


21.09.2017

Counsel for the appellant present. Learned Deputy District Attorney for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 27.11.2017 before D.B.

  
Member  
(Executive)

  
Member  
(Judicial)

27.11.2017

Clerk to counsel for the appellant and Addl: AG along with Mr. Muhammad Saddique, ASI for respondents present. Due to general strike of the Bar arguments could not be heard. Adjourned. To come up for arguments on 06.02.2018 before D.B.

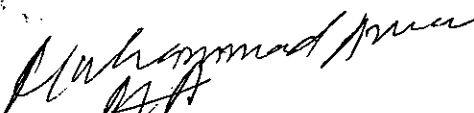
  
Member

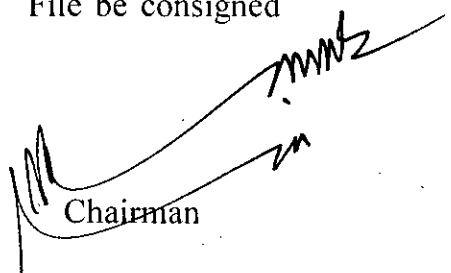
  
Chairman

06.02.2018

Appellant with counsel and Mr. Usman Ghani, District Attorney for the respondents present. The learned counsel for the appellant wants to withdraw the present appeal.

Dismissed as withdrawn. File be consigned to the record room.

  
Member

  
Chairman

ANNOUNCED  
06.02.2018

405/2015

17.10.2016

Counsel for the appellant and Mr. Rehan, S.I alongwith Additional AG for respondents present. Learned counsel for the appellant requested for time to file rejoinder. Request accepted. To come up for rejoinder and arguments on 10-1-17 before D.B.

  
(ABDUL LATIF)  
MEMBER

  
(PIR BAKHSH SHAH)  
MEMBER

10.01.2017

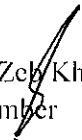
Counsel for the appellant and Addl. AG for respondents present. Rejoinder submitted which is placed on file. To come up for arguments on 29.05.2017.


  
(AHMAD HASSAN)  
MEMBER

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

29.05.2017

Counsel for the appellant and Mr. Farman, ASI alongwith Mr. Muhammad Jan Deputy District Attorney for the respondent present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 21.09.2017 before D.B

  
(Gul Zeb Khan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

22.02.2016

Counsel for the appellant and Addl: A.G for respondents present. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 30.3.2016 before S.B.

  
Chairman

30.03.2016

Counsel for the appellant and Assistant A.G for respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. Last opportunity is extended subject to payment of cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments on 31.5.2016 before S. B.

  
Chairman

31.05.2016

Appellant with counsel and Mr. Muhammiad Tariq, SI alongwith Addl., AG for the respondents present. Written reply by respondents submitted. Cost of Rs.1000/- paid and receipt thereof obtained from the appellant. The appeal is assigned to D.B for rejoinder and final hearing for 17.10.2016.

  
Chairman

29.09.2015

None present for appellant. Notice to appellant be issued for preliminary hearing for 13.10.2015 before S.B.

  
Chairman

13.10.2015

Agent of counsel for the appellant present. Requested for adjournments as Mr. Ashraf Ali Khattak Advocate has been appointed as Public Prosecutor. Adjourned to 27.10.2015 for preliminary hearing before S.B.

  
Chairman

27.10.2015

Ms. Uzma, Advocate on behalf of appellant present and submitted Wakalat Nama. Learned counsel for the appellant argued that the appellant was serving as ASI when subjected to inquiry on the allegations of avoiding registration of a criminal case and compulsorily retired from service vide order dated 10.2.2015 against which departmental appeal was preferred which was partially allowed vide impugned order dated 2.4.2015 and the punishment was converted from compulsory retirement to stoppage of increments for two years with cumulative effect and hence the instant service appeal on 27.4.2015.

That neither any proper inquiry was conducted nor charges levelled against the appellant established.

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 22.2.2016 before S.B.

  
Chairman

Appellant Deposited  
Security & Process Fee



4

27.05.2015

Counsel for the appellant present. During preliminary hearing submitted application for amendment in appeal which is allowed. Amended appeal be submitted in the prescribed manners on 10.6.2015 before S.B.

  
Chairman

5

10.06.2015

Agent of counsel for the appellant present. Amended appeal not submitted. Requested for adjournment. To come up for submission of amended appeal on 4.9.2015 before S.B.

  
Chairman

6

04.09.2015

Fresh Wakalat Nama submitted on behalf of the appellant. Requested for adjournment. Amended appeal be submitted within a week where-after the same be relisted for preliminary hearing before S.B for 22.9.2015.

  
Chairman

22.09.2015

None present for appellant. Amended appeal submitted. To come up for preliminary hearing on 29.9.2015 before S.B.

  
Chairman




Form- A

FORM OF ORDER SHEET

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

Case No. \_\_\_\_\_

405/2015

| S.No: | Date of order Proceedings | Order or other proceedings with signature of judge or Magistrate  |
|-------|---------------------------|---|
| 1     | 2                         | 3   |
| 1     | 06-05-2015                | <p>The appeal of Mr. Muzaffar Khan resubmitted today by Mr. Ashraf Ali Khattak Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"><br/>REGISTRAR</p> |
| 2     | 11-5-15                   | <p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>13-5-2015</u>.</p> <p style="text-align: right;"><br/>CHAIRMAN</p>   |
| 3     | 13-05-2015                | <p>None present on behalf of the appellant. Notice to counsel for the appellant be issued for 27.5.2015 for preliminary hearing before S.B.</p> <p style="text-align: right;"><br/>Chairman</p>  |

①

**BEFORE THE HONOURABLE SERVICE TRIBUNAL**  
**KHYBER PAKHTUNKHWA, PESHAWAR**

Amended Service Appeal No. 405/2015

Muzaffar Khan, ASI, Police Line, Karak.....Appellant

**VERSUS**

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar  
and others.....Respondents

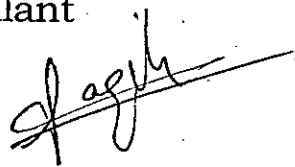
**I N D E X**

| <b>S.No</b> | <b>Description of Documents</b>                             | <b>Annex</b> | <b>Pages</b> |
|-------------|---|--------------|--------------|
| 1.          | Service Appeal with affidavit                               |              | 1-7          |
| 2.          | Copy of Naqal Mad   | A            | 8            |
| 3.          | Copies of the charge sheet and statement of allegation      | B            | 9-10         |
| 4.          | Copy of reply   | C            | 11           |
| 5.          | Copy of inquiry report                                      | D            | 12-14        |
| 6.          | Copy of reply to final show cause                           | E            | 15           |
| 7.          | Copy of impugned order dated 10/02/2015                     | F            | 16           |
| 8.          | Copy of departmental appeal                                 | G            | 17-20        |
| 9.          | Copy of the impugned order rejection order dated 02/04/2015 | H            | 21           |
| 10.         |   |              | 22           |

Muzfy  
Appellant

Through

Dated: 11/09/2015

  
**Saqib Wazir**  
Advocate High Court  
Peshawar.

**BEFORE THE HONOURABLE SERVICE TRIBUNAL**  
**KHYBER PAKHTUNKHWA, PESHAWAR**

Amended Service Appeal No. 405/2015

Muzaffar Khan, ASI, Police Line, Karak.....Appellant

**VERSUS**

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Kohat Region, Kohat.
3. The District Police Officer, District Karak.....Respondents

**SERVICE APPEAL U/S 4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNAL ACT,**  
**1974 R/W POLICE RULES, 1975**  
**(AMENDED, 2014) AGAINST THE**  
**IMPUGNED FINAL ORDER OF**  
**RESPONDENT NO. 2 DATED 02/04/2015**  
**PASSED ON THE DEPARTMENTAL APPEAL**  
**OF THE APPELLANT PREFERRED**  
**AGAINST THE ORDER OF RESPONDENT**  
**NO. 3 DATED 10/02/2015.**



3

4

PRAYER: On acceptance of the instant appeal, this Hon'ble Tribunal may graciously be pleased to declare the impugned order of respondent No.2 dated 02.04.2015 and order dated 10.02.2015 of respondent No.3 as illegal, unlawful, and without lawful authority and set aside the same and also re-instate the appellant on this original position with all back benefits.

Respectfully Sheweth:

1. That appellant was posted as Assistant Sub-Inspector Police at Police Station Yaqoob Shaheed, District Karak and on transfer of SHO, appellant remained as Acting SHO for a short period.
2. That on 06.12.2014, Mr. Rahim Yousaf S/o Mr. Gul Rais, resident of Village Shadi Khel, alongwith Junaid Mehmood his nephew came to Police Station and told that Junaid Mehmood was abused and manhandled by colleagues boys during routine playing.
3. That appellant summoned the opposite party who attended the Police Station, but in the meanwhile elders of the locality intervened into the matter and patched up the matter.
4. That appellant time and again asked the complainant for lodging report but he was not ready for lodging report, therefore, the matter was brought into the notice of the then

District Police Officer, Karak, who advised making entry in daily diary about non-registration of case by complainant.

