

Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	07.08.2015	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">Appeal No. 1430/2013</p> <p style="text-align: center;">Javed Khan Versus The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar etc.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>ABDUL LATIF, MEMBER.-</u> Appellant with counsel (Mr. Sajid Amin, Advocate) and Government Pleader (Mr. Muhammad Jan) with Wisal Khan, Inspector (Legal) for the respondents present.</p> <p>2. The instant appeal has been filed by Mr. Javed Khan, Assistant Sub Inspector under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 23.08.2013 whereby the appellant had been awarded major punishment of dismissal from service against which his departmental appeal had been rejected vide order dated 02.10.2013. The appellant prayed that impugned orders may be set aside and he may be reinstated into service with all back benefits.</p> <p>2. Facts giving rise to the instant appeal are that the appellant was enlisted as Constable in Police Department in 1987. He got promotion and was lastly promoted as Asstt. Sub</p>

Inspector in the year, 2009. That while posted as Incharge Police Post Town (P.S Kalan) Nowshera he was proceeded against for alleged illegal confinement of one Mati-ur-Rehman against whom locals of the area had lodged complaint for using his house for immoral activities. That an enquiry was conducted against him where he was not fully associated, no show cause notice was issued to him and no personal hearing was given to him before imposition of major penalty of dismissal from service. His departmental appeal against the said penalty was rejected, hence the instant appeal.

3. The learned counsel for the appellant argued that the appellant was not treated in accordance with law. The enquiry proceedings were conducted in a partial manner, the appellant was not fully associated with the enquiry. The statements of witnesses were never obtained in the presence of the appellant, nor was the appellant allowed any opportunity of cross examination. Thus the whole proceedings were defective in the eyes of law. He further argued that appellant had not been allowed opportunity of personal hearing before awarding him the major punishment, he was not served with show cause notice and findings of enquiry were not provided to him. Moreover, the enquiry was conducted in a hurried manner in time span of six days, so much so that he was not given proper opportunity of defence and the enquiry officer based his findings on surmises and conjectures. That entire service career of 25 years long service of the appellant was

AT-1

spotless which was not considered before inflicting the punishment on him. He also argued that on representation/mercy petition of the appellant further enquiry was conducted and the enquiry officer submitted his findings on 20.2.2014 which clearly supported the plea taken by the appellant and it was held therein that "after perusal of the previous enquiry it was found that the enquiry committee did not bother to summon the complainant party (elders of Mohallah Shaheed Abad) against Mati-ur-Rehman and to record their statements, cross examined them as the photocopy of their complaint is attached with the previous enquiry. Furthermore, no final show cause notice was issued to the defaulter official EX-ASI Javed Khan to explain his position..." The said report was however, not considered on the ground that there was no provision of second appeal in the rules.

ACI

4. The learned Government Pleader while resisting the appeal argued that all codal formalities such as serving of charge sheet, statement of allegations and conduct of proper enquiry were fulfilled before imposition of the major penalty upon the appellant. The order of dismissal was passed by the competent authority and appeal of the appellant was rejected after due process of law. He prayed that the appeal being devoid of merits may be dismissed.

5. Arguments of the learned counsels for the parties heard and record perused.

6. From perusal of the record it transpired that proper opportunity of defence was not provided to the appellant, he was not allowed to cross examine the witnesses against him nor was he facilitated to produce witnesses in his defence, Moreover, he was not provided opportunity of personal hearing before imposition on him the major penalty of dismissal. It also transpired that penalty awarded to him was not commensurate to the quantum of offence of the appellant.

7. In the circumstances, the Tribunal deems it appropriate to interfere in the case by converting the major penalty of dismissal from service of the appellant into minor penalty of withholding of two increments for three years. The appellant is reinstated in service and the intervening period is treated as leave of the kind due. No orders as to costs. File be consigned to the record.

ANNOUNCED
07.08.2015.



(PIR BAKHSH SHAH)
MEMBER



(ABDUL LATIF)
MEMBER

19.05.2015

Appellant in person and Muhammad Fayaz, H.C for the respondents present. Due to rush of work, order could not be announced. To come up for order on 05.6.2015.


MEMBER


MEMBER

05.6.2015

Appellant in person and Mr. Muhammad Jan, GP for respondents present. The learned Executive Member is on leave, therefore, case is adjourned to 15.06.2015 for order.


Member

15.06.2015

Appellant in person and Mr. Ziaullah, G.P for respondents present. Due to rush of work order could not be announced. To come up for order on 30.7.2015.


Member


Member

30.07.2015

Appellant in person and Mr. Muhammad Fayaz, H.C alongwith with Addl: AG for the respondents present. Order could not be announced as learned Member (Executive) in on leave because of certain emergency, therefore, the case is adjourned to 07-08-2015 for order.


Member

18.7.2014 Appellant with counsel (Mr. Sajid Amin, Advocate) and Mr. Muhammad Nabi, Inspector on behalf of respondents with AAG present. Rejoinder received on behalf of the appellant, copy whereof is handed over to the learned AAG for arguments on 1.1.2015


Chairman

01.01.2015 Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for arguments on 31.03.2015.


Reader

31.3.2015 Appellant with counsel and Mr. Ziaullah, GP for the respondents present. The learned Member (Judicial) is on official tour to D.I.Khan, therefore, case is adjourned to 4.05.2015 for arguments.


MEMBER

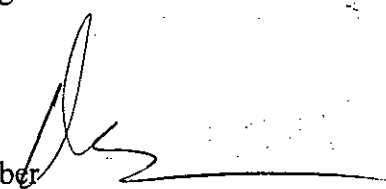
4.5.2015 Appellant with counsel (Mr. Sajid Amin, Advocate) and Mr. Muhammad Jan, GP with Wisal Muhammad, Inspector (Legal) for the respondents present. Arguments heard. To come up for order on 19.5.2015.


MEMBER


MEMBER

3. 03.01.2014

Appellant with counsel present and requested for adjournment. To come up for preliminary hearing on 06.02.2014.

Member 

4. 06.02.2014

Appellant with counsel present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the order dated 23.08.2013, he filed departmental appeal, which has been rejected on 02.10.2013, hence the instant appeal on 24.10.2013. He further contended that the impugned order has been issued in violation of Rule-5 of the Civil Servant (Appeal) Rules-1986. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply on 10.04.2014.

Appellant Deposited
Security & Process Fee
Rs. 1,80/- Bank
Receipt is Attached with File.



Member 

5. 06.02.2014

This case be put before the Final Bench  for further proceedings.

Chairman 

10.4.2014



Appellant in person and Mr. Hidayat Shah, Inspector Legal on behalf of respondents with AAG present. Written reply/para-wise comments received on behalf of the respondents, copy whereof is handed over to the appellant for rejoinder on 18.7.2014.

Chairman 

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1430/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24/10/2013	<p>The appeal of Mr. Javed Khan presented today by Mr. Ijaz Anwar Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	28-10-2013.	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>3-1-2014.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 1430 /2013

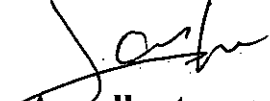
Javed Khan, Ex-Assistant Sub-Inspector Nowshera District Police.
(Appellant)

VERSUS

Provincial Police Officer Khyber Pakhtunkhwa, Peshawar and others.
(Respondents)

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Appellant

Through



IJAZ ANWAR
Advocate Peshawar
&


SAJID AMIN
Advocate Peshawar

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 1430/2013

15/10
24-10-13

Javed Khan, Ex-Assistant Sub-Inspector Nowshera District Police,
Nowshera.

(Appellant)

VERSUS

1. Provincial Police Officer Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Mardan Region-I, Mardan.
3. District Police Officer, Nowshera.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the Office Order dated 23.08.2013, whereby the appellant has been awarded the major Punishment of "Dismissal from Service", against which the Departmental of the appellant has also been rejected vide Order dated 02.10.2013.

Prayer in Appeal:

On acceptance of this appeal the impugned Orders dated 23.08.2013 and 02.10.2013 may please be set-aside and the appellant may be reinstated into service with all back benefits and wages of service.


Respectfully Submitted:

1. That the appellant was initially enlisted as Constable in the Police Department in the year 1987. During the course of his service the Appellant got promotions and was lastly promoted to the rank of Assistant Sub-Inspector (ASI) in the year 2009.
2. That ever since his appointment the appellant has performed his duties as assigned to him with zeal and devotion and there was no complaint whatsoever regarding his performance.
3. That while posted as In-Charge Police Post Town (PS Kalan) Nowshera, the local people of the area complained against one Mati-ur-Rehman about the frequent visit of suspicious people to his home and his alleged immoral activities, the appellant brought the said person to the Police Post for investigation, however he was later on let go on the order of the DSP and due to misconception the appellant was recommended for disciplinary proceedings vide fact

finding report the dated 19.08.2013.(Copies of the complaint and Fact Finding Report are attached as Annexure A & B).

4. That accordingly the appellant was served with Charge Sheet and Statement of Allegations dated 12.08.2013, containing certain baseless allegations that the appellant illegally confined the said Mati-ur-Rehman without making any entry in the daily diary and that he also demanded illegal gratification for his release. The appellant duly replied the Charge Sheet and refuted the allegations and also explained the actual position. (Copies of the Charge Sheet and Statement of allegation and reply to Charge Sheet are attached as Annexure C & D).
5. That a partial inquiry was conducted and the inquiry officer without properly associating the appellant with the inquiry proceedings, conducted inquiry and submitted his findings on 19.08.2013, i.e just after 06 days of the issuance of Charge Sheet and recommended the appellant for major punishment. (Copy of the findings of inquiry and statements of witnesses are attached as Annexure E & F).
6. That thereafter, the Respondent No. 3 without issuing any Show Cause Notice or allowing opportunity of personal hearing to the appellant, awarded him the major penalty of "*Dismissed from Service*" vide Order dated 23.08.2013. (Copy of the Order dated 23.08.2013 is attached as Annexure G).
7. That the appellant submitted his Departmental Appeal against the Order on 23.08.2013, before the Respondent No. 2, however the appeal was also rejected vide Order dated 02.10.2013. (Copies of the Departmental Appeal, letter 09.09.2013 and rejection Order dated 02.10.2013 are attached as Annexure H, I & J).
8. That the impugned Orders are unlawful, illegal without lawful authority and of no legal effect hence liable to be set aside inter alia on the following grounds: -

GROUND OF APPEAL:

- A. That the appellant has not been treated in accordance with law, hence his right secure and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed before awarding the penalty to the appellant. The inquiry was conducted in a partial manner, the appellant was never associated properly with the inquiry proceedings. The statement of the witnesses were never obtained in presence of the appellant, nor the appellant was allowed any opportunity of cross examination thus the whole proceedings are defective in the eye of law.


- C. That the appellant has not been allowed opportunity of personal hearing before awarding him the penalty thus he has been condemned unheard.
- D. That neither the statement of witnesses has been obtained in presence of the appellant nor he has been allowed opportunity of cross examination.
- E. That the charge sheet, statement of allegations and the order of penalty was issued by the Respondents No. 3, who was not competent authority under the law to initiate proceedings against the appellant, thus whole proceedings along with the impugned order are without lawful authority and thus of no legal effect and void abinitio.
- F. That the appellant has not been served with Show Cause Notice nor he has been provided the findings of the inquiry report before the imposition of penalty, thus he has not been given fair opportunity to defend himself.
- G. That the charges leveled against the appellant were never proved during the inquiry proceedings, the inquiry officer gave his findings on surmises and conjunctures. The whole proceedings were conducted in such a hurry manner that the appellant was not allowed to properly defend himself.
- H. That the appellant has never committed any act or omission which could be termed as misconduct. He never confined the said person rather he was brought to the Police Post for investigation, since the local people of the area complaint against him about the frequent visit of suspicious people to his home and his alleged immoral activities.
- I. That the appellant have more than 25 years spot less service career at his credit, during his entire service career there was no complaint whatsoever regarding his performance, however his long and spotless service career was never considered before awarding him the penalty.
- J. That the appellant is jobless since his illegal dismissal from service, he has large family dependent upon him, thus his whole family is suffering due to the illegal acts of the Respondents, moreover the penalty imposed upon him is too harsh and liable to be set aside.


