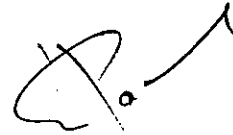


20.01.2020

Learned counsel for the appellant present, submitted copy of order of appeal/review Board dated 02.01.2019 and stated that grievance of the appellant has been redressed in view of above mentioned order. Learned counsel for the appellant also submitted application for withdrawal of the present service appeal.

In view of above, the present service appeal is hereby dismissed as withdrawn. No order as to costs. File be consigned to the record room.




(Muhammad Hamid Mughal)  
Member  
Camp Court, Abbottabad

ANNOUNCED.

20.01.2020

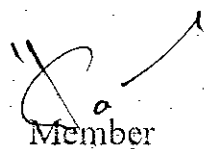
18.09.2019

Learned counsel for the appellant and Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Misal Khan, ASI for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for further adjournment. Adjourned to 18.11.2019 for written reply/comments before S.B at Camp Court Abbottabad.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad


18.11.2019

Learned counsel for the appellant present. Written reply not submitted. Representative Misal Khan ASI present and seeks time to furnish reply. Granted. To come up for written reply/comments on 16.12.2019 before S.B at Camp Court, Abbottabad.

  
Member  
Camp Court, A/Abad

16.12.2019

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Misal Khan, ASI for the respondents present. Written reply on behalf of respondents not submitted. Representative of respondents seeks further adjournment. Last chance is granted. Adjourned to 20.01.2020 for written reply/comments before S.B at Camp Court Abbottabad.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad


12.07.2019

Counsel for the appellant Ajmal Khan present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving as Assistant Sub-Inspector in Police Department. He was imposed major penalty of reduction in rank from ASI to Head Constable vide order dated 14.01.2019 on the allegation that he drafted Murasila against Tehsil Member Ehtisham Khan, District Member Malik Khalid and Ex-Councilor Ghulam Rabani and sent it to PS Ghazi, resultantly, a case FIR No. 318 dated 12.09.2018 under section 431/341/34 PS Ghazi was registered against three person, after registration of FIR and during the course of investigation it came to light that the subject land was not owned by C&W Department neither any public complaint received and this act of the appellant shows ulterior motives. The appellant filed departmental appeal on 02.01.2019 which was rejected on 08.04.2015 hence, the present service appeal. Learned counsel for the appellant contended that neither proper inquiry was conducted nor the appellant was associated in the departmental proceeding nor he was given opportunity of cross examination and defence therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days thereafter, notice be issued to the respondents for written reply/comments for 18.09.2019 before S.B at Camp Court Abbottabad.

Appellant Deposited  
Security & Process Fee

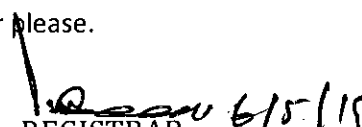

15/7/19

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad

Form- A  
FORM OF ORDER SHEET

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

Case No. 584/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/05/2019	<p>The appeal of Mr. Ajmal Khan presented today by Mr. Muhammad Aslam Tanoli 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 6/5/19</p>
2-	10-5-19	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>12-07-19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

Appeal No....584/2019

Ajmal Khan Head Constable District Police Haripur presently posted at Police Station Kotnajibullah.

**Appellant**

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur

**Respondents**

**SERVICE APPEAL**

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4.	Final Show Cause Notice dated <b>05-12-2018</b>	"B"	11
4.	Reply to Final Show Cause Notice <b>18-12-18</b>	"C"	12
5.	Order dated <b>14-01-2019</b> of DPO HRP	"D"	13
6.	Copies of Investigation Record.	"E"	14-19
7.	Letter dated <b>13-09-2018</b> of SDO (C&W)	"F"	20
8.	Departmental Appeal <b>21-01-2019</b>	"G"	21-24
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10.	Wakalatnama		

  
Appellant

Through

  
(Mohammad Aslam Tanoli)  
Advocate High Court  
at Haripur

Dated: 06-05-2019

①

BEFORE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

Appeal No... 584/2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 711

Dated 06/5/2019

Ajmal Khan Head Constable District Police Haripur presently posted at Police Station Kotnajibullah Haripur.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer Haripur.

Respondents

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST ORDER DATED 14-01-2019 OF THE DISTRICT POLICE OFFICER HARIPUR WHEREBY THE APPELLANT HAS BEEN AWARDED WITH MAJOR PENALTY OF "REVERSION IN RANK" FROM A.S.I. TO HEAD CONSTABLE AND ORDER DATED 08-04-2019 OF THE REGIONAL POLICE OFFICER, HAZARA REGION, ABBOTTABAD WHEREBY APPELLANT'S DEPARTMENTAL APPEAL HAS BEEN REJECTED.

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL IMPUGNED ORDER DATED 04-01-2019 AND 08-04-2019 OF RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND APPELLANT BE RE-INSTEATED IN HIS RANK OF ASSISTANT SUB INSPECTOR FROM THE DATE OF REVERSION WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respectfully sheweth,

Filed to-day  
Registrar  
6/5/19

That appellant while posted at Police Station Ghazi (Haripur) the District Police Officer Haripur served the appellant with a Charge Sheet dated 28-10-2018 which was duly replied explaining all facts of the matter and straightaway denying the allegation.

