

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD

Service Appeal No.919/2015

Date of Institution... 17.08.2015

Date of decision... 19.10.2017

Rizwan, Ex-Head Constable No. 319, District Police, Mansehra. ... (Appellant)

Versus

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and 2 others.
 (Respondents)

MR. MUHAMAMD ASLAM 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 aggrieved from impugned order dated 15.01.2015, whereby he was dismissed from service. Against this order, the appellant filed departmental appeal on 05.02.2015 which was rejected on 29.07.2015 and thereafter, the present service appeal on 17.08.2015. The allegation against the appellant was a complaint moved by one Hazrat Umar dated 06.11.2014 in which it was alleged that the appellant alongwith another constable took bribe and weapons etc. from the complainant.

ARGUMENTS

3. The learned counsel for the appellant argued that there are some discrepancies in the complaint and statement of the complainant recorded by the enquiry officer. That in the complaint the complainant had stated that vehicle was his own whereas Sheeraz stated that vehicle was of Sheeraz. He further argued that the enquiry officer has relied upon some CDR which is not admissible as evidence. That the enquiry officer recommended action against the other co-accused but no action has been taken against that co-accused.

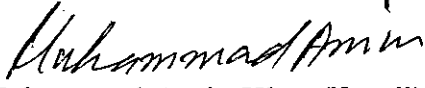
4. On the other hand, the learned Deputy District Attorney argued that the case has been fully proved against the appellant. That the complainant has endorsed his complaint in his statement before the enquiry officer. That witness Sheeraz has also corroborated the version of the complainant. That no case is made out by the appellant.

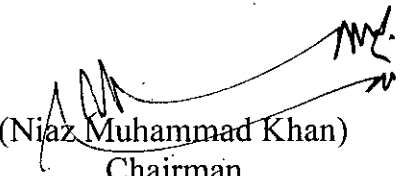
CONCLUSION.

5. By seeing the case holistically, the due process has been fulfilled by the department under the relevant rules. The objections of the learned counsel for the appellant are mainly based on benefit of doubt. It is jurisprudential principle of administrative law that no benefit of doubt can be extended in departmental proceedings. The discrepancies pin pointed by the learned counsel for the appellant are not material. The whole proceedings are in accordance with law. However, the enquiry officer also recommended action against the accused Ishtiaq Constable whose name was mentioned in the complaint and he was equally responsible with the appellant. But no disciplinary action has been taken against the said Ishtiaq. Keeping in view the length of service of the appellant and lenient view taken by the department against Ishtiaq Constable, this Tribunal deems it appropriate that a lenient view should also have been taken against the present appellant.

6. In view thereof the penalty of dismissal is converted into reduction to the rank of constable. This reduction shall remain operative for a period of three years. The

intervening period shall be treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.


(Muhammad Amin Khan Kundi),
Member


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

ANNOUNCED

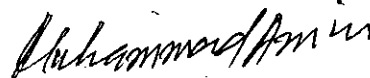
19.10.2017

919/15

19.10.2017

Appellant alongwith counsel and Mr. Muhammad Bilal, Deputy District Attorney alongwith Muhammad Nazir, H.C for the respondents present. Arguments heard and record perused.

This appeal is accepted as per our detailed judgment of today. Parties are left to bear their own costs. File be consigned to the record room.


Member


Chairman
Camp Court, A/Abad

ANNOUNCED

19.10.2017

25.05.2017

Since tour programme to camp court, Abbottabad for the month of May, 2017 has been cancelled by the Worthy Chairman, therefore, case to come up for the same on ~~17.07~~ 17.07.2017 at camp court, Abbottabad. Notices be issued to the parties for the date fixed accordingly

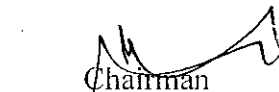



Registrar

09. 17.07.2017

Appellant with counsel and Mr. Muhammad Bilal, DDA alongwith Mr. Ikhtlaq Hussain Shah, Inspector (Legal) for respondents present. Arguments could not be heard due to shortage of time. Adjourned. To come up for arguments on ~~21.08~~ 21.08.2017 before D.B at Camp Court A/Abad.

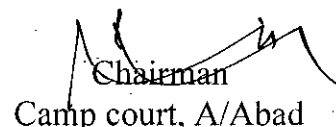

Member


Chairman
Camp court, A/Abad

21.08.2017

Appellant alongwith Mr. Muhammad Aslam Tanoli, Advocate present and submitted fresh Wakalatnama. Mr. Muhammad Bilal, Deputy District Attorney alongwith Akhtlaq Hussain, Inspector (Legal) for the respondents present. The newly engaged counsel for adjournment. Adjourned. To come up for final hearing before the D.B on 19.10.2017 at camp court, Abbottabad.


Member


Chairman
Camp court, A/Abad

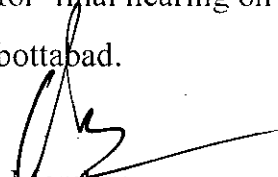
18.02.2016

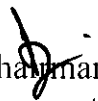
Appellant in person and Mr. Akhlaq Hussain Shah, Inspector (legal) alongwith Mr. Muhammad Saddique, Sr. GP for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 19.9.2016 at Camp Court A/Abad.


Chairman
Camp Court A/Abad

19.09.2016


Appellant in person and Mr. Muhammad Pervez, H.C alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Rejoinder submitted. Counsel for the appellant has not turned up from Peshawar. Requested for adjournment. To come up for final hearing on 14.2.2016 before the D.B at camp court. Abbottabad.


Member


Chairman
Camp court, A/Abad

14.02.2017

Appellant in person and Mr. Muhammad Nazir. Reader alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Rejoinder already submitted. Due to non-availability of D.B arguments could not be heard. To come up for final hearing on 16.05.2017 before the D.B at camp court, Abbottabad.


Member
Camp court, A/Abad

26.08.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Head Constable and after putting in 18 years service he was subjected to inquiry alongwith another official namely Ishtiaq on the allegations of accepting illegal gratification on checking a vehicle boarded with arms & ammunitions and appellant dismissed from service vide impugned order dated 15.1.2015 against which he preferred departmental appeal which was rejected on 29.7.2015 and hence the instant service appeal on 17.8.2015.

Appellant Deposited
Security & Process Fee


That the entire episode was a master minded by one Zulfiqar Jadoon DSP and appellant proceeded against with malafide intention. That the inquiry proceedings were carried out with the dictation and influence of the high-ups and appellant punished despite availability of no evidence and, moreover, Ishtiaq co-accused exonerated and as such appellant discriminated.

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 17.11.2015 at Camp Court A/Abad as the matter pertains to the territorial limits of Hazara Division.


Chairman

17.11.2015

Appellant in person and Mr. Akhlaq Hussain Shah, Inspector (legal) alongwith Mr. Muhammad Siddique, Sr.G.P for respondents present. Requested for adjournment. To come up for written reply/comments on 18.2.2016 before S.B at Camp Court A/Abad.


Chairman
Camp Court A/Abad.

