

21.11.2019

Counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Shamraiz Khan, ASI for respondents present. Learned District Attorney submitted a copy of judgment of this Tribunal dated 17.09.2019 in service appeal no. 116/2015, which is placed on file. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 17.12.2019 before DB at camp court Abbottabad.

  
Member

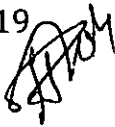
  
Member  
Camp Court Abbottabad


17.12.2019

None present on behalf of the appellant. Mr. Ziaullah, Deputy District Attorney alongwith Shamraiz Khan, ASI for the respondents present. Case called several time but none appeared on behalf of the appellant nor the appellant was present in person. Consequently, the present service appeal is hereby dismissed in default. File be consigned to the record room.

ANNOUNCED

17.12.2019

  
(Hussain Shah)  
Member  
Camp Court Abbottabad

  
(M. Amin Khan Kundi)  
Member  
Camp Court Abbottabad

08.07.2019

Junior counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney alongwith Mr. Shamraiz Khan, ASI for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that senior counsel for the appellant is ill and cannot attend the Tribunal today. Adjourned to 21.08.2019 for arguments before D.B at Camp Court Abbottabad.

  
(Hussain Shah)

Member  
Camp Court Abbottabad

  
(Muhammad Amin Khan Kundi)

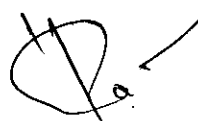
Member  
Camp Court Abbottabad

INSECT, FRODO BAGGINS

21.08.2019

Counsel for the appellant present. Mr. Muhammad Bilal, learned Deputy District Attorney alongwith Mr. Shamraiz Khan, ASI for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 18.09.2019 before D.B at camp court Abbottabad.

  
Member


  
Member  
Camp Court A/Abad

18.09.2019

Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney alongwith Mr. Shamraiz Khan, ASI for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 21.11.2019 for arguments before D.B at Camp Court Abbottabad.

  
(Hussain Shah)  
Member

Camp Court Abbottabad

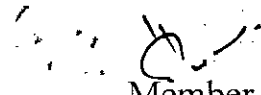
  
(Muhammad Amin Khan Kundi)  
Member

Camp Court Abbottabad

17.01.2019

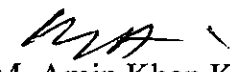
Clerk to counsel for the appellant Mr. Muhammad Bilal learned Deputy District Attorney present. Clerk to counsel for the appellant seeks adjournment as learned counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 19.03.2019 before D.B at Camp Court Abbottabad.

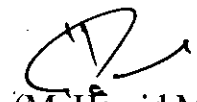
  
Member

  
Member  
Camp Court A/Abad

19.03.2019

Appellant ~~absent~~ Learned counsel for the appellant is absent. Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Shamriaz Khan, ASI for the respondents present. Notice be issued to learned counsel for the appellant for arguments for 21.05.2019 before D.B at Camp Court Abbottabad.


  
(M. Amin Khan Kundi)  
Member  
Camp Court Abbottabad

  
(M. Hamid Mughal)  
Member  
Camp Court Abbottabad

21.05.2019


Counsel for the appellant and Mr. Muhammad Bilal, DDA alongwith Shamriaz Khan, ASI for respondents present. Counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 08.07.2019 before D.B at camp court Abbottabad.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member  
Camp Court A/Abad

18.07.2018


Appellant Shakeel has died and his counsel is not in attendance, however, Mr. Shahzad Shakoor Advocate put appearance and made a request for adjournment that his senior has gone to Hospital to undergo angiography. Mr. Shamraiz Khan, ASI on behalf of the respondents alongwith Mr. Usman Ghani, District Attorney present. Adjournment granted. To come up for arguments on impleadment application of legal heirs of the appellant as well as on main appeal on 20.09.2018 before the D.B at camp court, Abbottabad.

  
Member

  
Chairman  
Camp Court, A/Abad

18.09.2018

Since 20<sup>th</sup> September, 2018 has been declared as public holiday on account of Moharram therefore, case is adjourned to 15.11.2018 for arguments before the D.B at camp court, Abbottabad.

  
Chairman  
Camp court, A/Abad

15.11.2018

None for the appellant present. Due to retirement of the Hon'ble Chairman the Service Tribunal is incomplete. Tour to Camp Court Abbottabad has been cancelled. To come up for the same on 17.01.2019 at camp court Abbottabad.

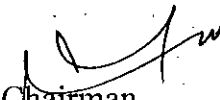
  
Reader  
A/Abad

322/15

23.11.2017

Counsel for the appellant and Mr. Kabeerullah Khattak, Addl. AG alongwith Shamraiz Khan, H.C for the respondents present. Reply to application submitted by the respondents. To come up for arguments on the point as per order sheet dated 23.08.2017, on 19.02.2018 before D.B at camp court, Abbottabad.


Member

  
Chairman  
Camp court, A/Abad

19.02.2018

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Shamraiz Khan, H.C for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 19.04.2018 before the D.B at camp court A/Abad.

  
Member

  
Chairman  
Camp court, A/Abad.

19.04.2018

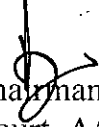
Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Atif, H.C for the respondents present. The court time is over. Adjourned. To come up for arguments before the D.B on 18.07.2018 at camp court, Abbottabad.

  
Member

  
Chairman  
Camp court, A/Abad


21.12.2016

Appellant with counsel and Mr. Shamraiz Khan, Reader alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Rejoinder submitted. Due to incomplete bench arguments could not be heard. To come up for final hearing on 18.04.2017 before D.B at camp court, Abbottabad.

  
Chairman  
Camp court, A/Abad

18.04.2017


Appellant with counsel and Mr. Shamraiz Khan, H.C alongwith Mr. Muhammad Bilal, Government Pleader for the official respondents present. Due to non-availability of D.B arguments could not be heard. To come up for final hearing before the D.B on 23.08.2017 alongwith connected appeal No. 603/2015 at camp court, Abbottabad.

  
Chairman  
Camp court, A/Abad

23.08.2017


Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney alongwith Shamraiz Khan, Reader for the respondents present. Counsel for the appellant submitted an application for impleadment of legal heirs of the appellant in the present appeal. Representative of the respondents and learned Deputy District Attorney opposed this application on the ground that the appellant has been murdered and the present appeal has abated. To come up for arguments on point whether the right to sue survives, on the death of the appellant or the present appeal has abated. To come up for arguments on this point on 23.11.2017 before the D.B at camp court, Abbottabad.

  
Member

  
Chairman  
Camp court, A/Abad


15.9.2015


Appellant in person and Mr. Shamraiz Khan, Reader alongwith Mr. Muhammad Tahir. Aurangzeb, G.P for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 18.1.2016 at Camp Court A/Abad.

  
Chairman  
Camp Court A/Abad

18.01.2016

None present for appellant. Mr. Shamraiz Khan, Reader alongwith Mr. Muhammad Saddique, Sr.G.P for respondents present. Due to absence of the appellant appeal adjourned for rejoinder and final hearing before D.B to 19.07.2016 at Camp Court Abbottabad. Notice be issued to appellant and his counsel for the date fixed.


  
Member

  
Chairman  
Camp Court A/Abad

19.07.2016

Appellant in person and Mr. Shamraiz Khan, Reader alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Counsel for the appellant is not in attendance due to strike of the lawyers. To come up for final hearing before D.B on 21.12.2016 at camp court, Abbottabad.

  
Member

  
Chairman  
Camp court, A/Abad,

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19.5.2015

Appellant with counsel present. Learned counsel for the appellant argued that the appellant was serving as Constable when vide impugned order dated 29.8.2014 dismissed from service on the ground of taking illegal gratification. That the appellant preferred departmental appeal, which was rejected on 27.01.2015 and communicated to appellant on 15.3.2015 and hence the instant service appeal on 14.4.2015.

That the charges of illegal gratification were unfounded and the complaint was even withdrawn by the complainant and hence the impugned order was a nullity in the eye of law.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 23.7.2015 before S.B at Camp Court A/Abad.

  
Chairman  
Camp Court A/Abad

5 23.7.2015

Counsel for the appellant and Mr. Muhammad Bilal, G.P for respondents present. Requested for adjournment. To come up for written reply on 15.9.2015 before S.B at camp court A/Abad.

