


FORM OF ORDER SHEET

Court of _____

Appeal No. 244/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/02/2024	<p>The appeal of Mr. Mazhar Rauf resubmitted today by registered post through Mr. Muhammad Arshad Khan Tanoli Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on _____ Parcha Peshi is given to counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The copy of Mr. M... received today i.e. on 10.01.2024 is incomplete on the... which is returned to the counsel for the appellant for completion and... within 15 days.

1. Copy of application and application mentioned in para-2&3 of the memo of appeal... placed on it.
 2. Copy of departmental appeal against the impugned order dated 21.12.2023 is not... with the appeal to be placed on it.
 3. Appeal has not been flagged/marked with annexures marks.
 4. Annexures of the appeal are not in sequence
- The more copy/set of the appeal along with annexures i.e. complete in all respect... be submitted with the appeal.

86

11/1

2024


2024



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Muhammad Arshad Tanoli Adv.
Counsel for the Appellant

objection removed - Complaint attached
at page no 20. Departmental Appeal
also attached on page 50. File received
on 27-1-24.



30.1.24

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

Service Appeal No. 244 2022024

Mazhar Rauf S.I No.43/H. Police Line Abbottabad.

....APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Interior and Tribunal Attribs.
Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS


SERVICE APPEAL

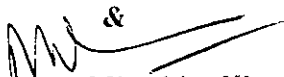
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3.	Copy of application	14	"B"
4.	Copy of handing over of charge report, relevant documents, and complaint of Moosa Khan	15-22	"C"
5.	Copy of letter wherein inquiry against the appellant has been ordered by respondent No.4	23-27	"D"
6.	Copy of show cause notice regarding delay of one month and 20 days in lodging of FIR.	28-29	"E"
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Dated: _____/2024

Through:


(Muhammad Arshad Khan Tanoli)
Advocate Supreme Court of Pakistan
at Abbottabad

&

(Muhammad Ibrahim Khan)
Advocate High Court, Abbottabad

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 244 2024

Khyber Pakhtunkhwa
Service Tribunal

10495

Mazhar Rauf S.I No.43/H, Police Line Abbottabad.

10-1-2024

...APPELLANT

V E R S U S

1. Government of Khyber Pakhtunkhwa through Secretary Interior and Tribunal Affairs, Khyber Pakhtunkhwa, Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
3. Regional Police Officer, Hazara Range, Abbottabad.
4. District Police Officer, Abbottabad.

...RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT 1974 FOR DECLARATION
TO THE EFFECT THAT HONOURABLE
TRIBUNAL HAS CONVERTED THE SERVICE
APPEAL OF THE APPELLANT INTO
DEPARTMENTAL APPEAL AND DIRECTED
THE RESPONDENTS' DEPARTMENT THAT
TEMPERING/OVER WRITING IN REGISTER
NO.5-A WAS MADE BY THE APPELLANT OR
SOME ONE ELSE BUT AGAIN RESPONDENT

10/01/24

NO.3 AWARDED PENALTY OF FORFEITURE OF 02 YEARS REGULAR SERVICE VIDE ORDER OB NO.302 DATED 21/12/2023 BUT SAID LETTER IS UNSIGNED AS A RESULT THE APPELLANT FILED APPEAL BEFORE RESPONDENT NO.2 UNDER R.T.I ACT 2013 FOR PROVISION OF ATTESTED COPY OF IMPUGNED ORDER OB NO.302, DATED 21/12/2023 BUT THE APPLICATION OF THE APPELLANT WAS FILED AND HE WAS VERBALLY TOLD BY RESPONDENT NO.3. THAT ATTESTED COPY OF THE IMPUGNED OB NO.302, DATED 21/12/2023 COULD NOT BE PROVIDED. THE SAID ACT OF RESPONDENT IS ILLEGAL, PERVERSE, AND DISCRIMINATORY

PRAYER; ON ACCEPTANCE OF INSTANT SERVICE APPEAL THE IMPUGNED OB NO.302, DATED 21/12/2023 MAY GRACIOUSLY BE ORDERED TO BE SET-ASIDE AND 02 YEARS FORFEITURE OF REGULAR SERVICE is to BE ORDERED TO BE RESTORED WITH SENIORITY AND DIFFERENCE OF PAY AND ALLOWANCES

TO THE APPELLANT. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL MAY DEEM APPROPRIATE MAY BE GRANTED TO THE APPELLANT.

Respectfully Sheweth:-

The facts forming the background of the instant service appeal are arrayed as under;

1. That the respondents' department forfeited 02 years service of the appellant on flimsy unfounded, baseless allegation of not lodging the FIR within prescribed period vide OB No.302 dated 21/12/2023. Copy of impugned punishment of forfeiture of 02 years of regular service of the appellant is annexed as Annexure "A".
2. That one Moosa Khan son of Sultan, resident of Banda Sahib Khan, Havelian filed a complaint for lodging of FIR under Section 380 PPC on dated 16/08/2016 which was received by the appellant through proper channel on

18/08/2016. However, in the meanwhile, the appellant was transferred from Police Station Havelian to Police Line Abbottabad on 19/08/2016. Copy of complaint of Moosa Khan 16/08/2016 received in the DPO is attached as Annexure "A". The application as per remarks, received by the appellant on 18/08/2018.

3. That as mentioned above, the appellant was transferred from Police Station Havelian to Police Line Abbottabad vide order No.192 dated 19/08/2016. It is further submitted that the appellant received the message of transfer from Police Station Havelian to Police Line via telephonic message. The appellant submitted an application under Right to Information Act 2013 for provision of proper transfer order dated 19/08/2016. But, respondent No.4 did not provide the same so. Copy of application is annexed as Annexure "B".

4. That, following this, the appellant handed over the charge to Moharar Police Station Havelian alongwith all documents as well as subject complaint of Moosa Khan 20/08/2016. Copy of

handing over of charge report, relevant documents, and complaint of Moosa Khan is annexed as Annexure "C".

5. That respondent No.4 marked an inquiry previously wherein, delay of 01 month and 20 days in lodging of FIR on the complaint of Moosa Khan dated 16/08/2016 has been attributed to the appellant which is against the law and without lawful justification. Copy of letter wherein inquiry against the appellant has been ordered by respondent No.4 is annexed as Annexure "D".

6. That, respondent No.4 served show cause notice upon the appellant regarding delay of one month and 20 days in lodging of FIR on the complaint of the complainant Moosa Khan which is annexed as Annexure "E".

7. That the appellant properly replied to the show cause notice on 30/12/2016. Copy of reply is annexed as Annexure "F".

8. That the appellant from the very beginning submitted applications as well as replies to the show cause notice that the complainant received the complaint on 18/08/2016 from the DPO Office and therefore, he was transferred from Police Station Havelian to Police Line Abbottabad on 19/08/2016. Resultantly, the appellant handed over the charge of post including all the documents and complaints on 20/08/2016. Therefore, question of delay of 01 month and 20 days in lodging of FIR on the complaint of Moosa Khan does not arise but even then, the two years of regular service was forfeited vide order OB No.42 dated 21/02/2017 which was impugned before the Honourable Tribunal for setting-aside the said order.

9. That the service Appeal No.1122-A/2018 of the appellant was argued and finally this Honourable Tribunal transmitted it to the respondents' department to the conduct inquiry as to whether the appellant or any other person is involved in tempering register No.5-A of Police Station Havelian. Copies of service

appeal No.1122-A/2018 and judgment dated 24/10/2023 of this Honourable Tribunal are annexed as Annexure "G".

10. That as a result respondent No. 4 once again issue show cause notice/statement of allegation on 08/11/2023. Copy of show cause notice/statement of allegation dated 08/11/2023 is attached as Annexure "H".

11. that the appellant properly replied to the show cause notice/charge sheet. Copy of reply of show cause notice submitted by appellant is attached as Annexure "I".

12. That following this respondent No.3 again imposed penalty of forfeiture of 02 years regular service of the appellant vide OB No.302 dated 21/12/2023 which is not signed by neither respondent No. 4 or any other officer. Copy of impugned order OB No.302 dated 21/12/2023 is annexed as Annexure "J".

13. That the appellant feeling aggrieved file application under KP RTI Act 2013 regarding

provision of attested. Copy of impugned order OB No.302 dated 21/12/2023, but the application of the appellant was filed and the appellant was told by P.A to respondent No. 4 that your application has been filed and nor attested copy will not be provided to you. Copy of application under KP RTI Act 2013 is annexed as Annexure "I". Hence, the instant service appeal is filed inter-alia, on the following grounds:-

GROUNDS:-

- a. That the impugned order dated 21/12/2023 is perverse, discriminatory, without lawful justification, against the facts and the same is liable to be set-aside.
- b. That the appellant has been made a scapegoat due to no fault of his as the appellant retained the complaint of Moosa Khan only for one day and on the next day, the appellant was transferred from Police Station on 18/08/2016. Therefore, the delay

of one month and 20 days cannot be attributed to the appellant. Therefore, one day delay has been stretched to one month and 20 days by the inquiry officer at his own sweet will just to spoil service career of the appellant.

c. That the employees of the police department are to serve 24 hours like that of employee of Defense Forces. Therefore, all the ins and outs of movement as well as records is maintained in the relevant registers. The respondent No.4 while awarding punishment of 02 years of forfeiture of service of the appellant did not bother to look into the reply to the show cause notice as well as the relevant record available in the Police Station Havelian. Therefore, forfeiture of 02 years of service is liable to be set-aside.

d. That the appellant is innocent, law abiding police officer and cannot think of committing miscarriage of justice. The appellant served the department diligently and left no stone unturned in the smooth

functioning of the department. Therefore, the appellant cannot be penalized due to non-reading and mis-reading of the official record which reveals that the appellant received the complaint of Moosa Khan on 19/08/2016. Hence, the appellant has been punished just for nothing and due to the fault of his, ASI Chenzeb.

e. That, the forfeiture of service comes within the meaning of terms and condition of service. Therefore, service tribunal has got jurisdiction to entertain and adjudicate upon the service appeal of the appellant.

f. That the matter relates to terms and condition of service, therefore, this Honourable Tribunal has jurisdiction to entertain the instant service appeal under Article 212 of the constitution. Besides, appeal of the appellant is well within time.