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**(Copy of charge sheet 28-10-2018 is attached as Annex-"A").**

2. That thereafter a Final Show Cause Notice dated 05-12-2018 with the same allegation was issued to the appellant. **(Copy of Final Show Cause Notice dated 05-12-2018 is attached as Annex- "B").**
3. That the said Final Show Cause notice was replied on 18-12-2018 by appellant in detail explaining all facts of the matter as before and straightaway denied the allegations. **(Copy of Reply dated 18-12-2018 is attached as Annex-"C").**
4. That without giving any heed to the stance taken by appellant in his reply to the Charge Sheet as well as Final Show Cause Notice, the District Police Officer Haripur awarded the appellant major penalty of "Reversion in Rank" from A.S.I. to Head Constable vide order dated 14-01-2019 against the law, departmental rules & regulations, facts and principle of natural justice. **(Copy of Order dated 14-01-2019 is attached as Annex-"D").**
5. That facts leading to the filing of instant appeal are that on 12-09-2018 while appellant performing his official duties in the area was informed by the some public men that Munawar Khan etc alongwith their men with the help of Excavators and Tractor Trolleys excavating/removing the paved/cemented link road **(Ghazi to Jeharikas about 30 to 35 Kms)** at a place

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known as Thali-kot. Upon this information the appellant reached the spot and found linked-road in question really paved/cemented and accused persons were excavating/removing material from it. Upon this appellant immediately contacted his officers and informed of the situation and upon their advice he chalked out murasila dated 12-09-2018 and submitted to the Police Station Ghazi. That appellant had acted bonafidely and in discharge of his official duties strictly in accordance with law "to safeguard the public property" being a responsible police officer. Appellant had no ill-will, enmity or malafide against the complainants. Munawar Khan (accused) etc filed a false complainant against the appellant but nothing could bring on record against the appellant as to whether appellant had any enmity against them or relation with the other party; hence allegations are incorrect and baseless.

6. That the case was entrusted to Investigation Officer who found the accused persons as guilty and on completion of investigation submitted the challan to the competent court which is now under trial. During investigation the accused persons Munawar Khan etc in their statements admitted that they were using Excavator and Tractor Trolleys and removing material from road. But they did not say that the road they were excavating and removing was not paved and cemented. **(Copies of the Investigation record are attached herewith as Annex-"E").**



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7. That further more the Sub Divisional Officer (C&W) Haripur vide his letter **MOST URGENT** dated 13-09-2018 directed the accused Mir Afsar and Munawar Khan etc to "refill the cuts within no time" and submitted its copies to the Assistant Commissioner Ghazi and SHO Ghazi etc for necessary action against the accused persons. **(Copy of the letter dated 13-09-2018 is attached as Annex-"F")**.
8. That no proper departmental inquiry was conducted by the District Police Officer Haripur. Copy of Inquiry Report, if any, was also not issued to the appellant. Even the opportunity of personal hearing was not provided to him and he was condemned unheard.
9. That appellant has rendered more than **30 years service** in the police department. He always performed his assigned duties with devotion and honesty and on occasions for his tremendous services he has been awarded with the commendation certificates and cash rewards by his High-Ups.
10. That appellant aggrieved of the order dated 04-10-2018 of the District Police Officer Haripur preferred a departmental appeal dated 21-01-2019 before the Regional Police Officer, Hazara Range, Abbottabad. **(Copy of Departmental Appeal dated 21-01-2019 is attached herewith as annex- "G")**.
11. That without giving any consideration to the grounds taken in his memo of departmental appeal by the

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appellant, the Regional Police Officer, Hazara Region, Abbottabad rejected the same vide his order dated 08-04-2019. **(Copy of the order dated 08-04-2019 is attached as annex-"H")**. Hence instant service appeal, inter alia, on the following:-

**GROUNDS:**

- a) That both the impugned orders dated 14-01-2019 and 08-04-2019 of respondents are illegal, unlawful, without lawful authority, void-an-initio, passed in slipshod, perfunctory and arbitrary manner, against the law, rules & regulations, facts & circumstances of the matter, hence are liable to be set aside.
- b) That no proper departmental inquiry was conducted. Neither a witness was produced against the appellant nor was he provided a chance to cross examines. He was not provided the copy of enquiry findings.
- c) That the respondents have not treated the appellant in accordance with law, departmental rules & regulations and policy on the subject and have acted in violation of Article-4 of the constitution of Islamic Republic of Pakistan 1973 & unlawfully issued the impugned orders, which are unjust, unfair hence not sustainable in the eyes of law.
- d) That the appellate authority has also failed to abide by the law and even did not take into consideration the grounds taken in the memo of appeal. Thus the

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impugned order of respondent is contrary to the law as laid down in the KPK Police Rules 1934, other departmental rules regulations read with section 24-A of General Clause Act 1897 and Article 10-A of the Constitution of Islamic Republic of Pakistan 1973.

- e) That the appellant was also not provided with an opportunity of personal hearing before awarding this harsh penalty which is necessary and mandatory thus has been condemned unheard.
- f) That instant appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudication upon the same.

**PRAYER:**

It is, therefore, humbly prayed that on acceptance of instant Service Appeal both the orders dated 14-01-2019 and 08-04-2019 of respondents may graciously be set aside and appellant be reinstated in his rank of Assistant Sub Inspector from the date of reversion with all consequential service back benefits.

  
Appellant

Through:

  
(Mohammad Aslam Tanoli)  
Advocate High Court  
At Haripur

Dated 6-05-2019

**VERIFICATION**

It is verified that contents of instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed thereof.

Dated 6-05-2019

  
Appellant

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BEFORE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

Ajmal Khan Head Constable District Police Haripur presently posted at Police Station Kotnajibullah.

**Appellant**

**VERSUS**

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur

**Respondents**

**SERVICE APPEAL**

**CERTIFICATE**

It is certified that no such Appeal on the subject has ever been filed in this or any other court prior to the instant one.

  
**APPELLANT**

Dated: 6-05-2019



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Annex - A

CHARGE SHEET

(1) I, Capt. @ Mansoor Aman, (PSP) District Police Officer, Haripur as competent authority, hereby charge you ASI Ajmal Khan as enclosed statement of allegations.


(2) You appear to be guilty of misconduct under Police Efficiency & Discipline Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the said Rules.


(3) You are, therefore, required to submit your written defense within 07 days of the receipt of this charge sheet and statement of allegation to the Committee/Enquiry Officer as the case may be.

(4) Your written defense, if any, should reach the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.

(5) Intimate whether you desire to be heard in person or otherwise.

(6) A statement of allegations is enclosed.