  
Chairman  
Camp Court A/Abad

Deposited  
Security & Process Fee

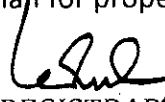






Form- A  
FORM OF ORDER SHEET

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

Case No. 322/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	14.04.2015	<p>The appeal of Mr. Shakeel presented today by Mr. Zulfiqar Ahmad Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	15-4-15	<p>This case is entrusted to Touring Bench A.Abad for preliminary hearing to be put up thereon <u>21-4-2015</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3,	21.4.2015	<p>None present for appellant.</p> <p>Notice to counsel for the appellant be issued for preliminary hearing for 19.5.2015 before S.B at camp court A/Abad.</p> <p style="text-align: right;"> Chairman Camp court A/Abad.</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUN  
KHWA PESHAWAR

*Appeal No. 322/15*

Shakeel S/O Mohammad Akram R/O Kholey Chunakari Nawanshehr Teshsil and District Abbottabad Ex. Constable # 1071 Police Line Abbottabad.

... APPELLANT

VERSUS

1. Government Of KPK through Secretary home and TAs Department Peshawar.
2. District Police Officer Abbottabad.
3. DIG/ Regional Police Officer Abbottabad.
4. Additional SP/ Inquiry Officer Police Lines Abbottabad.

...RESPONDENTS

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**SERVICE APPEAL**  
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3	Copy of complainant report	"B"	12
4	Copy of report of Nawasher Police	"C"	13-14
5	Copy of document of police officer	"D"	15
6	Copy of disciplinary Action and charge sheet	"E" & "F"	16 to 17
7	Copy of reply	"G"	18 to 20
8	Copy of inquiry report and order	"H"	21 to 23
9	Copy of Final show Cause notice	"I"	24
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12	Copy of order of respondent #3	"L"	27
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..... APPELLANT Shakeel

Through

Dated 4/ 03/ 2015

  
(ZULFIQAR AHMED)  
Advocate High Court  
Abbottabad

20/10/50

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUN  
KHWA PESHAWAR

Appeal NO. 322/2015

Shakeel S/O Mohammad Akram R/O Kholey Chunakari Nawanshehr Teshsil and District Abbottabad Ex. Constable # 1071 Police Line Abbottabad.

... APPELLANT

VERSUS

- 1. Government Of KPK through Secretary home and TAs Department Peshawar.
- 2. District Police Officer Abbottabad.
- 3. DIG/ Regional Police Officer Abbottabad.
- 4. Additional SP/ Inquiry Officer Police Lines Abbottabad.

M.W.F. Province  
Service Tribunal  
Slary No. 341  
Dated 14-4-15

...RESPONDENTS

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**APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER OF RESPONDENT # 3 DATED 27/ 01/ 2015 WHEREBY THE PETITIONER WAS DISMISSED FROM THE SERVICE AND THE ORDER PASSED BY RESPONDENT # 2 ON REPRESENTATION AGAINST THE ORDER OF RESPONDENT # 3 REJECTING THE SAME IS WITHOUT ANY PLAUSABLE EXPLANATION ILLEGAL, VOID WITHOUT LAWFUL AUTHORITY, WITHOUT JURISDICTION AND SAME IS NOT TENABLE IN THE EYES OF LAW AND ARE LIABLE TO BE SET ASIDE.**

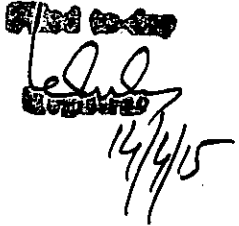
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**PRAYER:- ON ACCEPTANCE OF INSTANT APPEAL THE ORDERS OF RESPONDENTS NO 2 AND 3 MAY KINDLY BE SET ASIDE AND THE PENALTY IMPOSED UPON THE APPELLANT MAY ALSO BE SET ASIDE AND ANY FURTHER PROCEEDINGS IN CONSEQUENCE OF IMPUGNED ORDERS MAY ALSO BE SET ASIDE BEING UNLAWFUL AND AGAINST THE SETTLED NORMS OF JUSTICE.**

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Respectfully Sheweth; -

The facts giving rise to the instant appeal are arrayed as under.



**FACTS:-**

- 1. That the appellatant was appointed in the police department as constable on 01/4/2011, and has unblemished service record.  
(Copy of service card is attached as annexure "A").
- 2. That the on the eventful day the appellatant was detailed for petrol duty at Illyasi Mosque from the incharge Guard duty.

- r. That the three army men came into the tent of the guard and informed us that a boy and a girl are busy in objectionable acts and they desired that they should be asked and interrogated.
- ε. We the petrol duty members found that person in a hidden place behind a big stone and asked for his identity. He discloses his name as Arslan S/O Javaid R/O Kurj Jadeed Abbottabad and became annoyed over such query and treating the police party for dire consequences and went away.
- ο. Late we were informed that he had lodged some report in P.S Nawanshehr vide serial # 18 of daily diary dated 22/4/2014 stating there in that he was on a visit to Illaysi Mosque along with his fiancé, when stopped by a uniform constable along with two others whom he could identify, searched him, beaten him and took a sum of rupees 2000/- from him as well as twenty two hundred and golden ring from his fiancé, also his mobile QX6 along with SIM # 0311-1632282 was also taken by them. (Copy of his report is attached as annexure "B").
7. Copy of the above report was sent by the Nawanshehr Police to the highups mentioning therein that the matter was compromised between the complainant Arslan and the delinquent police officers. It was how over recommended departmental action against the appellant and other constables Mubashir # 509 and Waqas # 1421. (Copy of the report of Nawanshehr Police is attached as annexure "C").
- γ. That the complainant Arslan in the presence of witness Zaheer Khan S/O Khushal Khan had given written statement given to police at Nawanshehr that he has lodged the report on the of some misunderstanding and that he requested not to any action against the police officers. He further clarified that the

police constables had not taken from them any money, Mobile Or ring, therefore he requested to file his report. As the token of his correctness he signed it giving his mobile numbers besides it was also attested by witness Zaheer Khan S/O Khushal Khan. (Copy of the document exonerating the police officer from any offence is attached as annexure "D").

4. That on the basis of annexure "C", the Respondent # 2 initiated disciplinary action under Police Rule 1975, against the appellant by issuing him statement of allegation and charge sheet and also appointed Shams ul Rehman Additional SP Respondent # 4 as inquiry officer. (Copy of disciplinary action and charge sheet is attached as annexure "E" and "F").
5. That the appellant replied the charge sheet and the statement of allegation explaining every corner of the case and requested that it be filed having no substance. (Copy of reply is attached as annexure "G").
6. That the inquiry officer Respondent # 4 submitted his findings to the Respondent # 2, where upon it was ordered to issue Final Show Cause notice. (Copy of inquiry report of Respondent # 4 and order on it of Respondent # 2 is attached as annexure "H").
7. Consequent upon the above Final Show Cause notice was served on the appellant along with the grounds of action which was replied properly. (Copy of Final Show cause notice is attached as annexure "I").
8. That in the reply to final show cause notice that the appellant had clearly negated the report lodged by Arslan, the complainant and he also admitted during former inquiry by the SHO his charges were proved false and on the basis of which he gave his written statement to withdraw the charges mentioning that on the

basis of some misunderstanding he had made the report. At that moment witness Zaheer Khan S/O Khushal Khan was also present who signed his deed written to this effect in presence of Raja Mumtaz SI, Mohammad Ilyas Madad Muharar and Mr. Nazak Muharrar. In the reply the appellant prayed to withdraw the show cause notice. (Copy of reply to final show cause notice is attached to as annexure "J").

17. That on 29/8/2014 Respondent # 2 passed the impugned order vide OB # 228 dated 29/8/2014 under Police E & D Rules 1975 and awarded major punishment from dismissal from service with immediate effect. (Attested copy of the impugned order is attached as annexure "K").

18. That against the order of Respondent # 2, the appellant preferred departmental appeal. Which was not considered by Respondent # 3 and filed it on 27/1/2015 but the copy of same was handed over to the appellant on 16/3/2015. (Copy of the order of Respondent # 3 is attached as annexure "L").

