

8

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
AT CAMP COURT ABBOTTABAD

SERVICE APPEAL NO. 252/2015

Date of institution ... 20.03.2015

Date of judgment ... 18.02.2019

Qazi Anwar-ul-Haq, Sub Inspector No. 322/H,
Counter Terrorism Department, Hazara Region at Abbottabad.

... (Appellant)

VERSUS

1. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General of Police, Hazara Region at Abbottabad.

... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST
THE IMPUGNED ORDER DATED 29.04.2014 WHEREBY THE
APPELLANT WAS AWARDED THE PUNISHMENT OF
STOPPAGE OF TWO ANNUAL INCREMENTS WITH
CUMULATIVE EFFECT WITHOUT CONDUCTING
REGULAR INQUIRY IN THE MATTER AND AGAINST THE
APPELLATE ORDER DATED 20.02.2015 WHEREBY THE
DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN
REGRETTEED ON NO GOOD GROUNDS.

Mr. Noor Muhammad Khattak, Advocate.

.. For appellant.

Mr. Muhammad Bilal Khan, Deputy District Attorney

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. AHMAD HASSAN

.. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Counsel for the

appellant present. Mr. Muhammad Bilal Khan, Deputy District Attorney
alongwith Mr. Muhammad Zahoor, Inspector for the respondents present.

Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant was serving in Police Department. He was imposed minor penalty of stoppage of two years increments with cumulative effect vide order dated 29.04.2014 by

M. Amin
18.2.2019

the competent authority on the allegation of inefficiency/weak investigation in case FIR No. 732 dated 11.11.2013 under sections 506/25-DTA Telegraphic Act PS Kotnijibullah. The appellant filed departmental appeal on 06.05.2014 which was rejected vide order dated 20.02.2015 hence, the present service appeal on 20.03.2015.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was serving in Police Department. It was further contended that the appellant was imposed minor penalty of stoppage of two years increments with cumulative effect on the allegation of poor investigation in case FIR No. 732 dated 11.11.2013 under sections 506/25-DTA Telegraphic Act PS Kotnijibullah. It was further contended that neither charge sheet, statement of allegation was served upon the appellant nor regular inquiry was conducted nor the appellant was provided opportunity of cross examination, person hearing and defence. It was further contended that the appellant was issued show cause notice but the copy of the inquiry was not handed over/sent with the show-cause notice to the appellant. As such, the appellant was condemned unheard therefore, the impugned order is illegal and liable to be set-aside.

5. On the other hand, learned Deputy District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was serving in Police Department but due to his poor investigation in the aforesaid case minor penalty of stoppage of two years annual increments was awarded to the appellant by the competent authority. It was further contended that all the codal formalities were fulfilled before passing the impugned order and on the basis of inquiry report the competent authority has rightly passed the impugned order and prayed for dismissal of appeal.

M. Amin
18.2.2019

6. Perusal of the record reveals that the inquiry officer has recorded the statement of Tahir Mehmood and Fakhar Ayub but there is nothing on the record to show that the appellant was provided opportunity of cross examination. Moreover, copy of show-cause notice issued to the appellant available on record also shows that the copy of the inquiry report was not sent to the appellant with the said show-cause notice which has rendered the whole proceedings illegal and liable to be set-aside. As such, we partially accept the appeal, set-aside the impugned order and direct the respondent-department to conduct de-novo inquiry within a period of 90 days in accordance with rules from the date of receipt of this judgment. Parties are left to bear their own costs.

File be consigned to the record room.

ANNOUNCED
18.02.2019



(AHMAD HASSAN)
MEMBER
CAMP COURT ABBOTTABAD



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
CAMP COURT ABBOTTABAD

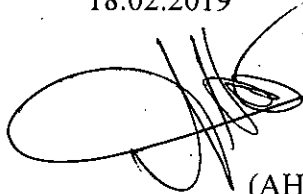
Service Appeal No. 252/2015

18.02.2019


Counsel for the appellant present. Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Muhammad Zahoor, Inspector for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of three pages placed on file, we partially accept the appeal, set-aside the impugned order and direct the respondent-department to conduct de-novo inquiry within a period of 90 days in accordance with rules from the date of receipt of this judgment. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
18.02.2019



(AHMAD HASSAN)
MEMBER
CAMP COURT ABBOTTABAD



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
CAMP COURT ABBOTTABAD

15.10.2018

Appellant Qazi Anwarul Haq in person present. Mr. Muhammad Zahoor, Inspector (Legal) alongwith Mr. Usman Ghani, District Attorney for the respondents present. Due to general strike of the Khyber Pakhtunkhwa Bar Council, counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 18.12.2018 before the D.B at camp court, Abbottabad.


Member


Chairman
Camp Court, A/Abad

18.12.2018

Mr. Muhammad Maaz Madni, Advocate for appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Zahoor, Inspector for the respondents present.

It is stated that learned senior counsel for appellant could not make it from Peshawar today. Request for adjournment. Adjourned. To come up for arguments on 18.02.2019 before D.B at camp court A/Abad.

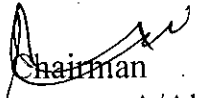

Member


Chairman
Camp Court A/Abad

20.03.2018

Appellant in person and Mr. Usman Ghani, District Attorney alongwith Misal Khan, H.C for the respondents present. Appellant seeks adjournment. To come up for arguments on 22.5.2018 before the DB at camp court, Abbottabad.


Member


Chairman
Camp court, A/Abad

22.05.2018

Appellant Qazi Anwarul Haq in person present Mr. Tariq Zaib, ASI alongwith Mr. Muhammad Jan, Deputy District Attorney for the respondents present. The appellant requested for adjournment as his counsel Mr. Noor Muhammad Khattak, Advocate has not turned up from Peshawar today. Granted. To come up for arguments on 18.07.2018 before the D.B at camp court, Abbottabad.



Member


Chairman
Camp court, A/Abad

18.07.2018

Appellant Qazi Anwarul Haq in person present. Mr. Israr Shah, H.C alongwith Mr. Usman Ghani, District Attorney for the respondents present. Appellant requested for adjournment as his counsel could not reach from Peshawar. Granted. To come up for arguments on 15.10.2018 before the D.B at camp court, Abbottabad.


Member


Chairman
Camp Court, A/Abad

25.05.2017

M. K. D.
20/19/2017

Since tour programme to camp court, Abbottabad for the month of May, 2017 has been cancelled by the Worthy Chairman, therefore, to come up for the same on 20.11.2017 at camp court, Abbottabad. Notices be issued to the parties for the date fixed accordingly

20.11.2017

None present on behalf of the appellant. Mr. Kabeerullah Khattak, Addl. AG alongwith Muhammad ~~Zafar~~ ^{*Qasim*} Inspector (Legal) for the respondents present. To come up for arguments on 16.01.2018 before the D.B at camp court, Abbottabad.

[Signature]
Member

[Signature]
Chairman
Camp court, Abbottabad.

16.01.2018

Appellant in person and Mr. Usman Ghani, District Attorney for respondents present. Appellant seeks adjournment. Adjourned. To come up for arguments on 20.03.2018 before D.B at camp court, Abbottabad.

[Signature]
Member

[Signature]
Chairman
Camp court, A/Abad.

18.01.2016

Junior counsel for the appellant and Mr. Abdul Rashid, ASI (Legal) alongwith Mr. Muhammad Saddique, Sr.G.P for respondents present. Rejoinder submitted. Senior counsel for the appellant is not in attendance due to ailment of his mother. To come up for final hearing before D.B on 18.7.2016 at Camp Court A/Abad.



Member



Chairman
Camp Court A/Abad

18.07.2016

Junior to counsel for the appellant and Mr. Muhammad Zahoor, Inspector (Legal) alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Counsel for the appellant is not in attendance. Seeks adjournment. Adjourned for final hearing to 19.12.2016 before D.B at camp court, Abbottabad.



Member



Chairman
Camp court, A/Abad,

19.12.2016

Appellant in person and Mr. Sher Afzal, H.C alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Due to incomplete bench arguments could not be heard. To come up for final hearing on 15.05.2017 before D.B at camp court, Abbottabad.



Chairman
Camp court, A/Abad

3

02.04.2015

Appellant Deposited
Security & Process Fee



Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as S.I in Police when subjected to inquiry on the ground of professional misconduct and vide impugned order dated 29.4.2014 minor penalty in the shape of stoppage of two increments with accumulative effect was imposed against the appellant regarding which he preferred departmental appeal on 6.5.2014 which was rejected on 20.2.2015 and hence the present service appeal on 20.3.2015.

That no fact finding inquiry as well as regular inquiry was conducted.

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/comments for 30.6.2015 before S.B.


Chairman

30.06.2015

Appellant with counsel and Mr. Sher Afzal, Head Constable alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 14.9.2015 at Camp Court A/Abad as the matter pertains to the territorial limits of Hazara Division.