5. That in compliance with direction of DPO Sahib, report was recorded in the daily diary, vide S.No.21, dated 06.12.2014. (Annex "A").
6. That later on the Incharge Rescue-15 Kohat has allegedly conducted inquiry into the matter and DPO Karak issued charge sheet to appellant on the basis of report of Incharge Rescue-15.
7. That appellant was served with charge sheet and statement of allegation (annex "B") to which he submitted reply (annex "C").
8. That slipshod inquiry (annex "D") was conducted without the active participation of the appellant as per requirement of law and rules.
9. That the prosecution failed to bring an iota of evidence regarding the charges leveled against the appellant.
10. That appellant was served with final show cause to which he submitted reply (annex "E") and that too without providing the copy of alleged inquiry.
11. That respondent No.3 without assigning any legal and factual reasons awarded the appellant with major punishment of compulsory retirement, vide order dated 10.02.2015 (annex "F").
12. That being aggrieved of the penal order appellant preferred departmental appeal (annex "G"), which has now

been modified by respondent No. 2, vide order dated 02/04/2015, wherein he converted major penalty of compulsory retirement into stoppage of increments for two years with cumulative effect (annex "H"), hence the present appeal, inter alia, on the following grounds:

**GROUND:**

- A. That respondents have not treated the appellant in accordance with law, rules and policy governing the subject and acted in violation of Article-4 of the Constitution of Pakistan, 1973. Neither the prescribed legal procedure has been adopted, nor the evidence so recorded, has been dealt with under spirit of law.
- B. That the impugned order was passed without taking into account the finding report of Inquiry Officer. Inquiry Officer has reported in clear terms that Rehim Yousaf and Junaid Mehmood were summoned and examined, but they fully supported the version of accused officer (appellant). Similarly, Inquiry Officer has held that appellant has twice consulted District Police Officer into the matter, therefore, the impugned order has been based on no evidence.
- C. That the Inquiry Officer has wrongly reported the appellant has neither registered a case nor has referred Junaid Mehmood (child) to Medical Officer for examination. Inquiry Officer has based the impugned opinion on no evidence, but on presumptions. Therefore, the impugned order based on hallowed opinion of Inquiry Officer is not sustainable.
- D. That Inquiry Officer has failed to bring on record any evidence in support of the charges, therefore, the very foundation of impugned order is baseless.

aside from the impugned orders as stated for above.

Honourable Tribunal may graciously be pleased to set

in view of the above explained position this

rules, 1982.

appellate authority in accordance with rule-2 of the Appeal  
7. That departmental appeal has not been decided by the  
natural justice.

of baseless charge is against the disciplinary rules and  
therefore, award of major penalty to appellant on the basis  
1. That long undisturbed service is at the credit of appellant.

the impugned order is not maintainable.

appellant on the basis of anonymous complaint, therefore, a  
complaint. The departmental action was taken against  
H. That the law and rules do not permit action on anonymous  
the back of the appellant.

appellant and the entire proceedings were conducted at  
C. That inquiry officer has examined no one in presence of  
the daily diary.

attempt of concealing the facts as report was recorded in  
the part of appellant. Similarly appellant has made no  
F. That there is nothing on file, which may suggest malafide on  
consulting the than District Police Officer, Karak.

appellant. Again the alleged action was taken after  
Complainant has categorically substantiated the version of  
E. That no one has made complaint against appellant.

**BEFORE THE HONOURABLE SERVICE TRIBUNAL**  
**KHYBER PAKHTUNKHWA, PESHAWAR**

Amended Service Appeal No. 405/2015

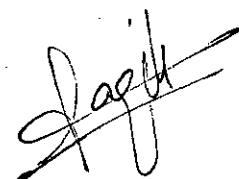
Muzaffar Khan, ASI, Police Line, Karak.....Appellant

**VERSUS**

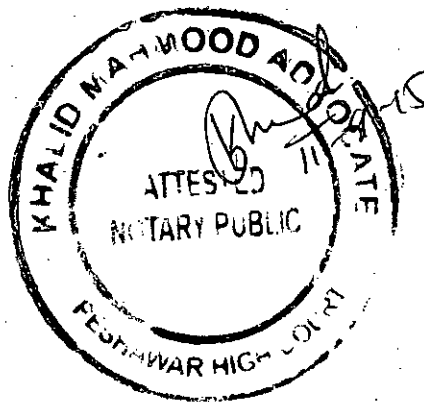
The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar  
and others.....Respondents

**AFFIDAVIT**

I, **Saqib Wazir** Advocate, Peshawar, do hereby solemnly affirm and declare on oath, that the contents of the accompanied **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



**ADVOCATE**



تعداد 4KS لقمہ ۱۲ روزانہ ۱۲/۱۹

۱۲/۱۹

۱۹ رپورٹ راجی نامہ ۱۲/۱۹ ۱۲/۱۹ ۱۷:۵۵ بجے جمع کیا گیا

شیخ محمد سید ولد گل رائیس خان ساہیواری خیل بمبھول جھیر خیر

ولد محمد سلطان سکنہ گڑھی کال (سار) ضلع ساہیواری کلاڑو

۱- 558-8778-14203 محمد الیوب رائیس خان ساہیواری کلاڑو

۲- 66-7-57988-14203 فریاد خان ساہیواری کلاڑو

فریاد خان فریاد خان ولد اسماعیل سراج بابا ساہیواری کلاڑو

۳- 97-8-2287-14203 سید سید محمد حسین رائیس خان ساہیواری کلاڑو

عند نہیں ہوئی تھی اور ہم مقام کے آگے نہیں آسکیں تھے

نی رپورٹ میں کثرت میں۔ رزگرم شیران عند نہیں

در رہی۔ رائیس محمد یوسف

رائیس محمد سلطان رائیس سابق ناظم رائیس خان ساہیواری کلاڑو

راجی نامہ سب سے پہلے براہ روزنامہ لکھیے

جائے عالی

نور علی احمد

Muhammad Khan

13.01.2013

Anasat  
True Copy

Anasat  
True Copy

Anx: B

9

No. 289 /EC  
Dated 26/12 /2014

CHARGE SHEET

1. I, Atiq Ullah Khan Wazir, District Police Officer, Karak as competent authority, hereby charge you ASI Muzafar Khan, Acting SHO P.S Yaqoob Khan Shaheed as follow: -

"From the perusal of preliminary enquiry conducted by I/C Rescue-15 Kohat received through worthy Dy: Inspector General of Police Kohat Region Kohat Memo: No. 11555/EC, dated 18.12.2014, you ASI Muzafar Khan, Acting SHO P.S Yaqoob Khan Shaheed deliberately avoided to register case against Zubair s/o Farid Khan and Shahid Ur Rehman s/o Rasool Gul r/o Shadi Khel Takht-e-Nasrati on commission of sexuality offence with a child of 09-years namely Junaid Mehmood. In spite of registration of case against the accused, a compromise between the parties was affected at Rs. 2, 00,000/- (Two Lac) in the presence of you and Police Station Staff. All these show your disinterest in discharging of your official responsibilities and illegal support to the accused party. Your this act is against service discipline and amount to gross misconduct/negligence in duty."

2. By reason of your commission / omission, constitute miss-conduct under Police disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department and have rendered your-self liable to all or any of the penalties specified in Police Rule-1975 ibid.

3. You are, therefore, required to submit your written defense within 7-days of the receipt of this charge sheet to the enquiry Officer

Insp: Faisal Hamid is appointed for the purpose of conducting enquiry. Your written defense if any should reach the Enquiry Officers within the specified period, failing which, it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

4. Intimate whether you desire to be heard in person.

5. A statement of allegation is enclosed.

Attested  
by

[Signature]  
District Police Officer, Karak

DISCIPLINARY ACTION

1. I, Atiq Ullah Khan Wazir, District Police Officer, Karak as competent authority, is of the opinion that **ASI Muzafar Khan, Acting SHO P.S Yaqoob Khan Shaheed** has rendered himself liable to be proceeded against on committing the following act / commission within the meaning of Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department.

STATEMENT OF ALLEGATION

"From the perusal of preliminary enquiry conducted by I/C Rescue-15 Kohat received through worthy Dy: Inspector General of Police Kohat Region Kohat Memo: No. 11555/EC, dated 18.12.2014, ASI Muzafar Khan, Acting SHO P.S Yaqoob Khan Shaheed deliberately avoided to register case against Zubair s/o Farid Khan and Shahid Ur Rehman s/o Rasool Gul r/o Shadi Khel Takht-e-Nasrati on commission of sexuality offence with a child of 09-years namely Junaid Mehmood. In spite of registration of case against the accused, a compromise between the parties was affected at Rs. 2,00,000/- (Two Lac) in the presence of him and Police Station Staff. All these show his disinterest in discharging of his official responsibilities and illegal support to the accused party. His this act is against service discipline and amount to gross misconduct/negligence in duty."

2. The enquiry Officer Inspector Faisal Hanif in accordance with provision of the Police Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department may provide reasonable opportunity of hearing to the accused official, record his finding and make within 10-days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

3. The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

*[Signature]*  
District Police Officer, Karak

No. 290 /EC (enquiry), dated 26.12 /2014.

