

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1502/2019

Date of Institution ... 31.10.2019

Date of Decision ... 11.01.2022

Mr. Ameer Nazar, Head Constable No. 417, Police Line Haripur, District Haripur.  
... (Appellant)

**VERSUS**

The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others.  
... (Respondents)

Noor Muhammad Khattak,  
Advocate ... For Appellant

Javed Ullah,  
Assistant Advocate General ... For respondents

**AHMAD SULTAN TAREEN** ... **CHAIRMAN**  
**ATIQ-UR-REHMAN WAZIR** ... **MEMBER (EXECUTIVE)**

**JUDGMENT**

**ATIQ-UR-REHMAN WAZIR MEMBER (E):-**

Brief facts of the

case are that the appellant was initially appointed as Constable in Police department and was subsequently promoted to the post of Head Constable. During the course of his service, the appellant was proceeded against on the charges of misconduct and was ultimately dismissed from service vide order dated 25-06-2014. Feeling aggrieved, the appellant filed departmental appeal followed by Service Appeal No. 1308/2014, which was decided vide judgment dated 18-02-2019 with direction to the respondents to conduct de-novo inquiry. As a result of de-novo inquiry the impugned order dated 18-06-2019 was issued, whereby major penalty of dismissal was converted into minor penalty of forfeiture of approved service for three years and the intervening period with effect from

25-06-2014 till his re-instatement was treated as leave without pay. Feeling aggrieved, the appellant filed departmental appeal, which was not responded, hence the instant service appeal with prayers that the impugned order dated 18-06-2019 may be set aside and the appellant may be allowed his approved service for three years and the intervening period with effect from 25-06-2014 until his re-instatement may also be counted for the grant of back benefits.

02. Learned counsel for the appellant has contended that the impugned order dated 18-06-2019 is against law, facts and norms of natural justice, hence not tenable and liable to be set aside; that the appellant has not been treated in accordance with law, as such the respondents violated Article-4 and 25 of the Constitution; that the respondents acted in arbitrary and mala fide manner, while issuing the impugned order, which is not tenable in the eye of law and the same are liable to be set aside; that no show cause has been issued to the appellant before issuing the impugned order; that no chance of personal hearing has been afforded to the appellant before issuing the impugned order, which is necessary as per judgment of the apex court before taking any punitive action against a civil servant; that in the de-novo inquiry no charge has been proved against the appellant, therefore the appellant is fully entitled for all back benefits with effect from 25-06-2014 till re-instatement.

03. Learned Assistant Advocate General for the respondents has contended that the appellant while posted as driver at police lines Haripur, was reported to supervising a prostitution den and the said act was reported being misconduct; that the appellant was proceeded against on such charges and was dismissed from service vide order dated 25-06-2014; that as per judgment dated 18-02-2019 of this tribunal, de-novo inquiry was conducted and being found guilty, the appellant was awarded minor punishment of forfeiture of three years approved service vide order dated 13-06-2019; that the appellant was issued proper charge sheet/statement of allegation and additional SP Haripur was appointed as inquiry

officer, who conducted inquiry and submitted his findings; that in light of findings of the inquiry report, the appellant was awarded appropriate punishment.

04. We have heard leaned counsel for the parties and have perused the record.

05. Record reveals that upon receipt of an unsigned source report from special branch, the appellant was proceeded against. The source report was basically against a lady Rizwana Shaheen, which was regarding her ill reputation and managing a prostitution den in her house, whereas the appellant is stated to be in relation with the lady. The appellant was served with charge sheet/statement of allegation containing the same allegations, to which the appellant responded and denied the allegations having no facts behind it, rather the appellant opined that the complaint might be due to personal grudge of his fellows employees. An inquiry was conducted on the charges, but the inquiry officer failed to establish the charges leveled against him with documentary evidence. The said inquiry was conducted in a slipshod manner, as neither statement of any witnesses were recorded in presence of the appellant nor opportunity was afforded to the appellant to cross-examine such witnesses. Show cause notice was not served upon the appellant before awarding major penalty, despite he was awarded with major punishment of dismissal from service. Keeping in view such lacunas in the disciplinary proceedings, this tribunal ordered for de-novo inquiry. During the course of de-novo proceedings, the appellant was served with the same charge sheet/statement of allegations and inquiry was conducted. It is very interesting to note that the inquiry officer fully exonerated the appellant of the charges, rather appreciated him for his efficient performance and earning cash prizes and commendation certificates on his best performance, despite he was recommended for minor punishment. In a situation, when the civil servant is exonerated of the charges, he cannot be penalized.


06. We are of the considered opinion that the appellant has not been treated in accordance with law. The inquiry officer exonerated him of the charges, which means that the appellant was illegally kept away from performance of his duty, even imposition of minor penalty in case of exoneration is illegal and on this score alone, the impugned order is liable to be set at naught. Placed on record is appreciation and commendation certificates, one of which is reproduced as under;

*"Ameer Nazar is highly disciplined, well groomed, responsible & reliable police officer. He during his service with me, never disappointed me. I also found him very optimistic; he has the courage and potential to cope with odd situation. I wish and if I could , I would have given him an accelerated promotion to the rank of SI and would have appoint him as SHO, as he has the ability to run the most difficult police station. People like Ameer are rare in police department"*

07. Keeping in view the words of a District Police Officer in favor of the appellant would certify that the appellant was handled wrongly. His exoneration from the charges is more than enough to conclude that the appellant was illegally kept away from performance of duty for longer time and again penalizing him despite his exoneration would be un-just and illegal. In view of the foregoing discussion, the instant appeal is accepted. The impugned order is set aside. The forfeited service is restored and intervening period is treated as on duty with all consequential benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
11.01.2022

  
(AHMAD SULTAN TAREEN)  
CHAIRMAN

  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (E)

ORDER

11.01.2022

Learned counsel for the appellant present. Mr. Javed Ullah, Assistant Advocate General for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted. The impugned order is set aside. The forfeited service is restored and intervening period is treated as on duty with all consequential benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

11.01.2022



(AHMAD SULTAN TAREEN)  
CHAIRMAN




(ATIQ-UR-REHMAN WAZIR)  
MEMBER (E)

23.06.2021

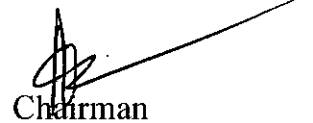
Mr. Umer Farooq, Advocate for appellant present.

Mr. Muhammad Adeel Butt, learned Additional Advocate General alongwith Mr. Mujahid Shah, Head Constable for respondents present.

Learned counsel for the appellant seeks adjournment with the request for submission of rejoinder to comments/written reply of the respondents. Request is accorded with the direction to file rejoinder within 5 days in the office failing which the right of filing of rejoinder shall be deemed as struck off. Adjourned. To come up for rejoinder/arguments on 08.11.2021 before D.B.



(Rozina Rehman)  
Member(J)



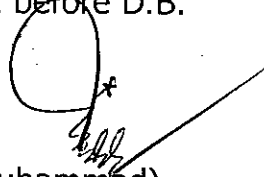
Chairman

09.11.2021

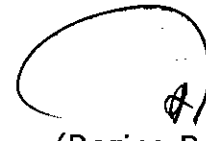
Junior to counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Former made a request for adjournment as senior counsel is indisposed; granted. To come up for arguments on 02.03.2022 before D.B.



(Mian Muhammad)  
Member (E)



(Rozina Rehman)  
Member (J)

Case was noted Counsel for Appellant.

Azam Khan Clerk

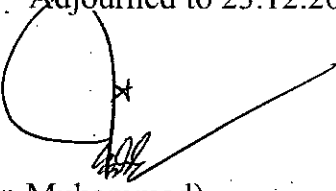
5/22


13.10.2020

Junior to counsel for the appellant is present. Mr. Muhammad Jan, DDA alongwith Mr. Israr Shah, Reader for respondents are present.

Junior to counsel for the appellant seeks adjournment as his senior counsel was busy before the Hon'able Peshawar High Court, Peshawar. Adjournment granted.

Adjourned to 23.12.2020 for arguments before D.B.

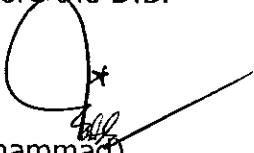
  
(Mian Muhammad)  
Member (E)

  
(Rozina Rehman)  
Member(J)

23.12.2020

Counsel for the appellant and Asstt. AG alongwith Mujahid Shah, H.C for the respondents present.

Learned counsel requests for adjournment in order to further prepare the brief. Adjourned to 25.03.2021 for hearing before the D.B.

  
(Mian Muhammad)  
Member(E)

  
Chairman

25.03.2021

Counsel for the appellant present. Mr. Riaz Khan Paidakhel learned Asst. AG for respondents present.

The Worthy Chairman is on leave, therefore, the case is adjourned to 23.06.2021 for arguments before D.B.

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

24.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 16.06.2020 before S.B.

  
Reader

16.06.2020

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department is present, therefore, notices be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date. Adjourned to 28.07.2020 for written reply/comments but as a last chance before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

28.07.2020

Counsel for the appellant and Addl. AG alongwith Israr Shah, Reader for the respondents present.

