


## FORM OF ORDERSHEET

Court of \_\_\_\_\_

Case No. 1866/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	14.09.2023	<p>As per direction of the Worthy Chairman the present appeal is fixed for decision on office objections before touring Single Bench at A.Abad on</p> <p style="text-align: right;"> REGISTRAR</p>


Respected Sir,

It is submitted that the present appeal was received on 16.08.2023, which was returned to the counsel for the appellant for removing objections (Flag-A). Today i.e. 05.09.2023 he re-filed the same without removing the objections No.2 & 3 with a note (Flag-B).

The appeal is now submitted to your honor under rules 7 (c) of the Khyber Pakhtunkhwa Service Tribunal rules 1974 for appropriate order please.

  
05/09/23  
REGISTRAR

Worthy Chairman

*Obj to be filed at attached bench*  
  
14/09/23

The appeal submitted by Mr. Muhammad Arshad Khan Tanoli Advocate today i.e. on 16.08.2023 is incomplete on the following score which is returned to him for completion and resubmission within 15 days.

1. Annexures A, B, & E of the appeal are illegible which may be replaced with legible/better one.
2. Reply to show cause notice is not attached with the appeal which may be placed on it.
3. Departmental appeal against order date 13.12.2020 and 18.1.2021 is not attached with the appeal.
4. The documents that are to be provided must be legible.

No. 3087 /S.T.

Dt. 24/08 /2023



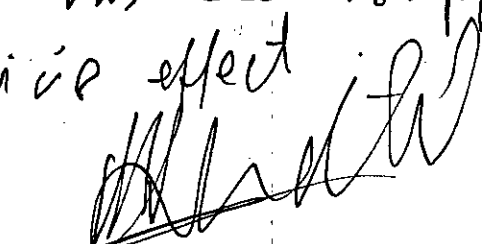
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Muhammad Arshad Khan Tanoli Adv.  
High Court Abbottabad.

Today 24-8-23 I received an AMEND  
for rectification

Sir,

objections are removed as pointed  
out. However, there is no need  
of departmental appeal. on  
the basis of departmental  
appeal, removal from service  
order was converted into re-instatement  
and the increment has been stopped  
with commulative effect

  
28/8/2023.

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

Service Appeal No. 1866/2023

FC Nasir No. 1309 Police Line, District Abbottabad.

...APPELLANT

**VERSUS**

Govt. of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affairs,  
Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

**SERVICE APPEAL**

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4.	Copy of statement of FC Ahtisham No. 1479 PS Mirpur	14	"C"
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7.	Copy of impugned order No. 167 dated 18/01/2021	17	"F"
8.	Wakalatnama		

...APPELLANT

Dated: \_\_\_\_\_/2023

Through

(Muhammad Arshad Khan Tanoli)  
Advocate High Court, Abbottabad

&

(Muhammad Ibrahim Khan)  
Advocate High Court, Abbottabad

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

Service Appeal No. 1866/2023

FC Nasir No. 1309 Police Line, District Abbottabad.

**...APPELLANT**

**VERSUS**

1. Govt. of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affairs, Khyber Pakhtunkhwa, Peshawar.
2. IGP, Khyber Pakhtunkhwa, Peshawar.
3. Regional Police Officer, Hazara Region, Abbottabad.
4. District Police Officer, Abbottabad.

**...RESPONDENTS**

**SERVICE APPEAL UNDER SECTION 4 OF  
KPK SERVICE TRIBUNAL ACT, 1974, FOR  
DECLARATION TO THE EFFECT THAT ONE  
INCREMENT OF THE APPELLANT HAS  
BEEN STOPPED WITH ACCUMULATIVE A  
SPECIFIC PERIOD VIDE IMPUGNED ORDER  
DATED 18-01-2021 RECEIVED BY THE  
APPELLANT ON 25/08/2023 WHICH IS  
ILLEGAL, AGAINST THE LAW AND LIABLE  
TO BE SET-ASIDE.**

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**PRAYER:** ON ACCEPTANCE OF THE INSTANT APPEAL, IMPUGNED ORDER NO.167 DATED 18.01.2021 ISSUED BY RESPONDENT NO. 3 MAY GRACIOUSLY BE SET-ASIDE WITH ALL BACK BENEFITS.