Chairman

14.9.2015



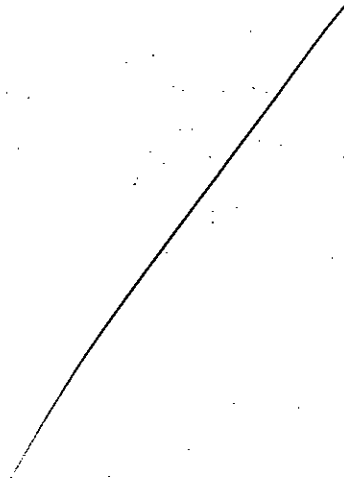
Appellant with counsel and Mr. Abdur Rashid, ASI (legal) alongwith Mr. Muhammad Tahir Aurangzeb, G.P for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 18.01.2016 at Camp Court A/Abad.


Chairman
Camp Court A/Abad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 252/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	27.03.2015	<p>The appeal of Qazi Anwar-ul-Haq resubmitted today by Mr. Noor Muhammad Khattak 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	31-3-15	<p>This case is entrusted to Bench <u>I</u> for preliminary hearing to be put up thereon <u>02-04-2015</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> 

The appeal of Qazi Anwar-ul-Haq sub-Inspector received to-day i.e. on 20.03.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal may be attested.
- 4- Four more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 364 /S.T,

Dt. 24/3 /2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

Note:

*Sir, All objections have been removed,
hence re-submitted today dated 27/3/15.*

Q.
27/3/15

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 252 /2015

QAZI ANWAR UL HAQ VS POLICE DEPARTMENT

INDEX

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APPELLANT

THROUGH:
NOOR MUHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 252 /2015

K.W.F. Province
Service Tribunal
Diary No. 2142
Dated 20-3-2015

Qazi Anwar ul Haq, Sub Inspector No.322/H,
Counter Terrorism Department, Hazara Region at Abbottabad.

..... PETITIONER

VERSUS

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Deputy Inspector General of Police, Hazara Region at Abbottabad.

..... RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 29-04-2014 WHEREBY THE APPELLANT WAS AWARDED THE PUNISHMENT OF STOPPAGE OF TWO ANNUAL INCREMENTS WITH CUMULATIVE EFFECT WITH OUT CONDUCTING REGULAR INQUIRY IN THE MATTER AND AGAINST THE APPELLATE ORDER DATED 20-02-2015 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REGRETTEED ON NO GOOD GROUNDS

PRAYER:

That on acceptance of this appeal the impugned orders dated 29-04-2014 and 20-02-2015 may very kindly be set aside and the respondents may be directed to release the two annual increments of the appellant with all back benefits. Any remedy which this august Court deems fit may also be awarded in favor of appellant.

R/SHEWETH:

ON FACTS:

That appellant is the employee of respondent Department and is serving the respondent Department as Sub Inspector in Hazara Region. That right from appointment till date the appellant has served the respondent Department quite efficiently and up to the entire satisfaction of his superiors. Copy of the order is attached as annexure A.

Re-submitted to-day
and filed.

Registrar

27/3/15

- 2- That appellant while serving as Assistant Sub Inspector (Investigation Wing) in the respondent Department an order dated 29-04-2014 was issued against the appellant by the respondent No.2 due to which the appellant was awarded the punishment of stoppage of two annual increments with cumulative effect on the reason that the appellant has poorly investigated the matter in FIR No.732 dated 11-11-2013, Police station Haripur. That it is pertinent to mention that before issuing the impugned order dated 29-04-2014 no fact finding inquiry nor Departmental inquiry have been conducted rather the appellant was made scape goat just to save the skin of responsible officers/officials. Copy of the impugned order, is attached as annexure **B.**
- 3- That appellant feeling aggrieved from the impugned order dated 29-04-2014 filed Departmental appeal and explained his position in detailed along with documentary proofs of the said case. Copies of the Departmental appeal, case record and forwarding letters are attached as annexure **C, D, E and F.**
- 4- That vide appellate order dated 20-02-2015 the said Departmental appeal of the appellant was regretted. Copy of the appellate order is attached as annexure **G.**
- 5- That having no other remedy the appellant filed the present appeal inter alia on the following grounds.

GROUND:

- A- That the impugned orders dated 29-04-2014 and 20-02-2015 issued by the respondent Department are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.
- C- That no fact finding inquiry has been conducted in the matter of appellant, therefore the impugned order is not tenable and liable to be set aside.
- D- That no charge sheet and statement of allegations has been served on the appellant before issuing the impugned order dated 29.4.2014 against the appellant.

- E- That no show cause notice has been issued by the respondent Department on the appellant before passing/issuing the impugned order dated 29-04-2014.
- F- That no chance of personal hearing/defense has been given to the appellant before issuing the impugned order dated 29-04-2014 against the appellant by the respondent Department.
- G- That the respondent Department acted in arbitrary and malafide manner by issuing the impugned order dated 29-04-2014.
- H- That the appellant has been discriminated by the respondent Department on the subject noted above and as such the respondent violated the principle of natural justice.
- I- That the appellant has been made scape goat in the above mentioned matter and as such the respondents punished the appellant on the fault of others.
- J- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

APPELLANT



QAZI ANWARUL HAQ

THROUGH:

**NOOR MOHAMMAD KHATTAK
ADVOCATE**

(14)

A-4

ORDER

Consequent upon the recommendation of promotion board held in Region Office Abbottabad on 10-10-2014, the following ASIs on list "E" were found suitable for promotion as such they are hereby promoted to the rank of officiating Sub-Inspectors.

Their promotion shall take effect from the date of taking over the charge of higher responsibility:-

S #	NAME AND NO.	PRESENT POSTING
01	ASI Qamar Zaman No.91/H	CTD Khyber Pakhtunkhwa
02	ASI Waqar Ali No.284/H	Operational Wing Haripur
03	ASI Muhammad Fardos No.315/H	Investigation Wing Abbottabad
04	ASI Abdul Wajid No.316/H	CTD Khyber Pakhtunkhwa
05	ASI Abdul Rashid No.317/H	Operational Wing Abbottabad
06	ASI Murad Ali No.318/H	Special Branch Peshawar
07	ASI Muhammad Javed No.319/H	ACE Peshawar
08	ASI Muhammad Nazir No.320/H	Operational Wing Abbottabad
09	ASI Naik Muhammad No.321/H	Investigation Wing Battagram
10	ASI Anwar-ul-Flag No.322/H	Kohat District
11	ASI Muhammad Hayat No.323/H	Investigation Wing Battagram
12	ASI Noor Nabi Shah No.324/H	Operational Wing Upper Kohistan
13	ASI Muhammad Aslam No.325/H	Operational Wing Abbottabad
14	ASI Muhammad Aksar No.326/H	CTD Khyber Pakhtunkhwa
15	ASI Javeed-ur-Rehman 327/H	Investigation Wing Haripur
16	ASI Muhammad Aslam No.328/H	CTD Khyber Pakhtunkhwa
17	ASI Muhammad Munir No.329/H	Investigation Wing Mansehra
18	ASI Akhtar Nawaz No.330/H	Operational Wing Mansehra
19	ASI Abdul Khaliq No.331/H	Investigation Wing Abbottabad
20	ASI Tasweer Hussain No.332/H	Operational Wing Mansehra
21	ASI Khan Bahadar No.333/H	Operational Wing Abbottabad

[Signature]
Regional Police Officer

Hazara Region Abbottabad
(AEC Dilawar)

1664-27

No. _____ E, dated Abbottabad the 17-10 /2014.

Copy of above is forwarded for information and necessary action to

the:-

1. Addl. Inspector General of Police Special Branch Khyber Pakhtunkhwa Peshawar.
2. Director Anti Corruption Establishment Khyber Pakhtunkhwa Peshawar.
3. Regional Police Officer Kohat Region
4. Deputy Inspector General of Police,CTD Khyber Pakhtunkhwa Peshawar
5. District Police Officer Kohat.
6. District Police Officers, Haripur, Abbottabad, Mansehra & Upper Kohistan
7. Superintendents of Police Investigation Haripur, Abbottabad, Mansehra & Battagram.
8. Superintendent of Police CTD Hazara Abbottabad.
9. OS /AS Region Office Abbottabad.

SRE

for closely watch
with case



[Signature]
24/10

ATTESTED

ORDER

B-5

This is an order in departmental enquiry against *ASI Anwar-ul-Haq*, who was Charge Sheeted vide this office Endst: No.3042-43/PA dated 10-04-2014 for the charges given below:-

He ASI Anwar-ul-Haq committed the following irregularities in the investigation of case FIR No.732 dated 11-11-2013 U/S 506/25-DTA Telegraphic Act PS Kotnajibullah:-

1. The complainant of the case Tahir Mehmood manager of Hazara phosphate charged accused Saad Zahoor and Fahad Ayub s/os of applicant Zahoor for sending him the threatening email. Accused Saad Zahoor was also arrested and sent to Jail while Faad Ayub absconded.
2. According to the report of FIA's Cyber Crime Cell the complainant of the case used to send the alleged threatening email to himself and implicated the above mentioned accused falsely in the case.
3. He has sought the opinion from Public Prosecutor who opined that the case not worthy of challan.
4. The motive behind the false case was that there exists a civil litigation between Hamad Zahoor s/o of applicant Zahoor and Mst: Qurat-ul-Aain d/o complainant Tahir Mehmood in the family court for dissolution of Nikkah contracted between them.

