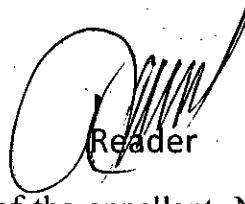



23/10/2019

Since tour to D.I.Khan has been cancelled .To come for the same on 28/11/2019.


Reader

28.11.2019

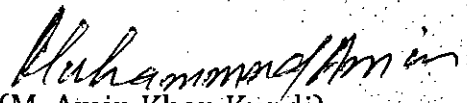
None present on behalf of the appellant. Notice be issued to appellant and his counsel for attendance and preliminary arguments for 30.01.2020 before S.B at Camp Court D.I.Khan.


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

30.01.2020

Counsel for the appellant present and submitted copy of order dated 24.09.2019 and stated at the bar that the grievance of the appellant has been redressed and requested for withdrawal of the present service appeal. The copy of order dated 24.09.2019 submitted by the learned counsel for the appellant is placed on record. In this regard signature of learned counsel for the appellant was also obtained at the margin of order sheet as a token of proof. Accordingly, the present service appeal is dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED
30.01.2020

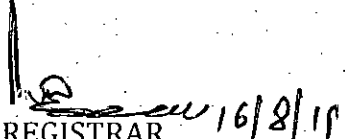



(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

*As per instructions of my client, I withdraw the instant appeal as grievances of the appellant has been redressed. copy is produced today.
30-01-2020*

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1056/2019 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/08/2019	<p>The appeal of Mr. Muhammad Asif received today by post through Mr. Muhammad Abdullah Baloch Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	17-9-2019	<p>This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>25-9-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>
25.09.2019		<p>Appellant absent. Learned counsel for the appellant absent. Adjourn. To come up for preliminary hearing 23.10.2019 before S.B at Camp Court, D.I.Khan.</p> <p style="text-align: right;"> Member Camp Court, D.I.Khan.</p>



OFFICE OF THE
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN
REGION

No. 5612-13 /ES
Date: 13/05/2019

ORDER
The undersigned Regional Police Officer, Dera Ismail Khan was awarded a promotion from the rank of Head Constable to the rank of District Police Officer by DPO DI Khan vide DO No. 101 dated 20.05.2019. The promotion was subject to the condition that the appellant should be found to be a fit and proper person for the promotion.

It is noted that the appellant, Feroze Shah, received a bribe of at least Rs. 10,000/- from a person in the name of Mr. [Name] vide DO No. 101 dated 20.05.2019. The appellant was found to be a fit and proper person for the promotion.

The undersigned Regional Police Officer, Dera Ismail Khan, received a report from DPO DI Khan that the appellant was found to be a fit and proper person for the promotion. An enquiry was conducted by Mr. Muhammad Tahir, SP Investigation, DI Khan. The enquiry report stated that the delinquent Official is found guilty of the charges and should be punished as per Rules. The defaulter constable was issued a final Show Cause Notice. The appeal was dismissed by DPO DI Khan in the light of recommendation of the enquiry officer. DPO DI Khan's order dated 08.05.2019.

Against the impugned order passed by DPO DI Khan, the appellant submitted the appeal. The appeal was sent to DPO DI Khan for comments and to provide his service record. The appellant submitted the comments and service record of the appellant vide DO No. 101 dated 20.05.2019. DPO DI Khan has submitted the comments and service record of the appellant vide DO No. 101 dated 20.05.2019 wherein appeal of the appellant was defended on behalf of the appellant.

Without giving him proper opportunity of personal hearing, his appeal was rejected vide this office order No. 101 dated 13.05.2019.

The appellant has traced out 66 prize bonds of Rs.40,000/- each having a total amount of Rs.2,640,000/- which are under the jurisdiction of Police Station City DI Khan and returned to the appellant. The appellant has brought a good name to our esteemed department.

In view of the above, FEROZE SHAH, PSP, Regional Police Officer, DI Khan, in exercise of powers vested in him under Rule 11 clause 4(b) of Khyber Pakhtunkhwa Police Rules 1975 (amended 2014), hereby set aside the impugned order passed by DPO DI Khan restore his original rank of Head Constable from the date of demotion.


ORDER ANNOUNCED


(FEROZE SHAH)PSP
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN

No. 5612-13 /ES

Copy of above is submitted for information & necessary action to the:-

1. Worthy Inspector General of Police, Khyber Pakhtunkhwa with reference to his office memo: No. S/2892/19 dated 06.08.2019 with the request to kindly withdraw his appeal as the same has been announced, please
2. District Police Officer, DI Khan.


