

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD

Service Appeal No. 1213/2014

Date of Institution... 23.09.2014

Date of decision... 17.10.2017

Sajjad Muhammad S/o Muhammad Ashraf, Sub-Inspector H No. 73, Additional SHO, Police Station Havelian, District Abbottabad. ... (Appellant)

Versus

1. Government of KPK through Secretary Home & Tribal Affairs Department, Peshawar and 3 others. (Respondents)

MR. MUHAMMAD ARSHAD KHAN TANOLI,
Advocate

... For appellant.

MR. MUHAMMAD BILAL
Deputy District Attorney

... For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. MUHAMMAD AMIN KHAN KUNDI,

... CHAIRMAN
... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The appellant was awarded penalty of stoppage of increments for two years with cumulative effect on 29.04.2014, against which he filed departmental appeal on 05.05.2014 which was rejected on 25.08.2014, thereafter, the present service appeal on 23.09.2014. The charge against the appellant was his involvement in some corrupt practices by taking illegal gratification from contractors and also inefficiency.

ARGUMENTS

3. The learned counsel for the appellant argued that the appellant is only aggrieved from the impugned order wherein the word "cumulative effect" has been mentioned. In this regard the learned counsel for the appellant relied upon the judgment of this Tribunal reported in 2010-PLC(C.S) 1299.

4. On the other hand, the learned Deputy District Attorney argued that the authority has rightly imposed the penalty of stoppage of increments for two years with cumulative effect.

CONCLUSION.

5. The judgment relied upon by the learned counsel for the appellant is not given under the Khyber Pakhtunkhwa Police Rules, 1975. Secondly, in this judgment it has not been held that cumulative effect cannot be given, rather it has been held that period be mentioned. In the present case the period of two years has been mentioned and in view of the concerned rule i.e. Rule 4(1)(a)(v) it has been provided for the stoppage of increment for a period not exceeding the period of three years with or without cumulative effect. It means that Police Rules do allow the stoppage of increments with cumulative effect. No illegality or irregularity has been committed by the respondents.

6. In view of the above discussion, the appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

Muhammad Amin

(Muhammad Amin Khan Kundi)
Member


Niaz Muhammad Khan
(Niaz Muhammad Khan)
Chairman
Camp Court, A/Abad

ANNOUNCED

17.10.2017


23.11.2016

Appellant in person and Mr. Shamraiz Khan, Reader alongwith Mst. Bushra Bibi, Government Pleader for respondents present. Rejoinder submitted. The Bench is incomplete, therefore arguments could not be heard. To come up for final hearing before D.B on 18.04.2017 at camp court, Abbottabad.


Chairman
Camp Court, A/Abad

18.04.2017

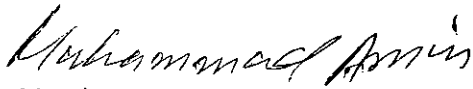
Counsel for the appellant and Mr. Shamraiz Khan, H.C alongwith Mr. Muhammad Bilal, Government Pleader for the respondents present. Due to non-availability of D.B arguments could not be heard. To come up for final hearing before the D.B on 17.10.2017 at camp court, Abbottabad.

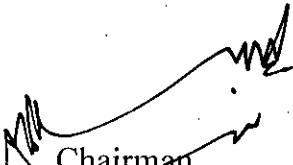

Chairman
Camp court, A/Abad

17.10.2017

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

Vide our detailed judgment of today, this appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.



Member


Chairman
Camp Court, A/Abad.

ANNOUNCED
17.10.2017


18.08.2015

Counsel for the appellant and Mr. Shamraiz Khan, Reader alongwith Mr. Muhammad Tahir Aurangzeb, GP for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 16.12.2015 at camp court A/Abad.


Chairman
Camp Court Abbottabad

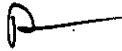
16.12.2015


Appellant in person and Mr. Shamriaz Khan, Reader alongwith Mr. Muhammad Siddique, Sr.GP for respondents present. Due to non-availability of D.B, appeal adjourned for rejoinder and final hearing before D.B to 21.6.2016 at Camp Court A/Abad.


Chairman
Camp Court A/Abad

21.6.2016

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. Requested for adjournment. Adjourned for final hearing to 23.11.2016 before D.B at camp Court, Abbottabad.


Member


Chairman
Camp Court, Abbottabad.

conducted in questionnaire form, which practice had disapproved. Neither any witness had been examined in presence of the appellant nor any opportunity of cross-examination was provided to him to defend himself properly. Besides, no period had been mentioned by the authority while awarding the impugned penalty to the appellant, which was in clear violation of relevant law/rules. Proper approval with regard to drawing of advance money was obtained from the competent authority. No embezzlement/misappropriation of government money had been proved against the appellant. Impugned order, in circumstances, was nullity in the eyes of law. Appellant had made out a case for indulgence of the Service Tribunal in circumstances, which was set aside. [p. 1302] A

Muhammad Asif Yousafzai for Appellant.

Jamal Abdul Nasir, Addl. Government Pleader for Respondents.

Date of hearing: 21st May, 2010.

JUDGMENT

SULTAN MEHMOOD KHATTAK (MEMBER).--- This appeal has been filed by Faham Dil, appellant, against the order dated 24-3-2009, conveyed on 10-4-2009, whereby the penalty of stoppage of three annual increments has been imposed on him and also against the order dated 3-8-2009, whereby his review petition has been rejected. It has been prayed that on acceptance of this appeal, the impugned order dated 24-3-2009 and 3-8-2009 may be set aside with the directions to the respondents to restore the increments. Any other remedy which this Tribunal deems fit may also be awarded in favour of the appellant.

2. Brief facts of the case are that the appellant while posted as Deputy Director of Agriculture (Information), now Senior Instructor (BPS-18) Agriculture Training Institute, Peshawar, was proceeded against departmentally on the basis of certain acts/omissions and irregularities committed by him under the N.-W.F.P. Removal from Service (Special Power) Ordinance, 2000. He was served with charge sheet and statement of allegations to which he submitted his detailed reply. Thereafter, inquiry was conducted and after inquiry, final show cause notice was served upon him which was also replied by him. On 24-3-2009 the impugned order was passed vide which the penalty of stoppage of three annual increments was imposed on him. The said order was endorsed by the D.G. Agriculture Extension on 31-3-2009 and finally received by the appellant on 10-4-2009. Feeling aggrieved, the appellant submitted a review petition on 20-4-2009 but the same has been rejected on 3-8-2009. Hence this appeal, inter alia, on the grounds that the impugned order is against law/rules; that no chance of full defence

was provided to the appellant during inquiry and all the inquiry proceedings were carried out one-sided; that neither any opportunity of cross-examination was provided to the appellant nor any statement of relevant person/official was recorded in his presence; that the impugned order is against the spirit of basic law as no period has been specified; that the basic complaint on the basis of which action was taken by the Authority has been held as result of personal grudges and some previous litigations between the appellant and complainant, therefore, after such findings of the Inquiry Officer, the impugned penalty is baseless; that no embezzlement/misappropriation/fraud or misuse of Government money has been proved against the appellant, but only drawing of advance budget for repair of vehicles was reported against him for which the appellant could not be punished and that for drawing of advance money, proper approval was obtained from the competent authority and proper pre-audit of A.-G. Office was done, which shows that other officers were also equally responsible in the drawing of advance money, but they were left altogether and only the appellant was penalized which amounts to discrimination.

3. The respondents, through their written reply, resisted the appeal on the ground that the appellant has drawn a big money amounting to Rs.164042 in advance which is very much objectionable and most of the time creates problems in maintaining transparency in Government accounts; that proper inquiry was conducted into the matter and according to the report of Inquiry Officer, the said charge proved against the appellant; that full opportunity of personal interview/hearing was given to him and that the imposition of penalty on the appellant is correct and in accordance with law/rules. The appellant, in rebuttal, also filed his rejoinder.