Respondents have furnished Rely/comments. Placed on record. The matter is assigned to D.B for hearing on 13.10.2020. The appellant may furnish rejoinder, within one month, if so advised.

  
Chairman



16.12.2019

Counsel for the appellant present.

Contends that the impugned order dated 18.06.2019 was not only passed without including the appellant in the enquiry proceedings but the penalty of forfeiture of approved service for three years was also beyond the scope of Khyber Pakhtunkhwa Police Rules, 1975. He referred to Rule 4 of the rules ibid and contended that forfeiture of approved service could be made for a maximum period of two years. The competent authority has, therefore, travelled beyond its powers prescribed by the rules.

In view of the available record and arguments of learned counsel, instant appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for submission of written reply/comments on 07.02.2020 before S.B.

Appellant Deposited  
Security Process Fee

19/12/19

Chairman

07.02.2020

Appellant in person and Addl. AG alongwith Israr Shah, Reader for the respondents present.

Representative of the respondents seeks time to submit reply/comments. Adjourned to 24.03.2020 on which date the requisite reply/comments shall positively be furnished.

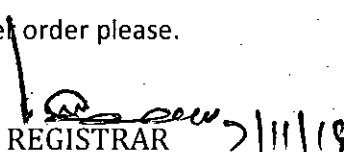

(Ahmad Hassan)  
Member

Form- A

FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 1502/2019 \_\_\_\_\_

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/11/2019	<p>The appeal of Mr. Ameer Nazar resubmitted today by Mr. Noor Muhammad Khattak 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 7/11/19</p>
2-	11/11/19.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>16/12/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Ameer nazar Head Constable No. 417 Police Line Hariopur District Haripur received today i.e. on 31.10.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Wakalat nama is unsigned/unattested.

No. 1920 /S.T,

Dt. 01-11 /2019.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

*Note:*

*Sir*

*Objection has been removed,  
hence re-submitted today dated 6/11/2019.*

*6/11/2019*

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

APPEAL NO. 1502 /2019

**AMEER NAZAR**

**V/S**

**POLICE DEPTT:**

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**APPELLANT**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

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

Khyber Pakhtunkhwa  
Service Tribunal

APPEAL NO. 1502 /2019

Diary No. 1530

Mr. Ameer Nazar, Head Constable No. 417,  
Police Line Haripur, District Haripur.....

Dated 31-10-2019

**APPELLANT**

**VERSUS**

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Regional Police Officer, Hazara Region at Abbottabad.
- 3- The District Police Officer, District Haripur.

.....**RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 18.06.2019 WHEREBY MINOR PUNISHMENT OF FORFIETURE OF APPROVED SERVICE FOR THREE (03) YEARS AWARDED TO THE APPELLANT AS WELL AS THE INTERVENING PERIOD i.e. 25.06.2014 TILL RE-INSTANTMENT IS TREATED AS LEAVE WITHOUT PAY AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 18.06.2019 may very kindly be set aside and the appellant may be allowed/granted of his approved service of three years and the intervening period w.e.f 25.06.2014 till re-instatement may also be allowed/counted for the grant of back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

*Brief facts giving rise to the present appeal are as under:-*

- 1- That the appellant was appointed as Constable in the respondent Department later on the appellant was promoted to the rank of Head Constable on seniority-cum-fitness basis. That right from the date of 1<sup>st</sup> appointment the appellant has served the respondent Department quite efficiently and upto the entire satisfaction of his superiors.
- 2- That appellant while working as driver/Head Constable the respondent No.3 issued charge sheet alongwith statement of allegation baseless allegation was leveled against the appellant by

Filed to-day  
Registrar  
31/10/19

Re-submitted to-day  
and filed.  
Registrar  
31/11/19

the respondent No.3. That in response to the charge sheet and statement of allegation the appellant submitted his detailed reply and denied all the allegations which have been leveled against him. Copies of the charge sheet, statement of allegation and reply are attached as annexure.....**A, B & C.**

3- That vide order dated 25.06.2014 the appellant was dismissed from service without conducting regular inquiry in the matter by the respondent. That feeling aggrieved from the impugned order dated 25.06.2014 the appellant filed Departmental appeal followed by service appeal No. 1308/2014 which was allowed in favor of the appellant vide judgment dated 18.02.2019 with the directions to the respondent Department to conduct de-novo inquiry strictly in accordance with law and rules within a period of ninety days. Copies of the dismissal order, Departmental appeal, memo of appeal and judgment are attached as annexure.....**D, E, F & G.**

4- That the respondent Department conducted de-novo inquiry in the matter but not associated the appellant in the said inquiry and straight away issued the impugned order dated 18.06.2019 whereby minor punishment of forfeiture of approved service for 03 years and the intervening period w.e.f 25.06.2014 till re-instatement treated as leave without pay. Copy of the impugned order is attached as annexure.....**H.**

5- That appellant feeling aggrieved from the impugned order dated 18.06.2019 filed Departmental appeal but no reply has been received so far. That appellant feeling aggrieved and having no other remedy filed the instant appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure.....**I.**

#### **GROUND:**

A- That the impugned order dated 18.06.2019 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.

B- That the appellant has not been treated by the respondents in accordance with law and rules on the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.

C- That the respondents acted in arbitrary and malafide while issuing the impugned orders dated 18.06.2019 which are not tenable in the eyes of law and the same are liable to be set aside.

D- That no show cause notice has been issued to the appellant before issuing the impugned order dated 18.06.2019.

E- That no chance of personal hearing has been provided to the appellant before issuing the impugned order dated 18.06.2019 which is necessary as per judgment of the Apex Court before taking any punitive action against the civil servant.

F- That in the alleged de-novo inquiry no charge has been proved against the appellant, therefore, the appellant is fully entitle for all back benefits w.e.f 25.06.2014 till re-instatement.

G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 24.10.2019

APPELLANT



**AMEER NAZAR**

THROUGH:



**NOOR MOHAMMAD KHATTAK**

&



**MIR ZAMAN SAFI**  
**ADVOCATES**

CHARGE SHEET

A-4

(1) I, **Muhammad Ijaz Khan (PSP)**, District Police Officer, Haripur as competent authority, hereby charge you **Driver/ Head Constable Ameer Nazar No.417** as enclosed statement of allegations.

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

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

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

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

(6) A statement of allegations is enclosed.

(Muhammad Ijaz Khan) PSP  
District Police Officer  
Haripur

**ATTESTED**

*[Handwritten signature]*

**ATTESTED**

*[Handwritten signature]*



DISCIPLINARY ACTION

I, Muhammad Ijaz Khan (PSP), District Police Officer, Haripur as competent authority of the opinion that you Driver/ Head Constable Ameer Nazar No.417 have rendered yourself liable to be proceeded against as you committed the following acts/omissions within the meaning of Police Efficiency & Discipline Rules 1975.

STATEMENT OF ALLEGATION

You while posted at Police Lines Haripur as Driver, a finding of enquiry report on the application of Mst: Rizwana Shaheen was received from Regional Police Officer, Hazara Region Abbottabad Office vide his Memo: No.454/C-Cell, dated 02.04.2014, in which Mr. Sajid Khan DSP/ADIG Hazara Region Abbottabad mentioned the following irregularities:-

1. Source report (unsigned) was also obtained from Special Branch in which her ill reputation and managing a prostitution den in her house is again confirmed. Furthermore, it has also been mentioned that this den is under the shelter of a person namely Ameer Nazar, who is stated to be a driver in police Haripur. The involvement of Mir Nazar a police driver may also not be overlooked so as to stop this menace once forever.

The above mentioned acts are gross misconduct on your part.

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

A.SIF GOHAR DSP Khanpur

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

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

**ATTESTED**

(Muhammad Ijaz Khan) PSP  
District Police Officer  
Haripur

No: 861-62 /PA dated Haripur the 11/01 /2014.

Copy of above is submitted to the: -

- 1) Regional Police Officer, Hazara Region, Abbottabad please.
- 2) Enquiry Officer for initiating proceedings against the said accused under Police Efficiency & Discipline Rules 1975.
- 3) Driver/ Head Constable Ameer Nazar No.417 with the direction to submit his defense within 7 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purpose of departmental proceedings.

**ATTESTED**

District Police Officer  
Haripur

جناب عالی!

بحوالہ چارج شیٹ موصولہ نمبر 63-861 مورخہ 11-04-2014 کے معروض خدمت ہوں کہ سائل کے خلاف الزام ہے کہ سیشنل برانچ سے موصولہ سروس رپورٹ کے مطابق سائل کے مسماہ رضوانہ شاہین نامی کسی عورت سے تعلقات ہیں اور یہ کہ سائل اسے تحفظ فراہم کرتا ہے۔

عالیجاہ!

