FORM OF ORDER SHEET

Court of _____

Appeal No. 1888/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/09/2023	The appeal of Mr. Mohsin Ali presented today by Mr. Muhammad Aslam Tanoli Advocate. It is fixed for preliminary hearing before Single touring Bench at A.Abad on By the order of Chairman REGISTRAR

BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 1888/23

Mohsin Ali, Constable No.383, District Police Mansehra. .....**(Appellant)**

VERSUS

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Mansehraa. ..... **(Respondents)**

SERVICE APPEAL

INDEX

S/No.	Description of documents.	Annexure	Page No.
1.	Memo of appeal & suspension application.		01-08
2.	Charge Sheet & its Reply	"A & B"	09-10
3.	Punishment Order Orders dated 25-06-2021	"C"	11
4.	Departmental Appeal & its rejection order dated 22-11-2021	"D&E"	12-13 14
5.	Revision Petition, its Rejection Order dated 21-07-2023 & Application	"F,G,H"	15 16 17
6.	Wakalatnama		

APPELLANT

THROUGH

(MUHAMMAD ASLAM TANOLI)
ADVOCATE HIGH COURT
ABBOTTABAD

Dated: 18-09-2023

(1)

BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVCE TRIBUNAL PESHAWAR

Appeal No.....1328/2023

Mohsin Ali, Constable No.383, District Police Mansehra. .....**(Appellant)**

VERSUS

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Mansehra.

(Respondents)

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST ORDER DATED 25-06-2021 OF THE DISTRICT POLICE OFFICER MANSEHRA WHERBY APPELLANT HAS BEEN AWARDED PUNISHMENT OF "FORFEITURE OF 02 YEARS APPROVED SERVICE AND STOPAGE OF 03 YEARS INCREMENT WITHOUT CUMULATIVE EFFECT" AND ORDER DATED 22-11-2021 OF REGIONAL POLICE OFFICER HAZARA REGION ABBOTTABAD WHEREBY PENALTY OF FORFEITURE OF 03 YEARS APPROVED SERVICE HAS BEEN SET ASIDE AND ORDER DATED 21-07-2023 OF PROVINCIAL POLICE OFFICER KPK PESHAWAR WHEREBY REVISIONAL PETITION HAS BEEN REJECTED.

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL ALL THREE ORDERS DATED 25-06-2021, 22-11-2021 AND 21-07-2023 OF THE RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND APPELLANT BE RELEASED HIS 03 YEARS STOPPED INCREMENTS WITH GRANT OF ALL CONSEQUENTIAL SERVICE BACK BENEFITS ON RENDITION OF ACCOUNT.

Respectfully Sheweth:

1. That while appellant posted as GD Police Station City Mansehra, he was issued a Charge Sheet which was duly replied explaining facts of the matter and denying the allegations leveled therein being incorrect and baseless. **(Copies of Charge Sheet and its Reply are attached as Annexure-"A&B").**

2. That as per District Police Officer Mansehra on receipt of inquiry report he awarded the appellant with punishment of "forfeiture of 03 years approved service and stoppage of 03 years increments without cumulative effect" vide order dated 25-06-2021. **(Copy of punishment order dated 25-06-2021 is Annexure- "C").**

3. That appellant was posted at Kashmiri Bazar Mansehra to get closed the shops during lock-down. Appellant was present at the place of duty and performing duties to get closed the shops. All the shops had been closed. However, 2/3 shops were opened. Appellant reached there and asked shopkeepers to close their shops. In the meanwhile, security staff doing their jobs also reached there and they made videos. The blame that appellant has taken anything or money from shopkeepers and allowed them to keep open their shops is wrong, baseless and concocted one due to malafide otherwise there is nothing truth in the allegation. The allegation was denied vehemently being false and fabricated one. Appellant has discharged his duties honestly. There is nothing wrong on his part.

4. That proper inquiry was not conducted. No witness was produced before the inquiry officer to depose against appellant. Copy of inquiry report, if any, was not provided to the appellant. Show Cause Notice was also not issued. Even opportunity of personal hearing was not provided. Appellant was condemned unheard in serious violation of

departmental rules, regulation and principle of natural justice.

