BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR AT CAMP COURT, ABBOTTABAD

Service Appeal No.563/2019

Date of Institution

... 02.05.2019

Date of Decision

... 16.02.2021

Ubaid Zaman Head Constable No.606, presently posted at Police Station Hattar, Haripur.

(Appellant)

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and two others.

(Respondents)

Mohammad Aslam Tanoli,

Advocate

.. For appellant.

Riaz Khan Paindakheil,

Assistant Advocate General

For respondents.

ROZINA REHMAN

. MEMBER (J)

ATIQ-UR-REHMAN WAZIR ... MEMBER (É)

JUDGMENT

ROZINA REHMAN, MEMBER: This judgment is intended to dispose of 02 connected service appeals which are:

- 1. Service Appeal No.563/2019
- 2. Service Appeal No. 566/2019



In view of common questions of law and facts, the above captioned appeals are being disposed of by this order.

- 2. Appellants Ubaid Zaman (Head Constable) and Tahir Zaman (Constable) were serving in the Police Department. They were awarded penalty of forfeiture of approved service for two years. They filed departmental appeal and penalty was reduced to forfeiture of approved service for one year. It is the legality and validity of these two orders which have been challenged by them in the present service appeal filed U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.
- 3. Brief facts of the case are that an accused Imran was arrested vide daily Diary No.20 at 1250 hours on 28.09.2018 U/S 55/109 CRPC by the local police at P.S Sara-e-Saleh who escaped from the clutches of police, therefore, a case FIR No.632 dated 28.09.2018 was registered against the appellants U/S 223-224 PPC at Police Station Sara-e-Saleh. They both were charge sheeted which were properly replied. They were served with show cause notices with same allegations and lastly, they were awarded with penalty of forfeiture of approved service for two years. Feeling aggrieved, they preferred appeals before the Regional Police Officer and vide order dated 08.04.2019, penalty of forfeiture of two years approved service was reduced into one year service, hence the present service appeals.
- 4. Learned counsel for appellants argued that both the orders dated 27.02.2018 and 08.04.2019 are illegal, against law and facts, therefore, liable to be set aside. He contends that no proper departmental inquiry was conducted and the inquiry officer acted in a flimsy and whimsical manner. The inquiry was conducted in utter violation of the procedure set forth by the law for the dispensation of justice, therefore, the penalty awarded on

the basis of such inquiry is liable to be set aside. He further submitted that neither any witness was produced before the inquiry officer nor appellants were provided with chance to cross-examine any such witness. He contended that the appellants were not treated in accordance with law, rules and regulations and the respondents acted in violation of Article-4 of the Constitution of Islamic Republic of Pakistan, 1973.

5. Conversely, learned A.A.G argued that S.H.O of Police Station Sara-e-Saleh arrested a suspect namely Imran vide daily diary No.20 dated 28.09.2018 U/S 55/109 CRPC and the suspect was placed under the surveillance of the present appellants Ubaid Zaman (Head Contable) and Tahir Zaman (Constable). They both did not perform their duties efficiently and due to their negligence, the suspect escaped from their custody which fact was reported in daily diary No.22 dated 28.09.2018. Both the defaulters were suspended and closed to Police Lines, therefore, a case vide F.I.R No.632 was registered against them U/S 223-224 PPC on 28.09.2018. He argued that the acts & omissions of the appellants were of misconduct, therefore, they were issued charge sheet and statement of allegation and proper inquiry officer was appointed who conducted departmental inquiry and submitted report where-after appellants were served with final show cause notice but their replies were not satisfactory, therefore, they were called in Orderly Room and they were heard in person, where-after, they were awarded minor punishment of forfeiture of approved service for two years and lastly, he submitted that they were awarded punishment against which they filed departmental appeal to the Regional Police Officer who reduced the punishment of forfeiture of two

and the second

years approved service into forfeiture of one year service which order is legal being originated from proper departmental inquiry

6. We have heard learned counsel for the parties and perused the record. An FIR was registered against the appellants U/S 223/224 PPC. Besides, they were proceeded against departmentally in the same charges and were ultimately awarded minor penalty of forfeiture of approved service for two years, which however was further reduced to one year in wake of their departmental appeal. Simultaneously the trial court acquitted the appellants of the same charges. To this effect, the learned counsel rightly pointed out that where the criminal charges are not established before a competent court of law and the civil servant is acquitted on those specific charges, the departmental proceedings exactly on the same charges would be wholly irrelevant and unjustified. Assertion of the learned attorney to the effect that the appellants were acquitted giving them benefit of doubt find no support as it has been held by superior forum that all acquittals are certainly honorable and shall be accepted as such. Reliance is placed on 2011 PLC (CS) 1034. Conviction of the appellants in the case FIR registered to this effect was the only ground on which they were awarded minor penalty in departmental proceedings and the said ground had subsequently vanished through their acquittal. In this respect, we have sought guidance from 2017 PLC (CS) 1076, 2003 SCMR 207, 2002 SCMR 57 and 2007 SCMR 192.

7. It is worth to mention here that the suspect who was brought to the Police Station U/S 55/109 CRPC and who allegedly made his escape good, was later on arrested by one of the present appellants namely Tahir Zaman



and where-after Appreciation Certificate was also recommended to be issued in his favor.

8. For what has been discussed above, these appeal are accepted and both the impugned orders dated 27.12.2018 and 08.04.2019 are set aside and their forfeited service stands restored with all consequential benefits. No orders as to costs. File be consigned to record room.

ANNOUNCED 16.02.2021

> (Røzina Rehman) Member (J) Camp Court, Abbottabad

(Attiq ur Rehman Wazir) Member (E) Camp Court, Abbottabad 21.01.2021

Due to COVID-19, the case is adjourned for the same on \.02.2021 before D.B.



16.02.2021

Appellant present through counsel present.

Riaz Khan Paindakheil learned Assistant Advocate General for respondent present.

Arguments heard. Vide detailed judgment of today of this Tribunal placed on file, these appeal are accepted and both the impugned orders dated 27.12.2018 and 08.04.2019 are set aside and their forfeited service stands restored with all consequential benefits. No orders as to costs. File be consigned to record room.

Announced. 16.02.2021

(Atiq-ur-Rehman Wazir) Member (E)

Camp Court, Abbottabad.

(Rozina Rehman)

Member (7)

Camp Court, Abbottabad.

17.11.2020

Counsel for the appellant is person. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Mujahid Shah, Reader for respondents is present.

Learned counsel for the appellant requests for adjournment on the ground that he has not prepared the brief.

Adjourned to 21.01.2021 on which date to come up for arguments before D.B at camp court Abbottabad.

(Mian Muhammad) Member(E) (Muhammad Jamal Khan)

Member(J)

Camp Court Abbottabad

Due to covid ,19 case to come up for the same on at camp court abbottabad.

Reader

Due to summer vacation case to come up for the same on

16 / 9 / 20 at camp court abbottabad.

16.09.2020

Counsel for the appellant Mr. Aslam Khan Tanoli, Advocate is present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Asad Khan, ASI (Legal) for respondents present.

Learned counsel for the appellant stated that he is indisposed of today due to which he could not prepared the instant appeal and requested for adjournment. The request is acceded to and the appeal is adjourned to 17.11.2020 for arguments before D.B at camp court Abbottabad.

(Mian Muhammad) Member(E) (Muhammad Jamal) Member

Camp Court A/Abad

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. Mr. Usman Ghani learned District Attorney alongwith representative Misal Khan ASI present. Representative of the respondent department submitted written reply/comments. To come up for rejoinder if any and arguments on 21.01.2020 before D.B at Camp Court, Abbottabad.

Member
Camp Court, A/Abad

21.01.2020

Clerk to counsel for the appellant present. Mr. Ziaullah, DDA alongwith Mr. Misal Khan, ASI for respondents present. Clerk to counsel for the appellant submitted rejoinder which is placed on file. Due to general strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings/arguments on 20.02.2020 before D.B at camp court Abbottabad. Appellant be put on notice for the date fixed.

Member

Member
Camp Court A/Abad

12.07.2019

Counsel for the appellant Ubaid Zaman present. Preliminary arguments heard. It was contend by learned counsel for the appellant that the appellant was serving in Police Department as Head Constable. He was imposed major penalty of removal from service vide order dated 27.12.2018 on the allegation that accused Imran was arrested vide Daily Diary No. 20 dated 28.09.2018 under section 55/109 CrPC who succeeded to escape from the appellant custody. The appellant filed departmental appeal on 21.01.2019 which was rejected on 04.08.2019 hence, the present service appeal on 02.05.2019. Learned counsel for the appellant further contended that neither proper regular inquiry was conducted nor opportunity of cross examination and defence was provided to the appellant nor any show-cause notice alongwith copy of inquiry report was handed over to the appellant 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.

Appliant Deposited
Section Process Fee

(Muhammad Amin Khan Kundi)

Member

Camp Court Abbottabad

Form- A

FORM OF ORDER SHEET

Court of					
			-		
Case No		563 /2	019	,	

	Court Case No	563 /2019
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/05/2019 10-05-19	The appeal of Mr. Ubaid Zaman 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. REGISTRAR AND CONTROL OF THE PROPERTY OF THE PROPERT
2 -	10,03.17	preliminary hearing to be put up there on 12 07 19
		CHAIRMAN
		PINICA

BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

克尼亚州东亚和

Appeal No..

Ubaid Zaman Head Constable No. 606, presently posted at Police **Appellant** Station Hattar, Haripur.

VERSUS

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

Respondents

SERVICE APPEAL

INDEX

S/N	Description of Document	Ann-	Page
0		exure	No.
1.	Appeal and respondent and the conditions		01-07
2.	Charge Sheet date 1202018 & its reply	"A&B"	08-10
3.	Final Show Cause Notice and its reply	"C&D"	11-12
4.	Order impugned dated 27-12-2018 of DPO	"E"	13
5.	FIR dated 28-09-2018	"F"	14
6.	Departmental appeal dated 21-01-2019)	"G"	15-19
7.	Order dated 08-04-2019 of RPO Atd	"H"	20
8.	Wakalatnama		

Appellant

Through

(Mohammad Aslam Tanoli)

Advocate High Court

at Haripur

Dated: 02 -05



BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 563/2019

Service Tribuna

Ubaid Zaman Head Constable No. 606, presently posted at Police Station Hattar, Haripur.

Appellant

VERSUS

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

Respondents

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 27-12-2018 OF THE DISTRICT POLICE OFFICER HARIPUR WHEREBY APPELLANT WAS AWARDED PENALTY OF "FORFEITURE OF APPROVED SERVICE FOR 02 YEARS" AND THE REGIONAL POLICE OFFICER HAZARA REGION ABBOTTABAD ORDER DATED 08-04-2019 WHEREBY ACCEPTING HIS DEPARTMENTAL APPEAL THE VERY PENALTY HAS BEEN REDUCED TO FORFEITURE OF (ONE) 01 YEAR".