It is therefore, very humbly prayed, that on acceptance of instant service appeal the impugned OB No.302, dated 21/12/2023 may graciously be


ordered to be set-aside and 02 years forfeiture of regular service is to be ordered to be restored with seniority and difference of pay and allowances to the appellant. Any other relief which this Honourable tribunal may deem appropriate may be granted to the appellant.


..APPELLANT

Through;

Dated; _____/2024


(Muhammad Arshad Khan Tanoli)
Advocate Supreme Court of Pakistan
at Abbottabad


&
(Muhammad Ibrahim Khan)
Advocate High Court, Abbottabad

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

Service Appeal No. ___ 2024

Mazhar Rauf S.I No.43/H, Police Line Abbottabad.

....APPELLANT

V E R S U S

Government of Khyber Pakhtunkhwa through Secretary Interior and Tribunal
Affairs, Khyber Pakhtunkhwa, Peshawar & others.

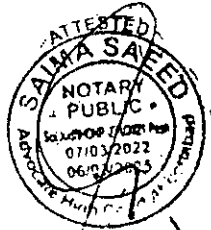
...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, *Mazhar Rauf S.I No.43/H, Police Line Abbottabad*, do hereby solemnly
affirm and declare that the contents of foregoing appeal are true and correct
to the best of my knowledge and belief and nothing has been concealed
therein from this Honourable Court.

~~DEPONENT~~



08/01/24

Annex - A

OB - 302

DPO ATD

ORDER

P-13

21/12/23

This office order will dispose-off the De-novo departmental enquiry against SI Mazhar-Rauf No. 43/ H. In compliance with the judgment of Honorable Service Tribunal Camp Court Abbottabad in appeal No. 1122/2018 titled Mazhar Rauf Versus Government of Khyber Pakhtunkhwa and others for conducting de-novo departmental enquiry against him on the allegations that a letter vide No. 815/C-Cell, dated 23-11-2016 received from worthy Regional Police Office, which was marked to DSP, Investigation, Abbottabad for preliminary enquiry. According to the report of DSP, Investigation, application of Musa Khan S/O Sultan, R/O Banda Sahib Khan, Havelian plaintiff/complainant of case FIR No. 625, dated 18-09-2016, U/S 380 PPC, Police Station Havelian was marked to him but he willfully failed to register FIR in time despite of having clear information about accused which showed his lack of interest and brought bad name for Police department.

He was issued with Charge Sheet along with statement of allegations vide No. 294/PA dated 08-11-2023 and SP Cantt Abbottabad was appointed as Enquiry Officer to scrutinize the conduct of delinquent official. Enquiry Officer conducted de-novo departmental enquiry against the delinquent official and recorded statements of all concerned. After conducting de-novo departmental enquiry, the Enquiry Officer submitted his findings wherein allegations stands established against delinquent official. He was issued with Final Show Cause Notice vide No. 313/PA dated 07-12-2023. He was given ample opportunity of hearing but he had nothing plausible to state in his defense.

Therefore, in exercise of the powers vested in the undersigned Police Disciplinary Rules-1975 (Amended 2014), I, being District Police Officer, Abbottabad, as a competent authority, agreed with the punishment awarded to the delinquent official earlier which commensurate with his guilt hence, the punishment awarded vide this office OB No. 42 dated 21-02-2017 remain intact.

[Signature]

[Signature]

18

Annex - B

P-14

محکمہ عدالت کی طرف سے

Honorable Sarvechakra court
Abbottabad Appd no 1122/2018

Demure (Firding) کا
ہیں میں میرا کہ (Sustained) کا
کا دستور مع (Firding) کی فوریات کا
میں میں میرا کہ (Sustained) کا

26/12/2018

Attested

for record

[Signature]

26/12/2018

Annex - C - P-15

17.3.16	239 DC	1910 BSP	17.3.16	239 DC	1910 BSP	17.3.16	239 DC	1910 BSP
<p>17.3.16</p> <p>239 DC</p> <p>1910 BSP</p>			<p>17.3.16</p> <p>239 DC</p> <p>1910 BSP</p>			<p>17.3.16</p> <p>239 DC</p> <p>1910 BSP</p>		
<p>17.3.16</p> <p>239 DC</p> <p>1910 BSP</p>			<p>17.3.16</p> <p>239 DC</p> <p>1910 BSP</p>			<p>17.3.16</p> <p>239 DC</p> <p>1910 BSP</p>		
<p>17.3.16</p> <p>239 DC</p> <p>1910 BSP</p>			<p>17.3.16</p> <p>239 DC</p> <p>1910 BSP</p>			<p>17.3.16</p> <p>239 DC</p> <p>1910 BSP</p>		
<p>17.3.16</p> <p>239 DC</p> <p>1910 BSP</p>			<p>17.3.16</p> <p>239 DC</p> <p>1910 BSP</p>			<p>17.3.16</p> <p>239 DC</p> <p>1910 BSP</p>		
<p>17.3.16</p> <p>239 DC</p> <p>1910 BSP</p>			<p>17.3.16</p> <p>239 DC</p> <p>1910 BSP</p>			<p>17.3.16</p> <p>239 DC</p> <p>1910 BSP</p>		
<p>17.3.16</p> <p>239 DC</p> <p>1910 BSP</p>			<p>17.3.16</p> <p>239 DC</p> <p>1910 BSP</p>			<p>17.3.16</p> <p>239 DC</p> <p>1910 BSP</p>		
<p>17.3.16</p> <p>239 DC</p> <p>1910 BSP</p>			<p>17.3.16</p> <p>239 DC</p> <p>1910 BSP</p>			<p>17.3.16</p> <p>239 DC</p> <p>1910 BSP</p>		
<p>17.3.16</p> <p>239 DC</p> <p>1910 BSP</p>			<p>17.3.16</p> <p>239 DC</p> <p>1910 BSP</p>			<p>17.3.16</p> <p>239 DC</p> <p>1910 BSP</p>		

M. S. M.

فصل اول آباد

وقت یادگار در آن وقت
 ستاره کمانه جو لیسو
 کد شدت

تاریخ دریا

ردیف	کتاب / جز (1) (2)	تعداد
11	کتاب عربی 529 SA	(1)
12	662-SAA کتاب عربی	(2)
13	789-SA کتاب عربی	(2)
14	804-SA کتاب عربی	(1)
15	662-SA کتاب عربی	(1)
16	808-SA کتاب عربی	(1)
17	795-SA کتاب عربی	(2)
18	834-SA کتاب عربی	(1)
19	850-SA کتاب عربی	(1)
20	در دسترس نیست، کتاب عربی	(2)
21	تعداد در دسترس نیست 12 8 / 16	(4)
22	کتاب عربی 480 SA (6)	(6)
23	کتاب عربی 504 SA (3)	(3)
24	کتاب عربی 138 SA (3)	(3)
25	کتاب عربی 420 SA (1)	(1)

مستخرج کاتب و سبب آنست
 1-58521-035 13102
 20/9/2016
 279 SA 16
 599 SA 16

Receiver

Attested

[Signature]

Receiver

اسٹیشن

پولیس سٹیشن ۲۰۱۶

نقل و حرکت ۱۸ روز ۲۰/۸/۱۶
۲۰:۰۵ بجے میں لہور کے شہر سے سواتان سیکوریٹی کی حالت
۱۸ بجائی و ظہور کی آبی ۲۰/۸/۱۶ وقت ۲۰:۰۵ بجے میں لہور سے جہاز لان آیا۔

نقل و حرکت
۲۰/۸/۱۶

۲۰/۸/۱۶
MMP. Civil AFD
20-08-16

Attested

Mr

نقل ریپورٹ فرم 36 روزنامہ 11/08/16

ضلع ایبٹ آباد

36^{میں} رپورٹ منظم رؤف خان 11/08/16 وقت 20:20 سے رپورٹ لکھ کر اس وقت میں نے اپنا منہ کاغذ ان
 چیک کرائی باقی ڈاک کے ساتھ ایک نقل ریپورٹ ص 14 روزنامہ 13/08/16 بھی پائی گئی رپورٹ
 13/08/16 رپورٹ کنندہ سعید حسین شاہ ولد افضل شاہ قوم سید گئی یہ نقل ریپورٹ
 کہہ کر تھی اس کی وضاحت محمد شہاب علی سے کی گئی ہے اس کے بعد جو کارروائی ہوئی
 سب کچھ کارروائی فنانس پر عمل میں لائی جاوے گی

Allied

صنایع عالی

نقل ریپورٹ اصل سے

Amal

MHC PS - HVN
19-02-2017

لباسلہ انکوٹری زیر تجویز نزد DSP صاحب لیگل ایف اے

مسی عوسی خان ولد سلطان کن بانڈہ صاحب خان

حویلیاں کی درخواست آج 28/11/16 زیر سماعت ہونی ہے۔

یہ کہ سائل نے دوران MMP میری پور تعینات تھا تو سائل نے

DSP صاحب لیگل کے بھائی کو میں نے بوجہ روٹا پر مٹا ہونے

کی وجہ سے چالان مالی پر 5000 روپے کیا تھا جس کے نصف

گھنٹہ بعد مجھے معلوم ہوا کہ یہ ڈیوٹا گاڑی غلطی ایس جناب

DSP صاحب لیگل کے بھائی کی ہے۔ اس چالان پر ایس جناب

سنت ناراضگی کا اظہار کیا۔ یوں کہ میں چالان میں خود کئی تہنی

تہنی کر سکتا تھا۔

اب صاحب وضوح کے پاس میری انکوٹری پیش ہونی ہے۔

نہایت سے عوزوں ہوگا کہ انجان کے تقاضے پورے ہونے کے بعد

میری انکوٹری کسی دیگر حجاز افسر کے پاس سپرد ہو۔ تو از صوبہ

28-11-2016

فیرخان ایس ایس جہانم صدر مانجھو

attorney appeared against him as an applicant. Some logical reasons are mentioned to his inquiry. DSP/ASG Kun. Directed to enquire in the

Received

28/11/2016

Attested

M

28/11/16

850-1A
P3 - 17/2

محنت جناب 0, 0, 0 سب سے آج

P-20

درخواست براد داد اس واقعات و حکم فرمائے جانے
درج کرنا FIR پر خلاف صحت سے زود
عبدالغنی سے ایک روٹ بناو