That the impugned orders of respondent # 2, 3 and the inquiry report of Respondent # 4 is liable to be set aside inter – alia on the following grounds:-

**GROUND:**

- a) That the inquiry conducted by Respondent # 4 is against law facts and circumstances of the case as biased report has been submitted without taking into consideration that the complainant Arslan had submitted before the local police Nawanshehr in presence of witnesses without any pressure Or coercion that he had made report on misunderstanding and that no valuable was taken by him by any of the police officers. Therefore the inquiry report submitted against the appellant was without any

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*substance, without taking any consideration of material aspect of the case which is not tenable under the law.*

- b) *That the District Police Officer Respondent #2 while awarding major punishment has failed to appreciate the fact that I was not involved in the case but was arrayed in the matter which initially was cleared when the Police at Nawanshehr initially probed the matter where the complainant clarified that it was a misunderstanding based report and that nothing valuable was taken by any of the police constables by him. Therefore any such order based on misreading and no reading of the facts and evidence clearly suggest it to be an order against law, facts and circumstances of the case hence not tenable under the law and needs to be reversed.*
- b) *That the DIG Respondent # 3 also did not take in to consideration the true facts and relied on the controversial inquiry report and order based on surmises and conjectures, therefore the dismissal of appeal also amounts an order passed illegally without jurisdiction and tenable under the law.*
- c) *That the charge of involvement in the case made basis for dismissal of the appellant has already been denied by the complainant at initial stage that no occurrence of taking money, mobile Or gold ring had taken place and all what happened was due to misunderstanding. But the Respondents did not consider the same which was the very base of the impugned inquiry and orders passed in the matter which itself carries no justification in the eyes of law.*



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- d) *That the orders of respondent No 2 and 3 are illegal arbitrary, void, without lawful authority and also without jurisdiction and hence liable to be set aside.*
- e) *That much importance has been given to the inquiry report conducted in the matter which its self is full of material legal and factual flaws hence the orders based on such a shaky inquiry report may not be order to stand and set aside.*
- f) *That patently order of dismissal from service is illegal without lawful authority and result of misreading and non reading and the order of filing the representation of appellant by respondent # 1 is also illegal as no reasons have been advanced for rejecting the same*
- g) *That the illegal and without jurisdiction orders of respondent # 2 and 3 have resulted in mis-carriage of justice and amounted to abuse of process of law which has adversely effected the appellant by the un fair partial, un reasonable and discriminatory inquiry, orders of respondent # 2 and 3 as the bias departmental inquiry findings have been submitted against the appellant and based for dismissal of the appellant.*
- h) *That respondent # 2 and 3 did not take into consideration the fact that the allegations leveled in the Roznamcha did not gets support from the clarification of the complainant who with drew the charges while effecting compromise in the matter.*
- i) *That further points will be submitted at the time of arguments.*

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**PRAYER:**

*It is therefore most humbly prayed that on acceptance of instant appeal impugned orders of respondent # 2 and 3 may kindly be set aside and appellant reinstated in service from the date of his suspension with all back benefits under the law.*

Shakeel

...APPELLANT

Dated: 4/03/2015

Through



**(ZULFIQAR AHMAD)**  
Advocate High Court  
Abbottabad

8

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUN  
KHWA PESHAWAR

Shakeel S/O Mohammad Akram R/O Kholey Chunakari Nawanshehr Teshsil and District Abbottabad Ex. Constable # 1071 Police Line Abbottabad.

... APPELLANT

VERSUS

1. Government Of KPK through Secretary home and TAs Department Peshawar.
2. District Police Officer Abbottabad.
3. DIG/ Regional Police Officer Abbottabad.
4. Additional SP/ Inquiry Officer Police Lines Abbottabad.

...RESPONDENTS

=====

APPLICATION FOR DESPENSTION OF ANNEXURES

Respectfully Sheweth,

1. That the appellant has filed the titled appeal before this Honorable Tribunal without the certified copies of the Annexes "A" to "L" and undertake to submit the same as and when made available.

It is therefore, most respectfully prayed that the copies of the above mentioned annexure may kindly be dispensed with.

Shakeel

...APPELLANT

Dated 4/03/2015

THROUGH  
(ZULFIQAR AHMED ADV)

AFFIDAVIT

Shakeel S/O Mohammad Akram R/O Kholey Chunakari Tehsil and District Abbottabad, Ex Constable # 1071 District Police Abbottabad. I the above named deponent do hereby solemnly affirm and declare on oath that the contents of the attached application are true and correct to the best of my knowledge.

Nothing has been kept concealed.

shakeel  
DEPONENT

9

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUN  
KHWA PESHAWAR

Shakeel S/O Mohammad Akram R/O Kholey Chunakari Nawanshehr Teshsil and District Abbottabad Ex. Constable # 1071 Police Line Abbottabad.

... APPELLANT

VERSUS

1. Government of KPK through Secretary home and TAs Department Peshawar.
2. District Police Officer Abbottabad.
3. DIG/ Regional Police Officer Abbottabad.
4. Additional SP/ Inquiry Officer Police Lines Abbottabad.

...RESPONDENTS

=====

APPEAL AGAINST DISMISSAL

AFFIDAVIT

I Shakeel S/O Mohammad Akram R/O Kholey Chunakari Tehsil and District Abbottabad, Ex Constable # 1071 District Police Abbottabad., do hereby solemnly affirm and declare 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 therein. No such appeal is pending in any other court.

Dated 4/03/2015

Shakeel  
...DEPONENT



Identified by:

(ZULFIQAR AHMAD)  
Advocate High Court  
Abbottabad

10/10/10

10





0311-9846350  
13101-2402653-7

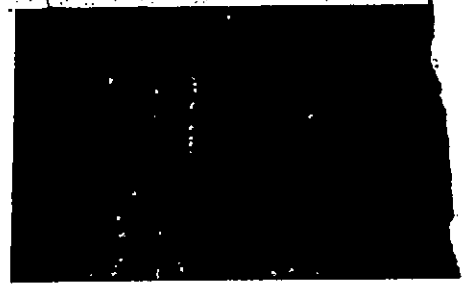
لجھڑت کرنا ہے کہ مل مورخہ 4 مارچ 1994ء کو سرحدی علاقوں میں گوتے پھرنے کیلئے آئے دیگر سٹیبل ایسا ہی سمجھتی تھی ساٹیڈ راکے میں ایسی سنگین  
 کے ساتھ اوسپر مہاراجے پر گیا کہ آکر پوریس پٹیل جو بادی کے تھا اور وہ سبھی پارحیاں میں تھے میں کو سامنے آئے  
 یہ شناخت کر سکتا ہوں نے ہمیں وقت کے کر میری جامع لاشی کے تھے جن میں سے دو نے مجھے مارا بیٹا اور لہجہ  
 کے دھم لہجہ میں 2007ء میں اس طرح میری سنگین کے بھی دھم لہجہ میں 2007ء میں اور ایک آٹو گھنٹہ  
 ملائی کے لئے مجھے مارا بیٹا اور لہجہ میں 2007ء میں اس طرح میری سنگین کے بھی دھم لہجہ میں 2007ء میں اور ایک آٹو گھنٹہ  
 مارا بیٹا ہے پرائے رپورٹ میں آتا ہوں کہ کون کون سے ملازمت کے لوگوں کے خلاف دھم، تو پائل آٹو گھنٹہ میں  
 اور مارا بیٹا کر کے مارا بیٹا ہوں کہ کون کون سے ملازمت کے لوگوں کے خلاف دھم، تو پائل آٹو گھنٹہ میں  
 جو کہ دھم ہے اس کے لئے اور میری دھم اور پائل کے لئے واپس دلوئے قائم لپورٹ سن لی جا  
 میں دھم ہے اس کے لئے اور میری دھم اور پائل کے لئے واپس دلوئے قائم لپورٹ سن لی جا  
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میں دھم ہے اس کے لئے اور میری دھم اور پائل کے لئے واپس دلوئے قائم لپورٹ سن لی جا  
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fas  
MMS NR  
22-4-14