Due to his poor investigation initially the accused Saad Zahoor was sent to Jail.

A proper departmental enquiry was conducted by *Mr. Khurram Rasheed DPO Mansehra* who in his findings recommended guilty of un-professionalism & inefficient. He was also heard in person in Orderly Room held on 28-04-2014.

From the perusal of departmental enquiry/relevant record and oral explanation of the defaulter it has come to notice that initially the case was registered falsely against 2 accused and one of them Saad Zahoor had to stay in Jail for 4 days. The case was registered in haste, investigated improperly and arrest made only upon false allegations of the complainant. The whole situation could have been avoided by handling case in a professional manner. The defaulter being I.O of the case is guilty of un-professionalism, inefficiency causing inconvenience and harassment to the innocent persons falsely implicated in the case.

I, therefore in exercise of power vested upon me vide Police Disciplinary Rules 1975 award him minor punishment of stoppage of two year increments with cumulative effect. He is reinstated in service forthwith.


REGIONAL POLICE OFFICER
Hazara Region (Abbottabad)

3752-53

No. /PA

DA QR 29-4-14

Copy to the SP Investigation Haripur & DPO Haripur for information and necessary action please.

ATTESTED


REGIONAL POLICE OFFICER
Hazara Region (Abbottabad)

بکھنور چناب اسپیکٹر جنرل آف پولیس خیبر پختونخواہ پشاور

(6)

6-ع

محکمانہ اپیل بر خلاف فیصلہ و حکم مورخہ 29.04.2014 صادر کردہ چناب DIG صاحب

مضمون

ہزارہ رینج ایسٹ آباد آرڈر نمبری 555-59 مورخہ 08.05.2014 صادر کردہ چناب

IG صاحب خیبر پختونخواہ

جناب عالی! مضمون اپیل ذیل ہے:-

- ۱- یہ کہ سائل ماہ جنوری 2014 میں بطور ASI شعبہ تفتیش تھانہ کوٹ نجیب اللہ ہری پور میں تعینات ہوا۔
- ۲- یہ کہ سائل کو مقدمہ علت نمبر 732 مورخہ 11.11.2013 بجرم PPC 25/506 ٹیلی گراف ایکٹ تھانہ کوٹ نجیب اللہ کی تفتیش محمد افضل SI/OII تھانہ کوٹ نجیب اللہ نے مورخہ 17.01.2014 کو میرے حوالے کی۔ (نقل ہمراہ لف ہے)۔
- ۳- یہ کہ مدعی مقدمہ نے ایک تحریری درخواست بوساطت انسران بلادی کہ اس کو دھمکی آمیز ای میل مل رہی ہیں جس پر چناب SHO صاحب تھانہ کوٹ نجیب اللہ نے مقدمہ مندرجہ بالا کے اندراج کا حکم تحریر کیا جبکہ ہر دو دفعات کی سزاتین سال سے کم تھی جو بمطابق قانون آپریشنل سٹاف کے دائرہ اختیار بابت تفتیش میں آتا ہے۔
- ۴- یہ کہ SHO صاحب نے مدعی کی درخواست پر دریافت زیر دفعہ (1) 156 ض-ف شروع کرنے کے بجائے درخواست پر ہی مقدمہ کے اندراج کی بابت تحریر کر کے مقدمہ رجسٹر کرنے کا حکم دیا۔ (نقل درخواست و حکم لف ہے)۔
- ۵- یہ کہ نقل FIR بغرض تفتیش شبیر شاہ SI/OII جو انچارج تفتیش تھانہ مذکورہ تعینات تھا جس نے بعد مطالعہ FIR بغیر سوچے سمجھے تفتیش اپنے ماتحت حبیب الرحمن ASI کے نام مارک کر دی۔ (نقل FIR لف ہے) جو 8/7 دن تک مقدمہ حبیب الرحمن ASI کے پاس زیر تفتیش رہا جو ہارٹ اٹیک ہونے کی وجہ سے مزید تفتیش جاری نہ رکھ سکا اور مقدمہ زیر تفتیش شبیر شاہ SI/OII کے حوالہ کر دیا۔ شبیر SI/OII مقدمہ کی تفتیش مزید نہ کی اور اپنی ٹرانسفر پر اپنے جانشین کے حوالے کرنے کیلئے صابر زمان IHC کے حوالہ کر دی۔
- ۶- یہ کہ محمد افضل SI/OII ٹرانسفر ہو کر تھانہ کوٹ نجیب اللہ تعینات ہوا تو صابر زمان IHC نے مقدمہ کی مثل محمد افضل SI/OII کے حوالہ کر دی جس نے ضمنی نمبر 5 مرتب کر کے مقدمہ کی تفتیش آپریشنل سٹاف کرنے کا مجاز تحریر کیا۔ نقل ضمنی نمبر 5 ہمراہ لف ہے۔
- ۷- یہ کہ من ASI نے حسب حکم SI/OII کے حکم پر تفتیش مارک ہوئی جو زبانی discuss پر محمد افضل SI/OII تھانہ کوٹ نے SHO صاحب کا تفتیش INV سٹاف کرنے کا بتلایا مگر کوئی ضمنی تحریر نہ کی۔
- ۸- یہ کہ من ASI/INV نے SI/OII کے حکم پر تفتیش شروع کی اور مدعی مقدمہ سے رابطہ کیا جو تقریباً ڈیڑھ ماہ تک مدعی مقدمہ ملاقاتی نہ ہوا اور اپنا علاج معالجہ میں مصروف ہونا بتلاتا رہا جو مورخہ 01.03.2014 کو مدعی مقدمہ ملاقاتی ہوا جس نے اپنے email دہمکیاں دینے والے دو ملزمان سعد زہور، فہد ایوب پسران زہور الحق ساکنان اسلام آباد کو اپنے تہہ بیان 161 ض-ف میں باقاعدہ دعویٰ درج کر دی۔

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یہ کہ عدالت کے حکم پر سائبر کرائم کی رپورٹ موصول ہوئی جس میں emails دھمکیاں دینے والا مدعی خود ہی نکالا جو سائبر کرائم FIA کی رپورٹ کی روشنی میں بوساطت افسران بالا جناب DPP صاحب ہری پور سے رائے قانونی لی گئی جس میں DPP صاحب نے مقدمہ ناقابل چالان تحریر کیا۔

10- مقدمہ میں گرفتار ملزم سعد ظہور جو ضمانت پر تھا کو زیر دفعہ 169 ض۔ ف کا فائدہ دیا گیا اور ملزم فہد ایوب کے وارنٹ 204 ض۔ ف منسوخ کی درخواست کی۔

11- یہ کہ مقدمہ میں مدعی کے خلاف PPC 182 کا تحرک کیا اور مقدمہ میں رپورٹ اختتامی بیسیخہ اخراجی مورخہ 22.03.2014 کو بجھوائی گئی۔

12- ملزم سعد ظہور نے اپنی بے گناہی کی ایک تحریری درخواست جناب IGP صاحب KPK کو دی جو ہمراہ درخواست لف ہے۔

13- یہ کہ من ASI کو مطلع کیا اور انکوائری کا حکم دیا اور مسائل کی دوران تفتیش کوئی ملی بھگت/بدیانتی ثابت نہ ہوئی۔ مگر افسران بالا نے من مسائل کو قصور وار ٹھہرایا اور DIG صاحب ہزارہ ریج ایٹ آباد نے مسائل کو دو سال انکریمنٹ شاپ کرنے کی سزا دی جو سراسر ظلم اور ناانصافی ہے۔

14- یہ کہ جب DIG صاحب ہزارہ ریج ایٹ آباد نے آرڈر سزایابی جناب IGP کو بجھوائی تو مسائل کو آرڈر نمبری 555-59 مورخہ 08.04.2014 کو جناب DIG صاحب ہیڈ کوارٹر پشاور نے ہزارہ ریج سے تبدیل کر کے کوہاٹ ریج کرنے اور دو سال خواندہ ڈیوٹی پر نہ لگانے کا حکم جاری کیا۔ آرڈر ہمراہ درخواست لف ہے۔

15- یہ کہ مسائل نے حکم کی تعمیل کرتے ہوئے کوہاٹ ریج میں حاضری کردی اور کوہاٹ سے DIG صاحب کوہاٹ ریج نے ضلع کرک تعینات کیا اور کرک سے تین ماہ بعد ضلع کوہاٹ تبدیل کر دیا گیا۔

