

Service Appeal No.1122/2018 titled “Mazhar Rauf Vs. Government of Khyber Pakhtunkhwa through Secretary Interior & Tribal Affairs Khyber Pakhtunkhwa, Peshawar and others”

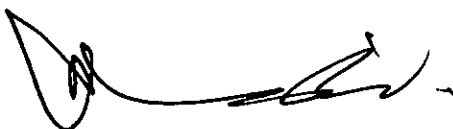
ORDER

24th Oct. 2023 **Kalim Arshad Khan, Chairman:** Learned counsel for the appellant and

Mr. Asif Masood Ali Shah learned Deputy District Attorney alongwith Mr. Tanveer Ahmad DSP (Legal) for the respondents present.

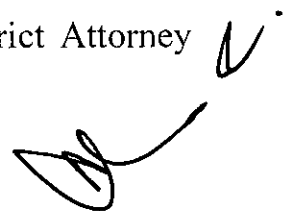
2. Representative of the respondents submitted a compliance report which is undated and shown to have been signed by the District Police Officer, Abbottabad, as there is no name under the signature of the DPO, which act is against clear directions of the august Supreme Court of Pakistan given in 2022 SCMR page 439 titled “Province of Sindh & others Vs. Shahzad Hasnain Talpur”. On the previous date, following order sheet was passed:

“2. On 17.06.2022, the respondents were strictly directed to produce the entire service record of the appellant but the same has not been submitted. Firstly, it is observed that there is nobody, duly authorized, present before the Tribunal. Secondly, despite directions given more than a year ago for production of complete record, some of the record was produced while other seems to have been suppressed by the respondents, because of which, the Tribunal could not proceed, on which, the learned AAG had to make a request for adjournment for production of the entire record. It is observed that time of the Tribunal is being wasted by the respondents by intentionally not producing the commanded documents. It is lastly adjourned on payment of cost of Rs. 10,000/- with direction to submit



entire service record of the appellant alongwith Register 5-A in original as well as extracts of the same and a written report to be submitted by the DPO himself regarding the officer deputed as custodian of Register 5-A and also any action taken against the concerned person because of whose negligence and misconduct, the alleged tempering in Register 5-A was facilitated, which was observed by the Inquiry Officer in his report. The requisite record shall be produced within 10 days at the Principal Seat, Peshawar. To come up for arguments on 24.10.2023 before D.B at Camp Court, Abbottabad. P.P given to the parties. Copy of this order sheet be sent to the Worthy Inspector General of Police to take action against the Officers for their slackness and to direct all the DPOs to depute well conversant officers not below Grade-17 alongwith all original record to assist the Tribunal as the cases are being delayed and also defeated because of none production of record and taking least interest by the concerned in pursuing and protecting the interest of the Government/Department”.


3. One of the allegations, on the basis of which the appellant was penalized, was that he had made alteration/addition in Register 5-A for which, LHC concerned held the appellant responsible for cutting. The report in respect of the above order sheet dated 26.09.2023, submitted by the DPO, Abbottabad, shows that he had deputed DSP Headquarters, Abbottabad as inquiry officer with the direction to inquire into the matter and submit his report on completion of inquiry proceedings. This being so, the learned counsel for the appellant as well as learned District Attorney

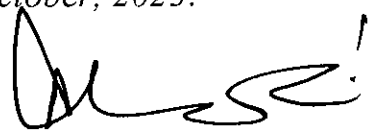


and DSP (Legal) are unison that as the DPO had himself started inquiry into the allegation of overwriting/cutting in the relevant column of Register 5-A, where-after, it could be ascertained as to who had made tempering in Register 5-A, therefore, the punishment awarded on the basis of such allegation would not at present stand. They further suggested that let the matter be remitted for de-novo inquiry for ascertaining the fact as to who had actually made overwriting/cutting in the relevant column of Register 5-A.

4. In view of the above, the matter is remitted to the District Police Officer, Abbottabad for passing appropriate, legal and justified orders and rest of the relief shall be subject to the outcome of de-novo inquiry which is to be held within 60 days from today, with reasons on conclusion of inquiry. The rest of the relief shall be subject to the outcome of de-novo inquiry which is to be held within 60 days from today. The DSP (Legal) present before the court is directed to communicate the orders to the DPO Abbottabad. Consign.

5. *Pronounced in open Court at Abbottabad and given under our hands and seal of the Tribunal on this 24th day of October, 2023.*


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

Mutazem Shah