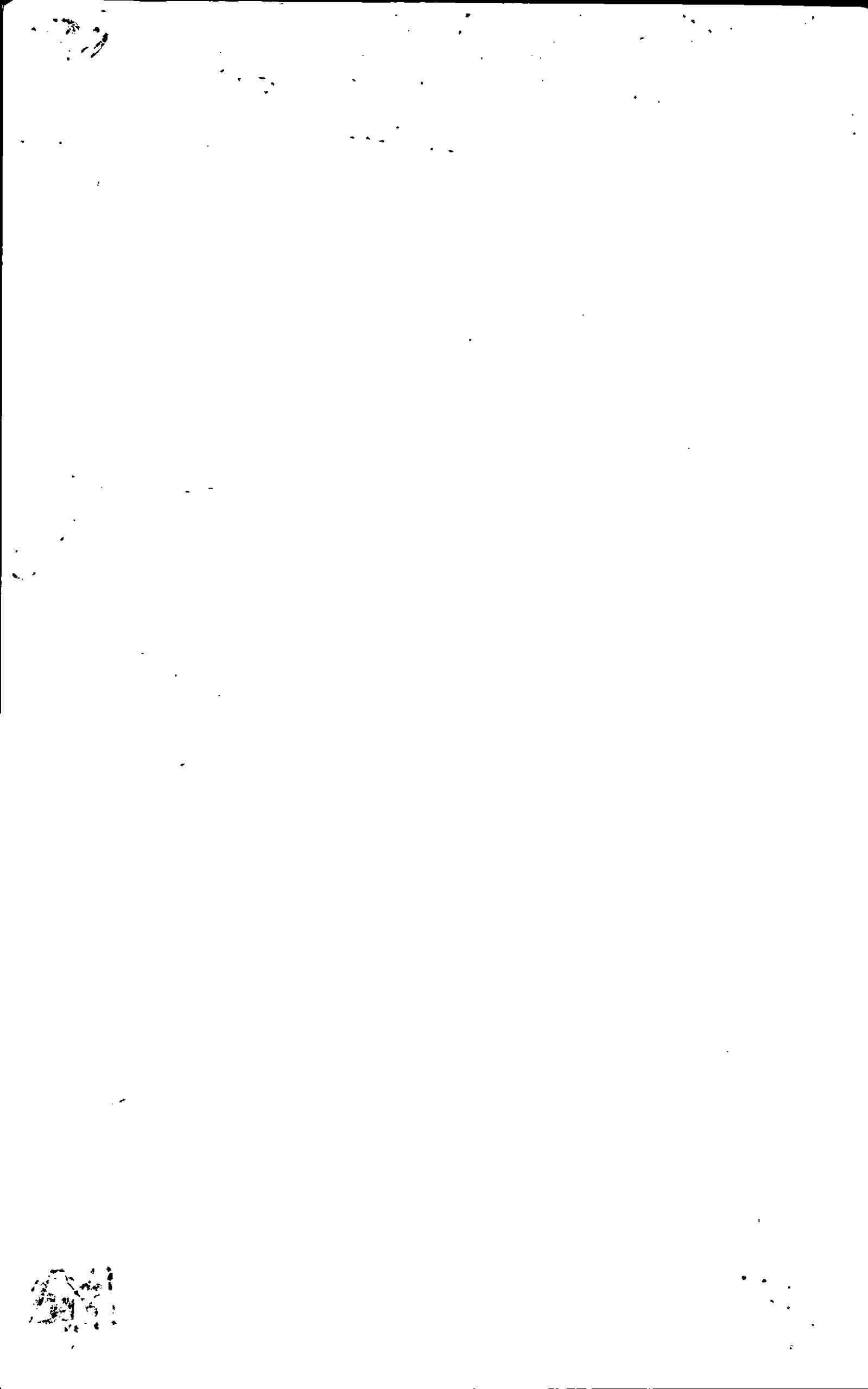
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0315 727725



Handwritten signature and text, possibly a name like 'Anwar'.

Handwritten number '115'.







Advocate

D

میں نے جو رپورٹ بحوالہ ص 18 روزنامہ جس پر 22/4/74 پر خلافت بلا لڑنا  
 پولیس سٹیشن گارڈ ایبلیٹی ٹا بے کرواؤں گئے ہیں نے وہی رپورٹ  
 ملتا ہے کہ ساری پولیس ملازمین کے خلاف کرواؤں گئے ہیں  
 رپورٹ میری قسم کے خالوں کے کارروائی سے آئی جائے جائے  
 دہلی دفتر سے آئی ہے۔ محمد کے پولیس ملازمین کے کرواؤں  
 قسم، صوبائی، ایگرونیس ہیں کہ ہے۔ صرف ملتا ہے  
 کہ رپورٹ درجہ کرواؤں ہے کہ قسم کے خالوں کے کرواؤں  
 کہ خواتین ہیں ہوتے کہریا تکہ دینا ہوتے قائم سر

الذی اسلٹ ولر محمد جاوید قوم بھٹان کے ایچ خدیج  
 13101-2462653-7  
 0311-9846850

گواہ نمبر 1/123-9666123-1  
 13101-9666123-1  
 0315 7277725

(16)

DISCIPLINARY ACTION.

Attest -

*[Signature]*  
Advocate

**E**  
**==**

I, Muhammad Ali Khan District Police Officer Abbottabad, as Competent Authority of the opinion that you FC Shakeel No.1071 have rendered yourself liable to be proceeded against as you committed the following act/omission within the meaning of Police Disciplinary Rules 1975.

STATEMENT OF THE ALLEGATION.

As per DD No. 18 dated 22.04.2014 of PS Nawansher, you FC Shakeel No. 1071 alongwith FC Mubashir Ali No. 509 and FC Ahmed Waqas No. 1421, have beaten one Arsalan and his family and also taken a sum of Rs: 4200/-, one golden ring and one Mobile (Qx6) from them, which is a gross misconduct on your part.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, Mr. Shams ur Rehman, Addl-SP is deputed to conduct formal Departmental Enquiry against you.

The Enquiry Officer shall in accordance with the provision of ordinance, provide reasonable opportunity of hearing the defaulter, furnish findings within 30 days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

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

*[Signature]*

District Police Officer,  
Abbottabad.

No. 217-19/PA, Dated Abbottabad, the 30-4 /2014.

Copy of above is forwarded to:-

1. Mr. Shams ur Rehman Addl-SP (Enquiry Officer) for initiating proceedings against the defaulter officer under provisions of the Police Disciplinary Rules 1975.
2. FC Shakeel No.1071 through RI Lines with the direction to submit his defense within 7 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purpose of departmental proceedings.
3. RI P/Lines Abbottabad with the directions that the duplicate copy of the same be returned to this office after taking signature of official concerned as a token of receipt.

District Police Officer,  
Abbottabad.

(17)

*Attest  
Advocate*

**F**  
**==**

**CHARGE SHEET.**

I, **Muhammad Ali Khan District Police Officer Abbottabad**, as competent authority, is hereby charge you FC Shakeel No.1071 as explained in the attached statement of allegations.

You are therefore, directed to submit your written defense within seven days on the receipt of this Charge Sheet to the Enquiry Officer.

Your written defense, if any should reach the enquiry officer with in 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.