(FEROZE SHAH)PSP
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN

ICTIC

legati
irant c
Asif M

T
lice (

2.

DIKHAN REGION

POLICE DEPARTMENT

OFFICE OF THE REGIONAL POLICE OFFICER DERA ISMAIL KHAN REGION




Commendation Certificate
Class-II Rs. 5000/-

Awarded to
HC ASIF NO. 291 QRF PLATOON DIK
IN RECOGNITION OF

His good Performance of duties & act of
honesty, which is highly appreciated by the Public.

No. 8286
Dated 20/07/2011



Regional Police Officer
Dera Ismail Khan Region

The appeal of Muhamad Asif received today, i.e. on 16-07-2019 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures should be properly flagged.
- 2- Annexures of the appeal should be attested.
- 3- Affidavite should be attested by oath commissioner.

No. 1248 /S.T,

Dt. 23-7-/2019


**REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.**

Mr. Muhammad Abdullah Baloch,
Adv, D I Khan.

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

In service Appeal No. 1056 /2019

Muhammad Asif
(Appellant)

VERSUS

PPO KPK etc
(Respondents)

I N D E X

S.No.	Description of documents	Annexure	Pages
1.	Memorandum of Appeal and affidavit	--	1-9
2.	Copy of CNIC	A	10
3.	Copy of Charge Sheet & statement of allegations	B&C	11-12
4.	Copy impugned order No. 2328-30/EC dated 06/05/2019	D	13
5.	Copy of departmental appeal and impugned order No. 2964/ES dated 13/06/2019	E & F	14-17
6.	Copy of revision	G	18-19
7.	Vakalatnama	--	20-21

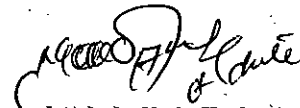
15/07/2019

Your humble appellant



Muhammad Asif

Through counsel



Muhammad Abdullah Baloch
Advocate High Court DIKhan



Muhammad Abid
Advocate High Court DIKhan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**PESHAWAR**Khyber Pakhtunkhwa
Service TribunalDiary No. 9930Dated 16-7-19Service Appeal No. 1056 /2019**Muhammad Asif** son Muhammad Zaman R/O Shiekh
Yousaf Town District Dera Ismail Khan. Constable No. 291.**Presently posted at Police Lines DIKhan****(Appellant)****VERSUS**

1. Provincial Police Officer, (IGP), Khyber Pakhtunkhwa Central Police Office Peshawar.
2. Regional Police Officer, (DIG) Dera Ismail Khan Range.
3. District Police Officer, Dera Ismail Khan.

..... **(RESPONDENTS)**Filed to day
Registrar

SERVICE APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974, AGAINST, THE IMPUGNED ORDER NO. 2328-30/EC DATED 06/05/2019 (OB-804 DATED 08/04/2019), WHEREBY THE APPELLANT WAS AWARDED MAJOR PUNISHMENT OF DEMOTION AND FINALLY, AGAINST THE IMPUGNED ORDER NO. 2964/ES DATED 13/06/2019 WHEREBY THE DEPARTMENTAL APPEAL OF OF THE APPELLANT WAS REJECTED BY THE APPELLATE AUTHORITY.

Re-submitted to -day
and filed.

Registrar

16/8/19

Note: Addresses given above shall suffice the object of service. All necessary and proper parties have been arrayed in the panel of respondents.

Respectfully Sheweth;

1. That the appellant was inducted in Police Department as Constable in the year 2004 and had been serving under the DPO

Dera Ismail Khan and since induction had been performing his duties with honesty and with great zeal. Copy of CNIC is annexed as **Annexure-A**. That subsequently appellant was promoted to the post of head constable.

2. That at the time of issuance of impugned order, the appellant was posted as incharge Chunda Check Post and during duty successfully recovered 05 KG heroine from one accused Fazal Dad S/O Shahbaz. In this respect proper FIR No. 59 dated 29/03/2019 U/S 9CNSA PS Yarik was registered. On the next day on 30/03/2019, the SHO PS Yarik incorporated Mad No. 12 and asserted heinous allegation against the appellant. Consequently the appellant was placed under suspension vide order No. 1331/ES dated 03/04/2019. The DPO DIKhan (respondent No. 03) issued charge sheet/statement of allegations. Copies are annexed as **Annexure-B & C**.
3. That respondent No.3 issued impugned office order No. 2328-30/EC dated 06/05/2019, OB-804 dated 08/04/2019 which was communicated to the appellant on 09/05/2019 and appellant was awarded major punishment of demotion to the rank of constable. Copy of the impugned order is annexed as **Annexure-D**.
4. That appellant submitted department appeal through proper channel on 10/05/2019 to the appellate authority which was rejected vide impugned order No. 2964/ES dated 13/06/2019. Copy of the departmental appeal and impugned order is annexed as **Annexure-E & F**.
5. That appellant has also avail the opportunity of revision before the Worthy Inspector General Of Police, KPK Peshawar which has not yet been decided. Copy of revision is annexed as **Annexure-G**.
6. That the impugned orders dated 06/05/2019 and 13/06/2019 are against the law, facts, illegal, based on malafide and the appellant left with no other remedy, the appellant approaches the Honorable Tribunal seeking setting-aside both the impugned orders with all back benefits in consequences or setting aside