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 919/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	17.08.2015	<p>The appeal of Mr. Rizwan presented today by Mr. Khaled Rehman Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2	24-8-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>26-8-15</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 919 /2015

Rizwan Ex-HC

.....Appellant

Versus

The PPO and others

.....Respondents

INDEX

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4.	Statements of witnesses		C	9-16
5.	Inquiry Report		D	17-18
6.	Show Cause Notice		E	0-19
7.	Reply to Show Cause Notice		F	20-21
8.	Impugned order	15.01.2015	G	0-22
9.	Departmental appeal	05.02.2015	H	23-24
10.	Impugned appellate order	29.07.2015	I	0-25
11.	Wakalat Nama			

Through

Appellant

Khaled Rahman

Advocate,

Supreme Court of Pakistan

3-D, Haroon Mansion

Khyber Bazar, Peshawar

Off: Tel: 091-2592458

Cell # 0345-9337312

Dated: /08/2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 919 /2015

Rizwan

Ex-Head Constable No.319

District Police Mansehra *Appellant*

VERSUS

1. The Provincial Police Officer
Khyber Pakhtunkhwa, Peshawar

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

3. The District Police Officer,
District Mansehra *Respondents*

**A.W.F Province
Service Tribunal**

Diary No. 964

Dated 17-8-2015

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 15.01.2015 PASSED BY RESPONDENT NO.3 WHEREBY APPELLANT WAS IMPOSED UPON THE MAJOR PENALTY OF DISMISSAL FROM SERVICE AGAINST WHICH APPELLANT FILED DEPARTMENTAL APPEAL TO RESPONDENT NO.2 ON 05.02.2015 BUT THE SAME WAS REJECTED VIDE IMPUGNED APPELLATE ORDER DATED 29.07.2015.

PRAYER:

On acceptance of the instant appeal, the impugned order dated 15.01.2015 passed by Respondent No.3 and the appellate order dated 29.07.2015 passed by Respondent No.2 may graciously be brushed aside and appellant be reinstated into service with all back benefits.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. That appellant was enlisted as Constable in District Police Mansehra on 17.09.1996 and was later on promoted as Head

Filed to
17/8/15

Constable. Appellant has rendered more than 18 years service at his credit.

2. That while posted at Police Post Township, Police Station City Mansehra, appellant was issued a Charge Sheet and Statement of Allegations on 11.11.2014 (*Annex:-A*) alleging therein that "appellant along with Constable Ishtiaq while on duty at Township, checked a vehicle boarded with arms and ammunition of one Hazrat Gul owner of Arms and Ammunition Shop situate at Qalandar Abad and instead of taking legal action or informing the high-ups he was allegedly freed in lieu of rupees one lac, one Repeater, five Pistols 30 bore and 700 Rounds as bribe."
3. That the appellant in response to the Charge Sheet and Statement of Allegations submitted his reply (*Annex:-B*) wherein he denied the charges and explained his position. The reply to the Charge Sheet may be considered as a part of this appeal.
4. That the Inquiry Officer thereafter conducted an irregular and partial inquiry wherein statements (*Annex:-C*) of witnesses were recorded and at the conclusion of the proceedings submitted his Inquiry Report (*Annex:-D*) recommending major penalty of dismissal from service to the competent authority.
5. That thereafter a Final Show Cause Notice (*Annex:-E*) was served upon the appellant containing the same allegations. The Show Cause Notice was properly responded (*Annex:-F*) by the appellant by clarifying his position and denying the allegations. The reply to the Show Cause Notice may be considered as part and parcel of the instant appeal.
6. That vide impugned order dated 15.01.2015 (*Annex:-G*), Respondent No.3 imposed major penalty of dismissal from service upon the appellant in violation of the law and without providing any opportunity of personal hearing in hasty manner, against which appellant preferred departmental appeal (*Annex:-H*) to Respondent No.2 on 05.02.2015 but the same was also rejected vide impugned appellate order dated 29.07.2015

(Annex:-I), hence this appeal inter-alia on the following grounds:-

Grounds:

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned orders, which are unjust, unfair and hence not sustainable in the eye of law.
- B. That the charge leveled against the appellant was not only baseless, without any substance but was malafide, generated at the instance of DSP Headquarters namely Zulfiqar Jadoon who was on inimical terms with the appellant as the complainant Umar Gul runs the business of Arms and ammunition in a rented shop belonging to Naeem Khan, the brother-in-law of DSP Zulfiqar Jadoon. The instant case was falsely fabricated at the instance of Zulfiqar Jadoon to settle old scores with the appellant. Moreover, the alleged occurrence took place on 04.11.2014 while the complaint to the DPO was made on 06.11.2014 which speaks for itself the falsity of it because the offices of the DSP Headquarters and DPO were at a distance of 30 minutes and the complaint could be lodged there and then.
- C. That even the Inquiry Officer conducted a partial and unfair inquiry in an irregular manner in violation of the law inas much as he has failed to provide a proper opportunity of defence to the appellant. The statements in favour of the allegations were procured under pressure and influence upon the witnesses while the statements of those witnesses who supported the case of the appellant were either ignored or pressurized so as to strengthen the case against the appellant. Since the inquiry was unfairly and unjustly conducted with a predetermined mind, therefore, the impugned orders are arbitrary, unjust and hence not sustainable under the law.
- D. That the important witness in the instant case is Shah Nawaz as per the statement of the complainant as according to the Inquiry Officer it was he who handed over the bribe money to the appellant but when he appeared as a witness, he straightaway

denied the occurrence, therefore, the charge against the appellant was not established but inspite of the same appellant was burdened with major penalty in a highly arbitrary and illegal manner.

- E. That it is also astonishing to note that the co-accused namely Constable Ishtiaq against whom the same allegation was made and the Inquiry Officer also found him equally guilty of the charge and recommended the same penalty for him, was exonerated of the charge and reinstated into service by giving him a punishment of 7 days Quarter Guard. Thus the appellant was discriminated by passing the impugned orders whereby he was differently treated for the same charge and allegation.
- F. That the complainant in his complaint had stated that rupees one lac were received along with one Repeater, 05 pistols and 700 Rounds but to the contrary during inquiry proceedings he had stated that the money was asked from a third person and handed over through him likewise the ammunition etc. were subsequently found missing after the release of the vehicle and in this connection the accused was informed through telephone by a third person for the missing of the same. Thus the statement of the complainant is full of contradictions, establishing the fact the he has falsely framed the accusation against the appellant.
- G. That similarly according to complainant Umar Gul, the vehicle was intercepted at Township while as per the statement of Driver Shiraz it was intercepted Bedara Chowk near Sunehri Masjid.
- H. That the appellate authority also failed to abide by the law and even did not look to the grounds taken in the memo of appeal. Thus the impugned appellate orders are contrary to law as laid down in Rule-5 of the Khyber Pakhtunkhwa Civil Servants (Appeals) Rules-1986 read with Section-24A of the General Clauses Act-1897 read with Article-10A of the Constitution of Islamic Republic of Pakistan, 1973.

- I. That the appellant has rendered more than 18 years service during which period he was never blamed for any kind of charge and keeping in view the longstanding and unblemished service record, the imposition of major penalty is highly excessive and does not commensurate with the so called guilt of the appellant.
- J. That appellant would like to offer some other grounds during the course of arguments.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Appellant
Through
Khaled Rahman,
Advocate, Peshawar

Dated: ___/08/2015

Annex A^{ce}

6

CHARGE SHEET

I, Muhammad Ijaz Khan, District Police Officer, Mansehra as Competent Authority, hereby charge you Head Constable Muhammad Rizwan No.319 Police Lines as follows.

It has been reported that on 04-11-2014 you alongwith Constable Ishfaq while on duty at Township checked a vehicle boarded with Arms & Ammunition of Hazrat Gul s/o Tor Gul r/o Dara Adam Khail presently owner of Shield Arms & Ammunition Shop Qalandar Abad. You instead of taking any legal action or informed the senior officers got gratification amounting to Rs. 100000/-, 01 Repeater, 05 Pistols 30 bore and 700 Rounds from the said person and permitted him to ^{leave} left out. In this regard DSP HQ conducted preliminary enquiry and proved the charges leveled against you.

Due to reasons stated above you appear to be guilty of misconduct under Khyber Pakhtunkhawa 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 07 days of the receipt of this charge sheet to the enquiry officer.

Your written defense, if any, should reach the enquiry officer within 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 or otherwise.

Statement of allegation is also enclosed.