4. Arguments heard and record perused.

5. The learned counsel for the appellant argued that the appellant has not been treated in accordance with/rules on the subject because the process of inquiry has been conducted in questionnaire form which practice has been condemned by the superior courts. The learned counsel further contended that no opportunity of personal hearing was provided to the appellant and that neither any witness has been examined in presence of the appellant nor any chance of cross-examination has been given to him. He also argued that the Authority while imposing the impugned penalty on the appellant has not specified the period which is also violative of relevant law/rules. The learned counsel maintained that proper approval regarding drawing of advance money has been obtained by the appellant from the competent authority and that no embezzlement/misappropriation of government money has been proved against the appellant. As such, the impugned order being illegal, against the spirit of basic law and norms of justice liable to set aside.

the Civil Servants Act, 1973 and the rules made thereunder and any other law for the time being in force. Ordinance XVII of 2000, being special law provided its own limitation under section 9, for preferring representation by a person on whom penalty is imposed under section 9 of the said Ordinance to be made within 15 days from the date of communication of the order and notwithstanding anything contained in any other law for the time being in force, any person aggrieved by any final order under section 9 may, within 30 days of the order prefer appeal to the Federal Service Tribunals established under Service Tribunals Act, 1973. Proviso to section 10 of Ordinance XVII of 2000 was substituted and added vide Ordinance No. XIX of 2002 dated 06-4-2002, which reads as under:--

"Provided that where a representation has been preferred under section 9 but no decision has been received by or communicated to, the applicant or, as the case may be, petitioner, within a period of sixty days of its submission to the prescribed authority, he may prefer appeal to the Service Tribunal within 30 days of the expiry of the aforesaid period."

9. In the present case even if, it be assumed that on receipt of the communication about the impugned order of the departmental authority dated 17-8-2001 in the 1st week of September, 2001; departmental representation was made on 16-9-2001 and giving full benefit to the petitioner that he was misled by the contents of para No.6 of the said order intimating him that he can prefer appeal to the departmental authority within 30 days of the said order; the decision on his representation was not communicated to him till he was informed vide a letter dated 29-11-2006, that his representation was rejected being barred by time; he approached to the learned Tribunal by preferring appeal within 30 days and therefore, could not have been lawfully non-suited on the ground of limitation, appears to be misconceived and devoid of any substance in view of the proviso to section 10 of Ordinance XVII of 2000, reproduced hereinabove, which envisaged that where a representation has been preferred under section 9 but no decision has been received or communicated to the applicant or, as the case may be, the petitioner, within a period of 60 days of the submission of the representation to the prescribed authority, may prefer appeal to the Service Tribunal within next 30 days of the expiry of the aforesaid period.

10. Representation to the prescribed departmental authority was submitted by the petitioner on 16-9-2001, which remained not responded by the department within a period of 60 days from the submission of the representation, the petitioner was to prefer appeal to the Service Tribunal within next 30 days of the expiry of the aforesaid period of 60 days,

which he admittedly did not avail and therefore, obviously the appeal preferred before the learned Service Tribunal was hopelessly barred by time, and, inasmuch as; the petitioner did not submit even application seeking for condonation of the delay. It appears that after submission of the departmental representation, followed by reminders dated 30-9-2001, 3-7-2006 and 6-7-2006, made by the petitioner, the department vide letter dated 29-11-2006, addressed to the petitioner, he was informed that his representation dated 16-9-2001, earlier submitted by him, was rejected by the competent authority as barred by limitation, would not per se enlarge the limitation period for filing appeal before the Service Tribunal. The precedent case cited by the learned counsel has no relevance to the case in hand in view of the peculiarity of the facts of the present case.

11. In view of the prescribed period of limitation for filing of appeal as envisaged by proviso to section 10 of the Ordinance, the learned counsel for the petitioner has not been able to raise any question of law of public importance, therefore, in view of the foregoing reasons, this petition being devoid of substance is dismissed. Leave refused.

M.H.A./M-74/SC

Petition dismissed.

2010 P L C (C.S.) 1299

[Khyber Pakhtunkhwa Service Tribunal]

Before Sultan Mehmood Khattak
and Noor Ali Khan, Members.

FAHAM DIL KHAN

versus

GOVERNMENT OF N.-W.F.P. (K.P.K.) through
Chief Secretary, Peshawar and another

Appeal No.1462 of 2009, decided on 21st May, 2010.


**North-West Frontier Province Removal from Service
(Special Powers) Ordinance (V of 2000)---**

---Ss. 3, 6, 7 & 10-->Imposition of penalty of stoppage of annual increments---Penalty of stoppage of three annual increments was imposed upon appellant after charge-sheeting him and holding inquiry against him on certain allegations of omission, irregularities, embezzlement, misappropriation of government money etc.---No proper procedure had been adopted by the department---Inquiry had been

preferred departmental appeal on the same date which was not responded and hence the present service appeal on 23.9.2014.

Appellant Deposited
Security & Process Fee


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 20.5.2015 before S.B at camp court A/Abad.


Chairman
Camp Court A/Abad

4 20.5.2015 None present for appellant. Mr. Shamraiz Khan, Reader alongwith Mr. Muhammad Tahir Aurangzeb, G.P for respondents present. Requested for adjournment. To come up for written reply on 17.6.2015 before S.B at camp court A/Abad.


Chairman
Camp Court A/Abad


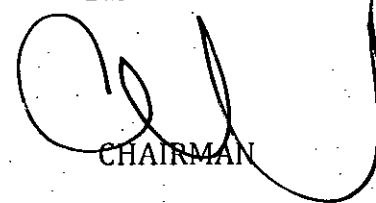
5 17.6.2015 Counsel for the appellant and Mr. Shamraiz Khan, Reader alongwith Mr. Muhammad Tahir Aurangzeb, G.P for respondents present. Requested for adjournment. Last opportunity granted. To come up for written reply on 18.8.2015 before S.B at camp court A/Abad.


Chairman
Camp Court A/Abad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1213 /2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	02/10/2014	<p>The appeal of Mr. Sajjad Muhammad resubmitted today by Mr. Muhammad Arshad Khan Tanoli Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	17-10-14	<p>This case is entrusted to Touring Bench Abbottabad for preliminary hearing to be put up there on <u>16-3-15</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3	16.3.2015	<p>Counsel for the appellant present.</p> <p>Learned counsel for the appellant argued that vide impugned order dated 5.5.2015 appellant was awarded minor punishment i.e stoppage of increments for two years with cumulative effect on the charges of taking illegal gratification and corruption. That the appellant has never involved in any such activities and that the inquiry was not conducted in the prescribed manners and that the appellant was given no opportunity of hearing as required by law. That against the impugned order dated 5.5.2014 appellant</p>

- 1- Reference Registrar office letter NO 1413/ST dt 28.9.2014.
- 2. It is submitted that the appellant has already applied for oblong copy of order dt 28.4.2014 vide Annex I to the appeal but respondent No 4 i.e. DPO has not provided the same to the appellant so far.

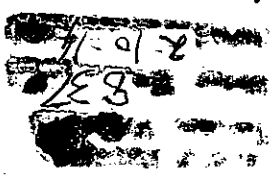
Service Appeal

Guest of K.P.K through Secretary Home & Tribal Affairs K.P.K, Pal

versus

Sajid Muhammad, Sub-inspector Addl SHO, Havelian Distt A.T.D

Before the Chairman K.P.K Service Tribunal, Faisalabad.

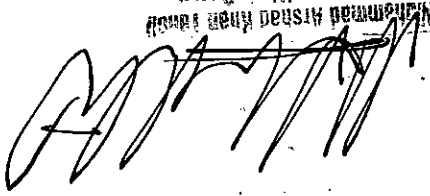


3. That copy of order dt 25.4.2014 is be get placed on file through the court process.

4. Hence, enclosed herewith

Please find copy of original appeal of the appellant duly completed for your further adjudication.

Encls: As stated
Date 01/01/2014



Nizamuddin Hisham Khan
Advocate High Court
Abbotabad

The appeal of Mr. Sajjad Muhammad son of Muhammad Ashraf Sub Inspector of Police received today i.e. on 23.09.2014 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- not removed*
Reply is attached with appeal.
- 1- Copy of impugned order dated 29.4.2014 is not attached with the appeal which may be placed on it.
 - 2- Annexures of the appeal may be attested.