Copy to:-

- 9. The enquiry Officer for initiating proceeding against the accused under the Provision of the Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department.
- 2. ASI Muzafar Khan, Acting SHO P.S Yaqoob Khan Shaheed.

Attested





TO : DPO

Kindly this is in response to your good self direction vide endst: No.04-06/EC dated 01-12-2015, wherein the departmental enquiries against ASI Muzafar Khan ASHO, ASI Farman Ullah, Shafi Ullah MHC and LHC Shahid Ullah of Police Station, Yaqoob Khan Shaheed were entrusted to me for scrutinizing the conduct of above named accused officials. The upshot of the charges is that from the refusal of preliminary enquiry conducted by I/C Rescue 15 Kohat received through Worthy Dy: Inspector General of Police Kohat: Region Kohat Memo: No.11555/EC dated 18-12-2014, ASI/ASHO Muzafar Khan & S Yaqoob Khan Shaheed deliberately avoided to register case against Zubair s/o Farid Khan and Shahid s/o Rehman s/o Rasool Gul s/o Shadi Khel on commission of sexuality offence with a child of 09-years namely Junaid Mehmood. In spite of registration of case against the accused, a compromise between the parties was affected at Rs. 2, 00,000/- (Two Lac) in his presence and police station staff. All these show his disinterest in discharging of his official responsibilities and illegal support to the accused party. This act is against service discipline and amount to gross misconduct/negligence in duty.

Accused official was summoned. He submitted his written reply in response to the charge sheet, placed on file. He stated in his statement that on 06-12-2014 he was present in Police Station. In the meantime Junaid Mehmood, Rahimi Yousaf and Ayub residents of Shadi Khel came to Police Station and reported that some persons of his village-teasing and conducting insult of Junaid Mehmood. So he discusses the matter with worthy DPO, who directed him to arrest the accused when case registered. Some elders of Illaqa came to Police Station and started negotiation with complainant party. He request to complainant for lodging report but he did not ready for lodging report. Hence he again contacted the worthy DPO and on his direction he entered the report of complainant vide daily diary No.21 dated 06-12-2014. He denied the allegation.

Similarly complainant Rahim Yousaf and Junid Mehmood were also summoned. Both were examined and his statements were recorded. They fully supported the version of accused official. They were assure that he will be provide full support to them if they feel any pressure from police or his opponent but they did not disclosed the real facts.

During course of enquiry I perused the record, also conducted secret enquiry and reached to the conclusion that the occurrence has been taken place but the complainant party now hide the real facts due to compromise patched up between the parties. As regard the allegation leveled against accused officer, he was duty bound to register the case, conducting medical examination of the victim and also arrest the accused but he failed to do so. Hence he is recommended for departmental punishment.

Arrested

Arrested

(GUL JAMAL KHAN)  
Deputy Superintendent of Police,  
Taluka-e-Nasrati

District Police Officer, Karak

بیان آزان رحیم دوست و لڑکھن شاہ لکھنؤ عید 32/3- سال  
ستہ استادان خلیفہ حضرت

نے بیادیت پر لیس بیایا اور فرم 12/14 کہ میں تم کا بچا ام لعل  
صید محمود اور محمد زمان و حرم) لکھنؤ استادان خلیفہ حضرت  
یہ شکایت کر کے آئے تھے کہ بچا بچا ام لعل  
بچوں کیساتھ لکھنؤ کے دوران ہمیشہ ساتھ رہا تھا۔ مرقاوی لکھنؤ  
الزراع اللہ بان کسان لکھنؤ کے ہیں درازان میں مشین لکھنؤ  
بچا آئے۔ صید نے لکھنؤ کے باہر لکھنؤ کسان کیساتھ لکھنؤ  
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NIC # 14203-8778558-1  
Mob. # 0345-9206773

Arrested Copy

نیال آزان جنید محمود ولد محمود خان (موسم) بھڑوہ 10/11 سال

شادی خیل

نے پیر یاقوت اللہ پسر نیال کیا کیا 12/13 06 کا گلوں میں اپنے ہم عمر

بچوں کیساتھ کھیل کر کر رہا تھا۔ کہ کھیل کر کے دوران چند بچوں

نے حیرت ستا کر پھیر چھاپ کر لے گئے تھے۔ ماہوں میں رحیم پور میں

ولد علی اللہ پسر ماہوں شادی خیل کیا کہ اپنے شکایت کرنے کے

بھڑوہ خان پھیر آئے۔ ماہوں پسر۔ الزام ایہہ خان کو لگا

طلب کیے کہ اس دوران ہمارے عہدہ ام کے سفیران آئے

آئے جنہوں نے ہمارے سفیران کیا کہ الزام ایہہ سفیران

ماہوں آئے کے باہر بات چیت ہوئی۔ ماہوں پسر نے مجھے بار بار

پریشانی کرائی کہتے کیا۔ ماہوں پسر نے پریشانی نہ کرنا چاہا

موسم شہر لہور جانے کے لیے اور ماہوں پسر کو دینا ہم رضی

ہے سائرش آگاہ ہے جسے ماہوں پسر نے ان کو لگا لگا کر دیا

ہے۔ اس کے بعد وہ لہور گیا۔ وہ لہور گیا ہے

اللہ علیہ السلام

Mob: No = 0342-9497773

Arrested for copy



ORDER

This Order is passed on the departmental enquiry against ASI Muzafar Khan Acting SHO Police Station Yaqoob Khan Shaheed leading to the present departmental proceedings is as follows:-

According to the Charge Sheet, preliminary enquiry conducted by I/C Rescue-15 Kohat received through worthy Dy: Inspector General of Police Kohat Region Kohat Memo: No. 11555/EC, dated 18.12.2014, ASI Muzafar Khan, Acting SHO P.S Yaqoob Khan Shaheed deliberately avoided to register case against Zubair s/o Farid Khan and Shahid Ur Rehman s/o Rasool Gul r/o Shadi Khel Takht-e-Nasrati on commission of sexuality offence with a child of 09-years namely Junaid Mehmood. In spite of registration of case against the accused, a compromise between the parties was affected at Rs. 2, 00,000/- (Two Lac) in the presence of him and Police Station Staff. All these show his disinterest in discharging of his official responsibilities and illegal support to the accused party.

Charge Sheet and Statement of allegation based on above allegations were served upon the ASI Muzafar Khan. Mr. Gul Jamal Khan, SDPO Takht-e-Nasrati was appointed as Enquiry Officer to scrutinize the conduct of the said ASI with reference to the charges leveled against him.

The Enquiry Officer conducted departmental enquiry and reported that the allegations leveled against the defaulter officer have been proved. Hence, he is recommended by the Enquiry Officer for award of departmental punishment. Furthermore, from the perusal of preliminary enquiry conducted by I/C Rescue-15 Kohat against the said officer, the contents of preliminary enquiry established guilt against ASI Muzafar Khan and supported the version of findings of the departmental enquiry conducted by SDPO Takht-e-Nasrati.

Final Show Cause Notice was issued and properly served upon the defaulter ASI. In response to the Final Show Cause Notice, the said ASI advanced implausible reply and also heard in person in Orderly Room dated 10.02.2015.

In view of the position explained above, finding report of Enquiry Officer as well as findings of preliminary enquiry, perusal of record and adopted all codal formalities, he is found guilty. Being cognizable offence, he did not registered case timely. He mitigated the offence and barked out the cognizable offence. He was liable for dismissal but due to a member of poor family, he is awarded the major punishment of compulsory retirement from service with immediate effect.

OB No. 60  
Dated 10/02/2015

*[Signature]*  
District Police Officer, Karak  
||

OFFICE OF THE DISTRICT POLICE OFFICER, KARAK

No. 47 /Enquiry, dated Karak the 10/02/2015

Copy of above is submitted to the Dy: Inspector General of Police Kohat, Region Kohat for favour of information w/r to his office Memo: No. 11555/EC dated 18.12.2014.

**Arrested**  
*[Stamp]*

*[Signature]*  
District Police Officer, Karak  
||

(17)

Anx: G

(17)

To

The Deputy Inspector General of Police  
Kohat Region, Kohat.

Subject: DEPARTMENTAL APPEAL

Respectfully Sheweth:

With profound regard, appellants submit Departmental appeal against the order of District Police Officer, Karak bearing OB No.60 dated.10/02/2015, vide which Penalty of Compulsory retirement from service was imposed on appellants.

FACTS:-

1. That appellants were posted as Assistant Sub-Inspector Police at Police Station Yaqoob Shaheed District Karak and on transfer of SHO, appellants remained as Acting SHO for a short period.
2. That on 06-12-2014, Mr. Rahim Yousaf son of Mr. Gul Rais resident of village Shadi Khel along with Junaid Mehmood his nephew came to police station and told that Junaid Mehmood was abused and manhandled by colleague boys during routine playing.
3. That appellants summoned the opposite party who attended the Police Station but in the meanwhile elders of the locality intervened into the matter and patched up the matter.
4. That appellants time and again asked the complainant for lodging report but he was not ready for lodging report therefore the matter was brought into the notice of the then District Police Officer Karak who

Arrested

copy

advised making entry in daily Diary about non registration of case by complainant.