5. That appellant aggrieved of punishment order of the DPO Mansehra filed a departmental appeal dated 08-07-2021 before the Regional Police Officer, Hazara Region, Abbottabad which was filed/rejected vide order dated 22-11-2021. **(Copies of departmental appeal and its rejection order dated 22-11-2021 are attached as "D & E").**

6. That thereafter appellant filed a Revision Petition dated 16-12-2021 before the PPO KPK Peshawar which was also rejected on 21-07-2023 but copy of the same was neither address nor delivered to the appellant. Appellant filed an application dated 29-08-2023 and obtained Rejection Order. **(Copies of Revision Petition, its rejection order and application are attached as Annexure-"F, G, H).**

7. Hence instant service appeal inter alia on the following as well as other grounds:

GROUNDS:-

A) That all the three orders dated 25-06-2021, 22-11-2021 and 21-07-2023 of the respondents are illegal, unlawful against the facts, departmental rules, regulations and principle of natural justice hence are liable to be set aside.

B) That proper inquiry was not conducted. No witness was produced before the inquiry officer to depose against appellant in his presence. Copy of inquiry report, if any, was

not provided. Show Cause Notice was also not issued. Even opportunity of personal hearing was not provided. Nothing adverse could be brought on record by inquiry against appellant. Appellant was condemned unheard in serious violation of departmental rules, regulations and principle of natural justice.

C) That respondents have not treated the appellant in accordance with law, departmental rules, regulation and policy on the subject and have acted in violation of Article-4 of the constitution of Islamic Republic of Pakistan 1973 and unlawfully issued the impugned orders which are unjust, unfair hence not sustainable in the eyes of law.

D) That appellate authority has also failed to abide by the law and even did not take into consideration the grounds taken in the memo of appeal and has rejected the departmental appeal. Thus act of respondent is contrary to the law as laid down in the KPK Police Rules 1934 read with section 24-A of General Clauses Act 1897 and Article-10 of the Constitution of Islamic Republic of Pakistan 1973.

E) That the allegations leveled against appellant in the disciplinary proceeding are incorrect, false, fabricated and are the result of malafide. Appellant never involved himself in any such activity as alleged against him. He is innocent and there is nothing wrong on his part.

F) That instant service appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudicate upon the lis.

(5)

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant service appeal all the three orders dated 25-06-2021, 22-11-2021 and 21-07-2023 of the respondents may graciously be set aside and appellant be released his "03 years stopped increments" with all consequential service back benefits on rendition of account. Any other relief which in the circumstances of the case this honorable Tribunal deems fit may also be granted.

Appellant

Through

(Muhammad Aslam Tanoli)
Advocate High Court
At Abbottabad

Dated: 18-09-2023

VERIFICATION

It is verified that contents of instant service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Dated: 18-09-2023

Appellant

(6)

BEFORE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Mohsin Ali, Constable No.383, District Police Mansehra. .....**(Appellant)**

VERSUS

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Mansehra. .....**(Respondents)**

SERVICE APPEAL

18-9-2023 **AFFIDAVIT**

I, Mohsin Ali appellant do hereby solemnly declare and affirm on oath that contents of instant service appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.

Dated: 18-09-2023 **Deponent/Appellant**

Identified By:

(Muhammad Aslam Tanoli)
Advocate High Court
ABBOTTABAD

Dated: 18-09-2023 **Appellant**

(7)

BEFORE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Mohsin Ali, Constable No.383, District Police Mansehra. .....**(Appellant)**

VERSUS

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Mansehra. .....**(Respondents)**

SERVICE APPEAL

CERTIFICATE

It is certified that no such appeal prior to this one on the subject has ever been filed in this Honorable Service Tribunal or any other court.

Dated: 18-09-2023

Appellant

(6)

BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVCE TRIBUNAL PESHAWAR

Mohsin Ali, Constable No.383, District Police Mansehra. .....**(Appellant)**

VERSUS

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Mansehra.....**(Respondents)**

APPLICATION FOR CONDONATION OF DELAY IN FILING INSTANT SERVICE APPEAL BEFORE THIS HONOURABLE SERVICE TRIBUNAL.

Respectfully Sheweth:

1. That applicant/appellant has filed today a Service Appeal which may be considered as part and parcel of this application, against order dated 25-06-2021, 22-11-2021 and 21-07-2023 passed by respondents, whereby appellant has been awarded penalty of "03 years Increments stopped" and his departmental appeal as well as Revision Petition had been rejected without jurisdiction and abiding by procedure.

2. That as the orders of departmental authorities have been passed in violation and derogation of the statutory provision of law, departmental rules and regulation governing the terms and condition of appellant's service and fact of the case, therefore, causing a recurring cause of action to the applicant/appellant can be challenged and questioned irrespective of a time frame.

