

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR**  
**AT CAMP COURT ABBOTTABAD.**

Service Appeal No. 1338/2019

Date of Institution ... 14.10.2019

Date of Decision ... 12.10.2021

Haq Nawaz, Constable No. 722, District Police Haripur.

... (Appellant)

**VERSUS**

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

... (Respondents)

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MR. MOHAMMAD ASLAM TANOLI,  
Advocate

--- For appellant.

MR. USMAN GHANI,  
District Attorney

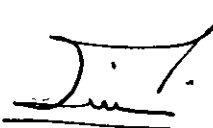
--- For respondents.

MR. AHMAD SULTAN TAREEN  
MR. SALAH-UD-DIN

--- CHAIRMAN  
--- MEMBER (JUDICIAL)

**JUDGMENT:**

**SALAH-UD-DIN, MEMBER:-**

  
Precise facts forming the background of the instant service appeal are that the appellant while posted at Police Station Khanpur was departmentally proceeded against on the allegations that he had beaten one Wasif Mahmood S/O Munsif Ali R/O Ganj Qadeem Abbottabad and had forcibly taken an amount of Rs 37000/- from him, regarding which the said Wasif Mahmood submitted an application to the SHO Police Station Khanpur, who took action in the matter and recovered the snatched amount from the possession of the appellant and handed over the same to the complainant Wasif

Mehmood. On conclusion of the inquiry, the appellant was awarded penalty of forfeiture of approved service for two years with immediate effect. The departmental appeal of the appellant was also filed by keeping intact the order passed by the competent Authority, therefore, the appellant has now approached this Tribunal through filing of the instant service appeal of the redressal of his grievance.

2. Notice was issued to the respondents, who submitted their comments, wherein they refuted the assertions made by the appellant in the appeal.

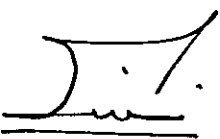
3. Learned counsel for the appellant has contended that he was having friendly relation with the complainant Wasif Mehmood, therefore, he had taken an amount of Rs. 40000/- from the appellant as loan, however the complainant was then returning back the same, therefore, the appellant stopped the complainant who was on his way to Rawalpindi and demanded back the loan, upon which some people were also gathered on the spot and the complainant willfully handed over an amount of Rs. 37000/- to the appellant; that later on the complainant submitted false complaint against the appellant to the SHO Police Station Khanpur, however the matter was resolved through *Jirga*; that the appellant has neither beaten the complainant nor any amount was forcibly taken from the complainant, which fact has been admitted by the complainant in his affidavit sent to the inquiry officer; that the complainant has categorically mentioned in his affidavit that there was money transaction between the parties and the application filed by him to the SHO Police Station Khanpur was not containing true facts; that the inquiry officer as well as the competent Authority did not consider the affidavit so submitted by the complainant and the impugned penalty was wrongly imposed upon the appellant; that the complainant has not been examined during the inquiry, therefore, the charges against the appellant could not be proved but even then the impugned penalty was awarded to the appellant without any legal justification; that the



impugned orders being wrong and illegal are liable to be set-aside.

4. On the other hand, learned District Attorney for the respondents has argued that the appellant has beaten one Wasif Mehmood and had also forcibly taken an amount of Rs. 37000/- from him, therefore, the appellant was proceeded against departmentally; that the matter was also incorporated in the shape of Mad No. 30 dated 24.02.2019 in Police Station Khanpur and the appellant then returned the snatched amount to the complainant Wasif Mehmood; that proper regular inquiry was conducted into the matter and the charge against the appellant stood proved, therefore, he has rightly been awarded the penalty of forfeiture of approved service for two years.

