

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 14/2016

Date of Institution ... 05.01.2016.

Date of Decision ... 26.10.2017

Noor Salam Khan son of Mir Salam Khan, Head Constable No. 295, P.S Miryan,
Bannu. ... (Appellant)

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and 2 others.
... (Respondents)

MR. AMANULLAH MARWAT, ... For appellant
Advocate.

MR. MUHAMMAD JAN, ... For respondents.
Deputy District Attorney,

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN
MR. GUL ZEB KHAN, ... MEMBER

JUDGMENT

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

FACTS

2. The appellant was dismissed from service on 18.08.2015 against which he
filed departmental appeal on 26.08.2015. The departmental appeal was partially
accepted on 22.12.2015 and the penalty of dismissal was converted into major

penalty of compulsory retirement. The appellant then filed the present service appeal against the appellate order on 05.01.2016.

ARGUMENTS.

3. The learned counsel for the appellant argued that the very appellate order speaks about no proof against the appellant and despite that major penalty has been passed by the appellate authority. That the enquiry officer did not record the statement of any witness. That the enquiry officer only relied upon the previous record of the appellant and submitted his report.

4. On the other hand, the learned Deputy District Attorney argued that all the codal formalities were fulfilled before passing the order of dismissal. That the appellate authority had already taken a lenient view by converting major penalty of dismissal into compulsory retirement. That it was the enquiry officer to record or not record the statements of the witnesses in the circumstances of the case.

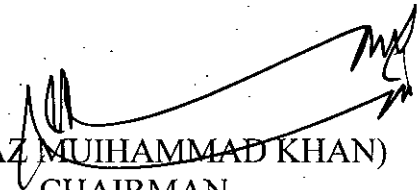
CONCLUSION.

5. Without deliberating in detail about the charges and proof, the impugned order of appellate authority itself peaks that no solid proof was available against the appellant and even then he was awarded major penalty of compulsory retirement. On the basis of this appellate order, the present appeal deserves to be accepted, however, in view of the nature of the charges levelled against the appellant, the enquiry officer was bound to collect reliable evidence which he has failed to collect.

7. As a sequel to the above discussion, this appeal is accepted and the appellant is reinstated in service. The department is at liberty to hold a denovo enquiry against the appellant within a period of 6 months. The issue of his back benefits

shall be subject to final outcome of fresh enquiry. Parties are left to bear their own costs. File be consigned to the record room.


(GUL ZEB KHAN)
MEMBER


(NIAZ MUIHAMMAD KHAN)
CHAIRMAN

ANNOUNCED
26.10.2017

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2346 /ST

Dated 31 / 10 / 2017

To


The Deputy Inspector General of Police
Government of Khyber Pakhtunkhwa,
Bannu Region Bannu.

Subject: -

JUDGMENT IN APPEAL NO. 14/2016, MR. NOOR SALAM KHAN.

I am directed to forward herewith a certified copy of Judgement dated 26.10.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

08. 04.07.2017 Counsel for the appellant and Mr. Muhammad Adeel Butt, Additional AG for the respondent present. It was pointed out that the inquiry report is not produce by this Tribunal. The respondent department is directed to produce inquiry report on or before the next date of hearing. To come up for such record and arguments on 28.09.2017 before D.B.

D.B.

(Gul Zeb Khan)
Member

(Muhammad Hamid Mughal)
Member

28.09.2017

Appellant with counsel present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Muhammad Farooq, Inspector for the respondents also present. Representative of the department submitted inquiry report, which is placed on record. Copy of inquiry report also handed over to learned counsel for the appellant. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 26.10.2017 before D.B.

(Gul Zeb Khan)
Member

(Muhammad Amin Khan Kundi)
Member

26.10.2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney alongwith Muhammad Farooq, Inspector (Legal) 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

ANNOUNCED
26.10.2017

04.08.2016

Appellant in person and Mr. Asghar Ali, HC alongwith Ziaullah, GP for respondents present. Rejoinder submitted which is placed on file. To come up for arguments on 2-12-16.


Member


Member

02.12.2016

Counsel for the appellant and Assistant AG for respondents present. Learned Assistant AG requested for adjournment in order to produce record of the inquiry report. Last opportunity for production of record granted. To come up for record and final hearing on 02.03.2017 before D.B.



(MUHAMMAD/AAMIR NAZIR)
MEMBER


(MUHAMMAD AZIM KHAN AFRIDI)
CHAIRMAN

02.03.2017

Counsel for the appellant and Asstt. AG for the respondents present. Learned AAG submitted before the court that the case has been prepared by the learned Addl. AG who is not in attendance to-day due to death of his uncle. To come up for final hearing before the D.B. on 04.07.2017.


Member


Chairman

28.1.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Constable when subjected to inquiry on the allegations of associating himself with gangs involved in criminal activities including car lifting and corrupt practices and dismissed from service vide impugned order dated 18.8.2015 where-against he preferred departmental appeal on 26.8.2015 which was partially allowed and punishment modified from dismissal to that of compulsory retirement vide impugned order dated 22.12.2015 where-after the instant service appeal was preferred on 5.1.2016.

Appellant Deposited
Security & Process Fee

That no inquiry in the prescribed manners was conducted nor any opportunity of hearing was afforded to the appellant and, above all, the appellant was exonerated of the charges by the review board but despite such findings he was awarded major punishment in the shape of compulsorily retirement.

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 13.4.2016 before S.B.

Chairman

13.4.2016



Counsel for the appellant and Mr. Shafiuz Zaman, H.C alongwith Addl: A.G for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 04.08.2016.

Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 14/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	05.01.2016	<p>The appeal of Mr. Noor Salam Khan presented today by Mr. Amanullah Marwat Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>28-1-16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2	06-1-16	

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

Service Appeal No. 14 /2016

Noor Salam Khan **Appellant**

V E R S U S

Inspector General of Police & others..... **Respondents**

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service Appeal		1-6
2.	Affidavit		7
3.	Addresses of parties		8
4.	Copy of Service Book Reference No.543		9
5.	Copy of Recommendation dt.25.10.10 alongwith performance list of the appellant		10-16
6.	Copy of impugned order dated 22.12.2015		17
7.	Copy of Departmental Appeal dated 26.08.2015 (Respondent No.1)		18-20
8.	Copy of impugned order dated 18.08.2015 (Respondent No.2)		21
9.	Copy of Charge sheet alongwith statement of allegation		22-23
10.	Copy of Written Reply dt.07.07.2015		24-25
11.	Copy of application for provide copy of report		26
12.	Wakalatnama		27

Through

Appellant

Amanullah Marwat

Advocate High Court
FR-1, 4th Floor, Falak Sair
Plaza Peshawar Cantt
Cell No.0334-9054585

Dated 02.01.2016

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

Service Appeal No. 14 /2016

**S.W.F. Province
Service Tribunal**

Diary No. 11
dated 05-01-2016

Noor Salam Khan S/o Mir Salam Khan
Head Constable No.295, P.S Miryan Bannu...**Appellant**

V E R S U S

1. Inspector General of Police, Civil Secretariat,
Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police. Bannu, Region
Police Line Bannu.
3. District Police Officer, Police Line Bannu

...**Respondents**

**Appeal against order dated
22.12.2015 passed by respondent
No.1, whereby appellant was
compulsory retired from service on
appeal filed by him against order
dated 18.08.2015 passed by
respondent No.2, whereby, he was
dismissed from service.**

**Hand to file
05/1/2016**

PRAYER IN APPEAL:

***To set aside impugned orders dated
22.12.2015 & 18.08.2015 passed by
respondent No.1 & 2 respectively***

and to reinstate the appellant with all back benefits.

Respectfully Sheweth:-

1. That appellant was appointed as a constable in 1995, since then he is performing his duty to the entire satisfaction of the superiors.
2. That keeping in view his performance appellant was promoted head constable during his service on 22.07.2007 vide service book reference No.543 he carried out successful operation in which dozen of proclaimed offender were arrested as a result of which he was awarded cash prizes by superiors. Details of which are annexed with the appeal.
3. That it is pertinent to mention here that he was also assigned important task to provide Spy information about terrorist activities & due to his information, network of the terrorist activities were traced out and was destroyed. Moreover he was also assigned a task to watch activities of police officials and was providing the same information to the superior, as a result of which, a member of

police officials were annoyed from him & started conspiracy against the appellant by making verbal compliant to respondent No.1.\

4. That on alleged verbal complaints appellant was charge sheeted by respondent No.2 on the alleged allegations leveled against him without issuance show cause notice on 29.06.2015, thereafter so, called inquiry was conducted at the back of appellant, whereby he was removed from service vide order dated 18.08.2015.
5. That against the said order appellant preferred Departmental Appeal before respondent No.1 whereby removal from service was converted into to compulsory retirement from service vide order dated 22.12.2015.
6. That appellant moved an application in the office of respondent No.1 to provide copies of inquiry, so that he may defend himself in the departmental proceeding because the inquiry has been conducted at the back of the appellant but the copy of inquiry was not provided to the appellant till date.

7. That feeling aggrieved from the said orders dated 18.08.2015 and 22.12.2015 passed by respondent No.1 & 2 respectively, petitioner seeks to assails these impugned orders before this Honourable Court inter alia, on the following grounds:

GROUND S:-

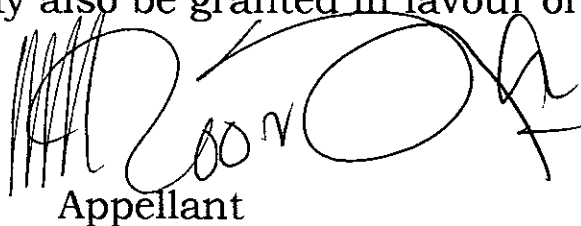
- A. That the impugned orders dated 22.12.2015 & 18.08.2015 passed respondent No.1 & 2 receptively by are against law & facts & record of the case.
- B. That allegation of general nature have been leveled against the applicant and no any specific incident been referred in the impugned judgment, so dismissal from service on such grounds is illegal without jurisdiction and is liable to be set aside.
- C. That major penalty has been imposed upon the applicant as a result applicant was compulsory retired from service, so keeping in view nature of allegation it was incumbent upon the respondents to conduct full-fledged inquiry against the appellant.
- D. That applicant was not provided an opportunity of being heard, such action of respondent is the violation of principle of natural justice.