- 5. That in compliance with direction of DPO Sahib, report was recorded in the daily Diary vide Serial No.21 dated.06/12/2014.
- 6. That later on In charge Rescue-15 Kohat has allegedly conducted enquiry into the matter and DPO Karak issued Charge Sheet to appellant on the basis of report of in charge Rescue-15.
- 7. That allowing the charge Sheet appellant has avoided registration of case and managed compromising the parties inside the Police Station.
- 8. That the Departmental proceedings were initiated against which culminated in passing the impugned order. Hence this departmental appeal on the following grounds.

**GRUNDS:-**

- a). That the impugned order was passed without taking into account the finding report of enquiry officer. Enquiry Officer has reported in clear terms that Rahim Yousaf and Junaid Mehmood mere summoned and examined but they fully supported the version of accused officer (Appellant). Similarly Enquiry Officer has held that appellant has twice consulted District Police Officer into the matter. Therefore the impugned order has been based on no evidance.
- b). That the Enquiry officer has wrongly reported that appellant has neither registered a case nor has referred Junaid Mehmood (child) to Medical Officer for examination. Enquiry Officer has based the

**Attested**  
*[Signature]*  
**True Copy**



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impugned opinion on no evidence but on presumptions. Therefore the impugned order based on hallowed opinion of Enquiry Officer is not sustainable.

- c). That enquiry officer has failed to bring on record any evidence in support of the charges. Therefore the very foundation of impugned order is baseless.
- d). That no one has made complained against appellant. Complainant has categorically supported the version of appellant. Again the alleged action was taken after consulting the than District Police Officer, Karak.
- e). That there is nothing on file which may suggest malafide on the part of appellant. Similarly appellant has made no attempt of concealing the facts as report was recorded in the daily diary.
- f). That Enquiry Officer has examined no one in presence of appellant and the entire proceeding were conducted at the back of the appellant.
- g). That the Law and rules do not permit action on authorless complaint. The Departmental action was taking against appellant on the basis of anonymous complaint therefore the impugned order is not maintainable.
- h). That long unblemished service is at the credit of appellant therefore award of harsh Penalty to appellant on the basis of baseless charge is against the disciplinary rules and natural justice.

Attested  
[Signature]  
True Copy

It is, therefore, requested that the impugned order may be set aside will all back benefits.

Dated: 22.02.2015

Yours obediently

Muzaffar Khan (Ex-ASI)  
Village & P.O Shahab Khel,  
Tehsil & District Lakki Marwat  
0333-7009993

Attested  
True Copy

8/2

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Anx: H

8/2

144  
8/2-04-15

ORDER

This order is proposed to dispose of a departmental appeal moved by Ex-ASI Muzaffar Khan of Karak district Police against the punishment order of DPO Karak vide O.B No. 60, dated 10.02.2015, wherein he was awarded major punishment of "Compulsory Retirement" from service. The defaulter official seeks to set-aside the punishment order and reinstatement in service.

Facts are that the defaulter official while posted as A/SHO PS Yaqoob Khan Shaheed Karak, deliberately avoided to register the case against Zubair s/o Farid Khan and Shahid-ur-Rehman s/o Rasool Gul r/o Shadi Khel Takht-e-Nasrati for commission of immoral offense with a child of 09-years boy namely Junaid Mehmood. In spite of registration a case, a compromise between the parties was effected at Rs. 200000/- in the presence of him and other Police Station Staff. This act of the defaulter shows his disinterest in discharging of his official responsibilities and illegal support to the accused party.

A preliminary enquiry was conducted through Incharge Rescue-15 Kohat, in which he was found guilty. Charge sheet alongwith summary of allegations was also issued to him by DPO Karak and SDPO/Takht-e-Nasrati was appointed enquiry officer. On completion of enquiry proceedings, he was awarded major punishment of compulsory retirement from service.

Feeling aggrieved from the said punishment, he preferred the instant appeal. Record requisitioned and perused.

The appellant was heard in person in orderly room on 01.04.2015, cross questions were asked to him, but he could not satisfy the undersigned.

Keeping in view of the above & available record, the allegations leveled against him are proved. However, taking a lenient view, the order of compulsory retirement from service passed by DPO Karak is hereby converted into stoppage of increments for two years with cumulative effect. The intervening period is treated as leave without pay.

RE/PO  
20/04/2015  
District Police Officer  
Karak  
10/4/2015

Order Announced

(DR. ISHTIAQ AHMAD MARWAT)  
Dy: Inspector General of Police,  
Kohat Region, Kohat.

No. 2384 /EC, dated Kohat the 02/04 /2015.

Copy to the District Police Officer, Karak for information w/r to his office Memo: No. 2851/EC, dated 25.03.2015. His service record is enclosed herewith.

Encl: s/roll = 01  
s/Revise = 02  
f/ass = 01

Attested  
True Copy

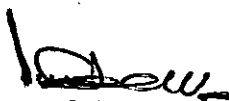
(DR. ISHTIAQ AHMAD MARWAT)  
Dy: Inspector General of Police,  
Kohat Region, Kohat.

The appeal of Mr. Muzaffar Khan ASI Police Line, Karak received to-day i.e. on 27.04.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days:

- 1- Copy of show cause notice mentioned in para-10 of the memo of appeal (Annexure-E) is not attached with the appeal which may be placed on it.
- 2- Memorandum of appeal may be got signed by the appellant.

No. 2641 /S.T,

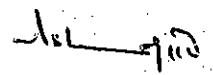
Dt. 29-4 /2015

  
REGISTRAR 29/4/15.  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Ashraf Ali Khattak Adv. Pesh.

Re-submitted

∴ all objections have been  
duly complied with.

  
Ashraf Ali Khattak  
Advocate

**BEFORE THE HONOURABLE SERVICE TRIBUNAL,**  
**KHYBER PAKHTUNKHWA, PESHAWAR**

Service Appeal No. 405 /2015

Muzaffar Khan, ASI, Police Line, Karak. . . . . Appellant

Versus

The Provincial Police Officer & others. . . . . Respondents

**I N D E X**

| S.No | DESCRIPTION OF DOCUMENTS                               | ANNEX | PAGES   |
|------|--|-------|---------|
| 1.   | Service Appeal with Affidavit                          |       | 1-7     |
| 2.   | Copy of Naqal Mad                                      | "A"   | 8-      |
| 3.   | Copies of the charge sheet and statement of allegation | "B"   | 9-10    |
| 4.   | Copy of reply  | "C"   | 11-     |
| 5.   | Copy of inquiry report                                 | "D"   | 12-(14) |
| 6.   | Copy of reply to final show cause                      | "E"   | 15      |
| 7.   | Copy of impugned order dated 10.02.2015                | "F"   | 16      |
| 8.   | Copy of departmental appeal                            | "G"   | 17-20   |
| 9.   | Copy of the impugned rejection order dated 02.04.2015  | "H"   | 21      |
| 10.  | Wakalatnama  |       | 22      |

مظفر خان  
Appellant

Through

Ashraf Ali Khattak  
Advocate, Peshawar

Dated: 24.04.2015

2

**BEFORE THE HONOURABLE SERVICE TRIBUNAL,**  
**KHYBER PAKHTUNKHWA, PESHAWAR**

Service Appeal No. 405 /2015

**S.W.P. Province**  
**Service Tribunal**  
Diary No. 423  
Dated 27-4-15


Muzaffar Khan, ASI, Police Line, Karak. . . . . Appellant


Versus

1. The Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer,  
Kohat Region, Kohat.
3. The District Police Officer,  
District Karak. . . . . Respondents

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**SERVICE APPEAL U/S 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL  
ACT, 1974 R/W POLICE RULES, 1975  
(AMENDED, 2014) AGAINST THE  
IMPUGNED FINAL ORDER OF  
RESPONDENT NO.2 DATED 02.04.2015  
PASSED ON THE DEPARTMENTAL  
APPEAL OF THE APPELLANT PREFERRED  
AGAINST THE ORDER OF RESPONDENT  
NO.3 DATED 10.02.2015.**

**Filed to-day**  
  
**Registrar**  
27/4/15

**re-submitted to-day**  
**and filed.**  
  
**Registrar**  
6/5/15

**PRAYER:** On acceptance of the instant appeal, this Hon'ble Tribunal may graciously be pleased to declare the impugned order of respondent No.2 dated 02.04.2015 and order dated 10.02.2015 of respondent No.3 as illegal, unlawful, and without lawful authority and set aside the same and also re-instate the appellant on this original position with all back benefits.