SHO/Hav
listen the app
& proceed as
law in
matter
report

23/5/16
16-12-16

محنت جناب سے: درخواست زیل سے

یہ کہ سب سے شریف آدمی اور آدمی سے رہتا ہے اور اس سے
پوشہ تمام جتنے پونجی سے ٹائٹروں کی دوکان خریدیں روٹ پر کرنا
مدرسہ 23/7/16 کو ایک مانتے والی عدوت اور اس سے
۴ میں معروف تھا سب سے رقم سب سے لنگھی جیسے کے نکال
کرے گی سب سے نیت ہر آدمی کی تو وہاں کے بعد وہ عدوت سب سے
تو سب سے اور سب سے ایک روٹ تھا نہ خریدیں بسا درج کرنا

Home
DPD
16/5/16

یہ کہ سب سے نیت ہر آدمی کرنا پر معلوم کیا کہ مذکورہ عدوت سے
جان عدوتوں کے ایک چور گروپ کے ساتھ چوریاں کرنا ہیں
جس کے عدوت سے بے 818 بلکہ 379/411 عدوت سے 1-8-16
کو گھر تھا اور عدوت اور عدوت کا 1-8-16 کو عدوت سے
۱۱۵۵ صحت سے عدوت سے اس دوران میں نا افس عدوت
کو دیکھ کر پوچھنا یا ہے ہر مذکورہ عدوت سے عدوت سے جانی سے
میرا رقم کرنا ہے

لکھنؤ سے سب سے عدوت سے لکھنؤ سے سب سے عدوت سے
قریب یا جاوے کہ عدوت سے عدوت سے FIR
درج کرنا عدوت سے عدوت سے

مولانا خان ولد مولانا خان سب سے عدوت سے عدوت سے
خان کا دو یا لکھنؤ سے عدوت سے عدوت سے عدوت سے
032-4289373 20445499

19/6

SHO
17

در حین

P-21

(6)

نقل رینگ مرد 56 روز تا 18/08/18

تاریخ ثبت 18/08/18

مرد 56 روز الکی مطهر رواف 18/08/18 وقت 06:10. پس حسب اسکیم افسران بالا افسر سینیل و کوهی روانه پورسین رانین اوسیت در بار کالیون.

صناعت عالی

نقل بحالین و نقل

MHC - PS HVVN
18-02-2017

Attest

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7

P-22

ORDER

Following transfer/posting amongst the Upper-Subordinates are hereby ordered with immediate effect.

S. No.	Name /Rank	From	To
1.	SI Aurangzeb No. 125/H	Police Lines	ASHO PS Nawansher
2.	SI Chanzeb No. 58/H	Police Lines	I/C POF Havelian
3.	ASI Niaz No. 546	Police Lines	PS Havelian
4.	ASI Mazahar Rauf No. 1039	PS Havelian	Closed to Police Lines
5.	ASI Nazak Mehmood No. 921	I/C POF Havelian	Closed to Police Lines
6.	ASI Shaheen Akbar No. 498	Traffic Staff	Closed to Police Lines

Handwritten signatures

Handwritten signature
District Police Officer, Abbottabad

No. /SRC Dated Abbottabad the ___ / ___ /2016

Copy of above is submitted to the Regional Police Officer, Hazara Region, Abbottabad for favour of information please.

Handwritten signature
District Police Officer, Abbottaba

03 - 10 - 142

19 - 8 - 16

13



Phone: 0992-9310046
Fax: 0992-9310047

Annex-D P-23

Office of the Superintendent of Police, Investigation Abbottabad.

No: 89 PA/Inv: dated Abbottabad the, 10 102 /2017

To: The District Police Officer,
Abbottabad

Subject: DEPARTMENTAL ENQUIRY AGAINST ASI MAZHAR RAUF, THE THAN POLICE STATION HAVELIAN.

Memo:

Kindly refer to your good office Endst No: 24/PA dated 10-01-2017, No: 350/PA dated 20-01-2017 and Memo No: 641 /PA dated 07-02-2017 on the subject cited above.

Enclosed kindly find herewith a departmental enquiry report in respect of ASI Mazhar Rauf of Police Station, Havelian (presently serving in Elites Force Hazara, for favour of kind perusal please.

Superintendent of Police,
Investigation, Abbottabad.

*For Features of service
2 years of service*

Attested

[Signature]

OB - NO - 42

21 - 2 - 17

OFFICE OF THE SUPERINTENDENT OF POLICE,
INVESTIGATION,
ABBOTTABAD.

16/3/17

14
DEPARTMENTAL ENQUIRY AGAINST ASI MAZHAR RAUF,
PRESENTLY SERVING IN ELITES FORCE, HAZARA, ABBOTTABAD.

ALLEGATIONS:-

P-24
An application of Musa Khan S/O Sultan, R/O Banda Sable Khan, Havelian plaintiff/complainant of case FIR No: 625, dated 18-09-2016, S/S 830 PPC, Police Station Havelian was marked to him for necessary action under the law which was kept pending by the accused official and he did not take any action on the application. After the laps of 01 Month and 20 days case was registered.

Initially the allegations were probed in by the Deputy Superintendent of Police, Investigation headquarters Abbottabad which was sent by the District police officer, Abbottabad vide his office Endst No: 833/II-C dated 25-11-2016. The enquiry Officer submitted his finding in which he held ASI Mazhar Rauf responsible for deliberate delay in registration of the case in time on the application of Musa Khan S/O Sultan. Khan. A proper departmental enquiry is initiated by Worthy District Police officer, Abbottabad vide his office Ends: 24/PA dated 10-01-2017 and undersigned was appointed as enquiry officer.

PROCEEDINGS:-

On receipt of enquiry papers the enquiry was initiated and during the course of enquiry the following persons were called upon, heard and recorded their statements as per rules. The opportunity of cross examination was also extended to the defaulter officer.

1. STATEMENT OF IHC ZANFAR KHAN PS HAVELIAN:-

While he was posted as HC in Police Station Havelian, initially the application of Musa Khan was marked to him while he requested to SHO that the same may be marked to beat officer ASI Mazhar Rauf as it relates to matter of theft and the same was marked for necessary action to ASI Mazhar Rauf. He also admitted the fact that alteration /addition was made in register 5-A /5-AA by ASI Mazhar Rauf.

Mazhar Rauf
M

2. STATEMENT OF MHC WASEEM IOBAL PRESENTLY POLICE LINES:-

He stated that at the instant time HC Ishfaq was posted as MHC Havelian. The same application of Musa Khan was marked in his time to ASI Jahanzeb on 18-09-2016 upon which instant case vide FIR No: 625 dated 18-09-2016 u/s 380 PPC PS Havelian was registered.

3. STATEMENT OF AMU MUHAMMAD ISHFAQ PRESENTLY PS SHERWAN:-

He stated that an application of Musa Khan was receipt regarding theft of 85000/-. The same application was marked by the SHO to ASI Mazhar Rauf for necessary legal action. Later on he was transferred on promotion to PS Sherwan.

4. STATEMENT OF ASI TANVEER PS HAVELIAN:-

On receipt of FIR after registration of the case FIR No: 625 dated 18-09-2016 u/s 380 PPC PS Havelian. He investigated the case and tried his best to arrest the accused. Later on he submitted challan under section 512 Cr.P.C in the competent court of law.

5. STATEMENT OF ASI JAVED PRESENTLY PS KHAKI MANSEHRA:-

While posted at PS Cantt he investigated the case vide FIR No: 818 dated 01-08-2016 u/s 379/34/411 PS Cantt. He arrested the 04 accused in the case and recovered the stolen amount 16000/- from their possession. Later on the arrested accused was remanded judicially and complete challan was submitted in the case.

6. STATEMENT OF ASI JAHANZEB OF PS HAVELIAN:-

He while posted at PS Havelian received an application of Musa Khan marked by SHO Havelian on 18-09-2016. After initial enquiry a case vide FIR No: 625 dated 18-09-2016 u/s 380 PPC PS Havelian was registered. Furthermore, the entries made in register 5-A /5-AA in which an application of Musa Khan was marked to him 01 Month prior to his posting in Police Station for which MHC concerned can better explain.

7. STATEMENT OF ABDUR RASHID S/O SUMANDER KHAN R/O DEWAL ABBOTTABAD:-

He stated that on 01-08-2016 he was present in Fewara Chowk waiting for vehicle. A carry van came and stopped there and offered him to set in vehicle. He boarded himself in vehicle where 04 ladies passenger set over there. On the way he was gotten off from the vehicle as 01 lady started vomiting. When he got off from the vehicle he checked his pocket and found his amount Rs. 16000/- missing. He reported this fact in PS Cantt and 04 ladies were arrested and his amount Rs. 16000/- was recovered.

[Signature]

[Signature]

P-25

16
8. STATEMENT OF LADY CONSTABLE RAZIA NO: 112.

She stated that complainant of the case vide FIR No: 818 which was registered in PS Cantt namely Abdur Rashid effected compromise and insisted her to produce a surety in bail of accused. Upon this her son yasir Khan furnished surety in bail bond and nothing more she knew about the accused.

P-26
9. STATEMENT OF MUSA KHAN S/O SULTAN KHAN B/O BANDA SAHIB KHAN HAVELIAN.

He stated that after the commission of offence on 28-07-2016 he submitted an application of theft of Rs 35000/- for registration of case in PS Havelian. He also charged the accused who were later on arrested by PS Cantt. He also informed PS Havelian time and again for the arrest but in vain. ASI Mazhar Rauf did not take any action upon his written application and also tried to offer him that out of 85000/- stolen amount he will share Rs. 35000/- to him and remaining amount 50000/- will be given. He also told that he is in contact with the accused which are arrested by cantt police. Later on he released on bail. Again on 06-08-2016 he submitted an application which was also marked to ASI Mazhar Rauf who replied that he has been transferred and no action was taken. Finally he again submitted an application on which instant case was registered but the accused who are arrested in other case of PS Cantt were released on bail and no one was arrested in his case.

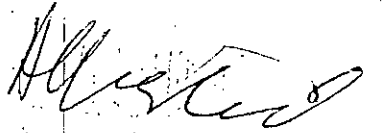

10. STATEMENT OF ASI MAZHAR RAUF PRESENTLY SERVING IN ELITE FORCE, HAZARA, ABBOTTABAD.

He stated that on 17-08-2016 an application of Musa Khan was marked to him but he was transferred to Police Lines Abbottabad and relinquished the charge on the same day he denied the receipt of other application marked against him in Police Station record. He also declared doubtful the entries made in register 5-A dated 06-08-2016 and 28-07-2016 as there was alteration /addition was found. He denied to have committed an illegal act also denied the version of complainant Musa Khan.