- E. That General allegations have been leveled against applicant but he was not provided opportunity of cross examination to him which has prejudiced the right of appellant.
- F. That respondent has not followed the prescribed procedure laid down by the relevant law & dealt case of applicant in mechanical manner. Such approach of the respondent are violation of the prescribed rules.
- G. That no one has produced in support of allegation leveled against applicant nor any specific incident has been referred against applicant. Moreover the order passed by respondent No.1 is self contradictory on one it is stated in the impugned order that no evidence has been available in support of charges but on the other hand he was imposed major penalty i.e. compulsory retirement, so such punishment is based on assumptions and preemptions and is liable to be set aside.
- H. That applicant was assigned to watch the activities of the police officials due to which a number of police officials have been annoyed against him. So action of respondent by dismissing the applicant from service is based on malafide. On one side petitioner efforts are being appreciated on the other side applicant was dismissed from service.

I. That orders passed by respondents are illegal, void without lawful authority & without jurisdiction & deserved to be set aside.

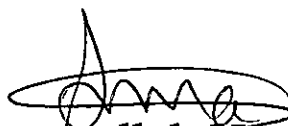
J. It is, therefore respectfully prayed that on acceptance of the appeal, To set aside the impugned orders dated 22.12.2015 & 18.08.2015 passed by respondent No.1 & 2 respectively and to reinstate the appellant with all back benefits.

Any other remedy which deems fit by this Honourable Court may also be granted in favour of petitioner.



Appellant

Through



Amanullah Marwat
Advocate High Court

Dated 02.02.2016

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

Service Appeal No. _____/2016

Noor Salam Khan**Appellant**

VERSUS

Inspector General of Police & others.....**Respondents**


AFFIDAVIT

I, Noor Salam Khan S/o Mir Salam Khan Head Constable No.295, P.S Miryan Bannu, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by

DEPONENT

CNIC No.11201-9449038-1


Amanullah Marwat
Advocate High Court



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

Service Appeal No. _____/2016

Noor Salam Khan**Appellant**

V E R S U S

Inspector General of Police & others.....**Respondents**


ADDRESSES OF PARTIES

APPELLANT:-

Noor Salam Khan S/o Mir Salam Khan
Head Constable No.295, P.S Miryan Bannu

RESPONDENTS:-

1. Inspector General of Police, Civil Secretariat,
Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police. Bannu, Region
Police Line Bannu.
3. District Police Officer, Police Line Bannu



Appellant

Through



Amanullah Marwat
Advocate High Court

Dated 02.01.2016



FORM OF CHARACTER ROLL

1. Name: Noor Salam Khan
 2. F/Name: Mir Salam Khan
 3. Caste: Muslim Pakistani Pashtoon (Marwat)
 4. Place of residence: Mir Hazar Khanzad Khel Ghazni Khel
 5. Date of Birth: 5-04-1977
 6. Office: Police Department Bannu.
 7. Educational Qualification: 10th.

STATEMENT OF SERVICE.

District	Appointment	Pay	Date
U Bannu	as constable	1400/p.m	05-04-1995
(D)	Promoted as offg Head Constable in BPS-7 @	\$4700/p.m w.e.f	18-10-87.

[Signature]
 District Police Officer
 Bannu

[Signature]



(12) (10)

OFFICE OF THE
DISTRICT POLICE OFFICER,
BANNU.

No. 10558 Dated 25/10/2010

To: - *The Regional Police Officer,
Bannu Region, Bannu.*

Sub: RECAMANDATION.

Memo:

As per report of Incharge DSB Bannu, HC Noor Aslam No.543 has passed on useful information to Bannu Control Room for conveying to Lakki Control. His case is forwarded for consideration please.

District Police Officer,
Bannu.

Suppl

(11) 10/10/10

(12) 10/10/10

DSB

WAPD - 10/10/10

10/10/10

10/10/10

For consideration to RPO - 10/10/10

10/10/10

10/10/10

For consideration - 10/10/10

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10/10/10

(حکومت)

(12)

انفارمیشن ڈائری!

دفتر DSB
18.10.10

حکومت بنوں

جناب عالی! آج مورخہ 18/10/10 بوقت 06.15 بجے نور اسلام خان 543 سے منسلک
 DSB سٹاف بنوں نے اڈہ منڈی چیلنج کیگورٹ سے بندوبست کے متعلق عرض
 کرتے ہوئے کہا کہ ایک سرف گارڈی ہنگ کالڈ بلو اور
 کال ٹینٹ جس کا ڈرائیونگ ایک نوٹس لڑکا کر رہا ہے، جو بنا خوردہ چیلنج
 کیگورٹ غلط اور مشکوک ڈرائیونگ نہ کر رہا ہے، جو اس وقت اور
 خودکش صلوم پتو رہا ہے، اسلام کو صدقہ جان کر خود کشی کے لئے
 بنوں کو بندوبست کے لئے اسلام دی، بنوں کیگورٹ سے وٹو نہ ہلا کر
 اسلام خود کشی کیگورٹ کے لئے خود کشی کوئی۔ کہ خود کشی کے لئے
 خاص کر تھانہ منڈی چیلنج کیگورٹ کو اسلام دی، اسلام اسلام پتو تھانہ
 منڈی چیلنج کیگورٹ پولیس کے تعاقب نہ کر کے تمام مکان بنوں
 سٹنہ کوٹہ بھاٹی خان جابو ضلع تھانہ منڈی چیلنج کیگورٹ گاڑی پتو تھانہ
 نہ کہ بندوبست ہوا۔ جس کے نتیجے میں بنوں تھانہ منڈی چیلنج کیگورٹ اور مذکورہ
 کیگورٹ دیوار سے نیچے گرنے لگی ہیں۔ اور مکان کو بھی کافی نقصان
 پہنچا ہے۔ اس طرح نزدیک مکان اڑان ظاہر رہا وہ نہ کہ
 سٹنہ کوٹہ بھاٹی خان جابو ضلع تھانہ منڈی چیلنج کیگورٹ کو بھی نقصان
 پہنچا ہے۔ اس لیے جیپ کے پیچھے سٹنہ کے ایک شخص کو درج کیا
 کارروائی DSB بنوں تھانہ منڈی چیلنج

mi
 1/c DSB Banna
 18.10.10

No: 5695/PA
 dt: 20/10/10

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1۔ مجرم اشتہاری عمر قیاز ولد امیر زمان سکنہ شہباز عظمت خیل کی گرفتاری پر جناب نوران خان SP بنوں نے

مورخہ 07/05/2001/CCIII OB No.526-7.5.2001 اور 100 روپے نقد انعام سے نوازا۔

1۔ بحوالہ مقدمہ نمبر 302/324 جرم 27-11-1997/400 تھانہ غوری والہ

2۔ بحوالہ مقدمہ نمبر 4/3/17(3) تھانہ سیہ خیل

3۔ بحوالہ مقدمہ نمبر 324/148/149 جرم 25-03-1997/102 تھانہ صدر

3۔ بحوالہ مقدمہ نمبر 13AO جرم 22-09-2000/656 تھانہ صدر

2۔ مورخہ 08-01-2003 OB نمبر 08-01/2003/11 جناب SP بنوں راجب علی شاہ صاحب نے ملزم کی گرفتاری پر

اور اسلحہ کی برآمدگی پر CCIII اور پچاس روپے نقد انعام سے نوازا۔

3۔ مورخہ 19/02/2003 جناب SP بنوں محمد اقبال خان اچھی کارکردگی ملزم بمع اسلحہ کی گرفتاری پر CCIII اور 50 روپے نقد

انعام سے نوازا۔

4۔ مورخہ 19-08-2003 SP بنوں محمد اقبال نے مجرم اشتہاری محمد آمین ولد عمر خان قوم وزیر سکنہ ممند خیل کی گرفتاری پر CCIII

اور 100 روپے نقد انعام سے نوازا۔ OB نمبر 19-08-2003/1298

5۔ مورخہ 02-2009 مجرم اشتہاری محمد رائف سکنہ خلیف خیل بکا خیل گرفتاری پر جناب DPO صاحب محمد عالم شنواری نے

CCIII اور 200 روپے نقد انعام سے نوازا۔

6۔ مورخہ 13/04/2009 جناب DPO صاحب نے مجرم اشتہاری کی گرفتاری پر CCIII سرٹیفکیٹ سے

نوازا۔ OB نمبر 13-04-2009/502

7۔ مورخہ 26/05/2009 جناب DPO صاحب اقبال مروت نے مجرم اشتہاری میر خاتم ولد میر قادر خان سکنہ بکا خیل

بحوالہ مقدمہ 324/334-4/5 جرم 31-01-1996/22 EXP تھانہ بکا خیل

بحوالہ مقدمہ 302/324 جرم 03-06-1996/101 تھانہ بکا خیل CCIII اور 500 روپے نقد OB

نمبر 26-05-2009/792

8۔ مورخہ 22/08/2009 جناب DPO اقبال مروت نے مجرم اشتہاری حکم زاد ولد کر جان سکنہ بکا خیل

9۔ مورخہ 09/12/2013 جناب DPO صاحب اقبال نے اچھی کارکردگی اور انفارمیشن پر CCIII سرٹیفکیٹ سے