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Respectfully Sheweth;-

Following are the facts, giving rise to the instant appeal.

1. That the appellant is performing his duties at Havelian, District Abbottabad.
2. That the appellant alongwith other police officials during the duty at Jadoon Plaza phase II Abbottabad, arrested an accused Mst Noreen Alias Kaki and recovered from her 1.50 gram ICE and case was registered in Police Station Mirpur Abbottabad. Copy of F.I.R No. 330 dated 01.04.2021 attached as Annexure "A".
3. That the Excise Police raided a house at Jhangi Syedan Gillani house Street No. 1

Kohsar Colony Abbottabad and recovered 2134 gram chars, 713 gram Heroin and 157 gram ICE from accused Mst Naila Bibi and brought accused to Police station. Copy of F.I.R No. 41 dated 07.04.2021 attached as Annexure "B".

4. That, a case was registered FIR No. 842 dated 16/07/2020 under Section 9D/11A CNSA Police Station Mirpur, the accused Usman Alias Raki, resident of usmanabad who was real brother of lady/drug peddler Naila Bibi w/o Muzahir Shah, resident of Bilal Town, Abbottabad.
5. That the appellant played active role in accordance with law and participated in the narcotics cases registered against Mst Naila Bibi and her real brother Usman Alias Raki. To Save her self and her family Mst Naila Bibi wrote miscellaneous complaints to highups of police department, in which she charged getting illegal of gratification and provision of illegal assistance to Narcotics

Drug Seller by the appellant. She also place audio recording against the appellant.

6. That accused Mst Naila Bibi and her real brother Usman Alais Raki both are influential persons. The appellant is a law abiding Police Official therefore, the appellant did not care the influence exerted by the accused Naila Bibi and she was booked according to law.
7. That the said application was addressed to respondent No.1, therefore, an inquiry was marked to Deputy Superintendent of Police Cantt, Abbottabad to conduct inquiry against the appellant on the so-called allegations which were mentioned in the compliant filed by the accused Mst. Naila Bibi.
8. That the inquiry office recorded statement of the appellant and statement of Ahtisham No. 1479 Police Station Mirpur who interestingly confirmed the name of LHC Wajid No. 767 and FC Nasir No. 1309 in audio recording but during enquiry he



stepped back to his stance and stated that this is the voice of FC Muhamad Shahid No. 1246. Copy of statement of FC Ahtisham No. 1479 PS Mirpur is attached as Annexure "C".

9. That reply of show cause notice etc of the appellant is attached as Annexure "D".
10. That respondent No.4 illegally removed the appellant from service vide impugned removal from service order No. OB/343 dated 31/12/2020. Copy of impugned order of removal from service dated 13/12/2020 is attached as Annexure "E".
11. That feeling aggrieved from order dated 13/12/2020 the appellant move departmental appeal before respondent No. 3 which was partially accepted by respondent No. 4 who modified the punishment of dismissal from service with stoppage of one increment with cumulative effect. Copy of impugned order No. 167 dated 18/01/2021 is annexed as Annexure "F".

12. That the respondents issued impugned order dated 18/01/2021 which was received by appellant on 02/08/2023. The instant service appeal is filed inter-alia on the following grounds:-

**GRUNDS:-**

- a. That the imposition of punishment of stoppage of one increment with a cumulative effect is harsh and pungent. The imposition of stoppage of one increment was to be for specific period. Besides, the appellant is low paid Police Official and hardly meet both ends.
- b. That the impugned order of the appellant issued by respondent No.3 is perverse, illegal, against the law, without observing codal formalities

and the order of stoppage of one increment with a cumulative effect is not maintainable in eye of law.