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed

*Steno  
for process.*

*Ab  
Add: SP*

*Muhammad Ali Khan*

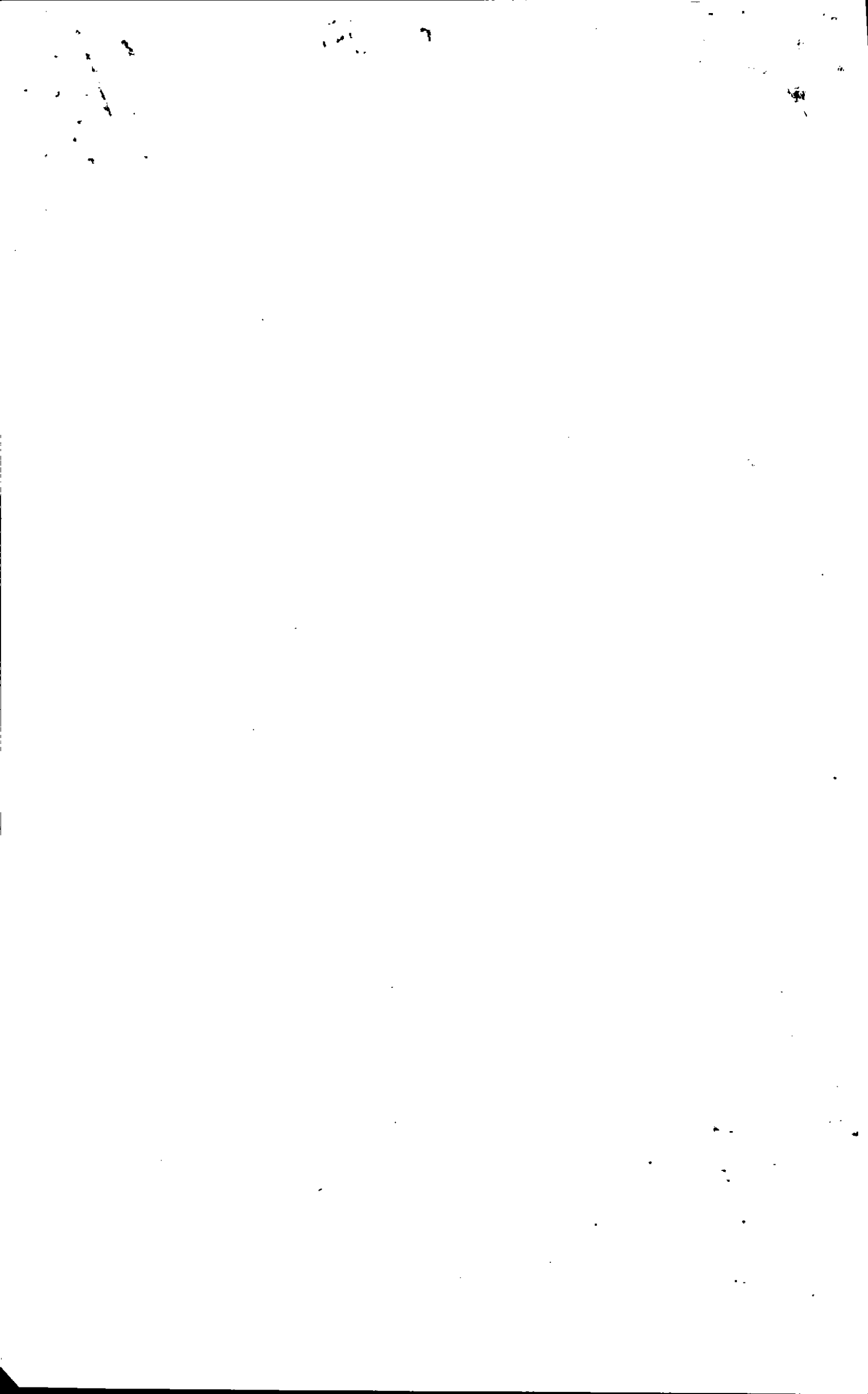
**District Police Officer,  
Abbottabad.**

Add: Superintendent of Police	
H: Ors Abbottabad.	
<b>Confidential</b>	
Dy: No	<u>790</u> / PA
Dated	<u>2.05</u> / 20/14

Advertisement

9

بحوالہ چشمورہ چارج شیٹ، ڈسپلنری ایکشن شیٹ  
 نمبر PA/19-1217 مورخہ 2014ء مورخہ 2014ء مورخہ 2014ء  
 گارڈ جو سوہم الیاسی ٹاپ میں اور احمد و قاص گیش 1421  
 گارڈ کے شیٹ میں مورخہ 2014ء کو موجود تھے۔ کہ تین باور  
 خوبی ملازمت نے میں کیا۔ کہ دو حشکو کہ لڑکا اور لڑکی  
 ممنوعہ جگہ پر بیٹھے گپ شپ میں مصروف ہیں۔ انہیں اس  
 جگہ سے ہٹائیں اور تانوں کی کارروائی کریں۔ جو میں نے اور  
 احمد و قاص گیش 1421 نے فوجیوں کی نشاندہی پر لڑکے  
 اور لڑکی کو پیٹھے دیکھ کر اپنے پاس بلایا۔ اور اس سے شناخت  
 پوچھی جنہوں نے اپنے آپکو کو ایک دوسرے کے منہ سے  
 سچے سچے کہا۔ اور شناختی کارڈ طلب کرنے پر اسلٹان  
 نے اپنا شناختی کارڈ دکھایا۔ جبکہ لڑکی کے پاس کوئی  
 شناختی کارڈ نہ ہونے کا کچھ بتلایا کہ اس کا شناختی کارڈ  
 ابھی بنا ہی نہیں ہے۔ جو ہم نے پوچھ گچھ کے دوران لڑکی  
 کے کنبہ قدیم کی ہونے کا کہنے پر ہم نے لڑکے کو شناختی  
 کارڈ واپس کر دیا۔ اور اس کا نام ریٹہ ٹوٹ کر لیا۔ اور  
 اس کے بعد جب ہم نے اس جوڑے کو یہاں سے چلے  
 جانے کا ہدایت کر کے انہیں ممنوعہ علاقہ ہونے کا کہا۔  
 تو جاتے وقت سنہ 2014ء اسلٹان نے جانے پوٹے میں  
 ترڑھیاں دیں کہ اسکی بے عزتی ہوئی ہے۔ وہ دیکھ  
 گا۔ اور تھیں تارے گنوائے گا۔ جس کا ہم نے مزید  
 وجہ کوئی ٹوٹس نہ لیا۔ کہ بہت تو ہم نے کوئی زیادتی کا علاج  
 نہ اسے عقب جا کر اس کے ساتھ کوئی بات نہ کرنے کو لڑوایا



میں نے اس کے بارے میں

سمجھا۔ جو دوسرے دن خود تعمانہ کے بلانے پر ہم یعنی میں  
 شکیں احمد اور احمد و خاص تعمانہ لوگوں شہر گئے۔ جہاں  
 پر ارسال اور اسکے ساتھ دو عزیز آدمی بھی موجود تھے،  
 جو خود نماز کے بعد نے ہمیں کہا کہ ارسال نے آپ  
 کے خلاف رپورٹ کی ہے۔ کہ آپ نے اس سے  
 ایک انڈی ٹی۔ ایک سو بائیس اور ایک سو چالیس  
 لکھے ہیں۔ اس لئے ان کے ساتھ بیٹھ کر بات کر کے  
 معاملہ کو ختم کریں۔ اور ہمیں اپنے کمرے کے ساتھ ایک  
 کمرے میں ارسال لائے۔ طبیعہ اور کاشف کے ساتھ بٹھایا  
 جو ہم نے ارسال کو حلفہ طور پر الزامات ثابت  
 کرنے کا کہا۔ تو وہ کورہ گئے آئیں بائیس شاہیں کرنے  
 پر ان سے جواب نہ بنے پرائیوں نے صاف کہہ دیا کہ  
 اسے حفا لبطہ ہوا تھا۔ اب اسے تعلق ہو چکی ہے۔ اور  
 چونکہ اس نے حفا لبطہ میں رپورٹ کی ہے۔ اس لئے  
 اب وہ کوئی جاہروائی نہیں کروانا چاہتا۔ جو عدو کرنے  
 اس کے کہنے پر یہ تحریر لکھ کر اس پر اس کے دستخط کروایا  
 اور طبیعہ کے بھی دستخط کروا کر کاغذ رکھ لیا اور ہمیں  
 تعمانہ سے خارج کر دیا ہے قبل SHO صاحب کے سامنے  
 پیش کیا۔ ارسال کے ساتھ بائیس کے دوران  
 ارسال نے ہمیں بتلایا کہ اس نے وزیر اعلیٰ صاحب  
 کے سٹینو سے SHO کو خون کروائی ہے۔ اس لئے  
 SHO صاحب نے ہمیں کہہ دیا کہ میں تمہیں معطل کروا  
 اور رات کی گنتی کے بعد ہمیں گارڈ سے پولیس لائن ٹوڑ  
 پولیس لائن پہنچنے کے تین دن بعد ہمیں معطل کروایا  
 گیا۔

انوار الحق

گناہ ہے۔ نہ ہم نے اور سلاں سے کوئی چیز لی نہ ہی ہم کوئی  
منت سماجت کی۔ نہ ہم سے کوئی چیز برآورد ہوئی نہ ہم سے  
کسی افسر نے کوئی پوچھ گچھ کی۔

استرعا حیکہ ناکر وہ گناہ کی چارج شیٹ اور ڈسپلنری  
ایکشن شیٹ داخلہ فرمائی جاوے۔

05  
07 2014 (موقوف)

شکیل کٹیپس ۱۵۶۱ پولیس لائن ایسٹہ آباد  
shakeel



From: Addl: Superintendent of Police,  
Abbottabad.