نوازا۔ OB نمبر 09-12-2013/1372

10۔ مورخہ 06/03/2013 جناب DPO صاحب اقبال اچھی کارکردگی اور انفارمیشن پر CCIII سرٹیفکیٹ سے

نوازا۔ OB نمبر 06-03-2014/224



(15)

(15)

- 11- مورخہ 17/2014 DPO صاحب اقبال نے اچھی کارکردگی اور انفارمیشن پر CCIII سرٹیفکیٹ سے نوازا۔ OB نمبر 17-02-2014/168
- 12- مورخہ 25/08/2009 جناب DPO اقبال مروت نے مجرم اشتہاری شیرین زمان ولد مستہ جان سکنہ بکا خیل کے گرفتاری پر CCIII اور 200 روپے نقد انعام سے نوازا۔ OB 25-08-2009/1365 بحوالہ مقدمہ نمبر 2000/117 جرم 324/148/149 تھانہ بکا خیل
- 13- مورخہ 25/09/2009 جناب DPO صاحب بنوں نے مجرم اشتہاری اصغر ولد گل نواز سکنہ بکا خیل کی گرفتاری پر CCIII اور نقد 100 روپے انعام سے نوازا۔ OB 25-09-2009/1537
- 14- مورخہ 09/12/2013 کو جناب DPO صاحب اقبال نے اچھی کارکردگی کی بنیاد پر CCIII سے نوازا۔ OB نمبر 09-12-2013/1372
- 15- مورخہ 18/10/2010 کو بارود بھاری گاڑی جو خیل کے مقام پر SHO تھانہ غزنی خیل محمد سلیم نے میری انفارمیشن پر گاڑی پر فائرنگ کر کے تباہ کر دیا۔ جس پر DIG محمد افتخار نے 1000 روپے اور CCI سے نوازا۔ OB نمبر 29-10-2010/5956
- نوٹ: بعد میں اس کارروائی پر جناب محمد ثار تنولی صاحب DIG بنوں نے سن ہیڈ کنسٹیبل کو مورخہ 13/04/2013 کو ہیڈ ہاک ASI ترقیاب کیا گیا۔
- 16- مورخہ 23/11/2010 جناب DPO صاحب سجاد خان نے فلزم عابد راون سکنہ گریڑہ شاہ جہان سے (2) عدد کلاشنکوف سمیت گرفتار کر لیا۔ DPO صاحب نے CCIII اور 2000 روپے نقد انعام سے نوازا۔ OB نمبر 23-11/2010/1274 RPO Bannu Order Memo/No.7086/2010
- 17- مورخہ 05/2010 مجرم اشتہاری نصیب اللہ ولد امیر نواز سکنہ بکا خیل کے گرفتاری پر جناب DPO صاحب اقبال مروت CCIII اور 200 روپے نقد انعام سے نوازا۔
- 18- مورخہ 13/01/2013 کو جناب DPO صاحب سجاد خان نے میرے انفارمیشن پر SHO بکا خیل محمد رخصار نے علاقہ بکا خیل میں درجنوں مجرمان اشتہاریوں کے گرفتاری پر 5000 روپے نقد اور CCIII سے نوازا۔ OB نمبر 13-01-2013/30
- 19- مورخہ 07/10/2013 کو جناب DIG بنوں ساجد علی صاحب نے مجرم اشتہاری گرفتاری پر CCIII سرٹیفکیٹ سے نوازا۔ OB نمبر 07-10-2013/8898
- 20- مورخہ 23/04/2014 جناب DPO اقبال صاحب نے اچھی کارکردگی اور انفارمیشن پر CCIII سے



(16) (15)

- 11- مورخہ 17/2014 DPO صاحب اقبال نے اچھی کارکردگی اور انفارمیشن پر C C I I I سرٹیفکیٹ سے نوازا۔ OB نمبر 17-02-2014/168
- 12- مورخہ 25/08/2009 جناب DPO اقبال مروت نے مجرم اشتہاری شیرین زمان ولد مستہ جان سکنہ بکا خیل کے گرفتاری پر C C I I I اور 200 روپے نقد انعام سے نوازا۔ OB نمبر 25-08-2009/1365
بحوالہ مقدمہ نمبر 2000/117 جرم 324/148/149 تھانہ بکا خیل
- 13- مورخہ 25/09/2009 جناب DPO صاحب بنوں نے مجرم اشتہاری اصغر ولد گل نواز سکنہ بکا خیل کی گرفتاری پر C C I I I اور نقد 100 روپے انعام سے نوازا۔ OB نمبر 25-09-2009/1537
- 14- مورخہ 09/12/2013 کو جناب DPO صاحب اقبال نے اچھی کارکردگی کی بنیاد پر C C I I I سے نوازا۔ OB نمبر 09-12-2013/1372
- 15- مورخہ 18/10/2010 کو بارود بھاری گاڑی جو خیل کے مقام پر SHO غنی خیل محمد سلیم نے میری انفارمیشن پر گاڑی پر فائرنگ کر کے تباہ کر دیا۔ جس پر DIG محمد افتخار نے 1000 روپے اور C C I I سے نوازا۔ OB نمبر 29-10-2010/5956
- نوٹ: بعد میں اس کارروائی پر جناب محمد ثار تنولی صاحب DIG بنوں نے من ہیڈ کنسٹیبل کو مورخہ 13/04/2013 کو ہیڈ ہاک ASI ترقیاب کیا گیا۔
- 16- مورخہ 23/11/2010 جناب DPO صاحب سجاد خان نے فلزم عابد راؤ ف سکنہ گریڈ شاہ جہان سے (2) عدد کلاشنکوف سمیت گرفتار کر لیا۔ DPO صاحب نے C C I I I اور 2000 روپے نقد انعام سے نوازا۔
OB نمبر 23-11/2010/1274 RPO Bannu Order Memo/No.7086/2010
- 17- مورخہ 05/2010 مجرم اشتہاری نصیب اللہ ولد امیر نواز سکنہ بکا خیل کے گرفتاری پر جناب DPO صاحب اقبال مروت C C I I I اور 200 روپے نقد انعام سے نوازا۔
- 18- مورخہ 13/01/2013 کو جناب DPO صاحب سجاد خان نے میرے انفارمیشن پر SHO بکا خیل محمد رخصار نے علاقہ بکا خیل میں درجنوں مجرمان اشتہاریوں کے گرفتاری پر 5000 روپے نقد اور C C I I I سے نوازا۔ OB نمبر 13-01-2013/30
- 19- مورخہ 07/10/2013 کو جناب DIG بنوں ساجد علی صاحب نے مجرم اشتہاری گرفتاری پر C C I I I سرٹیفکیٹ سے نوازا۔ OB نمبر 07-10-2013/8898
- 20- مورخہ 23/04/2014 جناب DPO اقبال صاحب نے اچھی کارکردگی اور انفارمیشن پر C C I I I سے



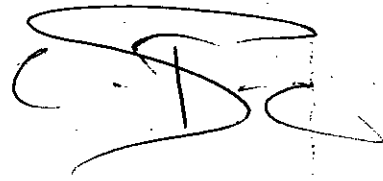
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نوازل۔ OB نمبر 23-04-2014/480

21۔ مورخہ 01/10/2014 کو مجرم اشتہاری نذر ولد بلقیاز سکنہ ملک میتھا خیل بحوالہ مقدمہ 495 مورخہ 21/12/2013 جرم 21/12/2013 جرم 381/A تھانہ سٹی کے گرفتاری پر موجودہ DPO عبدالرشید صاحب نے ڈائری کے اوپر Good Job Done لکھ دیا ہے۔

22۔ مورخہ 05/07/2014 کو بدنام زمانہ ڈاکو عمر فرید ولد فرید سکنہ عمل خیل حدود تھانہ ڈومیل بحوالہ مقدمہ 26-032014/61 جرم 384/506 تھانہ ڈومیل کے گرفتاری پر DSP ہیڈ کوارٹر حاجی ثناء اللہ خان Well Done ڈائری پر لکھ دیا ہے۔ OB نمبر 09-04-2014/920HQ

23۔ مورخہ 08/04/2014 کو سعید اللہ شاہ ولد منزل شاہ سکنہ حواجہ بد منڈان بحوالہ مقدمہ 27-12-2013/223 جرم 39/A تھانہ منڈان کے گرفتاری پر DSP ہیڈ کوارٹر حاجی ثناء اللہ خان نے ڈائری کے اوپر Well Done لکھ دیا ہے۔ OB نمبر 09-04-2014/918HQ





12

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

No. SI/6209/15, Dated Peshawar the 22/12/2015.

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-a of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Noor Salam No. 295. The appellant was awarded punishment of dismissal from service by the RPO/Bannu vide OB No. 1794 dated 18.08.2015, on the charges that he supported car-lifting gangs/groups, involved in dealing of stolen vehicles, knows for corruption, he asserted political pressure for filing/dropping of departmental enquiry and also having relation with smugglers.

The Review Petition Board meeting was held on 26.11.2015, wherein the appellant heard in person the enquiry papers were also examined in detailed. The charges of corruption and involvement in Anti social activities have been leveled against the appellant while no solid evidence has been collected in support of the charges leveled against appellant. Furthermore, he was a Constable therefore, his involvement in corruption and corrupt practices in support of the supervisory officers does not appeal to prudent mind. In view of his length of service the board recommends that the major penalty of dismissal from service may be converted into major penalty of compulsory retirement from service.

This order is approved by the Competent Authority.

Najeeb
(NAJEEB-UR-RAHMAN BUGVI)
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

No. SI/6209-18/15,

Copy of the above is forwarded to the:

1. Regional Police Officer, Bannu.
2. District Police Officer, Bannu.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PRO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. PA to AIG/Establishment CPO, Peshawar.
8. Office Supdt: E-IV CPO Peshawar.
9. Central Registrar, CPO.