5. Arguments heard and record perused.

  
6. A perusal of the record would show that the appellant was departmentally proceeded against on the application of one Wasif Mehmood S/O Munisf Khan, who had mainly alleged that he was beaten by the appellant and an amount of Rs. 37000/- was also snatched from him. The competent Authority nominated Qais Khan ASP Saddar as inquiry officer in the matter, who submitted inquiry report to the District Police Officer on 14.05.2019. The inquiry report so submitted by the inquiry officer would show that he has categorically mentioned in his findings that the complainant Wasif Mehmood did not turn up for recording his statement, despite being summoned time and again. Available on record is copy of an affidavit dated 12.03.2019, wherein the complainant has categorically mentioned that certain amount of the appellant was outstanding against him and out of which an amount of Rs. 37000/- was given to the appellant, when he stopped the complainant near Khanpur Dam; that the application submitted by him to the SHO Police Station Khanpur against the appellant was not based on true fact and the matter has now be resolved through *Jirga*. The genuineness of the aforementioned affidavit has been

affirmed by the inquiry officer in his report. In these circumstances, when the very complainant, on whose application the departmental proceedings were initiated against the appellant, has submitted an affidavit regarding innocence of the appellant, the competent Authority was not justified in imposing penalty upon the appellant.

7. In light of the above discussion, the appeal in hand is accepted by setting-aside the impugned order and the forfeited service of two years of the appellant is restored with all consequential back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
12.10.2021



(AHMAD SULTAN TAREEN)  
CHAIRMAN  
CAMP COURT ABBOTTABAD



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT ABBOTTABAD


Service Appeal No. 1338/2019

ORDER  
12.10.2021

Appellant alongwith his counsel Mr. Mohammad Aslam Tanoli, Advocate, present. Mr. Mujahid Shah, Head Constable alongwith Mr. Usman Ghani, District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is accepted by setting-aside the impugned order and the forfeited service of two years of the appellant is restored with all consequential back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
12.10.2021



Chairman  
Camp Court A/Abad



(Salah-ud-Din)  
Member (Judicial  
Camp Court A/Abad

19.10.2020

Nemo for appellant.

Usman Ghani learned District Attorney alongwith Mujahid Shah Reader for respondents present.

Representative of the respondents made a request for adjournment for submission of written reply/comments. Granted; To come up for written reply/comments on 14.12.2020 before S.B at Camp Court, Abbottabad. Appellant be put to notice for the date fixed.



(Rozina Rehman)  
Member (J)  
Camp Court, A/Abad

14.12.2020

Due to Covid-19, case is adjourned to 15.03.2021 for the same as before.



Reader

15.03.2021

Counsel for appellant present.

Riaz Khan Paindakheil learned Assistant Advocate General alongwith Mujahid Shah Head Constable for respondents present.

Representative of respondents submitted written reply/comments which is placed on file. Copy of the same is handed over to the learned counsel for the appellant. To come up for rejoinder if any, and arguments on 12.07.2021 before D.B at Camp Court Abbottabad.



(Atiq ur Rehman Wazir)  
Member (E)  
Camp Court, A/Abad

22.01.2020

Clerk to counsel for the appellant present. Written reply not submitted. Misal Khan ASI representative of respondent department present and seeks time to furnish reply. Granted. To come up for reply on 19.02.2020 before S.B at Camp Court Abbottabad.




Member  
Camp Court, A/Abad

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

Reader

Due to summer vacation case to come up for the same on 11/9  
10 / 20 at camp court abbottabad.



Reader

18.11.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (Constable) has filed the present service appeal against the order dated 27.05.2019 whereby he was awarded minor punishment of forfeiture of approved service for two (02) years on the charges of misconduct. The appellant has also assailed the order dated 18.09.2019 of the appellate authority through which the departmental appeal of the appellant was filed.

Points urged consideration. The present service appeal is admitted for regular hearing subject to all just legal objections including issue of limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 19.12.2019 before S.B at Camp Court, Abbottabad.

Appellant Deposited  
Security & Process Fee

26/11/19

Member  
Camp Court, A/Abad

19.12.2019

None present on behalf of the appellant. Mr. Zia Ullah, Deputy District Attorney alongwith Mr. Misal Khan, ASI for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for further time for submission of written reply/comments. Adjourned to 22.01.2020 for written reply/comments before S.B at Camp Court Abbottabad.