K. That the appellant seeks the permission of this Honorable Tribunal to rely on additional grounds at the hearing of this appeal.

It is, therefore, prayed that on acceptance of this appeal the impugned Orders dated 23.08.2013 and 02.10.2013 may please be set-aside and the appellant may be reinstated into service with all back benefits and wages of service.


Appellant

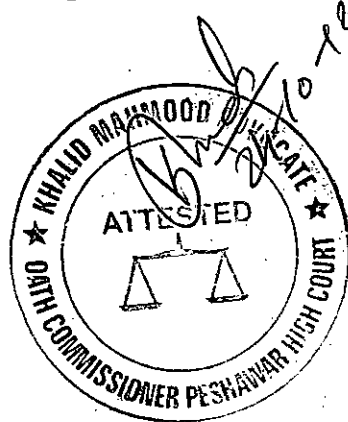
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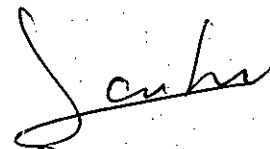

IJAZ ANWAR
Advocate Peshawar
&


SAJID AMIN
Advocate Peshawar

AFFIDAVIT

I, *Javed Khan, Ex-Assistant Sub-Inspector Nowshera District Police*, do hereby solemnly affirm and declare that the contents of the above appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honorable Tribunal.




Deponent

محمد مک جاب - انجمن خیراتی ماہان

جاب عالی

تذکرہ سنی ہے کہ اسم اہلبیان محلہ شہید آباد سوریہ جابا لو شہرہ کلاں
 علاقہ حویلی ماہان کے دیہات میں رہتے ہیں جہاں سے محلے میں جسی مانج محمد کے گھر میں
 8/10 میل ایک ٹکڑا آ کر کریم پوریا لہو کا ڈنڈا ہوا ہے۔ یہ زمانہ نور اللہ
 اوقات بد میں لوگ آ کر گھر سے اندر چلے جاتے ہیں اور کچھ دیر اور والیوں
 نقل کر چلے جاتے ہیں جبکہ مسافت میں یہ معاملہ ماب کر کے معلوم ہوا کہ شخص مذکورہ
 زنا کا آڈا قایم کیا ہے اور بدین غویس اسے پاس رکھا ہے جس نے پاس
 اکثر اوقات غیر لوگ آئے ہیں جس سے پتہ چلا کہ یہ نام ہوتا ہے اور پتہ چلا
 اور غوراً یہ پتہ پتہ پتہ ہے اسم اہلبیان محلہ شہید آباد یہ خلاف صحیح
 مطیع الرحمان ولد شاہ زمان کہہ چم ڈیری ضلع سردان حال شہید آباد سوریہ جابا ایک
 تحریر میں در خواست پیش کرتے ہیں غور ہوئے

حورہ 10/3

محمد اللہ ولد عبد العالی

محمد اللہ ولد عبد العالی

محمد اللہ ولد عبد العالی سنیہ نو شہرہ کلاں

محمد اللہ ولد عبد العالی سنیہ نو شہرہ کلاں

احمد نواز

محمد اللہ ولد عبد العالی

احمد نواز ولد عبد العالی سنیہ نو شہرہ کلاں

محمد اللہ ولد عبد العالی سنیہ نو شہرہ کلاں



دریافت ولد محمد خان سنیہ نو شہرہ کلاں

محمد امجد ولد عبد العالی سنیہ نو شہرہ کلاں

خاریاقت

محمد اللہ

From: The Deputy Supdt: of Police,
Hqrs: Nowshera.

6

Ammeri B

To : The District Police Officer,
Nowshera.

No. 1060 / ~~54~~, dated Nowshera, the 15/8 /2013

Subject: **FACT FINDINGS REPORT OF POLICE POST TOWN**

On 11.8.2013, the worthy District Police Officer, Nowshera has directed the undersigned that one Mati-ur-Rehman S/O Shah Zaman R/O Daguna Nowshera Kalan has been illegally confined by ASI Javed Khan, In-charge Police Post Town and HC Shaukat No. 544 Moharrar PP Town & demanding Rs. 20,000/- as illegal gratification. Both the Police officials were placed under suspension and closed to Police Lines, Nowshera.

In order to thrash out the real facts, the undersigned visited Police Post Town (PS Kalan) where the alleged person namely Mati-ur-Rehman was found present in the lock up of the Police Post. ASI Javed Khan I/C PP Town who was on mobile patrolling in the area was called to the Police Post and asked about the confined person, who told the undersigned that the elders of the locality has complained against the above named person that his wife is a bad character woman and lustic people always visiting to his house which badly effects the reputation of the Mohallah. Therefore, the above named person was brought to the Police Post and confined him in the lock up for legal proceedings. Neither entry regarding his arrest was made in the Daily Diary nor written complaint of the inhabitants was taken which is mandatory the rules. SI Madad Khan Acting SHO PS Nowshera Kalan was also called to the Police Post and informed about the incident. He was directed to make alternate arrangement regarding the security and looking after of Police Post.

Keeping in view the above facts, ASI Javed Khan and HC Shaukat No. 544 may kindly be proceeded against departmentally.

Sir,

Both the officials have been Charge Sheeted. Mr. Jehanzeb Khan DSP - Akora has been nominated to submit findings at the earliest please.

Deputy Supdt: of Police,
Hqrs: Nowshera.

AKOR

Jehanzeb Khan
PA
15/8

Sir,
Received today
on 15.8.2013
Jehanzeb Khan
15/8

Worthy DSP Nowshera

DSP Akora

n/a
Jehanzeb Khan
16/8

Jehanzeb Khan

7

Annexure C²

CHARGE SHEET

I, **WAQAR AHMAD, PSP**, District Police Officer, Nowshera, as competent authority, hereby charge **ASI Javed Khan** per Statement of Allegations enclosed.

1. By reasons of the above, you appear to be guilty of misconduct under the N.W.F.P. Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in the N.W.F.P. Police Rules, 1975.
2. You are, therefore, required to submit your written defense within **07 days** of the receipt of this Charge Sheet to the Enquiry Officers, as the case may be.
3. Your written defense, if any should reach the Enquiry Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
4. Intimate whether you desire to be heard in persons.


**District Police Officer,
Nowshera.** R



(8)

Annexure 'D' 3

DISCIPLINARY ACTION

I, **WAQAR AHMED, PSP**, District Police Officer, Nowshera as competent authority of the opinion that **ASI Javed Khan** has rendered himself liable to be proceeded against as he committed the following acts/omissions within the NWFP, Police Rules, 1975.

STATEMENT OF ALLEGATIONS

Upon reliable information, Mr. Nazir Khan DSP Hrs: Nowshera checked Police Post Town (PS Nowshera Kalan) on 11.08.2013 and found Mati-ur-Rehman S/O Shah Zaman R/O Dagoona Nowshera Kalan in custody of ASI Javed Khan I/C Police Post Town being illegally confined with making any entry in the Daily Diary regarding the arrest of above named person. Moreover, the ASI has also demanded illegal gratification from the said person for his release. Such act on the part of above named ASI amounts to a grave misconduct and liable him for Minor/Major punishment under the NWFP, Police Rules, 1975.

For the purpose to scrutinize the conduct of the said accused with reference to the above allegations, Enquiry Committee of the following officers is constituted:-

- 1227-5
12/8/2013
1. **Mr. Jehanzeb Khan DSP Akora Khattak**
 2. **Inspector Mehar Ali CO Akora Khattak**

The Enquiry Committee shall in accordance with the provisions of the NWFP, Police Rules, 1975 provide reasonable opportunity of hearing to the defaulter official, record its findings and make immediate recommendations as to punish or other appropriate action against the defaulter official.

ASI Javed Khan is directed to appear before the Enquiry Committee on the date, time and place fixed by the Enquiry Committee.

Javed Khan
45/PAT
13.8.13

[Signature]

**District Police Officer,
Nowshera. N.**

No. 110 /PA, 12.8.13

جناب عالی!

حوالہ مشمولہ چارج شیٹ نمبری PA-110 / 12-08-08 بجاریہ دفتر جناب DPO صاحب

لوشہرہ معروفہ خدمت میں کہ من ASI سے بحیثیت انچارج چوکی ٹاؤن قلعان
 لوشہرہ کلاں مورخ 11/08/2013 کو حوالات چوکی ٹاؤن میں مسی مطیع الرحمان ولد سائمان
 سائنہ ڈاکوٹہ لوشہرہ کلاں کو غیر قانونی طور پر زیر حراست رکھنے کی نسبت جواب طلبی
 کی گئی ہے۔ جو اندر میں بارہ گزارش ہے کہ مورخ 10/08/2013 کو ایلیان لوشہرہ کلاں
 کے چند افراد پر مشتمل وفد من ASI سے ملاقی ہو کر ایک تحریری درخواست پیش کی جس
 میں مسی مطیع الرحمان کے خلاف علاقہ میں بدچلنی کا اڈہ قائم کرنے اور بدچلن
 محلوں سے ریالٹا کا الزام عائد کیا گیا تھا۔ مذکورہ مطیع الرحمان کو لغزہ حصول
 معلومات اور تسلی چوکی ٹاؤن طلب کیا گیا۔ جو مورخ 11/08/2013 کو بوقت 05:00 بجائے
 چوکی ٹاؤن حاضر آیا۔ مذکورہ مطیع الرحمان سے ابتدائی معلومات ہو کر پتا چلا کہ وہ علاقہ
 چیم ڈھیری مزلع مردان کا رہائشی ہے۔ اور وہاں سے ترک سٹوٹ کر کے علاقہ لوشہرہ کلاں
 میں ریالٹس اختیار کی ہے۔ مذکورہ مطیع الرحمان کی نسبت قلعان تحت بمبائی مزلع مردان
 سے معلومات ہو کر پتا چلا کہ وہ قتل کے مقدمہ میں ملوث اور فی الوقت عدالت سے برصافیت
 ہے۔ مذکورہ مطیع الرحمان اپنی باتوں سے نہایت جلاں اور عیار دکھائی دے رہا تھا۔ اور موالات
 کے جوابات گھما چکر کر دے رہا تھا۔ اس سے بات چیت جاری تھی کہ اس دوران من ASI
 کو مخبر خاص نے حیثہ کھنڈر کے علاقہ میں مسلح افراد کی نقل و حرکت کی اطلاع دی۔
 جو فوری کارروائی کی خاطر من ASI نے سہرا لہری حیثہ کھنڈر کا رخ کیا۔ جو مذکورہ
 مطیع الرحمان اپنی پوزیشن واضح نہیں کر سکا تھا۔ اور اس سے مزید معلومات کی توقع تھی۔
 نیز اس کے خلاف ایلیان علاقہ کا عائد کردہ الزام سنگین نوعیت کا تھا۔ جس سے علاقہ میں
 نئی نسل کی بے راہ روی میں مبتلا ہونے کا قوی خدشہ تھا۔ بدین وجہ مذکورہ مطیع الرحمان
 کو عارضی طور پر چوکی ٹاؤن میں Detain کیا گیا۔ درخواست کی روزانہ میں عدم اندراج
 کی نسبت گزارش ہے کہ من ASI کسی کارروائی سے قبل ایسا اطمینان کرنا چاہتا تھا۔ اور حیثہ کھنڈر
 سے روایتی پر مذکورہ مطیع الرحمان سے مفصل معلومات کر کے اس کے بعد رجسٹر روزانہ میں مفصل
 رپورٹ تحریر کرنا چاہتا تھا۔ تاہم اس دوران افسران بالا نے چوکی ٹاؤن آکر مذکورہ مطیع الرحمان
 کو واپس سے رخصت کر کے من ASI کو معطل کر کے پولیس لائن روایتی کا حکم صادر فرمایا۔ جو حکم
 کی تعمیل کی گئی۔ من ASI نے نہ تو مطیع الرحمان سے کوئی رشوت طلب کی ہے۔ اور نہ ہی اسے
 غیر قانونی حراست میں رکھا ہے۔ لہذا وہ ذمہ دار پولیس افسر من ASI نے ایلیان علاقہ کی شکایت
 پر مطیع الرحمان کے خلاف کسی کارروائی سے قبل مفصل اور اطمینان بخش معلومات کے حصول کے لیے
 مذکورہ کو چوکی طلب کیا تھا۔ بے تباہ ہوں۔ استرعا ہے کہ من ASI کے خلاف جاری کردہ
 چارج شیٹ بغیر کسی کارروائی داخل دفتر فرمانے کا حکم صادر کیا گیا ہے۔

نامہ دستاویز نمبر 18-8-13
 A91 / P...
 18-8-13

ROEAC
 Attested
 [Signature]

DSP - Alara
 16.08.13

10

5 No. 1241/S,
Dt. 19/8/2013
Annexure 'B'

FINDING.