اندریں سلسلہ معروض ہوں کہ سائل کی محکمہ پولیس میں تقریباً 17 سال سروس ہو چکی ہے۔ دوران سروس سائل نے ضلع ہری پور میں مختلف DPOs صاحبان کے ساتھ بطور ڈرائیور ڈیوٹی سرانجام دی ہے، اور پولیس لائن ہری پور میں بطور ہیوی ڈرائیور ڈیوٹی سرانجام دی ہے۔ سائل شادی شدہ اور 8 بچوں کا واحد کفیل ہے۔ سائل کا سروس ریکارڈ بھی بے داغ ہے۔

جہاں تک رضوانہ شاہین نامی بیوہ کا تعلق ہے۔ عرصہ تقریباً 6,7 سال قبل میرے پڑوس واقع نسیم ٹاؤن میں اپنی چھوٹی بچی کے ہمراہ کرائے پر رہائش پذیر تھی۔ محلہ داری کے باعث میرے گھر بھی آنا جانا تھا۔ مذکورہ عورت نے اپنا ذاتی مکان حدود سرائے صالح میں بنایا اور وہاں منتقل ہو گئی۔ میری اور میرے اہل خانہ کی صرف اس حد تک پہچان ہے۔

یہ کہ مجھے اس کے کسی قول و فعل کا علم نہیں اور نہ ہی نسیم ٹاؤن میں رہائش کے دوران کوئی ایسی سرگرمی میرے یا کسی اور کے علم میں نہیں ہے۔ اگر کوئی ایسی سرگرمی ہے تو اس کے خلاف متعلقہ تھانے میں کوئی نہ کوئی رپورٹ ہوگی جس کے متعلق تھانہ سے تصدیق کی جاسکتی ہے۔ یہ کہ نہ تو میں نے آج تک اسے کوئی تحفظ دیا ہے اور نہ ہی میرے اس کے ساتھ ناجائز مراسم ہیں۔ حالانکہ اکثر و بیشتر اس کا کسی ٹی یا خوشی میں میرے گھر اہل خانہ کے پاس آنا جانا ہوتا ہے۔

یہ کہ سائل ملازم پولیس ہے۔ سینئر افسران پولیس کے ہمراہ بطور ڈرائیور ڈیوٹی کے باعث سائل اپنی سرکاری ڈیوٹی میں مصروف ہوتا ہے اور اپنے اہل خانہ اور 8 بچوں کو بھی بمشکل نام دیتا ہے۔ سائل پر الزام غلط اور بے بنیاد ہے۔

سائل کے خلاف جھوٹی سروس رپورٹ بھی کسی پولیس اہلکار جس کو سائل سینئر افسران بالا کے ہمراہ ڈیوٹی کی سرانجام دہی کے دوران ناراضگی ہوئی ہے نے سائل کو بدنام کروانے کے لیے دی ہوگی۔ حالانکہ سائل نے افسران بالا کے ساتھ ڈیوٹی کے دوران بھی کسی بھی سینئر یا جو نیر اہلکار پولیس کی بابت کبھی بھی سینئر افسران بالا کو کوئی جعلی وغیرہ نہیں کی۔

الزام غلط اور بے بنیاد ہے جس کی سائل ہر قسم کی تسلی دے سکتا ہے۔ استدعا ہے کہ انکو ازری داخل دفتر فرما کر ماتحت پروری کی جاوے۔ عین نوازش ہوگی۔

ATTESTED



الحارض

امیر نذر (نمبر 417/HC)

ڈرائیور پولیس لائن ہری پور

ATTESTED




D-7

ORDER

Driver Head Constable Amir Nazar No.417 had been reported to be patronizing women of bad character, during an enquiry conducted by Mr. Sajid Khan A/DIG Hazara Region, it was alleged that Mir Nazar was extending patronage to a lady of bad character namely Rizwana Shaheen. Consequently, the defaulter police official was charge sheeted an enquiry was conducted through Deputy Superintendent of Police, Khanpur Mr. Asif Gohar.

The enquiry officer probed the facts on allegations and submitted his findings vide No. 99, RG, dated 17.04.2014 in which he held that the activities of HC earned bad-name for police department. After receiving the finding of enquiry officer, HC Amir Nazar was heard in person and could not satisfy the undersigned as to his allegation on peruse of enquiry report and after hearing the defaulter police officer:

I, Muhammad Ijaz Khan, District Police Officer, Haripur being competent authority under police rules 1975, I am of the opinion that HC Mir Nazar had close relation with lady of dubious character, who is also involved in immoral activities. for the charges of misconduct HC Mir Nazar is hereby awarded major punishment of dismissal from service with effect from 25.06.2014.

Order announced  
OB NO 375 Dated 25.06.2014

**ATTESTED**

*[Handwritten signature]*

District Police Officer  
Haripur

*[Handwritten signature]*

**ATTESTED**

*[Handwritten signature]*

*[Handwritten signature]*

Before the worthy Regional Police Officer Hazara  
Region Abbottabad

E - 8

(Through Proper Channel)

Subject:

REPRESENTATION AGAINST THE ORDER OF DISTRICT  
POLICE OFFICER HARIPUR VIDE ORDER BOOK NO.375  
DATED 25.06.2014, WHEREBY THE REPRESENTATIONIST  
WAS AWARDED THE MEJAOR PUNISHMENT OF "DISMISSAL  
FROM SERVICE".

Respected Sir,

With due respect it is submitted that vide OB No.375 dated  
25.06.2014 (Copy attached as annexure "A"), I was awarded the major punishment  
of Dismissal from Service by the District Police Officer, Haripur without any lawful  
grounds, Para-wise details are as under:-

1 That the charges against me are that while posted at Police Lines Haripur as Driver, a findings of enquiry report on the application of Mst: Rizwana Shaheen was received from your worthy office vide No.454/C-Cell dated 02.04.2014, in which Mr. Sajid Khan DSP/ADIG mentioned irregularities as Source report unsigned was also obtained from Special Branch in which her ill reputation and managing a prostitution den in her house is mentioned. Furthermore, it has also been mentioned that this den is under the shelter of petitioner, hence I was charge sheeted vide No.861-63/PA dated 11.04.2014 (Copy attached as annexure "B")

2 Mr. Asif Gohar, Deputy Superintendent of Police, Khanpur was appointed as Enquiry Officer to probe the matter.

3 That the petitioner was straight away dismissed from service without any lawful grounds as the petitioner has no contacts with Mst: Rizwana Shaheen. There is no report of any concerned SHO/Local police about running of prostitution den under the supervision of petitioner. How she could organize or maintain a prostitution den under the supervision of petitioner as reported by Mr.Sajid Khan DSP/ADIG of your worthy office in complete ignorance of local police.

4 That I joined Police Service as Driver under your command in MT Staff and remained posted as driver in various place of posting even with the Ex-DPOs and obeyed my duties quite devotedly and efficiently.

5 That the Enquiry Officer did not conducted impartial enquiry and recommended the petitioner for awarding suitable punishment and also held me responsible for making relations with Mst: Rizwana Shaheen.

**ATTESTED**

**ATTESTED**



That in reply to Charge Sheet the petitioner admitted to enquiry office that I have been working as driver in police department since 17 years, during my entire service I performed duty at Police Lines as well as with many DPOs and possesses untarnished service record. Mst: Rizwana Shaheen resided at Naseem Town about 6/7 years back to whom formal relations were natural with his family. Furthermore, record of the local police is totally silent against Mst: Rizwana Shaheen and complaint against the petitioner is seems to be submitted by any other police official due to personal grudges/misunderstanding which is totally fictitious /baseless (Copy enclosed as annexure "C").

(7) That Mst: Rizwana Shaheen moved an application against Inspector Altaf Khan SHO PS Sarai Saleh for not registering a case on her report, allegedly received Rs: 10000/- from unknown accused while took Rs: 3000/- from the applicant. It is pertinent to mention here that enquiry officer despite going through the facts of application and initiating action against the concerned police officials, the petitioner was held responsible for having relations with the cited women on unlawful grounds.

(8) Incharge District Security Branch held Mst: Rizwana Shaheen as ill reputed women. If he forwarded some diaries against her why legal action has not so far been taken against her in the local police station of Sarai Saleh, and if it is not taken how the petitioner could be held responsible for the lapse of local police in this regard.

(9) The findings of Mr. Sajid Khan DSP/ADIG pertaining to petitioner that Mst: Rizwana Shaheen is running a prostitution den under the shelter of petitioner also comes in the meaning of code of conduct for which he should be dealt with, he may also be asked to bring on record the reasons of his allegations. It is pertinent to mention here that the petitioner belongs to a respectable family and the cited enquiry report badly harmed my service career as well as reputation in the public & family. *copy attached annex "G-I"*

(10) That despite the allegations of receiving illegal gratification on part of Inspector Altaf Khan and not taking any legal action as per law, the petitioner was erroneously indulged in the enquiry proceedings which does not comes within the ambit of violating Police Efficiency & Discipline Rules 1975.

(11) That the record of all the police stations of District Haripur is silent in the name of Mst: Rizwana Shaheen but Mr. Sajid Khan DSP/ADIG, I/C DSB Safdar Zaman, Enquiry Officer and DPO Haripur all hold herself as an ill reputed women without any legal or lawful grounds and also held the petitioner responsible for having close relation with her as she owns a dubious character and was dismissed from service illegally.

(12) That the cited Police Officers held the petitioner responsible for gross misconduct without any documentary, written or parol evidence, the decision of DPO Haripur is against the laws & liberty of the state of Pakistan.

**ATTESTED**

*[Signature]*

**ATTESTED**

*[Signature]*

That the petitioner was only served with Charge Sheet & Summary of Allegations by the District Police Officer Haripur, no show cause or final show cause notice was served upon the petitioner which is also the violation of relevant enquiry proceedings/rules. No legal and codal formalities were observed during enquiry.