CONCLUSION:-

Keeping in view the above discussion in the light of facts and figures, the undersigned is of the view that:-

1. Initially a preliminary enquiry was conducted by Deputy Superintendent of Police Investigation, Headquarters which was perused and recommended for departmental action.

17

2. It has been established that the written application of Musa Khan was marked to accused official ASI Mazhar Rauf who utilized delay tactics and did not take any action on his application.
3. It has been found in register S-A for which the concerned head responsible ASI Mazhar Rauf for cutting while on the other side accused official was going to rebut the same. Anyhow, the then applicant/complainant in the case vide FIR No: 525 dated 18-6-2016 u/s 380 PPC PS Havelian proves that initially the same application was marked to ASI Mazhar Rauf. Rather going into taking legal action on his report, he tried to bargain with him.
4. Due to un-necessary delay of 01 Month and 20 days the instant case was registered on SMS online FIR.

P.27

During inquiry deliberate slackness has been found for which he is accounted for. Therefore, he is recommended for suitable punishment.
Submitted please.

(SAJID KHAN)
Superintendent of Police,
Investigation, Abbottabad.

Attested
MS

Annex-E

P.28

Annex-3

OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD

No: 94 /PA, Dated Abbottabad, the 17/12/2017.

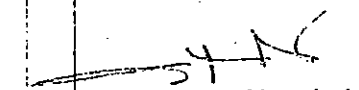
P-15

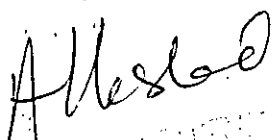
GROUND'S OF ACTION

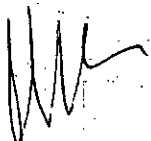
That you ASI Mazhar Rahoof the than Police Station Havelian, committed following misconduct:-

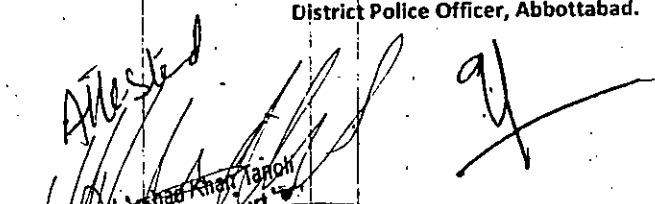
- I. A letter vide No. 815/C-Cell, dated 23-11-2016 received from worthy Regional Police Office, which was marked to DSP, Investigation, Abbottabad for preliminary enquiry. According to the report of DSP, investigation application of Musa Khan S/O Sultan, R/O Banda Sahib Khan, Havelian plaintiff/complainant of case FIR No. 625, dated 18-09-2016, U/S 380 PPC, Police Station Havelian was marked to you but you willfully failed to register FIR in time inspite of having clear information about accused which shows your lack of interest and brought bad name for Police department.
- II. During proper departmental enquiry the allegations have been proved against you.

By reasons of above you have rendered yourself liable to be proceeded under Khyber Pakhtunkhwa Police Rules, 1975, hence these grounds of action.


District Police Officer, Abbottabad.






Attested
Muhammad Arshad Khan, Taloch
Advocate High Court
Office No/ 33 Adjacent to
Distt Bar Abbottabad

P-29

OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD

No: 94/PA, Dated Abbottabad, the 17/02/2017.

FINAL SHOW CAUSE NOTICE

(Unit Rule (3) KPK Police Rules, 1975)

Annex- E

P-12

1. That you ASI Mazhar Rahoof the than Police Station Havelian, rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 for following misconduct;
 - I. A letter vide No. 815/C-Cell, dated 23-11-2016 received from worthy Regional Police Office, which was marked to DSP, Investigation, Abbottabad for preliminary enquiry. According to the report of DSP, Investigation application of Musa Khan S/O Sultan, R/O Banda Sahib Khan, Havelian plaintiff/complainant of case FIR No. 625, dated 18-09-2016, U/S 380 PPC, Police Station Havelian was marked to you but you willfully failed to register FIR in time inspite of having clear information about accused which shows your lack of interest and brought bad name for Police department.
 - II. During proper departmental enquiry the allegations have been proved against you.
2. That by reason of above, as sufficient material is placed before the undersigned therefore it is decided to proceed against you in general Police proceeding without aid of enquiry officer;
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the police force will amount to encourage in efficient and unbecoming of good Police officers;
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.
6. You are, therefore, called upon to Final Show Cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred to above.
7. You should submit reply to this Final Show Cause Notice within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

Attested
MK

District Police Officer, Abbottabad.

Received by _____

Dated ___/___/2017.

Handwritten signatures and notes in Urdu script.

91
Attested
Advocate High Court
Office No. 33 Adjacent to
Court for Abbottabad

Handwritten notes: B.P. AD, 20-08-2017

Annex-F

P-30

BEFORE THE DISTRICT POLICE

OFFICER ABBOTTABAD

Annex-F

Subject: Reply to Show Cause Notice No 8666/1330, / PA
Dated 19.12.2016

Respected Sir,

P-17

The Petitioner begs to submit the following.

- 1). That the allegation leveled against the petitioner in clause (I) are base are not in facts as the inquiry conducting by Tanveer ASI Havellian Investigation under FIR No 625 dated 18.09.2016 U/S 380 PPC PS Havellian therefore he better explain the exact position in this regard.
- 2). That, the petitioner has been served with a show cause notice setting therein an application was submitted by one Musa Khan which was marked to the petitioner by DSP Circle Havellian, but no legal action was taken despite clear information about the accused and hence the show cause notice was issued.
- 3). That, infact the real facts forming the background of the instant allegation are as fallows:-
 - a). That, on 28.07.2016 an application was addressd to SHO by Musa Khan son of Sultan Khan and there is an entry in this respect in the concerned register 5AA in the said application unknown persons were charged, but to the misfortune there is a cutting /overwriting and interpolation and subsequently the name of petitioner has been written/mentioned, it does not stand to reason as why name of Khan Afsar IHC and another name were cut and thereafter the name of petitioner was added/written on 06.08.2016, there is an other entry in the above mentioned register with respect to the

Attested
Muhammad Arshad Khan Jang,
Advocate High Court
Office No- 33 Adjacent to
Dist. Court Abbottabad

Attested

Attested

P-31

P-08

subsequently the name of petitioner was added which is quite visible on the concerned register.

- b). That, on 16.08.2016 as another application was addressed to DPO Abbottabad bearing No. 850-5A, PS Havellian which was marked to the petitioner on 18.08.2016, the petitioner was transferred on 20.08.2016 police line Abbottabad and while handing over charge the petitioner has specifically mentioned at serial No. 9 showing therein the application No 850-5A which was handed over to the Muharrir of PS on 20.08.2016.
- c). That, for reason best known another application has been addressed to the DSP dated 16.09.2016 which led to the registration of the case. There is no any indication as to why no proceeding were taken and another application which was handed over to the Muharrir of PS and what was the need of another application on 16.09.2016 , or begging questions to the routes of the case. Moreover one Yasir Arafat stood as surety for accused Muqaddas wife of Abdullah and the said Yasir Arafat is the son of lady constable namely Razia Bibi, all these facts would show the after deliberation and consultation every effort was made to hang the petitioner.

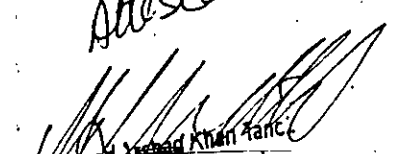
(all the documents annexed with the reply)


In the light of above discourse, it is most humbly prayed that the petitioner may kindly be absorbed from the charges leveled against him.

Dated: 30-08-2016


Mazhar Rauf

ASI, PS Saddar Mansehra

Attested

Advocate High Court
Office No 33 Adjacent to
Jail, Jhelum

Attested


5

P-32

Appel No

1122/18

BEFORE CHAIRMAN "SERVICE TRIBUNAL
KPK PESHAWAR

Mazhar Rauf No. 1039 ASI Elite Force Abbottabad.

VS

1. Govt. of KPK through Secretary Interior & Tribal Affairs
KPK Peshawar.
2. Inspector General of Police KPK Peshawar
3. Regional Police Officer, Hazara Range Abbottabad.
4. Dstt. Police Officer Abbottabad.

Service Appeal: **NO 1122-A/18**

SERVICE APPEAL U/SEC 4 OF KPK SERVICE
TRIBUNAL ACT 1974 FOR DECLARATION TO THE
EFFECT THAT TWO YEARS REGULAR SERVICE OF
THE APPELLANT HAS BEEN FOR FEAT BY
RESPONDENT NO. 4 VIDE ORDER OB NO.42 DATED
21-02-2017 DUE TO SO CALLED DELAY OF ONE
MONTH 20 DAYS IN LODGING OF FIR NO. 625
DATED 18-09-2017 U/SEC 380 PPC PS HAVELIAN
WHICH IS AGAINST THE FACTS, PUNISHMENT OF
FOR FEATURE OF TWO YEARS' SERVICE IS
ILLEGAL AND TO BE SET ASIDE.

Alleged
M

PRAYER: - On Acceptance of the instant service
Appeal, it is prayed that impugned order of forfeiture
of two years' service of the Appellant dated 21-02-
2017 may be declared illegal and the same order may
graciously be ordered to be set aside. Any other relief

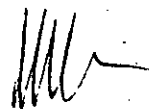
P-33

which this honorable Court deem appropriate in the circumstances of the case may also be granted to the Appellant.

Respectfully Shemeth;

1. That the Appellant was serving as ASI in preventive side in PS Havelian w.e.f 22-06-2016 to 19-08-2016.
2. That one Moosa Khan S/o Sultan R/o Banda Sahib Khan, Havelian filed a complaint for lodging of FIR U/Sec 380 PPC on dated 16-08-2016 which was received by the Appellant through proper Channel on 18-08-2016. However, in the meanwhile, the Appellant was transferred from PS Havelian to police Line Abbottabad on 19-08-2016. Copy of complaint of Moosa Khan 16-08-2016 received in the DPO is attached as Annexure "A". The said Application as per remarks, received by the Appellant on 18-08-2018.
3. That as mentioned above, the Appellant was transferred from PS Havelian to Police line

Attested



P.34

Abbottabad vide Order No. 192 19-08-2016. It is further submitted that the Appellant received the message of transfer from PS Havelian to police line via telephonic message. The Appellant submitted an application under Right to Information Act 2013 for provision of proper transfer order dated 19-08-2016. But, Resp. No. 4 did not provide the same so, a copy of Application Under RIT Act 2013 is attached as Annexure "B".