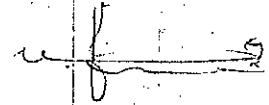
- c. That the appellant as per law proceeded against the drug peddlers and accused Mst Naila. Bibi fabricated, concocted and forged complaint was filed before respondents against the appellant for taking revenge from him.
- d. That, in this regard, a preliminary inquiry was conducted by DSP Cantt. Police Abbottabad, wherein no allegations mentioned in the complaint were proved against the appellant.
- e. That, the allegations of receiving, illegal gratification or assisting/facilitating the drug peddler has not

been proved in the said preliminary inquiry conducted by the DSP Cantt. Abbottabad and SP Investigation Abbottabad.

- f. That the appellant has not been provided opportunity of cross-examining the accused/ complainant (Naila Bibi) who leveled allegations against the appellant.
- g. That, Police Constables, in their statements, before the inquiry officer denied to confirm the voice of FC Nisar No. 1309 in audio recording nor complainant/lady Naila Bibi recorded her statement before inquiry officer. Hence, impugned order of the stoppage of one increment with a cumulative effect is perverse, discriminatory, against the law and the same is liable to be set-aside.

- h. That respondents' department has led the appellant to the place which is utterly unknown to the principle of jurisprudence, natural justice and fair play.
- i. That this fact may not be left to fade in oblivion that the appellant proceeded against the accused/ Mst Naila Bibi and her brother Usman Alias Raki as per law but even than the appellant has been made a scapegoat due to no fault of his.
- j. That respondent No.3 passed partial order of stoppage of one year increment with a cumulative effect without judicious mind.
- k. That being a service matter, this Honourable Tribunal has jurisdiction to entertain the lis.

On acceptance of the instant appeal, impugned order no.167 dated 18.01.2021 issued by respondent no. 3 may graciously be set-aside with all back benefits.



...APPELLANT

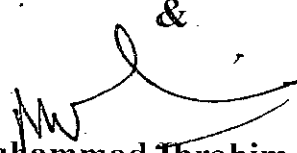
Through

Dated: \_\_\_\_\_/2023



(Muhammad Arshad Khan Tanoli)  
Advocate High Court, Abbottabad

&



(Muhammad Ibrahim Khan)  
Advocate High Court, Abbottabad

**VERIFICATION:-**

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal



...APPELLANT

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

Service Appeal No. \_\_\_\_\_/2023

FC Nasir No. 1309 Police Line, District Abbottabad.

...APPELLANT

**VERSUS**

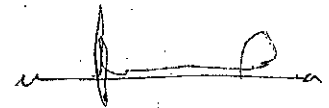
Govt. of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affairs,  
Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

**SERVICE APPEAL**

**AFFIDAVIT**

I, FC Nasir No. 1309 Police Line, District Abbottabad, do hereby solemnly affirm and declare that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



**DEPONENT**





Attested

M-L Annex - B

مقامی حکومت کا سرکاری نوٹ

مقامی حکومت کا سرکاری نوٹ

مقامی حکومت کا سرکاری نوٹ

41

17-10-1987

17-10-1987	17-10-1987	17-10-1987
17-10-1987	17-10-1987	17-10-1987
17-10-1987	17-10-1987	17-10-1987

ابتدائی اطلاع شیڈول 1 کے تحت... (The rest of the text in this section is extremely faint and largely illegible, appearing to be a handwritten report or memo.)

## ابتدائی اطلاعی رپورٹ

کوئٹہ (فائل) ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدوزیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

ضلع ایبٹ آباد

تھانہ میر پور

تاریخ وقت وقوعہ 01/04/2021 وقت 15:10 بجے

نمبر علت 330

1	تاریخ وقت رپورٹ 01/04/2021 وقت 15:30 بجے	چاکیڈگی پرچہ 01/04/2021 وقت 16:00 بجے
2	نام و سکونت اطلاع دہندہ مستغیث	عاصم بخاری SHO میر پور 0345-9626513
3	مختصر کیفیت جرم (معدہ دفعہ) حال اگر کچھ لیا گیا ہو	زیر دفعہ CNSA 11B برآمدگی 150 گرام آئس
4	جائے وقوعہ فاصلہ تھانہ سے اور سمت	نزدجدون پلازہ فیز B جانب جنوب بفاصلہ 2/3 کلومیٹر از تھانہ
5	نام و سکونت ملزم	نورین عرف کاکی زوجہ فیصل ریاض دختر محمد خان قوم راجپوت سکنہ واہ کینٹ 26 ایریا
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	برسیدگی مراسلہ پر مقدمہ قائم ہوا
7	تھانہ سے روانگی کی تاریخ و وقت	بہ سبیل ڈاک