(14) That the petitioner possesses untarnished record with many good entries, was awarded many commendation certificates by DPOs for excellent performances along with suitable cash rewards (Copies attached as annexure "D")

(15) That the petitioner was compensated with CC-III along with cash reward of Rs: 2000/- for performing exceedingly well in the recovery of Arms/ Ammunition, Narcotics and developing good network of intelligence in case vide FIR No.16 dated 16.01.2014 u/s 9C/CNSA, 7 ATA/15AA (2013) KPK PS KTS Haripur and also was recommended for grant of CC-II with suitable cash reward vide DPO Haripur Memo No.284.dated 17.01.2014 (Copies enclosed as annexure "E").

(16) That as the petitioner perform duty as driver with many DPOs so Mr. Abdur Rasheed, Previous DPO Haripur issued a certificate to the petitioner with the wording *"It is certified that Mr. Amir Nazar No.417 Driver/Head Constable remained with me as driver, during the entire period his performance remained outstanding and he proved himself as an asset for the entire force. I was 100 and more % satisfied from his performance and his very good intelligence network also. He performed his duty with zeal, devotion, without any fear or favour and up to my satisfaction. During his period as driver/Head Constable he successfully achieved good results. He was also assigned special tasks in different cases where he proved his worth. He performed his duties honestly, efficiently and professionally"* (Copy of the same is attached herewith as annexure "F")

(17) That as the petitioner perform duty as driver with many DPOs so Mr. Atiqullah Khan Wazir, former DPO Haripur issued a certificate to the petitioner with the wording dated 31.01.2008 *"I found driver Ameer Nazar highly disciplined, well groomed, responsible & reliable police officer. He during his service with me, never disappointed me. I also found him very optimistic; he has the courage and potential to cope with odd situation. I wish and if I could, I would have given him an accelerated promotion to the rank of SI and would have appoint him as SHO as he has the ability to run the most difficult police station. People like Ameer are very rare in police department"* (Copy of the same is attached herewith as annexure "G")

(18) That the petitioner enlisted in Police Department on 03.06.1997 and thereafter was promoted as officiating Head Constable C-II in the year 2008 due to having good performance as Driver. During my entire service up to 17 years I obeyed my job/responsibilities under the supervision of supervisory officers and earned good name/image & reputation in the Department.

**ATTESTED**



**ATTESTED**



11

(19)

That the petitioner is the part of sanctioned MT Staff strength of the drivers of District Haripur i.e 1-3-15, well trained/skilled Driver of all kinds of Police vehicle including APCs and possesses thorough experience of handling/maintaining them under the rules.

In eve of the above facts and circumstances it is most earnestly praised to your majesty that I am innocent may kindly be exonerated and reinstated to Police Service in District Haripur.

I shall be very thankful to you for you're this act of kindness.

Yours Obediently,

*Ameer Nazar*

Ameer Nazar No.417  
Ex-Head Constable  
MT Staff District Haripur

**ATTESTED**

*[Signature]*

**ATTESTED**

*[Signature]*

F. (12)

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

**APPEAL NO. 1308 /2014**

Mr. Ameer Nazar, Ex-Head Constable No.417,  
Police Line Haripur, District Haripur.....**Appellant**

**VERSUS**

- 1- The Deputy Inspector General of Police Hazara region at Abbottabad.
- 2- The District Police Officer, District Haripur.  
.....**Respondents**

**APPEAL UNDER SECTION 4 OF THE KHYBER PAHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 25.6.2014 WHEREBY THE APPELLANT WAS DISMISSED FROM SERVICE WIHTOUT CONDUCTING REGULAR INQUIRY IN THE MATTER BY THE RESPONDNETS AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 25.6.2014 may very kindly be set aside and the respondents may directed to re-instate the appellant with all back benefits. Any other remedy which this august Tribunal deems fit may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

- 1- That the appellant was appointed as Constable in the respondent Department and later on the appellant was promoted to the rank of Head Constable on seniority-cum-fitness basis. That during service the appellant has served the respondent Department quite efficiently and up to the entire satisfaction of his superiors.
- 2- That appellant while working as driver/Head Constable the respondent No.2 issued charge sheet along with statement of allegation to the appellant vide dated 11.4.2014. That in the said charge sheet and statement of allegation baseless allegation was leveled against the appellant by the respondent No.2. That in response to the charge sheet and

**ATTESTED**



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statement of allegation appellant submitted his detailed reply and denied all the allegations which have been leveled against him. Copies of the Charge sheet, statement of allegation and reply are attached as annexure..... **A, B & C.**

3- That vide order dated 25.6.2014 the appellant was dismissed from service without conducting regular inquiry in the matter by the respondents. That feeling aggrieved from the impugned order dated 25.6.2014 the appellant filed Departmental appeal on 10.7.2014 but the same was not responded by respondent No. 1 within the statutory period: Copies of the Impugned order and Departmental appeal are attached as annexure ..... **D & E.**

4- Hence the present appeal on the following grounds amongst the others

**GROUND:**

A- That the impugned order dated 25.6.2014 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.

B- That the appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

C- That no show cause notice has been served against the appellant by the respondents before issuing the impugned order dated 25.6.2014.

D- That no chance of personal hearing/personal defense has been given to appellant before issuing the impugned order dated 25.6.2014.

E- That no regular inquiry has been conducted in the matter by the respondents before issuing the impugned order dated 25.6.2014 which as per Supreme Court judgment is necessary in punitive actions against the Civil servant.

F- That appellant has been dismissed from his service under a wrong law.

**ATTESTED**



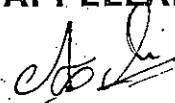
14

G-That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated:6.11.2014

**APPELLANT**



**AMEER NAZAR**

**THROUGH:**



**NOOR MOHAMMAD KHATTAK  
ADVOCATE**

**ATTESTED**



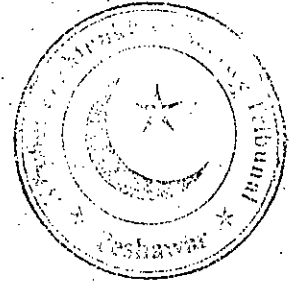
G-15

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

Service Appeal No. 1308/2014

Date of Institution ... 07.11.2014

Date of Decision ... 18.02.2019



Mr. Ameer Nazar, Ex-Head Constable no. 417, Police Line Haripur, District Haripur. ... (Appellant)

VERSUS

The Deputy Inspector General of Police Hazara region at Abbottabad and other. ... (Respondents)

-----  
MR. NOOR MUHAMMAD KHATTAK,  
Advocate

--- For appellant.

MR. MUHAMMAD BILAL,  
Deputy District Attorney

--- For respondents

MR. AHMAD HASSAN,  
MR. MUHAMMAD AMIN KHAN KUNDI

--- MEMBER (Executive)  
--- MEMBER (Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS

2. Learned counsel for the appellant argued that departmental proceedings were initiated against the appellant and upon culmination major penalty of dismissal from service was imposed on him vide impugned order dated 25.06.2014. He submitted departmental appeal on 10.07.2014, which remained unanswered, hence, the instant service appeal. On the basis of a source report of Special Branch serious charges of relations with a lady having immoral character were leveled against him. Enquiry was not conducted in the mode and manner prescribed in the rules. No show cause notice was

**ATTESTED**

**ATTESTED**

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

(16)

served on the appellant before awarding major penalty, nor opportunity of personal hearing was extended to him. Perusal of enquiry report revealed that statements of concerned were not recorded in presence of the appellant nor he was afforded the opportunity of cross examination. In short he was condemned unheard. Reliance was placed on case law reported as 2011 PLC (C.S) 1111, PLJ 2008 (S.C)65 and 2007 SCMR 1860.

3. Learned Deputy District Attorney argued that the Special Branch had submitted the source report through which the relations of the appellant with a woman involved in immoral activities and running prostitution den in Haripur were established. On the basis of the said charges, disciplinary proceedings were initiated and thereafter major penalty of dismissal from service was awarded to him after observance of all codal formalities.

#### CONCLUSION.

4. It is quite amazing that the police record about Mst. Rizwana Shaheen of running prostitution den is silent. No FIR has been lodged against her so far. On the other hand the appellant candidly admitted that the said lady was living in his neighborhood and they had family terms with her. However, it would be highly unjust to allege that he was hard in glove with the said lady. The enquiry officer was unable to establish with the help of documentary evidence that the appellant was in league with the aforementioned lady. Enquiry was conducted in a slipshod manner. Neither statements of witnesses were recorded in the presence of the accused, nor opportunity of cross examination was afforded to him. As show cause notice was not served on the appellant before awarding major penalty, so this illegality alone was sufficient to vitiate the entire proceedings (2007 SCMR 1860 and PLJ 2008 (S.C) 65). Opportunity of personal hearing was also denied to the appellant. We have every reason to believe that source report of Special Branch was biased, one sided and a deliberate attempt to victimize the appellant. The

**ATTESTED**

*[Signature]*

*[Signature]*  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

17

above stated facts have established that opportunity of fair trial by following the due process being his basic fundamental right was denied hence, condemned unheard. To meet the ends of justice there is enough justification to conduct de-novo enquiry strictly in accordance with the law and rules and providing full opportunity of defense to the appellant.