4. That following this, the Appellant handed over the charge to Moharrar PS Havelian along with all documents as well as subject complaint of Moosa Khan 20-08-2016. Copy of handing over of charge report, relevant documents & Complaint of Moosa Khan is attached as Annexure "C".
5. That Respondent No.4 marked an inquiry wherein, delay of 1 month and 20 days in lodging of FIR on the Complaint of Moosa Khan dated 16-08-2016 has been attributed to the Appellant which is against the law & without lawful justification. Copy of letter wherein inquiry against the Appellant has been ordered by Resp. No.4 is attached as Annexure "D".
6. That respondent No.4 served show cause notice upon the Appellant regarding delay of one month & 20 days in

Alleged

W.K.

P.35

lodging of FIR on the complaint of the complainant Moosa Khan which is attached as Annexure "E".

7. That the Appellant properly replied to the show cause notice on 20-12-2016 Copy of reply to the show cause notice dated 30-12-2016 is attached as Annexure "F".
8. That the Appellant from the very beginning submitted applications as well as replies to the show cause notice that he received the complaint on 18-08-2016 from the DPO Office and therefore, he was transferred from PS Havelian to police line Abbottabad on 19-08-2016. Resultantly, the Appellant handed over the charge of post including all the documents and complaints on 20-08-2016. Therefore, question of delay of 1 month & 20 days in lodging of FIR on the complaint of Moosa Khan does not arise but even then, the two years of regular service has been forfeited vide order OB No. 42 dated 21-02-2017 which is against the facts and law on the subject. Therefore, forfeiture of two years of service, is liable to be Set aside. Feeling aggrieved, the Appellant filed departmental Appeal to next higher authority on 19-03-2017 which is attached as Annexure "F".
9. That the Appellant received rejection letter dated 18-05-2018 through his own sources which is attached as

Alleged
M

P-36

Annexure "G". Hence, the instant service Appeal is filed inter alia on the following grounds.

GROUNDS

- a) That the impugned order dated 21-02-2017 is perverse, discriminatory, without lawful justification, against the facts & the same is liable to be set aside.
- b) That the Appellant has been made a scapegoat due to no fault of his the Appellant retained the complaint of Moosa Khan only for one day & the next day, the Appellant was transferred from PS Havelian on 18-08-2016. Therefore, the delay of one month & 20 day Cannot be attributed to the Appellant. Therefore, one-day delay has been stretched to one month & 20 day by the inquiry officer at his own sweet will just to spoil service career of the Appellant.
- c) That the employees of the police depth are to serve 24 hrs like that of employees of Defense Forces. Therefore, all the ins & outs of movement as well as records is maintained in the relevant registers. The Resp. No.4 while awarding punishment of two year of forfeiture of service of the Appellant did not bother to look into the reply to the show cause notices as well as the relevant record available in the PS Havelian. Therefore, forfeiture of 2 years of service is liable to be set aside.

Attested

[Signature]

- d) That the Appellant is innocent, law abiding police officer & cannot think of committing mis carriage of justial. The Appellant served the deptt diligently and left no stone unturned in the smooth functioning of the deptt. Therefore, the Appellant cannot be penalized due to non-reading and mis reading of the official record which reveal that the Appellant received the Complaint of Moosa Khan on 19-08-2016. Hence, the Appellant has been punished just for nothing & due to the fault of his, ASI Chen Zeb.
- e) That the forfeiture of service comes within the meaning of terms & Condition of service. Therefore, Service tribunal has got jurisdiction to entertain and judicate upon the service Appeal of the Appellant.
- f) That there is no other prompt and efficacious remedy is available to the Appellant except the jurisdiction of the Service Tribunal.

Alister
MM

PRAYER

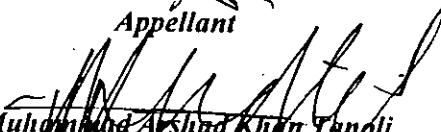
On Acceptance of the instant service Appeal, it is prayed that impugned order of forfeiture of two years' service of the Appellant dated 21-02-2017 may be declared illegal and the same order may graciously be ordered to be set aside. Any other relief which this honorable Court deem appropriate in the

circumstances of the case may also be granted to the Appellant.



Appellant

Through:



Muhammad Ashraf Khan Tanoli
Advocate High Court Abbottabad.
Advocate High Court Abbottabad.
Advocate High Court
Office No 33 Adjacent to
Distt Bar Abbottabad

Verification:

It is verified that the contents of the Paragraph appeal are correct to the best of my knowledge & belief and nothing has been concealed from this honorable Court.



Appellant

Affirmed
Me

P-39

BEFORE CHAIRMAN "SERVICE TRIBUNAL
KPK PESHAWAR

Mazhar Rauf No. 1039 ASI Elite Force Abbottabad.

VS

1. Govt. of KPK through Secretary Interior & Tribal Affairs
KPK Peshawar.
2. Inspector General of Police KPK Peshawar
3. Regional Police Officer, Hazara Range Abbottabad.
4. Dstt. Police Officer Abbottabad.

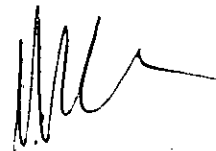
AFFIDAVIT

I MAZHAR RAUF S/o GHULAM MISKEEN Resident of Iqbal Road Supply
Abbottabad, do hereby solemnly affirm and declare on oath as under: -

Further affirmed that the contents of this affidavit are true and correct
to the best of my knowledge and belief and nothing has been
concealed therefrom.


DEPONENT

Attested



ANNEX-5

P-40

REPORT OF THE CHAIRMAN "SERVICE TRIBUNAL"

KPK PESHAWAR

Appeal No-122/18



Mahar Rauf, No. 1039 ASI Elite Force Abbottabad.

Khyber Pakhtunkhwa Service Tribunal

Diary No. 1246

Date 07-8-2018

VS

1. Govt. of KPK through Secretary Interior & Tribal Affairs KPK Peshawar.
2. Inspector General of Police KPK Peshawar
3. Regional Police Officer, Hazara Range Abbottabad.
4. Dstt. Police Officer Abbottabad.

Attested

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Service Appeal

SERVICE APPEAL U/SEC 4 OF KPK SERVICE TRIBUNAL ACT 1974 FOR DECLARATION TO THE EFFECT THAT TWO YEARS REGULAR SERVICE OF THE APPELLANT HAS BEEN FORFEAT BY RESPONDENT NO. 4 VIDE ORDER OB NO.42 DATED 21-02-2017 IN RE TO SO CALLED DELAY OF ONE MONTH 20 DAYS IN LODGING OF FEE NO. 625 DATED 18-09-2017 U/SEC 380 PPC PS FAVELIAN WHICH IS AGAINST THE FACTS, PUNISHMENT OF FOR FEATURE OF TWO YEARS' SERVICE IS ILLEGAL AND TO BE SET ASIDE.

admitted - day

admitted - day

admitted - day

admitted - day

admitted - day

PRAYER: - On Acceptance of the instant service Appeal, it is prayed that impugned order of forfeiture of two years' service of the Appellant dated 21-02-2017 may be declared illegal and the same order may graciously be ordered to be set aside. Any other relief

ATTESTED

[Handwritten signature]
Khyber Pakhtunkhwa Service Tribunal

P-41

Service Appeal No.1122/2018 titled "Mazhar Rauf Vs. Government of Khyber Pakhtunkhwa through Secretary Interior & Tribal Affairs Khyber Pakhtunkhwa, Peshawar and others"



ORDER

24th Oct. 2023 Kalim Arshad Khan, Chairman: Learned counsel for the appellants and Mr. Asif Masood Ali Shah learned Deputy District Attorney alongwith Mr. Tanveer Ahmad DSP (Legal) for the respondents present.

2. Representative of the respondents submitted a compliance report which is undated and shown to have been signed by the District Police Officer, Abbottabad, as there is no name under the signature of the DPO, which act is against clear directions of the august Supreme Court of Pakistan given in 2022 SCMR page 439 titled "Province of Sindh & others Vs. Shahzad Hasnain Talpur". On the previous date, following order sheet was passed:

"2. On 17.06.2022, the respondents were strictly directed to produce the entire service record of the appellant but the same has not been submitted. Firstly, it is observed that there is nobody, duly authorized, present before the Tribunal. Secondly, despite directions given more than a year ago for production of complete record, some of the record was produced while other seems to have been suppressed by the respondents, because of which, the Tribunal could not proceed, on which, the learned AAG had to make a request for adjournment for production of the entire record. It is observed that time of the Tribunal is being wasted by the respondents by intentionally not producing the commanded documents. It is lastly adjourned on payment of cost of Rs.10,000/- with direction to submit

Admitted

MM

[Signature]

ATTESTED
[Signature]
Secretary
Service Tribunal
Peshawar

P-42

entire service record of the appellant alongwith Register 5-A in original as well as extracts of the same and a written report to be submitted by the DPO himself regarding the officer deputed as custodian of Register 5-A and also any action taken against the concerned person because of whose negligence and misconduct, the alleged tempering in Register 5-A was facilitated, which was observed by the Inquiry Officer in his report. The requisite record shall be produced within 10 days at the Principal Seat, Peshawar. To come up for arguments on 24.10.2023 before D.B at Camp Court, Abbottabad. P.P given to the parties. Copy of this order sheet be sent to the Worthy Inspector General of Police to take action against the Officers for their slackness and to direct all the DPOs to depute well conversant officers not below Grade-17 alongwith all original record to assist the Tribunal as the cases are being delayed and also defeated because of none production of record and taking least interest by the concerned in pursuing and protecting the interest of the Government/Department".