## ابتدائی اطلاع نچے درج کرو

بوقت صدر تحریری مراسلہ مرتبہ مستغیث مندرجہ خانہ نمبر 2 بدست رشید 415 موصول ہو کر ذیل ہے محرر HC تھانہ میر پور کافی دنوں سے عام عوامی شکایت موصول ہو رہی تھی کہ جدون پلازہ لکے گرد و نواح میں کوئی عورت کہیں سے آ کر منشیات آئس فروشی کا دہندہ کرتی ہے جس نے کافی لڑکے لڑکیاں اپنے گاہک بنا رکھے ہیں جو مذکورہ کی نگرانی کے لیے مخبر خاص چھوڑا گیا جو امروز میں معہ آفتاب، کنسٹیبل رشید 415 کے بسلسلہ گشت و پتہ براری منشیات فروشاں کالج روڈ موجود تھا کہ مخبر خاص نے اطلاع دی کہ مذکورہ عورت اس وقت نزدجدون پلازہ فیز II موجود ہے جو اس اطلاع پر تھانہ سے لیڈی کنسٹیبل رمشاء 46 ہمراہ رکھ بمعہ ہمراہیان کے بوقت صدر جائے وقوعہ بالا پہنچا حسب نشانہ ہی مخبر خاص ایک عورت کو ایک بچہ اٹھائے موجود پا کر بذریعہ ہمراہی لیڈی کنسٹیبل قابو میں کیا مذکورہ مذکورہ کے ہاتھ میں پکڑے پرس برنگ سیاہ کو بذریعہ لیڈی کنسٹیبل تحویل میں کر کے پڑتال کی تو ہینڈ بیگ برنگ سیاہ میں پڑے ایک چھوٹے پرس برنگ سیاہ سے پلاسٹک کی تھیلی میں پڑی آئس برآمد ہوئی جو بر موقع بذریعہ ڈیپٹی کمیشنر کاٹا وزن کرنے پر 150 گرام آئس نکلی دریافت پر مذکورہ نے اپنا نام نورین عرف کاکی زوجہ فیصل ریاض دختر محمد خان قوم راجپوت سکنہ واہ کینٹ بتلایا برآمدہ

آئس میں سے ایک گرام آئس علیحدہ کر کے برائے تجزیہ لیبارٹری پشاور جبکہ باقی ماندہ 149 گرام آئس کے معہ چھوٹا پرس برنگ سیاہ کے پارسل نمبر 2 بطور وجہ ثبوت سر بمہرتیار کر کے پارسلز پر 3/3 عددمواہیر اسمی IB ثبت کیں نمونہ مواہیر اندر پارسلز رکھا جا کر علیحدہ بروئے قبضہ پولیس میں کر کے مذکور یہ کو مرتکب جرم بالا کا پا کر بذریعہ لیڈی کنسٹیبل حسب ضابطہ گرفتار کر کے مراسلہ برائے اندراج مقدمہ مالمقدمہ پارسلز آئس برائے ادخال مالخانہ بدست کنسٹیبل رشید 415 ارسال تھانہ ہے حلیہ ملزمہ ذیل ہے مقدمہ درج رجسٹر کر کے نقل پرچہ برائے تفتیش حوالہ DTV سٹاف کیا جاوے مراسلہ گزارش ہے حلیہ ملزمہ بھر قریب 35/36 سال قد 5'5" موٹا بدن گندمی رنگ ناخواندہ دستخط انگریزی عاصم بخاری SHO تھانہ میر پور 01/04/2021 کاروائی تھانہ موصولہ مراسلہ پر مقدمہ بجرم بالا درج رجسٹر ہو کر نقل پرچہ معہ مراسلہ بغرض تفتیش حوالہ DTV سٹاف کیا جاتا ہے۔ پرچہ گزارش ہے۔

