

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	03.02.2020	<p style="text-align: center;"><b><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></b>  <b><u>AT CAMP COURT SWAT</u></b></p> <p style="text-align: center;"><u>Appeal No.388/2019</u></p> <p style="text-align: center;">Date of Institution ... 21.03.2019  Date of Decision ... 03.02.2020</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">Amjid Iqbal Ex-Assistant Sub Inspector District Swat.  <span style="float: right;">----- Appellant</span></p> <p style="text-align: center;"><b><u>Versus</u></b></p> <p style="text-align: center;">The Provincial Police Officer Khyber Pakhtunkhwa Peshawar and two  (02) others <span style="float: right;">----- Respondents</span></p> <p style="text-align: center;"><b>Muhammad Hamid Mughal.....Member(J)</b>  <b>Mr. Hussain Shah .....Member(E)</b></p> <p><b><u>JUDGMENT</u></b></p> <p><u>Mr. HUSSAIN SHAH</u>:-Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney alongwith Khawas Khan SI for the respondents present.</p> <p>2. The instant appeal has been filed U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned order O.B. No. 26 dated 15.02.2019 whereby respondent No.3 has imposed major penalty of reversion from ASI to lower rank of Head Constable and the order of respondent No.2 wherein his departmental appeal has been filed vide order No.3052/E dated 08.03.2019 with the prayer that on acceptance of the service appeal both the impugned orders to be set aside and the appellant be reinstated back as ASI from the dated of reversion alongwith all back and consequential benefits.</p> <p>3. As per the facts as narrated in the appeal the appellant joined police service on 02.05.2003 as constable vide order dated 29.08.2017 he was regularly promoted as ASI. During his posting in Matta as ASI a complaint filed by an individual regarding fraudulent issue of a cheque</p>

was marked to the appellant. As the appellant was investigating the issue he was transferred out to district Swat. After sometime the appellant was transfer back to district Swat he was informed that the departmental inquiry has been initiated against the appellant. As a result of the inquiry the impugned order dated 15.02.2019 was issued.

3. Feeling aggrieved of the same he filed departmental appeal but the same was also filed vide order No.3052/E dated 08.03.2019 in mechanical way.

4. Learned counsel for the appellant argued that the major penalty was imposed without an inquiry in violation of the relevant provision of the relevant law/procedure as prescribed in the rules as he was denied any chance of self defense by not giving him any opportunity to cross examine any of the witness. Further contended that the appellant was condemned unheard and should be treated as per law. Further contended that the departmental proceedings were in clear violation of the relevant rules and procedure. Further argued that the appellant has neither done any act of omission or commission which may constitute any offence under the law. Learned counsel for the appellant relied on judgment reported as PLD 2011 Supreme Court 963 and the judgment of Khyber Pakhtunkhwa Service Tribunal, Service appeal No. 1010/2017, 117/201 & 66/2018. Learned counsel for the appellant pleaded in view of haphazard, one side or arbitrary proceeding the appellant has been imposed major penalty which does not stand before the law and needs to be set aside both the impugned orders as per prayed.

4. Learned Deputy District Attorney contested the facts, grounds of the appeal and arguments of the learned counsel for the appellant and stated that the complaint regarding fake cheque was marked to the appellant but he failed to take due course of action which is a blatant

violation of discipline and code of conduct of police officer. Further argued that the appellant meddled in police affairs vide Daily Diary report No. 39 dated 15.10.2018 and took the pictures of Daily Diary and share the same on social media which invited a black lash and created embracing situation for the police department. The higher ups took the notice of this breach of discipline and started departmental inquiry against the appellant as per rules. Further contended that the appellant was provided due opportunity during the course of inquiry to defend himself and he was awarded with appropriate punishment after the charges proved against him. Further informed that before regular inquiry a preliminary inquiry was also conducted and at each stage opportunity of self defense provided to him. Where after both the impugned order were issued by the respective competent authorities hence no illegality or unfair treatment has been done by the competent authority, therefore the instant appeal carried no merits hence the same may be dismissed with costs.

5. Arguments heard. File perused.

6. After the detailed scrutiny of the documents record on file arguments and counter arguments of learned counsel for the appellant, and learned Deputy District Attorney, this Tribunal observes that the statement of allegation issued vide No.92/PA dated 30.10.2018 is not in the descriptive form rather it is a narration. The appellant was proceeded from uploading the Daily Diary No. 39 dated 15.10.2018 on the Social Media regarding the meddling in the police affairs by one of the notable powerful person of the area without reporting it directly to the senior officers. Another point in this allegation that he kept the complaint with him for two months without taking any action. Before the inquiry officer the appellant submitted a detailed reply in written and the inquiry officer

cross questioned the appellant which was duly replied wherein the appellant explained that before writing the Daily Diary he reported the incident of meddling in police affairs by one Abdullah Khan the District Nazim and the brother of the Chief Minister to Rahat Khan SHO and Akbar Khan Shinwari, SDPO Matta but they asked him to ignore it. Being disappointed he entered the incident in Madd No. 39 in Daily Diary dated 15.10.2018. As regarding the uploading the picture of the Daily Diary on Social Media the appellant explained that on the very next day in the morning he was transferred to Upper Dir and being dishearted he uploaded the picture of the Daily Diary just for information of certain friends. Furthermore it is also observed that the major penalty of reversion to the lower rank of Head Constable from the rank of ASI is not appears to be appropriate in the circumstances wherein only the appellant was not involved. As regarding the delayed action on the part of the appellant on the complaint the appellant explained that he repeatedly called the accused in the complaint to come to police station Matta but he didn't turned up. As a result of the non co-operation of the accused he contacted the concerned police station where the accused is residing in its jurisdiction. The inquiry officer did not give the opportunity to the appellant to cross examine the witnesses whose statements were recorded in his absence. Finally, the appellant stated in his statement that a Bank Manager was present in the office of SDPO at the time when the appellant reported the meddling in police affairs by Mr. Abdullah Khan. That Bank Manager should have also been included in the list of witnesses.

7. In view of the above discussion we are of the opinion to refer the case back to respondent for conducting a de-novo inquiry with fresh charge sheet and statement of allegation and to finalize the said inquiry

within a period of sixty (60) days from the date of receipt of copy of this judgment positively with fulfilling all the requisite formalities as prescribed in the police rules. The appellant is reinstated by setting aside the impugned orders OB No. 26 date 15.02.2019 and order No. 3052/E dated 08.03.2019. Parties are left to bear their own costs. File be consigned to the record room.



(Muhammad Hamid Mughal)  
Member  
Camp Court Swat



(Hussain Shah)  
Member  
Camp Court Swat.

ANNOUNCED  
03.02.2020

Service Appeal No. 388/2019

06.01.2020

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Mir Faraz, DSP (Legal) for the respondents present. Representative of the department submitted para-wise reply. The same is placed on record. Case to come up for rejoinder, if any, and arguments on 03.02.2020 before D.B at Camp Court Swat.



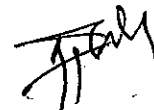
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Swat

03.02.2020

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Khawas Khan SI for the respondents present. Vide our detail judgment of today of this Tribunal placed on file, we are of the opinion to refer the case back to respondent for conducting a de-novo inquiry with fresh charge sheet and statement of allegation and to finalize the said inquiry within a period of sixty (60) days <sup>from the date of receipt of copy of this judgment</sup> positively with fulfilling all the requisite formalities as prescribed in the police rules. The appellant is reinstated by setting aside the impugned orders OB No. 26 date 15.02.2019 and order No. 3052/E dated 08.03.2019. Parties are left to bear their own costs. File be consigned to the record room.



(Hamid Mughal)  
Member  
Camp Court Swat




(Hussain Shah)  
Member  
Camp Court Swat.