No. 1413 /S.T,

Dt. 24/9 /2014.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. M.Arshad Khan Tanoli Adv.
High Court A.Abad.

BEFORE THE SERVICE TRIBUNAL K.P.K,
PESHAWAR

Appeal no. 1213/2014

Sajjad Muhammad S/o Muhammad Ashraf, Sub-Inspector H73,
Additional SHO, Police Station Havelian, District Abbottabad.

...APPELLANT

VERSUS

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

.....RESPONDENTS

SERVICE APPEAL

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3.	Copy of reply of charge sheet dated 25-03-2014	9-10	"C"
4.	Copy of final Show Cause Notice dated 23-04-2014	11	"D"
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.....APPELLANT

Through

Dated: 22/9 /2014

(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad.

BEFORE THE SERVICE TRIBUNAL K.P.K.
PESHAWAR

Appeal no. 1213/2014

1705
23/9/2014

Sajjad Muhammad S/o Muhammad Ashraf, Sub-Inspector H73,
Additional SHO, Police Station Havelian, District Abbottabad.

...APPELLANT

VERSUS

1. Govt. of KPK through Secretary Home & Tribal Affairs, KPK Peshawar.
2. Inspector General of Police, KPK, Peshawar.
3. Deputy Inspector General of Police, Hazara Range, Abbottabad.
4. D.P.O District Abbottabad.

....RESPONDENTS

SERVICE APPEAL

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT 1974, FOR DECLARATION TO THE EFFECT THAT THE APPELLANT HAS BEEN AWARDED MINOR PENALTY OF STOPPAGE OF INCREMENTS FOR TWO YEARS WITH ACCUMULATIVE EFFECT AND HAS BEEN EXCLUDED FROM SHO POOL VIDE IMPUGNED FINAL ORDER DATED 25-08-2014 AND POLICY GUIDELINE CIRCULATED VIDE LETTER NO. 24-40 DATED 01-01-2014, AS A RESULT OF SO-CALLED IMPUGNED INQUIRY, WHICH IS DISCRIMINATORY, ILLEGAL, PERVERSE, AGAINST SERVICE LAW AND PRECEDENTS' CASE LAWS AND THE SAME ARE LIABLE TO BE SET-ASIDE.

23/9/14

as submitted to
and filed.

2/10/14

PRAYER:- ON ACCEPTANCE OF INSTANT APPEAL, IMPUGNED FINAL ORDER DATED 25-08-2014 ISSUED BY RESPONDENT NO. 3 MAY GRACIOUSLY BE DECLARED NULL AND VOID AND RESPONDENT NO. 2 TO 4 MAY BE DIRECTED TO RESTORE INCREMENTS AND INCLUDE THE NAME OF APPELLANT IN SHO POOL AND ARREARS OF PAY ETC ON ACCOUNT OF RESTORATION OF INCREMENTS MAY ALSO BE GRANTED.

Respectfully Sheweth:-

1. That the appellant was posted as SHO PS Mangal on 19-11-2013 and the appellant was charge sheeted by respondent No.4. Respondent No.4 provided statement of allegation wherein so-called charges of taking of illegal gratification and corruption vide letter No. 736-39/PA dated 21-03-2014. Copies of charge sheet and statement of allegation are annexed as Annexure "A & B".
2. That the appellant submitted reply of charge sheet and statement of allegation dated 25-03-2014. (Copy of reply of charge sheet dated 25-03-2014 is attached as Annexure "C").
3. That the appellant was served final show cause notice by respondent No.4 vide letter No.1182/PA dated 23-04-2014. (Copy of final Show Cause Notice dated 23-04-2014 is attached as Annexure "D").
4. That the appellant submitted reply of final Show Cause Notice on 24-04-2014. (Copy of reply of Final Show Cause Notice dated 24-04-2014 is attached as Annexure "E").
5. That finally, the appellant has been awarded minor punishment i.e stoppage of increments for two years with cumulative effect by respondent No.4 vide impugned order No. 1308/PA dated 05-05-

2014. (Copy of order No. 1308/PA dated 05-05-2014 is attached as Annexure "F").

6. That following this, appellant filed departmental appeal to the respondent No.3 on 05-05-2014. (Copy of departmental appeal dated 05-05-2014 is attached as Annexure "G").
7. That respondent No.3 rejected, department appeal of the appellant and maintained minor punishment of stoppage of increments for two years with accumulative effect vide impugned rejection of departmental appeal letter No. 7545 /PA dated 25-08-2014. (Copy of impugned rejection of departmental appeal letter dated 25-08-2014 is attached as Annexure "H").
8. That, the name of the appellant has also been excluded from SHO Pool vide policy guideline issued by respondent No.2. (Copy of policy guideline is attached as Annexure "I").
9. That the impugned orders of respondents are illegal, perverse, discriminatory and without lawful justification and are not maintainable at law. Hence, the instant appeal is filed inter alia on the following grounds:-

GROUND:

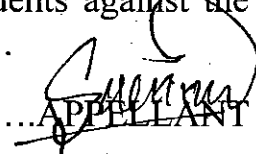
- a. That the appellant has not been provided copy of complete enquiry in the matter and has been kept in dark to give illegal monetary loss to him as well as loss to his service carrier. In this regard, the appellant submitted an application on 24-08-2014 for provision of copies of inquiry record etc. but the appellant has not been provided inquiry report by the respondents. (Copy of application dated 24-08-2014 is attached as Annexure "J").
- b. That the allegations leveled against the appellant are illegal, without any lawful justification, without proof and without any cogent and convincing evidence.
- c. That the respondents did not disclose that who made complaints of corruption and illegal gratification against the appellant. Besides, the appellant has not

- been provided opportunities of cross examining the complainants if any.
- d. That there exists no complaint of corruption against the appellant from the side of local people residing in vicinity of PS Mangal District Abbottabad. Hence inquiry is one sided based on hypothesizes, conjectures and surmises. Therefore, inquiry conducted against the appellant as well as minor punishment awarded to the appellant are not maintainable at law.
 - e. That double punishment awarded to the appellant i.e exclusion of his name from SHO Pool as well as stoppage of increments for two years with accumulative effect is nullity in the eye of law.
 - f. That there is no other efficacious remedy available to the appellant accept the filing of instant appeal before Hon'ble Service Tribunal.
 - g. That the instant appeal is well within time and this Hon'ble Tribunal has jurisdiction to entertain the same.

It is, therefore prayed that on acceptance of instant appeal, impugned final order dated 25-08-2014 issued by respondent No. 3 may graciously be declared null and void and respondent no. 2 to 4 may be directed to restore increments and include the name of the appellant in SHO pool and arrears of pay etc on account of restoration of increments may also be granted.

INTERIM RELIEF

It is further prayed as an interim relief to the effect that no adverse action whatsoever may be taken by respondents against the appellant till final disposal of the titled service appeal .

.....

 APPELLANT

Through
 Dated: 22/9 /2014


 (Muhammad Arshad Khan Tanoli)
 Advocate High Court, Abbottabad.

BEFORE THE SERVICE TRIBUNAL K.P.K,
PESHAWAR

Sajjad Muhammad S/o Muhammad Ashraf, Sub-Inspector H73,
Additional SHO, Police Station Havelian, District Abbottabad.

...APPELLANT

VERSUS

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

.....RESPONDENTS

SERVICE APPEAL

CERTIFICATE

*Certificate that no such Service Appeal has been filed
before this Tribunal Court prior to this.*


.....APPELLANT

Through

Dated: 22/9 /2014


(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad.

BEFORE THE SERVICE TRIBUNAL K.P.K,
PESHAWAR

Sajjad Muhammad S/o Muhammad Ashraf, Sub-Inspector H73,
Additional SHO, Police Station Havelian, District Abbottabad.

...APPELLANT

VERSUS

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

.....RESPONDENTS

SERVICE APPEAL


ADDRESSES OF THE PARTIES

PETITIONER

Sajjad Muhammad S/o Muhammad Ashraf, Sub-Inspector H73,
Additional SHO, Police Station Havelian, District Abbottabad.