[Signature]

18

To

The Inspector General
Police Khyber Pakhtunkhwa,
Peshawar

Subject: **DEPARTMENTAL REPRESENTATION AGAINST THE
IMPUGNED ORDER DATED 18.08.2015 PASSED
BY D.I.G, BANNU REGION WHEREBY THE
APPLICANT WAS DISMISSED FROM SERVICE ON
THE GROUNDS HAVING NO BASE.**

Respected Sir

1. That applicant was appointed as a constable in 1995, since then he is performing his duty to the entire satisfaction of the superiors.
2. That keeping in view his performance applicant was promoted head constable during his service on 22.07.2007 vide service book reference No.543 he carried out successful operation in which dozen of proclaimed offender were arrested as a result of which he was awarded cash prizes by superiors. Details of which are annexed with the appeal.
3. That it is pertinent to mention here that he was also assigned important task to provide Spy information about terrorist activities & due to his information, network of the terrorist activities were

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traced out and was destroyed. Moreover he was also assigned a task to watch activities of police officials and was providing the same information to the superior, as a result of which, a member of police officials were annoyed from him & started conspiracy against the applicant by making verbal compliant to respondent No.1.

- 4. That on verbal complaint the applicant was charge sheeted on the grounds mentioned therein on 29.06.2015 which was replied by applicant on 07.07.2015 by explaining every allegations frivolously leveled against him.
- 5. That D.I.G Bannu Region without taking into consideration written reply submitted by applicant issued dismissal order of the applicant on 18.08.2015.
- 6. That applicant's seeks to assail impugned order dated 18.08.2015 inter alia on the following grounds:

GRUNDS:-

- A. That the impugned order dated 18.08.2015 passed by D.I.G, Bannu is against law & facts & record of the case.

- H. That applicant was assigned to watch the activities of the police officials due to which a number of police officials have ben annoyed against him. So action of respondent by dismissing the applicant from service is based on malafide. On one side petitioner efforts are being appreciated on the other side applicant was dismissed from service.
- I. That order passed by respondent is illegal, void without lawful authority & without jurisdiction & deserved to be set aside.

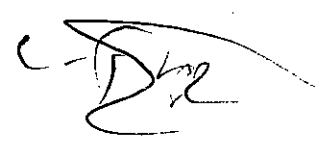
It is, therefore respectfully prayed that on acceptance the impugned order dated 18.08.2015 may please be set aside and applicant may please be reinstated in service with all back benefits.

Applicant



Noor Salam
S/o Mir Salam
Constable No.295,
Bannu
Cell No.0333-2766688

Dated 26.08.2015



22

POLICE DEPARTMENT.

BANNU REGION

ORDER.

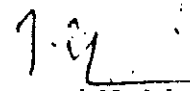
My this order will dispose off the departmental proceedings initiated against Constable Noor Salam No.295 of Bannu District Police on committing the following omissions:-

- That he, Constable, Noor Salam No. 295 of Bannu District Police is supporting Car-lifting gangs/groups.
- That he is also involved in dealing of stolen-vehicles.
- That he is known for corruption.
- That he is asserting Political pressure for filing/dropping of departmental enquiry.
- That having relation with smugglers.

Addl: SP/Bannu was appointed as Enquiry Officer to conduct proper departmental proceedings under Police Rules 1975. The E. O. conducted proper Departmental proceedings into the matter and submitted his findings, wherein the said delinquent Police Constable has been declared guilty for the said allegations and has been recommended for Major punishment

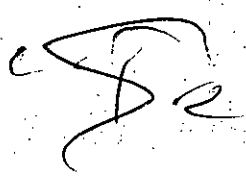
The said delinquent Police Constable heard in person in orderly room on 18.8.2015 by the undersigned to finally show cause in his defense but he badly failed to rebut the said allegations.

I, Muhammad Tahir PSP, Regional Police Officer, Bannu Region, Bannu in exercise of the powers vested in me, after thoroughly hearing the appellant in orderly room, am agree with the findings of the Enquiry Officer. Therefore, Major punishment of dismissal from service under Police Rules 1975 is hereby ordered with immediate effect.


(Muhammad Tahir)PSP
Regional Police Officer,
Bannu Region, Bannu.

No. 1794 /EC, dated. 18/08/2015. 18/8/15

Copy to the District Police Officer, Bannu for information and n/action.


(Muhammad Tahir)PSP
Regional Police Officer,
Bannu Region, Bannu.

CHARGE SHEET

23


WHEREAS, I am satisfied that a formal inquiry as contemplated in the N.W.F.P. Police Rules, 1975 is necessary and expedient.

AND WHEREAS, I am of the view that the allegation, if established would call for a Major penalty as confined in Rules 4-1 (b) of the aforesaid Rules.

NOW THEREFORE, as required by Rule 6-1 (a) of the aforesaid Rules, **I, Muhammad Tahir PSP, Regional Police Officer, Bannu Region, Bannu** charge you **Constable Noor Salam No.295** for misconduct on the basis of summary of allegations appended herewith.

AND WHEREAS, I direct you further under the Rule (6-1) b of the aforesaid rules to put in a written defense within 07-days of the receipt of this charge sheet as to why a Major punishment as defined in Rule 4-1 (b) should not be awarded to you. Also state at the same time whether you desire to be heard in person or not.

In case your reply is not received within the prescribed period without sufficient reasons it would be presumed that you have no defense to offer and an ex-parte action will be taken against you.


(Muhammad Tahir) PSP
Regional Police Officer,
Bannu Region, Bannu.

29/6/15



STATEMENT OF ALLEGATIONS.

24

I, **Muhammad Tahir PSP, Regional Police Officer, Bannu Region, Bannu** as competent authority, am of the opinion that **Constable Noor Salam No. 295** has rendered himself liable to be proceeded against as he committed the following misconduct within the meaning of disciplinary rules-1975 (amendment vide NWFP Gazette 27th: January-1976)

SUMMARY OF ALLEGATION.

- 1 • That you Constable, Noor Salam No. 295 of Bannu District Police are supporting Car-lifting gangs/groups.
- 2 • That you are also involved in dealing of stolen-vehicles.
- 3 • That you are known for corruption.
- 4 • That you are asserting Political pressure for filing/dropping of departmental enquiry.
- 5 • Having relation with smugglers.

For the purpose of scrutinizing the conduct of the said accused w/r to the above allegations The Addl: Supdt: of Police, Bannu is appointed as Enquiry Officer.

The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc: and findings within 25-days after the receipt of this order.

The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

(Muhammad Tahir)PSP
Regional Police Officer,
Bannu Region, Bannu.

NO: 1514-16 /EC dated: 29/6/2015.
Copy to :-

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar for favour of information.
2. The District Police Officer, Bannu for information.
3. The Enquiry Officer.

(Muhammad Tahir)PSP
Regional Police Officer,
Bannu Region, Bannu.

29/6/15

CS

بحوالہ چارج شیٹ و سمری آف الیکیشن نمبر 1514-16/EC dated:29/06/2015 معروض ہوں۔

کہ سال 1995ء میں بطور کنسٹیبل ریگولر پولیس میں بھرتی ہوا ہوں۔ کامیابی سے ریکروٹ کورس پاس کرنے کے بعد لوئر کلاس کورس اور انٹرمیڈیٹ کورس بھی پاس کر چکا ہوں۔ اور مورخہ 2007 میں بطور ہیڈ کنسٹیبل ترقیاب ہوا ہوں۔ اپنی سروس کے دوران جہاں کہیں بھی پوسٹ کیا گیا ہے۔ میں نے اپنا ڈیوٹی انتہائی دیانتداری اور محنت سے کی ہے۔ مجھے سروس کے دوران اس سے پہلے کبھی سزا نہیں ہوئی ہے۔ میرا اعمال نامہ صاف اور ستھرا ہے۔ اور میری اچھی کارکردگی اور دیانتداری کی وجہ سے ضلعی DSB کا انچارج تعینات کیا گیا تھا۔

نمبر 1: الزامات میں سے پہلے الزام یہ ہے کہ میں کارلفٹر گروہوں سے مل ملاپ رکھتا ہوں۔ اس الزام میں کوئی صداقت نہیں ہے نہ ہی کبھی میں مسروقہ کار کیا تھا گرفتار ہوا ہوں۔ اور نہ ہی کبھی کسی مقدمہ میں یا سمگلنگ میں نامزد ہوا ہوں۔ اور نہ ہی میرے خلاف عوام کی طرف کوئی ایسی شکایت کی گئی ہے اور نہ ہی کسی ملزم نے میرے متعلق انٹاروگیشن کے دوران انکشاف کیا ہے۔ اگر میرے خلاف اس الزام کی کوئی شہادت ہے یا تھی تو اس کا چارج شیٹ میں حوالہ نہیں دیا گیا ہے۔ جس سے یہ اخذ ہوتا ہے کہ یہ الزام سنی سنائی شہادت پر مبنی ہے۔

نمبر 2: الزام نمبر ۲ میں کہا گیا ہے کہ میں چوری کی گاڑیوں کا کاروبار کر رہا ہوں یہ بھی درست نہیں اس کا جواب الزام نمبر ۱ میں تقریباً اچکا ہے۔ مجھ سے نہ تو کبھی چوری کی گاڑی برآمد ہوئی ہے اور نہ ہی کبھی اس چارج شیٹ سے قبل ایڈوائس نوٹس جاری کیا گیا ہے۔ اور نہ ہی میرے سروس ریکارڈ میں کوئی ایسی پوسٹری موجود ہے۔ جسے الزام کو تقویت ملے اور نہ ایسی نوعیت کسی مقدمہ میں گرفتار ہوا ہوں اس لئے یہ الزام بے بنیاد ہے۔ اگر اتھارٹی کے پاس اس الزام کے بارے میں کوئی زبانی یا دستاویزی شہادت موجود تھی۔ تو اس کو اس چارج شیٹ میں درج نہیں کیا گیا ہے۔ اس لئے اس الزام میں میں بے قصور ہوں۔