5. As a sequel to above, the appeal is accepted, the impugned order dated 25.06.2014 is set aside and the appellant is reinstated in service. The respondents are directed to conduct de-novo enquiry strictly in accordance with law and rules within a period of 90 days from the date of receipt of this judgment. The issue of back benefits shall be subject to the outcome of the de-novo enquiry. The appeal is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

(AHMAD HASSAN)  
Member  
Camp Court Abbottabad.

(MUHAMMAD AMIN KHAN KUNDI),  
Member

ANNOUNCED  
18.02.2019

Camp Court Abbottabad  
18/02/2019

Date of presentation of application ..... 06-3-19  
Number of Petitioners ..... 1601  
Copy of Petition ..... 10  
Urgent ..... 2  
Total ..... 12  
Name of the Applicant .....  
Date of Complaint ..... 06-3-19  
Date of Delivery of Copy ..... 06-3-19

**ATTESTED**

**BETTER COPY OF PAGE-18**

**OFFICE OF THE DISTRICT POLICE OFFICER HARIPUR**

**NO.4166 DATED 18.06.2019**

**ORDER**

Head Constable Ameer Nazar No.417, while posted at Police Lines Haripur a finding of inquiry report on the application of Mst. Rizwana Shaheen was recorded from Regional Police Officer, Hazara Region, Abbottabad, vide his office memo No 151/C.Cell, dated 02.04.2014, in which Mr. Sajid Khan DSP/ADIG, Hazara Region, Abbottabad mentioned the following irregularities.

Source report unsigned was also obtained from Special Branch in which her ill reputation and managing prostitution den in her house is again confirmed furthermore, it has also been mentioned that this den is under the shelter of a person namely Ameer Nazar who is stated to be a driver in police Haripur. The involvement of Ameer Nazar a police driver may also not be overlooked. So as to stop these menace once forever.

The acts and omissions of the police officials were misconduct under the law therefore, he was dismissed form service by the then District Police Officer District Haripur vide OB no. 375 dated 25.6.2014. He preferred Departmental appeal to the regional Police Officer Hazara Region Abbottabad, which was also rejected vide office order endorsement no. 274-7/PA dated 06.03.2015. Thereafter, Ameer Nazar filed Service appeal No. 1308/2014 in the Khyber Pakhtunkhwa service tribunal camp court, Abbottabad. The Honorable Tribunal vide its judgment dated 18.02.2019, accepted the service appeal of appellant and re-instated him in service. The Department was set at liberty to conduct the de-novo proceedings.

In compliance of the Honorable Service Tribunal Judgment the defaulter Police Official was re-instated in service and was served with charge sheet and statement of allegation vide this office endst: No. 267/PA dated 02.05.2019. Additional Superintendent of Police, Haripur was appointed as Inquiry officer who conducted proper Departmental inquiry and submitted his findings vide his office memo no.173 dated 20.5.2019. Consequently he was called him in orderly room for personal hearing and was heard in detail.

Having perused the relevant record, inquiry paper and recommendation of inquiry officer the Head Constable Ameer Nazar No.417, during personal hearing in orderly room, he was asked about his relation with bad corrector woman named Rizwana Shaheen. He replied in affirmative and inform that she was his neighbor and he knew her for 6/7 years. Keeping in view, the finding of the inquiry officer and aforementioned observation I Dr. Zahid Ullah, District Police Officer being competent under KP Police (Effeciency and disciplinary) Rules, 1975. HC Ameer Nazar No.417, is awarded minor punishment of forfeiture of approved service for three years. The intervening period between his dismissal and re-instatement is treated as leave without pay.

NO.4166 DATED 18.06.2019

Head Constable Ameer Hajar No.417, while posted at Police

Station, Tharpur, a finding of enquiry report on the application of Mr. Rizwana Shahen was received from Regional Police Officer, Hazara Region, Abbottabad, vide his office Memo No. 13/100 dated 02.04.2014, in which Mr. Sahib Khan (377A/DIC), Hazara Region, Abbottabad mentioned the following ingredients:

Source report investigated was also obtained from Special Branch in which her ill reputation and managing a prostitution den in her house is again confirmed. Furthermore, it has also been mentioned that this den is under the shelter of a person named Ameer Hajar, who is stated to be a driver in police Tharpur. The involvement of Ameer Hajar a police driver may also not be overlooked so as to stop the interference between

The acts and omissions of the police officials were misinterpreted under the law, therefore, he was dismissed from service by the then District Police Officer, Tharpur vide O.P. No. 375 dated 25.06.2014. He preferred departmental appeal to the Regional Police Officer, Hazara Region Abbottabad, which was also rejected vide his office Order Under No. 2747/PA dated 06.03.2015. Thereafter, Ameer Hajar filed service appeal No. 1308/2014 in Khyber Pakhtunkhwa Service Tribunal (Appellate Court) Abbottabad, the Honourable Tribunal vide its judgment dated 18.02.2019, accepted the service appeal of appellant and reinstated him in service, the department was set at liberty to conduct the de novo proceedings.

In compliance of Honourable Service Tribunal's judgment the defunct police official was reinstated in service and was served with charge sheet and statement of allegations vide his office Order Under No. 267-2747A dated 02.05.2019. Additional Superintendent of Police, Tharpur, was appointed as Enquiry Officer who conducted proper departmental enquiry and submitted his findings vide his office Memo No. 173 dated 20.11.2019. Consequently, he was called in Enquiry Room for personal hearing and was found in default.

Having perused the relevant record, enquiry papers and recommendation of enquiry officer, Head Constable Ameer Hajar No.417, during personal hearing in Enquiry Room, he was asked about his relations with the charge woman named Rizwana Shahen. He replied in affirmative and informed that she was his neighbor and he knew her for 6/7 years. Enquiry in view, the finding of enquiry officer and departmental observation, I. Dr. Zahid Ishaq (BSP), District Police Officer, being competent authority under Khyber Pakhtunkhwa Police Efficiency and Discipline Rule 1973, HC Amee No. 130/417, is awarded minor punishment of forfeiture of approved service for 03 years. The intervening period between his dismissal and reinstatement is treated as leave without pay.

Order Book No.386 dated 13.06.2019, order announced.

District Police Officer, Tharpur  
*[Signature]*

Order No. 1167/69 dated 18/6/2019

Copy of above is submitted to:

- 1. The Deputy Inspector General of Police, Tharpur & Inspection Internal Accountability Branch, KTR, Tharpur, vide his office Memo No. 1173/19 dated 13.01.2019.
- 2. The Regional Police Officer, Hazara Region Abbottabad
- 3. The Assistant Inspector General of Police, Faisalabad
- 4. Pakistan by a Deputee

District Police Officer, Tharpur  
*[Signature]*

**ATTESTED**

*[Handwritten signature]*  
18/6/19  
E/Amee

PH: #0995-614712/0995-611291  
FAX # 0995-614711  
E-MAIL: dpotharpur@gmail.com  
No. 1166 Dated 18/6/2019

ORDER

A) Ammeere

4/7/2019

I-19

Before the worthy Regional Police Officer, Hazara Region Abbottabad  
(Through Proper Channel)

Subject: MERCY PETITION AGAINST THE ORDER OF DISTRICT POLICE OFFICER HARIPUR VIDE ORDER NO.4166-69 DATED 18.06.2019, WHEREBY THE APPELLANT WAS AWARDED THE MINOR PUNISHMENT OF "FOREFEITURE OF 03 YEARS APPROVED SERVICE ALONG WITH INTERVENING PERIOD BETWEEN DISMISSAL AND REINSTATEMENT WAS TREATED AS LEAVE WITHOUT PAY".

Respected Sir,

With due respect it is submitted that vide Order No.4166-69 dated 18.06.2019 (Copy attached as annexure "A"), the plaintiff was awarded the minor punishment of forfeiture of approved service for 03 years and intervening period between dismissal and reinstatement was treated as leave without pay.

That the charges against me are that while I was posted at Police Lines Haripur as Driver, a findings of enquiry report on the application of Mst: Rizwana Shaheen was received from your worthy office vide No.454/C-Cell dated 02.04.2014, in which Mr. Sajid Khan DSP/ADIG mentioned irregularities as Source report unsigned was also obtained from Special Branch in which her ill reputation and managing a prostitution den in her house is again confirmed. Furthermore, it has also been mentioned that this den is under the shelter of petitioner, hence I was charge sheeted vide No.861-63/PA dated 11.04.2014.

**TESTED**

That the petitioner forwarded an appeal against the Dismissal Order made by District Police Officer, Haripur before the office of worthy Regional Police Officer, Hazara Region, Abbottabad on 10.07.2014. Later on RPO Office received my service roll along with comments of DPO Haripur vide Memo



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No.5632/SRC dated 25.07.2014. The Regional Police Officer, Hazara Region, Abbottabad dismissed & filed the appeal of petitioner vide Order No.2747 dated 06.03.2015 after lapse of 08 months and 12 days without any lawful grounds.