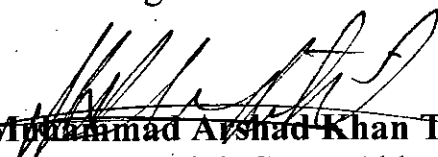
RESPONDENTS

1. Govt. of KPK through Secretary Home & Tribal Affairs, KPK
Peshawar.
2. Inspector General of Police, KPK, Peshawar.
3. Deputy Inspector General of Police, Hazara Range,
Abbottabad.
4. D.P.O District Abbottabad.


.....APPELLANT

Through

Dated: 22/9 /2014


(~~Muhammad Arshad Khan Tanoli~~)
Advocate High Court, Abbottabad.

7

Annex "A"

CHARGE SHEET.

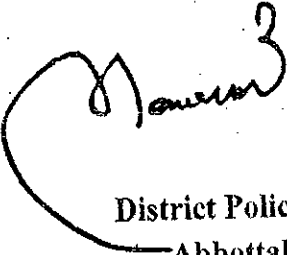
I, Muhammad Ali Khan District Police Officer Abbottabad, as competent authority, is hereby charge you SI Sajjad Ahmed as explained in the attached statement of allegations.

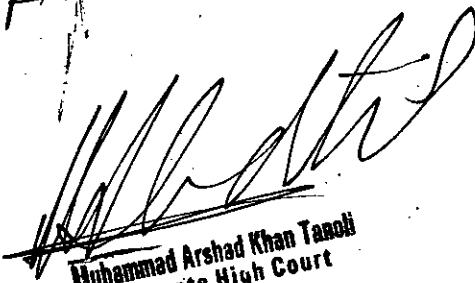
You are therefore, directed to submit your written defense within seven days on the receipt of this Charge Sheet to the Enquiry Officer.

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


District Police Officer,
Abbottabad.

Attested

Muhammad Arshad Khan Tanoli
Advocate High Court
Abbottabad

8

DISCIPLINARY ACTION.

Annex "B"

I, Muhammad Ali Khan District Police Officer Abbottabad, as Competent Authority of the opinion that you SI Sajjad Ahmed 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.

You SI Sajjad Ahmed while posted as SHO PS Mangal, as reported through reliable sources, are involved in corruption and taking of illegal gratification from lease holders/contractors of Phosphate, transporters, timber smugglers and owner's of saw machines. Moreover, you are professionally incompetent, very loose grip and are unable to run the Police Station affairs in proper manner, 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. Kamran Munir, A.P. Cantt 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.

District Police Officer,
Abbottabad.

No. 736-39 /PA, Dated Abbottabad, the 21/3 /2014.

Copy of above is forwarded to:-

1. Mr. Kamran Munir A.P. Cantt (Enquiry Officer) for initiating proceedings against the defaulter officer under provisions of the Police Disciplinary Rules 1975.
2. SI Sajjad Ahmed 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 Police Lines Abbottabad with the directions that the duplicate copy of the same be returned to this office after taking signature of SI concerned, as a token of receipt.

Attested

Muhammad Arshad Khan Tenofi
Advocate High Court
Abbottabad

District Police Officer,
Abbottabad.

(9)

Annex "C"

جواب چارج شیٹ

مشمولہ چارج شیٹ نمبر 736-39/PA مورخہ 21-03-2014 معروض خدمت ہوں کہ مورخہ 19-11-2013 کو اس نئے قائم ہونے والے تھانہ مانگل میں میری پوسٹنگ ہوئی۔ میرا عرصہ تعیناتی کل چار ماہ پر محیط رہا۔ فاسفیٹ لیز ہولڈر کنٹریکٹر سے میں نے کبھی کوئی شکرانہ وصول نہیں کیا۔

میرے دور تعیناتی میں کسی بھی قسم کی رعایت فاسفیٹ سمگلرز سے نہیں برتی گئی بلکہ فاسفیٹ سمگلرز کے خلاف کل 07 مقدمات بجرم PPC 379/34، 173 ماننگ ایکٹ میں رجسٹر کیئے گئے کل 22 فاسفیٹ سمگلرز گرفتار کیئے گئے جبکہ ایک مقدمہ بجرم PPC 322/34 میں مائن اوزر کے مختیار خاص ونگران امور پر حفاظتی اقدامات فاسفیٹ مائن ٹھیک نہ ہونے پر ایک مزدور کی ہلاکت سرزد ہونے پر اپنی مدعیت میں رجسٹر کیا۔ پچھلے دو ماہ میں شدید سردی، بارشوں و برفباری کی وجہ سے فاسفیٹ کا کام بہت محدود رہا ہے۔ فاسفیٹ چوری کنٹرول کرنے کیلئے ڈیٹیل دائریاں افسران کو بھجواتا رہا ہوں۔ کیونکہ محکمہ معدنیات کے مکمل تعاون کے بغیر فاسفیٹ چوری پر کنٹرول ناممکن ہے۔

ٹرانسپورٹرز کے خلاف PPC 279/283 کے متعدد مقدمات تھانہ مانگل میں رجسٹر کیئے گئے ہیں اور انہیں عدالت سے سزایاب بھی کرایا گیا ہے میں نے کبھی کسی ٹرانسپورٹر وغیرہ سے کوئی رشوت نذرانہ وغیرہ نہ لیا ہے۔ ٹمبر سمگلرز و آراء مشینوں کے خلاف مختلف کاروائیوں میں میں نے دیگر سٹاف کے ہمراہ ساڑھے تین لاکھ سے زائد جرمانہ فارسٹ ڈیپارٹمنٹ کی رسیدات پر کرایا جو رسیدات ریکارڈ تھانہ مانگل میں موجود ہیں۔ میں نے ٹمبر سمگلرز، آراء مشینوں سے بھی کوئی رشوت لین دین نہ کیا ہے۔

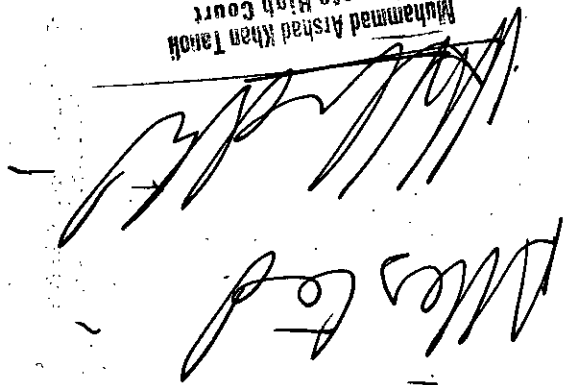
میرے عرصہ تعیناتی چار ماہ میں کل 26 PO's گرفتار ہوئے اسلحہ ایمنیشن ریکوری 02 رائفلیں، ایک بندوق، 8 پستل، 300 کارتوس و پٹاخے وغیرہ برآمد کر کے مقدمات رجسٹر کیئے گئے۔ منشیات ریکوری میں ساڑھے چھ کلو چرس پکڑی گئی اسی طرح تھانہ کے قیام کے چار ماہ کے عرصہ میں قائم ہونے والے کاروائی انسدادی 107/151 54/55/109 ض۔ ف 100 سے زائد افراد کے خلاف کی گئی۔ میرے دور تعیناتی میں کوئی بڑا سانحہ ڈیکیتی، دہشت گردی کا واقعہ رونما نہیں ہوا۔ اسی طرح تھانہ کے قیام کے چار ماہ کے عرصہ میں قائم ہونے والے مقدمات میں 85/90 فیصد ملزمان گرفتار کیئے گئے ہیں۔ باوثوق ذرائع کو چاہیے کہ وہ مجھ پر لگائے گئے الزامات پر ثبوت بھی فراہم کریں۔

علاوہ ازیں آپ انکوائری آفیسر اس بات کا پورا خیال رکھیں کہ میرے بارے میں تھانہ مانگل