ANNOUNCED

03.02.2020


07.10.2019

Counsel for the appellant and Mr. Anwar-ul-Haq, Deputy District Attorney alongwith Mr. Khawas Khan, S.I (Legal) for the respondents present. Written reply on behalf of respondents not submitted. Representative of respondents seeks further adjournment. Adjourned to 04.11.2019 for written reply/comments before S.B at Camp Court Swat.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Swat


04.11.2019

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Mir Faraz, DSP (Legal) for the respondents present. Written reply on behalf of respondents not submitted. Representative of respondents seeks further adjournment. Last chance is granted. Adjourned to 03.12.2019 for written reply/comments before S.B at Camp Court Swat.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Swat

03.12.2019

Learned counsel for the appellant present. Written reply not submitted. Khawas Khan S.I (Legal) representative of respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 06.01.2020 before S.B at Camp Court, Swat.

  
Member  
Camp Court, Swat

11.06.2019

Clerk to counsel for the appellant present. Written reply not submitted. Khawas Khan SI Legal representative of the respondent department absent. Respondents as well as absent representative be put to notice for submission of written reply/comments. Adjourn. To come up for written reply/comments on 02.07.2019 before S.B at Camp Court, Swat.



Member  
Camp Court, Swat.

02.07.2019

Appellant in person present. Written reply not submitted. Khawas Khan SI Legal representative of the respondent department present and seeks adjournment to furnish written reply/comments. Adjourn. To come up for written reply/comments on 02.09.2019 before S.B at Camp Court, Swat.



Member  
Camp Court, Swat

02.09.2019

Learned counsel for the appellant present. Written reply not submitted. Khawas Khan Inspector representative of the respondent department present and seeks time to furnish written reply/comments. Granted. To come up for reply/comments on 07.10.2019 before S.B at Camp Court, Swat.



Member  
Camp Court, Swat.



05.04.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant has filed the present service appeal u/s 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 against office order dated 15.02.2019 whereby he was awarded punishment of reversion from the rank of ASI to a lower rank of Head Constable. The appellant has also assailed the office dated 08.03.2019 through which his departmental appeal for restoration of rank as ASI was rejected/filed.

Points urged need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 06.05.2019 before S.B at Camp Court, Swat.

Appellate Court  
Security & Process Fee

Member  
Camp Court, Swat.

06.05.2019

Learned counsel for the appellant present. Written reply not submitted. Khawas Khan SI representative of respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 11.06.2019 before S.B at Camp Court, Swat.

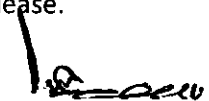

Member  
Camp Court, Swat.

Form- A

FORM OF ORDER SHEET

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

Case No. 388/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/03/2019	<p>The appeal of Mr. Amjid Iqbal presented today by Mr. Aziz-ur-Rehman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 21/3/19</p>
2-	22-3-19	<p>This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on <u>S-04-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. 388 of 2019

Amjad Iqbal Ex-Assistant Sub-Inspector District Swat.

...Appellant

VERSUS

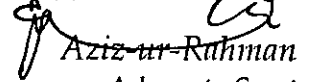
The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar and Others.

...Respondents

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5.	Copy of the Order dated 13-05-2010	B	9
6.	Copy of the Order dated 29-08-2017	C	10-12
7.	Copy of the Order dated 15-02-2019	D	13
8.	Copy of the Departmental Appeal	E	14
9.	Copy of the Order dated 08-03-2019	F	15
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Appellant Through

  
Aziz ur-Rahman  
Advocate Swat

Office: Khan Plaza, Gulshone Choruk,  
Mingora Swat, Cell 0333 929 7746

①

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

Service Appeal No. 388 of 2019

*Amjad Iqbal Ex-Assistant Sub-Inspector District Swat.*

Khyber Pakhtunkhwa  
Service Tribunal  
...Appellant

Diary No. 372

VERSUS

Dated 21-3-2019

1. The Provincial Police Officer Khyber Pakhtunkhwa,  
Peshawar.
2. The Regional Police Officer Malakand Region, at  
Saidu Sharif, District Swat.
3. The District Police Officer Swat, at Gulkada,  
District Swat.

...Respondents

**Filed to-day**

**Registrar**

21/3/19

SERVICE APPEAL UNDER SECTION 4  
OF THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT, 1974  
AGAINST THE IMPUGNED ORDER  
O.B. NO. 26 DATED 15-02-2019,  
WHEREBY THE RESPONDENT NO. 3  
IMPOSED THE MAJOR PENALTY OF  
REVERSION TO LOWER RANK OF  
HEAD CONSTABLE AGAINST THE  
LAW, RULES AND SHARIAH AND IS  
LIABLE TO BE SET ASIDE. FEELING  
AGGRIEVED OF THE SAME THE  
APPELLANT SUBMITTED A  
DEPARTMENTAL APPEAL TO THE  
RESPONDENT NO. 2, BUT THE SAME  
WAS ALSO FILED IN A VERY  
MECHANICAL MANNER AND  
IGNORING THE LAW, RULES AND  
SHARIAH, VIDE ORDER NO. 3052/E

DATED 08-03-2019, WHICH ORDER IS  
ALSO LIABLE TO BE SET ASIDE.

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2

Prayer:

*That on acceptance of this service appeal both the orders impugned may very kindly be set aside and the appellant reinstated back as ASI from the date of reversion along with all back / consequential benefits.*

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Respectfully Sheweth:

Facts:

- i. *That the appellant joined the Police Force on 02-05-2003 as constable. Copy of the order dated 02-05-2003 is enclosed as Annexure "A".*
- ii. *That the appellant performed his duties most efficiently, courageously and zealously, without any objections by the authorities and the proof of the same is that the appellant got promoted to the rank of ASI in recommendations of the same.*
- iii. *That the proof of the efficiency and courage is the order No. 5490-91/E dated 13-05-2010, a commendation of the courage and boldness shown by the appellant, vide which one step up promotion was granted to the appellant. Copy of the order dated 13-05-2010 is enclosed as Annexure "B".*
- iv. *That as result of satisfactory service the appellant was subsequently promoted as ASI on*

regular basis vide order No. 8026-38/E dated 29-08-2017. Copy of the order dated 29-08-2017 is enclosed as Annexure "C".

- v. That the appellant while posted in Matta as ASI a written complaint was received by an individual regarding fraudulent issuance of a Cheque, which was marked to the appellant. The appellant while investigating the issue transferred out of the District Swat.
- vi. That after some time the appellant was again transferred back to district Swat, but to his utter surprise he was informed that a departmental inquiry is initiated against the appellant.
- vii. That without associating the appellant with the farce and shame inquiry the appellant was penalized vide the impugned order No. 26 dated 15-02-2019, whereby a major penalty of reversion to lower rank was imposed upon the appellant in utter violation and negation of the law, rules and Shariah. Copy of the order dated 15-02-2019 is enclosed as Annexure "D".
- viii. That the appellant feeling aggrieved of the same filed a departmental appeal for the redressal of his grievances, but the same was also field vide order No. 3052/E dated 08-03-2019 in a very mechanical manner and bulldozing all the laws and rules on the subject. Copy of the departmental appeal is enclosed as Annexure "E" and that of the order dated 08-03-2019 is enclosed as Annexure "F", respectively.

ix. That still feeling aggrieved and having no other option for the redressal of his grievance this honourable tribunal is approached on the following grounds.

Grounds:

- a. That in order to impose major penalty a full dressed inquiry strictly in accordance with the law and rules is mandatory, but in case of the appellant the same has not been done as neither the appellant was given any chance of self defence nor was the appellant given any opportunity to cross examine any of the witnesses, if any, thus the appellant has been condemned as unheard and has not been treated in accordance with the law.
- b. That neither the codal formalities have been observed nor the due course adopted during the so called and farce inquiry, upon which the order impugned is based, which makes the whole of the inquiry and the subsequent order impugned as nullity in the eyes of law.
- c. That this is a classic case of misuse, abuse, fanciful and colourful exercise of authority and that too by bulldozing all the laws and rules in a very blatant manner to the utter detriment of the appellant, which the law never approves of.