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH THE IMPUGNED ORDERS DATED 27-12-2018 AND 08-04-2019 OF THE RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND THE APPELLANT BE RESTORED HIS VERY FORFEITED SERVICE OF ONE YEAR WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respectfully sheweth,

1. That appellant while posted at Police Station, Sear-e-saleh (Haripur) was served with a Charge Sheet dated 10-10-2018 by the District Police Officer Haripur which was replied explaining all facts and circumstances of the matter in detail by denying the allegations being incorrect and baseless. (Copies of the Charge Sheet dated 10-10-2018 and its reply are attached as annex-"A & B").

Regular 2/0/19



- 2. That thereafter the appellant was served upon with a Final Show Cause Notice dated 07-12-2018 with same allegations as earlier in the Charge Sheet. Similarly the said Final Show Cause was also replied in detail and the allegations were denied straightaway being incorrect and baseless. (Copies of Final Show Cause Notice dated 07-12-2018 and its reply are attached herewith as annex- "C & D").
- 3. That without giving any consideration to the replies submitted by the appellant in his defense, the District Police Officer Haripur through order dated 27-12-2018 impugned herein awarded the appellant with the penalty of "Forfeiture of approved service for 02 (two) years" without any proof and justification. (Copy of impugned order dated 27-12-2018 is attached as annex- "E").
- That allegedly an accused Imran was arrested vide Daily 4. Dairy No. 20 at 1250 hours (afternoon) on 28-09-2018 under \sim section-55/109 Cr.PC by PS Sera-e-Saleh police, whereas the appellant alongwith his Officer OII had already left Police Station at 0830 in the forenoon of 28-09-2018 for investigation in the area. Appellant also attended and remained present in an official meeting held in the office of SSP (Investigation) Haripur from 1400 to 1530 hours. Sufficient evidence and proof with regard to appellant's presence in the office of the SSP (Investigation) is available in the shape of photos etc and other police staff. Having completed investigation work when appellant arrived back to the Police Station, the Moharrir concerned appraised him that his false/incorrect arrival in PS at 1245 had already been recorded in Daily Dairy dated 28-09-2018 on the directions of OII with the sole object to shift the responsibility of escaped accused to the shoulders of appellant just to save the actual blue eyed responsible babes. Otherwise throughout the day on 28-09-2018 the appellant remained out of the Police Station for official duties. Escaped accused was never handed over to

the appellant for investigation by any of his officers. The allegation is false, fabricated and with malafide intention on the part of OII. Appellant has denied the allegation time and again in his statements before his officers. The allegations are incorrect and baseless just to make him scapegoat for the acts of others actually responsible.

- 5. That not to speak of above false allegations rather a case FIR No. 632 dated 28-09-2018 u/s-223/224 PPC was also got registered against the appellant at PS Sara-e-Saleh on the basis of incorrect, false and fabricated charge due to malafide intention without any fault on his part. (Copy of FIR is attached herewith as Annex- "F").
- 6. That neither proper departmental inquiry was conducted nor was a copy of inquiry findings provided to the appellant. Even the appellant was never provided the opportunity of personal hearing; hence principle of natural justice violated.
- 7. That appellant has rendered about 12 years service in the police department. He always performed his assigned duties with devotion and honesty and has unblemished record.
- 8. That appellant aggrieved of the order dated 27-12-2018 of the District Police Officer Haripur preferred a departmental appeal dated 21-01-2019 before the Regional Police officer, Hazara Region, Abbottabad wherein he agitated all the facts and circumstances of the matter by denying the allegations leveled against him. (Copy of the departmental appeal dated 21-01-2019 is attached as annex-"G").
- 9. That the Regional Police officer, Hazara Region, Abbottabad while accepting the appellant's departmental appeal reduced the penalty of forfeiture of 02 years approved service into 01 year service vide order dated 08-



04-2019. (Copy of the order dated 08-04-2019 is attached herewith as annex-"H").

Hence instant service appeal, inter alia, on the following amongst others:-

GROUNDS:

- a) That both the impugned orders dated 27-12-2018 and 08-04-2019 of respondents are illegal, unlawful against the facts and circumstances of the matter hence are liable to be set aside.
- b) That no proper departmental inquiry was conducted. The so-called Inquiry Officer acted in a flimsy and whimsical manner. He conducted inquiry in utter violation and negation of the procedure set forth by the law for the dispensation of justice at the preliminary stages during the course of departmental inquiries, hence penalty awarded on the basis of such inquiry through orders impugned herein is liable to be set aside on this score alone.
- c) That neither a single witness was produced in presence of appellant before the so-called Inquiry Officer nor was appellant provided a chance to cross examine such witness, if any. That the appellant was never confronted with documentary evidence, if any, produced against him. The appellant was also not provided with the copy of findings of so-called inquiry, if any, of which provision is mandatory under law.
- d) 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 and unlawfully issued the impugned orders, which are unjust, unfair hence not sustainable in the eyes of law.



- e) 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 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 read with Article 10A of the Constitution of Islamic Republic of Pakistan 1973.
- f) That appellant was also not provided opportunity of personal hearing before awarding penalty which was mandatory under law thus he has been condemned unheard.
- g) 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 27-12-2018 and 08-04-2019 of respondents may graciously be set aside and appellant be resorted his his forfeited service with all consequential service back benefits.

Appellant

Through:

(Mohammad Aslam Tanoli) Advocate High Court

At Haripur

Dated o レ -0 多2019

VERIFICATION

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

Dated 07-0\(\varphi\)2019

Appellant



BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Ubaid Zaman Head Constable No. 606, presently posted at Police Station Hattar, 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

CERTIFICATE

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

APPELLANT

Dated:02-03-2019



BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Ubaid Zaman Head Constable No. 606, presently posted at Police Station Hattar, Haripur.

<u>Appellant</u>

VERSUS

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

Respondents

SERVICE APPEAL

AFFIDAVIT:

I, Ubaid Zaman appellant do hereby solemnly declare and affirm on oath that the contents of the instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Service, Tribunal.

Deponent/Appellant

Dated:02-04-2019

Identified By:

Mohammad Aslam Tanoli

Advocate High Court

At Haripur

Appellant

AnnexA

CHARGE SHEET

- (1) I, Capt: ® Mansoor Aman, (PSP) District Police Officer, Haripur as competent authority, hereby charge you IHC Ubaid Zaman No. 606 as enclosed statement of allegations.
- 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.
- 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) otherwise.

Intimate weather you desire to be heard in person or

(6)

 $extstyle{\mathsf{A}}^{\!\!\!\!/}$ statement of allegations is enclose

D. No. 2973 e.

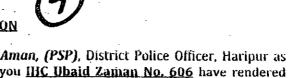
Capt: ® Mynsoor Aman, (PSP)
District Police Officer
Haripur

0344-19838

Thomas & S

Allested

DISCIPLINARY ACTION



I, Capt: ® Mansoor Aman, (PSP), District Police Officer, Haripur as competent authority of the opinion that you IHC Ubaid Zaman No. 606 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 PS Sarai Saleh, "it has come to the notice of the undersigned vide Memo No. 1463 dated 08.10.2018 by DSP/HQRs Haripur that accused Imran s/o Mehboob Elahi r/o Shah Maqsood was arrested vide Daily Diary No. 20 dated 28.09.2018, u/s 55/109 CrPC, who succeeded to escape from your custody. Resultantly, a case FIR No. 632 dated 28.09.2018 u/s 223/224 PPC, PS Sarai Saleh, was registered against you. You act shows negligence and irresponsibility during official duties, which is gross misconduct on your part in terms Police Rules 1975, hence charge sheeted

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

<u></u>	PSP	Lot	٠		-		
		• ,	· • ;	•		·	

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.

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: ® Majisoor Aman, (PSP) District Police Officer Haripur

No: 35/-53

/PA, dated Haripur the

/o -

Copy of above is submitted to the: -

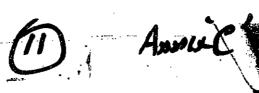
1) Regional Police Officer, Hazara Region, Abbottabad, please.

- 2) Enquiry Officer for initiating proceedings against the said accused under Police Efficiency & Discipline Rules 1975:
- 3) IHC Ubaid Zaman No. 606 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.

District Po ce Officer.

Haripur

Annex. B 1 le suo los 128 /8/21/ Ordelle C" res CIM Cosi File CIPA FACIANA Sollain Co Wills - 1/1/10/12/16/00 por Con Vijes de SHO de Cinju la Comps Con Charles Colories selector Contine (1/10 C 350) may Copies OGO COM STORE CONTRACTOR CONTRACTOR North West add to Colo Colo Cong Gob CONCOLONICONTINE COM LANT 660000 (1-54)11 (20 (54)0/11/11 4 Oly (54)1 124 (Po) ins Allisted Short



FINAL SHOW CAUSE NOTICE

I, Dr. Zahid Ullah, (PSP). District Police officer. Haripur as Competent Authority under Police Rules 1975, do not a serve Final. Show Cause Notice upon you IHC Ubaid Zaman No. 606 on the Sollowing grounds:

"That while you posted at PS Sarai Saleh, it has come to the notice of the undersigned vide Memo No. 1463 dated 08.10.2018 by DSP/HQRs Haripur of the undersigned vide Memo No. 1463 dated 08.10.2018 by DSP/HQRs Haripur that accused Imran s/o Mehboob Elahi r/o Shah Maqsood was arrested vide that accused Imran s/o Mehboob Elahi r/o Shah Maqsood was arrested vide that accused Imran s/o Mehboob Elahi r/o Shah Maqsood was arrested vide that accused Imran s/o Mehboob Elahi r/o Shah Maqsood was arrested vide that accused Imran s/o Mehboob Elahi r/o Shah Maqsood was arrested vide that accused Imran s/o Mehboob Elahi r/o Shah Maqsood was arrested vide that accused Imran s/o Mehboob Elahi r/o Shah Maqsood was arrested vide that accused Imran s/o Mehboob Elahi r/o Shah Maqsood was arrested vide that accused Imran s/o Mehboob Elahi r/o Shah Maqsood was arrested vide that accused Imran s/o Mehboob Elahi r/o Shah Maqsood was arrested vide that accused Imran s/o Mehboob Elahi r/o Shah Maqsood was arrested vide that accused Imran s/o Mehboob Elahi r/o Shah Maqsood was arrested vide that accused Imran s/o Mehboob Elahi r/o Shah Maqsood was arrested vide that accused Imran s/o Mehboob Elahi r/o Shah Maqsood was arrested vide that accused Imran s/o Mehboob Elahi r/o Shah Maqsood was arrested vide that accused Imran s/o Mehboob Elahi r/o Shah Maqsood was arrested vide that accused Imran s/o Mehboob Elahi r/o Shah Maqsood was arrested vide that accused Imran s/o Mehboob Elahi r/o Shah Maqsood was arrested vide that accused Imran s/o Mehboob Elahi r/o Shah Maqsood was arrested vide that accused Imran s/o Mehboob Elahi r/o Shah Maqsood was arrested vide that accused Imran s/o Mehboob Elahi r/o Shah Maqsood was arrested vide that accused Imran s/o Mehboob Elahi r/o Shah Maqsood was arrested vide that accused Imran s/o Mehboob Elahi r/o Shah Maqsood was accused Imran s/o Mehboob Elahi r/o Shah Maqsood was accused Imran s/o Mehboob Elahi r/o Shah Maqsood was accused Imran s/o Mehboob Elahi r/o Shah Maqsood was accused Imran s/o Mehboob E

- (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 Deputy Superintendent of Police, Ket, Haripur was appointed as enquiry officer against you for the conduct of proper departmental enquiry vide this office Endst No. 351-53/PA dated 10.10.2018
- The enquiry officer after conducting proper departmental enquiry submitted his finding vide his office letter No. 294/R dated 03.12.2018, in which he had the charges of misconduct proved and recommended for minor 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 to defense to affirm, you are also allowed to appear before the undersagned, if you so desired.