  
Capt. @ Mansoor Aman, (PSP)  
District Police Officer  
Haripur

Attested  
Ajmal  


DISCIPLINARY ACTION

(10)

I, Capt: © Mansoor Aman, (PSP), District Police Officer, Haripur as competent authority of the opinion that you ASI Aimal Khan PS Ghazi have rendered yourself liable to be proceeded against as you committed the following acts/omissions within the meaning of Police Efficiency & Discipline Rules 1975.

STATEMENT OF ALLEGATION

"That while you posted at Ghazi, it has come to the notice of undersigned vide preliminary enquiry conducted by DSP Elite vide complaint No. 2205-C dated 17.09.2018, that on 12.09.2018 you have drafted a Murasila against Tehsil Member Ehtisham Khan s/o Muhammad Ali, District Member Malik Khalid and Ex-Councilor Ghulam Rabani r/o Hassanpur Tehsil Ghazi, and send it to PS Ghazi, resultantly, a case FIR No: 318 dated 12.09.2018 u/s 431/341/34 PS Ghazi was registered against 03 above mentioned persons. After registration of FIR and during the course of investigation it came to light that the subject land was not owned by C&W Department neither any public complaint received. Your act shows ulterior motives behind the registration of FIR against the above mentioned individuals and also proves your incompetency/inefficiency to handle the case, which is gross misconduct on your part in terms of Police Rules 1975, hence charge sheeted.

(2) For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, an Enquiry Committee consisting of the following is constituted.

CP Investigator

(3) The Enquiry Officer/Committee shall in accordance with the provision of this Ordinance, provide reasonable opportunity of hearing to the accused, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or the appropriate action against the accused.

(4) The accused and a well conversant representative of departmental shall in the proceedings on the date, time and place fixed by the Enquiry Officer/Committee.

Capt: © Mansoor Aman, (PSP)  
District Police Officer  
Haripur

No: 323-25 /PA, dated Haripur the

25-10/2018

Copy of above is submitted to the:-

- 1) Regional Police Officer, Hazara Region, Abbottabad, please.
- 2) Enquiry Officer for initiating proceedings against the said accused under Police Efficiency & Discipline Rules 1975.
- 3) ASI Aimal Khan with the direction to submit his defense within 7 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purpose of departmental proceedings.

Alleshad  
Aimal

(H) — Annex - B

**FINAL SHOW CAUSE NOTICE**

I, **Dr. Zahid Ullah, (PSP)**, District Police Officer, Haripur as Competent Authority under Police Rules 1975, do hereby serve Final Show Cause Notice upon you **ASI Ajmal Khan No. 352** on the following grounds:-

"That while you posted at Ghazi, it has come to the notice of undersigned vide preliminary enquiry conducted by DSP Elite vide complaint No. 2205-C dated 17.09.2018, that on 12.09.2018 you have drafted a Murasila on instigation of Tehsil Member Ehtisham Khan s/o Muhammad Ali, District Member Malik Khalid and Ex-Councilor Shoukat Zaman s/o Ghulam Rabani r/o Hassanpur Tehsil Ghazi, and send it to PS Ghazi, resultantly, a case FIR No: 318 dated 12.09.2018 u/s 431/341/34 PS Ghazi was registered against seven mentioned persons in FIR. After registration of FIR and during the course of investigation it came to light that the subject land was not owned by C&W Department neither any public complaint received. Your act shows ulterior motives behind the registration of FIR against the 07 mentioned individuals in FIR and also proves your incompetency/inefficiency to handle the case, which is gross misconduct on your part in terms of Police Rules 1975"

(1) For the purpose of scrutinizing the conduct on your part with reference to the above allegation, you was serve with Charge Sheet/Statement of allegation and Superintendent of Police Investigation, Haripur was appointed as enquiry officer against you for the conduct of proper departmental enquiry vide this office Endst No. 383-85/PA dated 25.10.2018

(2) The enquiry officer after conducting proper departmental enquiry submitted his finding vide his office letter No. 1137/PA dated 30.11.2018, in which he had the charges of misconduct proved and recommended for suitable punishment under section-4 of the KPK Police E&D Rules 1975.

(3) Keeping in view of above allegation on your part, you are hereby called upon. To Show Cause within (07) days of the removed of this Final Show Cause notice as to why you should not be awarded punishment under the Police Rule 1975. if your written reply is not received with in stipulated period. It shall be presumed, that you have no defense to affirm, you are also allowed to appear before the undersigned, if you so desired.

(Dr. Zahid Ullah) PSP  
District Police Officer  
Haripur

No. 6124-75 / dated Haripur the 105 / 12 / 2018

Copy of above is submitted to the Regional Police Officer, Hazara Region Abbottabad.

*Ajmal*  
*Ajmal*



جناب عالی۔ بحوالہ نمائش شہزادہ نواز حسن صاحب

۱۔ کہ میں دراصل انوائری اپنی رومبارڈ بنا رہی تھی۔ میں نے 1938ء میں حکم کے مطابق موقع میر جیم ریپرنٹری پولیس کے حالات کے مطابق جیم قابل دست اندازی کے۔ وقوع کے سرزد ہونے کے اعلان کے میں نے نظر صرف مرتب کیا تھا۔ امرایان کرتا۔ لو قانون اور منابہ کی حلف و تری برتی۔

۲۔ یہ کہ مقدمہ روح رہا ہونے سے لیدر تیش انوسٹی لین سٹاف نے کی۔ جس پر تیش افسر نے مقدمہ میں تیش کرے مازمان کو کسٹھار تعمیر کلم مقدمہ پر سماعت عدالت ہوادیا۔ جو عدالت عازی میں زیر سماعت ہے میں نے کوئی حلف قانون اور حلف منابہ جاک نہیں کیا۔

۳۔ یہ کہ حسب حکم افسران بالا موقع پر جاکر موقع کے مطابق قانونی کارروائی محل میں لائی۔ اور تمام حقائق انوائری افسر کے سامنے رکھے