5  
d. That the appellant has not done any act of omission or commission which may constitute any offence under any law.

It is, therefore, very respectfully prayed that on acceptance of this service appeal both the orders impugned may very kindly be set aside and the appellant reinstated back ASI from the date of reversion along with all back / consequential benefits.

Any other relief deemed appropriate in the circumstances and not specifically prayed for may also very kindly be granted.

Appellant

Amjad Iqbal

Through Counsels,

Aziz-ur-Rahman

Imdad Ullah  
Advocates Swat



⑥

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

Service Appeal No. \_\_\_\_\_ of 2019

*Amjad Iqbal Ex-Assistant Sub-Inspector District Swat.*

...Appellant

**VERSUS**

*The Provincial Police Officer Khyber Pakhtunkhwa,  
Peshawar and Others.*

...Respondents

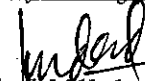
**AFFIDAVIT**

It is solemnly stated on Oath that all the contents of  
this service appeal are true and correct to the best of my  
knowledge and belief and nothing has either been  
misstated or kept concealed before this honourable  
tribunal.

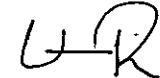
Deponent

  
**AMJAD** Iqbal

Identified By:

  
Imdad Ullah  
Advocate Swat

**ATTESTED**

  
**UMAR SADIO** Advocate,  
OATH COMMISSIONER  
Dist: Courts Swat.  
No. 199.....Date. 18/3/19.....

(7)

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

\* Service Appeal No. \_\_\_\_\_ of 2019

*Amjad Iqbal Ex-Assistant Sub-Inspector District Swat.*

*...Appellant*

**VERSUS**

*The Provincial Police Officer Khyber Pakhtunkhwa,  
Peshawar and Others.*

*...Respondents*

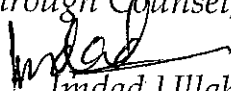
**ADDRESSES OF THE PARTIES**

*Appellant:*

*Amjad Iqbal Ex-Assistant Sub-Inspector District Swat.*

*Respondents:*

1. *The Provincial Police Officer Khyber Pakhtunkhwa,  
Peshawar.*
2. *The Regional Police Officer Malakand Region, at  
Saidu Sharif, District Swat.*
3. *The District Police Officer Swat, at Gulkada,  
District Swat.*

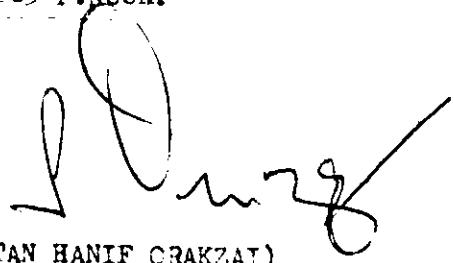
*Appellant  
Through Counsel,  
  
Imdad Ullah  
Advocate Swat*

Annexure <sup>V.A.</sup> A

(8)

ORDER


Amjad Iqbal S/O Ahmad Saeed R/O & Teh: Saidu Sharif Distt: Swat  
is hereby enlisted as Constable in BPS No.5 in the existing vacancy of  
this College with effect from 2.5.2003 F.Noon.



OS. 198

DT: 02-05/2003.

(SULTAN HANIF ORAKZAI)  
Ph: D/PSP  
COMMANDANT P.T.C. HANGU.  
Commandant  
Police Training College  
Hangu

Attested  
  
Advocate

In pursuance of Government of Khyber Pukhtoonkwa, Peshawar Order No. 4458-64/A-509(II)HD/5-9/09/KC dated 16/04/2010, CPO Khyber Pukhtoonkwa, Peshawar Endst: No. 4458-64/A-509(II)HD/5-9/09/KC dated 20/04/2010 and on the basis of list received from District Police Officer, Swat vide his memo: No. 5303/EB dated 05/05/2010, the following HCs of district Swat on active duty in operation period as personal are hereby promoted to the rank of Assistant Sub Inspectors (APS-9) subject to the condition that the post shall automatically stand down graded to its original rank on vacation by the concerned official by transfer, promotion or retirement.

S.No.	NAME	Posting at the time of Operation	Present Posting
1.	HC Jehan Khan 980	Police Lines, Swat	Police Lines, Swat
2.	HC Bakht Sherwan 368	Police Lines, Swat	Reader DPO Swat
3.	HC Mehtab Gul 185	Police Lines, Swat	Ticketing Officer
4.	HC Arzullah 1208	PS Mingora	PS Mingora
5.	HC Sajid Ali 820	PS Mingora	Reader DSP City
6.	HC Hamid Iqbal 884	CP Ayub Bridge	Police Lines, Swat
7.	HC Usman Zada 365	CP Ayub Bridge	CP Ayub Bridge
8.	HC Amjad Iqbal 259	PS Saidu Sharif	Reader DSP Elite
9.	HC Muhammad Ayaz 1089	Police Lines, Swat	Police Lines, Swat
10.	HC Jehan Alam 125	DPO Office, Swat	OHC DPO, Swat
11.	HC Sarfaraz Khan 524	Casualty Saidu Sharif	Ticketing Officer
12.	HC Hazrat Ali 105	PP Kukral	DIG Bungalow
13.	HC Muhammad Shah Khan 1181	PP Kukral	PS Chupral
14.	HC Rafullah 741	PP Kukral	Driver DIG Malakand
15.	HC Umar Sayab 707	PS Ghalligay	PS Shamozai
16.	HC Yaqoob Khan 1248	PS Ghalligay	PS Ghalligay
17.	HC Bakht Ali 1177	Driver DPO Swat	Bungalow DPO
18.	HC Abdul Wahab 61	Driver DPO Swat	Driver DPO
19.	HC Abdul Kalam 818	Driver DPO Swat	Bungalow DPO
20.	HC Nasrullah 658	DPO Squad	Gunner District Police Officer
21.	HC Fazal Racha 1369	DPO Squad	Gunner District Police Officer
22.	HC Akbar Khattun 1500	DPO Squad	Gunner District Police Officer
23.	HC Bakht Khatun 1165	DPO Squad	PS Shamozai
24.	HC Said Jamal 655	DPO Office	PS Khabal
25.	HC Muhammad Umar 26	DPO Office	Gunner District Police Officer
26.	HC Ali Khatun 1247	Teacher	Promoted as PAST u/training at PTC Langru
27.	HC Ghawtur Rahman 39	PS Malta	Police Lines, Swat
28.	HC Umar Rahim 656	PS Malta	Ticketing Officer
29.	HC Yaqub Khan	PS Khusrid Khan	PS Shamozai
30.	HC Yaqub Muhammad 1308	Shahed K.Khela	PS Khusrid Khan Shahed K.Khela
31.	HC Zahir Shah 329	PS Khusrid Khan	PS Khusrid Khan Shahed K.Khela
32.	HC Zahir Shah 329	PS Nadyan	PS Chupral
33.	HC Sher Bahadar 1186	PS Madyan	PS Malam Jabba
34.	HC Muhammad Khan 632	PS Kabin	Intermediate College Course PS Charbagh

No. 5490-91/E, Dated 18/5/2010. Copy for information and necessary action to the: Deputy Inspector General of Police, Malakand Region, Saidu Sharif, Swat.

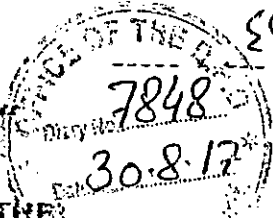
1. Provincial Police Officer, Khyber Pukhtoonkwa, Peshawar. 2. District Police Officer, Swat with reference to his Memo: No. 5303/EB dated 05/05/2010. The promotion of Constables to the rank of HCs will be considered on district level by DPO. As per your clarification Serial No. 1243 is Constable and not HC to be considered by Region Office.

Deputy Inspector General of Police, Malakand Region, Saidu Sharif, Swat.

Attested  
Advocate

ORDER

Annetw...



1/3 (10)

OFFICE OF THE REGIONAL POLICE OFFICER, MALAKAND

AT SAIDU SHARIF SWAT.