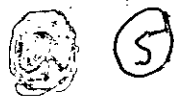
**Respectfully Sheweth:**

1. That appellant was posted as Assistant Sub-Inspector Police at Police Station Yaqoob Shaheed, District Karak and on transfer of SHO, appellant remained as Acting SHO for a short period.
2. That on 06.12.2014, Mr. Rahim Yousaf S/o Mr. Gul Rais, resident of Village Shadi Khel, alongwith Junaid Mehmood his nephew came to Police Station and told that Junaid Mehmood was abused and manhandled by colleagues boys during routine playing.
3. That appellant summoned the opposite party who attended the Police Station, but in the meanwhile elders of the locality intervened into the matter and patched up the matter.
4. That appellant time and again asked the complainant for lodging report but he was not ready for lodging report, therefore, the matter was brought into the notice of the then

District Police Officer, Karak, who advised making entry in daily diary about non-registration of case by complainant.

5. That in compliance with direction of DPO Sahib, report was recorded in the daily diary, vide S.No.21, dated 06.12.2014. (Annex "A").
6. That later on the Incharge Rescue-15 Kohat has allegedly conducted inquiry into the matter and DPO Karak issued charge sheet to appellant on the basis of report of Incharge Rescue-15.
7. That appellant was served with charge sheet and statement of allegation (annex "B") to which he submitted reply (annex "C").
8. That slipshod inquiry (annex "D") was conducted without the active participation of the appellant as per requirement of law and rules.
9. That the prosecution failed to bring an iota of evidence regarding the charges leveled against the appellant.
10. That appellant was served with final show cause to which he submitted reply (annex "E") and that too without providing the copy of alleged inquiry.
11. That respondent No.3 without assigning any legal and factual reasons awarded the appellant with major punishment of compulsory retirement, vide order dated 10.02.2015 (annex "F").
12. That being aggrieved of the penal order appellant preferred departmental appeal (annex "G"), which has now





been rejected by respondent No.2, vide order dated 02.04.2015 (annex "H"), hence the present appeal, inter alia, on the following grounds;

**GROUND S:**

- A. That respondents have not treated the appellant in accordance with law, rules and policy governing the subject and acted in violation of Article-4 of the Constitution of Pakistan, 1973. Neither the prescribed legal procedure has been adopted, nor the evidence so recorded, has been dealt with under spirit of law.
- B. That the impugned order was passed without taking into account the finding report of Inquiry Officer. Inquiry Officer has reported in clear terms that Rahim Yousaf and Junaid Mehmood were summoned and examined, but they fully supported the version of accused officer (appellant). Similarly, Inquiry Officer has held that appellant has twice consulted District Police Officer into the matter, therefore, the impugned order has been based on no evidence.
- C. That the Inquiry Officer has wrongly reported the appellant has neither registered a case nor has referred Junaid Mehmood (child) to Medical Officer for examination. Inquiry Officer has based the impugned opinion on no evidence, but on presumptions. Therefore, the impugned order based on hallowed opinion of Inquiry Officer is not sustainable.
- D. That Inquiry Officer has failed to bring on record any evidence in support of the charges, therefore, the very foundation of impugned order is baseless.



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- E. That no one has made complaint against appellant. Complainant has categorically supported the version of appellant. Again the alleged action was taken after consulting the than District Police Officer, Karak.
- F. That there is nothing on file, which may suggest malafide on the part of appellant. Similarly appellant has made no attempt of concealing the facts as report was recorded in the daily diary.
- G. That inquiry officer has examined no one in presence of appellant and the entire proceedings were conducted at the back of the appellant.
- H. That the law and rules do not permit action on authorless complaint. The departmental action was taken against appellant on the basis of anonymous complaint, therefore, the impugned order is not maintainable.
- I. That long unblemished service is at the credit of appellant, therefore, award of harsh penalty to appellant on the basis of baseless charge is against the disciplinary rules and natural justice.
- J. That departmental appeal has not been decided by the appellate authority in accordance with Rule-5 of the Appeal Rules, 1986.

In view of the above explained position this Honourable Tribunal may graciously be pleased to set aside both the impugned orders as prayed for above.

Any other relief, not specifically prayed for and deemed appropriate in the facts and circumstances of the case may also be granted.

*Muzaffar Khan*  
Appellant

Through

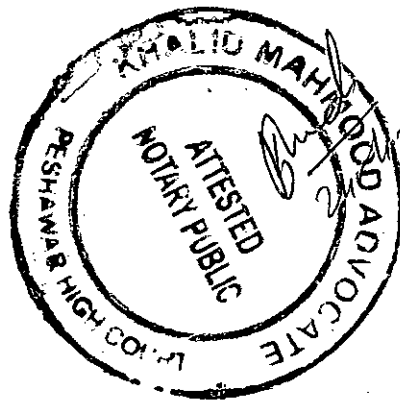
*Ashraf Ali Khattak*

**Ashraf Ali Khattak**  
Advocate, Peshawar

Dated: 24.04.2015

**AFFIDAVIT**

I, Muzaffar Khan, ASI, Police Line, Karak, do hereby solemnly affirm and declare on oath that the contents of the instant **Service Appeal** are true and correct to the best of my knowledge and belief.



*Muzaffar*  
DEPONENT

تاریخ ۲۰۱۳

تاریخ ۱۲/۱۹

مستند

عد ۱۹ رپورٹ راجی نامہ ۱۵۱/۱۴۰ ۱۲/۱۹ ۱۷:۵۵ بجے جج جی ایم

رہیم یوسف ولد گل رائیس خان ساہی، سارا خیل، تحصیل جھنگ

ولد محمد رمضان سکنہ گڑھی کال سارو، تحصیل جھنگ، ضلع جھنگ

۱- ۵۵۸-۸۷۷۸۱۴۲۰۳-۱۴۲۰۳ شہر ایف، بریل رائیس شاہ سٹیشن گارڈ

۲- ۵۷۹۸۸۶۶-۱۴۲۰۳-۱۴۲۰۳ شہر ایف، بریل رائیس شاہ سٹیشن گارڈ

۳- ۵۷۹۸۸۶۶-۱۴۲۰۳-۱۴۲۰۳ شہر ایف، بریل رائیس شاہ سٹیشن گارڈ

۴- ۵۷۹۸۸۶۶-۱۴۲۰۳-۱۴۲۰۳ شہر ایف، بریل رائیس شاہ سٹیشن گارڈ

۵- ۵۷۹۸۸۶۶-۱۴۲۰۳-۱۴۲۰۳ شہر ایف، بریل رائیس شاہ سٹیشن گارڈ

۶- ۵۷۹۸۸۶۶-۱۴۲۰۳-۱۴۲۰۳ شہر ایف، بریل رائیس شاہ سٹیشن گارڈ

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۹- ۵۷۹۸۸۶۶-۱۴۲۰۳-۱۴۲۰۳ شہر ایف، بریل رائیس شاہ سٹیشن گارڈ

۱۰- ۵۷۹۸۸۶۶-۱۴۲۰۳-۱۴۲۰۳ شہر ایف، بریل رائیس شاہ سٹیشن گارڈ

راجی نامہ سابق سپرنٹنڈنٹ، ۱۶ رپورٹ نامہ کف

جائے

تاریخ ۱۳/۱۱/۲۰۱۳

M. P. S. 4KS

13. 11. 2013

Attestation True Copy

Attestation True Copy

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No. 289 /EC  
Dated 26/12 /2014

CHARGE SHEET

1. I, Atiq Ullah Khan Wazir, District Police Officer, Karak as competent authority, hereby charge you **ASI Muzafar Khan, Acting SHO P.S Yaqoob Khan Shaheed** as follow: -

"From the perusal of preliminary enquiry conducted by I/C Rescue-15 Kohat received through worthy Dy; Inspector General of Police Kohat Region Kohat Memo: No. 11555/EC, dated 18.12.2014, you ASI Muzafar Khan, Acting SHO P.S Yaqoob Khan Shaheed deliberately avoided to register case against Zubair s/o Farid Khan and Shahid Ur Rehman s/o Rasool Gul r/o Shadi Khel Takht-e-Nasrati on commission of sexuality offence with a child of 09-years namely Junaid Mehmood. In spite of registration of case against the accused, a compromise between the parties was affected at Rs. 2, 00,000/- (Two Lac) in the presence of you and Police Station Staff. All these show your disinterest in discharging of your official responsibilities and illegal support to the accused party. Your this act is against service discipline and amount to gross misconduct/ negligence in duty."

2. By reason of your commission / omission, constitute miss-conduct under Police disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department and have rendered your-self liable to all or any of the penalties specified in Police Rule-1975 ibid.

3. You are, therefore, required to submit your written defense within 7-days of the receipt of this charge sheet to the enquiry Officer

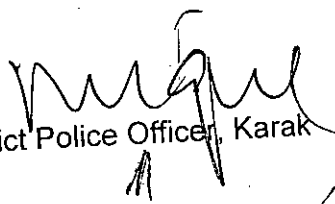
Insp: Faisal Hamid is appointed for the purpose of conducting enquiry.

Your written defense if any should reach the Enquiry Officers within the specified period, failing which, it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

4 Intimate whether you desire to be heard in person.

5 A statement of allegation is enclosed.

Attested  
by

  
District Police Officer, Karak

DISCIPLINARY ACTION

1. I, Atiq Ullah Khan Wazir, District Police Officer, Karak as competent authority, is of the opinion that **ASI Muzafar Khan, Acting SHO P.S Yaqoob Khan Shaheed** has rendered himself liable to be proceeded against on committing the following act / commission within the meaning of Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt. of Khyber Pakhtunkhwa, Police Department.

