellant was issued final show cause notice by DPO/ DI Khan but, reply received and found unsatisfactory. Hence, the appellant was awarded major punishment of Dismissal from Service by DPO DI Khan, vide the impugned order OB No.873 dated 18.05.2021.
- 3. The appellant preferred an appeal against the impugned order on 31.05.2021. His appeal was sent to DPO DI Khan for comments and provisions of his service record vide this office Endst: No.2167/ES dated 01.06.2021. DPO DI Khan, vide his office memo: No.2818/EC dated 14.06.2021, No.2167/ES dated 01.06.2021. DPO DI Khan, vide his office memo: No.2818/EC dated 14.06.2021, No.2167/ES dated 01.06.2021. DPO DI Khan, vide his office memo: No.2818/EC dated 14.06.2021, No.2167/ES dated 01.06.2021. DPO DI Khan, vide his office memo: No.2818/EC dated 14.06.2021, No.2167/ES dated 01.06.2021. DPO DI Khan, vide his office memo: No.2818/EC dated 14.06.2021, No.2167/ES dated 01.06.2021. DPO DI Khan, vide his office memo: No.2818/EC dated 14.06.2021, No.2187/ES dated 01.06.2021. DPO DI Khan, vide his office memo: No.2818/EC dated 14.06.2021, No.2187/ES dated 01.06.2021. DPO DI Khan, vide his office memo: No.2818/EC dated 14.06.2021, No.2187/ES dated 14.06.2021, No.2187/ES dated 14.06.2021. DPO DI Khan, vide his office memo: No.2818/EC dated 14.06.2021, No.2187/ES dated 14.06.2021. DPO DI Khan, vide his office memo: No.2818/EC dated 14.06.2021, No.2187/ES dated 14.06.2021. DPO DI Khan, vide his office memo: No.2818/EC dated 14.06.2021, No.2818/EC dated 14.06.2021, No.2187/ES dated 14.06.2021. DPO DI Khan, vide his office memo: No.2818/EC dated 14.06.2021, No.2818/EC dated
- 4. The appellant was heard in person in Orderly Room on 29.06.2021. The appellant pleaded that the departmental inquiry was not conducted according to the laid down procedure and requested for a Denovo enquiry.
- 5. Perusal of the inquiry proceedings revealed that the appellant's plea carried weight. His appeal was therefore, accepted and the DPO DI Klein was directed to conduct denovo enquiry into the allegations against him afresh and report within 30-days, vide this office letter No.3199/ES dated 28.07.2021.

- The DPO DI Khan, vide his office letter No.4863/EC, dated 21.10.2021, intimated that the matter was re-inquired through Mr. Fazal Rahim acting SDPO City Circle DI Khan, who concluded that Ex-Head Constable Aman Ullah No.1017 was found guilty of the charges levelled against him and the appellant's link with the said smuggler Jamal Wazir had been established. He recommended to inflict punishment of reduction in rank from Head Constable to Constable alongwith stoppage of two increments permanently.
- The appellant was again called in orderly room on 16.11.2021 and heard him in person. His written as well as oral pleas were found unconvincing.
- On a similar matter my predecessor rejected appeal of PASI Muhammad Rafi No.124/D wherein it was alleged that while posted at Chashma check post on 14.04.2021 he omitted to stop a 8. truck bearing No.EA-3054, carrying smuggled almonds covered under the burnt wood, which was stopped by District Mianwali Police at Kundian check post and took necessary legal action. Order of my predecessor was upheld by IGP KP vide his office order No.S/3989-99/21, dated Peshawar, the 29.10.2021.
- Keeping in view the above, I, SHAUKAT ABBAS, PSP, Regional Police Officer, Dera Ismail Khan, in exercise of the powers conferred upon me under Rule-11, clause-4 (a), of Police Rules 1975, appeal of the appellant Mr. Aman Ullah No.1017/HC, (is hereby REJECTED despite recommendations of the inquiry officer to inflict punishment of reduction in rank from HC to Constable with stoppage of two increments permanently, after concluding that the charge levelled against the appellant stood proved beyond any reasonable doubt. One cannot take a lenient view in the case of a Police officer whose contact stands established with a known smuggler and with whose connivance he omitted to stop a truck bearing No. PKJ-438 carrying NCP items. Litherefore, UPHOLD the impugned order of major punishment of Dismissal from Service passed by DPO DI Khan vide OB No.873 dated 18.05.20214