District Police Officer,
Mansehra

Attested

M. I.

District Police Officer,
Mansehra

7

DISCIPLINARY ACTION

I, Muhammad Ijaz Khan, District Police Officer Mansehra, as Competent Authority of the opinion that you Head Constable Muhammad Rizwan No.319 Police Lines has rendered himself liable to be proceeded against as he committed the following act/omissions within the meaning of Khyber Pakhtunkhawa Police Disciplinary Rules 1975.

It has been reported that on 04-11-2014 you alongwith Constable Ishtiaq while on duty at Township checked a vehicle boarded with Arms & Ammunition of Hazrat Gul s/o Tor Gul r/o Dara Adam Khail presently owner of Shield Arms & Ammunition Shop Qalandar Abad. You instead of taking any legal action or informed the senior officers got gratification amounting to Rs. 100000/-, 01 Repeater, 05 Pistols 30 bore and 700 Rounds from the said person and permitted him to left out. In this regard DSP HQ conducted preliminary enquiry and proved the charges leveled against you.

For the purpose of scrutinizing the conduct of the said accused Officer with reference to the above allegations. Mr. DSP Shinkhari is deputed to conduct formal departmental enquiry Head Constable Muhammad Rizwan No.319 Police Lines

The Enquiry Officer shall in accordance with the provisions of the Khyber Pakhtunkhawa Police Disciplinary Rules 1975, provide reasonable opportunity of hearing the accused, record findings and make recommendations as to punishment or other appropriate action against the accused.

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

District Police Officer,
Mansehra

No 6951-52/PA dated Mansehra the 11-11-2014.

A copy of the above is forwarded to: -

1. The Enquiry Officer for initiating proceedings against the defaulter officer under the provisions of the Khyber Pakhtunkhawa Police Disciplinary Rules 1975. (Encl:03)
2. Head Constable Muhammad Rizwan No.319 Police Lines with the direction to submit his written statement to the Enquiry Officer within 7 days of the receipt of this charge sheet/statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purposes of departmental proceedings.

District Police Officer,
Mansehra

Admitted
M-1
District Police Officer,
Mansehra

ORDER
 This office order will dispose of the charges against Head Constable Muhammad Rizwan. Departmentally with the allegations that were recorded with constable Ishfaq while the owner of Shield Arms & Ammunition while in legal action or informed the senior police officer to leave out the senior police officer after conducting an investigation and the charges against Muhammad Rizwan.

8

منابع

حوالہ جاری ہے 6951521/14/11 دفتر صاحبہ
 عالمی کی نسبت معروف سولہ مہینوں سے سرجو الزام عائد کیا گیا ہے اور اس سے
 حرم 11/04 کو حضرت عمر اسلم کی نسبت اسلحہ امداد ہے اور اس سے
 رشتوں کی ہے اور اس کے خلاف کوئی کارروائی نہیں کی گئی ہے

عالمی :- معروف دنیا سولہ مہینوں سے حرم 11/04 کو ہمہ گیر طور پر
 اشتقاق 165 کے لیے سولہ مہینوں سے سرجو الزام عائد کیا گیا ہے اور اس سے
 حرم 11/04 کو حضرت عمر اسلم کی نسبت اسلحہ امداد ہے اور اس سے
 رشتوں کی ہے اور اس کے خلاف کوئی کارروائی نہیں کی گئی ہے
 عالمی کی نسبت معروف سولہ مہینوں سے سرجو الزام عائد کیا گیا ہے اور اس سے
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 حرم 11/04 کو حضرت عمر اسلم کی نسبت اسلحہ امداد ہے اور اس سے
 رشتوں کی ہے اور اس کے خلاف کوئی کارروائی نہیں کی گئی ہے

استدعا ہے اس ناکردہ گناہ سے جو حرم فرمایا ہے
 رمضان 319 دفتر لیا ہے

عالمی
 19/11/2014

Attested

Attested

Signature of Officer

District Police Officer
 Mansehra

Annex = "C"

9

بیان ازان رضوان 319
میں نے جو کو پارے سید کے جواب میں تحریر کیا ہے وہی
کر رہی بیان لکھ رہا ہوں اس میں یہ ہے جو درج ہے

Attested

M.A.

District Police Officer,
Mansehra

رضوان 319
میں نے جو کو پارے سید کے جواب میں تحریر کیا ہے وہی

جواب نمبر 1

xxx سوال نمبر 1 کیا آپ نے حضرت عمر سے اسلام لیا اور اس سے کچھ اسلام اور ایک لاکھ روپے بطور رشوت وصول کئے ہیں؟

جواب نمبر 2 حضرت ولید بن اسلم نے حضرت عمر سے نا جائز اسلام لیا تو آپ کی کیا ضروری جتنی تھی؟

جواب نمبر 3 میں نے کوئی اسلام نہیں لیا اگر لیا تو اس کے خلاف ضروری کارروائی کرنا ہے تو وہ سے قبل آپ حضرت عمر کو جاننے سے پہلے؟

جواب نمبر 4 کیا آپ کی حضرت عمر سے ساتھ دشمنی یا عدوت ہے؟

جواب نمبر 5 DSP ذوالفقار جیون کے بیٹھنے والے خان سکنہ بالڈھری قلعہ آوارہ کی دوکان میں اسلام کا کاروبار کرتا ہے۔ DSP صاحب کی مدد سے ساتھ کوئی رکش رکھ کر مختلف درخواست دلائی ہے۔

جواب نمبر 6 جب عمر سے آپ کی ساتھ دشمنی یا عدوت ہے اور یہی مذکورہ واقعہ سے قبل آپ کو جانتا تھا تو مذکورہ ذمہ الزام آپ پر کیوں لگایا؟ DSP ذوالفقار جیون کے کہنے پر اس نے درخواست دی ہے۔

سوال نمبر 7 شاید اسلام دیکر جو ہم عدالت خان سٹی میں اسلام کا کاروبار کرتا ہے اور آپ کی تعیناتی لگا تھا سٹی میں مذکورہ کے ساتھ آپ کے تعلقات ہونے کی وجہ سے آپ نے اس کو گورنری سے ہٹ کر دیا کیوں؟

رضوان 319
میں نے جو کو پارے سید کے جواب میں تحریر کیا ہے وہی
کر رہی بیان لکھ رہا ہوں اس میں یہ ہے جو درج ہے

C

جواب = میں نے اسے منع نہیں کیا۔

سوال نمبر 7: شاہد اسلام ڈپلر کو کل پولیس سٹیٹیاں کا ٹاڈٹ سے اس بارہ میں
آپ کیا وصاف کر سکتے ہیں؟

جواب = شاہد اسلام ڈپلر کو حضرت عمر اسلام ڈپلر نے بطور خواہش سے خلافت
پس کیا تھا۔ جو مخرف ہوا۔

سوال نمبر 8: شاہد اسلام ڈپلر اس سے مخرف ہوئے اس نے درخواست دہندہ سے
ریکڈ لوگوں سے اس سے ملکر آپ کو دیا اور کچھ رقم اور کچھ اسلام
اس نے خود رکھ لیا۔ جس آدھی کو خود کسی کام میں مفاد سم تو
وہ کس طرح صحیح قرار میں دے سکتا ہے؟

جواب = مجھے کچھ نہیں کہ حضرت عمر نے شاہد اسلام ڈپلر کو سنبھلنے سے
مانیں۔

سوال نمبر 9: کیا رزوروز آج کی شاہد اسلام ڈپلر سے فرمایا کوئی بات رہتی؟



رضوان 318
HC

جواب نہیں۔

Attested



By Superintendent of Police
Ghazala Ghazal

Handwritten notes in the top right corner, including the name 'Ghazala Ghazal' and other illegible text.

