

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR.

SERVICE APPEL NO 13290/2020.

Ex. Constable Nasir Mehmood No. 989

.....Appellant


VERSUS

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

..... Respondents

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Deponent

①

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- 3) District Police Officer, Mansehra.

..... Respondents

Reply/Comments On Behalf Of Respondents

RESPECTFULLY SHEWETH:-

PRELIMINARY OBJECTION:-

- a) The appeal is not based on facts and appellant has got no cause of action or locus standi.
- b) That appeal is not maintainable in the present form.
- c) The appeal is bad for non-joinder and mis-joinder of necessary parties.
- d) The appellant is estopped by his own conduct to file the appeal.
- e) The appeal is barred by the law and limitation.
- f) The appellant has not come to the Honorable Tribunal with clean hands.

FACTS:-

1. Pertains to record.
2. The appellant has developed illicit relationship with one Atia Khan Wife of Bilal Ahmad r/o Dharyal PS Shankiari who submitted an application against appellant to worthy Regional Police Officer Hazara Region Abbottabad, for sexual harassment and receiving cash amount rupees 25 lac and ten tola gold fraudulently. **(Copy of application is annexure A)**

A preliminary enquiry was conducted by Additional SP Abbottabad and found that the appellant has illicit relationship with the aforementioned lady. The appellant has also instigated the aforementioned lady to file suite for

dissolution of marriage before the family court which was latter on withdrawn by her.

After preliminary enquiry, the appellant was properly proceeded against and Mr. Muhammad Qais Khan ASP Saddar Haripur was appointed as enquiry officer who conducted enquiry thoroughly and recommended him for major punishment. Vide OB No. 147 dated 23-08-2019; he has been awarded major punishment of dismissal from service.


3. Correct to the extent that a case vide FIR No. 04 dated 08/07/2019 u/s 506/21PECA/2016 has also been registered against the appellant by FIA Abbottabad on the aforementioned allegations in which he was arrested and remained in jail and on 07-10-2019, succeeded to obtain bail from Peshawar High Court Abbottabad Bench **(Copy of FIR is Annexure B)**.
4. Incorrect. A proper departmental enquiry was initiated against the appellant and during enquiry he was found guilty. The competent authority awarded him major punishment of dismissal from service vide OB No. 147 dated 23.08.2019. **(Copy of charge sheet, statement of allegation, enquiry report and dismissal order is annexure C)**
5. Incorrect. A final Show Cause Notice was also issued to the appellant. The appellant was awarded all opportunities to defend himself but the appellant failed to do so. **(Copy of Final Show Cause Notice is annexure D)**
6. Incorrect. The charges leveled against appellant were proved during the course of departmental enquiry proceedings.
7. Incorrect. The charges of misconduct have been proved against the appellant during course of departmental enquiry therefore authority awarded him major punishment.
8. The departmental appeal was rejected by the appellate authority.

GROUNDS:-


- A. Incorrect. The impugned orders are legal, lawful and maintainable.
- B. Incorrect. A proper enquiry was conducted and all lawful opportunities defense were provided to appellant but he could not satisfy the enquiry officer.
- C. Incorrect. Appellant was treated in accordance with law/rule and never discriminated in any way.
- D. Incorrect. Respondent have acted in accordance with law/rules.
- E. Incorrect. He was actually involved in the criminal case and during the enquiry he was found guilty.
- F. Incorrect. Departmental and criminal are separate proceedings and have no effect on each other.
- G. Incorrect. Appellant is responsible for his conduct and caused loss of his financial status.
- H. Incorrect. The appeal of appellant is barred by law and limitation.

PRAYER:

In view of the above mentioned facts, the appeal in hand may kindly be dismissed being devoid of any legal force and badly time barred case.


 District Police Officer
 Mansehra
 (Respondent No. 3)


 Regional Police Officer
 Hazara Region Abbottabad
 (Respondent No. 2)


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

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

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VERSUS

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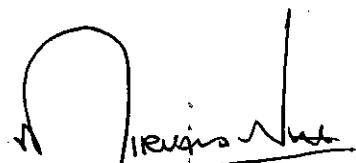
..... Respondents

AFFIDAVIT

We respondents, do hereby solemnly affirm and declare that the contents of comments are true and correct to the best of our knowledge and belief and nothing has been concealed or suppressed from this Honorable Tribunal.