عالیجاہ! مقدمہ میں آپ جناب کے زیر سایہ AIG (legal) نے بھی مسئلہ مقدمہ طلب کر کے بعد مطالعہ مشل مقدمہ بورڈ مقرر ہوا جس میں SP INV صاحب ہری پور اور OII صاحب تھانہ کوٹ نجیب اللہ بورڈ میں ہمراہ مشل مقدمہ پیش ہوئے جو جناب کے زیر سایہ بورڈ نے بھی مقدمہ میں تفتیش میرٹ کے مطابق ہونی قرار پائی (نوٹ شیٹ ہمراہ لف ہے) جناب عالی! اکتھیت سربراہ انوسٹی گیشن خیبر پختونخواہ آپ سے استدعا ہے کہ میرے ساتھ جو ناانصافی، ظلم و زیادتی کی گئی ہے جبکہ مقدمہ میں اصل قصور دونوں SI/OII کا تھا جنہوں نے اپریشنل شاف کا مقدمہ انوسٹی گیشن شاف کو مارک کیا۔ اس میں مسائل کا کوئی قصور نہ ہے۔

استدعا ہے کہ مسائل کے ساتھ ہونے والی ناانصافی کا ازالہ فرما کر ماتحت پروری فرمائی جائے اور مسائل کو سابقہ پوزیشن پر بحال کیا جائے۔

قاضی انوار الحق ASI

سابقہ IO تھانہ کوٹ نجیب اللہ ہری پور

حال متعینہ پولیس لائن کوہاٹ

مورخہ 20/4/2016

ATTESTED

کا

D-8

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 152 مجموعہ ضابطہ فوجداری

فارم نمبر 2011-13

جسٹس (ای) 58

تاریخ وقوع جرم: 27/11/2013
 تاریخ وقوع مقدمہ: 27/11/2013
 ضلع: لاہور

تاریخ وقوع رپورٹ	11/11/2013
تاریخ وقوع مقدمہ	27/11/2013
نام و پکونت اطلاع دہندہ مستغنیث	مستغنیث صاحب، محلہ جھنگ، ضلع لاہور
مختصر کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	مستغنیث صاحب کو 25/11/2013 کو ایک ایف ایم آر مل گیا۔
جائے وقوعہ فاصلہ قحانہ سے اور سمت	مستغنیث صاحب، محلہ جھنگ، ضلع لاہور
نام و پکونت ملزم	نام و پکونت نامعلوم
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	تفتیش جاری ہے۔
قحانہ سے روانگی کی تاریخ و وقت	11/11/2013

ابتدائی اطلاع نیچے درج کرو رہی ہے۔

To: The Assistant Superintendent Police District Hafizur Mughal
 Subject: Facing Threats from unknown E-mails address

Respected sir, it is stated that I am receiving threats as E-mails from anonymous person (sweedishdell@yahoo.com) continuously since from April-27-2013. In earlier days I ignore all these mails which send by the above E-mail ID from unknown city location. Day by day these E-mail number per day increase and egre give language use in these E-mails. Then after some time he threats me and my family to kill. When I dishearted about these E-mails then I take these threats seriously and decided to take help from the law enforcing agencies. I request to you to help and protect me and my family from this anonymous person, because he is seriously harmful for us and please to take strict action against this person and E-mails.

Tahir mehmood Khan Manager Hafizur Phosphate Fertilizer Company. CNIC: 13503-0632831-5 Address: House No. C-1 HPFL Colony Hattar Road Hafizur contact 7030054444

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منجانب:
بخدمت:
نمبر:
عنوان:

ایس پی انوسٹی گیشن ہری پور

ایڈیشنل انسپکٹر جنرل آف پولیس انوسٹی گیشن خیبر پختون خواہ

مورخہ 2014/04/14

مقدمہ علت 732 مورخہ 11.11.13 جرم 25/506PPC ٹیلی گراف ایکٹ

تھانہ کوٹ نجیب اللہ

جناب عالی!

مدعی مقدمہ طاہر محمود منجیر ہزارہ فاسفیٹ ہری پور کی تحریری درخواست پر SHO تھانہ کوٹ نجیب اللہ نے مقدمہ رجسٹر کیا۔ ASI انوار الحق مامور تفتیش ہوا۔ جس نے مدعی کا بیان زیر دفعہ 164 ض ف قلمبند کروایا۔ مدعی نے اپنے بیان میں سعد ظہور اور فہد ایوب پسران ظہور الحق ساکنان اسلام آباد پر بذریعہ E-Mail دھمکیاں دینے کی دعویداری کی۔ ملزم سعد ظہور کو گرفتار کر کے جیل بھیجوا یا۔ حسب الحکم عدالت ساہیوال کی رپورٹ موصول ہوئی I.O نے ٹھابہ کرائم کی رپورٹ پر پبلک پراسکویٹر سے قانونی رائے حاصل کی۔ پبلک پراسکویٹر نے اپنے رائے میں تحریر کیا کہ مقدمہ قابل چالان نہ ہے۔ I.O نے گرفتار شدہ ملزم کی رہائی کے لیے زیر دفعہ 169 ض ف عدالت کو درخواست کی اور دوسرے ملزم فہد ایوب کے خلاف کارروائی روپوشی منسوخ کرنے کی بھی عدالت کو درخواست دی۔ مقدمہ میں اختتامی رپورٹ بصیغہ اخراج مورخہ 22.03.14 کو بھیجوائی گئی۔ مدعی مقدمہ کے خلاف کارروائی زیر دفعہ 182 ض ف لیے علیحدہ نوٹس جاری کیا گیا۔ I.O کی مفصل رپورٹ ہمراہ لف ہے۔ رپورٹ مرتب ہو کر گزارش خدمت ہے۔

ایس پی انوسٹی گیشن

ہری پور

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پراگرس رپورٹ

ضلع ہری پور

بحوالہ مقدمہ نمبر 739 مورخہ 11.11.2013 بجرم PPC 506 / 25 ٹیلی گراف ایکٹ تھانہ کوٹ نجیب اللہ

بذریعہ : طاہر محمود خان نیجر ہزارہ فاسفیٹ۔

بنام : سعد ظہور خان۔ فہد ایوب خان پسران ظہور الحق ساکنان اسلام آباد

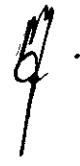
جناب عالی!

یہ کہ مقدمہ عنوان بالا میں مدعی مقدمہ طاہر محمود خان نیجر ہزارہ فاسفیٹ ہری پور نے ایک تحریری انگریزی درخواست بوساطت افسران بالادی کہ اُسے email کے ذریعے دھمکیاں مل رہی ہیں جو جناب DSP صاحب سرکل خان پور کو مارک ہوئی۔ مورخہ 11.11.2013 کو جناب DSP صاحب نے جناب سردار جہانگیر انسپکٹر SHO تھانہ کوٹ نجیب اللہ کو مارک کی گئی جو مورخہ 11.11.2013 کو جناب SHO صاحب نے درخواست پر مقدمہ بجرم بالا درج رجسٹر کر کے حوالہ INV سٹاف کرنے کا تحریر کیا جو بشارت شاہ ASI نے تھانہ کوٹ میں مقدمہ بجرم بالا درج رجسٹر کر کے بغرض تفتیش حوالہ OII صاحب کیا جو شبیر شاہ SI/OII صاحب نے تفتیش حبیب الرحمن ASI/INV کے نام مارک کی جو بوجہ میڈیکل رخصت پر جانے کی وجہ سے مقدمہ محمد افضل SI/OII تھانہ کوٹ کے حوالے کیا جو SI/OII صاحب نے صابر زمان IHC/INV کو مزید تفتیش کا حکم دیا جو IHC/INV کے تبادلہ پر قاضی انوار الحق ASI/INV مامور تفتیش ہوا۔ جو مدعی مقدمہ نے دوران تفتیش اپنا بیان 164-Cr.P.C روبرو عدالت قلمبند کروایا جو مورخہ 6.3.2014 کو مدعی مقدمہ نے اپنے بیان 164 Cr.PC میں ملزمان بالا پر email کر کے دھمکیاں دینے کی دعویداری کی جو حسب دعویداری مدعی مقدمہ ملزمان کے خلاف وارنٹ زیر دفعہ 204 ض۔ف جاری ہو کر ملزم سعد ظہور خان گرفتار ہو کر جوڈیشل جیل ہری پور بھجوا یا جو اپنے بیان 161 ض۔ف میں email کرنے سے انکاری تھا جو اسی دوران بحکم عدالت سائبر کرائم FIA کی رپورٹ نسبت مقدمہ موصول ہوئی جو سائبر کرائم کی روشنی میں بوساطت افسران بالا رائے قانونی حاصل کی گئی جو جناب DPP صاحب نے APP صاحب کو مارک کی جو مقدمہ ناقابل جالان تحریر ہوا جو رائے قانونی کی روشنی میں گرفتار ملزم کے خلاف درخواست 169 Cr.P.C تحریر ہو کر ملزم فہد ایوب کے وارنٹ 204 ض۔ف کی منسوخی کی درخواست تحریر ہو کر مقدمہ میں مدعی کونوٹس PPC 182 جاری ہو کر مقدمہ میں رپورٹ اختتامی بصیغہ اخراج مورخہ 22.3.2014 کو مرتب ہو کر بھجوائی گئی۔ پراگرس رپورٹ مرتب ہو کر گزارش خدمت ہے۔


 قاضی انوار الحق ASI/INV

تھانہ کوٹ نجیب اللہ ہری پور
 ۵۱۱ - ۵۱۰ - ۵۱۱

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بعد از قضاوت آئی جی ایف جی

کارنامہ سید ظہیر خان

نمبر 732/13 دم 506/25 آئی جی ایف جی

قضاوت عالی

نمبر عنوان 14 سب، قضاوتی رپورٹ لکھنے

رپورٹ 2 قضاوتی عدالت قضاوتی عدالت

کیا آئی جی ایف جی 28 دفعہ 5 - 14

AI9 سب رپورٹ دفعہ 506/25 آئی جی ایف جی

کو کسٹڈی میں رکھ کر درج ذیل رپورٹ لکھنے

نمبر 732/13 قضاوت عالی

51/011 Kot 27/5/14

Order :- SI Afzal Khan present and submitted instant application - Considering the contents, file is handed over to him and he is directed to produce the file in court on 29/5/2014. SI Afzal Khan is responsible for safe custody of file and its reproduction. Muhsin is directed to do the needful. Copy of this order be placed on court file.