11

بیان آزان شاہد نواز ولد حاجی گل زاہد قوم بوسفری سکے ڈب نم ۵۰ مالیزہ نے ہر اہم
بیان بیکام میں حضرت عمرانی شخص کو بالکل ایسا جانتا ہے اس سے قبل میدان میں اس شخص

کو کبھی دیکھا ہے۔ میرا ہی بیان ہے جو درست ہے۔

اللہ اعلم

قلم شاہد نواز گل زاہد سکے مالیزہ

Attested
M.A.

ساختہ کارڈ نم - 7-6241657-13503

موبائل نم 03439514302

District Police Officer
Mansehra

حجرت نجابت حضرت عمر بنام
شاہد نواز

XXX کیا میری بیٹی ملاقات سال 2012 میں روم دیپارٹمنٹ ہسپتال میں آپ اور میں ملاقات
کرتے تھے؟

جواب میری آپ سے کوئی ملاقات نہیں ہوئی۔

سوال نمبر 2 = عبدالرحمن صاحبی سے ایک روم میں آپ کی سیر ساتھ ملاقات نہیں ہوئی جب آپ نے

مجھ سے یہ سوال کیا تھا تم آپ گھر نہیں گئے جو میں نے آپ کو بتلایا تھا

میری قربانی اور صبر ہی ہے۔ اس سے گھر نہیں گیا ہے۔

جواب غلط ہے۔

سوال نمبر 3 = کیا بروز وقوع شادی ہوئی ہے؟

اس کے جواب میں نہیں کی گئی اور ملاقات نہیں ہوئی تھی؟

جواب = نہیں۔

سوال نمبر 4 = کیا DSP صاحبی کو ملاقات ہوئی ہے؟

نہیں ہے۔

جواب = مجھے کوئی علم نہیں۔

Attested.

Handwritten signature and stamp of the District Police Officer.

حضرت عمر

Handwritten signature and name of the witness.

XXX سوال نجابت شاہد نواز بنام حضرت عمر
میں حضرت عمر پر کوئی سوال نہیں کرنا چاہتا

بیان ازان مقبول نمبر 58 قلعہ جوئی ٹاؤن سب ٹماڑ سٹالیزہ نے بدریافت بیان کیا کہ حوزہ 14/11/2014
حرم ڈالنے سے پہلے میں قلعہ مفت آباد کیا ہوا تھا۔ مجھے دعوے جو کہ حفتہ کے ساتھ ہرا کے تھے

مجھے کوئی علم نہیں ہے۔ میرا یہ بیان ہے جو درست ہے۔ مقبول نمبر 58

الع
مقبول رقم نمبر 58
FC

بیان ازان علی اعجاز 14/11/2014 قلعہ جوئی ٹاؤن سب ٹماڑ سٹالیزہ نے بدریافت بیان کیا کہ
حوزہ 14/11/2014 کو میں حرم المرام ڈالنے سے پہلے میں حفتہ آباد کیا ہوا تھا۔ مجھے دعوے کے متعلق
کوئی علم نہ ہے۔ میرا یہ بیان ہے جو درست ہے۔

الع
علی اعجاز
14/11/2014
FC

Attested
District Superintendent of Police
Ghazipur

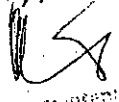
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M. H.
District Police Officer
Mansehra

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سان ازال سید قصور میں ماہ ایک چوکی انجانہ ماؤں سے حال چوکی
انجانہ شمال علیہ کوھستان اور نہ بدرواقتا بیان کا کم میں حد
۱۴ کوھستان انجانہ کوھکی باجوں سے کوھکی میں کوھکی کوھکی کوھکی
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سید قصور

Attested


By Superintendent of Police
Manshra District

Attested

Mw, 11

District Police Officer,
Manshra

District Police Officer,
Manshra

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بیان آرائی شیخزاد محمد ولد امیر محمد سگم قلندرز ابار نے بدریافت بیان کیا مگر وہی بیان جو کم میں نے بیان حلفی میں تحریر کیا ہے جو درست ہے۔ البتہ بروز وقوعہ میر پاس جو گاڑی تھی وہ کبھی بہرنگ سفید جبکہ نمبر 375 / RIR تھا اب میر پاس کبھی نہیں ہے۔
 8138 / 11 بہرنگ سفید ہے بتایا جو کچھ میں نے بیان حلفی میں تحریر کیا ہے۔
 پتادور
 وہ درست ہے۔

شیخزاد محمد
 شیخزاد محمد ولد امیر محمد سگم قلندرز ابار

13101-5748988-5
 03219827485

شہابی کارڈ نمبر
 خون اور اسٹیل نمبر

Attested
 District Police Officer
 Manselra

318 / HC بنام شیخزاد محمد کبھی ڈرائیور بہروز وقوعہ
 حرج پنجاب رضوان
 سوال نمبر 1 = وقوعہ میں وقت پر آتا تھا یا نہیں؟

جواب = تاریخ مجھے یاد نہیں ہے البتہ وقت سات سات سے سات سات کا تھا۔
 سوال نمبر 2 = کیا تم سے آپ کے ساتھیوں میں لڑائی ہوئی؟

جواب = میں زیر حراست تھا مجھے یہ سب کچھ یاد نہیں ہے میں بند کیا گیا تھا۔ میرے ساتھ ساتھیوں کے ہاتھوں لڑائی ہوئی۔
 سوال نمبر 3 = کیا تم اسلام آباد کی موجودگی میں آتا رہا؟

جواب = میری موجودگی میں نہیں آتا کیوں کہ اس وقت مجھے مکرہ میں بند کیا جا رہا تھا اور گاڑی باہر کبھی نہیں آئی۔
 سوال نمبر 4 = ہمیں پیسے کس نے دیئے؟

جواب = شاہد نامی 31 اسلام ڈیلر جو کم پانچہ کارڈ ہائیڈرو نے دیئے
 سوال نمبر 5 = شاہد نامی شخص نے تو آپ کو جانتا ہے اور انہی حضرت عمر کو
 جواب = میں نے پہلی مرتبہ اس کو وہاں چوٹی میں دیکھا تھا جو موٹر مار لیکر آیا تھا۔

سوال نمبر 6 = آپ نے درخواست DSP جب عدالت کو ایک دی؟
 جواب = درخواست میں نے نہیں دی بلکہ حضرت عمر نے دی ہے وہی میرا تامل ہے
 سوال نمبر 7 = میں نے جو گاڑی پکڑی وہ کدھر پکڑی؟

جواب = تینہری مسجد اور پنجاب چوک کے درمیان بیٹھول ٹیپ کے قریب سے شیخزاد محمد
 سوال نمبر 8 = آپ نے اپنے تحریر بیان میں کیا ہے کہ میری گاڑی ٹاؤن شپ چوک میں پکڑی
 جواب = میں نے اپنے بیان میں ٹاؤن شپ چوک میں تحریر کیا۔

حرج پنجاب رضوان 1165 نمبر شیخزاد محمد
 رضوان 318 / HC

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10 آب نے گاڑی نمبر 375 کا ڈرائیور ناظم کیا ہے کیا آب گاڑی متذکرہ اور

اس کے کاغذات پیش کر سکتے ہیں ؟

جواب - گاڑی متذکرہ قروفت کر دی ہے حضرت نے اپنے پروردگار کی قسم سے کہہ کر پیش کر سکتے ہیں

السید
الکرام
شیراز

السید
الکرام
شیراز
1165

جرح میجاب E0 بنام شیراز

سوال نمبر 1 = کیا آب رضوان 14C اور دیگر کاسٹلن کو پیلے سے جانتے ہیں ؟

جواب = پیلے سے جانتا ہوں کہونکہ رضوان جب ٹرننگ میں تھا اس وقت سے جانتا ہوں

سوال نمبر 2 = کیا آب کی رضوان 14C یا دیگر کاسٹلن سے کوئی رجسٹر ہے ؟

جواب = نہیں ہے۔

سوال نمبر 3 = کیا آب یہ بیان جو آب نے رضوان 14C اور دیگر دو کاسٹلن کے خلاف دیا ہے۔ حلقاً حقیقت اور غیر جانب دارانہ دیا ہے ؟