Mr. Advocate

impugned order on gracious acceptance of the instant appeal on ground hereinafter preferred.

GROUND S

- a. That the impugned order No. 2328-30/EC dated 06/05/2019, OB-804 dated 08/05/2019 passed by the DPO DIKhan and impugned order No. 2964/ES dated 13/06/2019 passed by the appellate authority RPO DIKhan are against law, facts, illegal, based on discrimination and impugned hereby are arbitrary, legally and factually incorrect, ultra virus, void ab initio and militate against principle of natural justice, thus, are liable to be set aside and malafide.
- b. That the appellant is innocent and has never committed misconduct but the enquiry officer failed to probe into the matter and did not dig out the true event. The appellant has never involved in such like activities as alleged in the statement of allegations. The allegations are false. The enquiry officer remained focused on the occurrence dated 29/03/2019. The occurrence is admitted vide FIR No. 59 dated 29/03/2019 registered under section 9 CNSA. But the allegations of receiving a bribe are false and incorrect. The enquiry officer should have been focused on this point but he submitted his report on the basis of CDR data and cell phone data which are not sufficient to connect the appellant/accused with the commission of the offence. The impugned enquiry report does not disclose the permission for obtaining of CDR data by the enquiry officer and there is not a single document which could disclose permission by the higher authorities for obtaining the said data from the concern quarters. The enquiry officer relied on the documents provided to him by the SHO Saghir Abbas, despite the fact that there were substantive allegations against the said SHO.
- c. That the entire episode emits the smell of discrimination and prejudice. The enquiry officer did not conducted

My
Chance

enquiry according to law and rules and failed to probe into the matter correctly. Punishment award to the appellant is harsh and beyond the record.

- d. That unblemished services of the petitioner were dint on the basis of false prejudiced daily dairy report and demotion from the rank is harsh punishment awarded to the petitioner. Daily dairy was incorporated by the SHO Sagheer Abas was also based on personal grudges and is a misuse of powers but the enquiry officer did not dig out the route cause behind such personal retaliation on behest of SHO Sagheer Abas.
- e. That the competent authority as well as the appellate authority did not perused the record correctly as there exists a sheer contradictions among the statements, rather the enquiry officer did not take the statements of persons whose statements were indispensable for proper enquiry.
- f. That facts enumerated in the impugned enquiry report are itself not consistent with each other, rather pick and chose formula has been adopted by the enquiry officer. Fact findings of the enquiry officer regarding telephone call and CDR data are also inconsistent and alien facts has been attached.
- g. That the award of impugned punishment is patently illegal, ultra virus, nullity in law and apparently motivated for extraneous reasons and is not maintainable in law.
- h. That the petition of appeal is duly supported by law and rules formulated there under, besides the affirmation/affidavit annexed hereto.
- i. That this honourable Tribunal is competent and has ample powers to adjudge the matter under reference/appeal.
- j. That counsel for the appellant may graciously be allowed to raise additional grounds at the time of arguments.

*At
Chhule*

In wake of submission made above appellant humbly requested that the the impugned order No. 2328-30/EC dated 06/05/2019, (OB-804 dated 08/04/2019), whereby the appellant was awarded major punishment of demotion and the impugned order no. 2964/ES dated 13/06/2019 whereby the departmental appeal of the appellant was rejected by the appellate authority may please be set aside with all back benefits.

Any other relief deemed appropriate in circumstances of the case may also be allowed in favour of appellant in the large interest of justice.

15/07/2019

Your humble appellant



Muhammad Asif

Through counsel



Muhammad Abdullah Baloch
Advocate High Court
Dera Ismail Khan



Muhammad Abid
Advocate High Court
Dera Ismail Khan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In service Appeal No. _____/2019

Muhammad Asif
(Appellant)

VERSUS

PPO KPK etc
(Respondents)

CERTIFICATE

Certified that appellant have not filed an appeal regarding the subject controversy, earlier in this august Tribunal.