ATTESTED

27/5/14

فایله
قبله تسع علی 7.32
1.3
506
25
اکت

اقتباسی، درستی، 2/1/11
- و صحتی -

5/1/11
PKat
27/5/11

لہذا یہاں جوڈیشل مگسٹریٹ کے سامنے حصر ہوا ہے

مذکورہ عدالت 732 جرح سال 2013ء کے قریب 29 ستمبر کو عدالت کو پیش کیا گیا۔
506

صدر عدالت کی دستخط

مذکورہ جرح کے دوران عدالت نے مندرجہ ذیل حکم کی اجازت دی

ان کے ساتھ ہے۔ جو حکم عدالت نے 31/5/14ء کو عدالت کو پیش کیا اور عدالت نے
اس کے ساتھ ساتھ عدالت کی اجازت دی ہے۔ جوڈیشل مگسٹریٹ کی اجازت ہے
مذکورہ عدالت کے سامنے مندرجہ ذیل حکم عدالت کو پیش کیا گیا ہے۔

31/5/14
SI/Kot

Sd/-
31/05/14

Order :- On instant application, it is pertinent to state that complete challan has been submitted before the court and court is to look into, wherever case comes within the ambit of IT3(3) Crpc or yet to be proceed. Therefore, higher ups of District Police are directed to complete all the proceedings in department regarding instant as soon as possible, so that trial could be concluded. File is handed over to Afzal SI Kot Najeebullah and directed to produce the same before court 04/06/2014. Muhammad is directed to provide the accused copies of order sheets along with record. SI Afzal is responsible for safe custody of file. Part be maintained.

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NOTE SHEET.

Sir,

The complainant was requested to attend office of the undersigned with SP/Investigation, Haripur and I.O Police Station Kot Najibullah. The complainant desired that Forensic analysis of the I.T equipments used in the communication process is to be carried out by the FIA. Since the local Police has already submitted recommendation regarding cancellation of the case and proceeding u/s 182 PPC, therefore it is suggested that such request to be enrouted through the court. The undersigned also asked the complainant that if there is any complaint against the IO, the complainant expressed his satisfactions on the quality and process of investigation.

[Signature]
Addl.IGP/Investigation (officiating)

VL PPC

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[Signature]

APP for the state present. Complainant of the case present.

In the instant case challan under section 173 (3) of Cr.PC has been put in court for the cancellation of case under section 169 Cr.PC, alongwith observation of Investigating Officer.

I.O has submitted that disputed emails have been sent to different mail addresses from the some I.P which is being used by complainant.

On the other hand, complainant had brought forward his own version that some one else has penetrated into his system through wi-fi by using his IP address and threatening mails have been sent to different persons. In the instant case FIA Islamabad has also conducted investigation and look into possession laptop of complainant alongwith other accessories. If complainant did that, investigation must have traced out, whether disputed emails were sent from same laptop or some one else did that.

Therefore, Incharge investigation of instant case is directed to approach FIA Islamabad and collect report alongwith laptop and other accessories and same be returned to complainant except report which be made part of prosecution record. File to come up for 23.7.14

NAVID AHMED
JUDICIAL MAGISTRATE-II, HARIPUR

ANNOUNCED
01.07.2014

0-09

23/7/2014 APP present. Counsel for complainant present and

✓ submitted an application, same is placed on file. Incharge

FIA Islamabad be summoned through notice for 10.9.14

ATTESTED

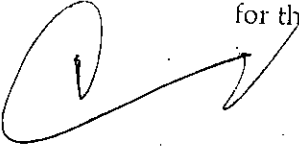
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ORDER----10
10/09/2014

In the instant case report under section 173 (3) was submitted by investigation officer for the cancellation of the instant case and discharge of the accused as the false case was registered against the accused by the complainant.

It was alleged that some threatening e-mail were sent to the complainant by some unknown persons. The investigation was started and after the reception of report from FIA Rawalpindi that the same IP address was used to send threatening e-mails which belongs to present complainant, the instant case was sent for the cancellation. Initially complainant charged unknown persons in FIR but later on he charged two accused Fahad Ayub and Sahad Ayub for the commission of instant offence on 06/03/2014.

 This is important to mention here that the daughter of present complainant is presently in Nikah of one of accused and the version from the complainant which came forward after the report of FIA was that due to such a strong family bond there was apprehension that one of accused managed all the things to happen just to trap the whole family of complainant as later on after Nikah of complainant daughter with ~~one~~ ^{brother of both} of accused, the relations got strain in between two families. The laptop was taken in possession by FIA Islamabad and no report is available on file which could suggest that threatening e-mails were sent to the complainant from the same laptop or not, despite directions to investigation officer to bring a comprehensive report, but same has not been produced so far. This

court is completely unaware of investigation conducted by FIA Islamabad and the investigation officer in the instant case, relying on incomplete FIA report, has ~~been~~ ^{instant case} sent ~~to the~~ for cancellation. The use of WI-FY network from another computer from the house of complainant and to get access to the mail box of complainant when the accused are closely related to the complainant, these are the questions which cannot be ignored and the matter needs further evidence to reach on just conclusion. The investigation officer in the instant case has not conducted investigation by himself properly but has relied upon the incomplete FIA report. This court does not agree with the report sent by investigation officer for the cancellation of the case and requires a complete challan to proceed further with the instant case. The complete challan regarding the accused on bail and the challan under section 512 Cr. PC against absconding accused be submitted before the court within five days.

As this court does not agree on cancellation report therefore, this court cannot proceed with the complaint under section 182 against the complainant and if, after the evidence produced by prosecution and accused, case seems as based on false FIR, the instant court will proceed on against complainant under section 182 Cr. PC. The case is hereby, sent to SHO PS Kot Najibullah to submit complete challan within five days after completing all the legal formalities.

Announced
10/09/2014

ATTESTED

M. Q.

Naveed Ahmed
Judicial Magistrate
Haripur

E-16

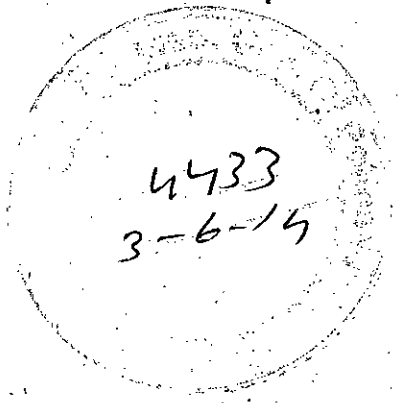
From:- The Superintendent of Police,
Investigation Wing, Karak

To:- The Deputy Inspector General of Police,
Kohat Region Kohat

No. 2189 /Inv: dated Karak the 2/6 /2014.

Subject:- APPEAL

Memo:-



Enclosed please find herewith an appeal in respect of ASI Qazi Anwar -Ul- Haq of this wing against the impugned Order vide No.3752-53/PA dated 29.04.2014 and Order No. 555-59/E-III dated 08.05.2014 is submitted for onward submission to quarter concerned please.

Encl: (27) Papers

Mud
Superintendent of Police,
Investigation Wing, Karak

EC

[Signature]
DIG POLICE
KOHAT

ATTESTED

[Signature]

Sw
Recently received
on Transport on
Complaint from
Haji Pux. Hazara Ra
[Signature]
3/6/14

F-17

Phone No: 9260112.
Fax No: 9260114.

From: - The Dy: Inspector General of Police,
Kohat Region, Kohat.

To: - The Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

No. 5688 /EC, Dated Kohat the 12 / 06 /2014.

Subject: - APPEAL OF ASI QAZI ANWAR-UL-HAQ

MEMO:

It is submitted that ASI Qazi Anwar-ul-Haq was received on complaint to this Region vide your office order Endst: No. 555-59/E-III, dated 08.05.2014. He has preferred an appeal, requesting therein for setting aside the punishment order of DIG Hazara vide order No. 3752-53/PA, dated 29.04.2014 and order No. 555-59/E-III, dated 08.05.2014.

His appeal alongwith other connected papers is enclosed herewith for favour of perusal and order please.

No. 5685 /EC,

Dy: Inspector General of Police,
Kohat Region, Kohat
05/06

Copy to the Superintendent of Police, Investigation Wing,
Karak for information w/r to his office Memo: No. 2189/Inv: dated 02.06.2014.