Ph: 0946-9240381 & Fax No. 0946-9240390

Email: diamalakand@yahoo.com

ORDER:

On their promotion as Assistant Sub Inspectors on adhoc charge vide this office memo: No. 7969-89/E, dated 29/08/2017, the following hereby posted to the Districts / Units as noted against each with immediate effect further order:-

Name and No.	From	To
Mir Iqbal No. 250	Inv: Buner (on promotion)	Inv: Buner
Mir Said No. 211	Inv: Shangla (on promotion)	Inv: Shangla
No. 458	Inv: Swat (on promotion)	Inv: Swat
Muhammad Ullah No. 254	Inv: Shangla (on promotion)	Inv: Shangla
Muhammad Baig No. 271	Chitral (on promotion)	Chitral District
Muhammad Shah Zada No. 464	Swat (on promotion)	Swat District
Muhammad Ur Rahman No. 448	Swat (on promotion)	Swat District
Muhammad Hussain No. 35	Buner (on promotion)	Buner District
Muhammad Gayum No. 1157	Inv: Swat (on promotion)	Inv: Swat
Muhammad Sultan No. 531	Inv: Dir Lower (on promotion)	Inv: Dir Lower
Muhammad Rahim No. 891	Dir Lower (on promotion)	Dir Lower District
Muhammad Ullah No. 398	Chitral (on promotion)	Chitral District
Muhammad Ur Rahman No. 876	Chitral (on promotion)	Chitral District
Muhammad Munir No. 408	Dir Lower (on promotion)	Dir Lower District
Muhammad Rahman No. 91	Dir Upper (on promotion)	Dir Upper District
Muhammad Ahmad No. 667	Dir Lower (on promotion)	Dir Lower District
Muhammad Gul No. 1126	Inv: Dir Lower (on promotion)	Inv: Dir Lower
Muhammad Nsher Ali No. 234	Shangla (on promotion)	Shangla District
Muhammad Akram No. 1428	Inv: Swat (on promotion)	Inv: Swat
Muhammad War Khan No. 250	Inv: Shangla (on promotion)	Inv: Shangla
Muhammad Ahmad No. 517	PTS, Swat (on promotion)	PTS, Swat
Muhammad Shabir No. 343	Inv: Buner (on promotion)	Inv: Buner
Muhammad Ghaffar No. 198	Chitral (on promotion)	Chitral District
Muhammad Ullah No. 161	Inv: Swat (on promotion)	Inv: Swat
Muhammad Ali No. 30	Shangla (on promotion)	Shangla District
Muhammad Javed Khan No. 723	Dir Lower (on promotion)	Dir Lower District
Muhammad Ullah No. 62	Dir Upper (on promotion)	Dir Upper District
Muhammad Ali No. 267	Shangla (on promotion)	Shangla District
Muhammad Ali No. 175	Shangla (on promotion)	Shangla District
Muhammad No. 68	Swat (on promotion)	Swat District
Muhammad Hayat No. 468	Swat (on promotion)	Swat District

Attested [Signature] Advocate

11

32.	ASI Khair Ullah Khan	No. 248	Inv: Buner (on promotion)	Inv: Buner
✓ 33.	ASI Hussain Ali	No. 1152	Swat (on promotion)	Swat District
34.	ASI Waheed Ullah	No. 1918	Dir Lower (on promotion)	Dir Lower District
✓ 35.	ASI Muhammad Riaz	No. 190	PTS, Swat (on promotion)	PTS, Swat
36.	ASI Aziz Ullah	No. 294	Buner (on promotion)	Buner District
37.	ASI Amir Zeb	No. 963	Inv: Swat (on promotion)	Inv: Swat
38.	ASI Muhammad Zaib	No. 905	Dir Lower (on promotion)	Dir Lower District
39.	ASI Zahid Iqbal	No. 321	Dir Upper (on promotion)	Dir Upper District
40.	ASI Liaqat Ali	No. 379	Buner (on promotion)	Buner District
41.	ASI Muhammad Khan	No. 373	Buner (on promotion)	Buner District
✓ 42.	ASI Muhammad Ishaq	No. 1364	Swat (on promotion)	Swat District
43.	ASI Miraj Muhammad	No. 199	Dir Upper (on promotion)	Dir Upper District
44.	ASI Mukarni Shah	No. 769	Dir Lower (on promotion)	Dir Lower District
✓ 45.	ASI Tasleem Mian	No. 430	Swat (on promotion)	Swat District
46.	ASI Younas Ali Khan	No. 181	Chitral (on promotion)	Chitral District
✓ 47.	ASI Amjad Iqbal	No. 259	Swat (on promotion)	Swat District
48.	ASI Tahir Shah	No. 238	Shangla (on promotion)	Shangla District
✓ 49.	ASI Niaz Ali	No. 1437	Swat (on promotion)	Swat District
✓ 50.	ASI Mushtaq Ahmad	No. 1372	Swat (on promotion)	Swat District
51.	ASI Mushtaq Ahmad	No. 72	Dir Lower (on promotion)	Dir Lower District
✓ 52.	ASI Cohar Rehman	No. 1532	Swat (on promotion)	Swat District
✓ 53.	ASI Farman Ali	No. 500	Swat (on promotion)	Swat District
✓ 54.	ASI Anwar Ul Haq	No. 6	Swat (on promotion)	Swat District
55.	ASI Fatih Ul Milk	No. 375	Buner (on promotion)	Buner District
✓ 56.	ASI Muhammad Yaqoob	No. 106	Swat (on promotion)	Swat District
57.	ASI Sher Baiz	No. 410	Chitral (on promotion)	Chitral District
58.	ASI Saeed Ullah	No. 350	Chitral (on promotion)	Chitral District
59.	ASI Shah Alam Niaz	No. 180	Dir Lower (on promotion)	Dir Lower District
✓ 60.	ASI Afzal Hussain	No. 1435	Swat (on promotion)	Swat District
61.	ASI Sultan Bahadar	No. 302	Dir Upper (on promotion)	Dir Upper District
62.	ASI Ismail Shah	No. 33	Buner (on promotion)	Buner District
63.	ASI Muhammad Iqbal Ud Din	No. 877	Chitral (on promotion)	Chitral District
64.	ASI Muhammad Afzal	No. 597	Dir Lower (on promotion)	Dir Lower District
65.	ASI Gul Sembar Ul Milk	No. 886	Chitral (on promotion)	Chitral District
✓ 66.	ASI Reham Zeb	No. 1488	Swat (on promotion)	Swat District
67.	ASI Liaqat Ali	No. 259	Shangla (on promotion)	Shangla District
68.	ASI Sher Bahadar	No. 225	inv: Shangla (on promotion)	Shangla District
✓ 69.	ASI Alam Khan	No. 1429	PTS, Swat (on promotion)	PTS, Swat
70.	ASI Rehmat Ali	No. 2416	Buner (on promotion)	Buner District
71.	ASI Sher Alam	No. 499	Shangla (on promotion)	Shangla District
72.	ASI Wazir Ali Shah	No. 333	Chitral (on promotion)	Chitral District
✓ 73.	ASI Ajab Khan	No. 3166	Swat (on promotion)	Swat District
✓ 74.	ASI Nadar Shah	No. 623	Swat (on promotion)	Swat District
75.	ASI Musafa Kamal	No. 216	Shangla (on promotion)	Shangla District

Attested  
*[Signature]*  
Advocate

12

3

76	ASI Abdur Rehman	No. 484	Dir Upper (on promotion)	Dir Upper District
77	ASI Sahib Shah	No. 615	Swat (on promotion)	Swat District
78	ASI Maazullah	No. 191	Dir Upper (on promotion)	Dir Upper District
79	ASI Muhammad Dawood	No. 858	Dir Lower (on promotion)	Dir Lower District
80	ASI Hazrat Hakeem	No. 85	Buner (on promotion)	Buner District
81	ASI Muzaffar Khan	No. 212	Shangla (on promotion)	Shangla District
82	ASI Qaid Khan	No. 528	Dir Upper (on promotion)	Dir Upper District
83	ASI Said Hussain	No. 710	Dir Lower (on promotion)	Dir Lower District

*(Signature)*  
 (AKHTAR HAYAT KHAN) PSP  
 Regional Police Officer,  
 Malakand, at Saidu Sharif Swat  
 \*\*Izhar\*\*  
*08/10/17*

No. 8026-38 /E,  
 Dated 28-8- /2017.