STATEMENT OF ALLEGATION

"From the perusal of preliminary enquiry conducted by I/C Rescue-15 Kohat received through worthy Dy: Inspector General of Police Kohat Region Kohat Memo: No. 11555/EC, dated 18.12.2014, ASI Muzafar Khan, Acting SHO P.S Yaqoob Khan Shaheed deliberately avoided to register case against Zubair s/o Farid Khan and Shahid Ur Rehman s/o Rasool Gul r/o Shadi Khel Takht-e-Nasrati on commission of sexuality offence with a child of 09-years namely Junaid Mehmood. In spite of registration of case against the accused, a compromise between the parties was affected at Rs. 2,00,000/- (Two Lac) in the presence of him and Police Station Staff. All these show his disinterest in discharging of his official responsibilities and illegal support to the accused party. His this act is against service discipline and amount to gross misconduct/negligence in duty."

2. The enquiry Officer Insp. Fazel Hanif in accordance with provision of the Police Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt. of Khyber Pakhtunkhwa, Police Department may provide reasonable opportunity of hearing to the accused official, record his finding and make within 10-days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

3. The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

*[Signature]*  
District Police Officer, Karak

No. 290 /EC (enquiry), dated 26/12 /2014.

Copy to:-

- 9. The enquiry Officer for initiating proceeding against the accused under the Provision of the Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt. of Khyber Pakhtunkhwa, Police Department.
- ✓ 2. ASI Muzafar Khan, Acting SHO P.S Yaqoob Khan Shaheed.

Attested  
JK

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Kindly this is in response to your good self direction vide endst: No.02-06/EC dated 01-01-2015, wherein the departmental enquiries against ASI Muzafar Khan ASHO, ASI Farman Ullah, Shafi MHC and LHC Shahid Ullah of Police Station Yaqoob Khan Shaheed were entrusted to me for finalizing the conduct of above named accused officials. The upshot of the charges is that from the refusal of preliminary enquiry conducted by I/C Rescue 15 Kohat received through Worthy Dy: Inspector General of Police Kohat Region Kohat Memo; No.11553/EC dated 18-12-2014. ASI/ASHO Muzafar Khan P.S Yaqoob Khan Shaheed deliberately avoided to register case against Zubair s/o Farid Khan and Shahid s/o Rehman s/o Rasool Gul r/s/o Shadi Khel on commission of sexuality offence with a child of 09-years namely Junaid Mehmood. In spite of registration of case against the accused, a compromise between the parties was affected at Rs. 2,00,000/- (Two Lac) in his presence and police station staff. All these show his disinterest in discharging of his official responsibilities and illegal support to the accused party. This act is against service discipline and amount to gross misconduct/negligence in duty.

Accused official was summoned. He submitted his written reply in response to the charge sheet, placed on file. He stated in his statement that on 06-12-2014 he was present in Police Station. In the meantime Junid Mehmood, Rahim Yousaf and Ayub residents of Shadi Khel came to Police Station and reported that some persons of his village teasing and conducting insult of Junid Mehmood. So he discussed the matter with worthy DPO, who directed him to arrest the accused when case registered. Some elders of Illaqa came to Police Station and started negotiation with complainant party. He request to complainant for lodging report but he did not ready for lodging report. Hence he again contacted the worthy DPO and on his direction he entered the report of complainant vide diary No.21 dated 06-12-2014. He denied the allegation.

Similarly complainant Rahim Yousaf and Junid Mehmood were also summoned. Both were examined and his statements were recorded. They fully supported the version of accused official. They were assure that he will provide full support to them if they feel any pressure from police or his opponent but they did not disclosed the real facts.

During course of enquiry I perused the record, also conducted secret enquiry and reached to the conclusion that the occurrence has been taken place but the complainant party now hide the real facts due to compromise patched up between the parties. As regard the allegation leveled against accused officer, he was duty bound to register the case, conducting medical examination of the victim and also arrest the accused but he failed to do so. Hence he is recommended for departmental punishment.

(GUL JAWAN KHAN)  
Deputy Superintendent of Police,  
Tahsil-e-Nasrati

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District Police Officer, Karak

بیان آزان ختم یوسف و لیل ایشی شاہ بکر عوید 32/3- لال  
سہ شاد خیل صدر خیل

نے بدرفتاری پر ایس بی کیا اور صرف 12/14 کو میں شہ کا نیا ام مل  
جنید محمود وار محمد خان و حرم) سہ شاد خیل کھان لیریفان شہ  
یہ شکایت کرتے آئے تھے کہ کھانجا ام دوران کھیل کو وہاں صدر  
بچوں کیساتھ کھلائے دوران عیبر صاحبہ کو تھا۔ متعلقہ لیریفان  
الراغ البیہ بان کسان کو طلب کرتے ہیں دوران میں ستریں  
بجائے آئے ہیں۔ کھانجا ام دوران کھان کھان کھان کھان  
صیت کرتے تھے عیبر کیا متعلقہ لیریفان کو عیبر کو  
مکمل کھانجا ام کیا کہ میں کھانجا ام کھانجا ام کھانجا ام  
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بیان آزان جنید جموع ولد محمد خان (مجموع) بمبئی 10/11 سال

شادی خیل

نے بیڑاقت کر لیا گیا اور 12/06 کو گاؤں میں اپنے ہم عمر  
 بچوں کے ساتھ کھیل کر اور کچھ کھانے کے دوران چھوڑ دیے  
 نے میرے ساتھ چھوڑ کر لیا گیا اور انہوں نے اسے ہم کو سونپا  
 والدین کے پاس لایا اور شادی خیل کے ساتھ لے گیا اور  
 معتوب خان نے سونپا لے گیا اور وہاں لے گیا۔ انہوں نے کہا کہ  
 طلب کیے کہ اس دوران ہمارے محبت کے نام کے مشیران آئے  
 آئے مشیران کے ہمارے مشیران لیا اور انہوں نے مشیران  
 ماہینہ آگاہ کے بارے میں پتہ چلتا ہے اور وہ اپنے ہمارے  
 پریشانی کے ساتھ لیا گیا اور وہ اپنے ہمارے ساتھ لیا گیا  
 مندرجہ مشیران کے ہمارے ہمارے ہمارے ہمارے ہمارے ہمارے  
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Mob: No = 0342 9497 773

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1. محکمہ نیشنل شوکار ڈوٹس مینری کے 21/5 ع 23 1/5 حوض غنیمت میں کم وقت

قریب دیو پلم سے بیان چند رگن کو سیف سائنز شادی میں شامل کر کے جنہوں نے  
کا کرنا نہ سہارا کر کے چند کے سائی جیسی شاید۔ زیر سائنز شادی میں  
چھوٹے چھوٹے جھڑکی کے ہیں۔ جملہ حالات واقعات ضابطہ DPo میں لکھے گئے ہیں  
میں لکھا جا کر حوض نے تیار کیا۔ رپورٹ کی صورت میں سائنز کی شادی کی جتنی بنایا  
جائے۔ آمدہ کسٹ کے عقب کچھ دیگر سائنز کے حوض میں بھی آئے۔ با دوبارہ کہنے  
کے باوجود آمدہ کسٹ رپورٹ درج کرنے کو تیار نہ تھے۔

2. دوبارہ ضابطہ DPo میں لکھے گئے جملہ حالات واقعات رپورٹ نہ کرنے کی  
بابت لکھا جا کر ضابطہ DPo میں لکھیے گئے خطا کو آمدہ کسٹ سے نامزد  
محکمہ 21 روز تا 12/5 کا میں رپورٹ درج کی ہے حوض میں نہ تو سائنز نے ہر گز  
کہیں سے روکنے کی سہری جو روٹی میں لکھی کو رقم دیا ہے۔

3. آئندہ کی طرف سے یہی بریاری و مشاقتاً حصول سائنز میں آئندہ سائنز کے درج  
مسائل حل ہو جائے۔ تو بہتر ہوگا۔ اس میں سہرا کوئی قصور نہیں ہے کوئی کوئی  
تسلی ہوئی ہے یہ بیان میرا حلقہ ہے اس سلسلہ میں جناب سے عرض کرتا ہوں  
کہ جن مسائل کی اس میں کوئی کوئی نہیں ہے۔ جملہ حالات واقعات و  
DPo میں لکھے گئے ہیں میں لکھے جا کر لکھتے ہوئے حقائق کا دورانیہ کے خالص شوکار  
ڈوٹس مینری کے کارروائی خالص لکھا جاوے تو زمین ہوگی۔ اس سلسلہ  
میں میں جناب سے عرض کرتا ہوں۔ نہ عرض حوض پروردن پیش کرنا  
چاہتا ہوں۔

Asst. P.S. M. S. T. M.  
26-1-015

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ORDER

This Order is passed on the departmental enquiry against ASI Muzafar Khan Acting SHO Police Station Yaqoob Khan Shaheed leading to the present departmental proceedings is as follows:-

According to the Charge Sheet, preliminary enquiry conducted by I/C Rescue-15 Kohat received through worthy Dy: Inspector General of Police Kohat Region Kohat Memo: No. 11555/EC, dated 18.12.2014, ASI Muzafar Khan, Acting SHO P.S Yaqoob Khan Shaheed deliberately avoided to register case against Zubair s/o Farid Khan and Shahid Ur Rehman s/o Rasool Gul r/o Shadi Khel Takht-e-Nasrati on commission of sexuality offence with a child of 09-years namely Junaid Mehmood. In spite of registration of case against the accused, a compromise between the parties was affected at Rs. 2, 00,000/- (Two Lac) in the presence of him and Police Station Staff. All these show his disinterest in discharging of his official responsibilities and illegal support to the accused party.