(SHAUKAT ABBAS) PSP

Regional Police Officer Dera Ismail Khan

No.

/ES
Copy to the DPO DI Khan w.r.t his office letter No. 4863/EC dated 21.10.2021 alongwith his service record (S/Roll & F/Missal). The appellant may please be informed accordingly.

Na 3199/ES 28/7/021.

(SHAUKAT ABBAS) PSP Regional Police Officer Dera Ismail Khan

ob 3047 13-12-2021

MOJOIC Cours

عالمحاد

کی گئی انگرائری پیش کردہ جواب جارج شیٹ لگائے گئے الزامات اور دستاویزی شوت اور سابقد انکوائری کے مطالعہ سے پایا گیا۔

کانشیبل عبرالحمید 1373 تقریباً 60 مرتبہ طارق شہید چیک پوسٹ پر تعینات رہا اوراس کی آخری پوسٹنگ مورخہ 05،10.2020 تا کانٹیبل عبرالحمید 02.04،2021 تقریباً قادر آخری پوسٹنگ عرصہ 5/6 ماہ ہے ذکورہ کانشیبل نے کراس سوالات میں بیکھا کہ سمگر جمال وزیر نے اسے کال کی تھی اور کال کرتا تھا اور ذکورہ کانشیبل نے مزید کراس سوالات میں رہنگیم کیا کہ مورخہ 03.04.2021 کو سمگر جمال وزیر نے اسے کال کی تھی اور CDR و ٹیٹا سے پایا گیا ہے کہ مگر جمال وزیر نے 04 مرتبہ نے مشیبل نہ کورہ کو کال کی جس سے ذکورہ کانشیبل کے بیان کی نفی ہوتی ہے اوراس نے کراس سوالات میں غلط بیانی کی واضح رہے کہ سمگر جمال وزیر کے موبائل میں اس کا نمبر 03449395972 عبدالحمید CRBC کے نام سے SAVE تھا سکرین شارے بطور شوت ہمراہ لف ہیں .

لہٰذا کی گئی انگوائری سے میہ نتیجہ اخذ کیا جاتا ہے کہ کانٹیمبل عبدالحمید 1373 کے موبائل نمبر 03449395972 پرسمگار جمال وزیر نے 04 مرتبہ کال کی اور کانٹیمبل فدکورہ کے بیان کی نفی ہوتی ہے کہ GO ملٹی چیک کرنے کے لئے وہ کال کرتا تھا مزید میہ کہ فدکورہ کانٹیمبل بوجہ پولیوڈ ایوٹی بصورت تبادلہ روانگی نہیں گی۔

لہذا کانٹیبل عبدالحمید 1373 پرلگایا گیا الزم کے اس کے مگار جمال وزیر کے ساتھ روابط ہیں درست نابت ہو نہکورہ کے دو02 انگریمنٹ مستقل شاپ کرنے کی سفارش کی جاتی ہے .

> نفل رحیم خان (PPM) سب دُویژنل پولیس آفیسر شی سرکل دُریواساعیل خان

554/056 e ji 12/16/2016



OFFICE OF THE INSPECTOR GENERAL OF POLICE KIIYBER PAKHTUNKHWA PESHAWAR.