- Copy for information and necessary action to the:-
1. All District Police Officers, in Malakand Region.
  2. All Heads of Investigation, in Malakand Region.
  3. Principal, Police Training School, Swat.

OB/EC/OASI/Pay Officer  
 For *Malakand*

OB. No. 145  
30.8.17.

*(Signature)*  
 D/o *Swat*  
 30/8/17

Attested  
*(Signature)*  
 Advocate

ORDER

Annexure D

13

This order will dispose of Departmental Enquiry against ASI Anjad Iqbal of this District Police. He while posted to Police Station Matta was alleged of gross misconduct as a report regarding meddling in Police affairs was entered by him in daily diary vide DD No. 39 dated 15-10-2018 of Police Station Matta. SDPO Matta initially probed the matter and reported that an application was assigned to the delinquent Police Officer for taking legal action against an accused who was alleged to be involved in fraud but he did not follow SOP to take legal action u/s 156/157 Cr.PC. Instead of taking proper action and initiating an enquiry into the matter, he entered his departure to Police Station Kala Kot in Daily Diary for arrest of the accused without permission of his Senior Officers. Later on, he also did not handover the accused to SHO or Muharrar and entered report in daily diary regarding meddling in Police affairs. He also took picture of the report and posted the same on Social Media.

He was issued a charge sheet and statement of allegations vide this office No. 92/PA, dated 30-10-2018 and Addl. SP Swat was directed to carryout regular enquiry against the delinquent ASI. The Enquiry Officer after carrying out the needful reported that the Police Officer under enquiry did not follow due course of action on application of Iqbal Hussain as the same remained with him for a period of over 2 months but he failed to initiate an enquiry on the application and subsequently take action within the purview of law. Moreover, the person who he arrested, was not involved in any case of heinous nature. The Enquiry Officer recommended severe punishment for the ASI in question. The delinquent ASI was twice called to weekly orderly room but he failed to appear before the undersigned to explain the reason for his misconduct.

The delinquent Police Officer was required to take action on the application in line with set guidelines for the purpose but he did not follow due course of action which is blatant violation of discipline and code of conduct for a Police Officer. The Police Officer under enquiry also took picture of the Daily Dairy and shared the same on Social Media which invited a black lash and created embarrassing situation for Police Department. This warrants punishment. Hence, in exercise of the powers vested in the undersigned under Rules 2 (iii) of Police Disciplinary Rules – 1975, I Syed Ashfaq Anwar, PSP, District Police Officer, Swat being competent authority; am constrained to award him punishment of reversion to a lower rank of Head Constable.

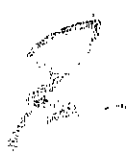
Order announced.


O.B. No. 26

Dated: 15-02-09

Copy to:-

1. Regional Police Officer, Malakand Region  
**FOR INFORMATION PLEASE.**
  2. Establishment Clerk
  3. OSI
- For necessary action, please.

  
District Police Officer  
Swat

  
District Police Officer  
Swat

**Attested**

  
Advocate



بکھنور جناب ریجنل پولیس آفسر صاحب ملاکنڈ ضلع سوات

برخلاف OB نمبر 26 محررہ 15/02/2019 مجاریہ دفتر جناب ڈی پی او صاحب سوات۔ اپیل

- گزارش یہ ہے کہ درجہ بالا OB پر سائیل کا Reversion کر کے ASI سے HC کا سزا دیا گیا ہے۔ اس سلسلہ میں درج ذیل عرض ہے۔
- 1- سائیل کو SHO صاحب مٹہ نے مسی اقبال حسین ولد خان زادہ سکنہ سمبٹ مٹہ کا درخواست محررہ 11/02/2018 برخلاف عرفان اللہ ولد ذوالفقار خان سکنہ دارمی راحت کوٹ کر کے برائے قانونی کارروائی مارک کیا۔
  - 2- سائیل نے مسی عرفان اللہ کو تھانہ بلا کر کچھ معلومات حاصل کر کے بااثر شخص کے مداخلت پر واپس بھیج دیا اور ساتھ ہی SHO صاحب نے صبر کرنے کی ہدایت کی۔
  - 3- اسی دوران سائیل کا تبادلہ ضلع سوات سے ضلع دیر بالا عمل میں لائی جا کر روانگی کر کے دیر بالا میں حاضری کی۔
  - 4- میڈیا پر روزنامہ پورٹ شائع کرنے کے بابت مجھے کوئی علم نہیں۔ کیوں کہ 16/10/2018 کو میں چھٹی پر گھر آیا تھا۔
  - 5- سائیل کی بیوی حال ہی میں وفات پا کر غم زدہ ہے اور دوسری طرف نے سائیل کو تنزل ر Revert کر کے مزید غم زدہ کر دیا ہے۔
  - 6- میرا پر دیر کے تبادلہ کے بعد اسی درخواست پر ملزم عرفان اللہ پر باقاعدہ ایف آئی آر نمبر 1204 مورخہ 31/10/2018 جرم 489F, 420 تھانہ مٹہ میں درج رجسٹر ہوا ہے اور اس ملزم کو گرفتار کیا گیا تھا۔ لہذا یہ بات واضح ہے کہ مذکورہ درخواست پر کارروائی کرنا میرا قانونی اور خلاقی فرض تھا اس لیے شخص کو تھانہ بلوایا تھا۔
- لہذا استدعا ہے کہ سائیل کا حال پر رحم کر کے ASI کے عہدے پر بحال کرنے کا حکم صادر فرمادیں۔۔

عریضہ

HC امجد اقبال

پولیس لائن، سوات

مورخہ: 17-02-2019

Attested  
Advocate



OFFICE OF THE  
REGIONAL POLICE OFFICER, MALAKAND

AT SAIDU SHARIF SWAT.

Ph: 0946-9240381-88 & Fax No. 0946-9240390

Email: digmalakand@yahoo.com

Annexure F

15

ORDER:

This order will dispose off appeal of Head Constable Amjad Iqbal of Swat District for restoration of rank as ASI.

Brief facts of the case are that ASI Amjad Iqbal of Swat District while posted to Police Station Matta was alleged of gross misconduct as a report regarding meddling in Police affairs was entered by him in daily diary vide DD No. 39 dated 15/10/2018 of Police Station Matta. SDPO Matta initially probed the matter and reported that an application was assigned to the delinquent Police Officer for taking legal action against an accused who was alleged to be involved in fraud but did not follow SOP to take legal action u/s 156/157-CrPc. Instead of taking proper action and initiating an enquiry into the matter he entered his departure to PS Kala Kot in Daily Diary for arrest of the accused without permission of his senior officers. Later on, he also did not handover the accused to SHO or Muharrer and entered report in daily diary regarding meddling in Police affairs. He also took picture of the report and posted the same on Social Media. He was issued a charge sheet coupled with statement of allegations and Addl: SP Swat was appointed as enquiry officer. The enquiry officer after conducting proper enquiry submitted his report stating therein that the Police Officer under enquiry did not follow due course of action on the application of Iqbal Hussain as the same remained with him for a period of over 2 months but he failed to initiate an enquiry on the application and subsequently take action within the purview of law. The delinquent ASI was called in Orderly Room twice but he failed to appear before the DPO, Swat to explain the reason for his misconduct. Being found guilty of the charges leveled against him, the District Police Officer, Swat awarded punishment of reversion to a lower rank of Head Constable vide his office OB No. 26 dated 15/02/2019.