(Dr. Zahid Ullah) PSP District Police Officer Haripur

Alleled

[12]

ا۔ مورخہ 2018-99-28 کو SHO کا تھا نہ سرائے صالح نے مشہ عمران ولد محبوب الہی قوم اعوان سکنہ شاہ مقصود حال ھزارہ کالونی راولپنڈی کو زیر دفعہ 55/109 ض ف میں حسب ضابط گرفتار کر کے بخوالہ مد 20 روزنامچہ حال ھزارہ کالونی راولپنڈی کو زیر دفعہ 12:50 ض ف میں حسب ضابط گرفتار کر کے بخوالہ مد 20 روزنامچہ کر کے بغرض انٹاروگیشن میرے خوالے کرنے کی رپورٹ درج روزنامچہ کی گئی۔

۲۔ میں ہمراہ oii بحوالہ مدااروزنامچہ 2018-99-28 بوقت 08:30 بغرض تفتیش مقد جات علاقہ روانہ ہوئے علاقے سے ہی میٹنگ پر دفتر جناب SSP/INV چلا گیا۔جومیٹنگ 1400 بج سے شروع ہوکر اور 15:30 پر ختم ہوئی میٹنگ میں میرے علاوہ Oil تھانہ سرائے صالح ضلع ہذہ کے جملہ oii صاحبان نائب کورٹس ضلع ہذا میٹنگ میں موجود ستھے۔

عالیجاہ، میں مبح 88:30 بجے تھانہ سے روانہ ہو کر بعد فراغت میٹنگ دفتر SSP/INV واپس آیا تو مجھے مشتبہ عمران کی نسبت پیۃ چلا کہ SHO صاحب نے تھانہ لا کر بند کیا تھا جو بھاگ چوکا ہے

ملزم نہ تو برائے انٹاروگیشن میرے حوالے ہوا اور نہ ہی میری نگرانی سے بھا گہ ہے میں اس دوران تھانہ میں موجود نہ تھا میٹنگ میں میری موجود نہ تھا میں موجود نہ تھا میں میری موجود گی میں میری موجود گی میں میں میں میں میں میں مان حالات سے با خبر ہوکر میں نے محکمہ کی نیک نامی کیلئے تنگ ودوشروع کرتے ہوئے مشتبہ شخاص فرار شدہ کو دوبارہ گرفقار کر کے حوالہ پولیس کیا میری عدم موجود گی میں میرے او پر جوالزام مھہرانا سراسرنا انصافی ہے

استدعاہے کہ شوکازنوٹس دخل دفتر فر مایا جا کرمشکور فر مایا جاوے سائل تا حیات انجناب کی دراز عمری اورخوشحالی کیلئے

دعا گورہے گا۔

العالم عبيزمان نبر Alles و 606 مبيزمان نبر 606 Alles

يستخط

Head Constable Daid Zaman No.606 while posted at Sarai Salah as IHC, it came in the notice of undersigned by DSP/HQrs vide his office Memo No.1463 dated 08.10.2018. That accused Muhammad Imran s/o Mehboob Elahi r/o Shah Maqsood, District Haripur was arrested vide daily diary No.20 dated 28.09.2018 u/s 55/109 Crpc. Who succeeded to escape from his custody. Later on, a case vide FIR No.632 dated 28.09.2018 u/s 223/224 PPC PS Sarai Salah, registered against HC Ubaid Zaman No.606. 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.351-53/PA dated 10.10.2018.

To probe the allegations, Mr. Amjid Khan Deputy Superintendent of Police, Khanpur, District Haripur was appointed as enquiry officer, who conducted proper departmental enquiry and submitted his finding, vide his office Memo No.294 dated 03.12.2018. 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 I gone through enquiry papers recommendation of enquiry officer and after personal hearing of accused HC Ubaid Zaman. The charges of misconduct against the defaulter police official stands proved, I am fully satisfied that HC Ubaid Zaman committed gross misconduct. Therefore, I, Dr. Zahid Ullah District Police Officer, Haripur being competent authority under Khyber Pakhtunkhwa efficiency and discipline rules 1975, awarded minor punishment of "forfeiture of approved service for 02 year" reinstated in service from the date of suspension with immediate effect.

Order announced. OB No. 894 dated 27.12-2018

District Police Officer

Haripur

THE PERSON OF TH

بلؤيرل يوليس منوريره فادم فبرحك فالبل ابتداني اطلاعي ريورث ابتدائی اطلاع نسبت بحرم قائل دست اندازی پیش د پورث شده در دفید ۱۵ مجور شاط فرجدادی سرام کی 632/1Cill E16.00 20 18 Por Brid de 1430 C100 28/5 200 115 نام و مكونت اطلاع د منده مستنيث وي مرمي طامي طالري معالم ماري معالم ماري 14 10 18 28 18 1 1 23 18 CM CM كاوائى جِنْفَيْشْ كِمُعَلَّى كَانُ الراطلاع درج كرف مِن تُنف موامو وجبيان كو تفانه سروانگی کی تاریخ ووقت ما در المان المان ور دانته الى اطلاع نجود في كور ورفر الما ور من 22 من مراسالا مارخان الولس عمد المان المان وقر المان الموالي والموالي والموال المالية مارفال المرازول مرو فارتروه ما مال مله و مارو فارد المراز المراز فارد المراز المراز فارد المراز المر را كون درا كرون المالك - ورا را الله المالك مردرا و را درا ورود و المراد و و المراد و و و المراد و و و المراد و المرد ور الما و و المال مرا المال مرا المال المرا المال المرا المر 1917 (and white some sould be الله والمداري والمعالية المالية المالي Sacra Cul alk Joine (25 th Contis Cisto Calla Co ع معدم دران کی کا ورس الدور این باز عور المال در الدور المال المال المال المال المال المال المال المال المال ا ماد ما روس مران وزوره از العنان حواله مرده مازمان مردوار المردوار معران وزلور انك عفلت الاندواتي ي وراسي ما مداني ي مداني مداني ي مداني مداني مداني ي وراسي ما مداني ي مداني عي برد عدف راول در الراعاج مي سروي ولي علي مون الراعاج مي المروي المروي

NY 255/16/18



Amrex-G

BEFORE HONOURABLE REGIONAL POLICE OFFICER, HAZARA REGION, ABBOTTABAD.

(Departmental Appeal by IHC Ubaid Zaman No.606 District Police Haripur).

(THROUGH PROPER CHANNEL)

DEPARTMENTAL APPEAL AGAINST ORDER OB NO. 894
DATED 27-12-2018 PASSED BY THE DISTRICT POLICE
OFFICER HARIPUR WHEREBY THE APPELLANT HAS BEEN
AWARDED WITH THE PENALTY OF "FORFEITURE OF
APPROVED SERVICE FOR 02 (TWO) YEAR".

PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL THE IMPUGNED ORDER DATED 27-12-2018 MAY KINDLY BE SET ASIDE AND APPELLANT BE RESTORED HIS 02 (TWO) YEAR FORFEITED APPROVED SERVICE WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respected Sir,

With most reverence and humble submission the following few lines are laid down before your Highness for kind consideration and favourable order please:-

1. That appellant while posted in Police Station Sara-e-Saleh (District Haripur) was issued with a Charge Sheet dated 10-10-2018 by the District Police Officer Haripur alleging therein:

"that while you posted at PS Sara-e-Saleh, it has come in the notice of the undersigned vide Memo No.1463 dated 08-10-2018 by DSP H/Qs Haripur that accused Imran s/o Mehboob Ellahi R/O Shah Maqsood was arrested vide Daily Dairy No.20 dated 28-09-2018 u/s 55/109 Cr.PC, who succeeded to escape from your custody. Resultantly, a Case FIR No.632 dated 28-09-2018 u/s-223/224 PPC PS Sara-e-Saleh was registered against you. Your act shows negligence and irresponsibility

Allsted



during official duties which is gross misconduct on your part in term of Police E&D Rules 1975". (Copy of the Charge Sheet dated 10-10-2018 is attached as "A").

- 2. That the aforementioned Charge Sheet was duly replied by the appellant explaining all facts and circumstances of the matter in detail denying the allegation leveled against him being incorrect and baseless. (Copy/ofithe Charge Sheet dated 10-10-2018 is attached as "#").
- 3. That thereafter the appellant was served with a Final Show Cause Notice by the District Police Officer Haripur dated 07-12-2018 with the same allegations. (Copy of the Final Show Cause Notice dated 07-12-2018 is attached herewith as "C").
- That aforementioned Final Show Cause Notice was replied by the appellant and once again he explained all facts and circumstances of the matter and denied the allegations straightaway as before being incorrect and baseless. (Copy of reply to the Final Show Cause Notice is attached as "D").
- 5. That without considering the reply submitted by appellant to the Charge Sheet as well as Final Show Cause Notice the District Police Officer Haripur vide his Order dated 27-12-2018 awarded the appellant with the penalty of "forfeiture of approved service for 02 (Two) year". (Copy of impugned order dated 27-12-2018 is attached as "E").