جواب = حلقاً اور حقیقت یہی بیان دیا ہے۔

سوال نمبر 4 = کیا آب کی حضرت عمر اسلام ڈیپارٹمنٹ سے پیلے سے دوستی یا رشتہ داری ہے ؟

جواب = کوئی رشتہ داری یا دوستی نہیں ہے صرف خطیت ڈیپارٹمنٹ اسکو بلنگ کی ضروری پڑتی ہے کبھی ڈیم شاپ پر آتا ہے جو رشتہ دار اس کو کرایہ پر لے جاتا ہے۔

سوال نمبر 5 = بروز وقوع کی تاریخ کے علاوہ انگریزی مہینہ یا اسلامی مہینہ بتلا سکتے ہیں ؟

جواب = اسلامی مہینہ حرم کا تھا اور حرم الحرام کی 10 تاریخ تھی۔

سوال نمبر 6 = یہ اسلام آب کیاں سے لوڈنگ سے لائے گئے تھے ؟

جواب = شہار سے

سوال نمبر 7 = شہار برہنہ ایٹ آباد مارنہ سے قریب ہے لیکن آب نے دور کے دستہ کا انتخاب کیوں کیا ؟

جواب = اس دامن سے اسلام کی چیلنگ کم ہوتی ہے۔ اور دستہ میں اسلام ایکڑ اجاتا ہے۔ اس لئے برہنہ سوات میں نے انتخاب کیا۔

سوال نمبر 8 = یہ اسلام آب کی گاڑی میں کیاں رکھا تھا ؟

جواب = پچھنے والی سپر کے نیچے

سوال نمبر 9 = اگر میں یہ کہوں کہ آب رضوان 14C اور دیگر کاسٹلن کے خلاف بد رفتاری سے دے رہے ہیں تو اس بارہ میں کیا حقیقت کر سکتے ہیں

جواب = حقیقت یہی جواب دیا ہے۔

جواب = نہیں۔
السید
الکرام
شیراز

خدمت مہات DPO صاحب منڈی خان پور

منڈی خان پور

مگر ایشیا سنٹر کے میسرز گلڈرز آباد میں شلیڈ آرٹس اینڈ
ایجوکیشن ڈپارٹمنٹ کے نام پر دوکان ہے جس کا لائسنس نمبر نام پر
مروجہ 4/14 کو میں اپنی دوکان کھولنے میں عدد ریٹائر 11 عدد ریٹائر
30 ریٹائر کے نمبر کی سزا پر کارٹونوں 30 ریٹائر کی کیری ڈیپارٹمنٹ
میں لے کر فالٹو سے گلڈرز آباد اپنی دوکان پر لے جا رہا تھا

جب تھرڈ فلٹو سب چوک پہنچا تو ریٹائران دولڈار اور اشتیاق
ڈرائیور اور سائیکل کیشل تھا۔ سکرٹائٹ آئی پرنٹس

کے رکھنا توں مجھے اسلام اور کیری ڈیپارٹمنٹ سے تو بولیا چوک میں
لے گئے اور مجھے حارا بیٹا اس کے بعد میرے سے ایک لاکھ روپے

میں لے گئے۔ اور تذکرہ اسلام میں سے 7000 عدد گولی ایک
عدد ریٹائر اور 5 عدد ریٹائر اپنے پاس رکھو دیتے۔ لگایا

عدد ریٹائر دو عدد ریٹائر 4800 گولی والی رکھو دی میں
یہ اسلام لے کر والی اپنی دوکان پر چلے گیا۔ مذکورہ ان بولیں

والی نے مجھ سے ایک لاکھ روپے رشوت لے کے میں
ایک مریٹ آدی توں میرا رقم مجھے والی دلاں طوراً

والی 6/14

Attested
District Police Officer
Mansera



حضرت محمد ولد طورنگل قوم آفریدی ساکنہ درہ آدم خیل طالب
گلڈرز آباد

0315-9085082
14301-7319442-1



DSP. H.O.

PL. Emergency and
no. Part. No. 20

وہاں سے لے کر - ڈیپارٹمنٹ - پولیس چوک کے طور
اور ان کے ذمہ لیا گیا ہے -

16

بیان ازان حضرت عردہ لودھل نوم آفریدی کہ درہ احمد خیل قابل قتلہ ہے
میرپنٹ سیدنا سید سیّدی حضرت ادر کاٹھ مشاق کو خدائی رضاء
کیلئے دعا کر رہا ہے مرا ان دونوں سے راضی نام
خود کیا ہے اب میں اپنی درخواست کو ہی کارروائی
میں کروانا چاہتا ہوں درخواست داخل دفتر خدائی جا
در ایسی بیان ہے۔

حضرت ع

حضرت عردہ لودھل نوم آفریدی کہ درہ احمد خیل
NIC No 14301-7319442-1

Attested

De Superintendent of Police
Circle Shinkard

Attested

M. I.

District Police Officer,
Manshra

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Annex "D" F.S.N. DPO Mansehra

The Dy: Supdt: of Police,
Circle Shinkhari.

To The District Police Officer,
Mansehra.

No 233 Dated Shinkhari 09 /12/2014.

Subject **DEPARTMENTAL ENQUIRY AGAINST HC RIZWAN NO. 319 POLICE LINE MANSEHRA UNDER THE K.P.K DISCIPLINARY RULE 1975.**

Memorandum.

Please refer to your office Endst: No. 6951.52/PA dated 11.11.2014 attached in original.

The departmental enquiry against HC Rizwan No.319 Police Line Mansehra was received, in which he was alleged that on 04.11.2014 he alongwith constable Ishtiaq while on duty at Township checked a vehicle boarded with arms & ammunition of Hazrat Umer s/o Toor Gul r/o Darra Adam Khail presently owner of Shield arms & ammunition shop Qalandar Abad, instead of taking any legal action or informed the senior officer got gratification amounting to Rs 100000/-, 01 repeater, 05 pistols 30 bore and 700 rounds from the said person and permitted him to left out. DSP Head Quarter conducted preliminary enquiry and proved the charges leveled against him.

For scrutinizing the facts departmental enquiry in hand was entrusted to the undersigned to probe into. I started the process of enquiry in the light of above leveled allegation, and summoned alleged HC Rizwan No. 319, Constable Ishtiaq No. 1165 and complainant Hazrat Umer, FC Maqbool No. 58, FC Ali Asghar No. 447 posted at PP Township PS city Mansehra. Private witnesses Shahid Nawaz and Sheraz Muhammad also been summoned. All related persons appeared before the undersigned and in person, recorded their statements and cross examined. Both the parties also made cross questions to each others.

➤ **FINDING:-** →

Tasveer Hussain Shah ASI, FC Maqbool No. 58, FC Ali Asghar No. 447 posted at PP Township PS city Mansehra stated in their statements that they did not witness the occurrence, During the enquiry it came to the notice in cross question that on the day of occurrence mobile telephonic link was established amongst the accused officials HC Rizwan No. 319, FC

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Attested
M. J.
District Police Officer
Mansehra

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Ishtiaq No. 1165 and Shahid Nawaz. To verify this telephonic link CDR of cell No. 0346-9631099 on the name of HC Rizwan, cell No. 0343-9050613 on the name of FC Ishtiaq and cell No. 0343-9514302 on the name of Shahid Nawaz (through whom bribe amounts 100000/- was handed over to the said accused police officials). CDR of above mentioned mobile numbers was got and it is proved from the CDR that telephonic link was established between that Shahid Nawaz (**tout**) and alleged police officials. While private witness Shahid Nawaz (**tout**) denied because according to the version of the complainant and the CDR he got the bribe money from the complainant for the said accused police officials and he also got the share from the bribe amount being a (**tout**) of said accused police officials. Private witness Sheraz Muhammad supported in his statement the version of complainant. However complainant Hazrat Umer has remained failed to indentify the third unknown Police officials. During the course of enquiry complainant again appear before the undersigned and submit his comprise dead with accused police officials which is also enclosed.