ATTESTED

9

9

Dy: Inspector General of Police,
Kohat Region, Kohat
05/06



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

9-18

No. 525 /E-III. Dated Peshawar, the 20 / 2 /2015.

To The Superintendent of Police,
CTD, Kohat Range.

Subject: APPLICATION.

Memo:-

An application received by Sub-Inspector Qazi Anwar-ul-Haq No. H/322 of Hazara Region, presently serving in CTD/Kohat Range requesting for restoration of 2 years stoppage of increments.

The case was discussed with AIG/Legal CPO, Peshawar who directed that the applicant may be asked to lodge an appeal in the Services Tribunal for his Grievances.

(PERVEZ ILLAHI)

Registrar

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

ATTESTED

g.

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

OF 2015

Qazi Anwar-ul-Haq

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Police Department

(RESPONDENT)
(DEFENDANT)

I/We Qazi Anwar-ul-Haq

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 20 / 3 / 2015



CLIENT



ACCEPTED
NOOR MOHAMMAD KHATTAK
(ADVOCATE)

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

Before the Khyber Pakhtunkhwa, Service Tribunal Peshawar

Service appeal No. 252/2015

SI Qazi Anwar ul Haq No. 322/H of District Haripur

.....(appellant)

Vs.

The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & another

.....(respondents)

RESPECTFULLY SHEWETH:

The Para-wise comments on the behalf of respondents are as under:-

PRELIMINARY OBJECTIONS:

1. That the instant appeal is badly time barred and not maintainable under the law.
2. That the appellant has not come to the honorable Tribunal with clean hands.
3. That the appellant has no locus standi to file the appeal.
4. That the appellant has suppressed material facts from the Honorable Tribunal.
5. That the appellant is estopped by his own conduct.
6. That the instant appeal is bad for mis-joinder/non-joinder of necessary parties.

OBJECTIONS ON FACTS.

1. Incorrect, the appellant SI Qazi Anwar ul Haq No. 322/H was enrolled as constable in police department on 27.06.1990, during his service he committed several misconducts for which he was awarded following punishments:-
 - i. Fine of Rs. 60/- (03 days leave without pay) vide OB No. 853, dated 20.12.1990.
 - ii. 01 day leave without pay vide OB No. 95, dated 19.03.1995.
 - iii. 02 years increments stoppage without accumulative effect OB No. 305, dated 04.09.1999.
 - iv. Fine Rs. 100/- vide OB No. 732, dated 19.12.2002.
 - v. Warning vide OB No. 73, dated 10.03.2009.
 - vi. Warning vide OB No. 102, dated 17.12.2009
 - vii. Stoppage for one year increment without accumulative effect vide OB No. 45, dated 09.07.2011.
2. Incorrect; the appellant Qazi Anwar ul Haq while posted as ASI in Police Station Kotnajibullah, investigated case FIR No. 732, dated 27.04.2013 u/s 25 Telegraph Act/ 506 PPC, PS Kotnajibullah (copy of FIR is attached as annexure "A") due to the negligent and careless investigation complainant Tahir Mehmood succeeded in his ulterior motives by causing arrest of his opponent namely Saad Zahoor s/o Zahoor ul Haq, caste Swati, r/o House No. 520/D, Street No. 27, Sector No. G-6/2, Islamabad, between whom there existed family dispute, he had to face the confinement in prison for 04 days, although he was investigation officer and the controversy between the parties was also in knowledge of appellant yet he failed to probe the relevant facts which signified his partiality and non competence, the

appellant arrested Saad Zahoor and cause him to prison, the appellant could not investigate the case properly, later on, F.I.As Cyber crime reported about the location of complainant and his I.P address which was shown from the same place and it was disclosed that complainant sent threatening messages to himself and falsely implicated Mr. Saad Zahoor and his brothers in criminal case. Subsequently, case was cancelled which signifies the non professionalism of the appellant, his incompetence resulted into suffering of an innocent person financially as well as physically. The acts and omissions of the appellant were misconduct in term of Police Rules 1975, therefore, appellant was issued charge sheet and statement of allegation by the Regional Police Officer, Hazara Region, Abbottabad and proper departmental enquiry was conducted, Dr. Khurram Rashid, District Police Officer, Mansehra, was appointed Enquiry Officer, who finalized the enquiry and submitted his findings in which he held the charges proved (copy of the enquiry findings are attached as annexure "B"), therefore, the appellant was served with Final Show Cause Notice by the Regional Police Officer, Hazara Region, Abbottabad his office Endst: No. 3622/PA, dated 24.04.2014 (copy of Final Show Cause Notice is attached as annexure "C"). The appellant was also heard in person by the Regional Police Officer, Hazara Region, Abbottabad in which he could not prove his innocence, hence, being found guilty of misconduct, the appellant was awarded minor punishment of **Stoppage of 02 years increments with commulative effect** by the Regional Police Officer, Hazara Region, Abbottabad vide Order No. 3752-53/PA, dated 29.04.2014 (copy of order is attached as annexure "D") the punishment is quite legal in accordance with law and maintainable.

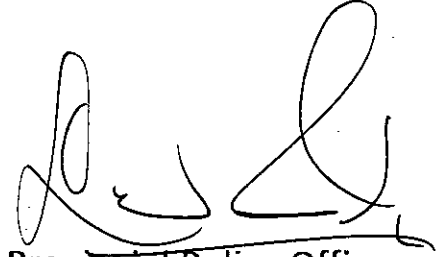
3. Incorrect, the appellant was awarded lawful punishment which commensurate with the gravity of charges, hence, it was upheld by the appellate authority.
4. As explained in preceding Paras.
5. Incorrect, the instant appeal is not maintainable on the following grounds.

GROUND:-

- A. Incorrect, the order of punishment and appellate order are quite legal, in accordance with law, natural justice and maintainable.
- B. Incorrect, the appellant was treated strictly in accordance with law and being found guilty of misconduct he was awarded lawful punishment.
- C. Incorrect, proper departmental was conducted and after fulfillment of legal requirements the order of punishment was passed which is maintainable.
- D. Incorrect, the appellant was issued charge sheet and statement of allegations vide Regional Police Officer, Hazara Region, Abbottabad office Endst: No. 3042-43/PA, dated 10.04.2014 (copy attached as annexure "E") and after completion of enquiry the punishment was passed.
- E. Incorrect, the appellant was issued final show cause notice vide Regional Police Officer, Hazara Region, Abbottabad letter Endst: No. 3622/PA, dated 24.04.2014 he was also heard in person in orderly room by the Regional Police Officer, Hazara Region, Abbottabad on 28.04.2014, hence, all the principles of natural justice were observed.
- F. Incorrect, as narrated above.
- G. Incorrect, the appellant was proceeded against departmentally, on merits and in accordance with law, by the inefficiency and non professionalism of appellant an ordinary citizen had to face financial loss, physical detention and defamation in society for the incompetence of the appellant.
- H. Incorrect, the appellant was dealt with in accordance with law and all the principles of natural justice were fulfilled.

- I. Incorrect, the appellant was held responsible in light of departmental enquiry for which he was awarded lawful punishment on account of his misconduct.
- J. The respondents department may argue any other point with permission of Hon'ble Tribunal.

It is, therefore, requested that the instant appeal does not hold any legal force which may kindly be dismissed with costs.



Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 01)

8/7/15



Regional Police Officer,
Hazara Region, Abbottabad
(Respondent No. 02)

DEPARTMENTAL ENQUIRY REPORT IN RESPECT OF ASI ANWAR UL HAQ

The undersigned was deputed as enquiry officer vide your office Endst: No. 3042-43/PA dated 10.04.2014 to conduct departmental proceedings against ASI Anwar-ul-Haq of District Haripur and submit findings to your good office.

ALLEGATIONS

The allegations leveled against the defaulting ASI Anwar-ul-Haq was that: During investigation of case FIR No. 732 dated 11.11.2013 u/s 506/25-DTA Telegraphic Act PS Kot Najibullah he committed the following irregularities:

1. The complainant of the case Tahir Mehmood Manager of Hazara Phosphate charged accused Saad Zahoor and Fahad Ayub sons of Zahoor-ul-Haq for sending him the threatening emails. Accused Saad Zahoor was also arrested and sent to jail while Fahad Ayub absconded.
2. According to the report of FIA's Cyber Crime Cell's report the complainant of the case used to send the alleged threatening email to himself and implicated the above mentioned accused falsely in the case.
3. He sought the opinion from Public Prosecutor who opined that the case is not worthy of Challan.
4. The motive behind the false case was that there exists a civil litigation between Hamad Zahoor brother of applicant Saad Zahoor and Mst. Qurat-ul-Ain d/o complainant Tahir Mehmood in the Family Court for dissolution of Nikkah contracted between them.

Due to his poor Investigation initially the accused Saad Zahoor was sent to jail.

During the course of enquiry statements of the concerned were got recorded which are as follows.