ORDER

10% order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhw Fice Rug-1975 (amended 2014) submitted by Ex-Head Constable Aman Ullah No. 1017. The pethodic was dismissed from service by District Felice Officer, D.I.Khan vide OB No. 873, dated 18 95 74 on the allegations that he while posted as In harge Check Post Hathala Police Station Kulachi, a ring No. PKJ-438 carrying non-custom paid Items was intercepted at Chehkan by SHO Police Saddar, Up in inchiry, it came to surface that said NCP items were owned by a renowned smuggler A Jamal Waz :. Upon checking cell phone of sait smuggler, it revealed that he was in communication th the appellant and had already passed a truck registration number to him on text message and for the same reason, he let said fruck loaded with NCP items go unchecked through Hathala PP. Moreover, he was transferred to Police Sts on Paharpur vide OB No. 676, dated 02.04.2021 with the directions to report at new place of posting immediately but he deliberately did not obey the orders with maiafide intention. Prima facie, his above mentioned acts shows his affiliation with smugglers and amounts to gross misconduct. His appeal was rejected by Regional Police Officer, D.I.Khan vide order No. 5243/ES, dated 06.12.2021.

Meeting of Appellate Board was held on 19.05.2022 wherein petitioner was heard in person. Petitioner denied the allegations of having affiliation with smugglers and contended that there was not NCP items in the truck.

Perusal of de-novo enquiry papers revealed that the enquiry officer recommended punishment of reduction in rank from Head Constable to Constable with stoppage of two increments permanently.

The Board decided that the petitioner is hereby re-instated in service and the his punishment of dismissal from service is converted into forfeiture of two years approved service. However, the intervening period to be treated as without pay.

> Sd/-SARIR AHMED, PSP Additional Inspector General of Police, HOrs: Khyber Pakhtunkhwa, Peshawar.

No. St 1169-75 22, dated Peshawar, the

Copy of the above is forwarded to the:

- 1. Regions Police Officer, D.I.Khan. One Service Roll and one complete enquiry file of the above numbed HC received vide your office Memo: No. 1505/ES, dated 09.03.2022 is returned brewith for your office record.
- 2. District Folice Officer, D.I.Khan.
- 2. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
 - 4. AlG/Legal, Khyber Pakhtunkhwa, Peshawar.
- 5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar,
- 6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
- 7. Office Supdi: B-IV CPO Peshawar.

PAKHTUNKHWA, CAMP COURT, D.I.KHAN.

Service appeal No. 509 of 2022

Aman Ullah

VERSUS

I.G.P etc.

APPLICATION FOR AMENDED SERVICE APPEAL IN SERVICE APPEAL NO. 509 OF 2022 TITLED AMAN ULLAH VS I.G.P ETC.

Respectfully Sheweth:-

- <u>1-</u> That the subject service appeal is fixed for hearing today before this Honourable Tribunal.
- 2-That appellant was dismissed from service vide order dated 17/05/2021 bearing OB No. 873 18/05/2021 and his departmental appeal was rejected vide order No. 5243/25 dated 06/12/2021. However, his Revision Petition was not decided within 90 days, hence the subject service appeal was challenging impugned order of dismissal and rejection of departmental appeal.
- 3- That now Revision Petition has been partially accepted bearing order No. S/1169-75/22 dated 02/06/2022 whereby appellant has been reinstated into service and punishment of dismissal from service has been converted into forfeiture of two years approved service and the intervening period treated as without pay. Copy of the same is attached.

That the appellant now want to challenge the impugned order of Revision dated 02/06/2022 through amended service appeal.

It is, therefore, humbly prayed that appellant may kindly be allowed to submit amended service appeal in the service appeal No. 509 of 2022.

Your Humble Appellant

Aman Ullah Through Counsel

Dated: 28/09/2022

IMTIAZ ALI KHAN MARWAT

Advocate, District Bar DIKhan.

AFFIDAVIT:-

I, **Aman Ullah**, the appellant, do hereby solemnly affirm and declare on oath that contents of the above **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Deponent Aman Ullah