District Police Officer
Mansehra
(Respondent No. 3)



Regional Police Officer
Hazara Region Abbottabad
(Respondent No. 2)



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

and report

پولیس ہزارہ ڈویژن ایبٹ آباد
جناب DIG پولیس ہزارہ ڈویژن ایبٹ آباد

1576

12/6/18

درخواست برآکے جانے قانونی کارروائی برخلاف کسی نامصرحہ و دودلہ نام مصطفیٰ ساکنہ سچاں مانسہرہ حال تعینات پولیس کانسٹیبل

DSP بیڈکوارٹر

جناب عالی۔ درخواست ذیل عرض ہے۔

۱۔ یہ کہ کسی مذکورہ سالہ کے شوہر کا خالہ زاد بھائی ہے۔ جس کی بیٹی بہن سالہ کے چٹھہ کسی عالمگیر کے گھر میں ہے، میرا شوہر احمد محکمہ آرمی میں ملازم ہے، جس کی ڈیوٹی ایبٹ آباد ہے، اور میرا شوہر ہفتے میں صرف ایک بار گھر آتا ہے، یہ کہ میرے گھر میں میرا بوڑھا سسر ہوتا ہے، اسکے علاوہ میرا چچا اور اسکی بیوی یعنی کسی مذکورہ کی بہن رہتی ہے۔

۲۔ یہ کہ کسی مذکورہ اگست 2018 سے مجھے تنگ و پریشان کرنا شروع کیا، اور تب سے کسی مذکورہ اپنی بہن کے بہانے ہمارے اور اسکی نظر صرف اور صرف مجھ پر رہتی، میری شرافت کا ناجائز فائدہ اٹھاتے ہوئے، مجھے فون کالز کرتا، اور آہستہ آہستہ مجھے بلیک پیل کرنے لگا۔ میری پیدائش سعودیہ کی ہے، مہینے نے سعودیہ میں چار سال بچپن کی جاب کی ہے، میرے پاس کافی رقم میری تنخواہ کی تھی، اسکے علاوہ میرا شوہر بھی اپنی تنخواہ مجھے بھجواتا رہا، اور یوں کسی مذکورہ کی نظر میرے ساتھ ساتھ میری رقم پر بھی تھی، جو کہ میری عزت کے ساتھ کھیلنے کے ساتھ ساتھ میری رقم بھی ہتھیانے کے ذریعے تھا، کسی مذکورہ شروع شروع میں اپنی بہن کے بہانے ہمارے گھر آتا اور میرے شوہر اور میرے سسر کی عدم موجودگی کا فائدہ اٹھاتے ہوئے میرے کمرے میں چپکے سے بغیر بتائے ہوئے گھس جاتا اور میرے کمرے کے دروازے کے پیچھے چھپ جاتا اور جب میں باہر کام ختم کر کے اپنے کمرے میں آتی تو کسی مذکورہ یک دم دروازے کو کونڈی لگا کر مجھے پکڑ لیتا اور میرے منہ پر ہاتھ رکھ لیتا اور میں اپنی عزت بچانے کی خاطر خاموش رہتی، اور کسی مذکورہ میرے جسم سے کھیلتا اور اپنی من مانی کرتا، اور میرے کسی بھی طرح سے نہ ماننے پر چلا جاتا، اور ساتھ ساتھ زبردستی، جبراً، یعنی بربادی، دھوکہ دہی، اور ساز باز سے میری تصویریں بھی نکالتا، اور پھر ان تصویروں سے غلط تصویریں بناتا اور مجھے ڈرانا دھمکانا کہ اگر تم نے اپنے شوہر، اپنے سسر یا دیگر کسی بھی شخص کو میرے بارے میں بتایا تو میں تیرے کو یہ تصویریں بتاؤں گا۔ میں اپنی عزت کی خاطر پہلے چپ رہی لیکن کسی مذکورہ نے نہایت چالاکی ہویشاری، اور تیز دماغی سے اسی طرح دو تین مرتبہ میرے کمرے میں چھپ کر آیا اور میرے ساتھ زبردستی، میرے نہ چاہتے ہوئے، زبردستی کر دی، اور میری عزت تار تار کر دی، اسکے علاوہ میری بہت ساری تصویریں اور ویڈیو بھی بنا ڈالی، کسی مذکورہ نے میرا آئی فون توڑا جسکی قیمت ایک لاکھ روپے تھی، اور اس میں سے سم لے کر چلا گیا، اور اس سم سے عطیہ بن کر خود کو بچ کر تار ہا ہے، اور جب میرا شوہر مجھے دیگر نمبر پر کال کر کے پوچھتا تو میں ڈر کے مارے نہیں بتاتی، اور کسی مذکورہ کی اس حرکت کی وجہ سے میں زندگی سے زیادہ نبوت کو ترجیح دینے لگی۔ اور مجھے یہ ڈر رہتا کہ اگر میرے شوہر اور میرے سسر کو پتہ چل گیا تو وہ مجھے جان سے ماریں گے۔ اور اس ڈر اور خوف کی وجہ سے میں نہیں بتا سکی اور کسی مذکورہ اپنی حرکتوں سے باز نہ آیا ایک دن میں نے منع کر دیا۔ اور میں نے کہا کہ اگر آپ نے ایسا کیا تو میں اپنے آپ کو جان سے مار دوں گی۔ تب کسی مذکورہ نے دوسرا طریقہ استعمال کیا اور مجھے بلیک میل کر کے مجھ سے رقم لیتا رہا اور کہتا کہ اگر تم نے مجھے ہر ماہ پیسے نہ دیے تو میں ساری تصویریں، اور ویڈیو تمہارے شوہر اور سسر کو بتاؤں گا۔ جس پر میں نے کسی مذکورہ کو 25 لاکھ روپے دیے، اور اسکے علاوہ 10 تو لے، بھی دے دیا۔ جس کا تمام ثبوت میرے پاس موجود ہے، بالآخر میں نے سوچا یہ شخص مجھے تباہ و برباد کر کے رکھ دے گا۔ اور میں نے اپنی موت کو گلے لگانے کا سوچ کر اور اپنے دل پر پتھر رکھ کر سب کچھ اپنے شوہر کو بتا دیا۔ جس پر میرا شوہر اور میرا سسر مجھے جان سے مارنا چاہتے تھے۔ جو کہ میں چاہتی تھی کہ میرا شوہر اپنے ہاتھوں سے مجھے جان سے مار دے۔ لیکن میرے شوہر اور میرے سسر کو باوثوق ذرائع سے کسی مذکورہ کی ان وحیشتانہ اور گندی حرکتوں کا پتہ چل گیا۔ جس پر اب میرا شوہر اور میرا سسر میرے ساتھ ہیں۔