He was called in Orderly Room on 06/03/2019 and heard him in person. The appellant could not produce any cogent reason in his defense. Therefore, his appeal for restoration of rank as ASI is hereby filed.

Order announced.

(MUSTAFA SAIED), PSP  
Regional Police Officer,  
Malakand, at Saidu Sharif Swat  
\*\*Naqi\*\*  
8/03

No. 3052 /E,

Dated 08/03 /2019.

Copy to District Police Officer, Swat for information and necessary action with reference to his office Memo: No. 3766/E, dated 04/03/2019. Enquiry file of the above named official is returned herewith for record in your office.

\*\*\*\*\*

**Attested**  
*[Signature]*  
**Advocate**

In the matter of:-

Amjad Iqbal Appellant

VERSUS

The PPO KP and Others Respondents

KNOWN ALL to whom these present shall come that I/we, the undersigned appoint

AZIZ-UR-RAHMAN and IMDAD ULLAH

Advocates High Court

To be the advocate for the Appellant in the above mentioned case to do all the following acts, deeds and things or any one of them, that is to say:-

- ❖ To acts, appear and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or revision or execution or at any other stage of its progress until its final decision.
- ❖ To present pleadings, appeals, cross objections or petitions for execution review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages.
- ❖ To withdraw or compromise the said or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- ❖ To receive money and grant receipts therefore, and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
- ❖ To employ any other Legal Practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate wherever he may think fit to do so.
- ❖ I understand that the services of aforesaid lawyer are hired irrespective of the outcome of the case.

And I/We hereby agreed to ratify whatever the advocate or his substitute shall to do in the said premises.

And I/We hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequences of his absence from the Court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid, the Advocate shall be entitled to withdraw from the prosecution of the case until the same is paid.

IN THE WITNESS WHEREOF I/WE hereunto set my/our hand(s) to these present the contents of which have been explained to and understood by me/us, this 15 day of 03 2019.

(Signature or thumb impression)

(Signature or thumb impression)

(Signature or thumb impression)

Accepted subject to terms regarding fees

(AZIZ-UR-RAHMAN)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk

G.T. Road Mingora, District Swat.

Cell No. 0300 907 0671

(IMDAD ULLAH)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk,

G.T. Road, Mingora, District Swat

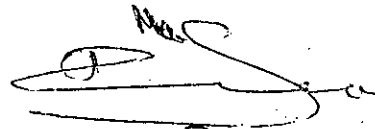
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# الحق اقبال

بیان صان سید عثمان MHC قحانہ کالائوٹ

بربر یافت بیان یہ کہ عرض ۱۵/۱۰ کو سسی شایر علی ولد شفیق اللہ سنان اور  
قحانہ آکر ایک تحریر در خواست بنام عرفان اللہ ولد ذوالفقار سنان درویشی

بابت رقم مبلغ ۱۶۱۰,۰۰۰ روپے، نقل چیک نمبر ۱۰۰۱۱۳۲۵ رقم ۱۵/۱۰ پیش  
کر کے انڈیل سند عرفان اللہ ولد ذوالفقار سنان درویشی قحانہ طلب کر کے عرفان اللہ  
اور شایر علی کے مابین تنازعہ رقم / چیک مندرجات کے ذریعے حل کر کے شایر علی  
کو رخصت کرنے وقت اسی درویشی قحانہ سند سے اجبر اقبال ASI نے برابری  
فون الطرز دی کہ سسی عرفان اللہ کو قحانہ میں بیٹھا کر مشق قحانہ کو ایک  
در خواست اذان اقبال حسینہ ولدہ خانزادہ مطلوب ہے جو کہ پہلے سے  
قحانہ کالائوٹ میں مندرجہ چیک کے مابین موجود تھا، اجبر اقبال ASI قحانہ  
کالائوٹ آکر اپنے امر کے سلسلہ بحوالہ عدالت درویشی ۱۵/۱۰ برابری درج  
درویشی کر کے عرفان اللہ کو اپنے ساتھ قحانہ مشق روانہ کیا، میں میرا بیان ہے  
جو کہ درست ہے

  
MHC-PS-K-1001  
5-10-15

کراس جوابت E.O

س۔ ۲۔ جو درخواست بنام عرفان اللہ موصول ہو تھا جکی پاداش میں نے عرفان اللہ کو قحانہ  
طلب کیا تھا کوئی نقل یا ریکارڈ پیش کر سکتے ہیں؟

ج۔ ۱۔ جی نہیں۔  
س۔ ۲۔ جب اجبر اقبال ASI اپنے ساتھ عرفان اللہ مذکورہ ۲ جا رہا تھا اپنی اماؤنی اور کت محرمات  
ذمہ دار تھی؟  
ج۔ ۳۔ میں نے اجبر اقبال ASI کو ایسا کرنے سے روکنا ہرگز مذکورہ نہ مانا قدرتی اس مانا پر  
ہوئی کہ اجبر اقبال ASI نے اپنی رہائی میں عرفان اللہ کو ساتھ لے جانا ضرور کیا تھا۔

پیران عثمان ڈاڈا 54000 ڈالرز کا ایک نوٹ

بدریافت پیران عثمان ڈاڈا کو 15/18 کو ایک نوٹ پیش کیا گیا  
مضامین الیہ کے لئے کالڈ کو نوٹ آکر ایک خریدی درخواست بنام  
عرفان اللہ ولد ذوالفقار کے لئے درجی قیامت رقم 6100000  
روپے، نقل قیامت نمبر 10011320 فرس 15/18 پیش کر کے انگریز  
سے عرفان اللہ ولد ذوالفقار کے لئے درجی قیامت طاب کر کے  
عرفان اللہ ولد عثمان علی کے لئے درجی قیامت رقم 1000000  
کے قیامت حل کر کے عثمان علی کو رقم پیش کیا گیا۔ اس کے بعد  
قیامت رقم سے ایک رقم (مثلاً) کے لئے خریدی قیامت بنام  
بدریافت خود اطلاع دی کہ میں عرفان اللہ کے لئے قیامت  
قیامت رقم کو وصول کر رہا ہوں۔ انکو قیامت کالڈ کو رقم طاب کر کے  
صدر اطلاع عرفان اللہ کو قیامت میں پیش کر کے انگریز کے  
قیامت رقم سے ایک قیامت کالڈ کو رقم میں پیش کر کے قیامت  
عد 31 روز 31/15/18 کو وصول کر کے درجی قیامت عرفان اللہ کو  
میں رائے قیامت رقم کو پیش کر کے درجی قیامت

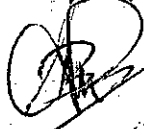
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S.H.O. P.S. K. Keel  
05-11-18

بیان اذان بزرگ علی عمر 1529  
HC

نہم ریافت بیان کیا کہ میں عمر 26 سال سے تھا، میں اجماع فقہانین میں  
میں جو کہ 15/10/18 کو 32 روزہ نامی 15/10/18 کو اور 15/10/18 کو  
2088 SPF

تہ نسبت روایتی کی حکم مد 39 روزہ نامی 15/10/18 کو جو کہ 1915ء  
کیا ہے وہ تھا حکم مد میں جو کہ الزام علیہ عرفان اللہ کے خلاف جو کہ

اندری اور الزام علیہ عرفان اللہ کو جس کے نام مد اور CM صوبہ کے  
صلافا کو وہ ہے باقی علی کا وراثی سے میں باقی