It is submitted upon reliable information Mr. Nazir Khan DSP/HQrs: Nowshera checked Police Post Town Police Station Nowshera Kalan on 11.08.2013 and found Mati-ur-Rehman s/o Shah Zaman r/o Dagoona Nowshera Kalan in custody of ASI Javed Khan I/C PP Town being illegally confined without any entry in the Daily Diary regarding the arrest of the above named person. Moreover the ASI Javed-Khan has also demanded illegal gratification from the said person for his release. He was issued charge sheet and statement of allegations and an enquiry committee consisting of undersigned and Inspector Mehar Ali CO Akora was constituted by the DPO Nowshera to conduct enquiry against him under the Police Rules 1975:-

The charge sheet was delivered upon the defaulter official, who submitted his reply in response to the charge sheet, which is attached herewith.

He was called and his statement was also recorded, which is on the file and worth perusal.

He was remained present during the whole proceeding.

I also recorded the statement of Mati-ur-Rehman who alleged that ASI Javed Khan I/C PP Town has illegally detained him and demand Rs.20,000/- from him for his release. His statement was recorded which is on file and worth perusal. He was remained present during the whole proceeding.

I also recorded the statement of DSP/HQrs: which is on file and worth perusal. I checked the Police Post Town daily diary and no entry found regarding the arrest of Mati-ur-Rehman.

From the above discussion and enquiry conducted into the matter the allegations mentioned in the charge sheet have been proved with out any shado of doubt. Therefore he is recommended for Major penalty under the rules.

OB No. 1093
29/8/13

ASI Javed Khan
is hereby dismissed
from service

19/8

(INSP:MEHAR ALI)
CO AKORA KHATTAK.

(JEHAN ZEB KHAN)
DEPUTY SUPDT: OF POLICE,
AKORA KHATTAK.

Handwritten signature

ROEAC
Attested

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سوال: آبنہ مطیع الرحمن کو تشریح کیا تھا۔

جواب: ہاں میں نے تشریح کیا تھا۔ وجہ $\frac{8}{13}$ کو کوئی 14:00

سوال: آبنہ مطیع الرحمن کو حوالات حوالہ میں بند کیا تھا یا نہ

جواب: ہاں میں تشریح کو حوالہ کیا ہے۔ مطیع الرحمن کو حوالات حوالہ میں بند نہیں

سوال: مذکورہ مطیع الرحمن کی کسی ایسی چیز قابل دہش اندازی میں مطلوب تھا۔

جواب: نہیں کسی ایسی چیز قابل دہش اندازی میں مطلوب نہیں تھا البتہ قریب چند لوگوں نے آبنہ کے حوالے سے شکایت کی تھی کہ بدگلی کرتا ہے۔

سوال: جیہاں نے مذکورہ مطیع الرحمن کو حوالات میں بند کیا تو آبنہ روزنامہ میں اس کی گرفتاری کا رپورٹ لکھ رہے ہیں۔

جواب: نہیں لکھ رہے۔

سوال: کو آبنہ اس سے تشریح کا مطالبہ کیا تھا۔

جواب: نہیں

سوال: آبنہ نے تحقیق مذکورہ کو کسی کے حکم پر چھوڑا ہے

جواب: DSP سپرنٹنڈنٹ نذیر خان کے حکم پر چھوڑ دیا۔

Attested
[Signature]

ROEAC
[Signature]
ASIT

DSP - Alora 16/8/13
16.08.13.

[Signature]

(12)

مطبع الرحمن ولد شاہ زمان قسم گڈان نمبر 40/41 سال ماہین ششماہی روڈ
 محمد نیر علی صاحب سردار نے حال سے سو بیابا لیسرہ نے بدنامی بیان کیا ہے جس کا
 20:00 نمبر اسمان ظاہر میں آیا ہے۔ اس کے بعد حضرت صاحب نے وہاں کے لوگوں سے کہیں کہ
 سڑک کے کنارے جاوید خان بھٹو کے لیسرہ لولہ میں چھپے ہوئے ہیں۔ چھپے ہوئے ہے کہ
 سیاسیوں کو یہ کہہ کر جو کہے جاتا ہے جو اس وقت میں بند سردار میں نے اتنا جانی
 مدت سماعت کی لیکن چھپے ہوئے ہیں۔ پھر چھپے ہوئے کے ساتھ کہہ کر چھپے ہوئے
 جو خود کفر ہے جس میں جو کہ لیسرہ لولہ میں چھپے ہوئے ہیں۔ چھپے ہوئے ہیں کہ
 چھپے ہوئے کو چھپے ہوئے ہے کہ اب لوگوں نے چھپے ہوئے میں بند کیا ہے
 حوزہ جواب دیا کہ یہ جاوید خان بھٹو کی فہرہ لولہ میں چھپے ہوئے ہیں۔ اسی بات پر
 12:00 بجے کے قریب جاوید خان Asi آیا جس سے اس کے ساتھ سماعت کی گئی۔ چھپے ہوئے ہے کہ اب
 لوگوں کا دھندلہ کرتے ہوئے چھپے جاوید خان نے 20000 روپے رشوت کا مطالبہ کیا ہے جس نے
 کیا ہے میں غیب آ رہی ہوں۔ حوت سردور کا کرتا ہوں۔ پھر ساتھ اسی طرح میں ہے جس
 بدنامی جو کہ میں نے کیا۔ دو روزوں کے وقت DSP صاحب نے نذر خان کو لایا
 اور چھپے جو کہ سے نکالا اور چھپے کسے خود چھپے جاوید Asi نے مدد
 لیسرہ لولہ کے جو کہ میں نے کسے ساتھ بنائی ہے جس میں ایک حد تک قانونی کارروائی
 کرتے ہوئے ہیں۔ لیسرہ لولہ میں چھپے ہوئے ہے۔ چھپے ہوئے ہے



مطبع الرحمن

Ro & Ac

Attested
 [Signature]

DSP - Akora.
 16.08.13.

مطبع الرحمن ولد شاہ زمان احمد سردار
 حال سو بیابا لیسرہ لولہ
 16/8/13

[Signature]

سوال: تحفہ زندہ در طبع الرحمن کو کس نے جوایز کیا ہے ماہر کس نے جوایز کیا ہے؟
 جواب: صاحب گدی سید ابراہیم خاں نے حکم سے زندہ کو جوایز سے جوایز کیا ہے

File No. 5244
 16-8-13

Attested
 [Signature]

DSP - Alwara.
 16.08.13

[Signature]

حسب ہدایت مینا - DSP صاحب نوشہرہ کہ چوکھی ٹماون تھا، فلاں میں
 ایک شخص طلوع الرحمن دو دنوں سے چوکھی حالات میں ایمارنا
 چوکھی ASI صاحب خان نے جس سے یہا میں رکھا ہے۔ اور اس سے مبلغ
 20000 روپے رشوت کا مطالبہ کر رہا ہے۔ چوکھی ہسٹریہ آر آر حور
 ٹیک کر کے طلوع الرحمن حوررات چوکھی میں بند تھا۔ ASI صاحب خان
 جو، گنتت علاقہ یہ تھا کو طلب کر کے، جس نے طلوع الرحمن کی
 حوررات میں رکھے گا کوئی تسلی محبت حورب نہ دیا، نہ ہی ملنگ
 طلوع الرحمن کا قدارہ کوئی ایورٹ راز روڑنا ہی کیگی لگی اور نہ ہی
 اسکی گرفتار کی بابت روڑنا ہی میں چوکھی دنور راز کیا گیا تھا۔
 چاویہ ASI نے اپنے اختیارات سے تجاوز کیا ہے۔

Alau
 DSP / HGR / NSR
 16/8/13

NAZIR-Khan

Attested
 Khan

DSP - Akosa
 16.08.13

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بیان ازمن جاوید خان بعد انفراج چوہانوں

۱۔ بیان کیا ہے بدرک انت ایلیان می شیر آباد فوٹو بلاں
 علامت چوہان ٹاڈا نے اطلاع دی آج ہمارے محلے میں آج شب
 شمس 8/10 دن پہلے یہاں پر آئے تے گو میں دھالیں پڑ پڑے
 جسے گو میں مختلف گونوں کا آنا جانا ہے گو اس سے ہمارے
 محلے تے بدنامی ہو رہی ہے گو ہمارے چھوٹا گو مورٹولا پر
 بڑا اثر پڑتا ہے ایل محلے تے اس شکایت کی بناء پر
 میں نے مورخ 11/13 بجوقت 14:00 صر میں نے اس شخص کو طلب
 کیا دریافت پر امینا ناظمیہ ولد شاہزاد سید خان
 جسکا بتلایا گو ذریعہ عیاشی تے ہارے میں کوئی قسلی عیاشی
 جواب نہ دے سکا گو اسے ہارے میں یہ بھی اطلاع تھی
 آج وردہ شمس حیر 302 ضلع وڈان کو طرف ہے لہذا
 تمام وقت بجائی سے بذریعہ فونیا خطرات آتے جواں پر اقبال
 انورسی لڈا نے بتلایا حیر 302 میں زنتار ہو کر
 برخواست ہے اس کا وڈائی تے وڈان ضراب DPo صاحب
 کی طرف سے اطلاع موصول ہوئی تے آپ مصلحتوں کے لہذا
 اوزن بالائی حکم کی تعمیل آتے ہوئے مصلحتوں طرف آیا
 میں شیر بیان ہے جو حقیقت پر مبنی ہے

جاوید خان

10۔ کیا اہل محلہ سے کوئی تحریر یا شکایت ہے Asi/PP سے
 12.8.13

کی لکھی ہے
 جو بدنامی لکھی۔ زبان شکایت کا تھا۔

جاوید خان

میں نے گرفتار کی یا بہ دستِ اعلیٰ میں کوئی اندراج کی ہے
خواب میں لکھا۔

حال میں کیا اپنے گرفتاری علیہ الرحمن کے بارے میں اپنے SHO
یا DSP کو مطلع کیا گیا ہے؟

خواب میں لکھا۔

Attest
Alan
DSP/HAR/MSR -

FMC

بیان ازالہ سوکت علی عمر جوئی ماون

لدر یافت عمر جوئی ماون نے بیان کیا کہ میں فورم $\frac{8}{13}$ کو جوئی
 میں موجود تھا کہ انچارج جوئی ماون جاوید خان Asi نے ایک شخص
 لاکر بندہ ہوا اس وقت جوئی کیا دیر یافت شخص مذکورہ نے ایسا نام
 طبع الرحمان ولد شہاہ رحمان مکہ پنجم ڈیری ضلع مردان حال محلہ شہر آباد
 سوری بابا تیلو یا انچارج جوئی سے معلومات کرتے جس نے تیلو یا کہ کسی
 ضلع الرحمان کے گھر دوسرے آوارہ اور بدچلن لوگوں کا آنا جانا ہے
 اور اسے کہ منسلک ہے بھی معلومات ہے نہ عقانہ تحت بجائی ضلع مردان
 کو بحرم P-302 میں بھی مطلوب ہے اور اسنے خلاف ایمل حملہ
 شہر آباد کو سہرا کلان نے یہ بھی شکایت ظاہر کی ہے کہ تیلو یا
 کاری کا آڈا چلا تا ہے جکے مختلف افسران بالا ذات طور بھی اہل
 محلہ سے معلومات کر سکتا ہے یہاں صرف بیان ہے
 12-08-2013

سوال یہ ضلع الرحمان کو کس نے ملکر لیا؟

جواب: جاوید خان Asi نے گرفتار کیا تھا۔

سوال یہ اس تیلو یا الزامات تھے؟

جواب: یہ کہ اسکی بیویوں پر حملن ہے اور لوگ اسنے لہ سے آئے۔

سوال: اس سوکت گرفتار کیا تھا؟

جواب: یہ فورم $\frac{8}{13}$ کو جاوید خان Asi نے گرفتار کیا تیلو یا

سوکت کیا گیا۔

P.T.O

مسودہ : علم و دلوں نے کوئی ٹھہریں شکایت کی تھی ۔

دور نامہ میں کوئی رپورٹ درج کرائی تھی

خود :۔ لفتننٹ راجاں شکایت تھی

مسودہ : کیا دور نامہ میں مطیع الرحمن کی گرفتاری
ڈال لی

خود :۔ جی لفتننٹ ۔

لعل علیا

~~Ala~~

DSP/HOR/NSR.