Dated 15/07/2019


Appellant

NOTE

Appeal with annexure along-with required sets thereof are being presented in separate file covers.

15/07/2019


Appellant's counsel

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In service Appeal No. _____/2019

Muhammad Asif
(Appellant)

VERSUS

PPO KPK etc
(Respondents)

AFFIDAVIT

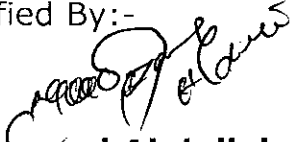
I, **Muhammad Asif**, appellant herein, do hereby solemnly affirm on oath:-

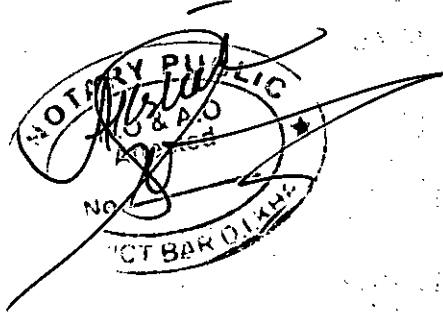
1. That the accompanying appeal has been drafted by counsel following our instructions;
2. That all para-wise contents of the appeal are true and correct to the best of my knowledge, belief and information;
3. That nothing has been deliberately concealed from this Honourable Court, nor anything contained therein, based on exaggeration or distortion of facts.

15/07/2019


DEPONENT

Identified By:-


Muhammad Abdullah Baloch
Advocate High Court,



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In service Appeal No. _____/2019

Muhammad Asif
(Appellant)

VERSUS

PPO KPK etc
(Respondents)

ADDRESSES OF THE PARTIES

Appellant:-

Muhammad Asif son of Muhammad Zaman R/O Shiekh
Yousaf Town District Dera Ismail Khan.

Constable No. 291. Presently posted at Police Lines DIKhan

RESPONDENTS:-

1. **Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.**
2. **Regional Police Officer, Dera Ismail Khan Divison.**
3. **District Police Officer, Dera Ismail Khan.**

15/07/2019


Appellant's Counsel

CHARGE SHEET


Whereas, I am satisfied that a formal enquiry as contemplated by Khyber Pakhtunkhwa Police Rules 1975 amended-2014 is necessary and expedient.


AND WHEREAS, I am of the view that the allegation if established would call for a major penalty as defined in rules-4(i)(B) of the aforesaid rules.

AND THEREFORE, as required by Police Rules 6(1) of the aforesaid rules, I DISTRICT POLICE OFFICER Dera Ismail Khan hereby charge you HC Muhammad Asif No.291 with the misconduct on the basis of the statement attached to this Charge Sheet.

AND, I, hereby direct you further under rules 6(i)(B) of the said rules to put in written defence within 7-days of receipt of this Charge Sheet as to why the proposed action should not be taken against you and also state at the same time whether you desire to be heard in person or otherwise.

AND, in case, your reply is not received within the prescribed period, without sufficient cause, it would be presumed that you have no defence to offer and that Ex-parte proceeding will be initiated against you.


District Police Officer,
Dera Ismail Khan


Muhammad Abid
Advocate
RO & AC
Dist. B.A. Dera Ismail Khan

DISCIPLINARY ACTION

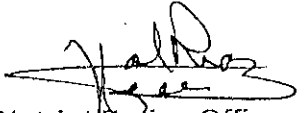
I, DISTRICT POLICE OFFICER, Dera Ismail Khan as a competent authority am of opinion that you HC Muhammad Asif No.291 have rendered yourself liable to be proceeded against and committed the following acts/omissions within the meaning of the Khyber Pakhtunkhwa Police Rules 1975 amended-2014.

STATEMENT OF ALLEGATIONS

You, while posted as Incharge Police Post Chunda received a bribe of at least Rs. 50,000/- through easy paisa from the relatives of accused of case FIR No.59, dated 29.03.2019, registered u/s 9-CNSA in PS Yarik. This act on your part amounts to gross misconduct which is punishable under the rules.

Hence the statement of allegation,



- 2) For the purpose of scrutinizing the conduct of the said accused with reference to the above allegation Muhammad Tahir SP Investigation DI Khan Dera Ismail Khan is appointed as enquiry officer to conduct proper departmental enquiry under Police Rules 1975 amended-2014.
- 3) The enquiry officer shall in accordance with the provision of the ordinance, provide reasonable opportunity of the hearing to the accused, record its findings and make, immediately of the receipt of this order recommendations as to punishment or other appropriate action against the accused.
- 4) The accused and a well conversant representative of the department shall join the proceedings on the date time and place fixed by the enquiry officer.