۴۔ یہ کہ جسے نہ تو انوائری کے دراصل نقولات فراہم کی گئی۔ اور یہ منابہ کے مطابق انوائری میں صرف مازمان کے کہنے پر رفتی بات تسلیم کی گئی تھی میں نے کوئی غیر قانونی۔ حلف منابہ جاک نہیں کیا۔ جسے انوائری میں اپنے آگے ڈھکی چھپی کرنے کا یہی موقع میں دیا گیا۔ بلکہ مازمان کی گئی۔ میں نے اپنی سالم سروس کے دراصل حکم پولیس بے لوث خدمت کی ہے۔ اور غیر قانونی اور غیر منابہ جاک نہیں ہے۔ اور اسے افسر کر دیا۔

آپ جناب سے التماس ہے، نمائش شہزادہ نواز حسن والدین لیا جاکر غیر حلف کارروائی حکم کرتے حاکم صادر فرمایا جائے۔

اعلیٰ خان زید۔ پولی ٹھانہ سی۔ حال پولیس لاہور

محمد لور

Handwritten signature and date stamp: 18/12/18

Handwritten signature: Ahmed

Handwritten signature: Agmel

**ORDER**

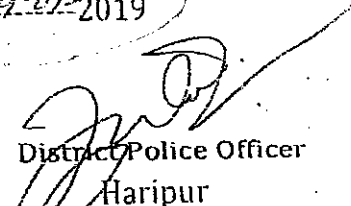
ASI Ajmal Khan No.193/H, while posted at PS Ghazi, District Haripur. It came in the notice of undersigned through preliminary enquiry conducted by DSP Elite Force, vide complaint No.2205-C dated 17.09.2018, that on 12.09.2018 he drafted a murasila on instigation of Tehsil Member Ehtisham Khan s/o Muhammad Ali, District Member Malik Khalid and Ex-Councilor Shoukat Zaman so/o Ghulam Rabani, r/o Hassan Pur Tehsil Ghazi, and send the marasla to police station Ghazi for registration of FIR. Resultantly, a case FIR No.318 dated 12.09.2018 u/s 431/341/34 PPC PS Ghazi was registered against the seven persons, whose names are mentioned in the FIR. During course of investigation, it came to light that the subject land was not owned by C & W department neither any public complaint received. Which showed that his act for ulterior motives behind the registration of FIR against the seven mentioned individuals in FIR, and also proved his incompetency and inefficiency to handle the case. The acts and omissions of defaulter police official were misconduct under Khyber Pakhtunkhwa, police efficiency and discipline rules 1975. Therefore, He was served with charge sheet and statements of allegations, vide this office Endst No.383-85/PA dated 25.10.2018.

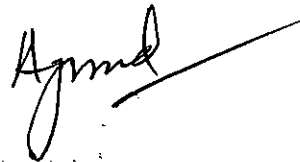
To probe the allegations, Mr. Shah Nazar Khan Superintendent of Police Investigation, District Haripur, was appointed as enquiry officer, who conducted proper departmental enquiry and submitted his finding, vide his office Memo No.1137 dated 30.11.2018. In which, he held the accused police official guilty. On receiving recommendation of enquiry officer, so he was called in orderly room and was heard in person.

Having gone through enquiry papers recommendation of enquiry officer and after personal hearing of accused Police Officer ASI Ajmal Khan. During personal hearing, he could not produce any plausible evidence/argument in his defense. Based on the above facts & finding, the charges of misconduct against the defaulter police official stands proved, I am fully satisfied that ASI Ajmal Khan No.193/H committed gross misconduct. Therefore, I, Dr. Zahid Ullah District Police Officer, Haripur being competent authority under Khyber Pakhtunkhwa efficiency and discipline rules 1975, awarded major punishment of "Reversion in Rank from ASI to Head Constable" with immediate effect.

Order announced.