ORDER

(17) 17
Approved: HIG


ASI Javed Khan while posted as In-charge Police Post Town (PS Nowshera Kalan) has illegally detained one Mati-ur-Rehman S/O Shah Zaman R/O Dagoona Nowshera Kalan in Police Post Town without making necessary entry regarding his arrest in the Daily Diary. On 11.8.2013, acting on authentic information, Mr. Nazir Khan DSP Hqrs: Nowshera visited Police Post Town and found one Mati-ur-Rehman in Police Post Town. He asked ASI Javed Khan regarding entry in the daily diary about the arrest of Mati-ur-Rehman but no entry was available in the Daily Diary. Furthermore, it has also been alleged by Mati-ur-Rehman that ASI Javed Khan demanded Rs. _____ for his release.

On account of such misconduct, ASI Javed Khan was issued Charge Sheet and statement of allegations. An enquiry committee consisting of Mr. Jehanzeb Khan DSP Akora and Inspector Mehar Ali CO Akora. The Enquiry Committee conducted enquiry, statements of concerned Officers/Officials as well as Mati-ur-Rehman were recorded which are available on the enquiry file. The enquiry committee, after fulfillment of legal formalities, submitted findings report wherein the allegations leveled against ASI Javed Khan were proved without any shadow of doubts and recommended him for Major punishment.

Therefore, in view of the recommendations of Enquiry Committee and powers vested to me under the NWFP, Police Rules, 1975, ASI Javed Khan is hereby awarded Major punishment of Dismissal from service with immediate effect.

WB NO 1093

23.8.13


District Police Officer,
Nowshera. 71

No. 4016 /PA, dated Nowshera, the 28.08 /2013.

- Copy for information and necessary action to the:-
1. Capital City Police Officer, Peshawar.
 2. Dy: Inspector General of Police, Mardan Region-I, Mardan.
 3. Pay Officer.
 4. E.C.



(18)

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Amended H

To,

The Dy. Inspector General of Police
Mardan Region-1 Mardan.

Subject: REINSTATEMENT IN SERVICE

Sir,

With profound respect and humble submission I beg to submit that I have been awarded a major punishment of dismissal from service by the District Police Officer Nowshera vide OB No. 1093 dated: 20-08-2013 on the allegations mentioned as under:

Mr. Nazir Khan DSP Headquarter Nowshera checked PP town on 11-08-2013 and found Mati Ul Rehman S/o Sher Zaman resident of Daguna Nowshera Kalan in custody of ASI Javed Khan being illegally confined with making any entry in the DD regarding his arrest. We also demanded illegal gratification from the said person for his release.

In this correction, I am going to approach your goodself through this appeal for the re-instatement in service on the following grounds/justification.

1). That while posted as Incharge Police Post Town (PS Nowshera Kalan), on 11-08-2013, some elders are the Mohallah Daguna Nowshera Kalan met with me while I was on gusht in the area and produced a written complaint against Mati ul Rehman S/o Shahzaman of the Mohallah regarding indulging in illicit activities which has an adverse affects on the image of women folk and children.



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2. The said person was called to the PP and interrogated who stated that he has been shifted from Mardan being involved in a murder case, but he failed to prove his mode of earnings/livelihood.
3. In the meantime, I have received emergent information through an informer about roaming of criminals armed with sophisticated arms hence the said person was detained in the PP for complete information/interrogation.
4. But in the mean time the officers came to the PP and the said person was let free and I was placed under suspension and closed to Lines.
5. I was issued charge sheet and an inquiry committee was constituted, I submitted to my reply, but it was not paid due consideration.
6. The elders of the area who made complained against the said person also tried to met with the officers and to gave statements but there statements ware not recorded.
7. The SHO/SDPO were on leave on the said date, therefore the matter could not be brought into their notices.
8. I have 26 years service and am holding the rank of ASI for the last four years, but it was not paid any consideration at the time of issuing this harsh/severe orders.
9. Due to this impugned order, not only my service career has been damaged but also I and my family has been put to financial tension.
10. I want person hearing to convince your gooself for which I may kindly be permitted.

Yusuf

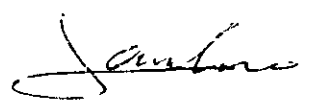
20

11. I was going to make entry in the DD after complete interrogation, but I was given no time, hence it was not recorded.

12. I have not demanded any illegal gratification from the said person and this allegation is absolutely baseless.

Keeping in view the above facts, I approach your goodness to kindly consider my appeal and set-aside the order of the punishment (dismissal from service) and I may be re-instated in service for which I will pray for your long life and prosperity.

Yours obediently,



Javed Khan
ASI Nowshera District Police



From: The District Police Officer,
Nowshera.

To: The Dy: Inspector General of Police,
Mardan Region-I, Mardan.

No. 9496 /EC, dated Nowshera, the 09/9/2013

Subject: **RE-INSTATEMENT IN SERVICE**

Mémo: Kindly refer to your office Endst: No. 2580/EC,
dated 28.8.2013 (attached in original).

The requisite comments are submitted as under:-

1. ASI Javed Khan while posted as In-charge Police Post Town (PS Nowshera Kalan) has illegally detained one Mati-ur-Rehman S/O Shah Zaman R/O Dagoona Nowshera Kalan in Police Post Town without making necessary entry regarding his arrest in the Daily Diary. On 11.8.2013, acting on authentic information, Mr. Nazir Khan DSP Hqrs: Nowshera visited Police Post Town and found one Mati-ur-Rehman in Police Post Town. He asked ASI Javed Khan regarding entry in the daily diary about his arrest but no entry was available in the Daily Diary. Furthermore, it has also been alleged by Mati-ur-Rehman that ASI Javed Khan demanded Rs.20,000/- for his release.
2. The defaulter ASI was issued Charge Sheet & Statement of allegations and an Enquiry Committee consisting of the following officers was constituted to conduct enquiry against him under the NWFP Police Rules, 1975:-
 1. Mr. Jehanzeb Khan DSP Akora.
 2. Inspector Mehar Ali CO Akora.

The defaulter ASI submitted his reply in response to the Charge Sheet & Statement of allegations. The Enquiry Committee conducted enquiry, statements of concerned Officers/Officials as well as Mati-ur-Rehman were recorded which are available on the enquiry file. The Enquiry Committee, after fulfillment

Yve

of legal formalities, submitted finding wherein the allegations leveled against ASI Javed Khan were proved without any shadow of doubts and recommended him for Major punishment.

Therefore, in view of the recommendations of Enquiry Committee and powers vested to me under the NWFP, Police Rules, 1975, ASI Javed Khan was awarded Major punishment of Dismissal from service vide OB No. 1093 dated 23.8.2013.

3. The following plea has been taken by the defaulter official in his Appeal for his reinstatement;

i. He was trying to make complete interrogation of the said person for which sufficient time was required but in the meantime, he received an urgent information and went out from the Police Post. After a while, DSP Hqrs: came to the Police Post and let free the said person on the same day.

ii. The statements of the elders of the area who have made complaint against the said person, were not recorded by the Enquiry Committee.

iii. He has not committed the demand of illegal gratification from the said person for his release.

iv. The SHO/SDPO were on leave on 11.8.2013 and he could not brought the matter into their notice.

The plea taken by the Appellant at S. No. 3 (i to iv) mentioned above were also not considered at the time of issuing punishment order.

4. However, he has failed to make entry in the Daily Diary regarding arrest of the said person.

His Service Roll, Service Book and Fauji Missal are also enclosed for favour of perusal and return please.


District Police Officer,
Nowshera.



(23)

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18

Arunkhan J

ORDER.

This order will dispose-off the appeal preferred by Ex-ASI Javed Khar of Nowshera District Police against the order of dismissal passed by District Police Officer Nowshera vide OB: No. 1093 dated 23.08.2013.

Brief facts of the case are that he while posted as Incharge Police Post Town (PS Nowshera Kalan) has illegally detained one Mati Ur Rehman s/o Shah Zaman resident of Dagoona Nowshera Kalan in Police Post Town without making necessary entry regarding his arrest in the Daily Diary. On 11.08.2013, acting on authentic information, Mr. Nazir Khan DSP Headquarter, Nowshera visited Police Post Town and found the above named civilian there. He asked ASI Javed Khan regarding entry was available in the Daily Diary. Furthermore, it has also been alleged by Mati Ur Rehman that ASI Javed Khan demanded Rs. 20,000/- for his release.

On account of such misconduct, ASI Javed Khan was issued Charge Sheet and statement of allegations. An enquiry committee consisting of Mr. Jehanzeb Khan DSP Akora and Inspector Meher Ali Circle Officer, Akora. The enquiry committee conducted enquiry statements of concerned Officers/Officials as well as Mati Ur Rehman were recorded which are available on the enquiry file. The enquiry Committee, after fulfillment of legal formalities, submitted findings report wherein the allegations leveled against ASI Javed Khan were proved without any shadow of doubts and recommended him for Major punishment.

I have perused the record and also heard the appellant in Orderly Room held in this office on 25.09.2013. He failed to justify his innocence and could not advance any ground in his defence. Therefore, I **MUHAMMAD SAEED** Deputy Inspector General of Police, Mardan Region-I, Mardan in exercise of the powers conferred upon me reject the appeal and do not interfere in the order passed by the competent authority, thus the appeal is filed.

ORDER ANNOUNCED.

(MUHAMMAD SAEED)PSP

o/c Deputy Inspector General of Police,
Mardan Region-I, Mardan.

No. 1111/11 /ES, Dated Mardan the 02 / 10 /2013.

Copy to District Police Officer, Nowshera for information and necessary action w/r to his office memo: No. 9496/EC dated 09.09.2013. He may be informed accordingly.

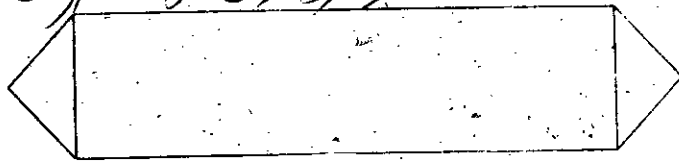
His Service Record is returned herewith.