In the light of enquiry the undersigned reached to conclusion that the version of complaint Hazrat Umer is found based on reality and proved the allegation leveled against HC Rizwan No. 319 and FC Ishtiaq No. 1165. Hence it is suggested that suitable punishment may be awarded to HC Rizwan No. 319 and Constable Ishtiaq No. 1165 to avoid such like practice in future. Separate legal action may be taken against the **Shahid Nawaz being a private (tout)**.

Submitted please.

encls: (7)

Attested
M. M.
District Police Officer,
Mansehra

24/12/14
Dy: Supdt: of Police,
Circle Shinkiari.

FINAL SHOW CAUSE NOTICE

(1) 19
Annex "E"

You Head Constable Muhammad Rizwan No. 319 were proceeded against departmentally with the allegation that on 04-11-2014 you alongwith Constable Ishtiaq No.1165 while on duty at Township checked a vehicle boarded with Arms & Ammunition of Hazrat Gul s/o Tor Gul r/o Dara Adam Khail presently owner of Shield Arms & Ammunition Shop Qalandar Abad. You instead of taking any legal action or informed the senior officers got gratification amounting to Rs. 100000/-, 01 Repeater, 05 Pistols 30 bore and 700 Rounds from the said person and permitted him to left out. In the regard DSP HQ conducted preliminary enquiry and proved the charges leveled against you.

In this connection you were proceeded against departmentally. Mr. Nazir Khan DSP Shinkiari, Enquiry Officer, after conducting proper departmental enquiry has submitted his report and proved the charges leveled against you. I am satisfied with the report of Enquiry Officer and therefore finally call upon to show cause as to why you should not be awarded major punishment under the Khyber Pakhtunkhawa Police Disciplinary Rules 1975. In case your written reply is not received within 07 days after the receipt of this final show cause notice it shall be presumed that you have no defense to offer. You are also allowed to appear before the undersigned, if you so desire. (Copy of the finding of the Enquiry Officer is also enclosed).

District Police Officer,
Mansehra

No. 7291 /PA dated Mansehra the 17/12 /2014

Attested

M. H.

District Police Officer,
Mansehra

دوران ڈیپارٹمنٹل انوائسری صرف ہوا اور ۲ علی

کا اظہار کیا

جہاں تک CDR کا تعلق ہے میں تمام سٹی میں رپورٹ
میں لقمہ تے راج چوں اور بازار کے کافی دوکانداران
کے خاص کر بازار پوسٹن کے واپکاران کے ممبر میرے
پاس جیسا اور شاهد نواز جرم گنڈیاری بازار کا
صدر ہے اسکی اکثر اوقات میرے ساتھ ٹیلیفون پر
بات چیت ہوتی رہتی ہے درخواست دہندہ حضرت کلم
کیا تو میرا کوئی رابطہ نہیں ہوا۔ اگر میں دعویٰ کرتا
تو حضرت کلم کے سوبل فون پر بات چیت کرتا

Alleged، اندریں۔ اوس قبل ازیں بھی میں نے عدوان چھانچ انوائسری
میں اصل معاملہ میں بدل

میں افسر جو اب رہا ہے، میں اس کا معاملہ میں بدل
میں حضرت کلم کو جانتا ہوں اس
کے ساتھ ہوں، میں حضرت کلم کو جانتا ہوں اس
District Police Officer,
Manshra

سے کوئی رقم یا رولہ لیا ہے اور نہ ہی کسی دیکھ کے رولہ
لیا ہے نہ فتح علم ہے دعویٰ نے کسی
کے اور جرمی شہرت خراب کرنے کی غرض سے تھ
ہرے بنیاد الزام لگا کر میری عزت نفوس کو جبراً کسے
عادیہ نامہ حادثہ واقعات کو در نظر رکھے ہے

اسد
جو پرانے سے الزامات سے عبرت خرابی اور خائشل شرمکار
فونٹا ہذا داخل دفتر فرمائے جانے کا حکم صادر فرمایا جاوے
مجاہد کی عین نوازش چلی

دعویٰ
مستحق پولیس اسٹیشن
319
HC
رہنما کلم

Annex "G"

22

ORDER

This office order will dispose off the departmental enquiry proceeding against Head Constable Muhammad Rizwan No. 319 who was proceeded against departmentally with the allegations that while posted at PP Town Ship PS City on 04.11.2014 he alongwith constable Ishliq while on duty at township checked a vehicle boarded with Arms & Ammunition of Hazrat Gul s/o Tor Gul r/o Dara Adam Khail presently owner of Shield Arms & Ammunition Shop Qalandar Abad .He instead of taking any legal action or informed the senior officers got gratification amounting to Rs.100000/- 01 Repeater ,05 Pistois 30 bore and 700 Rounds from the said person and permitted him leave out .

The Enquiry Officer i.e. Mr. Nazeer Khan DSP Shinkhari after conducting proper departmental enquiry has submitted his report and proved the charges of corruption. On 14 January 2015, the delinquent Head Constable Muhammad Rizwan No. 319 was heard in person in orderly room. But he could not convinced the undersigned in his defense. His contact with the tout through whom the bribe was received has been established.

I, the District Police Officer, Mansehra therefore, award major punishment of "Dismissal from Service" to the delinquent Head Constable Muhammad Rizwan No. 319 under Khyber Pakhtunkhwa Police. Disciplinary Rules 1975 for indulging in corruption.

Ordered announced.

District Police Officer
Mansehra

OB No. 13

Dated 15-01-2015

AHusted

M.A.

District Police Officer,
Mansehra

4

498

Annex "H"

(23)

بھنور جناب ڈپٹی انسپکٹر جنرل صاحب ہزارہ ریجن ایبٹ آباد کے پی کے

اپیل بر خلاف حکم نمبری OB-13 مورخہ 15/1/2015 جناب ڈی بی او صاحب ہانسمہ
جسکی رو سے ایپلانٹ کو سروس سے برخاست کیا گیا نقل فیصلہ مورخہ 28-01-2015 کو ایپلانٹ کو دیا گیا

جناب عالی! اپیل ذیل عرض ہے!