۱۳۔ یہ کہ کسی مذکورہ مجھے بلیک میل کر کے ایبٹ آباد کورٹ میرج کرنے کے لیے لے گیا، اور وہاں پر میرے شوہر سے علیحدگی کا کیس

دائر کر دیا۔ بعد ازاں ایبٹ آباد سے شہر کہ لگا دارا کر کیس جنت کر دیا، اور کسی مذکورہ کے ساتھ میرے شوہر کے ساتھ

کی کھلم کھلا ہوا ہے، اور کہتا ہے کہ تم صرف اور صرف میری ہو، اور کھلم کھلم سب کو کہتا ہے کہ تمہارے پیٹ میں جو بچہ ہے، وہ میرا ہے، حالانکہ حقیقت میں بات یہ ہے کہ جب مسیٰ مذکور نے میرے ساتھ زیادتی کی تو میں پہلے سے Pragnet تھی، جس کا علم میرے شوہر کو اچھی طرح سے تھا۔ اب مسیٰ مذکور کہتا ہے کہ تم میری نہ ہوئی تو میں تم کو جان سے ماروں گا اور اپنی بیوی کو بھی مار کر تمہارے شوہر کے ذمے لگاؤں گا۔ اور تم کو اتنا ذلیل و خوار اور بدنام کروں گا کہ تم کو کوئی بھی رکھنے کو تیار نہیں ہوگا۔ مسیٰ مذکور جس نمبر سے تنگ کرتا رہا ہے، وہ نمبر 0334-9677117, 0315-5978544 ہے، اسکے علاوہ مسیٰ مذکور کا نمبر 0346-9677117 بھی ہے، جس نمبر پر سائل کو