District Police Officer,
Dera Ismail Khan

No. 1361-62 /EC Dated DI Khan the 04 - 04 /2019

Copy to:

- 1. Muhammad Tahir SP Investigation DI-Khan Dera Ismail Khan. The enquiry officer for initiating proceeding against the defaulter under the provision of Khyber Pakhtunkhwa Police Rules 1975 amended-2014, with the direction to complete the enquiry immediately. Enquiry papers containing _____ pages are enclosed.
- 2. HC Muhammad Asif No.291 with the direction to appear before the E.O on the date, time and place fixed by the E.O, for the purpose of enquiry proceeding.


Muhammad Abid
Advocate
RO & AC
Distt: BAR Dera Ismail Khan

District Police Officer,
Dera Ismail Khan

Handwritten notes at the bottom of the page, including dates like 29/03/19 and 04/04/19, and a phone number SMS 0343-9846483.

ORDER

This order is aimed to dispose-off the departmental proceeding against Head Constable Muhammad Asif No. 291 of this District Police on the charges that he while posted as In-charge Police Post Chunda received a bribe of at least Rs. 50,000/- through easy paisa from the relatives of accused of case FIR No. 59, dated 29.03.2019 registered u/s 9-CNSA in PS Yarik.

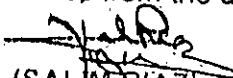
He was served with charge sheet/statement of allegations. An enquiry was conducted into the matter through Mr. Muhammad Tahir SP Investigation DI Khan under Police Rules-1975 ammended-2014. The Enquiry Officer submitted his finding report in which he stated that the delinquent Official is found guilty and recommended to be punished as per rules.

He was also served with Final Show Cause Notice and reply submitted by defaulter Constable was examined thoroughly and found unsatisfactory.

He was summoned in Orderly Room to provide lawful opportunity of hearing. He appeared in Orderly Room on May 6th, 2019, but failed to give any plausible explanation and also had nothing to offer in his defence.

Foregoing in view of the finding and recommendations of the Enquiry Officer, the undersigned came to the conclusion that the charges of misconduct stand proved against him beyond any shadow of doubt.

Therefore, in the light of above, I, SALIM RIAZ, District Police Officer, DI Khan in exercise of powers conferred upon me under the Police Rules 1975 amended-2014, award him Major Punishment of demotion to the rank of Constable with immediate effect. He is also reinstated in service from the date of suspension i.e. 08.04.2019.


(SALIM RIAZ)
District Police Officer,
Dera Ismail Khan


No. 1323-20/EC


- Copies to:
- 1) The Worthy Regional Police Officer DI Khan Region
 - 2) DSP Baddar & HQ

wr to this office Order/Inv. No. 1323-20/EC dated 08.04.2019

OB 804

DT 08-05-2019 ASIF


(SALIM RIAZ)
District Police Officer,
Dera Ismail Khan


Muhammad Abid
Advocate
RO & AC
Distt. BAK Dera Ismail Khan

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

سروس اپیل

SERVICE APPEAL

بابت بحالی ملازمت بعہدہ ہیڈ کانسٹیبل
بخدمت جناب عزت مآب سید فیروز شاہ صاحب
ڈپٹی انسپکٹر جنرل آف پولیس ڈیرہ اسماعیل خان

THROUGH PROPER CHANNEL

بحوالہ حکم نمبر: EC / 30-2328 مورخہ: 19-05-06

مجاہد جناب DPO صاحب ڈیرہ

اپیل کنندہ

محمد آصف نمبر 291 متعینہ پولیس لائن ڈیرہ

CNIC #: 12101-0968654-1

Cell: 0345-9829864

10-05-2019

Muhammad Abir
Advocate
RO &
Distt. B/R Dera Ismail K

جناب عالی!

☆ معروض ہوں کہ سائل سال 2004ء میں محکمہ پولیس میں بطور کانسٹیبل بھرتی ہو کر بنیادی ریٹیکورٹ کورس امتیازی نمبرات سے پاس کرنے کے بعد مختلف پروفیشنل کورسز از قسم V.V.I.P، ATS، پروٹیکشن، لوئر کلاس کورس بطریقہ احسن پاس کرنے کے بعد حسب الحکم افسران بالا اپنے فرائض منصبی متعدد Places of Posting پر احسن طریقے سے سرانجام دیتا چلا آرہا ہے۔ جو میرے سروس ریکارڈ سے بخوبی عیاں ہے۔

☆ سائل نے آج تک اپنے کسی طرز عمل (Behave) سے اپنے Seniors، Colleagues یا عوام الناس کو کبھی کسی شکایت کا موقع نہیں دیا ہے۔

عالی جاہ!