(*****)

S:R ①
S: B. ①
B.m ①

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بعدالت ضرورتاً خواہ سہ ماہی صورت میں



مورخہ

مقدمہ

دعویٰ

جرم

2، منجانب

صاحب محترم بنام بی بی اے وحیدہ

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام کے لیے اعلیٰ زائر اسٹریٹ صاحب محترم کے

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر خلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق و زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یا یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

2013ء

ماہ اکتوبر

24

المرقوم

العبد گداوا العبد
مقام کے لئے منظور ہے۔

جانب
کاروبار

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

Service Appeal No. 1430/2013

Javid Khan, Ex-Assistant Sub Inspector, Nowshera District Police,
Nowshera

.....Appellant

V e r s u s

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Mardan Region-1, Mardan.
3. District Police Officer, Nowshera.

.....Respondents

PARAWISE REPLY ON BEHALF OF RESPONDENTS

Respectfully Sheweth: -

PRELIMINARY OBJECTIONS

1. That the appellant has got no cause of action.
2. That the appeal is badly time-barred.
3. That the appeal is bad in law.
4. That the appellant is estopped from moving the instant appeal due to his own conduct.
5. That the appeal is not maintainable in its present form.
6. That the appellant has not come to the Honourable Tribunal with clean hands.

On Facts

1. Correct and needs no comments.
2. Incorrect. There are some bad entries to the credit of the appellant in the service record. (Copy is Annexure "A").
3. Incorrect and denied. In fact an information was received in the office of the District Police Officer, Nowshera regarding the illegal confinement of a person namely Mati-ur-Rehman s/o Shah Zaman r/o Dagona, Nowshera Kalan at Police Post, Town. and demand of Rs. 20000/- from him by the appellant who was posted as incharge of the said Police Post. Acting upon, the District Police Officer, Nowshera deputed the Deputy Superintendent of Police, Hqrs: Nowshera to immediately rush to the Police Post, Town and confirm the information. To implement, the directives of the District Police Officer, Nowshera, the Deputy Superintendent of Police, Hqrs: Nowshera visited Police Post, Town and found Mati-ur-Rehman s/o Shah Zaman r/o Dagona, Nowshera Kalan in the lock-up of the Police Post, Town. The Deputy Superintendent of Police, Hqrs: Nowshera, enquired about the confinement of the said person from the appellant, but he failed to substantiate the confinement of the said person as legal. Moreover, no entry in the daily diary regarding the arrest/confinement of Mati-ur-Rehman was made. Upon the confirmation of information through the Deputy Superintendent of Police, Hqrs: Nowshera, the

District Police Officer, Nowshera (respondent No. 3) ordered the initiation of disciplinary proceedings against the appellant and issued him charge sheet as well as statement of allegations. (Copy of charge sheet is Annexure "B" while copy of statement of allegations is Annexure "C").


4. Correct to the extent of service of charge sheet and statement of allegations as well as reply to the same by the appellant, however, rest of the para is incorrect and denied.
5. Incorrect. A full-fledge enquiry was conducted by the enquiry committee and the appellant was given full opportunity to defend himself. The appellant submitted reply against the charge sheet on 16-8-2013 and thereafter, the enquiry committee in their finding recommended the appellant for major punishment on 19-8-2013 and thus he was awarded major punishment of dismissal from service. (Copy of the finding of enquiry committee is Annexure "D", copy of the dismissal order is Annexure "E" while copy of reply to charge sheet is Annexure "F").
6. Incorrect and denied. All codal formalities were fulfilled by the competent authority before awarding of punishment of dismissal from service of the appellant.
7. Correct.
8. Incorrect. The impugned orders are lawful duly passed by competent authority after fulfilling all codal formalities.


On Grounds

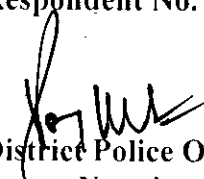
- A. Incorrect. The appellant was treated in accordance with law and rules.
- B. Incorrect and denied. All codal formalities were fulfilled during the process of enquiry as well as passing of orders.
- C&D. Incorrect and denied as explained in paras above.
- E. Incorrect. The respondent No.3 is fully empowered to initiate proceeding and pass order as he is competent authority.
- F. Incorrect. As explained in paras above.
- G. Incorrect. All the allegations were proved during the enquiry without any shadow of doubt and thereafter, the appellant was recommended for major punishment by the enquiry committee.
- H. Incorrect. As explained in paras above.
- I. Incorrect. Length of service is no criteria for taking lenient view against the appellant. Besides, there are some bad entries in the service record of the appellant.
- J. Incorrect. All the orders were passed in accordance with law and rules.

K. The respondents also seek leave of this Honourable Tribunal to advance additional grounds at the time of arguments.

It is, therefore, humbly prayed that the appeal may kindly be dismissed with cost.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
Respondent No. 1


Deputy Inspector General of Police,
Mardan Region-I, Mardan.
Respondent No. 2


District Police Officer,
Nowshera.
Respondent No. 3

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

Service Appeal No. 1430/2013

Javid Khan, Ex-Assistant Sub Inspector, Nowshera District Police,
Nowshera

.....Appellant


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1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Mardan Region-1, Mardan.
3. District Police Officer, Nowshera.


.....Respondents

AFFIDAVIT

We the respondent No. 1,2 & 3 do hereby solemnly affirm and declare on Oath that the contents of parawise comments are true and correct to the best of our knowledge and belief and nothing has been concealed from the Honourable Tribunal.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
Respondent No. 1
20/12


Deputy Inspector General of Police,
Mardan Region-I, Mardan.
Respondent No. 2


District Police Officer,
Nowshera.
Respondent No. 3

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

Service Appeal No. 1430 /2013

Javid Khan, Ex-Assistant Sub Inspector, Nowshera District Police,
Nowshera

.....Appellant

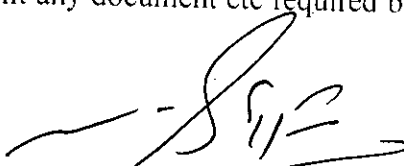
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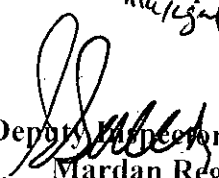
1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Mardan Region-1, Mardan.
3. District Police Officer, Nowshera.


.....Respondents

POWER OF ATTORNEY

We, the respondents No. 1,2&3 do hereby authorize Mr. Hidayat Shah Inspector Legal, Nowshera to appear on our behalf in the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar. He is also authorized to submit any document etc required by the Tribunal.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
Respondent No. 1
M. H. Shah


Deputy Inspector General of Police,
Mardan Region-I, Mardan.
Respondent No. 2


District Police Officer,
Nowshera.
Respondent No. 3

DETAIL OF BAD ENTRY MADE IN THE SERVICE RECORD OF EX-
ASSISTANT SUB INSPECTOR JAVID KHAN

- i. Warned to be careful in future vide Order Book No. 1318 dated 07-12-2010 for registering a case vide FIR No. 547 dated 19-06-2010 u/s 9CCNSA Police Station Pabbi against accused which is the prerogative of an officer not below the rank of Sub Inspector.
- ii. Warned to be careful in future vide Order Book No. 222 dated 17-02-2012 for arranging musical function at Police Post Badrashi, Police Station, Nowshera Cantt: in connection with his shoulder promotion.


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CHARGE SHEET

I, **WAQAR AHMAD, PSP**, District Police Officer, Nowshera, as competent authority, hereby charge **ASI Javed Khan** per Statement of Allegations enclosed.

1. By reasons of the above, you appear to be guilty of misconduct under the N.W.F.P. Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in the N.W.F.P. Police Rules, 1975.
2. You are, therefore, required to submit your written defense within **07 days** of the receipt of this Charge Sheet to the Enquiry Officers, as the case may be.
3. Your written defense, if any should reach the Enquiry Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
4. Intimate whether you desire to be heard in persons.


District Police Officer,
Nowshera. N

C 9

DISCIPLINARY ACTION

I, **WAQAR AHMED, PSP**, District Police Officer, Nowshera as competent authority of the opinion that **ASI Javed Khan** has rendered himself liable to be proceeded against as he committed the following acts/omissions within the NWFP, Police Rules, 1975.

STATEMENT OF ALLEGATIONS

Upon reliable information, Mr. Nazir Khan DSP Hrs: Nowshera checked Police Post Town (PS Nowshera Kalan) on 11.08.2013 and found Mati-ur-Rehman S/O Shah Zaman R/O Dagoona Nowshera Kalan in custody of ASI Javed Khan I/C Police Post Town being illegally confined with making any entry in the Daily Diary regarding the arrest of above named person. Moreover, the ASI has also demanded illegal gratification from the said person for his release. Such act on the part of above named ASI amounts to a grave misconduct and liable him for Minor/Major punishment under the NWFP, Police Rules, 1975.

For the purpose to scrutinize the conduct of the said accused with reference to the above allegations, Enquiry Committee of the following officers is constituted:-

1. **Mr. Jehanzeb Khan DSP Akora Khattak**
2. **Inspector Mehar Ali CO Akora Khattak**

The Enquiry Committee shall in accordance with the provisions of the NWFP, Police Rules, 1975 provide reasonable opportunity of hearing to the defaulter official, record its findings and make immediate recommendations as to punish or other appropriate action against the defaulter official.

ASI Javed Khan is directed to appear before the Enquiry Committee on the date, time and place fixed by the Enquiry Committee.


District Police Officer,
Nowshera. H

FINDING.

It is submitted upon reliable information Mr. Nazir Khan DSP/HQrs: Nowshera checked Police Post Town Police Station Nowshera Kalan on 11.08.2013 and found Mati-ur-Rehman s/o Shah Zaman r/o Dagoona Nowshera Kalan in custody of ASI Javed Khan I/C PP Town being illegally confined without any entry in the Daily Diary regarding the arrest of the above named person. Moreover the ASI Javed-Khan has also demanded illegal gratification from the said person for his release. He was issued charge sheet and statement of allegations and an enquiry committee consisting of undersigned and Inspector Mehar Ali CO Akora was constituted by the DPC Nowshera to conduct enquiry against him under the Police Rules 1975:-

The charge sheet was delivered upon the defaulting official, who submitted his reply in response to the charge sheet, which is attached herewith.

He was called and his statement was also recorded which is on the file and worth perusal.

He was remained present during the whole proceeding.

I also recorded the statement of Mati-ur-Rehman who alleged that ASI Javed Khan I/C PP Town has illegally detained him and demand Rs.20,000/- from him for his release. His statement was recorded which is on file and worth perusal. He was remained present during the whole proceeding.

I also recorded the statement of DSP/HQrs: which is on file and worth perusal. I checked the Police Post Town daily diary and no entry found regarding the arrest of Mati-ur-Rehman.

ASI Javed Khan is hereby dismissed from service.

From the above discussion and enquiry conducted into the matter the allegations mentioned in the charge sheet have been proved with out any shade of doubt. Therefore he is recommended for Major penalty under the rules.

19/8

[Signature]
(INSP: MEHAR ALI)
CO AKORA KHATTAK.

[Signature]
(JEHAN ZEB KHAN)
DEPUTY SUPERINTENDENT OF POLICE,
AKORA KHATTAK.

ORDER

ASI Javed Khan while posted as In-charge Police Post Town (PS Nowshera Kalan) has illegally detained one Mati-ur-Rehman S/O Shah Zaman R/O Dagoona Nowshera Kalan in Police Post Town without making necessary entry regarding his arrest in the Daily Diary. On 11.8.2013, acting on authentic information, Mr. Nazir Khan DSP Hqrs: Nowshera visited Police Post Town and found one Mati-ur-Rehman in Police Post Town. He asked ASI Javed Khan regarding entry in the daily diary about the arrest of Mati-ur-Rehman but no entry was available in the Daily Diary. Furthermore, it has also been alleged by Mati-ur-Rehman that ASI Javed Khan demanded Rs.20,000/- for his release.