3. That though appellant's Revision Petition was rejected on 21-07-2023 but copy of order was delivered on 29-08-2023 & that too on his written request. The appellant has rigorously been pursuing his case. Therefore, the delay if any, in filing instant service appeal is due to the forgoing reasons.

4. That instant application is being filed as an abundant caution for the condonation of delay, if any. The impugned orders are liable to be set aside in the interest of justice.

It is, therefore, respectfully prayed that on acceptance of the instant application the delay, if any, in filing of titled appeal may graciously be condoned.

Applicant/Appellant

Through

(Muhammad Aslam Tanoli)
Advocate High Court
At Abbottabad

Dated: 18-09-2023

Affidavit.

It is verified that contents of instant service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Dated: 18-09-2023

Applicant/Appellant

(6)

BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVCE TRIBUNAL PESHAWAR

Mohsin Ali, Constable No.383, District Police Mansehra. .....**(Appellant)**

VERSUS

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Mansehra.....**(Respondents)**

APPLICATION FOR CONDONATION OF DELAY IN FILING INSTANT SERVICE APPEAL BEFORE THIS HONOURABLE SERVICE TRIBUNAL.

Respectfully Sheweth:

1. That applicant/appellant has filed today a Service Appeal which may be considered as part and parcel of this application, against order dated 25-06-2021, 22-11-2021 and 21-07-2023 passed by respondents, whereby appellant has been awarded penalty of "03 years Increments stopped" and his departmental appeal as well as Revision Petition had been rejected without jurisdiction and abiding by procedure.

2. That as the orders of departmental authorities have been passed in violation and derogation of the statutory provision of law, departmental rules and regulation governing the terms and condition of appellant's service and fact of the case, therefore, causing a recurring cause of action to the applicant/appellant can be challenged and questioned irrespective of a time frame.

3. That though appellant's Revision Petition was rejected on 21-07-2023 but copy of order was delivered on 29-08-2023 & that too on his written request. The appellant has rigorously been pursuing his case. Therefore, the delay if any, in filing instant service appeal is due to the forgoing reasons.

4. That instant application is being filed as an abundant caution for the condonation of delay, if any. The impugned orders are liable to be set aside in the interest of justice.

It is, therefore, respectfully prayed that on acceptance of the instant application the delay, if any, in filing of titled appeal may graciously be condoned.

Applicant/Appellant

Through

(Muhammad Aslam Tanoli)
Advocate High Court
At Abbottabad

Dated: -09-2023

Affidavit.

It is verified that contents of instant service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Dated: -09-2023

Applicant/Appellant

Annex-A

CHARGE SHEET

I, Asif Bahader (PSP), District Police Officer, Mansehra as Competent Authority, hereby charge you Constable Mohsin No. 383 as follows.

As per video reports on social media you constable Mohsin No. 383 while posted as GD PS City have taken money and different articles from different shopkeepers and allow them to open shops during the current lockdown. It shows that you are corrupt and irresponsible police official. It amounts to gross misconduct.

Due to reasons stated above you appear to be guilty of misconduct under Khyber Pakhtunkhawa 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 expartee action shall follow against you.

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

Statement of allegation is also enclosed.

District Police Officer,
Mansehra

Attested

(10)

Annex-B

شمولہ چارج کے جواب میں معروض ہوں کہ میں کیمری بازار
میں ڈیوٹی پر معمور تھا۔ کہ دوران گشت مجھے پتہ چلا کہ
کچھ دکاندار نے دکانیں کھول رکھی ہیں موقع پر وہاں گیا اور
جن دکاندار نے دکان کھولی ہوئی تھی۔ اس سے شناختی کارڈ
طلب کیے اور دکان بند کرنے کا کہا۔ اس دوران سٹوری کی
والے بھی وہاں آ گئے۔ اور میری ویڈیو بنا ڈالی۔
میری گیارہ سالہ سروس میں میرے خلاف کوئی پبلک
کمپلینٹ یا انکوائری نہیں ہوئی ہے۔ نہ آج تک مجھے
کوئی سزا ملی ہے۔ جبکہ بازار کے موجودہ صدر
اور نائب صدر سے بھی میرے بارے میں رائے لی جائے
کہ میں نے کسی سے کچھ لیا ہے۔ رمضان میں میں صبح سحری کھا کر
ڈیوٹی پر جاتا تھا۔ اور دن کو بازار میں ڈیوٹی کرکے رات کو
ملی گشت کرتا ہے۔ اچھی سخت ڈیوٹی کے باوجود روزہ میں
عید کے موقع پر مجھے معطل کرکے حاضر لائن کیا گیا ہے۔ میں بے گناہ
ہوں۔ کنسٹیبل محسن علی نمبر 383 حال پولیس لائن مانسہرہ