شمولہ حکم تنزیلی بعہدہ کانسٹیبل منجانب DPO صاحب ڈیرہ میں میرے ساتھ بہت زیادتی ہوئی ہے۔ جس میں میرے محکمانہ حقوق، بال بچوں کے حقوق، معاشرتی اقدار حتیٰ کہ نیچرل جسٹس کو بھی ملحوظ خاطر نہیں رکھا گیا ہے، میرے خلاف بددیانتی پر لکھی جانے والی روزنامہ رپورٹ کو بنیاد بنا کر ایک طوفانی انکوائری پر اس کے ذریعے بلا جواز مجھے اپنے عہدہ ملازمت سے Reversion جیسی بڑی سزا دے دی گئی ہے۔

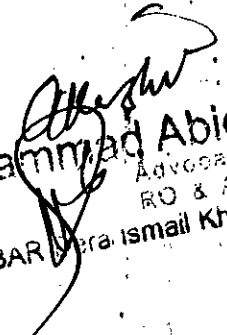
☆ عالی جاہ! میرے خلاف جو رپورٹ SHO صغیر عباس نے درج روزنامہ کی وہ خالصتاً ذاتی "مخاصمت" اور اختیارات کا ناجائز استعمال ہے۔ جسے ہر فورم پر ثابت کر سکتا ہوں۔ اس جملہ معاملے میں میری کسی قسم کی Dis-honesty شامل نہ ہے۔ جس کی کسی بھی source سے تصدیق کی جاسکتی ہے۔

☆ عالی جاہ! جملہ انکوائری پر اس میں کسی موڈ پر بھی حقیقت کو اجاگر نہ کیا گیا بلکہ Finding رپورٹ مرتب کرتے وقت میرے خلاف جملہ واقعات کو "ٹرو ڈمرڈ" کر پیش کیا گیا۔ حتیٰ کہ میں نے بروڈ ووقہ تمام ترو واقعات سرکل افسر (DSP صدر) و SHO صاحب کے نوٹس میں لاتا رہا ہوں اور جملہ معاملات میں تمام پیش رفت بالا افسران کی اجازت سے ہوئی۔ لیکن اس معاملے میں از خود صرف مجھے ٹارگٹ کرنا نہ صرف میرے ساتھ زیادتی ہے بلکہ ماورائے قانون بھی ہے۔ جس پر ہم فرمایا جا تا تو یہ انصاف ہوگا۔

عالی جاہ! میرے خلاف publically ایسی کوئی شکایت نہ تو موصول ہوئی ہے جس پر کارروائی کی جاتی اور نہ ہی قبل ازیں ایسی کوئی شکایت کہیں دی ہو سکتی ہے۔ لیکن از خود SHO صاحب کی ذاتی مخاصمت کی بنا پر لکھی جانے والی روزنامہ رپورٹ کو بنیاد بنا کر صرف موہائل فون، کال ڈیٹا اور CDR کی بنیاد پر مجھے قصور وار ٹھہرانا نہ صرف ماورائے قانون ہے بلکہ Socially، Morally نظر ثانی کا متقاضی ہے۔

بحوالہ گورٹ ریفرنس لاہور ہائی کورٹ:

"کسی سرکاری ملازم کو محض موہائل فون، کال ڈیٹا اور CDR کی بنیاد پر سزا نہیں دی جاسکتی۔"

☆ 
Muhammad Abid
Advocate
RO & AC
Distt. BAR, Feroz Ismail Khaw



OFFICE OF THE
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN
REGION

No. 2964 /ES.

Dated DI Khan the 13/06/2019

D No 1481/EC
13-06-2019

ORDER

My this order will dispose-of the appeal preferred by Constable Muhammad Asif, 291 of District Police D Khan wherein he has prayed for setting aside the order of major punishment of demotion from the rank of Head Constable to Constable imposed to him by DPO DIKhan vide OB No. 804 dated 08.05.2019 after found him guilty of the following allegations:-

He while posted as In-Charge Police Post Chunda, received bribe of at-least Rs.50,000/- through easy paisa from the relatives of accused of case FIR No.59, dated 29.03.2019 registered u/s 9-CNSA in PS Yarik DIKhan.