Allestes

That accused Imran was arrested vide Daily Dairy No. 20 at 1250 hours (afternoon) on 28-09-2018 under section-55/109 Cr.PC PS Sera-e-Saleh whereas the appellant alongwith his Officer OII had left Police at 0830 (forenoon) on 28-09-2018 for investigation job in the area. Appellant also attended and remained present in the meeting in the office of SSP (Investigation) Haripur from 1400 to 1530 hours. Sufficient evidence and proof with regard to appellant's presence in the office of the SSP (Investigation) is available like photos etc and other police staff on the occasion. When appellant returned to Police Station Sera-e-Saleh on his query from Moharrir of the PS LHC Safeel it came to his notice that his false/incorrect arrival in PS at 1245 had been recorded in Daily Dairy dated 28-09-2018 on the directions of OII with malafide just to shift the responsibility of escape on the shoulders of appellant and to save the blue eyed actual responsible babes. Otherwise throughout the day on 28-09-2018 the appellant remained out of the Police Station for official duties. Escaped accused was never handed over to the appellant for investigation by any of his officers of the police station. The allegation is totally false, fabricated and with malafide intention on the part of Oil. Appellant time and again has denied the allegation in his statements before his officers. The allegation is totally incorrect and baseless just to make him scapegoat for the acts of others who were actually responsible for the said incident.

6.

Allested

- 7. That appellant was get involved in FIR No.632 dated 28-09-2018 u/s-223/224 PPC PS Sara-e-Saleh on the basis of baseless, incorrect, false and fabricated charge due to malafide despite there being no fault on his part. (Copy of FIR is attached herewith as "F").
- 8. That to prove the allegation against the appellant no proper departmental inquiry was conducted. Appellant was never provided with a copy of inquiry findings, if any, of which provision was mandatory under the law nor was he afforded opportunity of personal hearing before awarding the punishment of forfeiture of 02 years approved service thus principle of natural justice was violated in his case of appellant.
- 10. That in view of the facts narrated here above by no stretch of imagination the appellant can be held responsible for the allegation as leveled against him due to which the appellant has been awarded with the punishment without any reason.

Allesles

11. That if the appellant is afforded with the opportunity of personal hearing he will really prove himself as innocent by adducing true picture of the matter.

Sir, in view of the facts and circumstances narrated here above, it is earnestly prayed that impugned order dated 27-12-2018 passed by the District Police Officer Haripur may kindly be sat aside and the appellant be restored his forfeited 02 (two) years approved service with all consequential service back benefits. Thanking you sir in anticipation.

Your obedient Servant

(Ubaid Zaman)
IHC No. 606

District Police Haripur

Dated: 21 -01-2019

Allelad



Annex - H

This order as a

under Rule 11-A of Khyber Pakhtinker.

Zoman No. 606 of Haripor District against approved service for 2 years awarded to him by the Total and his OB No. 894, dated 27-12-2018.

Muhammad Imran s/o Mohboob Elahi R/o shah Maqsood District Horipur via mide daily diary No. 20 dated 28-09-2018 U/S 55/109 CrPC. Who succeeded to the property from his custody, detter on a case vide FIR no. 632 dated 28-09-2018 U/S 223 225-2000 Police Station Sprai Salah, regimered against him.

After receiving his appeal, comments of LPO Haripur were abtained which were examined/ perused. The undersigned called him in O.R on 04.04.2019, heard him in person, discussed with DPO Haripur and his punishment of forfeiture of approved service for 02 years is reduced to forfeiture of 01 year approved service. He shall be monitored by DPO and report be communicated to the understance.

REGIONAL POLICE OF TOTAL Hazara Region Abbettabad

No. 1824

JPA, dated Abbottabad the

/2019.

Copy of above is forwarded to the District Police Officer Thaif or why to his office letter Not 1177 dated 13-02-2019 for information and necessary action. Service Roll & Fauji Missai centaining caquiry file is returned for your office record.

REGIONAL POLICIE (EPICIE)

** Ulama Neglia Alberto):

Velec Sport



<u>ORDER</u>

This order is hereby passed to dispose off departmental appeal under Rule-11-A of Khyber Pakhtunkhwa Police Rules-1975 submitted by HC Ubaid Zaman No. 606 of Haripur District against the order of punishment i.e. forfeiture of approved service for 2 years awarded to him by District Police Officer Haripur vide his OB NO: 894, dated 28-12-2018.

Facts leading to punishment awarded to him are that accused Muhammad Imran s/o Mehboob Elahi R/o shah Maqsood District Haripur was arrested vide daily dairy No. 20 dated 28-09-2018 U/S 55/109CrPC. Who succeeded to escape from his custody. Latter on a case vide FIR no.632 dated 28-09-2018 U/S 223/224 PPC Police Station Sarai Salah, registered against him.

After receiving his appeal, comments of DPO Haripur were obtained which were examined/perused. The undersigned called him in O.R on 04.04.2019, heard him in person, discussed with DPO Haripur and his punishment of forfeiture of approved service for 02 years is reduced to forfeiture of 01 year approved service. He shall be monitored by DPO and report be communicated to undersigned.

Sd/REGIONAL POLICE OFFICER
Hazara Region Abbottabad

No. 1224 /PA dated Abbottabad the

·....

Copy of above is forwarded to the District Police Officer Haripur w/r to his office letter No.1177 dated 18-02-2019 for information and necessary action. Service Roll & Fauji Missal containing enquiry file is returned for your office record.

\$d/REGIONAL POLICE OFFICER
Hazara Region Abbottabad

S.No:<u>52288</u> 206 DBA.No: . BC No: Name of Advocate: ASSOCIATION مرحدن فجرو Date: BARA مقدمه مندرجه بالاعنوان میں اپن طرف سے واسطے پیروی وجوابد بی برائے پیثی یا تص<u>دیفہ مقد مس</u>یمقام ایس<u> مراسم</u> لوحسب زبل شرائط پروکیل مقرر کیا ہے کہ میں ہر پیثی پرخود یا بذار ایعه مختار خاص روبروعدالت حاضر ہوتار ہوں گااور بروقت ے استے مقدمہ وکیل صاحب موصوف کواطلاع دے کر حاضر عدالت کروں گا۔اگر پیشی پرمظبر حاضر نہ ہوااور مقدمہ میری ر ما خبری کی وجہ کے سی طور پرمیرے خلاف ہو گیا تو صاحب موصوف اس کے سی طور پرز مددار نہ ہوں گے نیز وکیل صاحب لدر مقام بچہری کے علاوہ کسی جگہ یا بچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے زمہ دار نہ ہوں گےاور کمقدمہ پیجری کے علاقہ کہی اور جگہ ساعت ہونے پر یابر وزنقطیل یا کچبری کے اوقات کے آگے پیچھے پیش ہونے رِمظہر کوکوئی نقصان مینچ تو اس مے زمہ دار آیا ہی ہے واسطے کسی معاوضہ کے اداکر نے یا مختانہ کے واپس کرنے کے بھی صاحب موصوف زمه دارنه ہوئگے ۔ جھے کوکل بہاختہ پر داختہ صاحب موصوف مثل کر دہ زات منظور ومقبول ہوگا اورصاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجرائے ڈاگر کی ونظر ثانی اپیل نگرانی و ہرتسم درخواست پر دستخط وتصدیق کرنے کا بھی اختیار ہوگا اور اور کسی تھم یاڈ گری کرانے اور معتم کا رویہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہرتتم کے بیان دینے اور اس کے ثالثی وراضی نامہ وفیصلہ برحلف کرنے اقبال دعوی دیلے کا بھی اختیار ہوگا اور بصورت جانے بیرونجات از پھہری صدر ا پیل وبرآ مدگی مقدمه یامنسوخی ڈگری میکطرفه درخواست علم المنزعی ای تی تی گرفتاری قبل از گرفتاری واجرائے ڈگری بھی صاحب موصوف کوبشر طادا ئیگی علیحده مختانه پیروی کااختیار ہوگا۔اور بصورت ضرورت صاحب موصوف کویہ بھی اختیار ہوگا کہ مقدمہ مزکوریااس کے کسی جزوکی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل گوائیے بجائے یاا ہے ہمزاہ مقرر کریں اورا یہے وکیل کو ، بھی ہرامر میں وہی اور دیسےاختیارات حاصل ہونگے جیسےصاحب موصوف کوخاص بین اور دوران مقدمہ جو پچھ ہرجانہ التوايد كاوه صاحب موصوف كاحق هوگارا گروكيل صاحب موصوف كو پورې فيس تاريخ پيڤې كيك ادانيه كرول گا تو ص موصوف کو بوراا ختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اورالی صورت میں میرا کوئی مھالبہ کی ج يرخلاف نبيس ہوگا۔ لبذاوكالت ناملكه وياب كسندرب مضمون وکالت نامہ ن لیاہے اوراجھی طرح سمجھ لیاہے اور منظور۔ 'Me/m

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SEKVICE TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD

SERVICE APPEAL NO.563/2019

Ubaid Zaman Head Constable No. 606, presently posted at Police Station Hattar, Haripur.

.....(Appellant)

VERSUS

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

....(Respondents)

RESPECTFULLY SHEWETH!

The Para-wise comments on behalf of respondents No.1, 2 and 3 are submitted as under:-

PRELIMINARY OBJECTIONS:-

- 1. That the instant Service Appeal is not maintainable in the present form.
- 2. That the appellant is estopped by his own conduct.
- 3. That the appellant has not come to the Hon'ble Tribunal with clean hands.
- 4. That the appellant has suppressed material facts from the Hon'ble Tribunal.
- 5. That the instant Service Appeal is not maintainable for non-joinder/ mis-joinder of unnecessary parties.
- 6. That the instant Service Appeal is badly time barred.
- 7. That the appellant has filed the instant service appeal just to pressurize the respondents.
- 8. That both the orders passed by the authorities are as per law and rules, after fulfilling all the codal formalities, hence, the appeal is liable to be dismissed without any further proceeding.

OBJECTIONS ON FACTS:-

1. That the appellant Constable, Ubaid Zaman No.606, while posted in Police Station Sarai saleh, SHO Police Station, Sarai Saleh, arrested a suspect namely, Imran S/o Mehboob R/o Shah Maqsood, vide Daily Diary No. 20, dated 28.09.2018, U/s 55/109, CRPC, the suspect was placed under the surveillance/custody of appellant and constable Tahir No.277 (Copy of daily dairy Police Station Sarai Saleh is attached as annexure "A"). The appellant and constable Tahir did not perform their official duties efficiently and honestly, due to their negligence, the suspect escaped from their custody. The fact was reported in daily dairy No.22 dated 28.09.2018 PS Sarai Saleh, (Copy of daily dairy is attached as annexure "B"). Therefore, both the defaulters were suspended and closed to Police Lines Haripur, as they committed an offence under the law, so criminals case vide FIR No.632 dated 28.09.2018, U/S 223/224 PPC Police Station Sarai Saleh was also registered against the appellant and co-accused. (Copy of FIR is attached as annexure "C"). The acts and omissions of the appellant were misconduct, therefore, he was issued

charge sheet and statement of allegations vide this office Endst: No.351-53 /PA, dated 10.10.2018, Deputy Superintendent of Police, Khanpur, Mr. Amjad Khan was appointed as enquiry officer, who conducted proper departmental enquiry and submitted his findings vide his office memo No. 295/R dated: 03.02.2018, in which he held the charges proved and recommended the appellant for appropriate punishment. (Copy of Enquiry is attached as annexure "D"). Hence, the appellant was served with final show cause notice vide this office Endst: No. 478-79 dated: 07.12.2018, to which the appellant could not give satisfactory reply, (Copy of final show cause notice is attached as annexure "E"). Therefore, he was called in orderly room and he was heard in person, being satisfied regarding the guilt of appellant, he was awarded minor punishment of forfeiture of approved service for 02 years Vide OB No. 894 dated: 27.12.2018. (Copy of order is attached as annexure "F").