  
MHe-Pr-Mat 9  
5/11/018

0347-9418121

بیان اذان زرین دارہ نمبر 2088 شعبہ فقہان مدینہ  
SPF

اور یافتہ بیان کیا کہ میں نے احقر اشیاہل اسلام سے حسب اطلاع صدر مجلس MM/HC فقہان مدینہ  
میں سے ایک درخواست کے سلسلے میں فقہان داد کوٹ صاحبان پر اسی کے ایک  
مفسر صاحب نام لکھ میں نے حضرت مولانا محمد سعید صاحب مدظلہ العالی سے دریافت کیا کہ اذان اسی کے  
فقہان مدینہ لکھ کر جو یہ ہم حضرت مولانا سے اترنے کے اسی اثناء میں فقہان لکھیں گے یہ میرے اہل خانہ  
مذکورہ نے اپنے شناخت کروا کر نام صاحب مذکورہ کے پاس پہنچا اور ان کے ساتھ ساتھ اس کے بارے میں  
کچھ اسی وقت احقر اشیاہل اسلام سے جو قطع یہ ہو کر کچھ اقسامیں احقر اشیاہل اسلام کے حکم کی  
کافی انتظار کر رہا تھا مگر اسی کے بعد اسے جسے شخص مذکورہ کے بارے میں انگریزی وغیرہ  
کی نسبت کوئی حکم نہیں دیا گیا ہے اور اس کے بارے میں اسے کوئی دوسرا حکم نہیں ملا۔

زرین دارہ 2088  
SPF

0342-3337993

گراس معائنہ E-0

میں جب نام محمد عبداللہ آپ سے ایک گرفتار شدہ شخص نے جاری تھا بحیثیت پولیس آفیسر ایک  
کیا ضروری تھا؟

ج۔ میں اپنے سینئر آفسر (احقر اشیاہل اسلام) کے حکم کا منتظر تھا اور مجھے معلوم نہ تھا کہ شخص  
کیوں قانونی طور گرفتار کرنا ہے یا نہیں۔

میں یہ واقعہ لکھ رہا ہوں کہ یا دیگر آفسران کے نوٹس میں کوئی نہیں آیا؟  
ج۔ ۱۷۔ جو کہ ASI صاحب ایک سینئر پولیس آفسر تھا اور مجھے قوی یقین تھا کہ ASI صاحب مجھ سے  
کوئی کارروائی کے واقعہ کے بارے میں اطلاع دے گا۔

بیان اڈاں نورزادہ نمبر 2414 صفحہ 5  
SPF

۱۔ دریافت بیان کیا گیا ہے کہ سال 2009 میں حکم پور میں اچیت SPF سبزی بھاری اور  
اور نظام میں ڈیوٹی سرالکام دے رہا ہے۔ تاریخ 15/10 کو قحان کی گدی گدی  
ڈیوٹی پر مشور تھا اور عبداللہ ناظم الحیدر اوقات قحان میں آئے رہتے ہیں اور فری  
تاریخ 15/10 ہی آکر میں نے گدی گھول کر وہ قحان لا کر داخل ہوا اور اچیت اقبال  
کی آمد پر پور میں کافی وقت سے ہم ملام حسین اور عبداللہ ناظم بجم صہبان  
قحان کی گدی سے نکل کر روانہ ہوئے۔ اسی اثناء میں اچیت اقبال کی آمد بھی ہوئی  
کچھ اوقات میں اچیت ڈیوٹی پر آئے اور اچیت خود تھا مگر کچھ گریز معلوم نہ تھا  
کیس عبداللہ ناظم نے اپنے ساتھ آئیں سفین نے جاری ہے اور ہم اچیت اقبال کی آمد  
پر آئے اعداد و اعداد کوئی دقت نہیں ہے۔ یہی صدر ایجنسی کو کہی دیتے ہیں

نورزادہ  
2414  
نورزادہ عرف سبھی  
SPF

0346-0522567  
5/11/08



# بیان آزان اچھا اقبال ASI تھانہ حال ضلع اپر دیہ

نے دریافت بیان کیا کہ تھانہ میں لکھنا تھا کہ ہورہ  $\frac{8}{18}$  اکو ہر ظرافت تھی  
 مرغان اللہ ولد ذوالفقار سانی دارمئی راجت کوٹ بابت جعلی ٹیکٹ، دھوکہ دہی اور  
 فراڈ جاب۔ SDPO صاحبہ کل منہ کو بغرض خاؤنی کاروائی درپیش کی حکومت فلاح  
 SHO تھانہ میں اور SHO صاحبہ نے بغرض کاروائی من ASI کو ماری کی۔ درخواست مذکورہ  
 کی روشنی میں الزام علیہ مرغان اللہ کو بار بار اسلے ہو یا ٹیکٹ نمبر 0344.9666709 پر  
 روابط کی لیکن مذکورہ پر نہ بغرض کاروائی تھانہ میں یا من ASI کو لپٹ نہ ہو سکا اور  
 مثال منقول امرتیت جو لعل سے کام لے رہا تھا لکھا مذکورہ کو بہا مدار پولیس ایسکاران تھانہ کالا  
 کوٹ میں کانسٹیبل زرین قادرہ نمبر 2098/SPF بحوالہ نمبر 32 روزنامہ 15.10.18 کو وقت  
 18:25 بجے روانگی کی۔ الزام علیہ مرغان اللہ کو تھانہ کالا کوٹ میں موجود یا نہ لکھا  
 درخواست دائر شدہ کے نسبت گفت و شنید کی مذکورہ نے نیابت بدکلامی، بد معاشی اور  
 سبہ زوری شروع کی میں نے باقاعدہ بحوالہ نمبر 31 روزنامہ 15.10.18 کو وقت 18:55  
 تھانہ کالا کوٹ میں آمد روانگی کی۔ جیل مرغان اللہ مذکورہ کو بغرض کاروائی انداز  
 بحرم 107.151 فی ح پیر تھانہ میں لایا۔ کانسٹیبل مذکورہ اور مرغان اللہ گاڑی سے ملے  
 اترے اور میں گاڑی کو سائیڈ پیر پارک کر رہا تھا 21 فٹ کے بعد آیا تو 4/5 کسان ریل  
 ساتھ موجود تھے میں سے ایک نے الزام علیہ مرغان اللہ کو ہاتھ سے پکڑ کر قید طرف مخاطب  
 ہو کر کہنے لگا کہ میں مرغان اللہ مذکورہ کو اپنے ساتھ لے جاتا ہوں آپ کون سے تھے  
 رہنے والے اور ساتھ ہی کھانت لیا لیکن استعجاب کرنا شروع کیا۔ حالانکہ شخص مذکورہ  
 جو الزام علیہ مرغان اللہ کو ہاتھ سے پکڑ کرے جا رہا تھا کہ نسبت تھانہ کے میں لپٹ پر وجود  
 شدی میں کے زبانی معلوم ہوا کہ شخص مذکورہ عبد اللہ تحصیل ناظم اور وزیر اعلیٰ ممبر KPK  
 محمود خان کا بھائی ہے۔ جو اس وقت تک تھانہ کے میں لپٹ سے باہر نکل کر اپنی گاڑی سے  
 الزام علیہ کو ہٹا کر معاند ہوئے۔ میں نے فوری کو اور ڈیٹا اب SHO مہارت خان میں تاکہ  
 بیان پر SHO صاحبہ یا SDPO اللہ شہزادی صاحبہ بھی تشریح تھے یا تھانہ ایک عمل شخص جس کا نام  
 الزام جو ٹیکٹ منبر ہے بھی موجود تھا پھر دعویٰ آفران صاحبان کو واقعہ سے آگاہ کیا پھر مطلع  
 نے کیا کہ معاملہ نظر انداز کرے۔ میں بصیح اشیاط ایک رپورٹ بحوالہ نمبر 39 روزنامہ  $\frac{4}{18}$  15  
 روزہ روزنامہ کیا۔ جملہ طلالت و واقعات میں میرا مذکورہ عبد اللہ کیا تھانہ کی قسم بات بہت  
 یا تلخ کلامی و عنبرہ لپٹ ہوئی ہے۔ اس معاملہ میں میرا تبادلہ آفران بالا صاحبان نے  
 ضلع دیدار اپر کیا ہے جو میرے ساتھ بالکل زیادتی ہے۔ اس معاملہ میں میں بالکل بے گناہ  
 ہوں اور میرے خلاف ڈٹاؤں کے جملہ الزامات غلط اور بے بنیاد ہیں اسلئے صلح چارج  
 ٹیکٹ بلا مزید کاروائی حاصل ہو رہی ہے یہ بیان ہے العزیز

Altestd  
 Addl SP  
 01.11.18

01/11/18  
 مخالف ED  
 ممبر

۲۰ - ۲۱ - ۲۲ - ۲۳ - ۲۴ - ۲۵ - ۲۶ - ۲۷ - ۲۸ - ۲۹ - ۳۰

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۹۱ - ۹۲ - ۹۳ - ۹۴ - ۹۵ - ۹۶ - ۹۷ - ۹۸ - ۹۹ - ۱۰۰

مال الصافی کے باعث میں ہوش میرا کامیاب رہا ہے  
سرخ اگر کسی دوسرے کوئی مسلم چھوڑا تو اسے  
روزنامہ کی رپورٹ کافی ہوگی ہے!