To: District Police Officer,  
Abbottabad.

No. **460** /dated Abbottabad the **06/08** /2014.

Subject: FINDINGS OF DEPARTMENTAL ENQUIRY CONDUCTED  
AGAINST FC SHAKEEL No 1071.

Memo: Kindly refer to your office diary No. 1217-19/PA dated 30-04-2014.

Arslan S/O Javaid R/O Kunj Jadeed made a report in Police Station Nawansher that on 22-04-2014, at 16:00 hours he and her Fiance namely Mst. Nadia D/O Dilawar were on picnic at Alyasi top, one uniformed and two plane clothes Police Jawans came there, searched them and get an amount of RS. 4200/-, One golden ring and one mobile from them. Police officials also disgraced them beaten them and let then to run from spot. The report was entered vide DD NO. 18 dated 22-04-2014. (Copy attached)

Respondent official who were identified as FC Shakeel No. 1071, FC Mubashir Ali No 509, FC Waqas Ahmed No 1421 were called up by SHO Zakir Khan probed the matter and comments that these officials are completely involved in this illegal activity and they earned by a bad name for police.

All these constables were charge sheeted by worthy DPO Abbottabad and I was appointed as enquiry officer.

I collected all relevant record, recorded the statement of complainant, witness, respondents and also give a chance of cross examination to respondent upon applicant.

During the course of enquiry, it found that these constables who were deputed on of Alyasi Hill top guard will on 22-04-2014 they apprehended these two people, get an amount of RS 4200/-, one golden ring, one mobile, and later on they returned these articles to complainant and get a compromise written by the complainant but as I observed this compromise was effected under pressure. I also heard respondent one by one and also gave them chance for cross examination upon complaint and complainant frequently prove his allegations against the defaulters.

I also heard complaint individually and I felt his tears in his eyes.

This is fact that all these constables touchard the applicant, get his property by force which were later on returned by the fear of departmental action.

I observed that official compelled the complaint for compromise and this compromise was just under pressure.

Such like black sheep's have been damaged the honor of department.  
And honorable department has no respect for such like people and no place for such  
an ugly mind and cheep active peoples.

*[Signature]*  
Addl: Superintendent of Police,  
Abbottabad.

Issue him FSC Notice

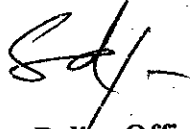
*[Signature]*  
6/8

**OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD**NO 46 /PA, Dated Abbottabad, the 11-8 /2014**GROUND OF ACTION**

That you FC Shakeel No: 1071 while posted at Police Lines, Abbottabad committed following misconduct:-

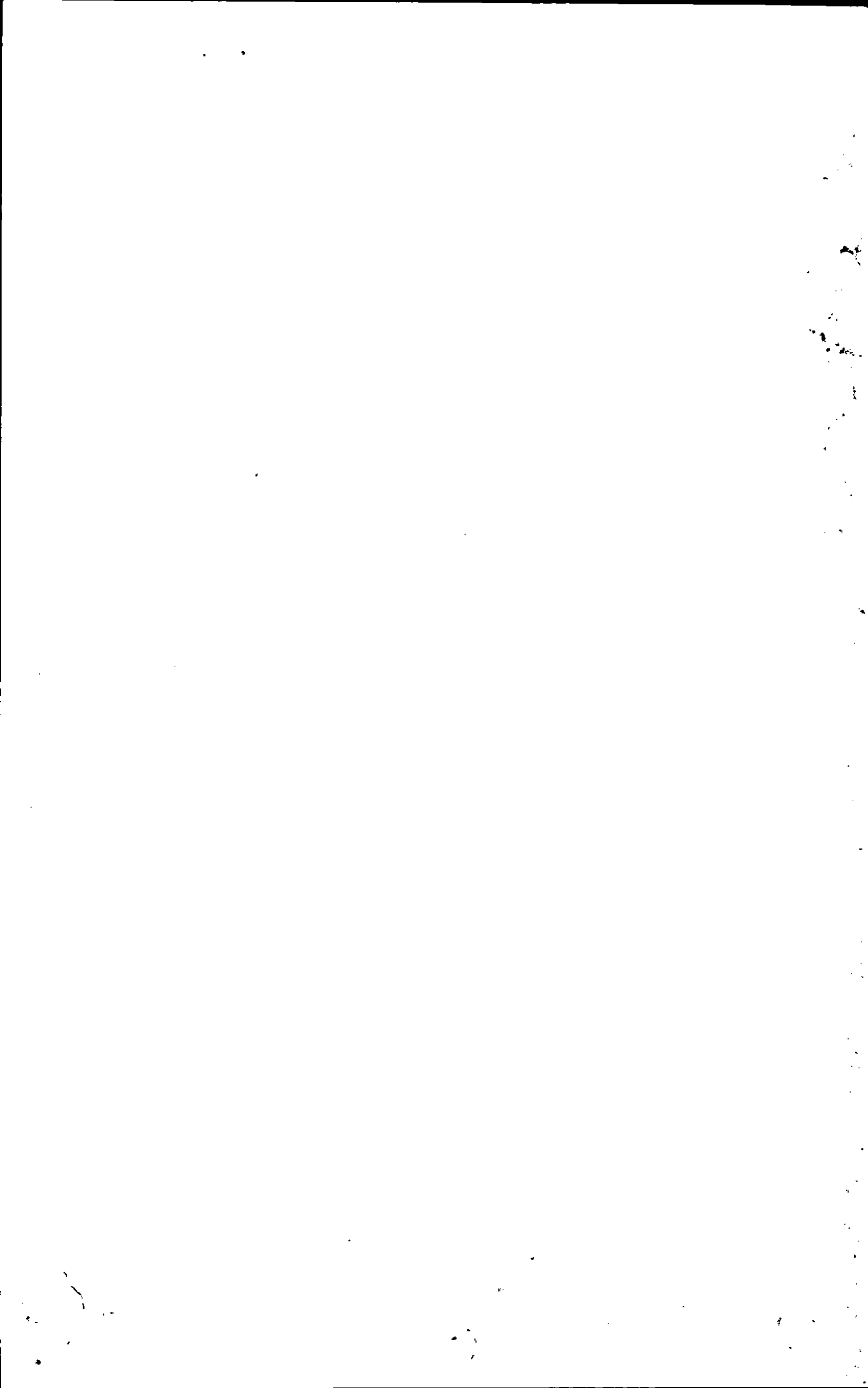
- i. As per D.D No: 18, dated 22-04-2014 of Police Station Nawanshehr, you FC Shakeel No: 1071 alongwith FC Mubashir Ali No: 509 and FC Ahmed Waqas No: 1421 have been one Arsalan and his family and also taken a sum of Rs. 4200/- one golden ring and one Mobile (Qx6) from them, which is a gross misconduct on your part.
- ii. During proper departmental enquiry the allegation have been proved against you.

By reasons of above you have rendered yourself liable to be proceeded under Khyber Pakhtunkhwa Police Rules, 1975, hence these grounds of action.

  
**District Police Officer,**  
**Abbottabad.**  
 Dated \_\_\_\_\_ /2014

No. \_\_\_\_\_ /PA Dated \_\_\_\_\_ /2014.

Copy of above in duplicate is forwarded to RI Lines with the direction that the duplicate copy of the same be returned to this office duly signed by the official concerned as a token of receipt.



(24)

OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD  
NO 46 /PA, Dated Abbottabad, the 11-8 /2014

I  
=

*Abbotabad*  
*Advocate*

**FINAL SHOW CAUSE NOTICE**  
(Unit Rule (3) KPK Police Rules, 1975)

1. That you FC Shakeel No: 1071 while posted at Police Lines, Abbottabad rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 for following misconduct;
  - i. As per D.D No: 18, dated 22-04-2014 of Police Station Nawanshehr, you FC Shakeel No: 1071 alongwith FC Mubashir Ali No: 509 and FC Ahmed Waqas No: 1421 have ~~been~~ <sup>beaten</sup> one Arsalan and his family and also taken a sum of Rs. 4200/- one golden ring and one Mobile (Qx6) from them, which is a gross misconduct on your part.
  - ii. During proper departmental enquiry the allegations have been proved against you.
2. That by reason of above, as sufficient material is placed before the undersigned therefore it is decided to proceed against you in general Police proceeding without aid of enquiry officer;
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the police force will amount to encourage in efficient and unbecoming of good Police officers;
5. 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.
6. You are, therefore, called upon to Final Show Cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred to above.
7. You should submit reply to this Final Show Cause Notice within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

*Muhammad*  
District Police Officer,  
Abbottabad.  
Dated \_\_\_\_\_/2014

Received by Shakeel  
Dated 12 /2014 12/8/2014

*Shakeel*

1071 (25)  
The Honourable District Police Officer  
Abbottabad

Subject: Final Show Cause Notice

Respected Sir,

This is in reference with Final Show Cause Notice bearing No. 45/PA dated 11/08/2014.