نمبر 3: تیسرا الزام یہ ہے کہ میری شہرت کرپشن کی ہے لیکن کبھی بھی کسی کرپشن کی مقدمہ میں گرفتار ہوا اور نہ ہی اس سے قبل کرپشن کے بارے میں کوئی انکوائری ہوئی ہے۔ اور نہ ہی اینٹی کرپشن محکمہ نے ایسا انکوائری کیا ہے۔ میرے خلاف کرپشن کا عوام میں سے کوئی مدعی نہیں ہے اور نہ ہی کسی ایسے پولیس افسر نے رشوت ستانی کے بارے میں شکایت کی ہے۔ اس لئے اس الزام میں کوئی حقیقت نہیں ہے اور سنی سنائی شہادت پر مبنی ہے۔ اگر میرے خلاف کوئی ابتدائی انکوائری وغیرہ خفیہ طریقہ سے ہوئی ہے۔ لیکن اس کا کوئی نقل فراہم نہیں کیا ہے۔ اس لئے الزام بھی بے بنیاد ہے۔

نمبر 4: جہاں تک الزام نمبر 4 کا تعلق ہے تو چارج شیٹ 29/06/2015 کو ایٹھوا ہے۔ مجھے مورخہ 01/07/2015 کو موصول ہوا ہے۔ تو میرے چارج شیٹ میں سیاسی دباؤ اور پریشر کا ذکر کیا گیا ہے۔ کہ ڈیپارٹمنٹل انکوائری فائل کیا جائے لیکن جناب سوچ و فکر کی بات ہے۔ چارج شیٹ ملا بھی نہیں تھا، پتہ بھی نہیں تھا۔ تو کیسے میں نے سیاسی اثر و رسوخ استعمال کیا ہے۔ اور

ع

نہ ہی چارج شیٹ ملنے کے بعد ایسا اقدام کیا ہے۔

نمبر 5: جہاں تک الزام نمبر 5 کا تعلق ہے تو میرا کسی سمگلر سے کوئی تعلق نہیں ہے۔ البتہ عمران کنسٹیبل کے خلاف میں نے قانونی طور پر شکایتیں افسران بالا کو کی تھی۔ کہ اس کو تبدیل کیا جائے میرے شکایت پر مذکورہ کنسٹیبل تبدیل ہو چکا ہے۔ اور یہ کنسٹیبل عمران مجھ سے خفہ ہو گیا تھا۔ اور یہ عمران ابھی گرفتار ہوا ہے۔ جس کا سیکورٹی ڈیوٹی برانچ سے کوئی تعلق نہیں تھا۔ اس برانچ سے کافی عرصہ ہو چکا ہے کہ ٹرانسفر ہو چکا ہے۔

انصاف کا بنیادی اصول یہ ہے کہ ایک جرم میں ایک پولیس افسر سزا ہو جائے تو دوبارہ اس الزام میں سزا نہیں دی جاسکتی ہے۔ موجودہ چارج شیٹ میں جو الزامات لگائے گئے ہیں اس سے ملتے جلتے الزامات جس کا کوئی انکوائری نہیں ہوئی ہے۔ میں جناب DPO صاحب بنوں نے مورخہ: 10/03/2015 کو رپورٹ کر کے ٹائم سکیل کنسٹیبل بنایا گیا ہے۔ مجھے کوئی صفائی کا موقع نہیں دیا گیا۔ اور نہ ہی پچھلی صاف سروس کو مد نظر رکھا گیا ہے۔ جب ایک دفعہ سزا ہو چکا ہوں تو دوبارہ ان الزامات کے تحت چارج شیٹ کرنا بے انصافی ہے۔

اس لئے استدعا ہے۔ کہ میرا چارج شیٹ داخل دفتر فرمایا جاوے اور مجھے ذاتی شنوائی اور عرض و معروض کا موقع دیا جائے اور باقاعدہ مجھے ان گواہان پر جرح کرنے کا قانونی طور پر موقع فراہم کیا جاوے۔ میرے خلاف پیش ہوں میری صفائی ریکارڈ پر لائی جاوے۔ اور افسران بالا کی طرف سے ایوارڈ اور انعامات دیئے گئے ہیں۔ نقول ہمراہ لف ہے۔

ع

(27) کتب کا سہ ماہی سہ ماہی سہ ماہی

بہ عالی!

1. مکتبہ اسلامیہ
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15/15

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بعد الت

Bejaer Houde
Service Tribunal
K. P. K. P. K.

Appellat

2 منجانب
بنام

Noor salom

vs

K. P. K. P. K.

موزخه

مقدمه

دعوی

جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام ~~مشیر~~ کیلئے ~~قانون~~ کے
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب مرصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک درو پیہا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو کبھی وہی جملہ مذکورہ یا اختیارات حاصل ہوں گے اور اس کا ساختہ
پر واختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

المرقوم 2

ماہ 2016

واہ الع

بمقام

کے لئے منظور ہے۔

2/1/2016

2-1-2016

BEFORE THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 14/2016.

Noor Aslam Khan.....(Appellant)

VERSUS

Inspector General of Police & others.....(Respondents)

PARA WISE COMMENTS ON BEHALF OF THE RESPONDENTS

Respectfully Sheweth:

PRELIMINARY OBJECTIONS.

- 1) That the appeal of appellant is badly time-barred.
- 2) That the order of Respondent No.1 is very much legal.
- 3) That the appeal is not maintainable in its present form.
- 4) That the appellant has concealed the actual facts from the Honourable Tribunal.
- 5) That the appeal is bad in law due to non-joinder of necessary parties.
- 6) That the appellant has approached the Honourable Tribunal with unclean hands.
- 7) That the appellant has got no cause of action and locus standi to file the instant appeal.
- 8) That the appellant has been estopped by his own conduct.

OBJECTIONS ON FACTS

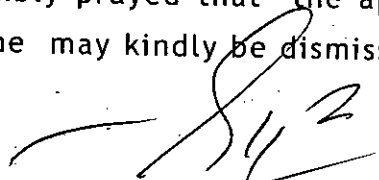
- (1) Incorrect. The performance of appellant was found unsatisfactory during the year 2015.
- (2) Pertains to record. Appellant was promoted to the rank of Head Constable subject to seniority cum fitness.
- (3) Incorrect. Reportedly, he was found involved in extracting money/ illegal gratification from police officer, threatening them of negative reporting to high ups against them and hand in gloves with anti social elements and immoral activities.
- (4) Correct to the extent that proper charge sheet based on statement on allegations was issued to appellant and proper inquiry through Addl: SP Bannu was conducted. After providing all the opportunities of hearing and defense, he was dismissed from service by the respondent No.2 and the same was converted into compulsory retirement from service by the Respondent No.1.
- (5) Pertains to record.
- (6) Incorrect. Relevant copies were provided to the appellant by the office of Respondent No.2 and opportunity of defense was extended to him.
- (7) Incorrect. The appellant has wrongly challenged the valid order of the Respondent through unsound reasons.

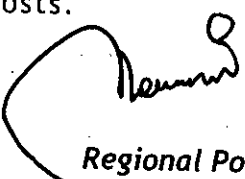
OBJECTIONS ON GROUNDS.


- A. Incorrect. That the order of the respondent is based on facts and in accordance with law and rules.
- B. Incorrect. Proper charge sheet based on statement on allegations were issued to the appellant and impartial inquiry was conducted through inquiry officer. The order of the respondent is legal and justified under the law/ rules.
- C. Incorrect. Keeping in view the nature of allegations proved in the inquiry, the appellant was awarded punishment of compulsory retirement which is a lenient in nature.
- D. Incorrect. All the opportunities of defense and hearing were provided during the course of inquiry and order.
- E. Incorrect. Serious allegations were leveled against the appellant and opportunities of cross examination over the witnesses were provided to him.
- F. Incorrect. The respondents have observed all the codal formalities during the departmental probe in accordance with Police Rules 1975.
- G. Incorrect. Charge sheet based on statement on allegations followed by departmental inquiry was conducted with accordance with law/ rules. After receiving finding report from the inquiry officer, the respondents passed a legal order which is based on law & justice.
- H. Incorrect. During the assignment of duty, reportedly, he was found involved in extracting money/ illegal gratification from police officer, threatening them of negative reporting to high ups against them and hand in gloves with anti social elements and immoral activities.
- I. Incorrect. The orders of the respondents are legal, valid and based on facts and law.

Prayer:

keeping in view of the above facts and circumstances, it is humbly prayed that the appeal of appellant is devoid of legal force, same may kindly be dismissed with costs.


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


Regional Police Officer,
Bannu Region, Bannu.
(Respondent No.2)


District Police Officer,
Bannu.
(Respondent No.3)

BEFORE THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL PESHAWAR
Appeal No. 14/2016.


Noor Aslam Khan.....(Appellant)

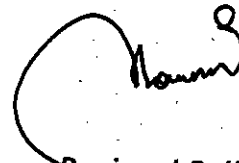
VERSUS


Inspector General of Police & others.....(Respondents)

COUNTER AFFIDAVIT

We, the respondents 1,2 & 3 do hereby solemnly affirm and declare that the contents of the attached para wise comments are true and correct to the best of our knowledge and belief and nothing has been withheld or concealed from this Honorable Tribunal.


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


Regional Police Officer,
Bannu Region, Bannu.
(Respondent No.2)


District Police Officer,
Bannu.
(Respondent No.3)

BEFORE THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL PESHAWAR
Appeal No. 14/2016.