(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad

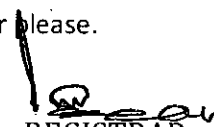



Form- A

### FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 1338/2019 \_\_\_\_\_

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge  |
|-------|---------------------------|---|
| 1     | 2                         | 3   |
| 1-    | 14/10/2019                | <p>The appeal of Mr. Haq Nawaz presented today by Mr. Muhammad Aslam Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><br/>REGISTRAR 14/10/19</p> |
| 2-    |                           | <p>This case is entrusted to touring S. Bench A.Abad for preliminary hearing to be put up there on <u>18/11/19</u></p> <p style="text-align: right;"><br/>CHAIRMAN</p>  |

BEFORE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

Appeal No... 1338/19

Haq Nawaz, Constable No. 722, District Police Haripur.

Appellant

VERSUS

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

Respondents

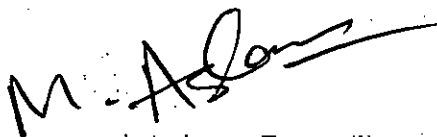
SERVICE APPEAL

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Appellant

Through

  
(Mohammad Aslam Tanoli)  
Advocate High Court  
at Haripur

Dated: 14 <sup>10</sup> 09-2019

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BEFORE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

Appeal No....1338/19

Haq Nawaz, Constable No. 722, District Police Haripur, Khyber Pakhtunkhwa

Appellant

Service Tribunal

Diary No. 1447

Date 14/10/2019

VERSUS

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

Respondents

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 27-05-2019 OF THE DISTRICT POLICE OFFICER HARIPUR WHEREBY APPELLANT HAS BEEN AWARDED PENALTY OF "FORFEITURE OF APPROVED SERVICE FOR 02 YEARS" AND REGIONAL POLICE OFFICER HAZARA REGION ABBOTTABAD ORDER DATED 18-09-2019 WHEREBY HIS DEPARTMENTAL HAS BEEN FILED".

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH THE IMPUGNED ORDERS DATED 27-05-2019 AND 18-09-2019 OF THE RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND THE APPELLANT BE RESTORED HIS VERY FORFEITED SERVICE OF TWO (02) YEARS WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respectfully sheweth,

Filed to-day

Registrar

14/10/19

1. That appellant while posted at PS Khanpur (District Haripur) was served upon with a Show Cause Notice dated 05-03-2019 by the District Police Officer Haripur. (Copy of Show Cause Notice dated 05-03-2019 is annexed as "A").

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2. That aforementioned Show Cause Notice was replied in detail by explaining all facts and circumstances of the matter and the allegations leveled therein against appellant were flatly denied being incorrect and baseless. **(Copy of reply to Show Cause Notice is annexed as "B")**.
  
3. That thereafter the appellant was given a Charge Sheet dated 26-03-2019 along with statement of allegations which was replied with the same reply as earlier. **(Copies Charge Sheet and its reply are annexed as "C & D")**.
  
4. That in fact after his appointment, the appellant was posted at Abbottabad where one Wasif Mehmood S/O Munsif Ali R/O Ganj Qadeem Abbottabad became his friend and developed friendly relations with the appellant. Once Wasif Mehmood (Appellant's said friend) demanded Rs.40,000/- as a loan from him. Being a friend, the appellant gave Rs.40,000/- to him as a **QARAZ-E-HASANA** which he promised would return soon. However after passing considerable time, despite appellant's repeated requests the said Wasif did not return his amount. Rather every time he put-off his request on one or other pretext. On 23-02-2019 one of Wasif's relatives from Abbottabad informed the appellant that his friend Wasif was traveling from Abbottabad to Rawalpindi via Khanpur. The appellant waited him and on meeting appellant requested for money. On

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query, other people also gathered there. Wasif told appellant that he could give him only Rs. 37,000/- and the remaining would be paid later on. The appellant agreed. The people patched up the matter. The appellant received Rs. 37,000/- from him. Later on he submitted a false application to the SHO Khanpur and when appellant was called by the SHO, he appeared and frankly admitted that he had received his Qarza from him. Subsequently on 12-03-2019 when he was called in a JIRGA of the Elders at Abbottabad, he admitted his wrong and scribed down an affidavit on stamp paper and also paid amount of Qarza Rs. 40,000/- before the said JIRGA which affidavit in original was produced before Inquiry Officer. **(Copy of Affidavit dated 12-03-2019 is annexed as "E")**.