OB No. 17 dated 14.01.2019

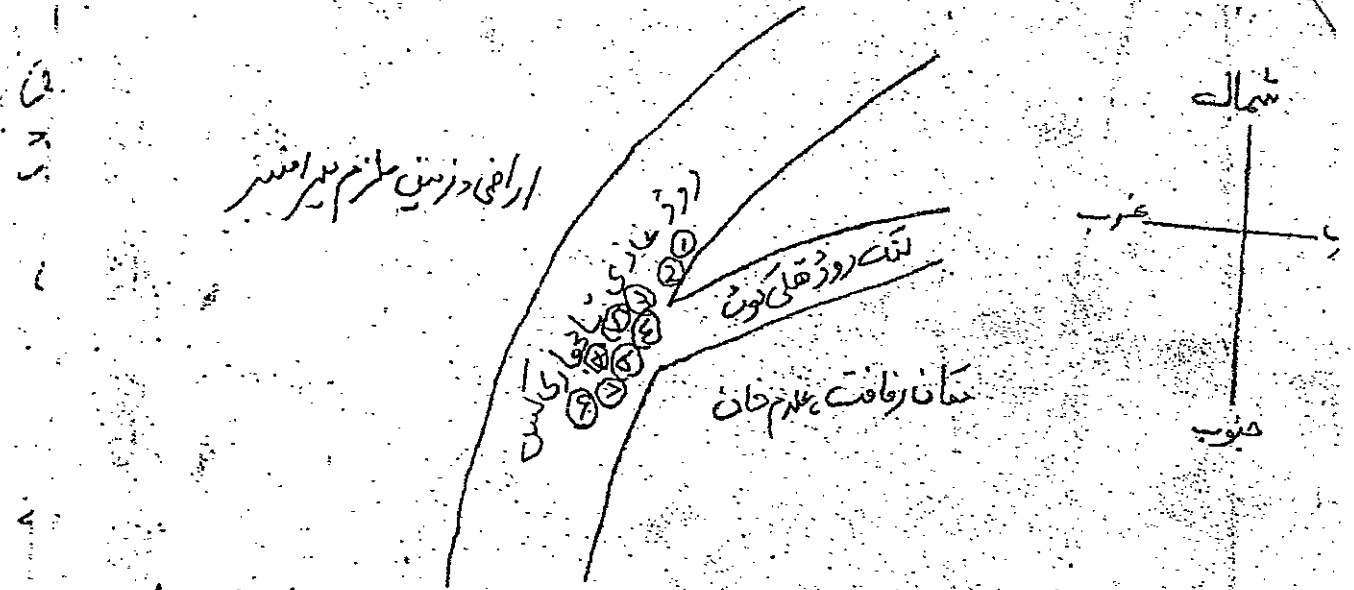
  
District Police Officer  
Haripur



E/I

مقددہ حالت 318 مورخہ 12/09/18 بریم 34/34 431-341 P.C. قحان غازی



محل وقوع - وقوعہ پلاٹ غازی ناچھاری کس روز ننگ لنگہ روز قلی ٹون روڈنا ہونا بیان ہوا ہے  
 جسکے جانب شرق ننگ روز قلی ٹون، بیانات، رفاقت، علام خان واقع ہیں جانب غرب  
 اراچی، زمین ملزم میر اسٹر واقع ہیں جبکہ شمالاً ہیوٹا سٹریٹ روڈنا غازی ناچھاری کس  
 واقع ہے۔

محل مقامات - مقام براوہ مقام ہے جہاں لکھوت وقوعہ مدعی مقدمہ اجلی Aski موجودی  
 بیان کی گئی ہے اس مقام سے مقامات مزید تا 9 ملزمان کی موجودی بیان ہو کر پلاٹنگ  
 ٹریٹرز البان ننگ روز قلی ٹون غازی ناچھاری کس روڈ کی گھاٹی کرتے روز بند  
 کرنا اور اپنی مقامات سے ملزمان کو گھنٹا کر کے شادور سٹیٹ معہ ٹریٹرز البان ننگ  
 فرد تہہ کولیس کرنا بیان ہوئی ہے  
 مقام نمبر 2 - وہ مقام ہے جہاں لکھوت وقوعہ گواہ حسین دید حاسم چاند لو 732 کھیل کی موجودی  
 بیان ہو کر واقعہ حسین غور دیکھنا بیان ہوا ہے۔

مقام نمبر 3 - وہ مقام ہے جہاں لکھوت وقوعہ گواہ حسین دید شاہد اللہ جان کی موجودی بیان ہو کر واقعہ  
 حسین غور دیکھنا بیان ہوا ہے  
 مقام نمبر 4 - وہ مقام ہے جہاں لکھوت وقوعہ ملزم میر اسٹر کے ہائی ملزم منوری موجودی بیان ہو کر اسی مقام  
 سے مقام نمبر 5 تا مقام نمبر 9 نیز کچھ شادور ٹریٹرز البانہ ڈرائیو خردوران کے سٹریٹ چھاری کس  
 A - T - 0

Attest  
 Ajmal

۵۷۱۲  
کتابخانه عمومی  
۵۱۴۶۲

کتابخانه عمومی، زعفران - ۵۲

قلع آباد

هاتف ۱۲۱۵۹ / ۳۴۱ / ۳۴۱ - ۳۴۱ / ۳۴۱ - ۳۴۱ / ۳۴۱

- ۱) ...
- ۲) ...
- ۳) ...
- ۴) ...
- ۵) ...
- ۶) ...

Asst. Professor  
18-08-12

- ۱) ...
- ۲) ...
- ۳) ...
- ۴) ...
- ۵) ...
- ۶) ...

Attested  
Ajmal



رپورٹ ضمنی لفظ دوم

میرا مندرجہ ذیل معاہدہ قوم گجر کے قریب 1/6 سال  
سائن تھلی کوٹ ملزم مقدمہ بڑانے بدریافت  
پولیس بیان کیا۔ کہ تھلی کوٹ جھاری کس  
روڈ نزد تھلی کوٹ روڈ سے ملحقہ میری  
زمین ہے۔ میں بسلمہ محنت مزدوری کر کے  
دراز سے بیرون ملک پوتیا ہوں۔ ہم نے اپنی  
زمین روڈ لگنے نہیں دی ہے۔ اور نہ ہی  
کسی قسم کا کوئی معاوضہ بھی نہیں لیا ہے۔  
میری زمین سے ٹھیکہ دار نے پوری ٹھیکے روڈ  
تعمیر کیا ہے۔ اور روڈ کا علیہ میری زمین  
ملحقہ میں چھنک دیا ہے۔ جو بوقت وقوع میں  
بذریعہ شہادر مشین ٹریکٹر لیا گیا اپنی زمین  
میں علیہ اٹھارہ تھا۔ کہ مقامی پولیس قوت  
پہنچی اور مجھے مع مشاغل ٹریکٹر  
ٹریکٹر لیا گیا اور ان کے گرفتار کر لیا ہے۔  
میرا یہی بیان ہے۔ جو درست ہے۔

①

15-9-18  
بیان ملزم

مختار خان ولد عبدالرحمن خرم پور کوٹلیہ (جامعہ اسلامیہ کوٹلیہ) نے  
 مقدمہ نمبر ۱۰۰۰ کے تحت درخواست کی ہے کہ عدالت قبل مسترد  
 و عدالت عالیہ نے اس کی تجدید پر مستعدار نے مسترد کیا  
 کام کی تکمیل میں نے اس میں جج (زمین) سے مستعدار کو  
 کو مسترد کیا گیا ہے اور اس کے بعد سے اس نے عدالت  
 مستعدار سے عدالت زمین سے مسترد کیا گیا ہے۔ میں نے مستعدار  
 کو صرف اس بارہ میں عدالت (زمین) میں مقدمہ دائر  
 کیا ہے۔ جو کہ عدالت زمین میں گمان ہے کہ عدالت و حکم نہ دیا گیا  
 مستعدار زمین میں عدالت زمین سے مستعدار نے مسترد  
 سے علم ملے گا کہ عدالت مسترد میں مستعدار دیا گیا ہے  
 نے پورے مقدمہ احسان جان صاحب اور اس کے بعد مستعدار  
 کو عدالت زمین سے مستعدار کو مستعدار نے مستعدار  
 عدالت زمین سے عدالت زمین سے مستعدار نے مستعدار  
 عدالت زمین سے مستعدار اور مستعدار نے مستعدار  
 نے عدالت زمین سے مستعدار کو مستعدار نے مستعدار  
 عدالت زمین سے مستعدار کو مستعدار نے مستعدار  
 عدالت زمین سے مستعدار کو مستعدار نے مستعدار