Noor Aslam Khan.....(Appellant)


VERSUS

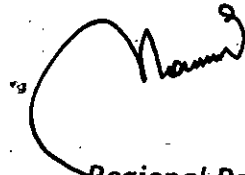
Inspector General of Police & others.....(Respondents)

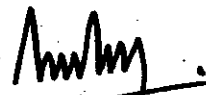
AUTHORITY LETTER.

Mr. Mir Faraz Khan Inspector, Incharge Legal Cell, Bannu is hereby authorized to appear before The Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar on behalf of the undersigned in the above cited case.

He is authorized to submit and sign all documents pertaining to the instant appeal.


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


Regional Police Officer,
Bannu Region, Bannu.
(Respondent No.2)


District Police Officer,
Bannu.
(Respondent No.3)

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

In Re: Service Appeal No.14 of 2016

Noor Salam Khan.....Appellant

V E R S U S

Inspector General of Police & others.....Respondents

**REJOINDER FOR/ ON BEHALF OF
APPELLANT IN THE CAPTIONED SERVICE
APPEAL**

Respectfully Sheweth:

That all the preliminary objections raised/ taken by respondents in the memo of written reply, are illegal, void and not based on legal/ factual grounds besides that appeal is within time and appellant was illegally dismissed from service, therefore, he has cause of action/ locus standi to file appeal in this Honourable Tribunal.

REPLY ON PARAWISE:

1. Para No.1 of the comments is incorrect, hence denied. The appellant was appointed as Constable in 1995 in Police Department and since then he was performing his duties to best satisfaction of his superior.
2. Para No.2 of the comments is incorrect to the extent that he was promoted Head Constable

subject to seniority-cum-fitness, but was promoted on the basis of his performance and taking part in successful operation, in which dozen of proclaimed offenders were arrested, as a result of which, he was awarded cash prizes by his superiors. (Details of which has already been attached with memo of appeal).

3. Para No.3 is incorrect, hence denied. The allegations leveled by the respondents against appellant are general in nature. The respondent has not properly replied para No.3 of the memo of appeal and deviated from the same para, such action of respondent impliedly amounts to admission. Moreover, it has been observed in order dated 22.02.2015 that allegations are not supported by any substantial evidence, but at the same time, passed the impugned order, which is highly illegal and smacks malafide on the part of respondents.
4. Para No.4 is incorrect, hence denied. No regular inquiry was conducted to probe the baseless charges levelled against the appellant, which was mandatory for imposition of major penalty.
5. Para No.5 needs no reply.
6. Para No.6 is incorrect, hence denied. The appellant approached respondents to provide inquiry report vide application dated 15.12.2015, the same was not entertained and ultimately he was refused to provide the same.

7. Para No.7 is incorrect, hence denied. The appellant was wrongly removed from his service through impugned orders, therefore, he has rightly invoked jurisdiction of this Honourable Tribunal, hence, the appeal of the appellant is maintainable.

REPLY ON GROUNDS:

- A. Ground "A" is incorrect, hence denied. The impugned orders dated 22.12.2015 and 18.08.2015 passed by respondents No.1 & 2 respectively, are against law, facts and record of the case.
- B. Ground "B" is incorrect, hence denied. The allegations levelled against the appellant are of general nature and no specific incident has been referred neither in inquiry report nor in impugned orders, thus, the same are illegal, without jurisdiction and liable to be set aside.
- C. Ground "C" is incorrect, hence denied. It was incumbent upon the respondent to hold full fledged regular inquiry by providing opportunity to the appellant and confront him with all documents and material but the same exercise was not carried-out by the respondent, therefore, dismissal of appellant on such so-called inquiry, is illegal, without jurisdiction and lawful authority.
- D. Ground "D" is incorrect, hence denied. The appellant was never ever associated with the inquiry proceeding, neither he was provided an

opportunity of being heard nor confronted with the material, thus, he was condemned unheard.

- E. Ground "E" is incorrect, hence denied. From the whole inquiry report as well as impugned order, it is not clear from the available material that appellant had been provided an opportunity of cross-examination, therefore, the whole exercise conducted by respondents, is highly illegal and punishment on the basis of such so-called inquiry is not sustainable in the eyes of law.
- F. Ground "F" is incorrect, hence denied. No codal formalities and procedure laid down by the law, had been adopted during inquiry.
- G. Ground "G" is incorrect, hence denied. No one has produced any evidence (both oral & documentary) in support of allegations levelled by respondents against appellant. No specific incident had been referred to show involvement of appellant in anti-state activities and it has rightly been observed by respondent No.1 that there is no evidence in support of allegations, the relevant para from the impugned order dated 22.12.2015 is reproduced below:

"The charges of corruption and involvement in anti-social activities had been levelled against the appellant while no solid evidence has been collected in support of the charge levelled against the appellant"

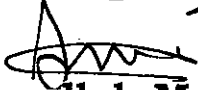
So keeping in view above findings record by respondent No.1, the appeal of appellant should

have been accepted and restore the appellant on his position with all consequential benefits.

- H. Ground "H" is incorrect, hence denied. The appellant was assigned a sensitive duty to watch the activities of police officials, a number of police officials have developed grudge against him particularly by respondents No.2 and 3, such action of respondent is based on malafide, which is not sustainable.
- I. Ground "I" is incorrect, hence denied. The impugned order passed by respondent are illegal, void, passed without lawful authority and deserve to be set aside.

It is, therefore, respectfully prayed that on acceptance of reply, the memo of appeal may very graciously be accepted (as prayed for).

Appellant
Through



Amanullah Marwat
Advocate, Peshawar

Date: 03.08.2016

AFFIDAVIT

I, Noor Salam Khan (appellant), do hereby solemnly affirm and declare on oath that contents of **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.




DEPONENT



94469

ایڈوکیٹ: Amir Ullبار کونسل ایسوسی ایشن نمبر: BC-11-1869رابطہ نمبر: 031-8903899

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: صدر خٹون خواہ سول کورٹ

مخانب: <u>سید انیس</u>	دعویٰ: <u>Appeal</u>
نور سید خان	علت نمبر: _____
بنام	مورخہ: _____
۱.۶ صدر خٹون خواہ	جرم: _____
	تھانہ: _____

بامث تحریر آتکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی حلقہ
آن مقام for کیلئے شکر خان احمد ضل احمد سول کورٹ
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

الرقوم: 4-7-2017

العبد _____ واہ شد _____ العبد _____

مقام _____ اور _____ کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی نوٹو کاپی ناما قابل قبول ہوگی۔

Accepted
by
Amir Ull

POLICE DEPARTMENT.

BANNU REGION

ORDER.

My this order will dispose off the departmental proceedings initiated against Constable Noor Salam No.295 of Bannu District Police on committing the following omissions:-

- That he, Constable, Noor Salam No. 295 of Bannu District Police is supporting Car-lifting gangs/groups.
- That he is also involved in dealing of stolen-vehicles.
- That he is known for corruption.
- That he is asserting Political pressure for filing/dropping of departmental enquiry.
- That having relation with smugglers.

Addl: SP/Bannu was appointed as Enquiry Officer to conduct proper departmental proceedings under Police Rules 1975. The E. O. conducted proper departmental proceedings into the matter and submitted his findings, wherein the said delinquent Police Constable has been declared guilty for the said allegations and has been recommended for Major punishment

The said delinquent Police Constable heard in person in orderly room on 18.8.2015 by the undersigned to finally show cause in his defense but he badly failed to rebut the said allegations.

I, Muhammad Tahir PSP, Regional Police Officer, Bannu Region, Bannu in exercise of the powers vested in me, after thoroughly hearing the appellant in orderly room, am agree with the findings of the Enquiry Officer. Therefore, Major punishment of dismissal from service under Police Rules 1975 is hereby ordered with immediate effect.

of
L
(Muhammad Tahir)PSP
Regional Police Officer,
Bannu Region, Bannu.

No. 1794 /EC, dated. 18/08/2015. *18/8/15*

Copy to the District Police Officer, Bannu for information and n/action.

P. U.
(Muhammad Tahir)PSP
Regional Police Officer,
Bannu Region, Bannu. *18/8/15*

R/Sir,

Reference attached PUC.

It is submitted that Constable Noor Salam No. 295 of Bannu District Police was charge sheeted based upon statement of allegations by your good self and the Addl: Supdt: of Police, Bannu was appointed as Enquiry Officer on the allegations mentioned therein the charge sheet based upon statement of allegations **at PUC.**

Now, the Addl: Supdt; of Police, Bannu vide his Memo: No. 346 dated 31.7.2015 has submitted his report, wherein the said Police Official has been recommended for awarding major punishment **at F/A.**

Submitted for favour of kind perusal and further orders please.

Office Supdt:

B
03
31/15

Esstt: Clerk.

03/8/15

w/RPO-Bannu.

Dismissed pl.
h

R/A

Call in o.R. on 11/4/15

E/C

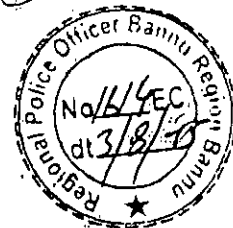
h
5/8/15

Pl. draft dismissed order

h

From: T Superintendent of Police, Bannu.

To: The Regional Police Officer,
Bannu Region, Bannu.



No. 346 / 1 dated Bannu; the 31 / 7 / 2015.

Subject: DEPARTMENTAL ENQUIRY AGAINST NOOR SALAM NO.295/FC:

Kindly refer to your office endst: No.1514-16 dated 29.06.2015 on the subject noted above.

Constable Noor Salam No.295 has been charged for the commissions of the following misconduct within the meaning of Police Rules amended vide NWFP Gazette 27th January 1976.