افتخار تنولی

MHC P.S Mirpur

01/04/2021

## ابتدائی اطلاعی رپورٹ

کوئٹہ (فائل) ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدوزیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

ضلع ایبٹ آباد

تھانہ ایکسائز ہزارہ ریجن

تاریخ وقت وقوعہ 07/04/2021 وقت 17:10 بجے

نمبر علت 41

1	تاریخ وقت رپورٹ 07/04/2021 وقت بجے 18:35	چاکیدگی پرچہ 07/04/2021 وقت 19:20 بجے
2	نام و سکونت اطلاع دہندہ مستغیث	عبدالحمید انسپکٹر SHO تھانہ ایکسائز ہزارہ ریجن 0315-9188788 17301-1861719-7
3	مختصر کیفیت جرم (معد دفعہ) حال اگر کچھ لیا گیا ہو	زیر دفعہ 9D CNSA ، 11B CNSA ، برآمدگی 2134 گرام چرس، 713 گرام ہیروئن، 157 گرام آئس
4	جائے وقوعہ فاصلہ تھانہ سے اور سمت	جھنگلی سیداں گیلانی ہاؤس گلی نمبر 1 کوہسار کالونی ایبٹ آباد فاصلہ 4/5 کلومیٹر از تھانہ
5	نام و سکونت ملزم	
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	بر رسیدگی مراسلہ مقدمہ قائم ہوا
7	تھانہ سے روانگی کی تاریخ و وقت	بطور سپیشل رپورٹ

## ابتدائی اطلاع نچے درج کرو

بوقت صدر تحریری مراسلہ مرتبہ جناب SHO عبدالحمید انسپکٹر تھانہ ایکسائز ہزارہ ریجن بدست کنسٹیبل فہد خان موصول ہو کر ذیل ہے۔ امروز میں معہ آفتاب شاہ SI شمریز خان SI فہد خان FC عمران خان FC، جمال احمد FC ولیدی کنسٹیبل کے تھانہ میں موجود تھا کہ مخبر خاص نے اطلاع دی کہ گیلانی ہاؤس گلی نمبر 1 کوہسار کالونی جھنگلی سیداں میں گیلانی ہاؤس کے گراؤنڈ فلور میں ایک کرائے کے مکان میں کرایہ دار منشیات کی خرید و فروخت کا کام کرتا ہے مخبر خاص کی اطلاع کو مصدقہ جانتے ہوئے میں معہ ہمراہیان کے جائے وقوعہ بالا پہنچا اور دروازے پر دستک دی۔ دستک کی آواز پر ایک نوجوان العمر لڑکا باہر آیا جس کو معہ ہمراہیان کے قابو میں کر کے دریافت پر مذکورہ نے اپنا نام عمیر ولد محمد عارف قوم راجپوت سکنہ کریم پورہ ایبٹ آباد حال جھنگلی سیداں ایبٹ آباد بتلایا۔ جس کو ساتھ اندر لے جاتے ہوئے ٹی وی لاونج میں بیٹھی ایک عورت بذریعہ ولیدی کنسٹیبل کے قابو میں کر کے دریافت پر مذکورہ عورت نے اپنا نام نائلہ بی بی زوجہ مظاہر حسین شاہ سکنہ کریم پورہ ایبٹ آباد حال جھنگلی سیداں ایبٹ آباد بتلایا۔ نائلہ بی بی کی نشاندہی پر پکین میں موجود اوپر بنی ہوئی