(2) احسان خان ولد عبدالرحمن خرم پور کوٹلیہ (جامعہ اسلامیہ کوٹلیہ)  
 کے حوالے سے عدالت زمین سے مستعدار نے مستعدار  
 کو مستعدار نے مستعدار کو مستعدار نے مستعدار

Attested  
 Agmal



پہلی اور دوسری حصہ دو علم

① منور خان ولد میر احمد قوم گجر بھر قریب 67 سال سکنہ عقلی کوٹ ملتان  
مقدمہ نذرانے بدریافت بیان کیا کہ کچھ عرصہ قبل مسٹر  
روندہ غازی تاجھاری کس پرنسپل کے دار میں نے مسٹر کا  
کام لیا تھا۔ میں نے اپنی صدمہ (زمین) سے کھلیدار مذکور  
کو مسٹر سے لگا لے دی چوری جیلے سے رات کے وقت  
کھلیدار نے میری زمین سے مسٹر سے لگا لے لی۔ میں نے کھلیدار  
کے خلاف اس بارہ میں عدالت دیوانی میں مقدمہ دائر  
کیا۔ چونکہ میری اس زمین کا مجھے کوئی معاوضہ نہ دیا گیا۔  
مقتدرہ زمین میری زراعتی زمین ہے۔ کھلیدار نے مسٹر  
سے جیلے علیہ اٹھائے میری قطعہ مسٹر میں چھین دیا۔ جو میں  
نے بہروز وقوعہ امان خان شاور آپر مسٹر لوم دیکر ٹریڈ  
ٹرائیاں کے موقع پر طلب کیا۔ نیز لوم ٹریڈ ٹرائیاں  
اپنی زمین سے علیہ اٹھارے گا۔ کہ قاضی پولیس نے اکر مجھے ہم  
شادل آپر مسٹر اور ڈرائیو ان ٹریڈ ٹرائیاں گرفتار کر لیا  
ہے۔ غازی تاجھاری کس اور نزد عقلی کوٹ لنگ اوڈ میری  
ملکیتی اراہنی ہے۔ میں نے اوڈ وٹیرہ بند نہیں کیا ہے۔  
مجھ پر غلط دعویداری کی گئی ہے۔ میرا یہی بیان ہے۔  
جو درست ہے۔

② امان خان ولد عبداللہ قوم پٹیان بھر قریب 67 سال  
سکنہ حال غور خشتی ملتان مقدمہ نذرانے بدریافت بیان کیا  
کہ منور خان ولد میر احمد سکنہ عقلی کوٹ نے مجھے بتایا کہ

2/3

(P)

7

میرا اپنی بیان ہے

جو یہ غلط دعویٰ ہے

E/S

پیش اور

حاصل داد و دہ لا جبر قوم بھان جو قریب 39 سال مکہ محلہ شیخ  
باندہ اللہ علم نذات بدریافت بیان کیا کہ میں بروز  
وقوعہ جائے وقوعہ پر غلط امر الی پر مٹی لود کرنے علی عرفان  
فی زمین سے اٹھا کر اسلی زمین پر کھنک رعنائہ مقامی  
پوریں آئی۔ جو یہ غلط دعویٰ ہے۔ میرا اپنی بیان ہے۔

SI 117

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Amal

Better copy

Att

جو یہ غلط دعویٰ ہے۔ میرا اپنی بیان ہے۔

حاصل داد و دہ لا جبر قوم بھان جو قریب 39 سال مکہ محلہ شیخ  
باندہ اللہ علم نذات بدریافت بیان کیا کہ میں بروز  
وقوعہ جائے وقوعہ پر غلط امر الی پر مٹی لود کرنے علی عرفان  
فی زمین سے اٹھا کر اسلی زمین پر کھنک رعنائہ مقامی  
پوریں آئی۔ جو یہ غلط دعویٰ ہے۔ میرا اپنی بیان ہے۔

SI 117

OFFICE OF THE  
Sub Divisional Officer,  
Ghazi C&W Sub Division  
Haipur No. 122 /  
Dated Haipur the 12/9/2018

To,

- 1. Mir Afsar S/O Mir Ahmed
- 2. Munawar Khan S/O Mir Ahmed
- 3. Baidar S/O Sardar  
R/O Village Thali Kot Tehsil Ghazi  
District Haipur

DAMAGED OF MOTORWAYS ROAD 2-KM

It is requested that you all of above on the  
 communication over this road is  
 ...  
 ... refills the cars with  
 ... of gateway A&B.

*(Signature)*  
 SUB DIVISIONAL OFFICER

*(Signature)*  
 ...

...

*(Handwritten notes)*

**BETTER COPY**

**OFFICE OF THE**

Sub. Divisional Officer

Ghazi Sub Division

Haripur No *922*

Dated Haripur, the 13-09-2018

To

1. Mir Afsar s/o Mir Ahmed.
2. Munawar Khan Ss/o Mir Ahmed
3. *Baidar s/o Sandan*  
R/O village thalikot, Tehsil Ghazi  
District Haripur.

Subject:- **DAMAED OF JHARIKAS ROAD 2.KM**

As reported by Sub Engineer in charge that you all of above cut the road in various reaches by unknown reasons, all the communication over this road is blocked by you good self. This practice is un-balible in law.

You all are directed by this letter that immediately refills the cuts with in no time, otherwise strict action will be taken against you as per Highway Act.