As regards S No. 1 (i & ii) of the letter, it is submitted that:

1. I, Mr. Shakeel No. 1071 was on duty at Ilyasi Top alongwith Ahmed Waqas No. 1421, while Mr. Mubashir Ali No. 509 was not with us on duty on that day.
2. We neither beat Mr. Arsalan and his so called family nor we took away an amount (Rs: 4200) and Mobile (Qx6) from him. Rather seeing them (Mr. Arsalan & a woman with him) in suspicious activities, we just inquired about their identity and in response the girl told that boy with her was her cousin (not her husband) while the Mr. Arsalan said that the girl was his wife.

We just noted the name and address of Mr. Arsalan and let them go.

3. Later on we were informed that application had been lodged by Mr. Arsalan against us in Police Station Nawanshehr and were called for inquiry. During inquiry, the charges leveled by applicant (Mr. Arsalan) were proved wrong and Mr. Arsalan withdrew his application after his written statement signed by a witness Mr. Zaheer Khan s/o Khushal Khan R/o Kunj Qadeem Atd (Flag-A).
4. The application was withdrawn and statement was written/submitted by Mr. Arsalan in Police Station Nawanshehr in the presence and in front of Mr. Raja Mumtaz SI and Mr. Ilyas Madad Muharrer, Mr. Nazak Moharrer.

In view of the above, it is implored that the application may be considered/treated as baseless and the above show cause notice may be withdrawn please.

Shakeel (Constable No. 1071)

Shakeel  
20/08/014

NR

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K

ORDER

This order would disposes off departmental enquiry conducted against Constable Shakeel No.1071 who while posted at Police guard of Ilyasi Top along-with Constable Ahmed Waqas No. 1421 & Constable Mubshir No.509 beaten one Arslan & his family, also taken cash of Rs. 4200/-, one golden ring & one Mobile (Q6) from them as a gratification by harassing them. Consequent upon a complaint, in this regard, made by victim at Police Station Nawansher, The SHO PS Nawansher testified the genuineness of the grievances of the complainant followed by suspension of the mentioned officials and initiation of departmental proceedings.

Subsequently Charge sheet/summary of allegation was issued and served upon him. Addl: Superintendent of Police Abbottabad conducted formal departmental enquiry. Allegations as incorporated in charge sheet were proved against him.

Final Show Cause Notice was issued & served upon him and he was heard in person in Orderly Room held on 27-08-2014 but he failed to submit any convincing defense.

In the light of the gravity of the allegations, the gross misconduct which has been subsequently proved during the course of departmental proceedings and as per the findings & recommendation of the inquiry officer, it is evident that Constable Shakeel No. 1071 does not deserve to remain in Police Department. By doing so he along-with his other accomplices those has acted as robber in Police uniform have tarnished the image of Police force. Therefore, in exercise of powers vested in me under Police E&D rules 1975, I award him major punishment of dismissal from service with immediate effect.

Order announced.

OB No - 228  
25-08-14

*Munir*  
District Police Officer,  
Abbottabad.

*Muhammad Rousaf*

Muhammad Rousaf  
Assistant Grade Clerk  
BPS No 16 head Clerk  
DPO, Abbottabad

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1071/Exc / (27)

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ORDER

This is an order on the representation of *Ex-Constable Shakeel No.1071* of Abbottabad District against the order of major punishment i.e. dismissal from service by the District Police Officer, Abbottabad vide his OB No.228 dated 29-08-2014.

Facts leading to his punishment are that he while posted at Police Guard of Ilyasi Top along-with Constable Ahmed Waqas No.1421 & Constable Mubshir No.509 beaten one Arslan & his family, also taken case of Rs.4200/-, one gold ring and one Mobile (Q6) from them as a gratification by harassing them. Consequent upon a complaint, in this regard, made by victim at Police Station Nawanshehr, the SHO PS Nawanshehr testified the genuineness of the grievances of the complainant followed by suspension of the mentioned officials and initiation of departmental proceedings.

Proper departmental enquiry was conducted by Additional Superintendent of Police Abbottabad. After conducting a detailed enquiry, the E.O proved him guilty. On the recommendation of E.O, the District Police Officer Abbottabad awarded him major punishment dismissal from service.

He preferred an appeal to the undersigned upon which the comments of the DPO Abbottabad were obtained. He was heard in OR where he offered no plausible explanation in his defence to prove him innocent. After thorough probe into the enquiry report and the comments of the DPO Abbottabad, it came to light that the punishment awarded to him by the DPO Abbottabad i.e. dismissal from service is genuine. Therefore, appeal is dismissed & *filed*.

*[Signature]*

REGIONAL POLICE OFFICER  
Hazara Region Abbottabad

No. *1191* /PA Dated Abbottabad the *27-1-* /2015.

Copy of above is forwarded to the District Police Officer, Abbottabad for information and necessary action with reference to his Memo: No.4893 dated 23-12-2014. The Service Roll & Fauji Missal of the appellatant are returned herewith.

*[Signature]*

REGIONAL POLICE OFFICER  
Hazara Region Abbottabad

*PA/OTC/SRC*  
*For m-g*  
*Chambers*  
*DPST Md*  
247  
29-1-15

*[Signature]*  
Office Superintendent  
Office of the District Police Officer  
Abbottabad



S.No. 463

DBA NO.

493

BC No.

10-1365

Name of Adcocate

ذوالفقار احمد



## وکالت نامہ

بعدالت مسروس ٹریبونل KPK پشاور  
 عنوان: شہید بنام حکومت KPK و وزیر  
 منجانب: اپیلینڈ

نوعیت مقدمہ: مسروس اپیل  
 باعث تحریر آئندہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام

ذوالفقار احمد و لیب ٹالی کے کورٹ

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر تجارت و فیصلہ برحلقہ و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط 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 اختیار ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ ہر جانب التوا ہے وہ صاحب موصوف کو کرنا ہوگا اس کے استحقاق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا اور کوئی پیشی مقام درودھار ہو جائے اسے 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 بمراد استجارت نالاش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم: 7/4/15

بمقام: ایسٹ ایبٹو

**BEFORE THE HONORABLE SERVICE TRIBUNAL K.P.K, PESHAWAR.**

Service Appeal No. 322/2015.

Shakeel S/O Mohammad Akram R/O Kholey Chunakari, Nawanshehr Tehsil  
and District Abbottabad Ex-constable # 1071 Police Lines Abbottabad.  
(Appellant)

**VERSUS**

1. Government of KPK through Secretary Home and TAs Department Peshawar.
2. District Police Officer, Abbottabad.
3. DIG/ Regional Police Officer, Hazara Region, Abbottabad.
4. Additional SP/ Inquiry Officer, Police Lines, Abbottabad.

(Respondents)

**Para wise comments on behalf of Respondents**

**Respectfully Sheweth**

**Preliminary objections.**

1. That the appellant has no cause of action.
2. That the appellant has not come to this Tribunal with clean hands.
3. That the appeal is bad for misjoinder and non joinder of necessary parties.
4. That the appellant is estopped by his own conduct.
5. That the appeal is barred by law.