شیلیف پر مصالحہ جات کی بوتلیں موجود ہیں ان مصالحہ جات کی بوتلوں میں سے ایک بوتل جس کی نانکھ بی بی نے شناخت کی اس بوتل کی  
 پڑتال پر بوتل کے اندر سے سفید شاپر میں لپٹی ہوئی آئس نکلی جس کا بذریعہ ڈیجیٹل ترازو وزن کرنے پر 157 گرام آئس نکلی اسی طرح  
 نانکھ بی بی کی نشاندہی پر ٹی وی لاؤنج سے آگے دائیں سائیڈ کمرے کے اندر لگے بیڈ کے گدے کے نیچے ایک پیکٹ زرد ٹیپ میں لپٹا ہوا  
 چرس کا نکلا جس کا بذریعہ ڈیجیٹل ترازو وزن کرنے پر 1081 گرام چرس نکلی محمد عمیر کی نشاندہی پر بائیں جانب کمرے کی الماری کے  
 بائیں خانے کے اوپر بنے شیلیف کے اندر سے ایک پیکٹ زرد ٹیپ میں لپٹا برآمد ہوا۔ جو چیک کرنے پر چرس نکلی اور دائیں شیلیف کے  
 اوپر سے نیلے رنگ کا شاپر برآمد ہوا جس کی پڑتال کرنے پر ہیروئن برآمد ہوئی برآمدہ ہیروئن کا بذریعہ ڈیجیٹل ترازو وزن کرنے پر 714  
 گرام ہیروئن نکلی برآمدہ آئس 157 گرام آئس سے ایک گرام آئس علیحدہ کر کے پارسل نمبر 1 برائے تجزیہ FSL پشاور جبکہ باقی ماندہ  
 156 گرام آئس کا پارسل نمبر 2 برآمدہ چرس 1081 گرام سے 5 گرام چرس علیحدہ کر کے پارسل نمبر 3 برائے تجزیہ FSL پشاور جبکہ  
 باقی ماندہ 1196 گرام چرس کا پارسل نمبر 4 برآمدہ چرس بذریعہ ڈیجیٹل ترازو وزن کرنے پر 1015 گرام چرس نکلی برآمدہ چرس میں  
 سے 5 گرام چرس علیحدہ کر کے پارسل نمبر 5 برائے تجزیہ FSL پشاور جبکہ باقی ماندہ 1010 گرام چرس کا پارسل نمبر 06 برآمدہ  
 ہیروئن 713 گرام ہیروئن میں سے ایک گرام ہیروئن علیحدہ کر کے پارسل نمبر 7 برائے تجزیہ FSL پشاور جبکہ باقی ماندہ 712 گرام  
 ہیروئن کا پارسل نمبر 8 سر بمہر تیار کر کے پارسل ہائے کے اندر 1/1 عدد مواہیر رکھی جا کر پارسلز پر 3/3 عدد

Annex C P 14

in red handed and recovered 45 Gms Ice from his possession. He was brought in PS Mirpur.

STATEMENTS OF FC AHTISHAAM NO. 1479 POLICE STATION MIRPUR ABBOTTABAD.

He stated that on 14.09.2020, he was present in PS, was SHO called him and said to produced FC Nasir and Wajid. Meanwhile both police official were coming from the gate of PS. He informed them to appear before SHO. They both appeared before SHO, LHC Wajid presented a envelope to SHO containing 45 Gms Ice.

Nutshell and crux of my enquiry is that during cross questioning and listening the audio recording LHC Wajid No. 767 categorically stated that he did not demand from any lady. After listening the audio recording he stated that it is not his sound. Similarly all the above police officials confirmed the version of LHC Wajid No. 767. Reportedly it has come into the notice that during preliminary enquiry SHO Wajid confirmed that the voice and stated that this voice is his subordinates namely FC Nasir and LHC Wajid. It is astonishing that during enquiry after hearing the audio recording he stepped back, denied and categorically stated that it is not their sound but it is voice of a FC Namely Muhammad Shahid No. 1246 regarding 2<sup>nd</sup> voice cannot distinguish/decide.

The above lady was called again and again, hardly she appeared, apologized to set in the enquiry proceedings and did not ready to record her statement. However, she presented a photo copy of complaint in which she has alleged SHO Sardar Wajid, Constable Nasir, Constable Shahid, Constable Atishaam, Constable Aftab and Constable Wajid (Photo copy is enclosed).

Although LHC Wajid No. 767 rebutted the charges and SHO also in his favor yet undersigned confirmed the voice from other uninterested police officers who well known LHC Wajid No. 767 under enquiry categorically admitted the voice of the LHC Wajid No. 767.