His service record, inquiry papers and comments were received from DPO DIKhan which was perused and it was found that he was issued charge sheet and enquiry into the matter was conducted by Mr. Muhammad Tahir, SP Investigation DI Khan who submitted his findings report in which he stated that the delinquent Official is found guilty of the charges and recommended to be punished as per Rules. The defaulter constable was issued Final Show Cause Notice and summoned in orderly room by DPO DI Khan. In the light of recommendation of the enquiry officer, DPO DI Khan has passed the order dated 08.05.2019.

Aggrieved from the impugned order passed by DPO DI Khan, the appellant submitted the instant appeal on 10.05.2019 which was sent to DPO DI Khan for comments and to provide his service record vide this office memo: No. 2593/ES, dated 20.05.2019. DPO DI Khan has submitted the comments and service record of the appellant vide his office memo: No. 2647/EC, dated 29.05.2019 wherein appeal of the appellant was defended on cogent grounds.

Keeping in view the above, I can safely infer from the above that the appellant is incorrigible and his appeal is devoid of merit. There is no need of interference in the impugned order, therefore I, FEROZE SHAH, PSP, Regional Police Officer, DI Khan, in exercise of powers vested in me under Rule 11 clause 4(a) of Khyber Pakhtunkhwa Police Rules 1975 (amended 2014), hereby reject his appeal and endorse the punishment awarded to him by DPO DIKhan.

ORDER ANNOUNCED

No. 2965 /ES

Muhammad Abid
Advocate
PRO & AC
Dera Ismail Khan
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN

Copy of above is sent to the DPO DI Khan for necessary action with reference to his office memo: No. 2660/EC dated 15.05.2019 alongwith 01-Service Roll & 01-Enquiry File of the appellant.

5/10/19
2019
5-10-19

(FEROZE SHAH)
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN

BEFORE THE WORTHY INSPECTOR GENERAL OF POLICE
KPK, PESHAWAR.

SUBJECT; REVISION AGAINST THE APPELLATE ORDER NO. 2964/ES, DATED 13/06/2019 ISSUED FROM THE OFFICE OF RESPECTED RPO, DIKHAN REGION, WHEREBY APPEAL OF THE APPELLANT AGAINST THE IMPUGNED ORDER NO. OB 804 DATED 08/04/2019, WAS REJECTED.

Respected Sir, Humbly, submissions are as follows;

1. That the appellant was inducted as police constable in 2004 in Police Department after going through different professional courses i.e. ATS, VVIP Protection and Lower Class Course. And appellant had been performing his duties with honesty and great zeal, which is evident from my service record. During his services duties/behavior of appellant was satisfactory with regards to his seniors and public at large.
2. That feeling aggrieved from the demotion order of DPO Dera Ismail Khan. That unblemished services of the petitioner were dint on the basis of false prejudiced daily dairy report and diversion from the rank is harsh punishment awarded to the petitioner. Daily dairy was incorporated by the SHO Sagheer Abas was also based on personal grudges and is a misuse of powers but the inquiry officer did not dig out the route cause behind such personal retaliation on behest of SHO Sagheer Abas.
3. That facts enumerated in the impugned inquiry report are itself not consistent with each other, rather pick and chose formula has been adopted by the inquiry officer. Fact findings of the inquiry officer regarding telephone call and CDR data are also inconsistent and alien facts has been attached with the only true facts when petitioner was performing his duty at Chunda Check post. Detail in department appeal is also annexed herewith for your kind perusal.

Muhammad Abid
Advocate
RO & AC
Distt: BAR Dera Ismail Khan

4. That the entire episode emits the smell of discrimination and prejudice. The inquiry officer did not conducted inquiry according to law and the rule and failed to probe into the matter correctly. Punishment awarded to the petitioner is harsh and is based on facts, beyond the record.

It is therefore; humbly requested that on acceptance of the instant revision petition the impugned order dated 13/06/2019 issued by the honorable RPO DIKhan and impugned order no. ob 804 dated 08/04/2019 may kindly be set-aside.