On account of such misconduct, ASI Javed Khan was issued Charge Sheet and statement of allegations. An enquiry committee consisting of Mr. Jehanzeb Khan DSP Akora and Inspector Mehar Ali CO Akora. The Enquiry Committee conducted enquiry, statements of concerned Officers/Officials as well as Mati-ur-Rehman were recorded which are available on the enquiry file. The enquiry committee, after fulfillment of legal formalities, submitted findings report wherein the allegations leveled against ASI Javed Khan were proved without any shadow of doubts and recommended him for Major punishment.

Therefore, in view of the recommendations of Enquiry Committee and powers vested to me under the NWFP, Police Rules, 1975, ASI Javed Khan is hereby awarded Major punishment of Dismissal from service with immediate effect.


**District Police Officer,
Nowshera.**

No. _____/PA, dated Nowshera, the 20.08 /2013.

Copy for information and necessary action to the:-

1. Pay Officer.
2. E.C.
3. FMC.

جناب عالی

حوالہ مشمول چارج شیٹ نمبر PA-110 مجاہد دفتر جناب DPO صاحب
 12-08-08
 لوئیرہ معروفہ خدمت میں کہ من ASI سے بحیثیت انچارج جوگی ٹاؤن تھانہ
 لوئیرہ کلاں مورخہ 11⁰⁸ کو حوالات جوگی ٹاؤن میں مسی مطیع الرحمان ولد شاہ زمان
 سنہ 1302 ڈاکوٹہ لوئیرہ کلاں کو غیر قانونی طور پر زیر حراست رکھنے کی نسبت جواب طلبی
 کی گئی ہے۔ جو اندر میں بارہ گزارش ہے کہ مورخہ 10⁰⁸ کو ایلیان لوئیرہ کلاں
 2013
 میں مسی مطیع الرحمان کے خلاف علاقہ میں درحلقہ کا اڈہ قائم کرنے اور بدچلن
 عورتوں سے روالیہ کا الزام عائد کیا گیا تھا۔ مذکورہ مطیع الرحمان کو بغرض حصول
 معلومات اور نسلی جوگی ٹاؤن طلب کیا گیا۔ جو مورخہ 11⁰⁸ کو وقت تقریباً 14:00 بجے
 2013
 جوگی ٹاؤن حاضر آیا۔ مذکورہ مطیع الرحمان سے ابتدائی معلومات یہ سہا یا گیا کہ وہ علاقہ
 چیم ڈھیری ضلع مردان کا رہائشی ہے۔ اور وہاں سے ترک سکونت کر کے علاقہ لوئیرہ کلاں
 میں رہائش اختیار کی ہے۔ مذکورہ مطیع الرحمان کی نسبت تھانہ تحت بمبائی ضلع مردان
 سے معلومات یہ سہا یا گیا۔ کہ وہ قتل کے مقدمہ میں ملوث اور فی الوقت عدالت سے برصغانت
 ہے۔ مذکورہ مطیع الرحمان اپنی باتوں سے نہایت جلاک اور عیار دکھائی دے رہا تھا۔ اور سوالات
 آتے جوابات گنما چھپر کر دے رہا تھا۔ اس سے بات چیت جاری تھی کہ اس دوران میں ASI
 کو مخبر خاص نے دیہہ کھنڈر کے علاقہ میں مسلح افراد کی ذہل و حرکت کی اطلاع دی ہے
 جو جوگی کارروائی کی خاطر میں ASI نے سپر ان (زی) حیدر کو ڈاکٹر کا رخ کیا۔ جو مذکورہ
 مطیع الرحمان اپنی پوزیشن واضح نہیں کر سکا تھا۔ اور اس سے مزید معلومات کی توقع تھی۔
 نیز اس کے خلاف ایلیان علاقہ کا عائد کردہ الزام سنگین نوعیت کا تھا۔ جس سے علاقہ میں
 فحش نسلی بے راہ روی میں مبتلا ہونے کا قوی خدشہ تھا۔ درہن وجہ مذکورہ مطیع الرحمان
 کو عارضی طور پر جوگی ٹاؤن میں Detain کیا گیا۔ درخواست کی روزانہ میں عدم اندراج
 کی نسبت گزارش ہے کہ من ASI کسی کارروائی سے قبل ایسا اطمینان کرنا چاہتا تھا۔ اور دیہہ کھنڈر
 سے واپسی پر مذکورہ مطیع الرحمان سے مفصل معلومات کر کے اس کے بعد رجسٹر روزانہ میں مفصل
 رپورٹ تحریر کرنا چاہتا تھا۔ تاہم اس دوران افسران بالا نے جوگی ٹاؤن آکر مذکورہ مطیع الرحمان
 کو وہاں سے رجعت کر کے من ASI کو معطل کر کے پولیس لائن روڈنگی کا حکم صادر فرمایا۔ جو حکم
 کو وہاں سے رجعت کر کے من ASI نے نہ تو مطیع الرحمان سے کوئی رشوت طلب کی ہے۔ اور نہ ہی اسے
 کی تھیل گائی۔ من ASI نے نہ تو مطیع الرحمان سے کوئی رشوت طلب کی ہے۔ ایلیان علاقہ کی شکایت
 غیر قانونی حراست میں آ رہا ہے۔ لہذا آئین ذمہ دار پولیس افسر من ASI نے ایلیان علاقہ کی شکایت
 پر مطیع الرحمان کے خلاف کسی کارروائی سے قبل مفصل اور اطمینان بخش معلومات کے حصول کیلئے
 مذکورہ کو جوگی طلب کیا تھا۔ بے ذمہ ہونا۔ اس پر عا ہے کہ من ASI کے خلاف جاری کردہ
 چارج شیٹ بغیر کسی کارروائی داخل دفتر فرمانے کا حکم صادر فرمایا ہے۔

مجامد ڈاکوٹہ

ASI / Dabul

12-08-08

ROEAC

Attested

DSP - Alara
16-08-08

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

In the matter of
Appeal No. 1430/2014

Javed Khan, Ex- Assistant Sub Inspector, District Police
Nowshera.

(Appellant)

VERSUS

Provincial Police Officer Khyber Pakhtukhwa, Peshawar &
others.

(Respondents)

REJOINDER TO THE PARA WISE REPLY ON
BEHALF OF THE APPELLANT

Respectfully submitted:

The appellant submits his rejoinder as under:

ON PRELIMINARY OBJECTIONS:

1. Contents incorrect and misleading, the appellant has illegally been awarded the penalty of Dismissal from service hence he has got the necessary cause action to file the instant appeal.
2. Contents incorrect and misleading, the instant appeal is filed well within the prescribed period of limitation.
3. Contents incorrect and misleading, the appeal is filed well in accordance with the prescribed law/ rules and procedure.
4. Contents incorrect and misleading, no rules of estoppel is applicable to the instant case.
5. Contents incorrect and misleading, the appeal being filed well in accordance with the prescribed rules and procedure hence maintainable in its present form.
6. Contents incorrect and misleading, the appellant has come to the tribunal with clean hands.

ON FACTS

1. Contents need no reply, however contents of Para-1 of the appeal are true and correct.
2. Contents of Para-2 of the appeal are correct, the reply submitted to the Para is incorrect and misleading.
3. Contents of Para-3 of the appeal are correct, the reply submitted to the Para is incorrect, baseless and without any proof / evidence hence misleading one. Moreover upon the representation/ mercy petition of the appellant, a re-inquiry was also conducted and the inquiry officer after conducting inquiry, submitted his findings dated 20.02.2014, the said clearly supported the plea taken by the appellant in the Para-3 of the appeal and negates the one taken by respondents in the reply to the instant Para.
4. Contents of Para-4 of the appeal being partially admitted by the respondents in their reply hence needs no comments to the extent of admission, however rest of the reply submitted to the Para is incorrect and misleading. Moreover contents of Para 4 of the appeal are true and correct.
5. Contents of Para-5 of the appeal are correct, the reply submitted to the Para is incorrect and misleading. It is pertinent to mention here that on the representation/ mercy petition of the appellant, a re-inquiry was also conducted and the inquiry officer after conducting inquiry, submitted his findings dated 20.02.2014, wherein he held that *"...after perusal of the previous inquiry it was found that the inquiry committee didn't bother to summon the complainant party (elders of Mohallah Shaheed Abad) against Mati – ur-Rehman and to record their statements, cross examined them as the photocopy of their complaint is attached with previous inquiry. Furthermore, no final show cause notice was issued to the defaulter official EX ASI Javed Khan to explain his position...."* The said report was duly forwarded vide letter dated 21.02.2014, thereafter the representation was rejected vide order dated 14.03.2014 on the ground that there is no provision of second appeal. However the inquiry report dated 20.02.2014, clearly showed that the inquiry committee conducted inquiry in a hasty manner without recording following the procedure prescribed by law. *(Copies of the forwarding letters, inquiry Report dated 20.02.2014, statements and order dated 14.03.2014 are attached as Annexure Rj-I, Rj-II Rj-III, Rj-IV and Rj- V)*

6. Contents of Para-6 of the appeal are correct, the reply submitted to the Para is incorrect and misleading. Moreover as explained above.
7. Contents of Para-7 of the appeal being admitted by the respondents hence need no reply.
8. Contents of para-8 of the appeal are correct, the reply submitted to the para is incorrect and misleading.


GROUNDS

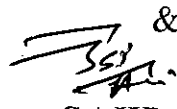
The Grounds (A to K) taken in the memo of appeal are legal and will be substantiated at the time of arguments.

It is therefore humbly prayed that the appeal of the appellant may please be accepted as prayed for.


Appellant

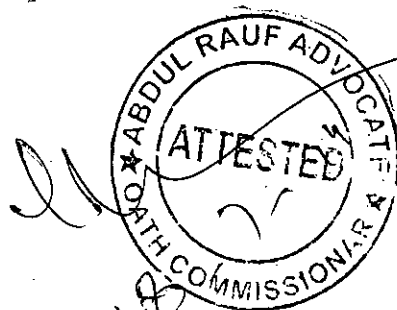
Through


IJAZ ANWAR
Advocate, Peshawar.

&

SAJID AMIN
Advocate, Peshawar.

AFFIDAVIT

I do, hereby solemnly affirm and declare on oath that the contents of the above rejoinder as well as titled appeal are true and correct and nothing has been kept back or concealed from this Honourable Tribunal.




Deponent

4

Annexure Pj-I

From: - The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

To: - The District Police Officer,
Nowshera.

No. 579 /Legal, Dated Peshawar the: 31-2/2014.

Subject:- APPLICATION FOR RE-INSTATEMENT IN SERVICE

Memo:- Please refer to your memo No. 97/PA dated 07.01.2014.
The photocopies of the service record of Ex-ASI Javed Khan is
sent herewith for furnishing of your report/comments in this regard.

Attested
[Signature]
Reserve Inspector
Police Line Nowshera

OC
[Signature]
AIG/LEGAL
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

Attested
[Signature]

5



Annexure Rj-II

From: The District Police Officer,
Nowshera.

To : The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

No. 693 /PA, dated Nowshera, the 21.1 /2014.

Subject: APPLICATION FOR REINSTATEMENT IN SERVICE

Memo: Kindly refer to your office Memo: No. 579/Legal,
dated 31.01.2014 on the subject cited above.

Finding report submitted by Waqar Ahmed DSP
Pabbi is sent herewith in original for further action as desired please.

Handwritten signature

Reserve Inspector
Police Line Nowshera

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Handwritten signature
District Police Officer,
Nowshera

Abdul Malik 5. Hamdullah s/o Abdul Munaf and 6. Akhtar Nawaz s/o Mir Nawaz appeared and
their statements were recorded. However Mati-ur-Rehman s/o Zaman r/o Chamdheri Mardan
was interviewed through his cell phone number 0342-0421679

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6

From The Deputy Superintendent of Police,
Pabbi Circle.

To The District Police Officer,
Nowshera.

Annexure Rj-141

No. 42 /S. Dated Nowshera the 20/2/2014

Subject Application for re-instatement in service.

Memo :

Kindly refer to your office dairy No. 302-PA Dated 06.02.2014, it is submitted as under.