FINDINGS.

Keeping in view of above, the allegations leveled against LHC Wajid No. 767 regarding demanding offering for illegal gratification / bribe are proved as evident by the recorded audio and clandestine information. However, during the course of enquiry undersigned concluded that the role of SHO Sardar Wajid seems ambiguous. In the entire episode his backing cannot be ruled out as in the preliminary enquiry, before senior officers he confirmed the names as LHC Wajid No. 767 and FC Nasir No. 1309 in audio recording but during enquiry he stepped back to his stance and stated that this voice is FC Muhammad Shahid No. 1246.

Submitted please.

*A. Meesud*  
Subordinate  
Police Station Adjacent to  
Distt. Abbottabad

(MEHBOOB KHAN)  
Dy. Superintendent of Police,  
Cantt Abbottabad.

Annex - D

**OFFICE OF THE ADDL: SUPERINTENDENT OF POLICE, ABBOTTABAD**

No: 410 /PA, Dated Abbottabad, the 09/11/2020.

**FINAL SHOW CAUSE NOTICE  
UNDER POLICE RULE 1975 (AMENDED 2014)**

P-15

1. That you FC Nasir No. 1309 Mirpur, have rendered yourself liable to be proceeded under Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) misconduct:-

During the course of preliminary enquiry and after hearing of audio recording of mobile phones, it has been established that you have a confidential relations with drug peddler telephonically and offering for illegal gratification / bribe in addition to give illegal assistance to the narcotics seller. Your this corrupt act not only violation of the rules but overall image of the force also put at stake, which leads to misconduct on your part.

Consequently departmental enquiry was marked to SDPO Cantt, who in his findings / recommendations reported that the allegations as leveled against you have been proved.

That by reason of above, as sufficient material is placed before the undersigned therefore it is decided to proceed against you in general Police proceedings without aid of Enquiry Officer.

2. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
3. That your retention in the police force will amount to encouragement of inefficient and indiscipline officer in the force.
4. That by taking cognizance of the matter under enquiry, the undersigned as Competent Authority under the said Rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the Rules.
5. You are, therefore, called upon to Show Cause as to why you should not be dealt in accordance Police Rule for the misconduct referred above.
6. You shall submit reply to this Show Cause Notice within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.
9. You are further directed to inform the undersigned that whether you wish to be heard in person or not.
10. Grounds of action are also enclosed with this notice.

Attested  
Addl: Superintendent of Police,  
Abbottabad

Addl: Superintendent of Police,  
Abbottabad.

عاشق شوکار ٹولس منسری 410/Prم خورم 2020-10-12

قاریم جا۔ ایڈریس SP صاحب ایڈریس آباد

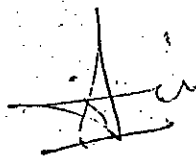
ضابطہ عالی

مستعمل ضابطہ عالی شوکار ٹولس پر مخصوص ضرورت ہونے

مکن سائل نے جو بیان دیا ہے۔ سو بھی عملہ سہاگ ہے۔

1309 مقصد شوکار ٹولس منسری ایڈریس

سائل نام  
اعرف قویم  
13/11/2020





Annex-E

P-16

ORDER

This office order will dispose of the departmental enquiry against FC Nasir No. 1309. During course of preliminary enquiry and after hearing of audio recording of mobiles phones, it has been established that you have a confidential relations with drug peddler telephonically and offering for illegal gratification bribe in addition to give illegal assistance to the narcotics seller. Your this corrupt act not only violation of rules but overall image of the force also put at stake, which leads to misconduct on your part.

He was issued with Charge Sheet & statement of allegations by Addl- SP Abbottabad vide Endst No. 362/ PA dated 12-10-2020. Raja Mehbub SDPO Cantt was appointed as Enquiry Officer. Who conducted proper departmental enquiry against the delinquent official. The Enquiry Officer submitted his findings wherein he reported that the allegations leveled against the delinquent official have been proved. Moreover, Addl: SP Abbottabad also enquired the matter and called the defaulters including other witness as well as the applicant, heard them in person and papers in hand also examined carefully. who in his findings also agreed with findings/ recommendation of previous Enquiry Officer (DSP Cantt) and recommended the FC Nasir No. 1309 for major punishment to discourage such practices in future. He was summoned to appear in Orderly Room on 31-12-2020. He was given a patient hearing but he had nothing plausible to state in his defence.