تنگ و پریشان کرتا رہا ہے، وہ نمبر 0317-2767343 ہے،

۴۔ یہ کہ جناب والی۔ میری ساری زندگی سعودیہ عرب میں گزری ہے، مجھے یہاں کے رسم و رواج کا نہیں پتا اور مسیٰ مذکور نے میری سادگی، میرے اکیلے پن، میری شرافت کا ناجائز فائدہ اٹھایا ہے، اور میری زندگی تباہ و برباد کر کے رکھ دی ہے، اگر مسیٰ مذکور کوئی الفور روکانہ گیا تو مسیٰ مذکور میری تصاویر، میری ویڈیو، انٹرنیٹ پر ڈالنے والا ہے، اور کھلم کھلم عام، بغیر کسی ڈر کے میرے پیچھے ہاتھ دھو کر پڑا ہوا ہے، میں اب زندگی سے زیادہ موت کو ترجیح دینے لگی ہوں۔

لہذا آپ جناب سے استدعا کی جاتی ہے کہ سائل کی داد رسی فرمائی جا، اگر مسیٰ مذکور کے خلاف حسب ضابطہ میرے ساتھ زبردستی، جبراً زیادتی کرنے، مجھے تنگ و پریشان کرنے، میری گندی اور غلط تصویروں زبردستی نکالنے، مجھے معاشرے میں بدنام کرنے، رسوا کرنے، ذہنی اذیت دینے، ناچ کرنے، نکاح پر نکاح کرنے، میری رقم اور طلائی زیورات ہڑپ کرنے، مجھے جان سے مارنے، ہراساں کرنے، اور میری پھول جیسی زندگی کو تباہ و برباد کرنے کی پاداش میں مقدمہ رجسٹرڈ فرمایا جائے اور مسیٰ مذکور سے سائل کو قانونی تحفظ فراہم کرتے ہوئے، انصاف دلا یا جائے۔ سائل آپ جناب کی تاحیات ممنون و مشکور رہے گی۔

الرقوم 10-06-2019

عطیہ خان زوجہ بلال احمد ساکنہ دھڑیاں بنگ ڈیپو تحصیل ضلع مانسہرہ سائلہ

شناختی کارڈ نمبر 6-262378-424018

موبائل نمبر 0317-2767343, 0311-4230205

Attia

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Annex-D

10

OFFICE OF THE DISTRICT POLICE OFFICER MANSEHRA

FINAL SHOW CAUSE NOTICE

You Constable Nasir Mehmood No. 989 were proceeded against departmentally with the allegation that one Mst. Atiya Khan w/o Bilal Ahmad r/o Dhariyal Batang PS Shinkiari has submitted an application against you to worthy Regional Police Officer, Hazara Region Abbottabad and alleged for sexual harassment as well as extracting Rs. 25 lac and 10 tolas gold from her fraudently. On the order of worthy Regional Police Officer, Hazara Region Abbottabad preliminary enquiry was conducted by Addl. SP Abbottabad. From the perusal of preliminary enquiry it transpired that you had illicit relation with the complainant. The complainant has further blamed you that you forced her to get divorce/ fasiq e nikah from her husband. From the above alleged act on your part, it transpired that you are of loose character and a black stigma for the entire police force. It amounts to gross misconduct.

In this connection you were proceeded against departmentally. Mr. Muhaminad Qais Khan Assistant Superintendent of Police, Circle Saddar Haripur Enquiry officer after conducting proper departmental enquiry has submitted his report and recommended you for major punishment. I am agree with the report of Enquiry Officer and therefore, hereby finally call upon you Constable Nasir Mehmood No. 989 to show cause as to why you should not award major punishment under the Khyber Pakhtunkhawa Police Disciplinary Rules 1975. In case your written reply is not received within 07 days after the receipt of this final show cause notice it shall be presumed that you have no defense to offer. You are also allowed to appear before the undersigned, if you so desire. (Copy of the finding of the Enquiry Officer is also enclosed.