- ۱۔ یہ کہ ایپلانٹ مورخہ 16/09/1996 کو بطور کانشیل بھرتی ہو کر احسن طریقے سے اپنے فرائض منصبی سرانجام دیتا رہا اور بہتر کارکردگی کی روشنی میں مورخہ 2008-04-24 کو بطور ہیڈ کانشیل پرموٹ ہو کر تا برخواستگی فرائض منصبی سرانجام دیتا رہا ہے۔
- ۲۔ یہ کہ ایپلانٹ کو ایک بے بنیاد اور سراسر غلط الزام کی روشنی میں سروس سے برخاست کیا گیا۔
- ۳۔ یہ کہ درخواست گزار حضرت عمر ولد طور گل نے ایپلانٹ و دیگر کے خلاف مورخہ 6/11/2014 کو ایک بے بنیاد اور غلط درخواست جناب ڈی ایس بی صاحب ہیڈ کوارٹر ہانسمہ کے دفتر میں پولیس اہلکار کی تحریر کردہ جناب ڈی بی او صاحب کے نام پر دی جس میں مورخہ 4/11/2014 کا تحریر کیا۔
- ۴۔ یہ کہ اس طرح یہ ثابت ہوتا ہے کہ ایپلانٹ کے خلاف ایک سوچی سمجھی سازش کے تحت پولیس والوں کی ایما پر جھوٹی اور من گھڑت درخواست دی۔
- ۵۔ یہ کہ اگر ایپلانٹ نے درخواست کنندہ سے کوئی رشوت لی ہوتی یا اسلخ لیا ہوتا تو جائے وقوع سے جناب ڈی ایس بی صاحب ہیڈ کوارٹر کا آفس یا ڈی بی او صاحب کا آفس آدھے گھنٹے کی مسافت پر ہے تو درخواست کنندہ اسی وقت درخواست دے سکتا تھا لیکن چونکہ ایسا کوئی واقعہ سرزد ہی نہیں ہوا تو اس لئے درخواست کنندہ نے 5/11/2014 کو بھی کوئی درخواست یا شکایت نہ کی اور پھر مورخہ 06/11/2014 کو سوچی سمجھی اسکیم کے تحت ایپلانٹ کے خلاف درخواست ڈی ایس بی صاحب ہیڈ کوارٹر کے دفتر میں لکھا کر جناب ڈی بی او صاحب کو دی۔
- ۶۔ یہ کہ درخواست کنندہ نے اپنی درخواست میں تحریر کیا کہ اس نے ایک لاکھ روپیہ لیا جبکہ انکو آڑی کے دوران تیسرے بندے کے ذریعے رقم منگوا کر دینا بیان کیا جس اس کے جھوٹا ہونا ثابت ہوتا ہے۔
- ۷۔ یہ کہ دوران انکو آڑی درخواست کنندہ نے تیسرے بندے کے طور پر شاہد نواز نامی شخص کو پیش کیا کہ اس کے ذریعے سے رقم

Attested to be
True Copy

24

منگوا کر اپیلانٹ کو دی۔

۸۔ یہ مذکورہ شاہد نواز نے حلفاً انکو آئری آفیسر کو بیان دیا کہ اس نے کسی کی رقم اپیلانٹ کو نہیں دی اس اہم گواہ کے بیان کی روشنی میں درخواست گزار جھوٹا ثابت ہوتا ہے اور کسی سازش کے تحت اپیلانٹ کو نقصان پہنچانے کی کوشش کی۔

۹۔ یہ درخواست کنندہ اپنے بیانات میں تضادات کی بناء پر جھوٹا ثابت ہوتا ہے یہ کہ درخواست گزار نے ایک ریپٹر، پانچ عدد پائل، سات سوراؤٹرز بھی لینے کا الزام عائد کیا جبکہ انکو آئری کے دوران جرح میں تسلیم کیا کہ تیسرے شخص کے ذریعے اپیلانٹ کو فون کیا کہ مذکورہ اسلحہ کم ہے۔

۱۰۔ یہ کہ فونل تین عدد ریپٹر درخواست کنندہ نے اپنی درخواست میں تحریر کی تو اگر ایک کم تھی تو موقع پر درخواست کنندہ بتا سکتا تھا اس کا جھوٹا ہونا ثابت ہوتا ہے کہ وہ موقع سے جا کر بعد میں کسی تیسرے شخص کے ذریعے بذریعہ فون کی کا تھلا بیان کیا۔

۱۱۔ یہ کہ انکو آئری میں قانونی کے تقاضے پورے نہیں کئے گئے اور صرف مفروضوں کی بناء پر اپیلانٹ کو قصور وار ٹھہرا کر میجر مرادوی گئی جو کہ انصاف کے تقاضوں کے سراسر منافی ہے۔

استدعا ہے کہ مندرجہ بالا حقائق کی روشنی میں درخواست جو کہ قوعہ کے دو دن بعد پولیس اہلکار کے ذریعے تحریر کی گئی ہے من گھڑت، بے بنیاد اور انصاف کے خلاف ہے کیونکہ مدعی جس کے ذریعے رقم دینے کا تحریر کیا وہ گواہ اپنے بیان میں درخواست کنندہ کے الزام کو یکسر مسترد کر دیا اور کوئی رقم نہ دینا بیان کیا ایسی صورت میں انصاف کے تقاضوں کے پیش نظر درخواست کو جھوٹا اور بے بنیاد قرار دیا جاتا مگر کیونکہ درخواست پولیس کے کہنے پر من اپیلانٹ کے خلاف دی گئی تو انکو آئری آفیسر صاحب نے بھی مفروضوں اور انصاف کے خلاف اپنی فائنڈنگ رپورٹ من اپیلانٹ کے خلاف تحریر کی قانون اور انصاف کی روشنی میں جب اہم گواہ کسی الزام کی تائید نہ کرے تو اس کا تائید یہی الزام ملے کر دیا جاتا ہے لکن اس کے برعکس اپیلانٹ کہہ کر مدعی کی اتنی ہی مدعی، مرادوی گئی ان مالاہ میں آپ حضور سے التجا ہے کہ جناب ڈی پی او صاحب ماٹسمہ کا حکم جس کی رو سے اپیلانٹ کو درخواست کیا گیا کو کالعدم قرار دیا جا کر اپیلانٹ کو الزامات سے بری فرمایا جاوے اور سروس پر بحال فرمایا جاوے کہ اپیلانٹ ہی اپنے خاندان کا واحد کفیل ہے۔

05/15

الرقوم

ارضی

محمد رضوان ایکس ہیڈ کاشیئل ڈسٹرکٹ پولیس ماٹسمہ

Attested to be
True Copy

Annex "I"

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8299
31/7/15

ORDER

This is an order on the representation of *Ex-HC Muhammad Rizwan No.319* of Mansehra District against the order of major punishment i.e. dismissal from service by the District Police Officer, Mansehra vide his OB No.13 dated 15-01-2015.

Facts leading to his punishment are that he while posted at PP Township PS City on 4-11-2014 along-with Constable Ishtiaq while on duty at township checked a vehicle boarded with Arms & Ammunition of Hazrat Gul s/o Tor Gul r/o Dara Adam Khail presently owner of Shield Arms & Ammunition Shop Qalandarabad. He instead of taking any legal action or informed the senior officers got gratification amounting Rs.100000/- 01 Repeater, 05 Pistols 30 bore & 700 Rounds from the said person and permitted him leave out.

Proper departmental enquiry was conducted by Mr. Nazeer Khan DSP Shinkiari. After conducting a detailed enquiry, the E.O proved him guilty. On the recommendation of E.O, the District Police Officer Mansehra awarded him major punishment of dismissal from service.

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

REGIONAL POLICE OFFICER
Hazara Region Abbottabad

No. 6079 /PA Dated Abbottabad the 29/7 /2015.

Copy of above is forwarded to the District Police Officer, Mansehra for information and necessary action with reference to his Memo: No.3237/GB dated 3-3-2015. The Service Roll & Fauji Missal of the appellant are returned herewith.

SRc/07K
Fr Furūw 7/15

DRJMA
31-7-15

REGIONAL POLICE OFFICER
Hazara Region Abbottabad

ATTESTED.

District Police Officer
Mansehra

WAKALAT NAMA

IN THE COURT OF KPK Service Tribunal

Rizwan

Appellant(s)/Petitioner(s)

VERSUS

the PPO and others

Respondent(s)

I/We Appellant do hereby appoint
Mr. Khaled Rehman, Advocate in the above mentioned case, to do all or
any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

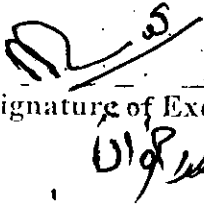
AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this _____

Attested & Accepted by


Khaled Rehman,
Advocate, Peshawar.