Attested
[Signature]

3. One of the allegations, on the basis of which the appellant was penalized, was that he had made alteration/addition in Register 5-A for which, LHC concerned held the appellant responsible for cutting. The report in respect of the above order sheet dated 26.09.2023, submitted by the DPO, Abbottabad, shows that he had deputed DSR Headquarters, Abbottabad as inquiry officer with the direction to inquire into the matter and submit his report on completion of inquiry proceedings. This being so, the learned counsel for the appellant as well as learned District Attorney

Page 2

ATTESTED
[Signature]
Secty. Tribunal
Peshawar

[Signature]


P-43

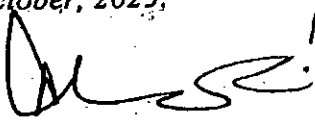
22

and DSP (Legal) are in union that as the DPO had himself started inquiry into the allegation of overwriting/cutting in the relevant column of Register 5-A, where-after, it could be ascertained as to who had made tempering in Register 5-A, therefore, the punishment awarded on the basis of such allegation would not at present stand. They further suggested that let the matter be remitted for de-novo inquiry for ascertaining the fact as to who had actually made overwriting/cutting in the relevant column of Register 5-A.

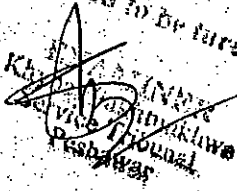
4. In view of the above, the matter is remitted to the District Police Officer, Abbottabad for passing appropriate, legal and justified orders and rest of the relief shall be subject to the outcome of de-novo inquiry which is to be held within 60 days from today, with reasons on conclusion of inquiry. The rest of the relief shall be subject to the outcome of de-novo inquiry which is to be held within 60 days from today. The DSP (Legal) present before the court is directed to communicate the orders to the DPO Abbottabad. Consign.

5. Pronounced in open Court at Abbottabad and given under our hands and seal of the Tribunal on this 24th day of October, 2023,


(Fareeha Paal)
Member (E)


(Kalim Arshad Khan)
Chairman

Muzam Shah

Certified to be true copy


Date of Presentation of Application 02/11/2023
Number of Words Page 3
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(23)

S.A.#.1122/2018

Moghar Rauf vs Govt



26th Sept. 2023

1. Learned counsel for the appellant present. Mr. Asad Ali Khan, Peshawar

Assistant Advocate General present. Nobody is present on behalf of the respondents.

2. On 17.06.2022, the respondents were strictly directed to produce the entire service record of the appellant but the same has not been submitted. Firstly, it is observed that there is nobody, duly authorized, present before the Tribunal. Secondly, despite directions given more than a year ago for production of complete record, some of the record was produced while other seems to have been suppressed by the respondents, because of which, the Tribunal could not proceed, on which, the learned AAG had to make a request for adjournment for production of the entire record. It is observed that time of the Tribunal is being wasted by the respondents by intentionally not producing the ^{Commended} documents. It is lastly adjourned on payment of cost of Rs.10,000/- with direction to submit entire service record of the appellant alongwith Register 5-A in original as well as extracts of the same and a written report to be submitted by the DPO himself regarding the officer deputed as custodian of Register 5-A and also any action taken against the concerned person because of whose negligence and misconduct, the alleged tempering in Register 5-A was facilitated, which was observed by the Inquiry Officer in his report. The requisite record shall be produced within 10 days at the Principal Seat, Peshawar. To come up for arguments on 24.10.2023

Ali Raza

MC

7

Certified to be true copy

Khuram Khan
Service Tribunal,
Peshawar

before D.B. at Camp Court, Abbottabad. P.P given to the parties.

Copy of this order sheet be sent to the Worthy Inspector General of

p-45

slackers

Police to take action against the Officers for their slowness and to direct all the DPOs to depute well conversant officers not below Grade-17 along with all original record to assist the Tribunal as the cases are being delayed and also defeated because of non-production of record and taking least interest by the concerned in pursuing and protecting the interest of the Government/Department.

(Salah-Ud-Din)
Member (J)

Mutazem Shah

(Kalim Arshad Khan)
Chairman
Camp Court, Abbottabad

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Khalid
Service Tribunal
Peshawar

Date of Presentation 02/11/23
Number of Pages 2
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Date of Completion 02/11/23
Date of Delivery 02/11/23

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p-46
CHARGE SHEET

Annex-H

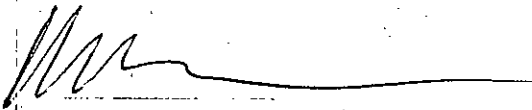
- 1). I, Umar Tufail (PSP) District Police Officer Abbottabad as competent authority hereby charge you SI Mazhar Rauf No. 43/H as explained in the attached statement of allegations.
- 2). You appear to be guilty of misconduct under Police Disciplinary Rules 1975 (amended 2014), and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.
- 3). You are therefore, directed to submit your written defense within seven days on the receipt of this Charge Sheet to the Enquiry Officer.
- 4). Your written defense, if any shall reach the Enquiry Officer 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.

(Umar Tufail) PSP
District Police Officer
Abbottabad

منہ کمال
جاوید شہزاد سندھ کے صدر کے ساتھ جواب
جاوید شہزاد کے (08) وقتوں کے لئے
دوسری اور تیسری

~~Umar~~
13-11-2023

Attested



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DISCIPLINARY ACTION

I, Umar Tufail (PSP) District Police Officer Abbottabad as Competent Authority of the opinion that you SI Mazhar Rauf No. 43/H rendered yourself liable to be proceeded against as you committed the following act/omission within the meaning of Police Disciplinary Rules 1975 (amended 2014).

STATEMENT OF THE ALLEGATIONS

1. In compliance with the judgment of Honorable Service Tribunal Camp Court Abbottabad in appeal No. 1122/2018 titled Mazhar Rauf Versus Government of Khyber Pakhtunkhwa and others for conducting de-novo departmental enquiry against you on the allegations that a letter vide No. 815/C-Cell, dated 23-11-2016 received from worthy Regional Police Office, which was marked to DSP, Investigation, Abbottabad for preliminary enquiry. According to the report of DSP, Investigation, application of Musa Khan S/O Sultan, R/O Banda Sahib Khan, Havelian plaintiff/complainant of case FIR No. 625, dated 18-09-2016, U/S 380 PPC, Police Station Havelian was marked to you but you willfully failed to register FIR in time despite of having clear information about accused which shows your lack of interest and brought bad name for Police department.

2). For the purpose of scrutinizing your conduct with reference to the above allegations, SP Cantt Abbot'abad is appointed as Enquiry Officer to conduct de-novo enquiry.

3). The Enquiry Officer shall in accordance with the provision of this ordinance, provide reasonable opportunity of hearing to you, record finding and make within stipulated period as desired by Khyber Pakhtunkhwa Service Tribunal Camp Court, Abbottabad vide order dated 24-10-2023, recommendation as to punishment or the appropriate action against you.

4). You are hereby directed to attend the proceedings on the due date, time and place fixed by the Enquiry Officer.

(Umar Tufail) PSP
District Police Officer
Abbottabad

No: 294 /PA, Dated Abbottabad the 29/11/2023.

Copy to:

1. Enquiry Officer for initiating proceedings against the defaulter officer under provisions of the Police Disciplinary Rules 1975 (amended 2014) and submit findings within stipulated period.
2. SI Mazhar Rauf No. 43/H (delinquent official).

P-48 Annex-I

الہ چارج شیٹ نمبر 294 مورخہ: 08/11/2023 مجاریہ، ڈی۔ پی۔ او آفس ایبٹ آباد

Judgement of Honorable Service Tribunal Camp Court Abbottabad in appeal No. 1122/2018

معروض خدمت ہوں کہ مختصر حالات یوں ہیں کہ حکم نمبر 850 رجسٹرڈ 5A ایک تحریری درخواست اذان موٹی خان ولد سلطان خان سکنہ بانڈہ خان کی درخواست۔

- (1) مجھے مورخہ 18/08/2016 کو موصول ہوئی جو درخواست لف قابل ملاحظہ ہے
- (2) مورخہ OB-No-142/19/08/2016 کو میرا تبادلہ جویلیاں سے پولیس لائن ہوا ٹرانسفر آرڈر کاپی مجاریہ دفتر جناب ڈی۔ پی۔ او صاحب ایبٹ آباد ہمراہ لف قابل ملاحظہ ہے۔
- (3) فرسٹ پینڈنگ کاغذات بصورت تبادلہ مورخہ 20/08/2016 با مطابق چارج رپورٹ جو الہ محرز تھانہ جویلیاں پینڈنگ کاغذات حوالہ کیے گئے۔ جو چارج رپورٹ ہمراہ لف قابل ملاحظہ ہے۔
- (4) پولیس لائن ضلع ایبٹ آباد 18 روز ناچہ 20/08/2016 اپنی حاضری کو یقینی بنانے جسکی نقل لہر حاضری ہمراہ لف قابل ملاحظہ ہے۔
- (5) میری ٹرانسفر ہو جانے کے بعد حکم نمبر 850 رجسٹرڈ 5A میں کٹنگ کے حوالہ سے محرز یا اسکا اسٹاف ہی بہتر وضاحت کر سکتا ہے۔
- (6) مزید ابتدائی انکوری 2017 conduct میں مفصل جواب لف ہے۔
- (7) جناب عالی میں اس وقت بھی بے گناہ تھا اور اب بھی بے گناہ ہوں۔
- (8) گزارش ہے کہ چارج شیٹ داخل دفتر فرمائی جائے۔

[Handwritten signature]

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العارض

منظہر رؤف

43/H سب انسپکٹر ضلع مانسہرہ

13-11-2023

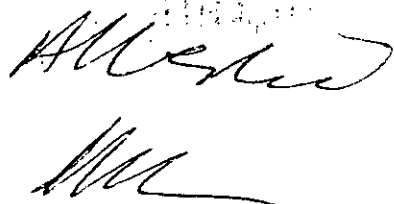
Annex- J P-49
JOB - 302 DPO ATD
21/12/23

ORDER

This office order will dispose-off the De-novo departmental enquiry against SI Mazhar Rauf No. 43/ H. In compliance with the judgment of Honorable Service Tribunal Camp Court Abbottabad in appeal No. 1122/2018 titled Mazhar Rauf Versus Government of Khyber Pakhtunkhwa and others for conducting de-novo departmental enquiry against him on the allegations that a letter vide No. 8150-C-23, dated 23-11-2016 received from worthy Regional Police Office, which was marked to DSP, Investigation, Abbottabad for preliminary enquiry. According to the report of DSP, Investigation, application of Musu Khan S/O Sultan, R/O Banda Sahib Khan, Havelian plaintiff/complainant of case FIR No. 625, dated 18-09-2016, U/S 380 PPC, Police Station Havelian was marked to him but he willfully failed to register FIR in time despite of having clear information about accused which showed his lack of interest and brought bad name for Police department.