Charge Sheet and Statement of allegation based on above allegations were served upon the ASI Muzafar Khan. Mr. Gul Jamal Khan, SDPO Takht-e-Nasrati was appointed as Enquiry Officer to scrutinize the conduct of the said ASI with reference to the charges leveled against him.

The Enquiry Officer conducted departmental enquiry and reported that the allegations leveled against the defaulter officer have been proved. Hence, he is recommended by the Enquiry Officer for award of departmental punishment. Furthermore, from the perusal of preliminary enquiry conducted by I/C Rescue-15 Kohat against the said officer, the contents of preliminary enquiry established guilt against ASI Muzafar Khan and supported the version of findings of the departmental enquiry conducted by SDPO Takht-e-Nasrati.

Final Show Cause Notice was issued and properly served upon the defaulter ASI. In response to the Final Show Cause Notice, the said ASI advanced implausible reply and also heard in person in Orderly Room dated 10.02.2015.

In view of the position explained above, finding report of Enquiry Officer as well as findings of preliminary enquiry, perusal of record and adopted all codal formalities, he is found guilty. Being cognizable offence, he did not registered case timely. He mitigated the offence and barked out the cognizable offence. He was liable for dismissal but due to a member of poor family, he is awarded the major punishment of compulsory retirement from service with immediate effect.

OB No. 60  
Dated 10/02/2015

*[Signature]*  
District Police Officer, Karak

OFFICE OF THE DISTRICT POLICE OFFICER, KARAK

No. 47 /Enquiry, dated Karak the 10/02 2015

Copy of above is submitted to the Dy: Inspector General of Police Kohat Region Kohat for favour of information w/r to his office Memo: No. 11555/EC dated 18.12.2014.

Attested  
*[Signature]*

*[Signature]*  
District Police Officer, Karak

(17)

Anx: G

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To

The Deputy Inspector General of Police  
Kohat Region, Kohat.

Subject: **DEPARTMENTAL APPEAL**

Respectfully Sheweth:

With profound regard, appellant submit Departmental appeal against the order of District Police Officer, Karak bearing OB No.60 dated.10/02/2015, vide which Penalty of Compulsory retirement from service was imposed on appellant.

**FACTS:-**

1. That appellant was posted as Assistant Sub-Inspector Police at Police Station Yaqoob Shaheed District Karak and on transfer of SHO, appellant remained as Acting SHO for a short period.
2. That on 06-12-2014, Mr.Rahim Yousaf son of Mr.Gul Rais resident of village Shadi Khel along with Junaid Mehmood his nephew came police station and told that Junaid Mehmood was abused and manhandled by colleague boys during routine playing.
3. That appellant summoned the opposite Party who attended the Police Station but in the meanwhile elders of the locality intervened into the matter and patched up the matter.
4. That appellant time and again asked the complainant for lodging report but he was not ready for lodging report therefore the matter was brought into the notice of the then District Police Officer Karak who

Arrested

21-1-15

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- advised making entry in daily Diary about non registration of case by complainant.
5. That in compliance with direction of DPO Sahib, report was recorded in the daily Diary vide Serial No.21 dated.06/12/2014.
  6. That later on In charge Rescue-15 Kohat has allegedly conducted enquiry into the matter and DPO Karak issued Charge Sheet to appellant on the basis of report of in charge Rescue-15.
  7. That allowing the charge Sheet appellant has avoided registration of case and managed compromising the parties inside the Police Station.
  8. That the Departmental proceedings were initiated against which culminated in passing the impugned order. Hence this departmental appeal on the following grounds.

**GROUND:-**

- a). That the impugned order was passed without taking into account the finding report of enquiry officer. Enquiry Officer has reported in clear terms that Rahim Yousaf and Junaid Mehmood were summoned and examined but they fully supported the version of accused officer (Appellant). Similarly Enquiry Officer has held that appellant has twice consulted District Police Officer into the matter. Therefore the impugned order has been based on no evidence.
- b). That the Enquiry officer has wrongly reported that appellant has neither registered a case nor has referred Junaid Mehmood (child) to Medical Officer for examination. Enquiry Officer has based the

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impugned opinion on no evidence but on presumptions. Therefore the impugned order based on hallowed opinion of Enquiry Officer is not sustainable.

- c). That enquiry officer has failed to bring on record any evidence in support of the charges. Therefore the very foundation of impugned order is baseless.
- d). That no one has made complained against appellant. Complainant has categorically supported the version of appellant. Again the alleged action was taken after consulting the than District Police Officer, Karak.
- e). That there is nothing on file which may suggest malafide on the part of appellant. Similarly appellant has made no attempt of concealing the facts as report was recorded in the daily diary.
- f). That Enquiry Officer has examined no one in presence of appellant and the entire proceeding were conducted at the back of the appellant.
- g). That the Law and rules do not permit action on authorless complaint. The Departmental action was taking against appellant on the basis of anonymous complaint therefore the impugned order is not maintainable.
- h). That long unblemished service is at the credit of appellant therefore award of harsh Penalty to appellant on the basis of baseless charge is against the disciplinary rules and natural justice.

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It is, therefore, requested that the impugned order may be set aside will all back benefits.

Dated: 22.02.2015

Yours obediently

Muzaffar Khan (Ex-ASI)  
Village & P.O Shahab Khel,  
Tehsil & District Lakki Marwat  
0333-7009993

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**BEFORE THE KHYBER PAKHUTNKHWA SERVICE TRIBUNAL KP, PESHAWAR**

Appeal No. 405/2015..... Titled

Muzaffar Khan ASI Police Line Karak ..... (Appellant)

Versus

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer Kohat Region Kohat.
3. The District Police Officer, Karak.....(Respondents)

**PARA-WISE COMMENTS/REPLY TO APPEAL ON BEHALF OF  
RESPONDENTS NO. 1 TO 3.**

Respectfully Shiewith,

Para-wise comments/Reply to appeal on behalf of Respondents No. 1 to 3 are submitted as below,

**Preliminary objections**

1. The appellant has got no cause of action to file the present appeal.
2. The appellant has not come to this Tribunal with clean hands.
3. The appeal is not maintainable in its present form.
4. The appeal is time barred.
5. The appeal is bad for mis-joinder and non-joinder of necessary parties.

**Facts**

1. Correct.
2. Correct.
3. Instead of waiting for the local notables to patch up problem or for turn of events, appellant was duty bound to register case on report of a cognizable offence.
4. The police officer then posted as ASHO mishandled a case of cognizable offence.
5. Incorrect. Instead, the alleged police officer did not register case as explained vide above Para No. 3, 4.
6. Preliminary enquiry was conducted by In-charge rescue-15, Kohat on the direction of senior officers which proved the allegations against the alleged police officer and hence, was charged sheeted.
7. Pertains to record.
8. Incorrect. Proper departmental action including giving due right of hearing to the appellant was taken against the appellant.
9. Incorrect. The enquiry officer had recommended the appellant for departmental punishment.

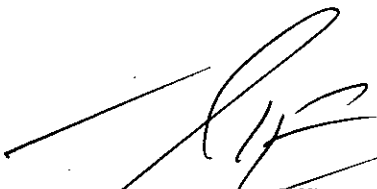


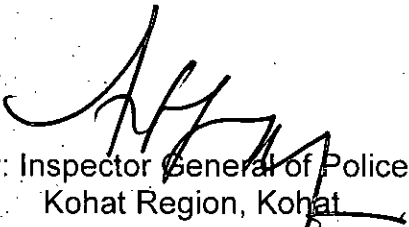
10. Incorrect. The Final Show Cause Notice served upon the appellant contained full information regarding enquiry proceedings and finding.
11. Incorrect. The charges against the appellant were proved during enquiry. Also the appellant failed to submit any plausible reply in orderly room held on 01.04.2015.
12. Incorrect. Instead, the respondent No. 2, taking a lenient view in the departmental appeal filed, has awarded the said order.


**GROUND**

- A. Incorrect, proper departmental action under rules was taken against the appellant.
- B. Incorrect, the said enquiry officer had recommended the appellant for departmental punishment.
- C. Incorrect, the recommendations by the enquiry officer were made after perusal of record, conducting secret enquiry and giving full chances of defense to the appellant.
- D. Incorrect, already explained vide above Para-C.
- E. Incorrect, the alleged officer, at a responsible position as Additional SHO, failed to register a case in cognizable offence which reflects his negligence in official duty.
- F. Incorrect, already explained vide above Para-E.
- G. Incorrect, already explained vide above Para-A.
- H. Incorrect, already explained vide above Para-A.
- I. Incorrect. Instead, the order was passed taking a lenient view.
- J. Incorrect, the appeal has been decided under rules after taking a lenient view and hence, the earlier order of compulsory retirement was converted to the present order.