- 2. In reply to this Para, it is submitted that charges of misconduct were proved against the appellant in the departmental enquiry, therefore, he was issued final show cause notice, to which the appellant could not give plausible reply.
- 3. Incorrect, having taken into consideration all facts, circumstances, relevant evidence, the appellant was held guilty of misconduct, so, on quite legal grounds the appellant was awarded minor punishment of forfeiture of 02 years approved service by competent authority.
- 4. Incorrect, the appellant was held guilty of misconduct, the suspect was handed over to the appellant and constable Tahir, the relevant fact was incorporated in daily dairy No.20 dated 28.09.2018, the appellant is adducing false stories, his negligence and misconduct was fully proved in departmental enquiry, the appellant was held guilty on strong evidence, he is suppressing the material facts to absolve himself from liabilities, his guilt was proved beyond any doubt.
- 5. In reply to this Para, it is submitted that the appellant failed to discharge his lawful duties, due to his negligence a suspects escaped from his custody, the acts of the appellant earned bad name for police force, the negligent conduct of appellant and constable Tahir was offence under the law, therefore, criminal case Vide FIR No. 632 dated: 28.09.2018, U/S 223/224 PPC Police Station Sarai Saleh, was registered against the accused.
- 6. Incorrect, proper departmental enquiry was conducted, the appellant participated in enquiry proceedings, he was given right of personal hearing and self defense, so having fulfilled all legal requirements and principle of natural justice, the appellant was awarded lawful punishment.
- 7. Subject to proof.
- 8. Incorrect, the appellant was awarded lawful punishment against which he preferred departmental appeal to the Regional Police Officer, Hazara Region Abbottabad, who reduced the punishment of forfeiture of 02 years approved service into forfeiture of 01 year service vide order Endst: No.1224/PA dated 08.04.2019. (Copy of order is attached as annexure "G").
- 9. As stated above.

GROUNDS:-

a. Incorrect, the order of punishment and appellate order are quite legal, originated from proper departmental enquiry, in accordance with law and maintainable.

- b. Incorrect, proper departmental enquiry was conducted, all principles of Natural justice were observed, the appellant was found guilty of misconduct, and he was awarded punishment as warranted under the law.
- c. Incorrect, proper enquiry was conducted, in which allegations were thoroughly probed, the enquiry officer recorded the evidence in presence of appellant, moreover, he was given right of personal hearing and self defense. All legal requirements were fulfilled during the departmental enquiry, hence, the punishment is lawful and maintainable.
- d. Incorrect, the appellant was dealt with in accordance with law and relevant rules, so, the punishment awarded to the appellant holds legal force.
- e. Incorrect, the appellant authority i-e Regional Police Officer, Hazara Abbottabad, took into consideration the relevant evidence and defenses taken by the appellant, he took lenient view and reduced the punishment from forfeiture of 02 years approved service into forfeiture of 01 year approved service. The punishment awarded to the appellant is sound in eye of law.
- f. Incorrect, the appellant was given right of defense and personal hearing during departmental enquiry, as well as he was also afforded opportunity of personal hearing while disposing of his appeal by the departmental authorities, hence the punishment is quite legal and maintainable.

g. Legal.

In view of above, it is most humbly prayed that the instant service appeal does not hold any legal force which may graciously be dismissed with cost.

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

Regional Police Officer, Hazara Region, Abbottabad (Respondents No.2)

District Rollice Officer, Haripur

(Respondents No.3)



BEFORE THE HONORABLE KHYBER PAKHTUNKHWA, SERVICI TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD

SERVICE APPEAL NO.563 /2019

Ubaid Zaman Head Constable No. 606, presently posted at Police Station Hattar, Haripur.

.....(Appellant)

VERSUS

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

....(Respondents)

COUNTER AFFIDAVIT

I, do hereby solemnly affirm and declare, that the contents of comments / reply, are true to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

District Police Officer,

Haripur

(Respondents No.3)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA, SERVICI TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD

SERVICE APPEAL NO.563 /2019

Ubaid Zaman Head Constable No. 606, presently posted at Police Station Hattar, Haripur.

.....(Appellant)

VERSUS

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

....(Respondents)

COUNTER AFFIDAVIT

I, do hereby solemnly affirm and declare, that the contents of comments / reply, are true to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

District Police Officer

Haripur

Respondents No.3)

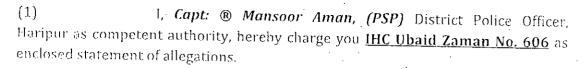
MARKE 28/3/1/1/ 20 10/1/ju Lokalupo co € 13.50 Cio 20 € 540 CID Cu C3 Collo 200 Charle all the collection of t Suf Broll Com Ofmay Car Son glo Ste Com it still city of and of the delity of Bills (5)1/16/20/20 de 25000 for a 0/20/20 0/10/31/2 Production Chiracolog Color Color Color Color Color The wise Shur is cooled to lendich اروى ما ما ما ما ما دار الما الموقوع سا في والما الما الموقوع سا في المراب الما المرود على المرابي المرابي Croco SS/ por pride Le Boll ou Office it if a could plo to place of the Contraction William Colonia. Bullance Colonial Co INV of Este which be of of the Old de En/20 6/1 1/13 6 277 1/6 cm/ 150 9/10 Ciliple Gy certo a Milayi 18 7 18 28 9 18

TABP de Story is 28 × 3 4/2 -12 CU/S 20 19/13/10/14 & 1430 E30 28 SHO (1) is Est 28,0 Meggeo Cilim (18 for 18 Coll Coll Will Dies Coll Cm) is G(19 55/109 b5.012 12) (3) (3) (6) (6) U)1/1/6 (1/19 6/19 Will cos st. 1/1/3 Eus) (Com 9th Olejujus Willing Will Com Wills . Cos Charles Calas Charles Cf Pings No 100 (2) Colo en fair (5) En Colo Colo (3) a cete plo is it all disperies 192 -9/12 Colone Ales els como NICHI to be the will offer of the fit is We eligh selight the West of 1776 has all (3/201) Cilis (Sir) Would be Carbo per Con K Mil Clos cyle 12. webs Mos Clos Colle in 6/10/1/6/16/16/00 Coll 26/00 Cold En Policy Vilisail di ille 1/1/colle 14 Gio En 4 gullo af Gibita Bigg to the Company Confine as here Me Neine Chile & Asi Celle It 1/2 Chilis 3/8/2/19 June Espel Challes Go. PliE PH SPORT Silver Por Che Die VIII Con the Copy Studies at With angrove ME COPICULES 13.5 Solak

مورنمنٹ پرلیں پٹا در جاب نمبر 2286/13 فارم سٹور۔ تعداد کیک ہزار دجشرز مور کئے 20.06.2017 پی نور (فارم سٹور جایز) خمنی فارم (پرلیس ابتدائى اطلاعى ربورك 011 632/1CM E 1430 C99 2815 نام وسكونت اطلاع د بنده ستغيث حيل مرمي مارى مرارى محمام مخقر کیفیت جرم (معدد نعه) حال اگر پچھ لیا گیا ہو۔ نام وسكونت ملزم كاوالى جِنْفتِش كِمتعلق كائي الراطلاع درج كرنے ميں توقف مواموتودجه بيان كو دوسر اردال تھانہ ہےروانگی کی تاریخ ووقت UNSill seit of cists Jedismon ju Opato 120/4 mis Coult 20/2/20 ما نزاره کالوی دولتری کردارسرا وزوره ال سع دمان حمال مرده ملازمان مسرنزوان خال سطر سرمار می عرف کرده کا مطابع می درای عنان الاروالي المعالى الموالي الموالي

المال المرائع الموائم عورت المرائع ال 2/10/18

CHARGE SHEET



- (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.
- 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 weather you desire to be heard in person or otherwise.

(6)

A statement of allegations is enclosed

2973 000 /1-10-18 m

Capt: ® Mynsoor Aman, (PSP)
District Police Officer

Haripur

5/2000

500

DISCIPLINARY ACTION

I, Capt: ® Mansoor Aman, (PSP), District Police Officer, Haripur as competent authority of the opinion that you IHC Ubaid Zaman No. 606 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 PS Sarai Saleh, "it has come to the notice of the undersigned vide Memo No. 1463 dated 08.10.2018 by DSP/HQRs Haripur that accused Imran s/o Mehboob Elahi r/o Shah Maqsood was arrested vide Daily Diary No. 20 dated 28.09.2018, u/s 55/109 CrPC, who succeeded to escape from your custody. Resultantly, a case FIR No. 632 dated 28.09.2018 u/s 223/224 PPC, PS Sarai Saleh, was registered against you. You act shows negligence and irresponsibility during official duties, which is gross misconduct on your part in terms Police Rules 1975, hence

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.

PSP Lot

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.

The accused and a well conversant representative of departmental shall in the proceedings on the date, time and place fixed

> Capt: ® Malisoor Aman, (PSP) District Police Officer Haripur

No: 351-53

/PA, dated Haripur the

10 -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

3) IHC Ubaid Zaman No. 606 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

District Police Officer,

ripur

جناب عالى!