**TREATED AS MOST URGENT**

Sd/-  
**SUB DIVISIONAL OFFICER**

Copy to :-

1. The Assistant Commissioner Ghazi.
2. The S.H.O. Ghazi with the request to take necessary action against the accused so as to avoid the trouble in flow of smooth traffic.
3. The Executive Engineer C&W Division Haripur for information.

Sd/-  
**SUB DIVISIONAL OFFICER**

(21)

Annex - 9

**BEFORE HONOURABLE REGIONAL POLICE OFFICER,  
HAZARA REGION, ABBOTTABAD.**

(Departmental Appeal by HC Ajmal Khan Haripur).

**(THROUGH PROPER CHANNEL)**

**DEPARTMENTAL APPEAL AGAINST ORDER OB NO. 17 DATED  
14-01-2019 OF THE DISTRICT POLICE OFFICER HARIPUR  
WHEREBY APPELLANT HAS BEEN AWARDED PUNISHMENT  
OF "REVERSION IN RANK FROM ASI TO HEAD CONSTABLE".**

**PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL  
APPEAL THE IMPUGNED ORDER DATED 14-01-2019 MAY  
KINDLY BE SET ASIDE AND APPELLANT BE RE-INSTATED IN  
HIS RANK OF A.S.I. WITH ALL CONSEQUENTIAL SERVICE  
BACK BENEFITS.**

Respected Sir,

1. That appellant while posted at Police Station Ghazi (District Haripur) was served upon with a Charge Sheet dated 28-10-2018 by District Police Officer Haripur alleging therein:

*"that while you posted at Ghazi, it has come to the notice of undersigned vide preliminary enquiry conducted by DSP Elite vide complaint No.2205-C dated 17-09-2018 that on 12-09-2018 you have drafted a Murasila on instigation of Tehsil Member Ehtisham Khan S/O Mohammad Ali, District Member Malik Khalid and Ex-Councilor Shoukat Zaman S/O Ghulam Rabani R/O Hassanpur Tehsil Ghazi and sent it to PS Ghazi resultantly a case FIR No.318 dated 12-09-2018 u/s-431/341/34 PS Ghazi was registered against seven mentioned persons in FIR. After registration of FIR during the course investigation it came to light that the subject land was not owned by C&W Department neither any public complaint received. Your act shows ulterior motives behind the registration of FIR against the 07 mentioned individuals in FIR and also proves your incompetency/inefficiency to handle the case which is gross misconduct on your part in terms of police Rules 1975" (Copy of the Charge Sheet dated 28-10-2018 is attached as "A").*

2. That a detailed reply to the Charge Sheet explaining all facts

*Attested  
Ajmal*

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and circumstances of the matter was submitted by the appellant to the Inquiry Officer. **(Copy of the reply is attached as "B").**

3. That thereafter the appellant was served upon with a Final Show Cause Notice under No.474-75 dated 05-12-2018 with the same allegations. **(Copy of the Final Show Cause Notice dated 05-12-2018 is attached as "C").**
4. That appellant submitted his reply dated 18-12-2018 to the Final Show Cause notice explaining all facts of the matter as before and straightaway denied the allegations. **(Copy of Reply dated 18-12-2018 is attached as "D").**
5. That without giving any heed to the stance advanced by appellant in his reply to the Charge Sheet as well as Final Show Cause Notice, the District Police Officer Haripur without any reason and justification awarded the appellant with the punishment of Reversion in Rank from A.S.I. to Head Constable vide order dated 14-01-2019 against the law, departmental rules & regulations and principle of natural justice. **(Copy of punishment Order dated 14-01-2019 is attached as "E").**
6. That in fact on 12-09-2018 while appellant on his duty in the area was informed by the public men that Munawar Khan and Mir Afsar Khan Sons of Mir Ahmed Khan alongwith their men with the help of Excavator and Tractor Trolleys were excavating/removing the paved/cemented link road (of Ghazi to Geharikas way) at Thali-kot. Knowing the information as correct the appellant reached the spot. The appellant saw that on the spot the link road was really paved/cemented and accused persons were excavating/removing the material. Upon this appellant informed his officers and on their advice he chalked out the murasila dated 12-09-2018 and submitted to the Police Station Ghazi. That appellant has done his job

*Attested  
Ajmal*

bonafidely and in discharge of his official duties strictly in accordance with law "to safeguard the public property" being a police officer/custodian of the same. Appellant had no ill-will, enmity or malafide against the complainant. The complainant might have some political rivalry against Ehtesham Khan etc but appellant has no relation and concern, what-so-ever may be, with them. Complainant has falsely involved the appellant without any proof and justification. Nothing has been brought on record by the complainant against the appellant as to whether appellant had any enmity against them or relation with the other party. The allegation is mere wrong, baseless thinking and surmises of the complainant.

7. That the case was entrusted to Investigation Officer who found the accused persons guilty and after completion of investigation he has submitted the challan before the competent court which is now under trial. Even during the investigation the accused persons Munawar Khan etc in their statements have admitted the fact that they were using Excavator and Tractor Trolleys for removing material of road because the land was their property. They never stated that there was no paved/cemented road they were excavating/removing. **(Copies of the Investigation record are attached herewith as "F").**
8. That not to speak of that even the Sub Divisional Officer (C&W) Haripur vide his MOST URGENT LETTER under NO.922 dated 13-09-2018 has directed the accused Mir Afsar and Munawar Khan etc to "refill the cuts with in no time" and submitted its copies to the Assistant Commissioner Ghazi and SHO Ghazi etc for necessary action against the accused persons. **(Copy of the letter dated 13-09-2018 is attached as "G").**
9. That no proper departmental inquiry was conducted by the District Police Officer Haripur. Copy of Inquiry Report, if any,

Attested  
Ajmal



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was also not issued to the appellant. Even the opportunity of personal hearing was not provided to him and he was condemned unheard.