Therefore, in exercise of the powers vested in the undersigned Police Disciplinary Rules-1975 (Amended 2014), I, Yasir Afridi, PSP, District Police Officer, Abbottabad as a competent authority, am constrained to award him the punishment of Dismissal from service with immediate effect.

Order announced.

OB No. 343  
Dated 31-12-20

2.  
District Police Officer  
Abbottabad

CC.

1. Pay officer DPO Office Abbottabad.
2. Establishment clerk DPO Office Abbottabad.
3. OHC, DPO Office Abbottabad alongwith Enquiry containing page.

for completion of record.

\*\*\*\*\*

Alleged  
District Police Officer  
Abbottabad



OFFICE OF THE REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

Annex F

0992-9310021-22

0992-9310023

r.rpohazara@gmail.com

0345-9560687

NO: 166 /PA DATED 18/1/2021

P-17

ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex. Constable Nasir No.1309 of District Abbottabad against the punishment order i.e. *Dismissal from Service* awarded by DPO Abbottabad vide OB No.343 dated 31.12.2020.

Brief facts leading to the punishment are that during a preliminary enquiry and after hearing of audio recording by the competent authority, it has been found that the appellant had illicit relations with drug peddlers and provided assistance to the drug peddlers in response to illegal gratification.

The appellant was issued charge sheet alongwith summary of allegations and SDPO Cantt, Abbottabad was deputed to conduct departmental enquiry. The EO held the appellant responsible of misconduct. In addition to this Addl: SP Abbottabad also enquired the matter and recommended him for major punishment. He was called in OR, however he failed to advance any plausible reason in his defence. Consequently, DPO Abbottabad awarded him major punishment of dismissal from service. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of DPO Abbottabad were sought and examined/perused. The undersigned called the official in OR and heard him in person. After hearing the justification advanced by the appellant 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 the punishment of dismissal from service is hereby converted into *stoppage of one year increment with cumulative effect* with immediate effect. The period during which the appellant remained out of service be treated as leave without pay.

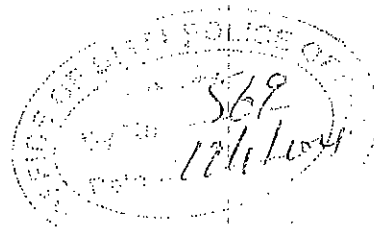
REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

No. 167 /PA, dated Abbottabad the 18/1/2021  
CC.

1. The District Police Officer, Abbottabad for information and necessary action with reference to his office Memo No.96/Legal dated 07-01-2021. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

1/SRC/dt/c

m. g.  
2  
DPO  
D/11



Attested  
District Officer, Abbottabad

کورٹ فیس

# وکالت نامہ

Service Tribunal KPK Peshawar

بعدالت

FC Nasir Khan

Govt of KPK etc

عنوان:

Appellant

مخانب:

توعیت مقدمہ:

## باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے دائرے پیروی و جواب دی کل کاروائی متعلقہ آن مقام

Abbattad M. Arshad Khan Tanoli - Asc of Peshawar

of At

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ میں اس کاروائی کا کال اختیار ہوگا نیز وکیل

صاحب موصوف کو کرنے راضی تارہ و تقرر ثالث و فیصلہ بر حلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرنے اجراء وصولی چیک روپیہ رضی دعویٰ کی تصدیق اور اس پر منتظر کرنے کا اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشگی مقام دورہ پر ہو یا

حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بہر اد

استحارت ناشی بیحد مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کیا تاکہ سند ہے۔

الرقوم:

Abbattad

Muhammed Iqbal Khan (Chay) Advocate High Court

M. Arshad Khan Tanoli Asc of Peshawar A.L.L. & C.

FC Nasir Khan  
Peshawar