صفحہ: ۲۳۱۰

Muhammad Arshad Khan Tanoli
Advocate High Court
Abbottabad

Muhammad Arshad Khan Tanoh
Advocate High Court
Abbottabad



SIA مقیم پٹیالہ میں قائم ہے۔

25-03-2014: ۲:۰۴



قابل افتخار اور تیزی سے پیش قدمی کر رہے ہیں۔ ایسے ہی آپ کے گاہکوں کو بھی بتایا جائے گا۔
 آپ نے جو کام کرنا چاہتے ہیں وہ آپ کے لیے کیا ہے۔ آپ کے کام کو مکمل کر کے دیا جائے گا۔
 آپ کے کام کو مکمل کر کے دیا جائے گا۔
 آپ کے کام کو مکمل کر کے دیا جائے گا۔
 آپ کے کام کو مکمل کر کے دیا جائے گا۔
 آپ کے کام کو مکمل کر کے دیا جائے گا۔
 آپ کے کام کو مکمل کر کے دیا جائے گا۔
 آپ کے کام کو مکمل کر کے دیا جائے گا۔
 آپ کے کام کو مکمل کر کے دیا جائے گا۔

(11)

FINAL SHOW CAUSE NOTICE

Annexed A D

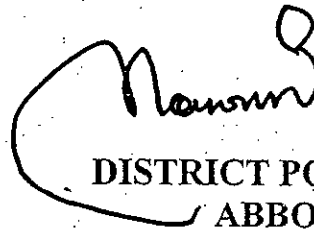
I, Muhammad Ali Khan, District Police Officer Abbottabad, as competent authority charge you **SI Sajjad Ahmed** as follows:-

While posted as SHO PS Mangal, as reported through reliable sources, are involved in corruption and taking of illegal gratification from lease holders/contractors of Phosphate, transporters, timber smugglers and owner's of saw machines. Moreover, you are professionally incompetent, very loose grip and are unable to run the Police Station affairs in proper manner, which is a gross misconduct on your part.

You were issued and served with Charge Sheet and Statement of allegation vide this office Endst: No: 736-39/PA, dated 21-03-2014 and enquiry was conducted by Mr. Kamran Mumtaz ASP/Cantt: and the allegations have been proved.

Keeping in view the above said allegations on your part, you are hereby called upon to show cause finally with in seven days of the receipt of this final show cause notice as to why you should not be awarded major punishment under Police disciplinary Rules 1975.

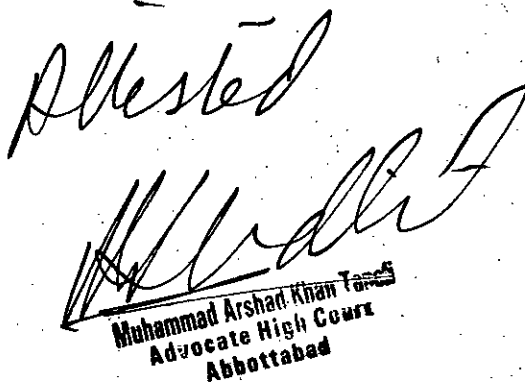
If your written reply is not received with in stipulated period it shall be presumed that you have no defense to offer. You are also permitted to appear before the undersigned if you so desire.



**DISTRICT POLICE OFFICER,
ABBOTTABAD.**

No: 1182 /PA, dated 23/4 /2014.

Copy of above in duplicate is forwarded to DSP Havelian with the directions that duplicate copy of the same be return to this office duly acknowledged/ received by officer concerned as a token of receipt.



**Muhammad Arshad Khan Tareq
Advocate High Court
Abbottabad**

کوئی کسی بھی کیفیت میں

تعمیرات کے لیے 85/90 فیصد فراہم کرنا ہے۔

میں کوئی بڑا سا بجھو گئی، دوپہٹ کر دی گئی اور پھر اس طرح کے کام کے بارے میں

اندازہ دیا گیا ہے۔ 107/151 109 54/55/109 100 سے زیادہ اجراء کے خلاف کی گئی ہے۔

ڈیڑھ لاکھ روپے کی رقم کے بارے میں کوئی بھی ٹیڈنگ نہیں ہوئی ہے۔

میں 300 کروڑ روپے کی رقم کے بارے میں کوئی بھی ٹیڈنگ نہیں ہوئی ہے۔

تعمیرات کے بارے میں 26 P.O.s کی رقمیں 02 اگست، ایک

لاکھ سے زیادہ رقمیں ڈسٹریبیوٹڈ ہیں۔

میں سے زیادہ رقمیں ڈسٹریبیوٹڈ ہیں۔

تعمیرات کے بارے میں کوئی بھی ٹیڈنگ نہیں ہوئی ہے۔

تعمیرات کے بارے میں کوئی بھی ٹیڈنگ نہیں ہوئی ہے۔

تعمیرات کے بارے میں کوئی بھی ٹیڈنگ نہیں ہوئی ہے۔

تعمیرات کے بارے میں کوئی بھی ٹیڈنگ نہیں ہوئی ہے۔

تعمیرات کے بارے میں کوئی بھی ٹیڈنگ نہیں ہوئی ہے۔

تعمیرات کے بارے میں کوئی بھی ٹیڈنگ نہیں ہوئی ہے۔

تعمیرات کے بارے میں کوئی بھی ٹیڈنگ نہیں ہوئی ہے۔

تعمیرات کے بارے میں کوئی بھی ٹیڈنگ نہیں ہوئی ہے۔

تعمیرات کے بارے میں کوئی بھی ٹیڈنگ نہیں ہوئی ہے۔

تعمیرات کے بارے میں کوئی بھی ٹیڈنگ نہیں ہوئی ہے۔

تعمیرات کے بارے میں کوئی بھی ٹیڈنگ نہیں ہوئی ہے۔

جواب نائیل کاؤنسل

(12)

Annex "E"

شکرانہ یا کرپشن وصول نہ کی ہے۔

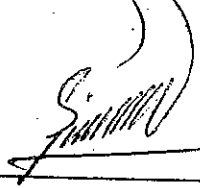
انکوائری ہذا کے اندر درخواست دہندہ، درخواست دہندہ کے گواہان، فضل ربی ASI وغیرہ کے بیانات سے کسی طور پر مجھ پر لگائے گئے الزامات ثابت نہیں ہوتے۔ حیران کن امر یہ ہے کہ کسی بھی قسم کا کوئی مواد مجھ پر لگائے گئے الزامات ثابت کرنے میں نہ ہونے کے باوجود انکوائری آفیسر کس بنیاد پر مجھ پر لگائے گئے الزامات کو ثابت شدہ قرار دے کر میرے لئے Major Punishment لاگو کر رہے ہیں۔

میرے اوپر لگائے گئے الزامات بے بنیاد اور جھوٹ پر مبنی ہیں۔ مجھے بوجہ انکوائری ہذا SI کنفرمیشن DPC میں ڈیفنڈ کر دیا گیا ہے جس سے میری سناری ٹی متاثر ہو کر میرا مستقبل تباہ ہو سکتا ہے۔

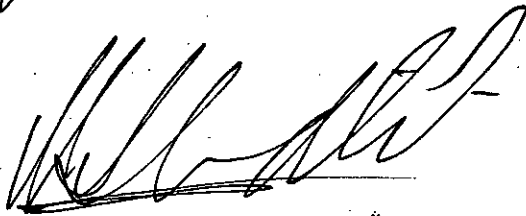
میری آپ سے استدعا ہے کہ میرے حال پر رحم فرما کر جلد از جلد انکوائری ہذا کو تکمیل تک پہنچا کر فائل کیا جائے اور میری پروموشن سناری ٹی کو متاثر ہونے سے بچایا جائے۔ میں آپ کیلئے تامل

عمر دعا گو رہوں گا۔

المرقوم: 24-04-2014


سجاد محمد SI متعینہ تھانہ لورہ، ایبٹ آباد۔

Attested



Muhammad Arshad Khan Tanoli
Advocate High Court
Abbottabad

(14)

Annex "F"

OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD.


No: 1308 PA File /Dated 5 / 5 / 2014

To: The Regional Police Officer,
Hazara Region, Abbottabad.