10. That appellant has rendered more than **30 years service** in the police department. He always performed his assigned duties with devotion, dedication and honesty and even on occasions for his tremendous services he has been awarded with the commendation certificates and cash rewards by his High-Ups.
11. That the appellant is innocent and there is nothing wrong on his part. In view of the facts narrated here above by no stretch of imagination the appellant can be held responsible for the allegations as leveled against him in the Charge Sheet as well as in the Punishment Order which resulted into his demotion in rank from ASI to Head Constable. He has been condemned unheard, without any reason and proof.
12. That if the appellant is afforded with the opportunity of personal hearing he will really prove him as innocent by adducing credible facts of the matter.

Sir, in view of the facts and circumstances narrated here above, it is earnestly requested that impugned order dated 14-01-2019 passed by the District Police Officer Haripur may kindly be set aside and the appellant be reinstated in his rank of **Asstt. Sub Inspector** with grant of all consequential service back benefits. Thanking you sir in anticipation.

You're obedient servant

*Ajmal*

(Ajmal Khan)

Head Constable  
District Police Haripur

0333 5494 867

Dated: 21-01-2019

*Attested*

*Ajmal*

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Annex-H

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 submitted by HC Anjial Khan No. 193 of Haripur District against the order of punishment i.e. *Reversion in Rank from ASI to HC* awarded to him by the District Police Officer, Haripur vide his OB No: 17, dated 14-01-2019.

Facts leading to punishment awarded to him are that he while posted at PS Ghazi, District Haripur. Drafted a murasila on instigation of Tehsil Member Ebtisham Khan s/o Muhammad Ali, District Member Malik Khalid and Ex-Councilor Shoukat Zaman s/o Ghulam Rabani, r/o Hassan Pur Tehsil Ghazi, and send the marasla to police station Ghazi for registration of FIR. Resultantly, a case FIR No.318 dated 12.09.2018 u/s 431/341/34 PPC PS Ghazi was registered against the seven persons, whose name are mentioned in the FIR. During course of investigation, it came to light that the subject land was not owned by C&W department neither any public complaint received. Which showed that his act for ulterior motives behind the registration of FIR, against the seven mentioned individuals in FIR, and also proved his incompetency and inefficiency to handle the case.

After receiving his appeal, comments of DPO Haripur were obtained which were examined/ perused. The undersigned called him O.R on 04.04.2019, heard him in person where he explained no plausible reason in his defence. The undersigned went through his file, discussed with DPO Haripur and his appeal is filed.

REGIONAL POLICE OFFICER  
Hazara Region Abbottabad

No. 1923 /PA, dated Abbottabad the 5/8/19 2019.

Copy of above is forwarded to the District Police Officer, Haripur w/r to his office letter No: 1176 dated 18-02-2019 for information and necessary action. Service Roll & Fauji Missal containing enquiry file is returned for your office record.

REGIONAL POLICE OFFICER  
Hazara Region Abbottabad

Almasud

Agarwal

Before Honorable KPK Service Tribunal Peshawar  
Camp Court at Abbottabad.

Service Appeal No-584/2019

Ajmal Khan — v/s — PPO/IGP KPK etc.

Service Appeal

Petition for withdrawal of Titled Appeal.

Respectfully Sheweth :-

It is humbly Submitted :-

1. That titled appeal was pending adjudication before this honorable Tribunal, when the grievance of the appellant has been settled by the Respondent No. 1 on 02-01-2020. (copy attached).
2. That in these circumstances the appellant wants to withdraw the titled appeal.

It is therefore, the appellant may graciously be allowed to withdraw the titled service appeal.

dated: 20/01/2020

through

Applicant/Appellant  
M. Akbar  
(Mohammed Akbar)  
Special Magistrate  
at Abbottabad.



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

No. S/ 56 /19, dated Peshawar the 02/01/2019.

ORDER

This order will dispose of the Revision Petition preferred by Head Constable Ajmal Khan No. 352 (the then ASI) under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) against the order of his reversion in rank from ASI to Head Constable passed by District Police Officer, Haripur vide OB No. 17, dated 14.01.2019.

The brief, yet relevant, facts, of the case are that penalty of reversion in rank from ASI to Head Constable was imposed on petitioner by DPO, Haripur vide OB No. 17, dated 14.01.2016 on the allegations that he drafted a murasila on the instigation of political figures against their rival which led to registration of criminal case vide FIR No. 318, dated 12.09.2018 u/s 431/341/34 PPC PS Ghazi. During enquiry he was held responsible for ulterior motives behind the registration of FIR.

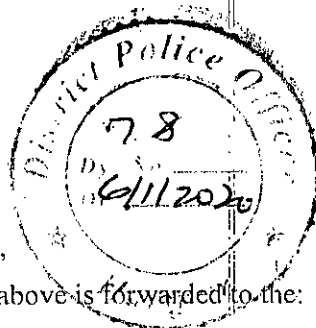
His departmental appeal was filed by Regional Police Officer, Hazara at Abbottabad vide order Endst: No. 1223/PA, dated 08.04.2019.

On 04.07.2019, the meeting of Appellate Board was held at CPO Peshawar, wherein the petitioner was present and heard in person.

The record show that appellant was transferred from the Police Station concerned and case was investigated by another officer of Investigation Wing and had submitted complete challan to court for trial against the accused. The submission of complete challan against the accused in the case rebuts the charges leveled against the appellant. Moreover, the impugned order of punishment also suffers from legal flaw as the word reversion from rank of ASI to the Head Constable has been used, which as per Police Rules, 1975 is no punishment, the proper word/punishment is reduction from the rank.

Foregoing view, and keeping in view the length of service rendered by appellant the penalty imposed on petitioner is harsh and the Board decided that the penalty of reversion in rank from ASI to Head Constable is converted into censure.

This order is issued with the approval by the Competent Authority.



No. S/ 60 /19,

(ZAIB ULLAH KHAN)  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

Copy of the above is forwarded to the:

1. Regional Police Officer, Hazara at Abbottabad.
2. District Police Officer, Haripur.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO, Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office.Supt: E-III, CPO, Peshawar.
8. Office.Supt: E-IV, CPO, Peshawar.

OHC  
For information  
DPO-HR  
08-01-2020

OHC