STATEMENT OF ASI ANWAR-UL-HAQ

ASI Qazi Anwar-ul-Haq of investigation wing Haripur, in his statement, stated that after his transfer from PS Ghazi to PS Kot Najibullah he made his arrival at PS Kot Najibullah on 15.01.2014. On 17.01.2014 he received the case file of subject cited case. Before his transfer, the investigation of the case was conducted by ASI Fabis-ur-Rehman, SI Muhammad Afzal and IHC Sabar Zaman. After the perusal of the case file, he found that the preceding investigation officers had neither arrested any accused nor obtained any record regarding threatening emails. During the course of investigation, complainant Tahir Mehmood recorded his statement before the court u/s 164 CrPC on 06-03-2014 and nominated accused Fahad Ayub and Saad Zahoor Khan sons of Zahoor ul Haq for threatening emails. He arrested Saad Zahoor Khan and produced him before the court for police custody. But the court sent the accused to jail on judicial remand. Meanwhile, on the order of court, FIA Cyber Crime cell submitted his report regarding threatening emails which revealed that the complainant himself was found involved in sending threatening emails.

After this, he sought opinion of the DPP who marked the same to APP. The APP reported that the case is not worthy on challan. After this, he submitted an application to the court u/s CrPC 169 for release of accused Saad Zahoor and requested for the cancellation of warrant u/s 204 against accused Fahad Ayub. Moreover, he stated that he conducted impartial investigation without any negligence or laxity.

STATEMENT OF TAHIR MEHMOOD

Tahir Mehmood s/o Muhammad Roshan Khan Manager, Hazara Phosphate, complainant of the above said case, in his statement, stated that he is serving as Manager in Hazara Phosphate Hattar Road Haripur. The Nikkah of my daughter was contracted with Hamad Zahoor Khan. Meanwhile, some threatening emails were repeatedly received on my email address tmkhan2001. In this regard he submitted an application to DPO Haripur, which was marked to DSP Kot Najibullah and SHO PS Kot Najibullah. On my application, Inspector Jehangir SHO PS Kot Najibullah registered a case vide FIR No. 732 dated 11.11.2013 u/s 506 PPC, 25 Telegraph Act PS Kot Najibullah. On 20.02.2014, he caught Saad Zahoor standing with the wall of his house using his mobile. He comes to know that Saad Zahoor was sending email to him by using his WiFi internet connection. Saad Zahoor was also in knowledge of his WiFi code as Saad Zahoor was his close relative. Later on he recorded his statement before the court u/s 164 CrPC and nominated Saad Zahoor and Fahad Ayub sons of Zahoor ul Haq for sending threatening emails to him. The local police arrested the accused Saad Zahoor and produced him before the court. Meanwhile, on the order of court FIA Cyber Crime has submitted report stating therein that his WiFi connection had been used for sending emails and not reported about MAC number. Moreover, he requested that FIA may be addressed for provision of MAC number of the device from which the email was sent. His computer is also in the custody of FIA Cyber Crime Cell for forensic examination.

STATEMENT OF FAHAD AYUB BROTHER OF APPLICANT SAAD ZAHOOR

Fahad Ayub s/o Zahoor ul Haq Khan, in his statement, stated that his brother, applicant, Saad Zahoor has gone to Sharjah UAE for employment and produced special power of attorney on behalf of his brother. Fahd Ayub stated that the Nikkah of his elder brother Hamad Zahoor was contracted with the daughter of Tahir Mehmood Khan the complainant of above cited case. Meanwhile some objectionable emails were sent to my brother Hammad Zahoor and my other family members containing warning to break contract of Nikkah with the daughter of Tahir Mehmood Khan and threatened them for dire consequences. On receipt of these emails, he submitted an application to FIA Cyber Crime, regarding these threatening emails. Meanwhile Tahir Mehmood Khan submitted an application to DPO Haripur for threatening and objectionable emails from unknown person. Tahir Mehmood Khan also submitted a writ-petition before the court on behalf of his daughter Qurat-ul-Ain against his brother Hamad Zahoor stating therein that the father of Hamad Zahoor namely Zahoor ul Haq Khan and his mother are making barriers in my bridal departure. Meanwhile Tahir Mehmood Khan also recorded his statement u/s 164 CrPC before the court and nominated him and Saad Zahoor for threatening emails. Tahir Khan was also in knowledge that a visa of Saad Zahoor for Sharjah has been approved and he

tried to restrict my brother to proceed to Sharjah. During investigation of the aforementioned case, police has conducted partial/improper investigation and arrested his brother without any proof against him. On the request of their lawyer, the court directed the FIA Cyber Crime to submit their report. From perusal of the report of FIA Cyber Crime Cell, it transpired that Tahir Mehmood Khan and his daughter are involved in sending of emails from email address sweedishdoll@yahoo.com. The police intentionally registered a false case against them without any verification and tried to ruin the carrier of his brother.

FINDINGS

Following are the findings of the enquiry conducted by the undersigned, after a detailed perusal of relevant documents and interviews with the concerned persons.

1. FIR was registered by Inspector Jehangir SHO into a cognizable offense. However, it later proved out to be false. An enquiry into the matter u/s 157(1) CrPC at the time would have been a more appropriate action.
2. The case was not challaned by investigation officer until after 04 months showing slackness on the part of Shabbir Shah OI and Inspector Jehangir SHO.
3. Docket should have been sent for verification to FIA in the very first diary. However, it took police 40 days to send the docket. This was the negligence of ASI Habib ur Rehman (IO of the case initially).
4. After the statement of the complainant Tahir Mehmood u/s 164 CrPC on 06.03.2014 in which he nominated Saad Zahoor and Fahad Ayub, police arrested Saad Zahoor on 08-03-2014 without having any evidence against him. Not even the report from FIA has been received till then. ASI Qazi Anwar-ul-Haq (IO of the case) should have collected adequate evidence against the accused before arresting him.

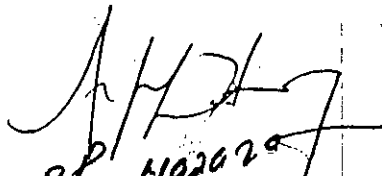
CONCLUSION:

Considering findings of the enquiry, the undersigned is of the view that a false case was registered against 02 accused and 01 of them Saad Zahoor had to stay in jail for 04 days only due to mishandling of police. The case was registered in a haste, investigated improperly and arrest made only upon false allegation of the complainant, without any proof.

The whole drama could have been avoided by handling of the case in a professional manner. The SHO and the Investigation staff ASI Anwar UI Haq, ASI Habib ur Rehman, as pointed out in the findings, is guilty of unprofessionalism and inefficiency, causing inconvenience and harassment for falsely accused people in this case. However, willful connivance in the said case could not be proved.


District Police Officer,
Mansehra

PA
issue final show cause
note


RPO, Mansehra

FINAL SHOW CAUSE NOTICE

I Mr. Akhtar Hayat Khan, Regional Police Officer, Hazara Region, Abbottabad as Competent Authority under Police Disciplinary Rules 1975, do hereby serve Final Show Cause Notice to you ASI Anwar ul Haq on the following grounds:-

You ASI Anwar-ul-Haq committed the following irregularities in the investigation of case FIR No.732 dated 11-11-2013 U/S 506/25-DTA Telegraphic Act PS Kotnajibullah:-


1. The complainant of the case Tahir Mehmood manager of Hazara phosphate charged accused Saad Zahoor and Fahad Ayub s/os of applicant Zahoor for sending him the threatening email. Accused Saad Zahoor was also arrested and sent to Jail while Faad Ayub absconded.
2. According to the report of FIA's Cyber Crime Cell the complainant of the case used to send the alleged threatening email to himself and implicated the above mentioned accused falsely in the case.
3. You have sought the opinion from Public Prosecutor who opined that the case not worthy of challan.
4. The motive behind the false case was that there exists a civil litigation between Hamad Zahoor s/o of applicant Zahoor and Mst: Qurat-ul-Aain d/o complainant Tahir Mehmood in the family court for dissolution of Nikkah contracted between them.

Due to your poor investigation initially the accused Saad Zahoor was sent to Jail.

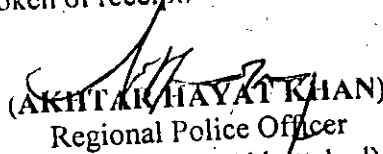
For the purpose of scrutinizing the conduct on your part with reference to the above allegations, you ASI Anwar ul Haq was served with Charge Sheet/Statement of Allegation and Mr. Khurram Rasheed DPO Mansehra was appointed as Enquiry Officer to conduct formal Departmental Enquiry against you, vide this office Endst: No.3042-43/PA dated 10-04-2014.

The Enquiry Officer after conducting proper Departmental Enquiry submitted his findings in which he has held you guilty of misconduct.

Keeping in view the above allegation on your part, you are hereby called upon to show cause within 07 days of the receipt of this Final Show Cause Notice as to why you should not be awarded punishment under the Police Disciplinary Rules 1975, if your written reply is not received within the stipulated period, it shall be presumed that you have no defence to offer. You are also allowed to appear before the undersigned if you so desire.