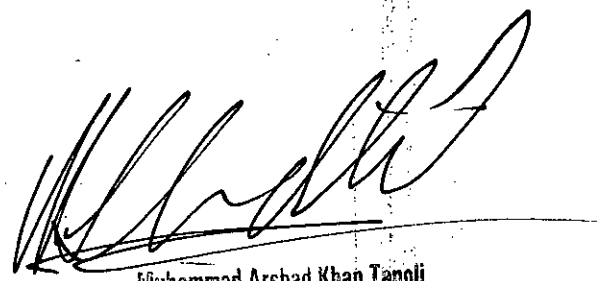
Subject: DEPARTMENTAL ENQUIRY

Memo:

SI Sajjad Ahmed who was charge sheeted vide this office No. 736-39/PA Dated 21.03.2014. The enquiry was conducted by Mr. Kamran Mumtaz ASP/Cantt: Abbottabad. On receipt of findings of the E.O, he was heard in person on 29.04.2014 and was awarded minor punishment i.e. stoppage of increments for two years with cumulative effect vide OB No. 117 dated 29.04.2014.


DISTRICT POLICE OFFICER,
ABBOTTABAD.





Muhammad Arshad Khan Tanoli
Advocate High Court
Abbottabad

Asst. Supdt. of Police
Havelian
7-5-14

Mr. J. J. ...
Mr. ...

S/O Forwarded.
SHO PS Kora
S-5-2014

Forwarded #

PL sent to
15/10/14

42-H S.I. ...

S-5-2014 ...

1308/PA, File ...
29-04-2014 ...
21-03-2014 ...
736-39-PA ...

...

DIG ...

...

...

(15)

Copy of Annex

6

(16)

OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD.

No: 1576/PA, dated Abbottabad the, 27/5/2014.

To, The Regional Police Officer,
Hazara Region, Abbottabad.

Subject: MERCY PETITION

Kindly refer to this office Memo: No. 1308/PA Dated 05.05.2014.

An application/Mercy Petition furnished by SI Sajjad Ahmed of this District is submitted herewith for further disposal please.

Encl:- (1)

Navin

DISTRICT POLICE OFFICER,
ABBOTTABAD

9

Encl (2)

Attested

Muhammad Arshad Khan Yaqoobi

Muhammad Arshad Khan Yaqoobi
Advocate High Court
Abbottabad

(17)

Annex 'H'

Phone No.0992-9310021
Fax No.0992-9310023

From: The Regional Police Officer,
Hazara Region (Abbottabad)

To: The District Police Officer,
Abbottabad.

No. 7545 /PA Dated Abbottabad, the 25/8 /2014.

Subject: REPRESENTATION

Memo: Please refer to your office Memo: No.2368 dated 13-08-2014.

*BPA
RPS
26/8*

The representation of SI Sajjad Ahmed of your District was reviewed and the appellant was heard in person in the orderly room where he offered no cogent reason. On the other hand, his appeal is non appealable (being minor punishment i.e. stoppage of increment) in terms of Rule 11(a) Police Disciplinary Rule 1975.

The service record containing enquiry file of the appellant is returned herewith.

Attested

[Signature]

[Signature]
REGIONAL POLICE OFFICER
Hazara Region (Abbottabad)

For on a

*CPST Atd
26/8*

District Police Officer
Confidential
Dy.No. 2302-IPA
Dated 27-8-2014

OFFICE OF DISTT POLICE OFFICER
Dy No 9667
Date 27-8-14
Abbottabad

(18)

Annex I

Annex #

انتہائی ضروری ہے

Annex I

منجانب - ضلعی پولیس آفیسر، ایبٹ آباد۔

ایس۔ پی۔ ہیڈ کوارٹرز، ضلع ایبٹ آباد۔

منجانب - جملہ SDPOs، ضلع ایبٹ آباد۔

ڈی۔ ایس۔ پی لیگل، ضلع ایبٹ آباد۔

جملہ انفران مہتمم تھانہ جات، ضلع ایبٹ آباد۔

ایس۔ ایچ۔ او اسٹیٹس۔

نمبر 24-40 تاریخ 01-1-2014

پالیسی گائیڈ لائنز و آپریشنل گائیڈ لائنز، بحاریہ جناب انسپکٹر جنرل آف پولیس، خیبر پختونخوا، پشاور۔

عنوان

ذیل پالیسی گائیڈ لائنز و آپریشنل گائیڈ لائنز کا اردو زبان میں ترجمہ ہو کر ارسال کی جاتی ہیں۔ ہر ایک کا بغور مطالعہ ہو کر جملہ ہدایات پر سختی سے عمل درآمد کیا جائے۔ سب ڈویژنل آفس اور تھانہ میں مکمل ریکارڈ رکھا جائے۔ ہر پالیسی گائیڈ لائنز و آپریشنل گائیڈ لائنز سے متعلق رپورٹ چاہے ہفتہ وار، پندرہ روزہ، ماہوار، سہ ماہی، ششماہی یا سالانہ ہو بروقت دفتر ہذا بھیجی جائے۔

پالیسی گائیڈ لائنز	آپریشنل گائیڈ لائنز
پالیسی گائیڈ لائنز نمبر 1 سال 2013ء۔	آپریشنل گائیڈ لائنز نمبر 1 سال 2013ء۔
پالیسی گائیڈ لائنز نمبر 2 سال 2013ء۔	آپریشنل گائیڈ لائنز نمبر 2 سال 2013ء۔
پالیسی گائیڈ لائنز نمبر 3 سال 2013ء۔	آپریشنل گائیڈ لائنز نمبر 3 سال 2013ء۔
پالیسی گائیڈ لائنز نمبر 4 سال 2013ء۔	آپریشنل گائیڈ لائنز نمبر 4 سال 2013ء۔
پالیسی گائیڈ لائنز نمبر 7 سال 2013ء۔	آپریشنل گائیڈ لائنز نمبر 5 سال 2013ء۔
	آپریشنل گائیڈ لائنز نمبر 6 سال 2013ء۔
	آپریشنل گائیڈ لائنز نمبر 7 سال 2013ء۔
	آپریشنل گائیڈ لائنز نمبر 9 سال 2013ء۔
	آپریشنل گائیڈ لائنز نمبر 10 سال 2013ء۔
	آپریشنل گائیڈ لائنز نمبر 11 سال 2013ء۔

Muhammad

ضلعی پولیس آفیسر
ضلع ایبٹ آباد۔

Attested

Muhammad Arshad Khan Tanoli
Advocate High Court
Abbottabad

مجاہد دفتر انسپکٹر جنرل آف پولیس خیبر پختونخوا
سنزل پولیس آفس، پشاور

19

نمبر 2323 تا 2376 پی پی او، مورخہ 23 اکتوبر، 2013 پشاور

Policy Guidelines: Posting of SHOs

PG-1/2013

مقاصد: 1

SHO پولیس میں ایک اہم عہدہ رکھتا ہے۔ محکمہ پولیس کی کامیابی اور ناکامی کا زیادہ تر انحصار ایک اچھے اور اہل SHO کا انتخاب پر ہوتا ہے۔ موجودہ صورتحال اور لاء اینڈ آرڈر اور سیکورٹی کے نازک صورتحال کے پیش نظر صوبے میں صحیح اہلکاروں کو بحیثیت SHO تعینات کرنا ایک اہم اور نازک مسئلہ رہا ہے۔ اس مقصد کے لئے اس پوسٹ پر تعیناتی میرٹ کی بنیاد پر اور شفاف طریقے سے اہل افسران کے انتخاب کے لئے مندرجہ ذیل رہنما اصول شائع کئے گئے ہیں۔ تمام ضلعی پولیس افسران کو ہدایت کی جاتی ہے کہ وہ ان اصولوں پر عمل کو یقینی بنائیں۔

2- ضلع میں ایسے اہل پولیس افسر ہونے چاہیں جو بحیثیت SHO تعینات کئے جاسکیں۔

2.1 ہر DPO کو چاہئے کہ ایسے افسران جن کا عہدہ SI سے کم نہ ہو کی اور اہل ہوں کی ایک لسٹ بنائی جائے جنکو بحیثیت SHO تعینات کیا جاسکے۔

2.2 صرف ان افسران کو بحیثیت SHO جب ضرورت ہو لازمی طور پر تعینات کیا جائے جو اہل ہو اور فہرست کے لئے انکا انتخاب کیا گیا ہو۔