- That he constable, Noor Salam No.295 of Bannu District Police are supporting car lifting gangs/groups.
- That he also involved in dealing of stolen vehicles.
- That he is known for corruption.
- That he asserting political pressure for filing/dropping of departmental enquiry.
- That he has relation with smugglers.

The enquiry papers were marked to the undersigned via Regional Police Officer, Bannu Region, Bannu endst: No.1514-16/EC dated 29.06.2015. On 01.07.2015, the undersigned served upon the charge sheet on the delinquent official as directed by Regional Police Officer, Bannu Region, Bannu vide his office Memo: No.1517/EC dated 30.06.2015. On 07.07.2015, the delinquent official submitted his written reply in the response of charge sheet which has been placed on enquiry file. He denied the allegation in his written reply submitted by him in the response of charge sheet. In order to know the real facts the undersigned summoned the delinquent official and recorded his statement wherein he stated that his reply in the response of charge sheet may be considered his statement.

The undersigned perused his service record and it was found that the delinquent official while posted as I/C DSB staff Bannu was charge sheeted based upon the allegation as he supported wrongly DSB constable Pervez Khan who extended support to a notorious peddler Usman r/o Ghulam Kala Ghori Wala. The involvement of DSB staff unearthed when the accused named the constable of who got regular Bhatta in police name. Knowing all this, he (Noor Salam) tried his best to malign the SHO PS Ghori Wala. The then DPO Bannu strictly warned him (Noor Salam) to be careful in future and not to be indulge in such practice vide DPO Bannu OB No.323 dated 18.03.2014 (copy enclosed as annex: A).

His service record further reveals that he while posted as I/C DSB staff Bannu was awarded major punishment of reduction from Officiating Rank of Head Constable to the Rank of time scale constable vide DPO Bannu OB No.217 dated 09.03.2015 on the bases of the following charges (copy enclosed as annex: B).

1. That he while posted as I/C DSB allegedly involved in extracting money/illegal gratification from police officers, threatening them of negative reporting to high ups against them.

2. That he was reportedly hand in gloves with anti social elements for taking weekly and monthly as illegal gratification.

3. That he reported indulgence in immoral activities further tarnished the image of the District Police and lead the undersigned (DPO Bannu) to belief that he has ceased to become a competent police officer.

4. That he was carrying bad reputation as per conduct rules he was supposed to be otherwise.

Secret probe was also made and it was found that the delinquent official has close relation with anti social elements/car lifting gangs/dealing of stolen vehicles. Secret sources further disclosed that the delinquent official is known for corruption and using political pressure for filing/dropping of departmental enquiries.

Keeping in view the above facts, perusal of his service record, sufficient evidence was found in his service record which is sufficient for declaring guilty him. It is therefore, concluded that the allegations leveled against the accused official are proved without any shadow of doubt hence recommended him for award of major punishment.

Report is submitted please.

ADDITIONAL SUPERINTENDENT OF POLICE,
BANNU

Sir
AS attached
03/8/15

EC
8/3
21/15

ORDER:

This order of the undersigned will dispose off departmental proceeding initiated against Head Constable Noor Aslam No.295 of PS Miryan Bannu under Police Rule-1975, by issuing show cause notice to him on the basis of the following omissions / commissions.

- That he while posted as Incharge DSB allegedly involved in extracting money/illegal gratification from police officer, threatening them of negative reporting to high ups against them.
- That he was reportedly hand in gloves with anti social elements for taking weekly and monthly as illegal gratification.
- That his reported indulgence in immoral activities further tarnished the image of the district police and lead the undersigned to belief that he has ceased to become a competent and efficient police officer.
- That he was carrying bad reputation as per conduct rules he was supposed to be otherwise.

The Show cause notice was properly served upon the accused on dated 20-02-2015 and he submitted reply thereof on dated 23-02-2015. Opportunity of personal hearing was also afforded to the accused which was availed by him on dated 04-03-2015 but badly failed to rebut the allegations leveled against him.

His service record was perused and it was found that he is an officiating head constable and his substantive rank is still food constable.

Keeping in view the nature of misconduct of the accused officer even in the stage when he was entrusted an important assignment of collecting of information as well as intelligence duty, the undersigned has got no other option except to impose upon him major punishment of reduction from officiating rank of Head constable to the time scale of constable for a period of 03 years.

Keeping in view the above I, ABDUR RASHID, DISTRICT POLICE OFFICER, BANNU in exercise of the power vested in me under police rule 1975 (Amended vide Khyber Pakhtunkhwa gazette Notification, 20 August 2014), hereby reduce the accused Officer from the officiating rank of HC to the time scale constable with immediate effect.

OR No 217 dt 9.3.15.

Abdur Rashid
(ABDUR RASHID)PSP.
District Police Officer,
Bannu.

No. 335255/EC 10 - 3 /2015.

Copies for information and n/a to:

1. DSP/Rural, Bannu.
2. SRC,
3. Pay Officer.
4. OASI along with enquiry file.

Revised
MAA
10 3/15

ORDER:


HC Noor Aslam No.543 Incharge DSB Staff, Bannu wrongly supported his DSB Constable Parvez who extended support to a notorious peddler Usman R/O Ghulam Kalla Ghoriwala. The involvement of DSB Staff unearthed when the accused named the constable of who got regular Bhatta in Police name. Knowing all this, he tried his best to malign the SHO PS Ghoriwala.

To probe into the allegations DSP/Cantt was appointed as Enquiry Officer for initiating proper departmental proceeding under Police Rules 1975 and the Enquiry Officer has recommended the defaulter HC for lenient view.

In the light of enquiry report, I, Muhammad Iqbal District Police Officer, Bannu in exercise of the powers vested in me under Police Rules 1975 (amended vide NWFP gazette 27 January 1976), hereby file the enquiry papers with a strict warning to be careful in future to HC Noor Aslam No.543 and not to be indulge in such practice.

OB NO. 323
Dated: 18-03-14

No. 4238-40 / dated Bannu, the 19 /03/2014.


District Police Officer,
Bannu.

Copy of above is submitted to the:-

1. Regional Police Officer, Bannu for favour of information w/r to his Office
Memo No.311/EC dated:07-02-2014.
2. SRC.
3. OASI


District Police Officer,
Bannu.



From:- The Regional Police Officer,
Bannu Region, Bannu.

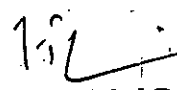
To:- The Addl: Supdt: of Police, Bannu .

No:- 1517 /EC dated Bannu, the 30/06/2015.

Subject:- DEPARTMENTAL ENQUIRY AGAINST CONSTABLE
NOOR SALAM NO. 295.

Memo:-

Enclosed please find herewith charge sheet based upon statement of allegations each in triplicate against Constable Noor Salam No. 295 of Bannu District Police for service upon him and its duplicate copy be submitted to this office as a token of its receipt. Besides, departmental proceedings be initiated against the said Constable at your end, being an enquiry officer, appointed by the undersigned and findings submitted to this office for further legal action.


(Muhammad Tahir)PSP
Regional Police Officer,
Bannu Region, Bannu

29/5/15

CHARGE SHEET

WHEREAS, I am satisfied that a formal inquiry as contemplated in the N.W.F.P. Police Rules, 1975 is necessary and expedient.

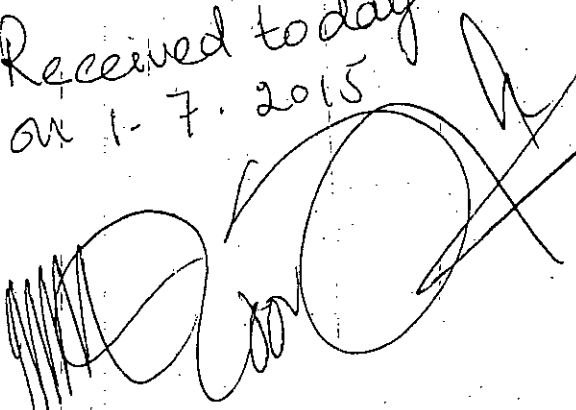
AND WHEREAS, I am of the view that the allegation, if established would call for a Major penalty as confined in Rules 4-1 (b) of the aforesaid Rules.

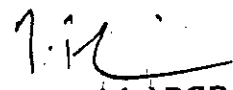
NOW THEREFORE, as required by Rule 6-1 (a) of the aforesaid Rules, **I, Muhammad Tahir PSP, Regional Police Officer, Bannu Region, Bannu** charge you **Constable Noor Salam No.295** for misconduct on the basis of summary of allegations appended herewith.

AND WHEREAS, I direct you further under the Rule (6-1) b of the aforesaid rules to put in a written defense within 07-days of the receipt of this charge sheet as to why a Major punishment as defined in Rule 4-1 (b) should not be awarded to you. Also state at the same time whether you desire to be heard in person or not.

In case your reply is not received within the prescribed period without sufficient reasons it would be presumed that you have no defense to offer and an ex-parte action will be taken against you.

Received today
on 1-7-2015




(Muhammad Tahir) PSP
Regional Police Officer,
Bannu Region, Bannu.
29/6/15

(11)

STATEMENT OF ALLEGATIONS.

I, **Muhammad Tahir PSP, Regional Police Officer, Bannu Region, Bannu** as competent authority, am of the opinion that **Constable Noor Salam No. 295** has rendered himself liable to be proceeded against as he committed the following misconduct within the meaning of disciplinary rules-1975 (amendment vide NWFP Gazette 27th: January-1976)

SUMMARY OF ALLEGATION.

- That you Constable, Noor Salam No. 295 of Bannu District Police are supporting Car-lifting gangs/groups.
- That you are also involved in dealing of stolen-vehicles.
- That you are known for corruption.
- That you are asserting Political pressure for filing/dropping of departmental enquiry.
- Having relation with smugglers.