Attested

19-05-2021

Assistant Superintendent Of Police
Hqrs: Mansehra

Annex-C

POLICE DEPARTMENT

MANSEHRA DISTRICT

ORDER

This office order will dispose off the departmental enquiry proceeding against Constable Mohsin No. 383 of this district who was proceeded against departmentally with the allegation that "while he was posted as GD PS City Mansehra a video viral on social media through which it has been reported that he is taken money and different articles from shopkeepers and allow them to open shops during the current lockdown.

The Enquiry Officer i.e. Assistant Superintendent of Police/SDPO Headquarters Mansehra after conducting proper departmental enquiry proved that "after analyzing the video, it is clear that Constable Mohsin No. 383 was not doing anything to close the shops rather he was ordering thing for himself. There was no intent shown by Constable Mohsin No. 383 to close the shops and arrest the culprits. Enquiry office collect information through intelligence sources all of them reported about Constable Mohsin No. 383 corrupt practices and declared Constable Mohsin No. 383, guilty for misconduct.

Upon receipt of departmental enquiry the defaulter Constable Mohsin No. 383, was heard in OR on 24-06-2021, and provided full length opportunity to defend himself, but he could not convince the undersigned by his verbal arguments.

I, the District Police Officer, Mansehra, therefore award him Major punishment of "Forfeiture of 03 years approved service and stoppage of 03 years increments without cumulative effect" to the delinquent Constable Mohsin No. 383, under Khyber Pakhtunkhawa Police, Disciplinary Rules 1975 (amended in 2014).

Ordered announced.

OB 123
25-06-2021

District Police Officer
Mansehra

(12)

Annex-D

BEFORE THE DIG HAZARA
RANGE ABBOTTABAD

APPEAL: AGAINST THE ORDER OF DPO MANSEHRA VIDE WHICH THE APPELLANT IS AWARDED PUNISHMENT OF FORE FEATURE OF THREE YEARS APPROAD SERVICE AND STOPPAGE OF THREE YEARS INCREMENTS WITHOUT CUMULATIVE EFFECT.

Respected Sir!

1. That, the appellant was served with a charge sheet stating therein the while posted on duty at Kashmiri Bazar Mansehra, he got opened shops by taking money from the shop keeper and hence the misconduct.

2. That, the appellant was posted over there to perform his duties to keep close the shops during lockdown. The appellant came to know that three shops were opened by the shop keepers. The appellant rushed over there and was asking them to close the shops when in the meanwhile official of security Cell came over there.

3. That, the appellant appeared before the Inquiry Officer and disclosed all these facts to the inquiry officer. The element of taking money or closing the shops would be established, had the evidence of

(13)

[redacted] shop keepers were [redacted] who could rather could have given evidence [redacted] ry. In the absence of evidence of the [redacted] it cannot be said so as alleged in the charge sheet.

4. That, the inquiry officer was under an obligation to have thrashed these facts by recording the statements of shop keepers.

5. That, the punishment has been awarded to the appellant without any concrete and solid evidence.

It is therefore humbly prayed that; on acceptance of appeal the impugned order may kindly be set aside and the fore-feted service and increment may kindly be restored.

Dated 08/07/2021

Mohsin No.383.....Appellant

(19) Annex-E

OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD
0992-9310021-22
0992-9310023
r.rpohazara@gmail.com
0345-9560687

NO: 96527 /PA DATED 29 / 11 /2021

ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Constable Mohsin No.383 of District Manshera against the order of punishment i.e. ***forfeiture of 03 years approved service and stoppage of 03 years increments without cumulative effect*** awarded by DPO Manshera vide OB No.123 dated 25.06.2021.

Brief facts leading to the punishment are that the appellant while posted as GD PS City Manshera a video went viral on social media through which it has been reported that he took money and different articles from shopkeepers and allow them to open shops during the current lockdown.