He was issued with Charge Sheet along with statement of allegations vide No. 294/PA dated 08-11-2023 and SP Cantt Abbottabad was appointed as Enquiry Officer to scrutinize the conduct of delinquent official. Enquiry Officer conducted de-novo departmental enquiry against the delinquent official and recorded statements of all concerned. After conducting de-novo departmental enquiry, the Enquiry Officer submitted his findings wherein allegations stands established against delinquent official. He was issued with Final Show Cause Notice vide No. 313/PA dated 07-12-2023. He was given ample opportunity of hearing but he had nothing plausible to state in his defense.

Therefore, in exercise of the powers vested in the undersigned Police Disciplinary Rules-1975 (Amended 2014), I, being District Police Officer, Abbottabad, as a competent authority, agreed with the punishment awarded to the delinquent official earlier which commensurate with his guilt hence, the punishment awarded vide this office OB No. 42 dated 21-02-2017 remain intact.



S.No. 214965

Mob: _____

Name of Advocate

محمد ارشد خان نیوی

DBA NO. _____

TBA NO. _____

BC No. _____



وکالت نامہ

R.s.200/=

Ch Muhammad Naseem
Finance Secretary
District Bar Association
Abbottabad

Service Tribunal Ispk Peshawar

بعدالت

Mazhar Ruff Si Govt of ICPK

عنوان

Service Appeal Appellant

مجاہب

Mazhar Ruff Si باعث تحریر آنکے

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تعفیہ مقدمہ بمقام

M. Arshad Khan Tanal Asc Om Ibrahim Khan Adv

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر منظر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ کسی جگہ یا بکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے لئے ذمہ دار نہ ہوں گے اور مقدمہ بکھری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا بکھری کے اوقات سے آگے پیچھے نہیں ہوتے نہ منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا جمانے کے واسطے نہیں کرے گا۔ صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کئی ساختہ پرداختہ صاحب موصوف مشل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراء کے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرنے اور ہر قسم کارروائی وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر عارضی و راضی نامہ و فیصلہ بر حلف کرنے اور اقرار و دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے ہر درجات از بکھری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا طرہ درخواست حکم اجرائی یا تقرری یا گرفتاری قبل از گرفتاری واجرائے ڈگری بھی صاحب موصوف کو بشرط ادارہ علیحدہ مختارہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے کسی جزو کی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے جہاں چاہے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پرے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

مورخہ: / / سال
لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔
مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ دن ماہ سال

نوٹ: وکالت نامہ کی فوٹو کاپی قابل قبول نہ ہوگی
Accepted
M. Ibrahim Khan Adv
Asc of Peshawar at 147

بخدمت جناب DIG صاحب ہزارہ ریجن ضلع ایبٹ آباد

اپیل بناراضی صدرہ بحوالہ آرڈر بک نمبری OB-302 مورخہ 21/12/2023 مجاریہ از دفتر جناب DPO صاحب ایبٹ آباد

Judgment of Honourable Service Tribunal Comp Court Abbottabad in
Appeal No. 1122/2018

جس کے ذریعے مصوف نے میری 2 سال کی پسند ملازمت Denovo انکوائری ضبط فرما کر صاف ستھرا شفاف ریکارڈ ملازمت داغدار کرنے کے علاوہ مجھے مالی نقصان پہنچایا۔

استدعا ہے کہ رحم اپیل ہذا منظور فرماتے ہوئے متنازعہ آرڈر کا عدم اور منسوخ فرمایا جا کر انصاف فرمایا جاوے۔

جناب عالی! اپیل ذیل عرض ہے۔

1- یہ کہ سائل مورخہ 01/10/1991 کو محکمہ پولیس ضلع پشاور میں بطور پولیس کانسٹیبل بھرتی ہو کر زائد از 32 سال صاف ستھری خوش اسلوبی سے ملازمت کر کے اب بطور SI خدمت سرانجام دے رہا ہوں۔

2- یہ کہ سائل بدران تعیناتی تھانہ حویلیاں مجھے ایک درخواست ازاں موسیٰ خان ولد سلطان خان سکنہ بانڈہ صاحب مجھے SHO صاحب تھانہ حویلیاں نے مورخہ 18/08/2016 کو مارک فرمائی درخواست حکم نمبری 850/5A تھانہ حویلیاں جس کی فوٹو کاپی ہمراہ لف ہے قابل ملاحظہ ہے۔

3- یہ کہ سائل مورخہ 18/08/2016 کو برائے سپیشل ڈیوٹی پولیس لائن ایبٹ آباد بحوالہ مد 56 روز نامہ 18/08/2016 لف قابل ملاحظہ ہے۔ درخواست بالا تھانہ میں موجود تھی۔

4- یہ کہ مورخہ 19/08/2016 OB No -192 کو میرا تبادلہ حسب حکم افسران بالا حویلیاں سے پولیس لائن ایبٹ آباد ہوا۔ ٹرانسفر آرڈر لف قابل ملاحظہ ہے۔

5- یہ کہ مورخہ 20/08/2016 کو بمطابق فہرست پینڈنگ کاغذات بصورت تبادلہ چارج رپورٹ حوالہ محرر شاف تھانہ حویلیاں کی گئی۔ جو ہمراہ لف قابل ملاحظہ ہے۔

6- یہ کہ مورخہ 20/08/2016 کو پولیس لائن ایبٹ آباد میں اپنی حاضری کو بحوالہ مد 18 روز نامچہ 20/08/2016 یقینی بنایا۔ جس کی نقل رپٹ ہمراہ لف قابل ملاحظہ ہے۔

7- یہ کہ سائل کی ٹرانسفر ہو جانے کے بعد حکم نمبر 850/5A تھانہ حویلیاں بمطابق چارج رپورٹ مورخہ 20/08/2016 کو محرر شاف نے موصول کرنے کے بعد محرر محمد اشفاق نے یہ حکم نمبری کس کو مارک کی اور کب مارک کی۔ ایک ماہ دودن لیٹ ہونے کی وجہ محرر ہی اس کی وضاحت کر سکتا ہے کیونکہ رجسٹر 5A/اس کی تحویل میں ہوتا ہے۔

8- یہ کہ فائینڈنگ SP صاحب Investigation ساجد خان کے پیرہ نمبر 3 پر Estatement محمد اشفاق محرر نے بیان دیا کہ ایک درخواست SHO صاحب نے ASI مظہر رؤف کو مارک کی اور اس کے بعد محرر کی ٹرانسفر تھانہ شیروان ہو گئی۔ حکم نمبری 850/5A کس کی پاس رہی اور ایک ماہ دودن لیٹ ہوئی۔ SP صاحب انویکیشن اور نہ ہی کسی اور آفیسر نے محرر محمد اشفاق سے اور نہ ہی محرر شاف تھانہ حویلیاں سے اس نسبت استفسار کیا ہے۔ سائل نے اپنی تعیناتی کے دوران محرر محمد اشفاق پر بحوالہ مد 36 روز نامچہ 11/08/2016 کو ایک درخواست لیٹ ہونے کی صورت میں محرر کی غفلت پر رپورٹ ضبط تحریر میں لائی۔ جولف قابل ملاحظہ ہے۔

9- یہ کہ اسی طرح فائینڈنگ SP صاحب Investigation ساجد خان کے پیرہ نمبر 6 پر درج بیان جہانزیب خان ASI میر اتادلہ ایک ماہ بعد تھانہ حویلیاں ہوا جو ایک درخواست 18/09/2016 کو ملی اور مقدمہ بجرم PPC 380 درج رجسٹرڈ کیا۔

10- یہ کہ محرر محمد اشفاق نے ایک ماہ قبل ہی جہانزیب ASI کے نام رجسٹر 5A کے مطابق آڈر رائٹنگ کر کے مارک کر دی تھی۔ محرر محمد اشفاق یہاں پر کسی I/O کو پچانا جاتا ہے یا اپنی تاہلی کو چھپا رہا ہے اس کی نسبت بھی Investigation SP اور نہ کسی دیگر آفسر نے پوچھ گچھ کی ہے۔ محرر محمد اشفاق کو فائینڈنگ SP Investigation صاحب نے بھی اپنی فائینڈنگ میں بھی محرر کو Guilty قرار دیا تھا لیکن کچھ ملازموں نے جو اختیار رکھتے تھے سزا جزا کا انہوں نے مجھے تو سزا دے دی لیکن محرر محمد اشفاق کو سزا نہ دی۔

11- یہ کہ صاحب Service Tribunal Judge کی Judgment / Order sheet 24-11-2023 کی نشاندہی پر محرر محمد اشفاق کو ابتدائی انکوائی مورخہ 10/02/2017 کے 06 سال 09 ماہ 14 دن کے بعد سزا دی گئی۔ اتنا عرصہ اس کو کس نے چھپائے رکھا اور کیوں۔ اس محرر محمد اشفاق کے خلاف بروقت کارروائی نہیں ہوئی کیوں۔ اس طرح سروس ٹریبونل جج صاحب نے اس کے مطابق Denovo انکوائری میرے وکیل کو اعتماد میں لیا اور Denovo کی اجازت دی۔

اس کے باوجود Denovo میں سائل کی سابقہ سزا کو Sustend رکھا۔ سروس ٹریبونل جج صاحب کے مطابق LHC پیرہ نمبر 3 میں نشاندہی کی کہ اس نے کس میں پر آوری رائٹنگ کی اور مظہر رؤف ASI پر الزام لگایا ہے جو اس کے متعلق کوئی ثبوت پیش نہ کر سکتا اور انہ وجوہات کی بناء پر آرڈر ریٹ سروس ٹریبونل نے مورخہ 26/09/2023 کو -/10,000 روپے جرمانہ کیا کہ مکمل ریکارڈ پیش کرے لیکن لیگل برانچ اس کے متعلق کوئی ریکارڈ نہ پیش کر سکی۔ آرڈر ریٹ لف قابل ملاحظہ ہے۔ LHC صاحب سے Discuss کر کے کیا گیا؟ نہ تو درخواست کے حکم نمبری کا ذکر کیا بعد SHO Discuss صاحب پر درخواست کدھر گئی۔