That the petitioner filed service appeal No.1308/2014 before Khyber Pakhtunkhwa, Service Tribunal Camp Court Abbottabad, the honorable Tribunal vide its judgement dated 18.02.2019 accepted the service appeal of appellant and reinstated the petitioner in service and the department was set at liberty to conduct the denovo proceedings, copy of tribunal judgment is attached as annexure "B".

The petitioner was served with charge sheet & summary of allegation vide No.267-69/PA dated 02.05.2019 and Mr. Zulfiqar Jadoon, Additional Superintendent of Police, Haripur was appointed as enquiry officer, copy attached as annexure "C".

That the cited punishment order does not commensurate with the codal formalities, may kindly be set-aside on the following grounds.

- (1) That Enquiry Officer did not conduct the enquiry proceedings partially and recommended the petitioner for appropriate punishment without any solid reasoning.
- (2) That petitioner reported his arrival vide Daily Diary No.22 dated 22.04.2019 to Police Lines Haripur in light of letter No.1482/Legal dated 22.03.2019.
- (3) Later on after denovo enquiry petitioner was allotted belt No.426 and reported arrival at Police Lines vide Daily Diary No.27 dated 03.06.2019.
- (4) That the enquiry officer did not called the witnesses for recording their statements and cross examination and held the

**ATTESTED**



21

petitioner again responsible for misconduct unlawfully and denovo proceedings were made only as a paper work setting aside the judgment of honorable service tribunal.

- (5) That in the said order petitioner was awarded two punishments in the same order by DPO Haripur i.e forfeiture of 03 years approved service and intervening period between dismissal and reinstatement was treated as leave without pay without any solid reasoning or lawful grounds.
- (6) The learned counsel in his judgment clearly states that enquiry against the petitioner was not conducted in the mode and manner prescribed in the rules.
- (7) Furthermore, judgments clarifies that statements of concerned were not recorded in presence of the appellant not the petitioner was afforded the opportunity of cross examination.
- (8) The conclusion of the judgment is astonishing with remarks "It is quite amazing that the police record about Mst: Rizwana Shaheen of running prostitution den is silent. No FIR has been lodged against her so far. On the other hand the appellant candidly admitted that the said lady was living in his neighborhood and they had family terms with her. However, it would be unjust to allege that he was hawrd in glove with the said lady. The enquiry officer was unable to establish with the help of documentary evidence that the appellant was in league with the aforementioned lady. Enquiry was conducted in a slipshod manner. Neither statements of witnesses were recorded in the presence of accused, nor was opportunity of cross examination afforded to him. As show cause notice was not served on the appellant before awarding major penalty, so this

**ATTESTED**



illegality alone was sufficient to vitiate the entire proceedings (2007 SCMR 1860 PLJ 2008 (S.C) 65)".

(9) Conclusion further states "Opportunity of personal hearing was also denied to the appellant. We have every reason to believe that source report of Special Branch was biased, one sided and a deliberate attempt to victimize the appellant. The above stated facts have established that opportunity of fair trial by following the due process being his fundamental right was denied hence, condemned unheard. To meet the ends of justice there is enough justification to conduct de-novo enquiry strictly in accordance with the law and rules and providing full opportunity of defense to the appellant.

(10) That the denovo proceedings and said reinstatement order does not commensurate the legal grounds as the petitioner is innocent, was dismissed from service illegally in light of court judgment but again awarded two punishments after denovo proceedings for the same charges which are too harsh for the petitioner.

(11) That the petitioner possesses untarnished record with many good entries, was awarded many commendation certificates by DPOs for excellent performances along with suitable cash rewards.

(12) That the petitioner was promoted as officiating Head Constable C-II with effect from 2008 due to having good performance as Driver. Furthermore, petitioner is the part of sanctioned MT Staff strength of the District, well trained/skilled Driver of all kinds of Police vehicle including APCs and possesses thorough experience of handling/maintaining them under the rules.

**ATTESTED**



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(13) The petitioner, belongs to a poor family and was the only source of income for his family, instant order badly harms the financial condition as the petitioner have to proceed behind higher authorities i.e RPO and service tribunal for seeking the justice but in the end petitioner was straightaway punished on financial grounds by awarding 02 Minor punishments in the same order.

(14) The petitioner served in department very devotedly and honestly and availed 17 years of service at the time of dismissal but these minor punishments not only harms the seniority and service structure but also a great example of injustice to petitioner.

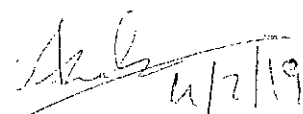
In eve of the above facts and circumstances it is most earnestly prayed to your majesty that I am innocent may kindly be exonerated from the charges leveled against the petitioner and minor punishments awarded by DPO, Haripur may kindly be also set-aside and period during which I remained out of service may kindly be treated as leave of kind due to me.

I shall be very thankful to you for this act of kindness.

**ATTESTED**



Yours Obediently,



Amir Nazar (MF-Staff)  
Head Constable No.426  
District Haripur

**VAKALATNAMA**

Before the KP Service Tribunal, Peshawar

OF 2019

Ameer Nazar

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Police Department

(RESPONDENT)  
(DEFENDANT)

I/We Ameer Nazar

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_/\_\_\_/2019

A  
CLIENT

ACCEPTED  
NOOR MOHAMMAD KHATTAK  
SHAHZULLAH YOUSAFZAI

MIR ZAMAN SAFI  
ADVOCATES

OFFICE:

Flat No.3, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.  
Mobile No.0345-9383141

①

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

SERVICE APPEAL NO.1502/2019

Ameer Nazar, Head Constable No.417 Police Lines Haripur, District Haripur.

..... (Appellant)

**VERSU**

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, and others.

..... (Respondents)

**RESPECTFULLY SHEWETH!**

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

**PRELIMINARY OBJECTIONS:-**

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

**OBJECTIONS ON FACTS:-**

1. In reply to this para, it is submitted that the appellant HC Ameer Nazar No. 417, while posted as driver at police lines Haripur, was reported to extend shelter to a woman namely Mst: Rizwana Shaheen. She was managing a prostitution den in her house under the protection of appellant. The acts and omissions of the appellant were reported being misconduct. Therefore, the appellant was issued charge sheet and statement of allegations by the then District Police Officer, Haripur vide this office Endst: No. 861-63 dated: 11.04.2014. Deputy Superintendent of Police, Khanpur, Mr. Asif Gohar was appointed as enquiry officer, who conducted departmental enquiry and submitting his findings, in which he held the charges proved, and recommended the appellant for punishment. Therefore, the appellant was heard in person and being found guilty of gross misconduct the appellant was awarded major punishment of dismissal from service by the then District Police Officer, Haripur, vide OB.No.375 dated: 25.06.2014. (Copy of order is attached as annexure "A"). The appellant filed departmental appeal to the competent authority, i.e. the then Regional Police

Officer, Hazara Region, Abbottabad, who rejected the same vide order Endst: No.2747/PA dated 06.03.2015 (Copy of order is attached as annexure "B"). The appellant filed service appeal No.1308/2014 before Honorable Khyber Pakhtunkhwa, Service Tribunal. The Honorable Service Tribunal vides its judgment dated: 18.02.2019, reinstated the appellant in service, and directed the respondents to conduct the De-novo departmental enquiry. Consequently, de-novo departmental enquiry was conducted, and being found guilty the appellant was awarded minor punishment of forfeiture of 03 years approved service vide OB No. 386 dated 13.06.2019.

2. Incorrect, the appellant could not give satisfactory reply of the charge sheet and statement of allegations. Rather, the appellant was found guilty of gross misconduct (Copy of enquiry is attached as annexure "C").
3. In reply to this para, it is submitted that in compliance with the judgment of this Honorable Tribunal dated: 18.02.2019. De-novo departmental enquiry was conducted. The appellant was issued charge sheet and statement of allegations vide this office Endst: No267-69/PA. dated02.05.2019. (Copy of charge sheet and statement of allegations are attached as annexure "D"). Additional SP Haripur Mr. Zulifaqar khan jadoon was appointed as enquiry officer, who conducted the enquiry and submitted his findings, vide his office Memo No. 173 dated 20.05.2019.(Copy of enquiry is attached as annexure "E").The appellant was called in orderly room and he was heard in person. Having perused the relevant record and personal hearing of appellant, he was awarded minor punishment of forfeiture of 3 years approved service and the period he remained out of service was treated as leave without pay, vide District Police Officer, Haripur order Endst: No. 4167 dated:18.06.2019(Copy of order is attached as annexure "F").
4. As stated above, moreover, the appellant was awarded minor punishment of forfeiture of 03 years approved service, and the period he remained out of service was treated as leave without pay, as per law.
5. Subject to proof.

#### **GROUND:-**

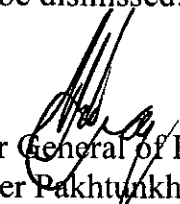
- A. Incorrect, the order of punishment dated 18.06.2019, is quite legal, based on facts and evidence. Therefore, this order is lawful and maintainable.
- B. Incorrect, the appellant has been dealt in accordance with law. Being found involved in illegal and immoral activities, the appellant was proceeded against on charges of misconduct, as per law.
- C. Incorrect, the respondents proceeded fairly, justly and in accordance with law. Therefore, the order of punishment is lawful and maintainable.
- D. Incorrect, proper departmental enquiry was conducted. The appellant was issued charge sheet and statement of allegations. Being found guilty, the appellant was awarded minor punishment.
- E. Incorrect, the appellant joined the enquiry proceedings, he was also given right of personal hearing and self defense. Having fulfilled legal requirements the appellant was awarded minor punishment.