2.3 ہر افسر جو عہدہ میں SI یا INSP سے کم نہ ہو اہل افسران کے انتخابی لسٹ میں شامل ہونے کیلئے پیش ہو سکتا ہے۔

2.4 کوئی بھی گزٹ شدہ افسر جو DPO کے ماتحت کام کر رہا ہو افسران کی اس انتخابی فہرست میں شامل کرنے کی سفارش کر سکتا ہے۔

2.5 انتخابی فہرست میں اہل افسران کا انتخاب DPO کے بنائے گئے بورڈ سے ہوگا۔

ضلعی پولیس افسر SSP اپریشن پشاور کو بھی اس میں شامل کر سکتا ہے۔

3- ہر ایک ضلع میں اہل افسران کا انتخاب سلیکشن بورڈ کرے گا۔

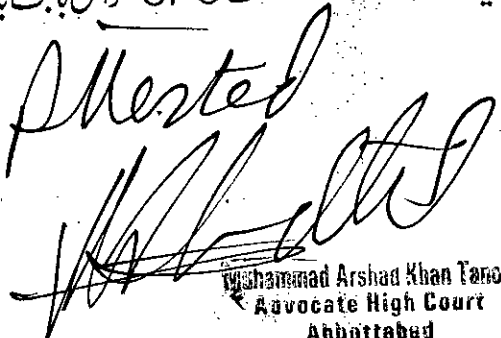
3.1 اس مقصد کے لئے DPO ایک بورڈ تشکیل دے گا۔

3.2 سلیکشن بورڈ کا چیئرمین DPO ہوگا اور کم سے کم دو افسران جن کا عہدہ DSP/ASP سے کم نہ ہو اسکے ممبران ہوں گے۔

3.3 پشاور میں SSP اپریشن کی معاونت کے لئے کم سے کم دو SPs سلیکشن بورڈ کے ممبران ہوں گے۔

3.4 ہر ضلع میں یہ تشکیل شدہ بورڈ متعلقہ ریجنل پولیس افسر کے ذریعے سے AIG اسٹیشنمنٹ CPO کو اس بابت باخبر رکھے گا۔

4- سلیکشن بورڈ اہل افسران کے ناموں کی منظوری دے گی۔


Muhammad Arshad Khan Farooq
Advocate High Court
Abbottabad

4.1 سلیکشن بورڈ مندرجہ ذیل طریقے سے ان افسران کے تصدیق نامہ کی جانچ پڑتال کریگی اور انتخابی فہرست میں ان کی اہلیت طے کریگی:

A مطلوبہ افسر نے پیشہ وارانہ موزونیت اپنے سابقہ ریکارڈ سے ثابت کی ہو۔

B افسر دیانتدار اور ایماندار ہو۔

C مطلوبہ افسر کو معاشرتی روابط اور پبلک ڈیلنگ میں مہارت رکھتا ہو۔

D مطلوبہ افسر میں بہادری، سچھوتہ اور رویے میں چلک جیسے صفات کا مالک ہو۔

4.2 سلیکشن بورڈ انتخابی عمل کے دوران افسر کا ذاتی انٹرویو لے گا۔

4.3 سلیکشن بورڈ مندرجہ بالا اصولوں کی روشنی میں موجودہ افسران کی بھی جو محسنتِ SHO تعینات ہوں گی اہلیت کا جائزہ لے گی۔

4.4 سلیکشن بورڈ تمام افسران کو SHO پوسٹ کی اہلیت کے متعلق انتخابی طریقہ کار اور قواعد اہلیت مشتہر کرے گی۔

5 انتخابی فہرست سے کسی افسر کا نام خارج کرنا۔

5.1 DPO کسی بھی افسر کو اسکی خراب کارکردگی اور بے ایمانی کی وجہ سے اور جو مطلوبہ معیار پر پورا نہ اترتا ہو کا نام اس لسٹ سے خارج کر سکتا ہے۔

5.2 جس افسر کو کرپشن اور خراب کارکردگی کی بنیاد پر ایک دفعہ انتخابی فہرست سے ہٹایا جائے اسکو مستقبل میں محسنتِ SHO تعینات نہیں کیا جائے گا۔

5.3 کسی افسر جسکو دوسرے وجوہات کی بناء پر (مثلاً بزدلی، نا اہلیت وغیرہ) فہرست نامہ سے ہٹایا گیا ہو کم از کم ایک سال کے عرصہ کیلئے بھی اس کا نام درج نہیں کیا جائے گا۔

5.4 کسی افسر کو ہٹانا جو کسی بھی وجہ سے ہو اسکو ہٹانے اور اسکے خلاف معاندانہ کارروائی کیلئے کافی ہوگا۔

5.5 متاثرہ افسر جسکو فہرست نامہ سے ہٹایا گیا ہو اس بابت ریجنل پولیس افسر کو اپیل کر سکتا ہے۔

6- RPOs اور CCPO افسران کے ناموں کی تصدیق کے ذمہ دار ہوں گے۔

6.1 ضلعی پولیس افسر منتخب شدہ افسران کے نام متعلقہ RPOs اور CCPO کو بھیجے گا۔

6.2 متعلقہ RPOs اور CCPO فہرست نامہ میں افسران کا انتخاب کے متعلق اپنے آپ کو مطمئن کریں گے اور کسی افسر کے نام پر نظر ثانی کرنے کے لئے یا اس کا نام ہٹانے کے آرڈر کے ساتھ واپس DPOs کو بھیجے گا۔

6.3 RPOs اور CCPO افسران کے ناموں کی باقاعدہ تصدیق کرنے کے بعد فہرست نامہ AIG سٹیبلشمنٹ CPO بھیجے گا جہاں پر انکار یا ریکارڈ رکھا جائے گا۔

6.4 RPOs اور CCPO، AIG سٹیبلشمنٹ CPO کو کسی افسر کے نام کو ہٹانے کی رپورٹ بھی بھیجے گا۔

7- اہل افسران کی محسنتِ SHO تعیناتی سے متعلق عام ہدایات۔

7.1 ایک افسر کو اسکے رہائشی علاقہ میں SHO تعینات نہیں کیا جائے گا۔ اسکو اسکے ذیلی ڈویژن سے باہر محسنتِ SHO تعینات کیا جائے گا۔ جو کہ اس دفتر کے لیٹر نمبر 15395-340/B-ii, dt: 28/06/13 سے متعلق ہے۔

7.2 DPO سوچ و بچار کے بعد کسی افسر کو ایسے علاقہ میں بحیثیت SHO تعینات کریگا جہاں اسکی کسی سیاسی پارٹی یا گروپ سے وابستگی یا اختلافات نہ ہوں۔ اور جہاں پر متعلقہ افسر کی کوئی دشمنی نہ ہو۔

7.3 انتخابی فہرست نامہ سے کسی افسر کو بحیثیت SHO اس پولیس سٹیشن میں تعینات کیا جائے گا جہاں پر وہ اپنے خاصیت اور طبیعت کے لحاظ سے زیادہ موثر ہو۔

7.4 SHO کا عہدہ کم سے کم ایک سال کے لئے ہوگا۔ مطلوبہ مدت سے پہلے SHO کا تبادلہ بوجہ نا اہلیت، بد چلنی اور بد عنوانی کے ہوگا۔ متعلقہ افسر کا تبادلہ RPO کی منظوری سے CPO کو مطلع کر کے AIG اسٹیبلشمنٹ کریں گے۔

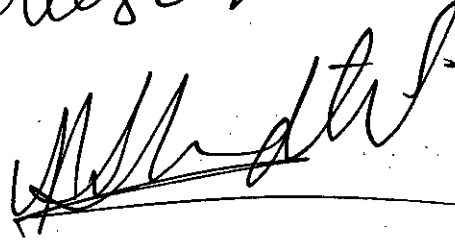
دستخط انگریزی

(ناصر خان درانی)

انسپیکٹر جنرل آف پولیس

خیبر پختونخوا ایشاور

Attested



Muhammad Arshad Khan Taseer
Advocate High Court
Abbottabad

وکالت نامہ

کورٹ فیس

بعدالت جناب سروس ٹرانسپورٹ کراچی

عنوان: مساجد محمد بنام حکومت کراچی

منجانب: Appellant

نوعیت مقدمہ:

باعث تحریر آنکہ

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

محمد ارشد خانی سروس ٹرانسپورٹ کراچی

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز وکیل صاحب

موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف 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 کارروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار

بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و

قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔

نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف

پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف

مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت نالش بصیغہ مفلسی کے دائر کرنے اور اس کی

پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سندر ہے۔

Accepted

المقوم:

الاعتراف

الاعتراف

مساجد محمد

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

Service Appeal No. 1213/2014.