یہ کہ پہلی جو انکوآری مورخہ 08/12/2016 کو کی گئی یہ انکوآری DSP لیگل حافظ جانس صاحب کو مارک کی کچھ تحفظات کی بناء پر سائل نے انکوآری اس سے ہٹانے کی درخواست DPO صاحب ایٹ آباد سے کی جو انکوآری ٹرانسفر ہو کر DSP Investigation صاحب سے آوری رائٹنگ اور برادر درخواست ہائے سائل کے کھاتہ میں ڈال کر سائل کو سزا کیلئے تجویز کر دیا اور محرم محمد اشفاق کو سزا سے بجا دیا اور کوئی کارروائی نہ کی۔

یہ کہ اسی طرح درخواست دہندہ موسیٰ خان ولد سلطان خان سکنہ باغ صاحب خان اپنی درخواست حکم نمبری 850/5A میں سائل کے خلاف کوئی الزام نہیں لگا تا لیکن بعد مشاورت پولیس ایک ماہ 20 دن بعد تمام الزام سائل کے ذمہ ڈال دیتا ہے کہ مظہر رؤف ASI نے بارگینگ کی اور میری درخواست لیٹ کی۔ وہ بیان جو درخواست کی صورت میں کہ میں نے ایک عورت جو چوری کرتی ہے جس کا نام مقدس بی بی ہے کو MOD صاحب کی عدالت میں شناخت کی ہے اور بعد مشاورت پولیس بیان دیتا ہے کہ میں نے اس عورت مقدس بی بی کی شناخت تھانہ کینٹ میں کی ہے۔ اگر میرے پاس اس کی درخواست حکم نمبری 850/5A سے پہلے آئی ہوئی تو مذکورہ موسیٰ خان جو درخواست ڈی پی او صاحب ایٹ آباد کو دیتا ہے اس میں مجھ پر کوئی الزام نہیں لگا تا بعد مشاورت پولیس ایک SMS کے ذریعے مجھ پر الزام لگا تا ہے جو سراسر جھوٹ کا پولندہ ہے Denovo انکوآری میں SP بیڈ کو ان صاحب نے زبانی سن کر کہا کہ آپ بے گناہ ہے اب آپ چلے جائے جب آپ کی ضرورت ہوگی تو آپ کو دوبارہ بولا جائے گا۔ لیکن مجھے دوبارہ نہ بولا گیا۔ البتہ بعد میں مجھے Guilty ٹھہرا دیا اور میری سزا کو Sustend کر دیا۔ موسیٰ خان کی درخواست حکم نمبری 850/5A مورخہ 20/08/2016 کو محرم رسانف نے موصول کی تو 21/08/2016 سے لے کر اندراج مقدمہ تک یہ درخواست کس کے پاس تھی یہ کوئی ایک ماہ دو دن بتتے ہیں کسی افسر نے اس بارے میں محرم محمد اشفاق سے نہیں پوچھا۔ مجھے ٹارگٹ بنالینے پر میرے خلاف جھوٹے بیانات خود دے کر اور درخواست دہندہ سے دلو کر رجسٹرر 5A میں آوری رائٹنگ اور ربر کرنے کے دستاویزی ثبوت ہونے کے باوجود Denovo انکوآری میں میری سزا کو Sustend رکھا۔

لہذا استدعا ہے کہ انصاف فرمایا جا کر میری رحم اپیل ہذا منظور فرمائی جا کر دی گئی ناجائز سزا کا عدم اور منسوخ فرمائی

جا کر انصاف فرمایا جاوے۔

المرقوم: 07/01/2024

مظہر رؤف SI43H متعینہ پولیس لائن ایٹ آباد

رابطہ نمبر: 03113112691

آرٹیکل زیریں

مقامی

دیگ صاحب سزا دیکھیں اس کا

لہذا اس وقت

تعمیر / کاغذات

- 1 (1) اس وقت
- 2 (3) اس وقت
- 3 (1) اس وقت
- 4 (1) اس وقت
- 5 (1) اس وقت
- 6 (1) اس وقت
- 7 (1) اس وقت
- 8 (1) اس وقت
- 9 (1) اس وقت
- 10 (1) اس وقت
- 11 (1) اس وقت
- 12 (1) اس وقت
- 13 (1) اس وقت
- 14 (1) اس وقت
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- 18 (1) اس وقت
- 19 (1) اس وقت
- 20 (1) اس وقت
- 21 (1) اس وقت
- 22 (1) اس وقت
- 23 (1) اس وقت
- 24 (1) اس وقت
- 25 (5) اس وقت

08/01/2024

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Judgment of Honourable Service
 (6) Tribunal Compt Court Abbottabad in
 Appeal No: 1122/2018

Recd 09/24

380 625
18.9.16

انڈکس ضمنیات

ضمنیات کے پہنچنے پر فوراً خانہ بڑی کی جائے گی۔

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نمبر شمار	تاریخ رپورٹ ضمنی	نام آفیسر تفتیش کنندہ	نمبر شمار	تاریخ رپورٹ ضمنی	نام آفیسر تفتیش کنندہ
۱	۱۸-۹-۱۶	محمد نذیر	۸	۲۸-۹-۱۶	محمد نذیر
۲	۱۹-۹-۱۶	~ ~ ~	۹	۳۰-۹-۱۶	~ ~ ~
۳	۲۱-۹-۱۶	~ ~ ~	۱۰	۱۰-۱۰-۱۶	~ ~ ~
۴	۲۲-۹-۱۶	~ ~ ~	۱۱	۲-۱۰-۱۶	~ ~ ~
۵	۲۳-۹-۱۶	~ ~ ~	۱۲	۴-۱۰-۱۶	~ ~ ~
۶	۲۶-۹-۱۶	~ ~ ~	۱۳	۵-۱۰-۱۶	محمد نذیر
۷	۲۷-۹-۱۶	~ ~ ~	۱۴	۱-۱۱-۱۶	محمد نذیر

اطلاع جو چالان یا رپورٹ اختتامی کے بھیجنے پر درج کی جائیگی۔


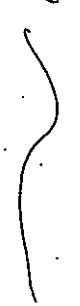
تاریخ و وقت روانگی چالان یا رپورٹ اختتامی اور دفعہ جس میں طرمان کا چالان کیا گیا ہو۔	نام گواہان	نام و سکونت طرمان (الف) برائے تجویز حراست میں بھیجا گیا (ب) ضمانت یا چلکے پر (ج) جو برائے تجویز بھیجا گیا ہو۔	مال بشمولیت اسلحہ جو دستیاب ہوں
۲۵ ۳۵ ۶۲۸ ۱۸.۹.۱۶ 380 ۲۲۶ ۲۱	عبد الرشید حوسب علی محمد نذیر محمد نذیر محمد نذیر محمد نذیر محمد نذیر محمد نذیر محمد نذیر	محمد نذیر محمد نذیر محمد نذیر محمد نذیر محمد نذیر محمد نذیر محمد نذیر محمد نذیر محمد نذیر	مال بشمولیت اسلحہ جو دستیاب ہوں

اطلاع جو موصول ہوتے ہی فوراً درج کی جائے گی۔

نتیجہ مقدمہ بصورت رہا یا نہیں یا مزید نام عدالت و حکم کی تاریخ و تفصیل درج کرو۔	جرم جس میں سزا یا پابندی ہو۔	عدالت میں چالان کے پتے کی تاریخ

اطلاع دوبارہ مکمل حالات

ملزمان معہ چالان و مال مقدمات وغیرہ کی خانہ پڑی کرنی چاہئے۔

کارروائی جو برخلاف مشہور گمان مثلاً (۱۰۰۳) پرنٹ فائل ہسٹری شیٹ	اندراج متعلقہ کارروائی حفظ اس	اگر پرچہ منکوحی مجموعاً آیا ہے۔ تو حوالہ نمبر و تاریخ	حوالہ رجسٹر نمبر (۹) اگر قابل اندراج رجسٹر نمبر (۹) پر	حوالہ رجسٹر (۲۰) اور نمبر (۲۱) مال مقدمات	حوالہ و تاریخ روزنامہ دوبارہ بالیڈگی پرچہ
<p>۶-۱۰۶</p> <p>۱۰۰۳</p> <p>۱۰۲۳-۵۸</p> <p>۷-۱۰-۶۸</p>			<p>۷۱۲</p> <p>۲۱</p> <p>۱۷۳</p> <p>۱-</p> <p></p>		<p>۱۰/۶</p> <p></p> <p>۷</p>

S.No. 214965

Mob: _____

Name of Advocate _____

DBA NO. _____

TBA NO. _____

BC No. _____



R.s.200/=

وکالت نامہ

Ch Muhammad Naseem
Finance Secretary
District Bar Association
Abbottabad

Service Tribunal KPLP Peshawar بعدالت

مذکورہ نامہ کے لئے Govt of KPLP نام Mazhar Ruff Si عنوان:

مذکورہ مقدمہ Appellant نوعیت مقدمہ Service Appeal منجانب:

باعث تحریر آئندہ Mazhar Ruff Si

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام _____ کے لیے

M. Arshad Khan Tanzeem & M. Ibrahim Khan ADR

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر منظر حاضر نہ ہوا اور مقدمہ پیری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی نظریہ یا ذمہ دارانہ ہونے کے نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دارانہ ہونے کے اور مقدمہ کچہری کے علاوہ کسی اور جگہ ساعت ہونے پر یا بروز تعطیل یا کچہری کے اوقات کے کسی کی پیچھے نہیں ہونے پر منظر کو کوئی نقصان پہنچنے یا اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہونے کے مجھ کو مکمل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراء کے ڈگری و نظر ثانی اپیل گرانہ و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرنے اور ہر قسم کا رویہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر ناشی وراثی نامہ و فیصلہ بر خلاف ہر قسم کے اقبال و دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیر و نجات از کچہری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا کٹرفر درخواست حکم اختتامی یا ترقی یا گرفتاری قبل از گرفتاری واجرائے ڈگری بھی صاحب موصوف کو بشرط ادا ایگی علیحدہ مختار پیروی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے کسی جزو کی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل کو واسطے پیروی یا اپنے ہر راہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہونگے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔
مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ دن ماہ سال

نوٹ: وکالت نامہ کی فوٹو کاپی قابل قبول نہ ہوگی

Accepted
M. Ibrahim Khan ADR
Ato Ato

Accepted
M. Arshad Khan Tanzeem
Ato of Peshawar at 11