مشموله شو کازنولش نمبر 79-478 پرمعروض خدمت ہوں

۔ مورند 2018-09-28 کو SHO کا تھانہ سرائے صالح نے مشتبہ عمران ولد محبوب الہی قوم اعوان سکنہ شاہ مقصود حال ھزارہ کالونی راولپنڈی کو زیر دفعہ 55/109 ض ف میں حسب ضابط گرفتار کر کے بحوالہ مد 20 روز نامچہ 2018-09-28 بوقت 12:50 بیجے بند روز نامچہ کر کے بغرض انٹاروگیشن میرے خوالے کرنے کی رپورٹ درج روز نامچہ کی گئے۔

۔ میں ہمراہ oii بحوالہ مدااروز نامچہ 2018-99-28 بوقت 08:30 بغرض تفتیش مقد جات علاقہ روانہ ہوئے علاقے سے ہی میٹنگ پر دفتر جناب SSP/INV چلا گیا۔ جو میٹنگ 1400 بج سے شروع ہوکراور 15:30 برختم ہوئی میٹنگ میں میرے علاوہ Oil تھانہ سرائے صالح ضلع ہذہ کے جملہ oil صاحبان نائب کورٹس ضلع ہذا میٹنگ میں موجود سے سے

س میں جب 08:30 بجے تھانہ سے روانہ ہو کر بعد اختیام میٹنگ سے واپس تھانے پہنچا تو پتہ چلا کہ روز نامچہ میں میری بحوالہ مد 19 روز نامچہ 2018-09-28 بوقت 12:45 ببجے واپسی درج ہے معلومات پر اور دوران انکوئری مد د محر سفیل MM/ LHC نے DSP صاحب کے سامنے بتلایا کہ اُس نے میری واپسی oii صاحب کے کہنے پر کی ہے

علا بیجاہ میں شیخ 30:30 بج تھانہ ہے روانہ ہو کر بعد فراغت میٹنگ دفتر SSP/INV واپس آیا تو مجھے مشتبہ عمران کی نسبت پتہ چلا کہ SHO صاحب نے تھانہ لا کر بند کیا تھا جو بھاگ چوکا ہے

ملزم نہ تو برائے انٹاروگیشن میرے حوالے ہوا اور نہ ہی میری نگرانی سے بھا گہ ہے میں اس دوران تھانہ میں موجود نہ تھا میٹنگ میں میری موجود نہ تھا میٹنگ میں موجود کی جملہ OII صاحبان ، نائب کورٹس و دفتر سٹاف کے علاوہ میرے فوٹو زگواہ ہیں ان حالات سے با خبر ہوکر میں نے محکمہ کی نیک نامی کیلئے تنگ و دوشروع کرتے ہوئے مشتبہ خص فرارشدہ کو دوبارہ گرفتار کر کے حوالہ پولیس کیا میری عدم موجود گی میں میرے او پر جوالزام تھہرا ناسراسرنا انصافی ہے

استدعاہے کہ شوکازنوٹس دخل دفتر فر مایا جا کرمشکور فر مایا جاوے سائل تا حیات انجناب کی دراز عمری اور خوشحالی کیلئے دعا گورہے گا۔

Shall bir,

ۇپىسىرىنىندىڭ قە بولىس سركل خانبور منجانب: جناب ڈسٹر کٹ پولیس آفیسرصاحب ہر پیور جناب 03/12 /2018 Dec 294/R, محکماندائکوائری برخلاف عبیدز مان IHC/INV تھانہ سرائے صالح حال پولیس لائن ہریپور

جناب عالى!

مشموله جارج شیئ نمبری 53/PA-351 مورند، 10.10.2018 مجاربید جناب DPO صاحب ہر یپور برخلاف عبید زمان IHC/INV تھا نہ سرائے صالح پرانکوائری ہوکر معروض ذیل ہوں۔ الزام: - عبیدز مان IHC پر بمطابق چارج شیٹ الزام ہیکہ اُس کی دوران تعیناتی تھانہ سرائے صالح ملزم عمران ولد محبوب سكنه شاه مقصود گرفتار شده زير دفعه 55/109 ض ف بحواله مد 20 روزنام په 28.09.2018 تھانه سرائے صالح جو کہ تھانہ میں برائے انٹاروگیشن اُسکی نگرانی میں تھا جو مذکورہ کی غفلت کی وجہ ہے اُسکی حراست سے فرار ہو گیا۔ جس پر مذکورہ کے خلاف مقدمہ علت 632مور ند 28.09.18 جرم 223/224PPC

تفاندسرائے صالح درج رجشر ہوا۔

کاروائی:۔

جواب حيارج شيث منجانب الزام عليه

بیانSI کیڈٹ چن زیب تنولیSHO تھانہ سرائے صالح (٢

بیان Sانورخان O۱۱ تھانہ سرائے صالح · ("

بیان غلام عباس محررتھانہ سرائے صالح (~

بیان محن سردار ۱HC تھانہ سرائے صالح (4

بیان سفیل احدید دمحررتھانہ سرائے صالح

بیان سلیل مقرب ریاض نمبر 69 تھانہ سرائے صالح

بیان مسلیل خاورشنراونمبر ۱43/۶ تھاندسرائے صالح

بیان سیبل سعیدنمبر 124 تھانہ سرائے صالح

فائينڈنگ:۔

الزام علیہ ۱۱۲۵ مذکور کے خلاف الزام مندرجہ چارج شیٹ کے مطابق انکوائری کی گئی۔الزام علیہ کو للب کیا جس نے عاضر ہوکر جواب چارج شیٹ کیا اورالزام مندرجہ چارج شیٹ کی نبست تر دید کی اور بیان کیا کہ میرے حوالے کوئی ملزم بغرض انٹار وگیشن نہیں کیا گیا۔ دوران انکوائری متعلقین کے بیانات لیے گئے۔انکوائری سے پایا گیا ہیکہ کیڈٹ جن زیب SHO تھانہ سرائے صالح نے مشتبر عمران ولد محبوب کو مشکوک جان کر زیر فعہ SHO کیا ہیکہ کیڈٹ جن زیب SHO تھانہ سرائے صالح نے مشتبر عمران ولد محبوب کو مشکوک جان کر زیر فعہ 109 تھانہ میں سرید کی گئی اسٹیر کیا گیا بلکہ بارک FRP کنسٹیرل نئیں رکھا جا کر نگرانی کیا گیا بلکہ بارک FRP کنسٹیرل نئیں رکھا جا کر نگرانی کی سرسری انٹار وگیشن کے لیے انورخان OII تھانہ سرائے صالح اور الزام علیہ عبد باز کیا تھانہ سرائے کا کی ڈیوٹی لگائی گئی۔ مشتبرگان کی سرسری انٹار وگیشن کے لیے انورخان OII تھانہ سرائے صالح اور الزام علیہ عبد باز کی متبدر کیا گیا۔ مشتبرگان کی سرسری انٹار وگیشن کے لیے انورخان OII تھانہ سرائے صالح اور الزام علیہ عبد باز کیا گئی جو کہ شعبیل مقرب ہونے پر کہنشیل مقرب ریاض کی ڈیوٹی لگائی گئی۔ جب کہ شعبیل طاہر زبان کی مبحد ڈیوٹی سائی گئی جو کہ شعبیل مقرب ریاض نے کہنشیل مقرب دیا جونے پر کششیل مقرب ریاض نے کہنسٹیل مقرب کی سے متبدر لیا گیا۔ مشتبرگا کہ اسٹیر نہاں کو کہا کہ آپ ملز مان کے ساتھ ڈیوٹی کریں میں متبدر ڈیوٹی سائی گئی ہو کہ نششیل مقرب ریاض مدر دیور سفیل احمد کوئوٹس میں لگا کر اسلی وایمونیشن کے کرمسجد ڈیوٹی کیلئے چلا گیا۔

ا کانورخان ا ۱ اورالزام علی عبیدالز مان ۱ ا ۱ است نقانه آکر مشتبهگان کوانناروگیٹ وغیرہ کیا۔ نماز جعد کا وقت ہونے پر تھانہ ہے اکثر پولیس ملاز مان نماز جعد کی اوائیگی کیلئے چلے گئے۔ اس دوران کنشیل طاہرز مان مشتبہ گان کی نگرانی کے لیے موجود تھا اور دوران انکوائری انورخان ا ۱ کی بھی موقع پر موجود گی پائی گئی۔ جب کہ انورخان ا ۱ کی بھی موقع پر موجود گی پائی گئی۔ جب کہ انورخان ا ۱ کی بیان کے مطابق الزام علیہ عبیدالز مان ۱ ال کی بھی اوائیگی نماز جعدے لیے چلا گیا۔ مسمی عمران نہ کورہ جو کہ اُس وقت تھانہ کے سی مقدمہ میں نامز دملزم نہ تھا صرف مشتبہ تھا جوزیر دفعہ 109 کی خی گرانی کی ڈیوٹی گوزیا دہ اہمیت نہیں دی۔ جس کی وجہ سے مشتبہ عمران موقع پاکر فرار ہونے میں کا میاب ہوگیا۔ پھر بہی مشتبہ تھانہ حطار کے مقدمہ علی مان دہوا۔ 380/34 PPC میں مقدمہ علی مانز دہوا۔

انکوائری سے الزام علیہ عبید الز مان IHC/INV کا مشتبہ کوانٹاروگیٹ کرنا پھر نماز کی ادائیگی کے لیے چلا جانا
پایا گیا ہے جبکہ بوقت فراری مشتبہ موقع پر کنسٹیل طاہر ز مان اور اکا انورخان OII کی موجودگی پائی گئی ہے۔ تا ہم عبید
الز مان IHC/INV کو بھی مشتبہ کی انٹاروکیشن کے لیے مامور کرنا اور مشتبہ کا انٹار وگیٹ کرنا بیان کیا۔ چا ہے تھا کہ
مشتبہ کو بوقت نماز بند حوالات تھا نہ کیا جاتا۔ مناسب سزاکی سفارش کی جاتی ہے۔

و پیکسپر ننڈ ننٹ آف پولیس مرکل خانیور

1 20

2 but 2 be 10, 2 low lock it we will the collection of the collect

20000 Logicale 11/18 1913 Cyricy 21) SHO Log 28 9 1918. UN CUP (Jord Will 216 Cm) 25 Ciril lie la Ciril Cil Gel fit Of Mis Line Co Le cir Com Wills explosion (John Com Com iles No Wings Losno Locing W list pille of f (11. Elilo for me se me so por 10 11) 20 11 O' Com lis 18 of Or 558/min Copies Chie ser Or cire LODIO - 01/10/ (ico) & (the Os of 1/10/2/2/20 do Or Cin O'll of the of Jobs character april co 4) 60 - 10 m Delin Duly Charles Charles Charles de Europe Echoliche Constin Copies Cicio Way Cym [() 4 //// Lin 2/1 6 per pl) is Police Con lib live Of Cinti CE COS G فرماكر مشكوفرمام فارتيه 1HE Popular line 17-10-18

Application of with the wife of the state of بالي يُور دره : 185 كر مشرع إن ما وجه الي فوم اعوان كريما ميمور اللي يُور دره : 185 كر مشرع عران ما وجه اللي فوم اعوان كريما ميمور all she she he said sing of the she she 5,5h. (18 = 153 (6) do e williew 5 (6) 13 8-11 Lotter Report of All Isolan Distantions Mile illigite of a Bulgha opin- Will of a this きいらればり 1330000 5000 - あっと 1/10 = 27/1 14 -11. JES 111/4 11/1/ 11/1/ 1/ 1/20/6 3 / 100 or 18 \$ 31/10 20 will will in - will 14/16 J 21/4 2 - 8 1/16 - 8 3 1/10 - 8 3 1/10 20 coling 183,20 con girly con for special المحال الرسان عفدات المحالي كا فطاع كا حق ويدر مرفره ال عبالك ツーンニーとことしかりが一川のはの一年をかつかかール 2 01.00 10 - 3 [will the start of with