(M)
District Police Officer,
Mansehra

No. 3623 /PA dated Mansehra 29/08 /2019

Annex-B

(7)

(26)

FEDERAL INVESTIGATION AGENCY
FEDERAL GOVERNMENT OF PAKISTAN

FIRST INFORMATION REPORT

FIRST INFORM OF A COGNIZABLE CRIME REPORTED UNDER
SECTION 154 CODE OF CRIMINAL PROCEDURE

Police Station FM Circle/Sub-Circle _____

No. 4/2019 Date and hour of occurrence 2.01

1. Date and hour when reported.	دست 13.00	8/7 95/6
2. Name and residence of informant and complaint.		محمد علی صاحبان
3. Brief description of offence (with section) and of property carriedoff, if any.		501.P.P. P.E.C.A
4. Place of occurrence and distanced and direction from Police Station.		محمد علی صاحبان
5. Steps taken regarding investigation, explanation of delay in recording information.		محمد علی صاحبان
6. Date and hour of despatch from Police Station.		

پولیس اسٹیشن FM 25 جی 25/09/19 کو 13:00 بجے 501.P.P. کے تحت ایک رپورٹ پیش کی۔ رپورٹ کنندہ نے بتایا کہ محمد علی صاحبان نے اپنی گاڑی کو 03172767343 پر کاپی ونگ بلڈ کے نام سے کرائی ہے۔ رپورٹ کنندہ نے بتایا کہ گاڑی کو 19/09/19 کو سٹیل اسٹریٹ، نزدیکی سائیکل سٹور کے سامنے پارک کیا گیا۔ رپورٹ کنندہ نے بتایا کہ گاڑی کو 25/09/19 کو 13:00 بجے چوری کی گئی۔ رپورٹ کنندہ نے بتایا کہ گاڑی کو چوری کرنے والوں نے گاڑی سے ہتھیار اور نقدی رقم اور سونے کی ہیرے لے لیے۔ رپورٹ کنندہ نے بتایا کہ گاڑی کو چوری کرنے والوں نے گاڑی کو سٹیل اسٹریٹ، نزدیکی سائیکل سٹور کے سامنے پارک کیا گیا۔ رپورٹ کنندہ نے بتایا کہ گاڑی کو 25/09/19 کو 13:00 بجے چوری کی گئی۔ رپورٹ کنندہ نے بتایا کہ گاڑی کو چوری کرنے والوں نے گاڑی سے ہتھیار اور نقدی رقم اور سونے کی ہیرے لے لیے۔

(13)

(8)

(17)

Annex - C

CHARGE SHEET

I, Zaib Ullah Khan (PSP), District Police Officer, Mansehra as Competent Authority, hereby charge you Constable Nasir No. 989 Police Lines as follows.

One Mst: Atiya Khan w/o Bilal Ahmad s/o Dhanial Batang, PS Shinkiari has submitted an application against you to worthy Regional Police Officer, Hazara Region Abbottabad and alleged for sexual harassment as well as extracting Rs. 25 lac and 10 tolas gold from her fraudently. On the order of worthy Regional Police Officer, Hazara Region Abbottabad preliminary enquiry was conducted by Addl: SP Abbottabad. From the perusal of preliminary enquiry it transpired that you had illicit relation with the complainant. The complainant has further blamed you that you forced her to get divorce/ fasiq e nikah from her husband. From the above alleged act on your part, it transpired that you are of loose character and a black stigma for the entire police force. It amounts to gross misconduct.

Due to reasons stated above you appear to be guilty of misconduct under Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (amended in 2014) and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.

You are, therefore, required to submit your written defense 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 in that case exparte action shall follow against you.

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

Statement of allegation is also enclosed.

(1)

District Police Officer,
Mansehra

(7)
(6)

DISCIPLINARY ACTION

I, Zaib Ullah Khan (PSP), District Police Officer Mansehra, as Competent Authority, of the opinion that Constable Nasir No. 989 Police Lines has rendered himself liable to be proceeded against as he committed the following act/omissions within the meaning of Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (amended in 2011).