(AKHTAR HAYAT KHAN)
Regional Police Officer
Hazara Region (Abbottabad)

No. 3622 /PA, Dated Abbottabad the 24/04/2014
Copy of above (in duplicate) is forwarded to the DPO Haripur with the direction to serve the original copy upon ASI Anwar ul Haq & the duplicate copy of the same, after obtaining proper signature of the said ASI, may be returned to this office as a token of receipt.


(AKHTAR HAYAT KHAN)
Regional Police Officer
Hazara Region (Abbottabad)

ORDER

Asim Meo 16/04/14

This is an order in departmental enquiry against **ASI Anwar-ul-Haq**, who is Charge Sheeted vide this office Endst: No.3042-43/PA dated 10-04-2014 for the charges given below:-

He ASI Anwar-ul-Haq committed the following irregularities in the investigation of case FIR No.732 dated 11-11-2013 U/S 506/25-DTA Telegraphic Act PS Kotnajibullah:-

1. The complainant of the case Tahir Mehmood manager of Hazara phosphate charged accused Saad Zahoor and Fahad Ayub s/os of applicant Zahoor for sending him the threatening email. Accused Saad Zahoor was also arrested and sent to Jail while Faad Ayub absconded.
2. According to the report of FIA's Cyber Crime Cell the complainant of the case used to send the alleged threatening email to himself and implicated the above mentioned accused falsely in the case.
3. He has sought the opinion from Public Prosecutor who opined that the case not worthy of challan.
4. The motive behind the false case was that there exists a civil litigation between Hamad Zahoor s/o of applicant Zahoor and Mst: Qurat-ul-Aain d/o complainant Tahir Mehmood in the family court for dissolution of Nikkah contracted between them.

Due to his poor investigation initially the accused Saad Zahoor was sent to Jail.

A proper departmental enquiry was conducted by **Mr. Khurram Rasheed DPO Mansehra** who in his findings recommended guilty of un-professionalism & inefficient. He was also heard in person in Orderly Room held on 28-04-2014.

From the perusal of departmental enquiry/relevant record and oral explanation of the defaulter it has come to notice that initially the case was registered falsely against 2 accused and one of them Saad Zahoor had to stay in Jail for 4 days. The case was registered in haste, investigated improperly and arrest made only upon false allegations of the complainant. The whole situation could have been avoided by handling case in a professional manner. The defaulter being I.O of the case is guilty of un-professionalism, inefficiency causing inconvenience and harassment to the innocent persons falsely implicated in the case.

I, therefore in exercise of power vested upon me vide Police Disciplinary Rules 1975 award him minor punishment of stoppage of two year increments with cumulative effect. He is reinstated in service forthwith.

3752-53

No

/PA

04/04/2014

Copy to the SP Investigation Haripur & DPO Haripur for information and necessary action please.

[Signature]
REGIONAL POLICE OFFICER
Hazara Region (Abbottabad)

[Signature]
REGIONAL POLICE OFFICER
Hazara Region (Abbottabad)

Annexure 'EP'

CHARGE SHEET

I, Mr. Akhtar Hayat Khan, Regional Police Officer Police Hazara Region, Abbottabad as Competent Authority, hereby charge you ASL Anwar-ul-Haq (PS Kamaibulath Inv: Wing Haripur) as per enclosed herewith statement of allegations.

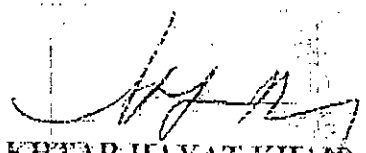
You appear to be guilty of misconduct under Police Disciplinary Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.

You are therefore required to submit your written defense within 7 days on the receipt of this charge sheet to the Enquiry Officer.

Your written defence, if any should reach this office within specified period failing which it shall be presumed that you have no defence to put in and in that case no further action shall follow against you.

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

A statement of allegation is enclosed.


(AKHTAR HAYAT KHAN)
Regional Police Officer
Hazara Region (Abbottabad)

DISCIPLINARY ACTION

Annexure A

1. Mr. Akhter Hayat Khan, Regional Police Officer of Police Hazara Region Abbottabad, as Competent Authority of the opinion that you ASL Anwar-ul-Haq (PS Kotmajibullah Inv. Wing Haripur) 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 ALLEGATIONS

You ASL Anwar-ul-Haq committed the following irregularities in the investigation of case FIR No. 743 dated 11-11-2013 U/S 506/25-DTA Telegraphic Act PS Kotmajibullah:-

1. The complainant of the case Zahir Mehmood manager of Hazara phosphate charged accused Saif Zahoor and Ebad Ayub s/os of applicant Zahir for sending him the threatening email. Accused Saif Zahoor was also arrested and sent to jail while Ebad Ayub absconded.
2. According to the report of FIAs Cyber Crime Cell the complainant of the case used to send the alleged threatening email to himself and implicated the above mentioned accused falsely in the case.
3. You have sought the opinion from Public Prosecutor who opined that the case not worthy of challan.
4. The motive behind the false case was that there exists a civil litigation between former Zahir s/os of applicant Zahoor and Mst. Qurat-ul-Ahain d/o complainant Zahir Mehmood in the family court for dissolution of Nikkah contracted between them.

Due to your poor investigation initially the accused Saif Zahoor was sent to jail.

For the purpose of scrutinizing your conduct with reference to the above allegations Mr. Khayrullah, ASB is deputed to conduct formal Departmental Enquiry against you ASL Anwar-ul-Haq (PS Kotmajibullah Inv. Wing Haripur).

The Enquiry Officer shall in accordance with the provision of the Rules, provide reasonable opportunity of hearing to you record his finding within 20 days of the receipt of this order, to this office.

(AKHTER HAYAT KHAN)
Regional Police Officer
Hazara Region (Abbottabad)

No. 3042-43

PA, Dated Abbottabad the 10/4 2014.

1. Copy of above is forwarded to Mr. Khayrullah, ASB (Enquiry Officer) for initiating proceedings against the defaulter officer under provisions of the Police Disciplinary Rules 1975.
2. ASL Anwar-ul-Haq (PS Kotmajibullah Inv. Wing Haripur) through SP Investigation Haripur with the direction to submit his defence copy 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. The SP Investigation Haripur with the direction to return duplicate copy of charge sheet & statement of allegations bearing signature of the recipient to this office please.
4. The DPO Haripur for information.

(AKHTER HAYAT KHAN)
Regional Police Officer

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 252/2015

QAZI ANWAR UL HAQ

VS

POLICE DEPTT:

REJOINDER ON BEHALF OF APPELLANT IN
RESPONSE TO THE REPLY SUBMITTED BY
THE RESPONDENTS

R/ SHEWETH:

PRELIMINARY OBJECTIONS:

(1 TO 6):

All the preliminary objections raised by the respondents are incorrect and baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS:

(1-5)

- 1- Incorrect and not replied accordingly. That appellant has served the respondent Department quite efficiently and with all zeal and zest and as such no complaint whatsoever has been against the appellant till date. That the punishment mentioned in the reply is a past and closed transaction.
- 2- Incorrect and not replied accordingly. That appellant while serving as Assistant Sub Inspector (Investigation wing) in the respondent Department an order dated 29-04-2014 was issued against the appellant by the respondent No.2 due to which the appellant was awarded the punishment of stoppage of two annual increments with cumulative effect on the reason that the appellant has poorly investigated the matter in FIR No.732 dated 11-11-2013, police station Haripur. That it is very pertinent to mention that before issuing the impugned order dated 29-04-2014 no fact finding inquiry nor Departmental inquiry have been conducted rather the appellant was made scape goat just to save the skin of responsible officers/officials.
- 3- Incorrect and not replied accordingly. That the appellant feeling aggrieved from the impugned order dated 29-04-2014 filed Departmental appeal along with documentary proofs of the said case.

4- Incorrect and not replied accordingly. That vide appellate order dated 20-02-2015 the said Departmental appeal of the appellant was regretted on no good grounds.

5- Incorrect and not replied accordingly hence denied.

GROUND:
(A TO J):

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondents are incorrect and baseless hence denied. That the action of the respondents is against the law, facts and norms of natural justice. That no charge sheet and statement of allegation has been served on the appellant by the respondent Department while issuing the impugned order dated 29-04-2014. That no show cause Notice, No chance of personal hearing/defense and no regular enquiry has been conducted in the matter which is as per Supreme Court Judgment is mandatory. That rules 8-A of the efficiency & Disciplinary rules 2011 has not been followed by the respondent Department while issuing the impugned order dated 29-04-2014.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted as prayed for.

APPELLANT

Anwar ul Haque

QAZI ANWAR-UL-HAQUE

THROUGH:

Noor Muhammad Khattak

**NOOR MUHAMMAD KHATTAK
ADVOCATE**

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 495 /ST

Dated 25 - 3 - / 2019

To


The Deputy Inspector General of Police,
Government of Khyber Pakhtunkhwa,
Hazara Region at Abbottabad.

Subject: -

JUDGMENT IN APPEAL NO. 252/2015, QAZI ANWAR UL HAQ.

I am directed to forward herewith a certified copy of Judgement dated 18.02.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.