The appellant was issued charge sheet along with summary of allegations and ASP Hqrs, Mansehra was deputed to conduct departmental enquiry. The EO in his findings held the appellant responsible of misconduct and recommended him for major punishment. He was heard in person by the competent authority, however he failed to advance any cogent reason in his defense. Consequently, DPO Manshera awarded him punishment of forfeiture of 03 years approved service and stoppage of 03 years increments without cumulative effect. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of DPO Manshera were sought and examined/perused. The undersigned called the appellant in OR and heard him in person. The punishment awarded by DPO Manshera seems harsh therefore, the undersigned takes lenient view and in exercise of the powers conferred upon the undersigned under Rule 11-4 (c) of Khyber Pakhtunkhwa Police Rules, 1975 punishment of forfeiture of 03 years approved service is hereby set aside with immediate effect, however ***stoppage of 03 years increments without cumulative effect will remain intact.***

SRC/OHC for n/action

DPO Manshera 01-12-2021

Office of the Police Officer No 9141 Dated 02-12-21

Mirwais Niaz (PSP)
REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

No. 96528 /PA, dated Abbottabad the 29/11 /2021.

CC:

1. DPO Manshera for information and necessary action with reference to his office Memo No 14599/GB dated 11-08-2021. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

(15)

Annex-F

بخدمت جناب آئی جی پی صاحب خیبر پختونخواہ

اپیل برائے بحالی اینکر یمنٹ

جناب عالی!

1۔ یہ کہ سائل کو ڈی پی او صاحب ضلع مانسہرہ نے ایک چارج شیٹ اس الزام کے ساتھ دی کہ کشمیری بازار مانسہرہ میں ڈیوٹی کے دوران اس نے دوکانداروں سے رقم لے کر دوکانیں کھولیں اور اس طرح ضابطہ اخلاق کی خلاف ورزی کی گئی۔

2۔ اصل حقیقت یہ ہے کہ لاک ڈاؤن کے دوران دوکانات بند رکھنے کے لئے سائل اپنے فرائض کی انجام دہی کے لئے وہاں تعینات کیا گیا تھا تین دوکانات، دوکانداروں نے کھول رکھی تھی جب سائل کو علم ہوا سائل وہاں پہنچا اور دوکانات بند کروا ہی رہا تھا کہ انچارج سکیورٹی سیل وہاں پہنچ گیا جس نے یہ سمجھا کہ میں دوکانیں کھلوا رہا ہوں حالانکہ میں دوکانیں بند کروا رہا تھا۔

3۔ یہ کہ سائل انکوائری آفسر کے سامنے پیش ہوا اور تمام حقائق انکوائری آفیسر کو بتائے کہ واقعہ کے اصل گواہ دوکاندار ہیں لیکن دوکانداروں کے کوئی بیانات نہیں لئے گے۔ اس طرح دوکانداروں کے بیانات کی عدم موجودگی کی بناء پر سائل کو الزام نہیں دیا جا سکتا۔ اور انصاف کے تقاضوں کے مطابق دوکانداروں کے بیانات لینا ضروری تھا اس کے علاوہ بھی سائل کے خلاف کوئی ثبوت نہیں تھا سائل تو اپنی ڈیوٹی ایمانداری سے کرتے ہوئے وہاں دوکانیں بند کرنے کیلئے پہنچا تھا اور انچارج سکیورٹی سیل نے غلط فہمی کی بناء پر یہ سمجھا کہ میں نے دوکانیں کھلوا رکھی ہیں۔ جو کہ DPO صاحب مانسہرہ نے سائل کی تین سال نوکری معہ تین انکریمنٹ ضبط کر لی سائل نے جناب RPO صاحب ہزارہ پر اپیل دائر کی جو RPO صاحب ہزارہ نے سائل کی تین سال نوکری بحال کر دی مگر انکریمنٹ بحال نہیں کیئے۔

عالی جا سائل نے 2011ء میں بطور کانسٹیبل نوکری شروع کی اور عرصہ دس سال میں نہایت ایمانداری اپنے نوکری سرانجام دے رہا ہے سائل کو ناکردہ گناہ کی سزا دی جا رہی ہے سائل جو کہ غریب خاندان سے تعلق رکھتا ہے جو کہ مشکل سے تنخواہ میں اپنے خاندان کی کفالت کر رہا ہے۔ تین انکریمنٹ بند ہونے سے سائل کے معاشی حالات شدید متاثر ہو رہے ہیں۔