Ung (Brown JE 60 15-2 vist & Time 2 00 1 - 126 51 - 80 8 سر الطرك كراك كو صلح هے حرى والتي لوگ تھائے روزا فرص ل کا کے 14C,012 tap 20100000-2-150165,362601 _ /=> کفتی افتر ای روازگی والیسی فود کرا کے 2, W. 20, Will an Coffee Color 5 Jell 1/2 000 2 15 W 3 6 W. B. -12 6/h /19 - 65 1138 J- Tay of -!--/9 على مركان من ما فرر دارمان من ساق ي سوال المرا آجے اپنے مان جس کی صی علاقہ س کی۔ نور آنے کہ لیا ک

بيل ازال قر الوزازه/اد خطام سرة ما لح 0-16/02 6/3/59 5 JJUS 20= 328-9 / Upich the علاہ میں ووری کر تھا۔ سے اطراب کر اکنوں نے کھا کی جاکور (1) July 16 18 379/458 1/ 18 1/19 (1/612) (Son Sen i 1He ising Philip It is also 16/1/2016 el - 62 9 2 277 277 2775 Jest 056/18 33/ 5 06 m2 14 Ciline 6 2006 (1) En 20/2 - 45 0) en la 2 = 6 (15 = 125 4/16) -65 plante of the files of while Whenmy 2 the order سرالات الراجعة عميزمان علاا كما حري روالكي آئے لى قوعوال مولى حقى 2 (1 2 5 phow) all first file with file with files with - 2 bellette (m) 2 17150 mil 28 9 19 000

مب آئے ملون کو حری گزان مورکھا کو کا ملرقان کو کھالیوں کا کا vennage | Sio/ ib/ ji 5:50 8 boil 1145 reger 1/11 550s

1 18 719 leg Color Superior of the 2013 Office on CALISHONED JUST TO CONSCIENT BULLE THE من المان ولا في اللا من العوان كم شاه فيور د الل براي 13/000 (1055/200) de by Motor Schiloligh The ship we continue to the solve of 200113 6116 67-6020 2016 61 61 27 46 600 600 18:10/12/19 0/18 3 To Sign 3 1/2 0,28236/1220 1136/1/ find 6. Willson Not le compliment of a color in colors in B 6000 (14/10 6277 NB Cop 13.15 6 Coplesso Colle Misosphis Guille in Constant chulde Oh Who- les luly 110 6 per 3 les Milie w/ 57 3 million min 13.5. Salch. 30/10/18 well ed illy se We Will wellson likelyolen or included printiple of the 13 203-1100/11/1125-2-07/8/14 Shiston Coloring

thou pusions He 12 ما المرابع المرابع من MAS 1250 Sele 05 05 CHILLIS 05 CHILLIS SAA / 16 JL The wish is the state of the design of the state of the s الله عامر اللي بدر قا مع حركه ورسي ركا well it itellan To the west of the opposite with the of the -617/10-030/10/20/2012-63 (6), 4,2 - JUSS I HE Wine Ubill Thou pl Mint reply in it is からっとしいこうしらこうしょうないない。ころSHE ニシックト (With open : 22 off) 12 22 = 3001-1 in -1/19 ME SEC 660 (16), 16/1 8 132. COII Jeb. Me - 11/2 she dig

بروالي عوار الراجيل طايرتوال 1/11/ 1) (3) 32/213 (14) p. 10 15 22 21 29 (in the state of Files July 30 1 1 2 04 1-13. -Atto الات فالمد الوالم اكنيم 5 65 6 1000 - (62 2005) 3 9 10 11 to 16 200 -42115 is the showing the since of Vision 13. 101/2000 July 200 July 1000 July 100 2 /6/19 4 10 15 oph- 30 - 65 Ch 6 33 5 john-30 2 00. The Chile Chilling Minister Man Son Silver 18 2/3 FAIL S 123, 601-32/102-07-17-18-38 00 25 50 Voit - 235 111/ 32 0. FR J, 40/6 = 200 01/23-SERTINE WE IN Wo Vied IIIC Me at to oil it من الوطائر الوصائد (1) 20th) 1111 (16) NE 1500, (3) 1/3 mill fine 500

- Vod 28 9 Prostandy Ally rile for LHC 18 worker it ملا ماه- نه مران وله عرو - الى و الوران - من على و الوران من على و مالوران من الله و مالوران من الله على بولايدًى كوسران مهاسوكا سي إيرانع المحالي من المحاص من المرفاع المرا مع المرابع ميد المراي و ناروسي كسط عين كالمري كالمري الم med 16/2 6/19 Just as (1) 8/4/2 5/12 124/20 By 38 (ord) Call i one of file for 1772 277 MU U ي صد الرا با دعم - دعم الله و الوى به واس رعماد والما 11/2/18) (19 (19 ()) Se Se () 18 () Se () 1/2 () 1/2 277 6/18/12 18/18 4 (21) 2 meles she one 28 & 18 1/91 22 10 124 per cylinder of sections sho - in the the China Wije in 2 11/2 for the wow of 4 1/2 2 277 such 1910 فيافنا علم فركون كولام بارك سي مركور و كولون كم هوالم تعالى فالمسرا A July & Exum & Ch

MIN-85-5-501 9-11-018 the still we stopping is in

88/ 10 CM 1550 3 Valladio (5) @ Sice in oil ile ist - 10 (1) (= Tell -1-13 Mess. C2 VVE et juggen - with Wo of 25 5 - 18 pt Pub inhoir at Costob = 1 con

---1*]?*

delippedo ibelo المان كو من المران كو من 600050-11- E ENSON To value - poster for the work to se into w 2 23 lo oil il contenc Steppen - TRUFTED EF W Q 4 4 11/10 0 5 - 100 100 حوارً سنولات في بند الكواري (صر 一門川側ではきとりかるいとといういんと مَا لَا عَلَى مَعْ وَلَوْقًا مِلْ عِلَى إِلَى قَلَا عِلَى إِلَى فَعَالِمِ لِينَا فَعَالِمُ لِينَا فَعَالِمُ لِينَا - 14- William & isom West 2 8 Onto WIN 2-Up shill かかりしんから ニルタ シルカングラートラ 1300 - AN SUNDATE - 2/01/6 からからしましてからいらいしましたがある

TIP (33, Jb platities in 69 judy - 5 white 0-2 6 July of 12:00 13 20 28 - 18 por Uright lide のかりまることにありていかっちがとうからいる THE WE TO BE OF ENDS OF FROM SOIL or all libralismos & ifing 3 will 2 2 J 1000 - 100 1 20 - 100 1 200 Els 35 ver そけんか、 でしてはと ひりり TH 69 69 1 19th - 23 02/11/2018. سوال کا شرالزام کی عمیری الله iteration with. مران/حيرگان هران ويمره كرك وقت کو کھائے س دیکھاتے -1/ م كر ك كم حديثًا أن و عمام لا ما تم المه والله أما كولف ما الله ع برس المنظلة و تعلق م سكيا ما ا مرمان في ولاي ما عمسوا كرا ما الله disand bribbs sur our 2 124 pre- 35 2 - 10 Boid 1 - 663 - 51 - 2 2 - 2005 6613,50 j 115 ants 5 1/3/30 eper 300 2 2 12130 6 W 190

Stoff 165 ie 143/5/1. Just 16 Ullah. 16,330013 47 8ils or 3 289 p3 105 il ledo 111/265 3 300 60 1 - 13 19 018 500 - 10 SHO - 10 - Who do with the it we Establi كورس سورسراس كا مرجل ما المار ما الروا بار سال الما 561250116-600 miller 0,500 -2 V UNG GOVER WEST IN STORED WIND STORE 2 - 20192 Khing) 143/5/1/38/16/25 Mab no: 0344-9410485 30/10/18 style 2019 (19) lest 112 4 2 The stand we de IN MI an all should this way Supposition to sho - jugging en End ide - 60 V 42 ET (Lie 23) (60, 23 / 63 5 0 20 / 25 500

Slot ili ie 124 judice whole & U il philt it = / il - - - - - - - 28 78 p. 3 / Up il. (i) - 12:45 1 = 12:45 15 (es 2) 5 (s) من عران عره مي گراني بر هجر كر مرد ور مياليم فوطائر ما به عيان 16-12-12-12- Eb Childs 3,13: John E 1050 200- - 1818 SUSUR - 00 / 5 Och - 20 135 一般原理的一种的一种的 File ilust - What file a coline ale ت مع فون رئے و راف کم مران است ال کان دلائی کرن الے 8/3/00123 JETURL-2013/16 in 500-16 BUBNIGE 618118 300 - 1 WINDE de par 1600 - 18 july a place Lite 1,1 8 per 1600 (1) 2 1 365 213 1/2 10 1 MAN SUDE, Syl . 2 200 18 2 Ut By jadre 06/11/2018

11

1HC Object OL 2 le 5/10 le d'i d'28 9 1911/ UN Melet Che rest Gill to the philist for the Modera on Co Willsen Profit and Com MICHAPPELISHOLOWING COPIE OF COSON GUNGO CONTROL OF WORKS ratio OF Con log Chia Office Colon Colors JOB ON 24 Cler 2/12 01 2 (ME 0192 CM/12) Mine MESSANE COLOCOCOCOCAGE J111012011100119920 6 4/111 SSCONDE CENTOS CONTOS SONOS A OUN CHILL ON CONTOS E

277 Men 16 Mu 2 Cid file Viscolo 28 9 1912. Or Kelelo Co 140 Synus W 2 po Lo SHO Lo J 28 3 7 3 1 1 1 6/ (5/9 WiCh Chill Michael Chille (1/2/5/ Alling to Cr Cistologic) IMCMines Olosell Ephilipalities des affollo 277 (Mij 16

NIGHT LOCK HE HE 3 CHE PUR CHE 285 613. Chille Elistis religion 519 April 20 ob es (1) 300 000 cy (1) (1) E vie CALO SHOE (0) con de le 2/2 / 1/1/2 / 1/1/2 / 2/2 2/2 mg / well went 0/1 Jim Tiles of Jof 6 Co 55/09 Jesty Con Mary Sold Star El Continued 6, 20 El (1) 1277 NB CW 15 1 2 19 2 9MC (1/20 ERO 28 3 /1/20 0 /15 C/1) July with Color of the color of the Many of the 10 8/10 00 10 CO 28/2 3 his 22 p 1/3 Col 29 July Charicalos SHO Clo We consolis BU W ON 19 6277 Mb Cop per , 91 Che ins E Swy As en My Solve 29/9/18

سیال کسندل مر ریام ، 60 مده منا ر کرای مرائی سرای بول کر مورخ ر مورخ ر

69.