For the purpose of scrutinizing the conduct of the said accused w/r to the above allegations The Addl: Supdt: of Police, Bannu is appointed as Enquiry Officer.

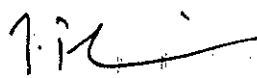
The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc: and findings within 25-days after the receipt of this order.

The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

(Muhammad Tahir)PSP
Regional Police Officer,
Bannu Region, Bannu.

NO. 1514-16 /EC, dated: 29/6/2015.
Copy to :-

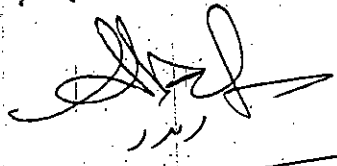
1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar for favour of information.
2. The District Police Officer, Bannu for information.
3. The Enquiry Officer.


(Muhammad Tahir)PSP
Regional Police Officer,
Bannu Region, Bannu.

29/6/15

مسترفون!

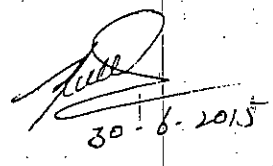
کانٹیننٹس فور سولم نمبر 295 تقاضا سبھی کو مطلع کریں کردہ آج ہی آج
دفتر الڈینس SP بزنس سے اپنا چارج شیٹ وصول کریں



30/6/15

دعا عالی

مشنق دفتر تعاون سٹی کو اطلاع دی گئی


30-6-2015

بیل ازلان نور سلیم 295 تھینہ کھانہ سٹی

دیوانتہ صلفا بیال لرتا ہے کہ میرا وہی بیال ہے جو قبل ازین جاری

کس وقت کا بیال وہی دوست لکھو میں بر صفت ہے۔ اُس میں

مزید کسی قسم کا تحریم نہیں کرنا چاہتا بیال۔ وہی میرا بیال ہے

نور سلیم 295

15/07/2015

جناب عالی!

بحوالہ چارج شیٹ و سمری آف الیکشن نمبر 1514-16/EC dated:29/06/2015 معروض ہوں۔

کہ سال 1995ء میں بطور کنسٹیبل ریگولر پولیس میں بھرتی ہوا ہوں۔ کامیابی سے ریکروٹ کورس پاس کرنے کے بعد لوئر کلاس کورس اور انٹرمیڈیٹ کورس بھی پاس کر چکا ہوں۔ اور مورخہ 2007 میں بطور ہیڈ کنسٹیبل ترقیاب ہوا ہوں۔ اپنی سروس کے دوران جہاں کہیں بھی پوسٹ کیا گیا ہے۔ میں نے اپنا ڈیوٹی انتہائی دیانتداری اور محنت سے کی ہے۔ مجھے سروس کے دوران اس سے پہلے کبھی سزا نہیں ہوئی ہے۔ میرا اعمال نامہ صاف اور ستھرا ہے۔ اور میری اچھی کارکردگی اور دیانتداری کی وجہ سے ضلعی DSB کا انچارج تعینات کیا گیا تھا۔

نمبر 1: الزامات میں سے پہلے الزام یہ ہے کہ میں کارلفٹر گرد ہوں سے مل ملاپ رکھتا ہوں۔ اس الزام میں کوئی صداقت نہیں ہے نہ ہی کبھی میں مسروقہ کار کیا تھا گرفتار ہوا ہوں۔ اور نہ ہی کبھی کسی مقدمہ میں یا سنگٹنگ میں نامزد ہوا ہوں۔ اور نہ ہی میرے خلاف عوام کی طرف کوئی ایسی شکایت کی گئی ہے اور نہ ہی کسی ملزم نے میرے متعلق انٹار وگیشن کے دوران انکشاف کیا ہے۔ اگر میرے خلاف اس الزام کی کوئی شہادت ہے یا تھی تو اسکا چارٹ شیٹ میں حوالہ نہیں دیا گیا ہے۔ جس سے یہ اخذ ہوتا ہے کہ یہ الزام سنی سنائی شہادت پر مبنی ہے۔

نمبر 2: الزام نمبر ۲ میں کہا گیا ہے کہ میں چوری کی گاڑیوں کا کاروبار کر رہا ہوں یہ بھی درست نہیں اسکا جواب الزام نمبر میں تقریباً اچکا ہے۔ مجھ سے نہ تو کبھی چوری کی گاڑی برآمد ہوئی ہے اور نہ ہی کبھی اس چارج شیٹ سے قبل ایڈوائس نوٹس جاری کیا گیا ہے۔ اور نہ ہی میرے سروس ریکارڈ میں کوئی ایسی پوسٹری موجود ہے۔ جسے الزام کو تقویت ملے اور نہ ایسی نوعیت کسی مقدمہ میں گرفتار ہوا ہوں اس لئے یہ الزام بے بنیاد ہے۔ اگر اتھارٹی کے پاس اس الزام کے بارے میں کوئی زبانی یا دستاویزی شہادت موجود تھی۔ تو اس کو اس چارج شیٹ میں درج نہیں کیا گیا ہے۔ اس لئے اس الزام میں میں بے قصور ہوں۔

نمبر 3: تیسرا الزام یہ ہے کہ میری شہرت کرپشن کی ہے لیکن کبھی بھی کسی کرپشن کی مقدمہ میں گرفتار ہوا اور نہ ہی اس سے قبل کرپشن کے بارے میں کوئی انکوآری ہوئی ہے۔ اور نہ ہی اینٹی کرپشن حکمہ نے ایسا انکوآری کیا ہے۔ میرے خلاف کرپشن کا عوام میں سے کوئی مدعی نہیں ہے اور نہ ہی کسی ایسے پولیس افسر نے رشوت ستانی کے بارے میں شکایت کی ہے۔ اس لئے اس الزام میں کوئی حقیقت نہیں ہے اور سنی سنائی شہادت پر مبنی ہے۔ اگر میرے خلاف کوئی ابتدائی انکوآری وغیرہ خفیہ طریقہ سے ہوئی ہے۔ لیکن اس کا کوئی نقل فراہم نہیں کیا ہے۔ اس لئے الزام بھی بے بنیاد ہے۔

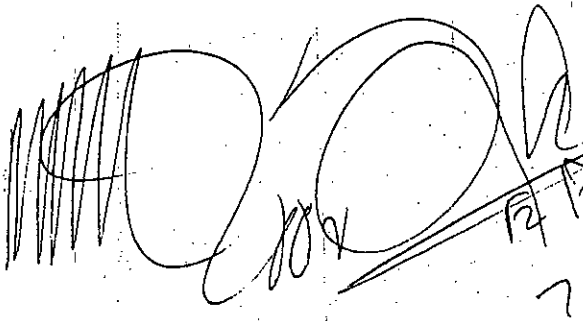
نمبر 4: جہاں تک الزام نمبر 4 کا تعلق ہے تو چارج شیٹ 29/06/2015 کو ایٹو ہوا ہے۔ مجھے مورخہ 01/07/2015 کو موصول ہوا ہے۔ تو میرے چارج شیٹ میں سیاسی دباؤ اور پریشر کا ذکر کیا گیا ہے۔ کہ ڈیپارٹمنٹل انکوآری فائل کیا جائے لیکن جناب سوچ و فکر کی بات ہے۔ چارج شیٹ ملا بھی نہیں تھا، پتہ بھی نہیں تھا۔ تو کیسے میں نے سیاسی اثر و رسوخ استعمال کیا ہے۔ اور

(16)

نہ ہی چارج شیٹ ملنے کے بعد ایسا اقدام کیا ہے۔
نمبر 5: جہاں تک الزام نمبر 5 کا تعلق ہے تو میرا کسی سمگلرے کوئی تعلق نہیں ہے۔ البتہ عمران کنسٹیبل کے خلاف میں نے قانونی طور پر شکایتیں افسران بالا کو کی تھی۔ کہ اس کو تبدیل کیا جائے میرے شکایت پر مذکورہ کنسٹیبل تبدیل ہو چکا ہے۔ اور یہ کنسٹیبل عمران مجھ سے خفہ ہو گیا تھا۔ اور یہ عمران ابھی گرفتار ہوا ہے۔ جسکا سیکورٹی ڈیوٹی برانچ ہے کوئی تعلق نہیں تھا۔ اس برانچ سے کافی عرصہ ہو چکا ہے کہ ٹرانسفر ہو چکا ہے۔

انصاف کا بنیادی اصول یہ ہے کہ ایک جرم میں ایک پولیس افسر سزا ہو جائے تو دوبارہ اس الزام میں سزا نہیں دی جاسکتی ہے۔ موجودہ چارج شیٹ میں جو الزامات لگائے گئے ہیں اس سے ملتے جلتے الزامات جسکا کوئی انکوائری نہیں ہوئی ہے۔ میں جناب DPO صاحب بنوں نے مورخہ: 10/03/2015 کو رپورٹ کر کے ملائم سکیل کنسٹیبل بنایا گیا ہے۔ مجھے کوئی صفائی کا موقع نہیں دیا گیا۔ اور نہ ہی پچھلی صاف سروس کو مد نظر رکھا گیا ہے۔ جب ایک دفعہ سزا ہو چکا ہوں تو دوبارہ ان الزامات کے تحت چارج شیٹ کرنا بے انصافی ہے۔

اس لئے استدعا ہے۔ کہ میرا چارج شیٹ داخل دفتر فرمایا جاوے اور مجھے ذاتی شنوائی اور عرض و معروض کا موقع دیا جائے اور باقاعدہ مجھے ان گواہان پر جرح کرنے کا قانونی طور پر موقع فراہم کیا جاوے۔ میرے خلاف پیش ہوں میری صفائی ریکارڈ پر لائی جاوے۔ اور افسران بالا کی طرف سے ایوارڈ اور انعامات دیئے گئے ہیں۔ نقول ہمراہ لف ہے۔


12 PS
7.07.015