استدعا یکہ سائل کے اینکریمنٹ بحال کرنے کا حکم صادر فرمایا جائے۔ جناب کی ماتحت پروری ہوگی۔

المرقوم: 16/12/2021

محسن علی

عارض

کانسٹیبل محسن علی 383 ---------- اپیل کنندہ

(16)

Annex-G

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted **FC Mohsin No. 383.** The petitioner was awarded punishment of forfeiture of 03 years approved service & stoppage of 03 years increments by DPO Mansehra vide OB No. 123, dated 25.06.2021 on the allegations that he while posted as GD PS City Mansehra a video went viral on social media through which it was reported that the appellant had taken money & different articles from shopkeepers & allowed them to open shops during the lockdown in Mansehra.

The Appellate Authority i.e. RPO Hazara converted the punishment of forfeiture of 03 years approved service & stoppage of 03 years increments into stoppage of 03 years increments vide Order Endst. No. 26526/PA, dated 22.11.2021.

Meeting of Appellate Board was held on 02.06.2023 wherein petitioner was heard in person. Petitioner contended that the allegations are baseless.

Perusal of enquiry papers reveals that the allegations leveled against the petitioner have been proved. During hearing, petitioner failed to advance any plausible explanation in rebuttal of the charges. The Board sees no ground and reasons for acceptance of his petition; therefore, the Board decided that his petition is hereby Rejected.

Sd/

RIZWAN MANZOOR, PSP
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ [illegible] /23, dated Peshawar, the 21-07-2023.

Copy of the above is forwarded to the:

1. Regional Police Officer Hazara. One Service Roll, One Fuji Missal (containing Enquiry File) of the above named FC received vide your office Memo: No. 548/PA, dated 01.08.2022 is returned herewith for your office record.

Office Of The Regional Police Officer
Dy. No. 13283
Dated 1/8/23
Hazara Region-II Abbottabad

District Police Officer, Mansehra.

2. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to Registrar CPO Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

EC (DPO Mansehra
For notification & Acknowledge S/R,
Fauji Missal & Enquiry file.

DIG/Hazara 01/08

SRC 1 OHC
For NA

No. 14164/E
02-08-23
DPO, Mansehra

(DR. ZAHID MEHMOOD) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

(17) Annex 'H'

جناب عالی!

گزارش ہے کہ سائل کے خلاف جناب DPO صاحب نے سزائے برخاستگی صادر فرمائی تھی جس کی اپیل سائل نے جناب IGP صاحب کے ہاں دائر کی تھی جو مسترد ہو چکی ہے۔ اب سائل سروس ٹریبونل میں اپیل دائر کرنا چاہتا ہے جس کے لیے سائل کو مصدقہ نقول آرڈر کی ضرورت ہے۔

لہٰذا درخواست ہے کہ سائل کو آرڈر ہذا کی مصدقہ نقول دی جائیں تاکہ سائل سروس ٹریبونل میں اپیل دائر کر سکے۔

العارض

کانسٹیبل نمبر 383 ضلع DPO مانسہرہ

مورخہ 29/08/2023

SRC

Allowed

DPO Mansehra

وکالت نامہ

بعدالت جناب خیبر پختون خواہ سروس ٹریبونل پشاور

منجانب اپیلانٹ

محسن علی

WRK Protest & other

دعویٰ یا جرم سروس اپیل باعث تحریر آنکہ

مندرجہ بالا عنوان میں اپنی طرف سے پیروی وجوابدہی مقام ایبٹ آباد / پشاور

محمد سلیم تنولی ایڈووکیٹ بدیں شرائط وکیل مقرر کیا۔ کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص روبرو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوا۔ اور حاضری کی وجہ سے کسی وجہ پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہونگے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ یا کچہری کے مقرر اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہونگے۔ اگر مقدمہ مقام کچہری کے کسی اور جگہ ساعت ہونے یا بروز کچہری کے اوقات کے آگے یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے واسطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کل ساختہ پرداختہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرنے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپرد ثالثی وراضی نامہ و فیصلہ برخلاف کرنے اقبال دعوے کا اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا ڈگری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ پیروی مختار نامہ کرنیکا مجاز ہوگا۔ اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہونگے جیسے صاحب موصوف کو۔ پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ سند رہے مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

Accepted by
M. Aslam

مورخہ: 18-09-2023

المرقوم

المرقوم

المرقوم

محسن علی (بیرسٹر)