STATEMENT OF ALLEGATION

/One Mst: Atiya Khan w/o Bilal Alimani w/o Dhariyal Batang PS Shinkiani has submitted an application against you to worthy Regional Police Officer, Hazara Region Abbottabad and alleged for sexual harassment as well as extracting Rs. 25 lac and 10 tolas gold from her fraudently. On the order of worthy Regional Police Officer, Hazara Region Abbottabad preliminary enquiry was conducted by Addl: SP Abbottabad. From the perusal of preliminary enquiry it transpired that you had illicit relation with the complainant. The complainant has further blamed you that you forced her to get divorce/ fasiq e nikah from her husband. From the above alleged act on your part, it transpired that you are of loose character and a black stigma for the entire police force. It amounts to gross misconduct.

For the purpose of scrutinizing the conduct of the said accused Officer with reference to the above allegations, Mr. Qais ASP Sajida Haripri is deputed to conduct formal departmental enquiry against Constable Nasir No. 989 Police Lines.

The Enquiry Officer shall in accordance with the provisions of the Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (amended in 2011), provide reasonable opportunity of hearing the accused, record findings and make recommendations as to punishment or other appropriate action against the accused.


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


District Police Officer,
Mansehra

No 3119-2/DPA dated Mansehra the 25/07/2019

Copy of the above is forwarded for favour of information and necessary action to:-

1. The Regional Police Officer, Hazara Region Abbottabad for favour of information with reference to Region office Memo: No. 775/R. dated 02-07-2019, please
2. The Enquiry Officer for initiating proceedings against the defaulter officer under the provisions of the Khyber Pakhtunkhwa Police Disciplinary Rules 1975.
3. Constable Nasir No. 989 Police Lines with the direction to submit his written statement to the Enquiry Officer within 07 days of the receipt of this charge sheet/statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purposes of departmental proceedings.


District Police Officer,
Mansehra

(2)



(10)
Annex - C

**OFFICE OF THE SUBDIVISIONAL
POLICE OFFICER CIRCLE SADDAR, HARIPUR**

Ph. # 0995-622218

No: 322 /Dated, Haripur the 01 /08 /2019

To: The Worthy Regional Police Officer,
Hazara Region, Abbottabad

Subject: APPLICATION/COMPLAINT

Memo: Kindly refer to your good office Endst No. 776-77/C-Cell dated 02.07.2019.

SUMMARY OF ALLEGATION:

The statement of allegation as per the charge sheet connected with the instant application is hereunder.

“One Mst: Atia Khan w/o Bilal Ahmed r/o Dharyal Batang PS Shinkyari has submitted an application against constable Nasir No 989 District Manshera and alleged for sexual Harassment as well as extracting rupees twenty-five lack & ten Tolas Gold from her fraudulently. Preliminary inquiry was already conducted by Additional SP Abbottabad. From the perusal of preliminary inquiry, it transpired that constable Nasir No.989 District Manshera had illicit relation with the complainant. The complainant has further blamed that the accused constable Nasir No.989 forced her to get divorced/Tasiq-E-Nikkah from her husband. From the above alleged act on the accused Constable's part, it transpired that he is of lose character and a black stigma for the entire police force. It amounts to gross misconduct hence charge sheeted.”

INQUIRY PROCEEDINGS:

While conducting inquiry, the undersigned went through the available relevant record and facts. The preliminary inquiry, previously conducted by Additional Superintendent of Police Abbottabad was also examined.

STATEMENT OF PARTIES:

The undersigned gave due time to both the parties to put forward their statements based upon relevant facts. The accused constable failed to appear in person as he was suspended and required to FIA in case FIR No.04/2019 u/s 21E/C/A/506/EPC PS FIA Abbottabad registered on the complaint of the applicant of the instant case. Nevertheless, he put forward his written statement in his defense, wherein he refuted the charge. **(Copy is enclosed as Annexure A)**

The complainant namely Mst: Atia Khan appeared in person along with her close relatives and endorsed all previous claims made in the application submitted to the concerned authorities upon which a preliminary enquiry had already been conducted. **(Copy of statement is enclosed as Annexure B)**.

The relevant record adduced in support of the claim was observed. During the proceedings it transpired that the evidence is self-explanatory of the immoral conduct of the accused constable.

The available text on whatsapp as well as mobile phone can lead to infer that the constable had nefarious designs and through blackmailing or otherwise he might have developed illicit relations with the complainant.