ج: نہیں کافی ہیں  
سرخ جو تک رسامہ جعلی تک کا تھا، آج کل وہی ہے تو اس سے  
تو روزانہ کیا کرنا، عدویہ اس سے تو اس سے  
DRC جو ہے، آج رپورٹ اس کو  
کوں حوالہ نہیں ہے!

Add. & Swat

ج: میں دو روز قبل کو رپورٹ کر رہا تھا، 18-11-01  
حل کرنے کی کوشش کی ہے، جہاں تک DRC  
کا تعلق ہے تو DRC SMO کو رپورٹ مارک  
کرتے ہیں، جس سے مارک کے پاس

=====

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

**Service Appeal No. 388/2019**

Amjad Iqbal Ex-Assistant Sub Inspector District Swat.

..... Appellant

**VERSUS**

1. Provincial Police Officer, Khyber Pakhtunkhwa, at CPO Peshawar.
2. Regional Police Officer Malakand at Saidu Sharif, District Swat
3. District Police Officer Swat.

....Respondents

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District Police Officer, Swat  
(Respondent No. 3)

①

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

**Service Appeal No. 388/2019**

Amjad Iqbal Ex-Assistant Sub Inspector District Swat.

..... Appellant

**VERSUS**

1. Provincial Police Officer, Khyber Pakhtunkhwa, at CPO Peshawar.
2. Regional Police Officer Malakand at Saidu Sharif, District Swat
3. District Police Officer Swat.

....Respondents

**PARAWISE REPLY BY RESPONDENTS**

Respectfully Shewith,

**PRELIMINARY OBJECTIONS.**

1. That the appeal is badly barred by Law & limitation.
2. That the appellant has got no Cause of action and locus standi to file the present appeal.
3. That the appeal is bad due to misjoinder and nonjoinder of necessary parties.
4. That the appellant has not come to the Tribunal with clean hands.
5. That the instant appeal is not maintainable in its present form.
6. That the appellant has concealed the material facts from this Hon'ble Tribunal.

**FACTS:**

1. Pertains to record, hence needs no comments.
2. Incorrect. Appellant has performed his duty in normal manner. During service he was awarded 02 punishments i.e one major and one minor for wilfull misconduct. One step promotion was awarded to all officers who have performed duty during militancy in Malakand region in the light of policy of Provincial government. Copy of punishment is enclosed as annexure "A"
3. Incorrect. As explained above, the appellant has indifference record and one step promotion was given to all officers who have performed normal duty during militancy.

4. Correct to the extent that appellant was promoted to the rank of ASI subject to seniority cum fitness.
5. Correct to the extent that a complaint was marked to the appellant regarding fake Cheque for legal action against the accused but he did not follow due course of action which is blatant violation of discipline and code of conduct for a Police officer.
6. Incorrect. As explained above, the appellant meddled in Police affairs vide Daily Diary report No.39 dated 15/10/2018 Police Station Matta and also took pictures of the Daily Diary and share the same on Social Media which invited a black lash and created embracing situation for Police Department. On the said misconduct a departmental enquiry was initiated against the appellant in accordance with rule.
7. Incorrect. All the opportunities of self defence were provided to the appellant during the course of enquiry and on the establishment of charges he was awarded appropriate punishment in accordance with rules.
8. Incorrect. The order of the appellate authority is legal, reasonable, based on facts and justice.
9. The appellant has wrongly challenged the legal and valid order of respondents before this honorable Court through unsound grounds.

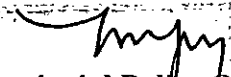
**GROUNDS:**

- a. Incorrect. The misconduct of the appellant was enquired twice i.e preliminary enquiry and regular enquiry, wherein all the opportunities of self defence and hearing were provided to the appellant in according to rules. On establishing of the charges against the appellant he was awarded punishment of reduction to the lower rank instead of dismissal from service.
- b. Incorrect. The respondents have acted in accordance with law/ rule and all the codal formalities under the law have been fulfilled during the course of enquiry.
- c. Incorrect. As stated above, the order of the appellate authority is legal, reasonable and is based on facts and justice.

d. Incorrect. The act committed by the appellant comes under gross misconduct because he has took two pictures of Daily Diary and then shared the same on Social Media, therefore this act of the appellant is clearly omission/offence under law/rules.

**PRAYER:**

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



**Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.01)**



**Regional Police Officer,  
Malakand at Saidul Sharif, Swat  
Regional Police Officer  
Malakand Region  
(Respondent No.02)**



**District Police Officer Swat  
(Respondent No.03)**

**Service Appeal No. 388/2019**

Amjad Iqbal Ex-Assistant Sub Inspector District Swat.

..... Appellant


**VERSUS**


1. Provincial Police Officer, Khyber Pakhtunkhwa, at CPO Peshawar.
2. Regional Police Officer Malakand at Saidu Sharif, District Swat
3. District Police Officer Swat.

....Respondents

**AFFIDAVIT**

We, the above respondents do hereby solemnly affirm on oath and declare that the contents of the appeal are correct/true to the best of our knowledge/ belief and nothing has been kept secret from the honorable Tribunal.

  
**Provincial Police Officer  
Khyber Pakhtunkhwa Peshawar  
(Respondents No.1)**

  
**Regional Police Officer,  
Malakand at Saidu Sharif, Swat  
Regional Police Officer  
Malakand Region  
(Respondents No.2)**

  
**District Police Officer, Swat  
(Respondents No.3)**



**Service Appeal No. 388/2019**

Amjad Iqbal Ex-Assistant Sub Inspector District Swat.

..... Appellant

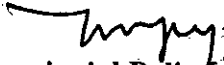
**VERSUS**

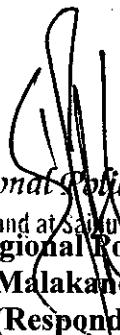
1. Provincial Police Officer, Khyber Pakhtunkhwa, at CPO Peshawar.
2. Regional Police Officer Malakand at Saidu Sharif, District Swat
3. District Police Officer Swat.


....Respondents

**AUTHORITY LETTER**

We, the above respondents do hereby authorize Mr. Mir Faraz Khan DSP/Legal & Mr. Khawas Khan SI Legal to appear before the Tribunal on our behalf and submit reply etc in connection with titled Service Appeal.

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

  
**Regional Police Officer,  
Malakand at Saidu Sharif, Swat  
Regional Police Officer  
Malakand Region  
(Respondent No. 2)**

  
**District Police Officer Swat  
(Respondent No. 3)**

**Bad Entries/Minor Punishment detail of(HC Amjad Iqbal) Swat**  
**Police**

Sr.No	Misconduct	Nature of punishment
01	Absented from duty w.e.f 10/7/2004 to 12/07/2004	Without pay
02	For bad character	Reverted to lower rank

  
Establishment Clerk

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1150 /ST

Dated 15-05 / 2020


To

The District Police Officer,  
Government of Khyber Pakhtunkhwa,  
Swat at Gulkada Swat.

Subject: - JUDGMENT IN APPEAL NO. 388/2019, MR. AMJID IQBAL.

I am directed to forward herewith a certified copy of Judgement dated 03.02.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.