The above stated dairy No. Consists an application from EX ASI Javed Khan, photocopy of his service roll, previous enquiry against EX ASI Javed Khan, statement of EX ASI Javed Khan, MHIC PP Town HC Shoukat Ali, Mati-ur-Rehman, statement of DSP Headquarter and finding report of enquiry committee headed by DSP Akora Circle and dismissal from service order signed by w/DPO Nowshera. Now the high ups entrusted the application to the undersigned for report/ comments.

After going through the above mentioned documents, the undersigned summoned EX ASI Javed Khan, applicants of Mohallah Shaheed Abad Nowshera Kalan against Mati-ur-Rehman and Mati-ur-Rehman to this office for recording their statements. EX ASI Javed Khan and elders of Mohallah Shaheed Abad namely 1. Sardar s/o Muqarab Khan 2. Rashid Anwar s/o Fazl-e-Azceem Khan. 3. Daryaft Khan s/o Hakeem Khan 4. EX Consular Tufail Baba s/o Hafiz Abdul Malik 5. Hamdullah s/o Abdul Munaf and 6. Akhtar Nawaz s/o Mir Nawaz appeared and their statements were recorded. However Mati-ur-Rehman s/o Zaman r/o Chamdheri Mardan whose current residence unknown was summoned through his cell phone number 0342-0421679. time and again who promised to appear to this office but failed. In their statement the above named elders of Mohallah Shaheed Abad stated that a person namely Mati-ur-Rehman was residing on rent in the house of Taj Maohmmad at Mohallah Shaheed Abad and some fashionable bad character women and lactic peoples used to visit his house regularly. His house was a Brothel which was badly affecting the reputation of their Mohallah. On their report EX ASI Javed Khan summoned Mati ur Rehman to PP Town to explain his position regarding the allegations of the elders of Mohallah Shaheed Abad. He arrived to PP Town, however his explanation was not clear and candid. During their conversation EX ASI Javed Khan was informed that few duly armed persons were seen in the vicinity of village Kander. EX ASI Javed Khan detained Mati-ur-Rehman in PP Town and rushed to village Kander, keeping in mind that after his return necessary legal action will be initiated against Mati-ur-Rehman, if he didn't clear his position. In the meanwhile DSP Headquarter Nowshera visited PP Town and found

Attest
A

Attest
Reserve Inspector
Police Line Nowshera

Mati-ur-Rehman in the lockup of PP Town. As no entry regarding his arrest was made in the daily diary registered EX ASI Javed Khan was placed under suspension. He was charge sheeted and inquiry committee comprising of DSP AKora Mr. Jhenzeb Khan and CO Akora INSP Meher Ali Khan was constituted to scrutinize the conduct of EX ASI Javed Khan. The then inquiry committee summoned EX ASI Javed Khan, HC/544 Shoukat Ali and Mati-ur-Rehman. Their statements were recorded. Statement of DSP Headquarter Mr. Nazir Khan was also recorded and after their inquiry the above named committee recommended major punishment against EX ASI Javed Khan, Who was dismissed from his service vide OB/93 dated 23.08.2013 by w/DPO Nowshera.

After perusal of the previous inquiry it was found that the then inquiry committee didn't bother to summon the complainant party (elders of Mohallah Shaheed Abad) against Mati-ur-Rehman and to record their statements, cross examined them as the photocopy of their complaint is attached with previous inquiry. Furthermore, no final show cause notice was issued to the defaulter official EX ASI Javed Khan to explain his position.

Comments/ report: after going through the details of the previous inquiry and the statement of EX ASI Javed Khan, elders of Mohallah Shaheed Abad, the deliberate and wilful absence of Mati-ur-Rehman, the undersigned is of the opinion that EX ASI Javed Khan was treated harshly by awarding him major punishment of dismissal from service. He may be reinstated in service.

Submitted Please.

(Signature)
(WAQAR AHMED)
Deputy Superintendent of Police
Pabbi Circle

(Signature)
Reserve Inspector
Police Line Nowshera

(Signature)

نے دریافت حلقہ بیان کیا کہ میں بحیثیت ایچ آر جی جوگی ٹاؤن علاقہ تھانہ
 ٹوٹہ کے ملازم تھیں تھا۔ میری تعیناتی کے دوران ضلع شہید آباد ٹوٹہ کے ملازم
 مصزین اسماعیل سردار خاں ولد مقرب خان، راشد انور ولد فضل عظیم، دریافت وار حکم
 طویل بابا ولد حافظ عبدالملک، محمد اللہ ولد عبدالمنان اور اختر نواز ولد میر نواز سرختم
 ایک وفد جوگی ٹاؤن آکر مجھ سے ملا۔ اور محلہ شہید آباد میں بطور کرایہ دار رہائش پذیر شخص
 مسی مطیع الرحمان ولد شاہ زمان ساکن جم ڈھیر ضلع مردان کے خلاف زبانی اور لکھنے
 تحریری درخواست پیش کی۔ درخواست کے متن اور مصزین کی زبانی معلوم ہوا کہ مذکورہ
 مطیع الرحمان نے اپنے گھر میں بڑھاری کا اڈہ قائم کیا ہے۔ جہاں پر بدچلن عورتوں اور
 اوباش سردوں کی آمدورفت سے باعث اہل ان علاقہ اور خصوصاً اہل ان محلہ کے نوجوانوں پر
 بُرے اثرات پڑنے کا خطرہ ظاہر کیا گیا۔ علاقہ مصزین کی شکایت پر مذکورہ مطیع الرحمان
 کو جوگی ٹاؤن طلب کیا گیا۔ جو مورخ 11/08/2013 کو بوقت قریب 05:00 بجے جوگی حاضر آیا۔
 مذکورہ سے ابتدائی بات چیت ہو کر آیا گیا۔ کہ وہ موضع جم ڈھیر ضلع مردان کا اصل
 رہائشی شخص ہے۔ اس ضمن میں تھانہ تحت بمائی ضلع مردان گیا تھا وہ وہاں فون
 کے ذریعے رابطہ قائم کیا گیا۔ جہاں سے معلوم ہوا کہ مذکورہ مطیع الرحمان قتل کے
 مقدمہ میں بطور ملزم نامزد ہے۔ اور فی الوقت عدالت سے برنھانت ہے۔ مذکورہ مطیع الرحمان
 کیا حق اسلی نئی جائے رہائش پر اسلی آمد اور بعد ازاں اپنے بیٹے طرز عمل کی نسبت اہل محلہ کے حاج
 کی نسبت اس سے دریافت کیا گیا۔ جو مذکورہ مطیع الرحمان گھما گھما کر سوال کا جواب دے
 رہا تھا۔ اس دوران مخبر خاص کی طرف سے اطلاع موصول ہوئی کہ دہلیہ کنڈر جانا ہی ضروری
 مسلم افراد دیکھے گئے ہیں۔ اطلاع کی اہمیت سے پیش نظر فوری طور پر دہلیہ کنڈر جانا ہی ضروری
 تھا۔ دوسری طرف مسی مطیع الرحمان پر اہل علاقہ نے عائد کردہ الزامات، اپنے مابین زبانی اور الٹنی اور
 اپنے بیٹے میں ممکنہ طور پر پیدا ہونے والے امن و امان کے مسلم کو پیش نظر رکھتے ہوئے مذکورہ کو قلعی
 عارضی بنیاد پر جوگی ٹاؤن میں Detain کر کے خوری طور پر دہلیہ کنڈر مارا گیا۔ بدین وجہ مذکورہ
 مطیع الرحمان کی نسبت رجسٹر روزنامہ میں کوئی اندازہ نہیں دیا گیا۔ دہلیہ کنڈر سے واپسی اور مسلم
 نے اصل حقیقت حال جاننے کے حالات کے مطابق جیسی ہی صورت پائی جاتی۔ اس کے مطابق رجسٹر روزنامہ
 میں رپورٹ تحریر کی جاتی۔ تاہم مسی جوگی میں عدم موجودگی کے دوران اسے بلائی جوگی ٹاؤن آمد
 مطیع الرحمان کو وہاں سے رخصت کرنے اور من ASI (سالتہ) کو معطلی سے ستم پر فوری طور پر پولیس
 ٹوٹہ جاکر رپورٹ کی۔ اس واقعہ پر میرے خلاف تھانہ انڈرائٹ سولر سالتہ انڈرائٹ کرپٹی نے مجھ سے
 میرا بیان لیا۔ جو میں نے وضاحت کیا تھا ماسبق میں درج حالات دہلیہ کے۔ تاہم سالتہ کیسی نے
 نہ تو شکایت سندھ مان اہلیہ نا محلہ شہید آباد ٹوٹہ کے ملازم کو طلب کیے بغیر من ASI (سالتہ) کو قصور
 وار ٹہراتے ہوئے میرے خلاف اسٹران بلا کو Major Punishment کیے تحریر کیا۔ جس پر جناب
 DPO صاحب ضلع ٹوٹہ نے من ASI (سالتہ) کو Final show cause نوٹس جاری کیے بغیر

Attest
 JA

جوائہ OB نمبر 093 مورخہ 23⁰⁸/₂₀₁₃ کو میری ملازمت سے Dismissal کے حکم صادر فرمایا ہے۔ میں حلفاً بیان کرتا ہوں کہ میں نے بحیثیت ایچ آر جی جوائی ٹاؤن ٹوٹھہ والاں مذکورہ مطیع الرحمن کو صرف اور صرف ایڈیان فیکٹری زبانی و تحریری شکایت پر حقیقت حال جاننے کی غرض سے جوائی ٹاؤن ٹوٹھہ گیا تھا اور اس سے کسی قسم کی رشوت طلب نہیں کی تھی۔ یہ تجویز جوائی ٹاؤن ٹوٹھہ گیا تھا۔ قطعاً نہ تھی۔ اور حصول الصفا کا طلب گار ہوں۔ مجھے دوبارہ میری ملازمت پر بحال کرنے سے جلد واجبات کی ادائیگی کا حکم صادر فرمایا جائے۔ میں اس پر عمل کرنے کا عزم رکھتا ہوں۔

(Signature)

NIC 17161-4201462-1

طالب الصفا سی جاوید رضا (AS) ولد ایب خان حیدر ٹراڈنگ منسلح چاردرہ
Attest

(Signature)
Reserve Inspector
Police Line Nowshera

(Signature)

بیان انزل صحیح سردار و ملا محمد صاحب صاحبان چیمہ سپرد کارڈ نوٹسفرہ نکال

نے بدرفتاری بیان کیا کہ کچھ عرصہ قبل میری شہر میں صبحی بناج چکر کے دفتر
 مکان میں آئے تھے جس کا نام مطیع الرحمن صاحب سوا کر کے ان کے پاس گیا۔ جس کے
 آتے ہی اس کے گھر میں علامت کے پرکاش ہوئے اور وہیں لوگوں نے ان کو روک کر اس کو
 موبائی۔ نیز مختلف گاڑیوں میں نیشنل ریسل فورس کے آگے لے گئے۔ یہ سب سارے
 حال اہلیان محلہ اور خصوصاً سیریلے باغیچہ تشریف لے گئے۔ کیونکہ مذکورہ شخص لوگوں
 پر ایسے گھر میں بدکاری کا اڑہ چلا رہا تھا۔ اور اس کے اور سیریلے گھر کے مابین ہوتے
 ایک چلا رہا تھا۔ میں نے دیگر حشرانی فعل کے سوا کچھ نہیں دیکھا۔ مگر ان کو
 سمجھانے کی کوشش کی۔ اور اسے اپنے گھر سے بدکاری کا اڑہ ختم کرنے کی طرف متوجہ
 اور بتلا دیا کہ وہ اگر باز نہ آتا تو ہم مقامی لوگوں سے رجوع کریں گے۔ جب ہم نے بتایا کہ وہ
 بدستور اپنی سارے اڑہ سے روٹ کر گیا ہے، تو سیریلے کو جو بصورتی انکار دیا وہی ان کو
 سے نہ لیا اور گھر سے نکال دیا۔ چنانچہ اس نے اسے جوئی طلب کرنے کا وعدہ کیا۔ مگر وہ
 مطیع الرحمن کی جوئی مانگنے سے انکار کیا۔ یہ سب سارے واقعے اس وقت ہوئے۔