As far as the charge of the extracting money as well as gold ornaments is concerned, it cannot be proved beyond doubt as the complainant stated that she had no direct evidence, therefore she had to rely on the claim of her cousin from where she demanded money for the sake of constable Nasir.

FINDINGS:

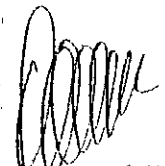
The undersigned based his findings by mostly relying upon documentary and technical evidence and relevant facts.

As far as the question of leaking of objectionable pictures with criminal intent is concerned, the self-explanatory contents of shared images as well as texts are self-evident. Besides it, an FIR No.04/2019 has also been registered by FIA in this regard. (Copy of FIR is enclosed as Annexure C).

The accused constable could have used the objectionable contents to continue illicit relations with the complaint through blackmailing. However, the complainant had enough opportunity to pre-empt and break her silence in time by disclosing the fact and basing recourse to law enforcement authorities in due time.

There is no independent and direct evidence to prove beyond doubt that the constable extracted valuable property. Nevertheless, the previous conduct of the constable depicts that he might possibly had extracted money or had tried to do so. That complainant besides the above allegations also explicitly declared that she feels threatened and constable Nasir may cause harm to her life or her near relatives.

Keeping in view the above facts, the undersigned in good faith believes that the delinquent constable be awarded exemplary and major punishment and the possible capacity of the accused to harm the complainant be uprooted with serious concerns and efforts.



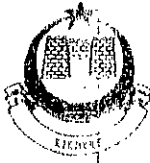
(Muhammad Qais Khan) DSP
Assistant Superintendent of Police
Circle Saddar Haripur

No. _____

Copy of above is forwarded to worthy District Police Officer, Haripur for favour of information please.



(Muhammad Qais Khan) DSP
Assistant Superintendent of Police
Circle Saddar Haripur



POLICE DEPARTMENT

M. DISTRICT

ORDER

This office order will dispose off the departmental enquiry proceeding against Constable Nasir Mehmood No. 989 who was proceeded against departmentally with the allegation that one Mst: Aliya Khan w/o Bilal Ahmad r/o Dhariyal Batang PS Shinkiari has submitted an application against him to worthy Regional Police Officer, Hazara Region Abbottabad and alleged for sexual harassment as well as extracting Rs. 25 lac and 10 tolas gold from her fraudently. On the order of worthy Regional Police Officer, Hazara Region Abbottabad preliminary enquiry was conducted by Addl. SP Abbottabad. From the perusal of preliminary enquiry it transpired that he has illicit relation with the complainant. The complainant has further blamed him that he forced her to get divorce/ fasiq-e-nikah from her husband. From the above alleged act on his part, it transpired that he is loose character and a black stigma for the entire police force.

The Enquiry Officer i.e. Mr. Muhammad Qais Khan (PSP), Assistant Superintendent of Police, Circle Saddar Haripur after conducting proper departmental enquiry has submitted his report stating therein that he based his findings by mostly relying upon documentary and technical evidence and relevant facts. As far as the question of leaking of objectionable pictures with criminal intent is concerned, the self-explanatory contents of shared images as well as texts are self-evident. Besides it an FIR No. 04/2019 has also been registered by FIA in this regard. The accused constable could have used the objectionable contents to continue illicit relations with the complaint through blackmailing. However the complainant has enough opportunity to pre-empt and break her silence in time by disclosing the fact and having recourse to law enforcement authorities in due time. There is no independent and direct evidence to prove beyond doubt the constable extracted valuable property. Nevertheless, the previous conduct of the constable depicts that he might possibly has extracted money or had tried to do so. Keeping in view the above facts, the delinquent constable be awarded exemplary and major punishment. A final show cause notice was also issued to the delinquent Constable Nasir Mehmood No. 989 but his reply was found unsatisfactory.

I, the District Police Officer, Mansehra, therefore award him punishment of "dismissal from service" to the delinquent Constable Nasir Mehmood No. 989 under Khyber Pakhtunkhwa Police, Disciplinary Rules 1975 (amended in 2014).

(7)
District Police Officer
Mansehra

OB No 14/7

Dated 23 / 08 / 2019