Your Humble petitioner

Dated: 5/07/2019

Muhammad Asif No. 291
CNIC # 12101-0968654-1
MOB # 0345-9829864

Muhammad
Muhammad Abid
Advocate
RO & AC
Distt: BAR Ujra Ismail Khan



N.W.F.P.
BAR COUNCIL

(20)

وکالت نامہ

MUHAMMAD ABID

Advocate High Court
N.I.C. 12101-5111804-3
S.No 1319



Issuing Authority

کورٹ
فیس

Before Honorable Justice Tribunal KPK
Appellant

Muhammad Abid vs. Peshawar

Service Appeal

DIK باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجہاً ذہی برائے پیشی یا تصفیہ مقدمہ نام

Muhammad Abid

Advocate

Distt. BAR Dera Ismail Khan

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بذریعہ رو برو علیحدہ علیحدہ طور پر یا بروقت بیکارے جسے مقدمہ پیش صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ بیرون نظر ہو جائے تو میں اسے برائے مقدمہ صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ یا بکھری کے اوقات سے پہلے یا چھپے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر بکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا بکھری کے اوقات کے آگے یا چھپے پیش ہونے پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا عمت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ نتیجہ کوکل ساختہ پر داخست صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض ڈوئی یا جواب ڈوئی یا درخواست اجراء اسمائے ذکرئی نظر ثانی اپیل نگرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر پٹائی یا راضی نامہ و فیصلہ برطرف کرنے اقبال ڈوئی کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ منکرہ بیرون از بکھری صدر بیرونی مقدمہ منکرہ نظر ثانی اپیل و نگرانی و برآمدگی مقدمہ یا منسوفی ذکرئی یک طرف یا درخواست حکم اثبات یا قرقی یا گرفتاری قبل از فیصلہ اجراء ذکرئی بھی صاحب موصوف کو بشرط ادائیگی علیحدہ علیحدہ بیرونی کا اختیار ہو گا اور تمام ساختہ پر داخست صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو گا کہ مقدمہ منکرہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل نگرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیرسٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں ہدی اور دینے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جہات اتواء پڑے گا وہ صاحب موصوف کو حق ہو گا اور صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند ہے
15/07 مورخہ
مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Muhammad Abid
Distt. BAR Dera Ismail Khan

(امین)



N.W.F.P. BAR COUNCIL

MUHAMMAD ABDULLAH

Advocate High Court
N.I.C. 12101-0988149-7
S.No 1288



Issuing Authority

وکالت نامہ

(21)

کورٹ
فیس

Before Honourable Senior Tribunal KPK Peshawar

Appellant - Muhammad Asif

Service Appraised

باعت خرید آنکھ

Muhammad Abdullah Baloch

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجہ دہی برائے پیشی یا تفسیر مقدمہ بنام
 کو صاحب موصوفہ دیکل ستر کیا ہے کہ میں پیشی پر خود یا بڑا بذریعہ رو برد عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے مقدمہ دیکل صاحب
 موصوفہ کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب
 موصوفہ اس کے کسی طرح ذمہ دار نہ ہوں گے نیز دیکل صاحب موصوفہ صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا بیچے یا بروز تعطیل
 بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا بیچے پیش ہونے
 پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معارضہ کے ادا کرنے یا سخت نہ واپس کرنے کے بھی صاحب موصوفہ ذمہ دار نہ ہوں گے مجھ
 کو کل ساخت پر واخت صاحب موصوفہ شکل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوفہ کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسامے ڈگری
 نظر ثانی اپیل نگرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر ثانی یا راضی نامہ فیصلہ برطرف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے
 تاریخ پیشی مقدمہ مذکور بیرون از پکھری صدر بیرونی مقدمہ مذکور نظر ثانی اپیل و نگرانی و برآمدگی مقدمہ یا مستوفی ڈگری یک طرفہ یا درخواست حکم امتناعی یا ترقی
 یا گرفتاری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوفہ کو بشرط ادا یعنی علیحدہ ضمانت بیرونی کا اختیار ہو گا اور تمام ساخت پر واخت صاحب موصوفہ شکل کردہ
 از خود منظور قبول ہو گا اور بصورت ضرورت صاحب موصوفہ کو یہ بھی اختیار ہو کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی
 اپیل نگرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے دیکل یا بیرونی ستر کو اپنے بہانے یا اپنے ہمراہ مقرر کریں اور ایسے شیر قانون کو بھی ہر امر میں دہی اور ایسے
 اختیارات حاصل ہوں گے جیسے صاحب موصوفہ کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جائز التواء پڑے گا وہ صاحب موصوفہ کا حق ہو گا ستر
 صاحب موصوفہ کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوفہ کو پورا اختیار ہو گا کہ مقدمہ کی اپروٹی نہ کریں اور ایسی صورت
 میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوفہ کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سزا ہے
 مورخہ 15/7/2015
 مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Applicant
 15/7/2015

Muhammad Asif
 (Appellant)