29-09-2018 0312-5926212

3) co lis de l'aprilis el 3 10 Lite CIPJE SHO, lo 18/18/28/2 Per. Us Chief colies pilos por 230 / Col & Col 33 11) (1/5 famos 68 jour 69 jour 15 in Caple 27) May 113- Old Willia & Cirl Gold Colice 43 16 26 3 13 6 100 0 1 les 68 Chamber 611 6 1 277 16 ale 10 - 4 by file de 6/3 10 68 12/2/1/13 CP C/16 3/12 C/1/14 0/19 3/13 6/10 1/ W 3/3/5 - Sour Charles Cole wind coupled con sho - is with 3. all Oldes Entribiles of old alt in the little 982361120 1136 CUIS SIN EN Finds of Composition of Charles of Co mm.P5-5-5dal

J282 in Service of the control of the service of th

Khan P

29/09/18

30

سان في المراد المراد المرد المراد المان المول الم المول المرد المان المول المرد المان المول المرد المان المول المان المال المان المال المول المان المال المان الم

Melo 28 2 3 6/2/27 19 CM ju ورا ما باراد الماليان ديال مي المالي مي المالي مي المالي مي الماليالي مي الماليالي مي الماليالي مي الماليالية الماليالية المالية المال The die of the ship seed of the Ble Cypalin Clow Buy du Constant Constant 458.379 2 608 Colon 19 91 Colon & Colon 1839 - 631/ Cide pio et 13 En Man it is files fle Bylovie de Joseph John John Chil Constitute de la la colo suo 22 Con Cosille · les Willy ples cy'l fire in e Marie ju 12.5.5. 21/9/18

1818 do the of the 8/10 3 4/2/25 DUCKE 62-13-16 je 15 113 (13 eli) = Ses 21.19 Asi 10 [25] المران الوثان الا في المرادي و في المراد المراد المراد المراد المرادي المرادي المرادي المرادي المرادي المرادي Rig 632 City and 1/3 /00 277 City play for Colling When wo Con the Et iles the 223/ 20 400 lines with 223/ 20 400 100 lines the 223/ 20 400 100 lines to come of the 200 contraints of Miller Core de Sie Chille Com Con Constantes Che 19 Call (p) D.S.P./ Headquater Baripur9-10-18

ORDER

The following police officers/ officials are hereby suspended being charged in case FIR No. 632 dated 04.10.2018 u/s 223/224 PPC PS Sarai Saleh with

- 1. HC Ubaid Zaman No. 606
- 2. FC Tahir Zaman No. 277

District Police Officer \\daripur

No. 62/13-16: JOHC dated Haripur the

/10/2018.

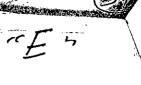
Copy of above is forwarded for information to the 1. Superintendent of Police, Investigation, Haripur

- 2. RI, Police Lines, Haripur
- 3. SHO PS Sarai Saleh
- 4. PA to District Police Officer, Haripur for departmental proceeding.

District Police Officer

Haripur

Mark Bones



FINAL SHOW CAUSE NOTICE

I, Dr. Zahid Ullah, (PSP). District Police Fulleer. Haripur Competent Authority under Police Rules 1975, do hereby serve Fin Show Cause Notice upon you <u>IHC Ubaid Zaman No. 606</u> on the following grounds: -

"That while you posted at PS Sarai Saleh, it has come to the notice of the undersigned vide Memo No. 1463 dated 08.10.2018 by DSP/HQKs Harip that accused Imran s/o Mehboob Elahi r/o Shah Maqsood was arrested videally Diary No. 20 dated 28.09.2018, u/s 55/109 CrPC, who succeeded to esca from your custody. Resultantly, a case FIR No. 632 dated 28.09.2018 a 223/224 PPC, PS Sarai Saleh, was registered against you. You act show negligence and irresponsibility during official duties, which is gross miscondition your part in terms Police Rules 1975"

- (1) For the purpose of scrutinizing the conduct on your pawith reference to the above allegation, you was serve with Char Sheet/Statement of allegation and Deputy Superintendent of Police, Kalleripur was appointed as enquiry officer against you for the conduct proper departmental enquiry vide this office Endst No. 351-53/PA data 10.10.2018
- The enquiry officer after conducting proper department enquiry submitted his finding vide his office letter No. 294/R dat 03.12.2018, in which he had the charges of misconduct proved at recommended for minor punishment under section-4 of the KPK Poli E&D Rules 1975.

(3) Keeping in view of above allegation on your part, you a hereby called upon. To Show Cause within (07) days of the removed this Final Show Cause notice as to why you should not be award punishment under the Police Rule 1975, if your written reply is a received with in stipulated period. It shall be presumed, that you have defense to affirm, you are also allowed to appear before the undersigned to you so desired.

ر دیگر ۱۳۰۰ این این این این این اما داشتی

> 0B No 894 27-12 2018

(Dr. Zahid Uliah) PSP District Police Officer Hariour

District Phice Office of American About the Regional Politics of the Re

me of Oyears approve

District Police Officer
Haripur

- 1-1-1 6 NEW

11

ORDER

Head Constable Ubaid Zaman No.606 while posted at Sarai Salah as IHC, it came in the notice of undersigned by DSP/HQrs vide his office Memo No.1463 dated 08.10.2018. That accused Muhammad Imran s/o Mehboob Elahi r/o Shah Maqsood, District Haripur was arrested vide daily diary No.20 dated 28.09.2018 u/s 55/109 Crpc. Who succeeded to escape from his custody. Later on, a case vide FIR No.632 dated 28.09.2018 u/s 223/224 PPC. PS Sarai Salah, registered against HC Ubaid Zaman No.606. 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.351-53/PA dated 10.10.2018.

To probe the allegations, Mr. Amjid Khan Deputy Superintendent of Police, Khanpur, District Haripur was appointed as enquiry officer, who conducted proper departmental enquiry and submitted his finding, vide his office Memo No.294 dated 03.12.2018. 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 HC Ubaid Zaman. The charges of misconduct against the defaulter police official stands proved, I am fully satisfied that HC Ubaid Zaman committed gross misconduct. Therefore, I, Dr. Zahid Illah District Police Officer, Haripur being competent authority under Khyber Pakhtunkhwa efficiency and discipline rules 1975, awarded minor punishment of "forfeiture of approved service for 02 year" reinstated in service from the date of suspension with immediate effect.

Order announced.
OB No. 894 dated 27.12-2018

District Pólice Officer

Haripur

17

Proceedings

G,,

<u>ORDER</u>

This order is hereby passed to dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 submitted by HC Ubaid Zaman No. 606 of Haripur District against the order of punishment i.e. forfeiture of approved service for 2 years awarded to him by the District Police Officer, Haripur vide his OB No. 894, dated 27-12-2018.

Facts leading to punishment awarded to him are that accused Muhammad Imran s/o Mehboob Elahi R/o shah Maqsood District Haripur was arrested vide daily diary No. 20 dated 28-09-2018 U/S 55/109 CrPC. Who succeeded to escape from his custody. letter on a case vide FIR no. 632 dated 28-09-2018 U/S 223/224 PPC Police Station Sarai Salah, registered against him.

After receiving his appeal, comments of DPO Haripur were obtained which were examined/ perused. The undersigned called him in O.R on 04.04.2019, heard him in person, discussed with DPO Haripur and his punishment of forfeiture of approved service for 02 years is reduced to forfeiture of 01 year approved service. He shall be monitored by DPO and report be communicated to the undersigned.

REGIONAL POLICE OFFICER
Hazara Region Abbottabad (1) (209)

No. 1224

/PA, dated Abbottabad the

8/4 /2019

Copy of above is forwarded to the District Police Officer, Haripur w/r to his office letter No: 1177 dated 18-02-2019 for information and necessary action. Service Roll & Fauji Missal containing enquiry file is returned for your office record.

لاً الله المرك

116-16. 7/2

DB No 278 22-04-2019 REGIONAL POLICE OFFICER
Hazara Region Abbottabad

1 2192 co



BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

In the matter of Appeal No. 563/2019

Ubaid Zaman......V/S......PPO/IGP & Others (Appellant) (Respondents)

REJOINDER ON BEHALF OF THE APPELLANT

Respectflly Sheweth:

The appellant submits his rejoinder as under:-

Preliminary Objections:

- 1. Contents incorrect and misleading, the instant appeal has been brought in accordance with law, rules & regulations governing the terms and conditions appellant' service.
- 2. Contents incorrect and misleading, no rule of estopple is applicable in the instant case.
- 3. Contents incorrect & misleading, appellant has come to this Honorable Service Tribunal with clean hands as he has not committed any such act to attribute the allegation of unclean hands.
- 4. Contents incorrect and misleading, all the facts necessary are brought before this Honorable Service and nothing has been concealed.
- 5. Contents incorrect and misleading, all necessary parties have been arrayed in the instant appeal.
- 6. Contents incorrect and misleading, appellant has filed instant well within prescribed period of time limitation.
- 7. Contents incorrect and misleading, appellant has illegally been awarded the penalty of forfeiture of one year approved service hence the question of pressurizing the respondents does not arise.

8. Contents incorrect and misleading, both the impugned orders of the respondents illegal and against the rules & regulations applicable to the terms and conditions of appellant' service and no proper departmental inquiry was conducted.

ON FACTS:

Contents of para No.1 to 09 of the appeal are correct and the reply submitted to these paras by respondents in para-1 to 09 is incorrect and misleading hence denied.

GROUNDS:

All the grounds "A" to "G" taken in the memo of appeal are legal and will be substantiated at the time of hearing of appeal and reply submitted to these paras by respondents from "A" to "G" are incorrect and misleading hence vehemently denied.

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

APPELLANT

THROUGH

(MOHAMMAD AŠLAM TANOLI)
ADVOCATE HIGH COURT

AT HARIPUR

AFFIDAVIT:

I, Ubaid Zaman appellant do hereby solemnly declare that contents of this rejoinder as well as that of titled appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this

Honorable Tribunal.

Dated: 7/-01-2020

Deponent/Appellant

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 479 /ST Dated 04 /03 / 2021

To

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

Subject: -

JUDGMENT IN APPEAL NO. 563/2019, MR. UBAID ZAMAN & 1 OTHER.

I am directed to forward herewith a certified copy of Judgement dated 16.02.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

REGISTRAR

KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL

PESHAWAR.