**ON FACTS**

1. Para No. 1 is correct to the extent that petitioner was enlisted in Police department on .01.04.2011. However, his unblemished service is subject to proof.
2. Para No. 2 is pertaining to record. The petitioner namely Ex- Constable Shakeel No. 1071 while posted at Police guard Ilyasi Top alongwith constable Ahmed Waqas No. 1421 & constable Mubashir No. 509 beaten one Arsalan and his family, also took cash amount of Rs: 2400/, one golden ring and one mobile (Q-6) from them as a gratification by harassing them.
3. Para No. 3 is incorrect, suppose if the complainant Arsalan and girl were busy in objectionable act, the petitioner was duty bound to take them to

concerned Police station and they should be interrogated but instead of bringing them to PS, the petitioner started beating them by taking Rs: 2400/ one golden ring and one mobile (Q-6) from them as gratification. This act of petitioner earned bad name to department and the department has no place for such black sheep.

4. Para No. 4 is incorrect. The complainant Arsalan and his family ( Fiance) were at picnic at Ilyasi Top wherein the petitioner apprehended them and took the above mentioned articles from their possession and beaten them.
5. Para No. 5 correct.
6. Para No. 6 is incorrect, during the course of enquiry, it was observed that the affectee had made a compromise with the petitioner due to pressure as the petitioner had pressurized the complainant.
7. Para No. 7 is pertaining to record, as far as the compromise with the petitioner by the complainant Arsalan is concerned, the same has been effected due to pressure, the Enquiry Officer in his enquiry stated that when he called the complainant for recording of his statement, there were tears in the eyes of complainant which shows that he has been treated harshly and beaten by the petitioner. In this connection a report at PS Nawansher vide DD No. 18 dated 22.04.2014 was incorporated or cahked by the complainant against the petitioner.
8. Para No. 8 is Incorrect. The compromise with the petitioner by the complainant Arsalan was the result of pressure. The complainant conceded the compromise due to pressure. He was not willing to make compromise in the matter but he was forced to do so by the petitioner.
9. Para No. 9 is pertaining to record, hence, no need to comments.
10. Para No. 10 is incorrect, after initiating proper departmental enquiry against the delinquent Police officials (Petitioner) proper Show Cause Notice, Statement of Allegations and Final Show Cause Notice were served upon the petitioner to which he submitted his written reply, but his reply was found unsatisfactory.
11. Para No. 11 is pertaining to record, hence no need to comments.
12. Para No. 12 is incorrect, after initiating proper departmental enquiry the petitioner was asked to submit his written reply, but his reply was not satisfactory.

13. Para No. 13 is incorrect, the petitioner after beating the complainant Arsalan snatched Rs: 2400/ one golden ring and one mobile (Q-6) from the complainant. The complainant reported the matter to PS Nawanshehr which was incorporated in vide DD No. 18 dated 22.04.2014.

During the preliminary enquiry, the SHO of PS Nawanshehr in his finding held responsible the petitioner. Similarly the E.O also in his finding report recorded that the compromise with the complainant by the petitioner is due to coercion / pressure.

14. Para No. 14 is pertaining to record, hence needs no comments.

15. Para No. 15 is pertaining to record hence needs no comments.

**GROUND.**

- A. Incorrect, the enquiry conducted by Respondent No. 4 is correct, legal after fulfilling all codel formalities. The petitioner was charge sheeted by the respondent No. 2 after being involved in the beating of complainant Arsalan and snatched from Rs: 2400/- one golden ring and one mobile (Q-6) Proper charge sheet, Show Cause Notice and Final Show Cause Notice were served on the petitioner. Similarly the E.O during his enquiry proceedings established that the compromise made by the complainant in the matter was due to coercion and pressure.
- B. Incorrect, the order issued by respondent No. 2 are correct, legal and issued after fulfilling factual and codel formalities. No provision of law, rules and Policy have been violated. The petitioner namely Ex- constable Shakeel No. 1071 while posted at Police guard at Ilyasi top alongwith constable Ahmed Waqas No. 1421 and constable Mubashir No. 509 beaten one Arsalan and his family, also took cash amount of Rs: 2400/- one golden ring and one mobile (Q-6) from the complainant as illegal gratification by harassing them.

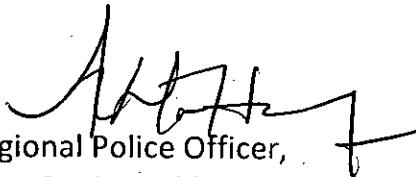
The respondent No. 2 after charge sheeted the petitioner and respondent No. 4 was appointed as E.O. The E.O conducted proper departmental enquiry by giving the chance of hearing and by putting cross question on the complainant. After concluding the enquiry proceeding, the delinquent Police official were held responsible and he was awarded punishment by dismissing him under Police E & D Rules 1975.

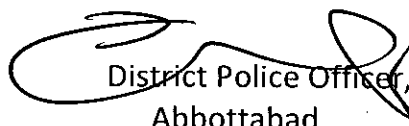
- C. Incorrect, the enquiry officer was appointed under Police rules, 1975 and was vested with the powers by the competent authority to probe into allegations and charges leveled against the appellant. The charges and allegations against the appellant were specific and communicated to him with further directions to defend himself during the departmental proceedings. The enquiry officer conducted departmental enquiry against the appellant and provisions of law, rules and regulations were abided by him. The complainant due to pressure withdrawn his charges but being a disciplined force, the petitioner / appellant earned bad name to Police department.
- D. Incorrect, Respondent No. 2 after going through the finding of enquiry proceedings, the E.O were of the opinion that the delinquent Police official has committed the allegations leveled against him by the complainant, has file his departmental appeal.
- E. Incorrect, complainant has already registered his complaint vide DD No. 18 dated 22.04.2014 in Police station Nawanshehr regarding the occurrence.
- F. Incorrect, the order passed by respondents No. 2 & 3 are correct, legal. No provision of law, rules and policy have been violated.
- G. The enquiry proceeding conducted by E.O was according to rules and regulations. No. provisions of law have been violated. The petitioner was served with Show Cause Notice, Statement of Allegation and Final Show Cause Notice. He was given proper opportunity to prove him innocence but he failed to prove it. He was also given chance of cross questions the complainant.
- H. Incorrect.
- I. Incorrect, the order passed by the respondents No. 2 & 3 are based on law and without jurisdiction. The petitioner was held responsible during the enquiry proceeding.
- J. Incorrect, the complainant made compromise with the petitioner due to pressure which does not means that the accused / petitioner is innocent one. He committed gross-misconduct by taking illegal gratification from the complainant.

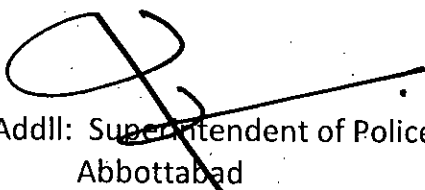
K. Needs no comments.

**PRAYER.**

It is therefore requested that the appeal of petitioner may kindly be dismissed with cost.

  
Regional Police Officer,  
Hazara Region, Abbottabad  
(Respondent No.1 & 3)

  
District Police Officer,  
Abbottabad.  
(Respondent No. 2)

  
Addl: Superintendent of Police,  
Abbottabad  
(Respondent No. 4)

**BEFORE THE HONORABLE SERVICE TRIBUNAL K.P.K, PESHAWAR.**

Service Appeal No. 322/2015.

Shakeel S/O Mohammad Akram R/O Kholey Chunakari, Nawanshehr,  
Tehsil and District Abbottabad, Ex-constable # 1071 Police Lines,  
Abbottabad.

(Appellant)

**VERSUS**


1. Government of KPK through Secretary Home and TAs Department  
Peshawar.
2. District Police Officer, Abbottabad.
3. DIG/ Regional Police Officer, Hazara Region, Abbottabad.
4. Additional SP/ Inquiry Officer, Police Lines, Abbottabad.

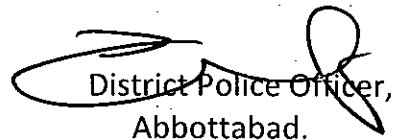
(Respondents)

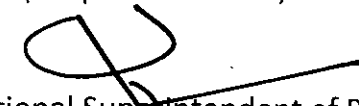
**AFFIDAVIT.**

We, do hereby affirm on oath that the contents of written reply are true to the  
best of our knowledge & belief and nothing has been concealed from the honorable Service  
Tribunal.

Submitted please.

  
Regional Police Officer,  
Hazara Region, Abbottabad  
( Respondent No.1& 3 )

  
District Police Officer,  
Abbottabad.  
(Respondent No. 2)

  
Additional Superintendent of Police,  
Abbottabad  
(Respondent No. 4)