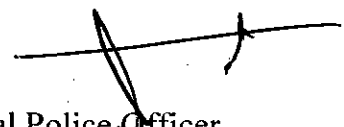
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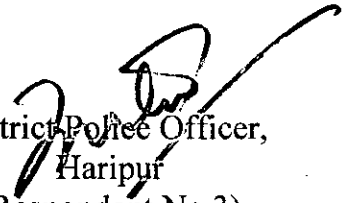
F. Incorrect, after receiving the findings of enquiry officer. The appellant was called in orderly room and he was heard in person. The appellant admitted his relations with Mst: Rizwana Shaheen. He could not give any justification for such relations. However, lenient view was taken, and appellant was awarded minor punishment of forfeiture of 03 years approved service. Earlier he was dismissed from service due to his own misconduct. The period in which he remained out of service was treated as leave without pay, as per law. Moreover, he is not entitled for any back benefits.

G. Legal.

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

  
Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar  
(Respondent No.1)

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

  
District Police Officer,  
Haripur  
(Respondent No.3)



(4)

(A)


ORDER

Driver Head Constable Amir Nazar No. had been reported to be patronizing women of bad character, during an enquiry conducted by Mr. Sajid Khan A/DIG Hazara Region, it was alleged that Mir Nazar was extending patronage to a lady of bad character namely Rizwana Shaheen. Consequently, the defaulter police official was charge sheeted an enquiry was conducted through Deputy Superintendent of Police, Khanpur Mr. Asif Gohar.

The enquiry officer probed the facts on allegations and submitted his findings vide No. 99, RG, dated 17.04.2014 in which he held that the activities of HC earned bad-name for police department. After receiving the finding of enquiry officer, HC Amir Nazar was heard in person and could not satisfy the undersigned as to his allegation on peruse of enquiry report and after hearing the defaulter police officer.

I, Muhammad Ijaz Khan, District Police Officer, Haripur being competent authority under police rules 1975, I am of the opinion that HC Mir Nazar had Close relation with lady of dubious character, who is also involved in immoral activities. for the charges of misconduct HC Mir Nazar is hereby awarded major punishment of dismissal from service with effect from 25.06.2014.

Order announced  
OB NO 375 Dated 25.06.2014

  
District Police Officer  
Haripur

*Copy made in  
the office since 2011.*

*[Signature]*  
30-6-2014

Annexure C

5

ORDER

EX

This is an order on the representation of *Constable Amir Nazar No.417* of Haripur District against the order of major punishment i.e. dismissal from service awarded by the District Police Officer, Haripur vide his OB No.375 dated 25-06-2014.

Facts leading to his punishment are that he had been reported to be patronizing women of bad character, during an preliminary enquiry conducted by Mr.Sajid Khan A/DIG Hazara Region, it was alleged that Mir. Amir Nazar was extending patronage to a lady of bad character namely Rizwana Shaheen.

Proper departmental enquiry was conducted by Mr. Asif Gohar DSP Khanpur. After conducting a detailed enquiry, the E.O proved him guilty. On the recommendation of E.O, the District Police Officer Haripur awarded him major punishment of dismissal from service.

He preferred an appeal to the undersigned upon which the comments of the DPO Haripur were obtained. After thorough probe into the enquiry report and the comments of the DPO Haripur, it came to light that the enquiry conducted on merits and driver Amir Nazar is of suspicious character. The punishment awarded to him by the DPO Haripur i.e. dismissal from service is plausible/authentic. Therefore, appeal is dismissed & filed.

*[Signature]*  
REGIONAL POLICE OFFICER  
Hazara Region Abbottabad

No. 2747 /PA Dated Abbottabad the 06/31 /2015.  
Copy of above is forwarded to the District Police Officer, Haripur for information and necessary action with reference to his Memo: No.5632/SRC dated 25-07-2014. The Service Roll & Enquiry File of the appellant are returned herewith.

*[Signature]*  
REGIONAL POLICE OFFICER  
Hazara Region Abbottabad

*SRC/PAK*  
*for action pl*



*150/172*  
*for*  
*17/3/15*

*10/11/2014*  
*2 Information*  
*PS-Saddar*  
*16/06/2014*

*[Signature]*  
District Police Officer  
Haripur  
*[Signature]*

*[Signature]*  
*to Haripur*  
*by well guard*  
*role file*  
*7/7/15*

*[Signature]*  
District Police Officer  
Haripur

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خباہلی :- دوران انکوائری میں اس نتیجہ پر پہنچا ہے کہ الزام  
 علیہ حیرتدار 417 کے متحماہ رضوانہ شاہین کے ساتھ گھبر اور  
 گھبرلو ٹرسٹ میں۔ متحماہ فرکورہ بدنام خواہش اور بلیک میل  
 عورت ہے۔ پیشہ ورانہ رکھتی ہے اور لوگوں کو بلیک میل  
 کر کے رقم بٹورتی ہے اور اس کے مکر وہ دستہ میں فرکورہ حیرتدار  
 HC مکمل طور پر ملوث ہے اور اس عورت کی پشت پناہی کرتا  
 ہے۔ حیرتدار HC کی جانب سے متحماہ رضوانہ شاہین کے حق

میں دی گئی بیان حلقی بھی اس کا ثبوت ہے۔ شاہد  
 پیپلز سیراہ قابل صلاح ہے۔ سابقہ HHB الرطاف مشواں  
 اور عباس خان ASHO متحماہ سرانے صالح نے بھی اپنے بیان  
 میں تحریر کیا ہے کہ حیرتدار HC نے متحماہ رضوانہ شاہین  
 کی سفارش کی ہے۔

حیرتدار HC فرکورہ کے اس فعل سے حکم پولیس کی بدنامی سوری  
 ہے مناسب سزا کی سفارش کی جاتی ہے۔

*[Signature]*  
 Sub Divisional Police Officer  
 HARIPUR

The issue has been thoroughly  
 Probed. The alleged Rizwana Shaheen  
 has been verified to be a lady  
 involved in immoral activities, although  
 nothing of such sort is not on the  
 record. ~~on the~~ People are fearful from  
 reporting such things in writing.  
 The Affidavit by Mir Nazar in favour of  
 Rizwana Shaheen has been verified.  
 Dismissed from service for keeping  
 relations/intimacy with a lady of  
 dubious character.

OB NO 375  
 DS 25.6.11

*[Signature]*  
 2516

CHARGE SHEET

8

(1) I, *Dr. Zahid Ullah, (PSP)* District Police Officer, Haripur as competent authority, hereby charge you Driver/Head Constable Ameer Nazar No. 417 as enclosed statement of allegations.

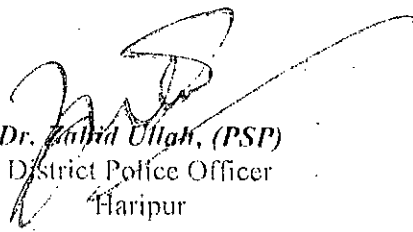
(2) You appear to be guilty of misconduct under Police Efficiency & Discipline Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the said Rules.

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

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

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

(6) A statement of allegations is enclosed.

  
*Dr. Zahid Ullah, (PSP)*  
District Police Officer  
Haripur

9

**DISCIPLINARY ACTION**

I, **Dr. Zahid Ullah, (PSP)**, District Police Officer, Haripur as competent authority of the opinion that you **Driver/Head Constable Ameer Nazar No. 417** have rendered yourself liable to be proceeded against as you committed the following acts/omissions within the meaning of Police Efficiency & Discipline Rules 1975.

**STATEMENT OF ALLEGATION**

You while posted at Police Lines Haripur as Driver, a finding of enquiry report on the application of Mst. Rizwana Shaheen was received from Regional Police Officer, Hazara Region Abbottabad Office vide his Memo: No.454/C-Cell, dated 02.04.2014, in which Mr. Sajid Khan DSP/ADIG Hazara Region Abbottabad mentioned the following irregularities:-

1. Source report unsigned was also obtained from Special Branch in which her ill reputation and managing a prostitution den in her house is again confirmed. Furthermore, it has also been mentioned that this den is under the shelter of a person namely Ameer Nazar, who is stated to be a driver in police Haripur. The involvement of Mir Nazar a police driver may also not be overlooked so as to stop this menace once forever.

The above mentioned acts are gross misconduct on your part. Hence Charge Sheeted under Police E&D Rules-1975

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

**Mr. Zulfiqar Jadoon, Additional SP Haripur**

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


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

  
**Dr. Zahid Ullah, (PSP)**  
District Police Officer  
Haripur

No: 267-69 /PA, dated Haripur the 02/05 /2019.

Copy of above is submitted to the: -

- 1) Regional Police Officer, Hazara Region, Abbottabad, for favor of information, please
- 2) Enquiry Officer for initiating proceedings against the said accused under Police Efficiency & Discipline Rules 1975.
- 3) **Driver/Head Constable Ameer Nazar No. 417** with the direction to submit his defense within 7 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purpose of departmental proceedings.