Sajjad Muhammad s/o Muhammad Ashraf, Sub-Inspector H/73,
Additional SHO, Police Station Havelian, District Abbottabad.

(Appellant)

VERSUS

1. Govt: of KPK through Secretary Home & Tribal Affairs, KPK Peshawar.
2. Inspector General of Police, KPK, Peshawar
3. Deputy Inspector General of Police Hazara Region, Abbottabad.
4. District Police Officer, 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 pertaining to record.
2. Para No. 2 is pertaining to record, needs no comments.
3. Para No. 3 pertains to record, needs no comments.
4. Para No. 4 is correct up to the extent that appellant submitted reply of final Show Cause Notice on 24.04.2014 but his reply was found unsatisfactory.
5. Para No. 5 pertains to record, needs no comments.
6. Para No. 6 pertains to records, needs no comments.
7. Para No. 7 is pertaining to record.
8. Para No. 8 is also pertaining to record.
9. Para No. 9 is incorrect. The orders issued by Respondent No. 3 and Respondent No. 4 are correct, legal and issued after fulfilling factual and

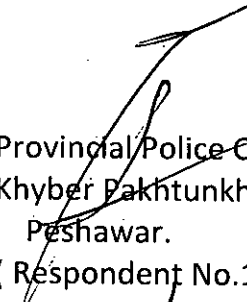
codel formalities. No provision of law, rules and Policy have been violated.

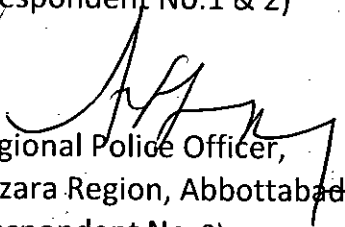
GROUND.

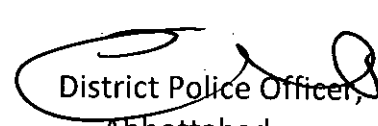
- A. Incorrect, the appellant has provided photo copies of order sheets of enquiries. Moreover the appellant has profound a tailored story just to save his skin from the agonies of litigations.
- B. Incorrect, proper departmental proceeding under Police Rules, 1975 were carried out by appointing enquiry officer. The allegations leveled against the appellant were probe thoroughly which were proved against him beyond any doubt.
- C. Incorrect, the allegations leveled against appellant were received through Special Diary which was probe thoroughly and during departmental enquiry allegations of corruption and illegal gratification against the appellant were proved correct.
- D. Incorrect, proper opportunities were provided to appellant to defend himself in front of Enquiry Officer but his reply was not satisfactory. He could not produce any cogent reason regarding his innocence. The allegations of corruption and illegal gratification from lease holders. Contractors of phosphate, transporters, timber smugglers and owners of saw machines were found correct by enquiry officer.
- E. Incorrect, during course of enquiry proceeding, the allegations leveled against appellant were proved, hence he was awarded minor punishment / penalty of stoppage of increments for two years with accumulative effect therefore, he was remained unfit to be placed in SHOs Pool which is not considered as punishment according to PG-1/2013.
- F. Pertaining to Honourable Service Tribunal hence, no needs to comments.
- G. Pertaining to Honourable Service Tribunal needs no comments.

PRAYER.

In view of the reply of the respondents based on facts and ground, this honourable Service Tribunal is very humbly requested to dismiss the appeal of the appellant with cost.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No.1 & 2)


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


District Police Officer,
Abbottabad.
(Respondent No. 4)

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

Service Appeal No. 1213/2014.

Sajjad Muhammad s/o Muhammad Ashraf, Sub-Inspector H/73,
Additional SHO, Police Station Havelian, District Abbottabad.

(Appellant)

VERSUS

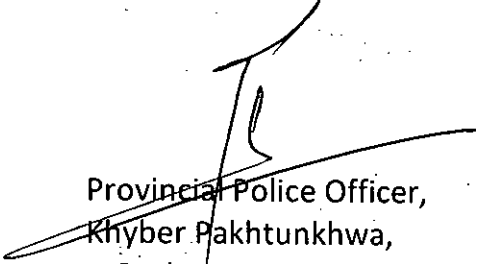
1. Govt: of KPK through Secretary Home & Tribal Affairs, KPK Peshawar.
2. Inspector General of Police, KPK, Peshawar.
3. Deputy Inspector General of Police Hazara Region, Abbottabad.
4. District Police Officer, Abbottabad.

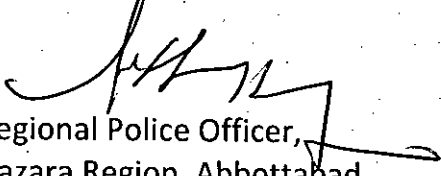
(Respondents)

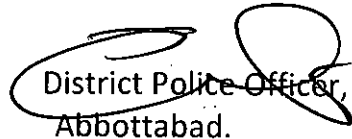
AFFIDAVIT.

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.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No.1 & 2)


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


District Police Officer,
Abbottabad.
(Respondent No. 4)

BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KPK PESHAWAR .

Sajjad Muhammad S/o Muhammad Ashraf, Sub-inspector H/73 Abbottabad.

NOW INSPECTOR

...PETITIONER

V E R S U S

Government of Khyber Pakhtunkhwa through Secretary Home and Tribal Area
Khyber Pakhtunkhwa and others.

...RESPONDENTS

REJOINDER ON BEHALF OF THE APPELLANT

Respectfully Sheweth;

The Para-wise replies of the comments are as under:-

PRELIMINARY OBJECTIONS:

- i) Para No.1 of the preliminary objection is incorrect and denied. The stoppage of two increment with accumulative effect of the appellant relates to the terms and condition of service.
- ii) Para No.2 and 3 of the preliminary objections are incorrect and denied. As per law, without proper inquiry, two increments have been stopped with accumulative effect which is illegal and against the law. Besides the appeal has been prepared as per law.
- iii) Para No.4 and 5 is incorrect and denied. The appeal of the appellant is within the time of limitation.

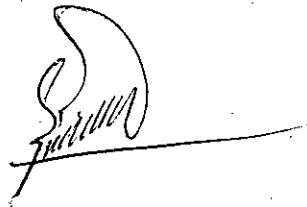
REJOINDER ON FACTS:

1. Para No.1 to 3 need no reply.
2. Para No.4 to the extent of unsatisfactory reply of appellant is incorret.
3. Para No.5 to 8 need no reply.
4. Para No.9 of the factual objection is incorrect and denied.

REJOINDER ON GROUNDS:

- a) Para a is incorrect and denied.
- b) Para b is incorrect and denied.
- c) Para c is incorrect and denied.
- d) Para d is incorrect and denied. In fact, ASI fazl-e-Rabi has not been interrogated but the appellant has been made a scapegoat for no fault of his.
- e) Para e is incorrect and denied. The act of respondents toward the appellant is against the service law.

It is prayed that appeal of the appellant may graciously be accepted as prayed for.



...APPELLANT

Through:



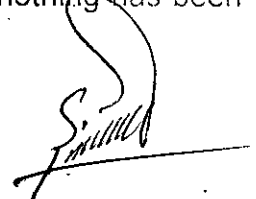
(MUHAMMAD ARSHAD KHAN TANOLI)

Advocate High Court,
Abbottabad.

Dated: 23-11 /2016

VERIFICATION:

Verified that the contents of the foregoing **Rejoinder** are true and correct to the best of my knowledge and belief and that nothing has been suppressed from this Honorable Tribunal.



...APPELLANT

Dated: 23-11 /2016