In light of the above facts and circumstances, it is requested that the appeal filed by the appellant may very kindly be dismissed.

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

  
Dy. Inspector General of Police,  
Kohat Region, Kohat  
(Respondent No.2)

  
District Police Officer, Karak  
(Respondent No. 3)

**BEFORE THE KHYBER PAKHUTNKHWA SERVICE TRIBUNAL KP, PESHAWAR**

Appeal No. 405/2015..... Titled

Muzaffar Khan ASI Police Line Karak ..... (Appellant)

Versus

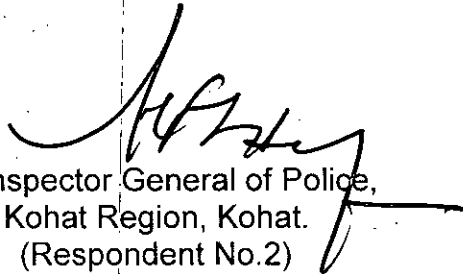
1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer Kohat Region Kohat.
3. The District Police Officer, Karak...(Respondents)Subject:

**AUTHORITY**


We the respondents do hereby authorize Mr. Muhammad Tariq Usman, SI Legal Karak to represent us in the above cited service appeal. He is also authorized to submit comments etc on our behalf before the Service Tribunal Khyber Pakhtunkhwa, Peshawar.



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



Dy: Inspector General of Police,  
Kohat Region, Kohat.  
(Respondent No.2)



District Police Officer, Karak  
(Respondent No. 3)

**BEFORE THE KHYBER PAKHUTNKHWA SERVICE TRIBUNAL KP, PESHAWAR**

Appeal No. 405/2015..... Titled

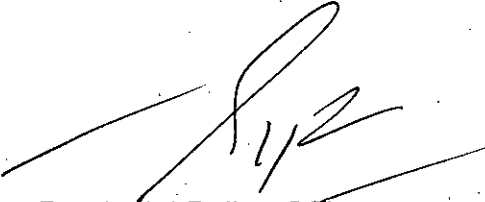
Muzaffar Khan ASI Police Line Karak ..... (Appellant)

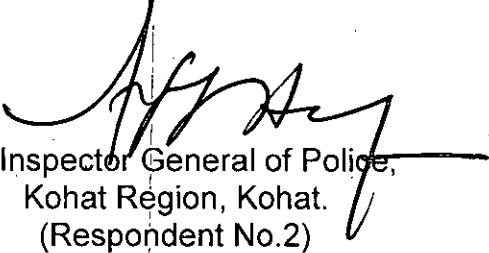
Versus


1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer Kohat Region Kohat.
3. The District Police Officer, Karak...(Respondents)Subject:

Subject: **AFFIDAVIT**

We the respondents do hereby affirm on oath that the contents of comments prepared in response to the above titled service appeal are true and correct to best of our knowledge and belief.

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

  
Dy: Inspector General of Police,  
Kohat Region, Kohat.  
(Respondent No.2)

  
District Police Officer, Karak  
(Respondent No. 3)

Receipt

I have received Rs. 1000/- of cost  
in appeal of Muzaffar Khan vs Police  
Deptt. in appeal No. 405/2015 today dated  
31/5/2016.

Appellant

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Muzaffar Khan

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

Service Appeal No. \_\_\_\_\_ 405/2015

Muzaffar Khan

Versus

Police

**REJOINDER ON BEHALF OF THE  
APPELLANT IN RESPONSE OF THE  
RESPONDENTS REPLY.**

**Respectfully Sheweth,**

**Preliminary Objection:-**

All the preliminary objection are illegal & incorrect. No reason in support of the same is ever given as why the appellant has no cause of action. Stopped by his own conduct to file the present appeal, time barred and appellant has not come to this Hon'ble Tribunal with clean hands and concealed material facts:-

**On Facts:-**

1. Admitted, correct, hence need no comments.
2. Admitted, correct, hence need no comments.
3. Incorrect, hence denied.
4. Incorrect, hence denied.
5. Incorrect, hence denied.
6. Incorrect, hence denied.
7. Admitted correct, hence need no comments.
8. Incorrect, that no proper departmental action was taken against the appellant.

9. Incorrect, hence denied.
10. Incorrect, that the final Show Cause Notice was served without providing the copy of inquiry.
11. Incorrect, not reply accordingly.

**GROUND:-**

All Ground A to J taken in the memo of appeal are legal, and will be substantiated at the time of hearing of the appeal. However all replies submitted the grounds are incorrect, false and misleading one. The appellant has wrongly been penalized and has not been treated in accordance with the law/Rules and Procedure hence his rights are badly violated.

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

Dated: 10/01/2017



Appellant  
Muzaffar Khan

Through



**UZMA SYED**

Advocate, High Court  
Peshawar.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PSHAWAR**

**SERVICE APPEAL NO. \_\_\_\_\_/2015**

Musaffar Khan ASI Police Line Karak.....Appellant.

Versus

The Provincial Police Officer and others .....Respondents

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**Application for bringing suitable amendment in the Service Appeal.**

Respectfully Sheweth,

1. That the titled appeal has been pending adjudication before this Honorable Tribunal in which this date has been fixed for preliminary hearing.
2. That erroneously the appeal has not been drafted in line with impugned order dated 02-04-2015 passed by respondent No.2 passed on the departmental appeal of the appellant.
3. That error is floating on the very surface and does not need deep appreciation.
4. That the error is not intentional but due to lack of negligence on our part.

It is therefore humbly prayed that on acceptance of this application, this honourable Tribunal may graciously be pleased

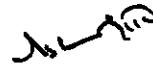
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27.05.15



to allow/permit the appellant to bring suitable amendment in the service appeal so as to bring the same in line with impugned order.

Through

Appellant



Ashraf Ali Khattak,  
Advocate, Peshawar.

Dated:

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PSHAWAR**

**SERVICE APPEAL NO. \_\_\_\_\_/2015**

Mu<sup>3</sup>affar Khan ASI Police Line Karak.....Appellant.

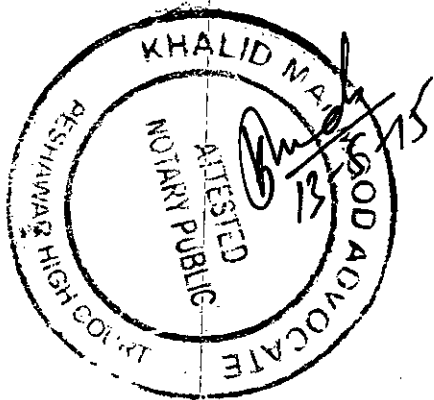
Versus

The Provincial Police Officer and others .....Respondents

Affidavit.

I, Musaffar Khan ASI Police Line Karak, do hereby solemnly affirms on Oath that the contents of the instant Application are true to the best of my Knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Muz<sup>3</sup>  
Deponent.



قیمت 10 روپے



23611

ایڈووکیٹ/ڈپٹی ایڈووکیٹ  
بار کونسل ابار ایسوسی ایشن پشاور

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

رابطہ نمبر: 0311-9440376

بعدالت جناب: سر سید ٹریبونل پشاور

|                  |          |
|------------------|----------|
| منجانب: ایڈووکیٹ | دعویٰ:   |
| ملف نمبر: تمام   | طرح: جرم |
| پشاور            | تھانہ:   |

**باعت تحریر آنکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ  
 آن مقام پشاور کے عظیم الشان ججز صاحبان کے اقرار کیا جاتا ہے کہ محتاج موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا اور انیز وکیل صاحب کو  
 راضی نامہ کرنے و تقریرات و فیصلہ برطاعت دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز پیروی و جواب دہی کی نظر فرما کر یا اہیل کی برآمدگی اور منسوخی، نیز  
 دائر کرنے اہیل نگرانی و پیروی کرنے کا اختیار ہوگا اور صورت صورت مندرجہ مذکورہ کے کل یا جزوی  
 کاروائی کے واسطے اور وکیل یا غیر قانونی کو اپنے ہمراہ یا اپنے بجائے تقریر کا اختیار ہو گا اور صاحب  
 مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا پانچواں دستخط منظور قبول ہوگا اور ان کے  
 میں جو فرچہ ہر جانہ التوائے مقدمہ کے حساب سے ہوگا وہ وکیل موصوف کو اپنے اختیار ہوگا کوئی تاریخ پیشی مقام  
 دور یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ کوئی فریڈ کوڈ ہو، لہذا وکالت نامہ لکھ دیا تاکہ مندرجہ

المرقوم: 27 اکتوبر 2017

مستطاب  
مستطاب

العبد العا

مقام پشاور کے لئے منظور ہے۔

MuzFx