  
District Police Officer,  
Haripur

منجانب: ایڈیشنل ایس پی ہری پور

بجانب: ڈسٹرکٹ پولیس آفیسر ہری پور

نمبر: 173 مورخہ 20.5.2019

مضمون: انکوائری بر خلاف ڈرائیور ہیڈ کنسٹیبل امیر نذر نمبر 417

بحوالہ چارج شیٹ نمبر PA/69-267 مورخہ 02.05.2019 انکوائری بر خلاف ڈرائیور ہیڈ کنسٹیبل امیر

نذر نمبر 417 کی نسبت ذیل معروض ہوں۔

الزام:-

مذکورہ پر الزام ہے کہ دوران تعیناتی پولیس لائن ہری پور سوس رپورٹ موصولہ سپیشل برانچ کے مطابق مسماة رضوانہ شاہین نامی عورت جس کی شہرت اچھی نہ ہے اور فحاشی کا اڈہ چلاتی ہے مذکورہ ہیڈ کنسٹیبل امیر نذر کے اس کے ساتھ ناجائز تعلقات ہیں اور اس کی پشت پناہی کرتا ہے۔

کارروائی:-

انکوائری کا آغاز کرتے ہوئے مذکورہ ڈرائیور ہیڈ کنسٹیبل امیر نذر نمبر 417 سے جواب چارج شیٹ لیا گیا جو کہ ہمراہ لف قابل ملاحظہ ہے۔ اسی طرح عباس خان سابقہ ASHO تھانہ سرائے صالح حال ریٹائرڈ ہفدر خان سابقہ انچارج DSB برانچ حال ریٹائرڈ محمد ارشد سابقہ محرر تھانہ سرائے صالح حال CTD ہری پور اور طاہر سلطان ولد سلطان خان سکھ کھلاٹ کے بیانات لیے گئے جنہوں نے اپنے اپنے سابقہ بیان کی تائید کی۔ جملہ بیانات ہمراہ لف قابل ملاحظہ ہیں۔

فائنڈنگ:-

دوران انکوائری مذکورہ الزام علیہ ڈرائیور ہیڈ کنسٹیبل امیر نذر نے اپنے اوپر لگائے گئے الزام کی تردید کی اور بیان کیا کہ مذکورہ مسماة رضوانہ شاہین عرصہ گیارہ بارہ سال قبل میرے پڑوس واقع نسیم ٹاون میں رہائش پذیر تھی۔ محلہ داری کے باعث میرے گھر بھی آنا جانا تھا بعد میں مذکورہ نے اپنا ذاتی مکان حد دوسرائے صالح میں بنایا اور وہاں منتقل ہو گئی۔ میری اور میرے اہل خانہ کی صرف اس حد تک جان پہچان تھی مجھے اس کے کسی غلط قول و فعل کا کوئی علم نہ تھا۔

اسی طرح سابقہ انچارج ڈسٹرکٹ سیکورٹی برانچ ہری پور ہفدر خان نے بھی اپنے بیان میں تحریر کیا ہے کہ کرائم کے حوالے سے اپنے افسران بالا کو زبانی و تحریری طور پر آگاہ کرتا رہتا ہوں۔ حد د تھانہ سرائے صالح میں فحاشی کے اڈوں کے متعلق بھی تحریری ڈائریاں افسران بالا کو بھجوائی گئی ہے لیکن امیر نذر ڈرائیور کے حوالے سے کوئی ایسی بات سامنے نہ آئی ہے جو کہ افسران بالا کے نوٹس میں لگائی جاتی۔

انکوائری کو جاری رکھتے ہوئے مذکورہ کا سابقہ سروس ریکارڈ چیک کیا۔ مذکورہ نے کافی عرصہ سینئر افسران کے ساتھ بطور ڈرائیور ڈیوٹی کی ہے۔ دوران ڈیوٹی سینئر افسران نے اچھی کارکردگی پر مذکورہ کو متعدد بار نقد انعام اور تعریفی سرٹیفکیٹ دیے ہیں (جو ہمراہ لف ہیں) جس سے واضح ہوتا ہے کہ مذکورہ نے اپنی ڈیوٹی ایمانداری اور دلجوئی سے کی ہے۔ مذکورہ کے خلاف ڈسٹرکٹ سیکورٹی برانچ نے بھی کبھی کسی غیر قانونی سرگرمی کی کوئی خفیہ ڈائری نہیں دی ہے۔ مذکورہ پر لگایا گیا الزام غیر موثر ہے۔

مذکورہ کو اسی الزام میں سال 2014 میں میجر سزا (Dismissal from Service) ہوئی تھی۔ جو مذکورہ نے اس نسبت خیبر پختونخوا سروس ٹریبونل پشاور کمپ کورٹ ایبٹ میں اپیل کی تھی جو 18.02.2019 کو مذکورہ ڈرائیور ہیڈ کنسٹیبل امیر نذر کے حق میں منظور ہو چکی ہے۔ لہذا مذکورہ کو (Minor) سزا دینے کی سفارش کی جاتی ہے۔ انکوائری رپورٹ بمقام مناسب حکم پیش خدمت ہے۔

ایڈیشنل ایس پی  
ضلع ہری پور

The driver/Head Constable  
Amir Nazam 417, was heard

OHC

in O.R today. He was asked  
about his relations with one  
bad character woman named  
Rizwana Shabeel. He replied

OR  
District Police Officer  
Haryana

in affirmative and informed that she was his neighbor  
and he knew her for 6/7 years.

Keeping in view the findings of the enquiry  
officer and aforementioned observations, Amir Nazam 417  
is awarded minor punishment of forfeiture of three  
years approved service. The intervening period between  
his dismissal and reinstatement is treated as leave  
with out pay.

QB No 386  
13-06-2019

Dr. Zahid Ullah  
DPO Haryana  
30.05.2019.



OFFICE OF THE DISTRICT POLICE OFFICER, HARIPIUR

Ph. # 0995-614712 / 0995-611291

Fax # 0995-614714

E-Mail. dpoharipur1@gmail.com

No: 4166 Dated 18/6/2019

ORDER

Head Constable Ameer Nazar No.417, while posted at Police Lines, Haripur, a finding of enquiry report on the application of Mst: Rizwana Shaheen was received from Regional Police Officer, Hazara Region, Abbottabad, vide his office Memo No.45/HC/Cell, dated 02.04.2014, in which Mr.Sajid Khan DSP/ADIG, Hazara Region, Abbottabad mentioned the following irregularities:

Source report unsigned was also obtained from Special Branch in which her ill reputation and managing a prostitution den in her house is again confirmed. Furthermore, it has also been mentioned that this den is under the shelter of a person namely Ameer Nazar, who is stated to be a driver in police Haripur. The involvement of Ameer Nazar a police driver may also not be overlooked so as to stop this menace once forever.

The acts and omissions of the police officials were misconduct under the law, therefore, he was dismissed from service by the then District Police Officer, Haripur vide OR No. 375 dated 25.06.2014. He preferred departmental appeal to the Regional Police Officer, Hazara Region Abbottabad, which was also rejected vide his office Order Endst: No.2747/PA dated 06.05.2015. Thereafter, Ameer Nazar filed service appeal No.1308/2014 in Khyber Pakhtunkhwa, Service Tribunal Camp Court Abbottabad, the Honourable Tribunal vide its judgment dated 18.02.2019, accepted the service appeal of appellant and reinstated him in service, the department was set at liberty to conduct the denovo proceedings.

In compliance of Honourable Service Tribunal's judgment the defaulter police official was reinstated in service and was served with charge sheet and statement of allegations vide this office Endst No. 267-69/PA dated 02.05.2019. Additional Superintendent of Police, Haripur, was appointed as Enquiry Officer who conducted proper departmental enquiry and submitted his findings vide his office Memo No. 173 dated 30.05.2019. Consequently, he was called in Orderly Room for personal hearing and was heard in detail.

Having perused the relevant record, enquiry papers and recommendation of enquiry officer, Head Constable Ameer Nazar No.417, during personal hearing in Orderly Room, he was asked about his relations with bad character women named Rizwana Shaheen. He replied in affirmative and informed that she was his neighbor and he knew her for 6/7 years. Keeping in view, the finding of enquiry officer and aforementioned observation I, Dr. Zahid Ullah (PSP), District Police Officer, being competent authority under Khyber Pakhtunkhwa, police Efficiency and Discipline Rule 1973 HC Ameer Nazar No.417, is awarded minor punishment of forfeiture of approved service for 03 years. The intervening period between his dismissal and reinstatement is treated as leave without pay.

Order Book No.386 dated 13.06.2019, order announced

*[Signature]*  
District Police Officer,  
Haripur

dated 18/6/2019

Copy of above is submitted to:

1. The Deputy Inspector General of Police, Enquiry & Inspection Internal Accountability Branch, KPK, Peshawar, vide his office Memo No.145/IC/PO/IA/IB/ & E dated 18.04.2019.
2. The Regional Police Officer, Hazara Region Abbottabad
3. The Assistant Inspector General of Police, Legal, Khyber Pakhtunkhwa Peshawar

*[Signature]*  
District Police Officer  
Haripur

ENTERED  
18-6-19