Signature of Executants

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHWAR

Service Appeal No.919/ 2015.

Rizwan No.319 Ex.HC.....(PETITIONER)

Versus

Inspector General of Police and & Two others..(RESPONDENTS)

Subject:- **REPLY ON BEHALF OF RESPONDENTS.**

Respectfully Sheweth:

Respondents very humbly submit as follows:-

PRELIMINARY OBJECTIONS:-

- a) The appeal is not based on facts and appellant has got no cause of action or locus standi.
- b) The appeal is not maintainable in the present form.
- c) The appeal is bad for non-joinder of necessary and mis-joinder of unnecessary parties.
- d) The appellant is estopped by his own conduct to file the appeal.
- e) The appeal is barred by law and limitation.
- f) The appellant has not come to the Honorable Tribunal with clean hands.

FACTS:-

1. Pertain to record.
2. Correct. The appellant while posted at Police Post Township PS City on 04.11.2014, alongwith constable Ishtiaq checked vehicle boarded with Arms and Ammunition of Hazrat Gul s/o Tor Gul r/o Dara Adam Khel presently owner of Shield Arms and Ammunition shop Qalandar Abad, District ~~Abbottabad~~ He, instead of Taking any legal action or inform into the senior

officers obtained illegal gratification amounting to Rs.100,000/= one repeater Gun, Five pistols 30 bore and 700 rounds from the aforementioned dealer and let him go.

3. Correct. The appellant was properly charge sheeted to which he submitted his reply accordingly.
4. The enquiry officer conducted regular enquiry impartially and recorded statement of witnesses. During the enquiry, the appellant was founded guilty. The enquiry officer recommended major punishment which fully commensurate with the gravity of misconduct.
5. Correct to extent of final Show Cause Notice.
6. Incorrect. The appellant was properly heard in person in the orderly room by the competent authority and full opportunity of defense was awarded to him but he could not convince the competent authority about his innocence. Hence, the order of dismissal was just and in accordance with law. Similarly the departmental appeal was rejected in accordance with law.

Grounds:-

- a. Incorrect. The appellant was treated in accordance with law, rules and order of dismissal was just and fair and sustainable in eye of law.
- b. Incorrect. During enquiry the appellant proved to have connected the alleged c? misconduct.
- c. Incorrect. The enquiry was conducted impartially and fairly. The appellant has submitted his reply to the charge sheet, similarly he was at liberty during the proceeding to produce witnesses in his defense. The enquiry officer after fair and just enquiry found the appellant guilty.
- d. Incorrect. His contact with the third person(Tout) through whome the appellant has received the

bribe, was established through Call Data record.

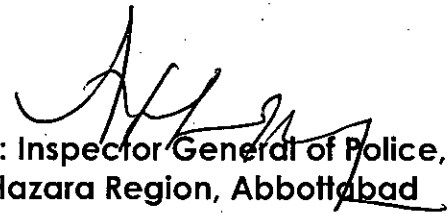
- e. Incorrect. The appellant was found involved directly in taking illegal gratification during the enquiry due to which he was awarded major punishment.
- f. Incorrect.
- g. Incorrect.
- h. Incorrect. The impugned order of dismissal is perfectly in accordance with law and rules.
- i. Pertain to record.
- j. Need no comments.

PRAYER:

It is, therefore, requested that the appeal in hand may kindly be dismissed without any legal force, please.



**Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)**



**Dy: Inspector General of Police,
Hazara Region, Abbottabad
(Respondent No.2)**



**District Police Officer,
Mansehra
(Respondent No.3)**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHWAR

Service Appeal No.919/ 2015.


Rizwan No.319 Ex.HC.....(PETITIONER)


Versus


Inspector General of Police and & Two others..(RESPONDENTS)

AFFIDAVIT

We respondents do solemnly affirm and declare that the contents of the comments are true and correct to our knowledge and belief and that nothing has been concealed from this honorable tribunal.


**Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)**


**Dy: Inspector General of Police,
Hazara Region, Aboffabad
(Respondent No.2)**


**District Police Officer,
Mansehra
(Respondent No.3)**

Service Appeal No. 919/2015

Rizwan, Ex-HC No.319.....Appellant

Versus

IGP, KPK and others.....Respondents

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE
TO REPLY FILED BY RESPONDENTS.**

Respectfully Sheweth,

Preliminary Objections:

Preliminary objections raised by answering respondents are erroneous and frivolous. The appellant has got cause of action and for that matter locus standi to approach the Hon'ble Tribunal. The appeal is in its correct form and shape and all the relevant parties arrayed in the titled. Estoppels has no application against the law. The appeal is within time and based on bonafide claim.

Facts:

1. Being not relied hence admitted.
2. Incorrect. The allegation as incorporated in the statement of allegation is without any substance and therefore is not sustainable in the eye of law.
3. The charges were ill-founded, therefore, were denied straightaway by submitting a detailed reply wherein appellant

had explained his position before the Enquiry Officer.

4. Incorrect. The enquiry proceedings were pre-dictated. Only a sham proceedings were conducted under the directions of the competent authority through the appellant at all cost guilty of the charges for which there was no proof at all. Since the enquiry was irregularly conducted in violation of the law, the same could not become a ground for imposition of penalty muchless major.
5. Being not replied hence admitted.
6. Incorrect. No opportunity of personal hearing has been provided before imposition of the major penalty and similarly no proper opportunity of defence was provided to the appellant. The impugned penalty is unwarranted in law and therefore not maintainable. The departmental appeal was also rejected without giving any reason which is against the law.

Grounds:

- A. Incorrect. The appellant was not treated according to law. The impugned order of dismissal from service is unjust and unfair, therefore, is liable to be struck down.
- B. Misconceived. During the so-called irregular enquiry proceedings, an attempt was made to prove the appellant guilty of the charges not committed by the appellant. The law requires that before imposition of a major penalty, proper departmental enquiry should have been conducted affording all possible opportunities of defence to the delinquent official.
- C. Incorrect. The enquiry was conducted against the mandate of law. Appellant was prevented from producing proper defence

due to which he was prejudiced.

- D. Incorrect. The allegation is without any substance. The allegation has been elaborately explained in the appeal. The *call data* is no proof at all of the conversation/discussion.
- E. Incorrect. The appellant has never been guilty of the charge. The allegation is false, malafide and therefore not sustainable.
- F&G. Being not replied hence admitted.
- H. Incorrect. The order of dismissal is without lawful authority.
- I. Being not replied hence admitted.
- J. Needs no reply.

It is, therefore, humbly prayed that the reply of answering Respondents may graciously be rejected and the appeal as prayed for may graciously be accepted with costs.

Through

Appellant

Khaled Rahman
Advocate, Peshawar

Dated: 16/08/2016

Verification

Verified that the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Appellant

قیمتی

کورٹ فیس

وکالت نامہ

بعدالت جناب جسٹس منیر و جسٹس سید سعید احمد

عنوان: رہنویں ^{KPK} بنام انجمنی دہلی

منجانب: اسد اللہ رحمان

نوعیت مقدمہ: سہولت پسندی

باعث تحریر آنکہ

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

حکم منجانبی اسد اللہ رحمان

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی 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 کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور قبول ہوگا۔ دوران مقدمہ جو خرچ 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 براد استجارت ناش مجلس کے دہلی کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم: 21-08-2017

بمقام:

اسد اللہ رحمان
(رہنویں اسد اللہ رحمان)

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2302 /ST

Dated 25 / 10 / 2017

To


The District Police Officer,
Government of Khyber Pakhtunkhwa,
Mansehra.

Subject: -

JUDGMENT IN APPEAL NO. 919/2015, MR. RI/ZWAN.

I am directed to forward herewith a certified copy of Judgement dated 19.10.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.