سردار و ملا محمد صاحب صاحبان چیمہ سپرد کارڈ نوٹسفرہ نکال
 سر بائیل نمبر ۱۰۰

0307-5170766-

17201=2116862-5

شناختی کارڈ نمبر

Attest

Reserve Inspector
Police Line Nowshera

Attest

بیان دینے کے لیے لکھنؤ اور حیدرآباد کے درمیان
میں سے لکھنؤ اور حیدرآباد کے درمیان

میں سے لکھنؤ اور حیدرآباد کے درمیان
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میں سے لکھنؤ اور حیدرآباد کے درمیان

لاہور اور حیدرآباد کے درمیان
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لاہور اور حیدرآباد کے درمیان

Reserve Inspector
Police Line Nowshera

Attest

بیان اتران دریافت دکر حکم خان مسکن محمد شہید آباد نوشہرہ ضلع

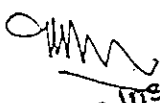
میں نے بدراخت حلفیہ بیان کیا کہ کچھ عرصہ قبل مجھے ایک شخص نے مجھ میں سے کسی
 خالی مکان میں ایک شخص مسیٰ مصطیع الرحمان آکر رہنا لگے بند رہا۔ اور اس
 نے آتے ہی اس کے گھر میں عداوت کے مدخلین اور اونٹن اٹھانے کی بوت بوت
 آمدورفت شروع ہوئی۔ مینشن ایبل عورتیں بھی آتے جاتے لگیں۔ جس پر
 شخصیت حیدر شہزاد نے اس سے اس وقت تک کسی بھی بات نہ کی۔
 مگر وہ بیماری تھی نہ سکا۔ جس پر میرے ایشے پوریا کہ وہ ان بدکار افراد
 کی لئے گھر آکر رہنا بند کرے۔ لیکن وہ بدکاروں کو شکایت نہیں کرتے
 بیماری داروں کے بنا۔ جو جب ان بدکاریوں اور عورتوں کی آمدورفت
 جاری رہی تو بد امر جمہوری میں نے اپنا رجسٹرڈ پولیس چوکی ٹاؤن مسجد حیدر آباد ASI کو
 زبانی اور تحریری شکایت کی۔ جنہوں نے مصطیع الرحمان کو چوکی طلب کر کے
 حقیقت حال معلوم کرنے کا وعدہ کیا۔ مگر کورہ مصطیع الرحمان کی چوکی ٹاؤن
 طلبی بیماری شکایت پر عمل میں لائی گئی ہے۔ یہی میرا حلفیہ بیان ہے۔

حور بیگم

دریافت دکر حکم خان مسکن محمد شہید آباد نوشہرہ ضلع

0346-5647295

17261-2156109-3

Attested

 Reserve Inspector
 Police Line Nowshera

Attested


بیان انزان مسی لطیف من دار حاضرا عندہ لکھنؤ میں نہ شکہ لکھنؤ اور لکھنؤ

نے بدرفتار بیان کیا کہ جو عہدہ قتل سے پہلے میں کر رہا تھا اس میں سے کسی
کے فخر میں اخراج اور عہدہ قتل میں آمدورفت شروع ہونے کے بعد اللہ تعالیٰ
جو سے لایم کر کے مشورہ طلب کیا۔ حکم کے باوجود مشورہ سے مسی مطیع اللہ تعالیٰ
سے ملاقات کر کے اس سے اس بارہ میں جو قیمت طلب کی۔ مگر یہ کوئی تسلیم
مجلس جواب نہ دے سکا۔ حکم نے اس سے وزارت دی کہ اگر اس نے اپنے
گھر پر بدکاری کا مہینہ اور ختم نہ کیا۔ تو صورت چھوڑی ہم تعالیٰ کے واسطے
کہیں گے۔ ہماری وزارت کے باوجود جب مشورہ مطیع اللہ تعالیٰ انہی کے
اور اس پر قائم رہا۔ تو ہم امر چھوڑی جو حکمت عند اللہ تعالیٰ حکم لکھنؤ آباد
ایک دفتر اخبار 7 جولائی 1973 کو لکھنؤ میں لکھنؤ میں لکھنؤ آباد
زمانی اور خبری شکایت پیش کی کہ میں نے عدلیہ کیا کہ وہ مشورہ مطیع اللہ تعالیٰ
کو جوئی طلب کرے گا۔ مشورہ مطیع اللہ تعالیٰ جہاں ہی جوئی ٹاؤن طلبی ہماری
شکایت پر عمل میں لائی گئی ہے۔ میں صراحتاً بیان کرتا ہوں۔

Attest

Reserve Inspector
Police Line Nowshera

Attest

0334-8450713

172014263522

Attest
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بیان از ان محمد اللہ سابقہ نمبر ۱۱۱ جوئی ٹاؤن ٹوئیرہ کلان

نے بد ریاضت حلفیہ بیان کیا کہ میں محلہ شہید آباد سوری بابا ٹوئیرہ کلان
 کارپائٹھی اور سابقہ نمبر لوئین ٹاؤن میں ہوں۔ کچھ عرصہ قبل بیمارے محلہ میں مسی
 تاج محمد کے خالی گھر میں ایک شخص اسی مطیع الرحمان آکر کرایہ پر رہائش پذیر ہوا۔
 اور اپنے آئے ہی علاقہ کے اوباش اور بدچلن اشخاص کی اسے گھر آمدورفت شروع
 ہوئی۔ مذکورہ بدچلن اشخاص سیرے اسے گھر چلے جاتے اور کچھ وقت گزارنے کے بعد چلے
 جاتے۔ اسے ساتھ ہی ساتھ نت نئی گاڑیوں میں بدچلن عورتوں کی آمدورفت بھی
 شروع ہوئی۔ اس صورت حال کو اپیل محلہ اور اپنی علاقہ کیلئے سنیں جان کریم چند
 مشران محلہ اس کے پاس گئے۔ اور ابتدائی طور پر اسکی جائے رہائش پر بدچلن افراد
 کی آمدورفت کی نسبت دریافت کیا۔ جس کا وہ کوئی تسلی بخش جواب نہ دے سکا۔
 مذکورہ کو تبسیم کی بیٹی۔ کہ اس کا یہ طرز عمل اہل محلہ اور خصوصاً ہمارے نوجوان بچوں
 کے اخلاق و کردار پر برا اثر ڈال رہا ہے۔ لہذا اسے کرایہ کے گھر سے بدچلن اشخاص
 اور بدچلن عورتوں کی آمدورفت بند کرنی ہوگی۔ لکھنؤ و دیگر سیم مقامی پولیس ادرار سے
 اس وارننگ کے باوجود مذکورہ مطیع الرحمان اپنے گھر پر بدکاری کا اڈہ چلانے پر مصمم
 لکھنؤ مجسوری سیم مشران محلہ پر مشتمل فورسے جوئی ٹاؤن جا کر ہمارے جوئی ٹاؤن ASI
 محمد جاوید کو زبان پر تحریر شکایت کی۔ جس نے مذکورہ مطیع الرحمان کو طلب کر کے اصل
 صورت حال جاننے کا وعدہ کیا۔ مذکورہ مطیع الرحمان کی جوئی ٹاؤن طلبی ہمارے درخواست
 اور شکایت پر ہوئی تھی۔ یہی سیر حلفیہ بیان ہے۔

محمد اللہ

محمد اللہ ولد عبد الحکیم خان محلہ شہید آباد سوری بابا ٹوئیرہ کلان

NIC No: 17201 - 2110287 - 5

0308 - 8557150

موبائل نمبر

Attest

Reserve Inspector
Police Line Nowshera

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بیان از ان صحیح اختصار لواء ولد میر پیر سائیں محمد پیدر آباد در عداوت جوڑی

نے بد ریاضت بیان کیا کہ میں محمد پیدر آباد کا رہائشی اور بلجھاڑ پشیمہ وکان دار ہوں۔
 کچھ عرصہ قبل پہلے محلہ میں سے علی تاج محمد کے خالی گھر میں ایک شخص جس کا نام مطیع
 الرحمن ہے۔ اور ڈریس پہن کر بیٹھ گیا۔ اور اتنے ہی اس کے گھر میں علاقہ
 کے بدتماش اور بدچلن افراد کی آمد و رفت شروع ہوئی۔ نت نئی گاڑیوں میں
 فیشن ایبل عورتوں کا آنا جانا بھی شروع ہو گیا۔ اس عورتوں کو سنسنی جان کر
 میں نے دیگر مشران محلہ کے سیراہ سے علی مطیع الرحمن سے ملاقات کرتے اس سے
 ان بدچلن انفرادی آمد و رفت کی طرفیں رعایت معلوم کرنا چاہی۔ مگر 09 مئی 1991 کو علی مطیع الرحمن جو اپنے
 اس سیراہ سے دارننگری گئے۔ مگر ان افراد کی آمد و رفت بند نہ ہوئی۔ تو ہم جھوٹا صحافیوں
 سے استدعا کریں گے کہ گھر کی منگورہ مطیع الرحمن جان باز نہ آئے۔ جس پر میں نے دیگر مشران
 محلہ کے سیراہ جوڑی گاؤں جاکر ایچ آر 70 محمد جاوید رحمان ASI کوزیاتی لودر خریفی خطا کرتی،
 جنہوں نے منگورہ مطیع الرحمن کو اس بارہ میں طلب کرنے کا وعدہ کیا۔ منگورہ مطیع الرحمن کی
 جوڑی گاؤں واپسی میں اس وقت سے یہی سیراہ حلقہ میں ہے۔

اقتدار لواء

صحیح اختصار لواء ولد میر پیر سائیں محمد پیدر آباد لودر عداوت

Attested NAC NO: 17201 - 1403494 - 9

Reserve Inspector Police Line Nowshera

Attested

16

Annerwa Biv

Order

This order is passed on the representation of Javid Khan Ex-ASI District Nowshera. Appellant was dismissed from service vide order dated 23.08.2013 of District Police Officer Nowshera. According to the record appellant illegal confined one Mati-ur-Rehman in the lockup of Police Post town of Police Station Nowshera Kalan without making any entry in the daily diary about his detention. He preferred presentation before the Deputy Inspector General of Police Mardan Region Mardan against his dismissal from service order however, his representation was rejected vide order dated 02.10.2013.

There is no concept of second appeal in disciplinary law and rules therefore the present representation of appellant is not sustainable, hence rejected.

BY: 603
P.D. NO. 18314

[Signature]
Addl: Inspect General of Police
Headquarter, Khyber Pakhtunkhwa,
Peshawar.

No 1495 /Legal Dated Peshawar the 14-3- /2014.

Copy of above ~~is~~ forwarded to District Police Officer Nowshera for service on appellant and enquiry to find out the role of the then SHO Police Station Kalan and Muhrar how were also responsible of illegal confinement.

Addl: inspect General of Police
Headquarter, Khyber Pakhtunkhwa,
Peshawar.

- Enclosure: (1) Service Book
(2) Enquiry file
(3) Character roll

DSP. Rabbi
EC / FM / OBE
[Signature]
For M. A. Khan

AHeskeef
[Signature]
Reserve Inspector
Police Line Nowshera

(OBN 366 / 18/3/14)

[Signature]
District Police Officer
Nowshera

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1904 /ST

Dated 17 / 8 / 2015

To

DPO,
Nowshetra.

Subject: - JUDGEMENT.

I am directed to forward herewith certified copy of Judgement dated 7.8.2015 passed by this Tribunal on subject Judgment for strict compliance.

Encl: As above

op

to
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.