5. That it is a matter of concern, that without committing any fault/wrong or crime as to why the complainant was to give the appellant Rs. 37,000/- even in the presence of persons on occasion. Appellant was only a very low rank constable of police and how he could demand such a huge amount without any reason or justification from a person who was not involved in any case and was just traveling on his way. Inquiry Officer did not consider this point. Even Inquiry Officer did not call any witness to record evidence against the appellant. Inquiry Officer has recoded the inquiry in an arbitrary and fanciful manner otherwise appellant was totally innocent and had committed no wrong for which he has been awarded the penalty.

6. That through out his long service of about 08 years in the police department, the appellant always performed his assigned duties with devotion, dedication and honesty to the entire satisfaction of his superiors and never provided a chance of reprimand and even on occasions for tremendous service he has been awarded with the commendation certificates and cash rewards by his High-Ups.
7. That ultimately the worthy District Police Officer Haripur, without giving any heed to the averments advanced in defense by appellant in the shape of reply to the Show Cause Notice as well as Charge Sheet, awarded him with the penalty of **"Forfeiture of approved service for 02 years"** through impugned order OB No. 361 dated 27-05-2019 without any reason, proof and justification.
8. That copy of the said order was not issued to the appellant well in time. However on the specific request of appellant the copy of impugned order dated 27-05-2019 was given to him on 21-06-2019. **(Copies of application and order dated 27-05-2019 are attached as "F & G")**.
9. That on receipt of impugned order the appellant preferred a department appeal dated 01-07-2019 before the Regional Police Officer, Hazara Region, Abbottabad explaining facts and circumstances of the matter as well as his innocence in detail. **(Copy of**

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the Departmental Appeal dated 01-07-2019 is annexed as "H").

10. That the appellant authority did not give any heed the appellant's departmental appeal and went to filed it without giving any reason and justification vide his order dated 18-09-2019. **(Copy of the order dated 18-09-2019 is attached as annexure "I")**. Hence instant service appeal, inter alia, on the following:-

**GROUND:**

- a) That both the impugned orders dated 27-05-2019 and 18-09-2019 of respondents are illegal, unlawful against the facts and circumstances of the matter hence are liable to be set aside.
- b) That no proper departmental inquiry was conducted. The so-called Inquiry Officer acted in a flimsy and whimsical manner. He conducted inquiry in utter violation and negation of the procedure set forth by the law for the dispensation of justice at the preliminary stages during the course of departmental inquiries, hence penalty awarded on the basis of such inquiry through orders impugned herein is liable to be set aside on this score alone.
- c) That neither a single witness was produced in presence of appellant before the so-called Inquiry Officer nor was appellant provided a chance to cross examine such witness, if any. That the appellant was

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never confronted with documentary evidence, if any, produced against him. The appellant was also not provided with the copy of findings of so-called inquiry, if any, of which provision is mandatory under law.

- d) That the respondents have not treated the appellant in accordance with law, departmental rules & regulations and policy on the subject and have acted in violation of Article-4 of the constitution of Islamic Republic of Pakistan 1973 and unlawfully issued the impugned orders, which are unjust, unfair hence not sustainable in the eyes of law.
- e) That the appellate authority has also failed to abide by the law and even did not take into consideration the grounds taken in the memo of appeal. Thus the impugned order of respondent is contrary to the law as laid down in the KPK Police Rules 1934, other departmental rules regulations read with section 24-A of General Clause Act 1897 read with Article 10A of the Constitution of Islamic Republic of Pakistan 1973.
- f) That appellant was also not provided the opportunity of personal hearing before awarding penalty which was mandatory under law thus he has been condemned unheard.
- g) That instant appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudication upon the same.



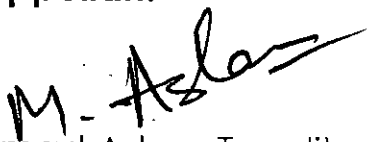
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PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Service Appeal both the orders dated 27-05-2019 and 18-09-2019 of respondents may graciously be set aside and appellant be resorted his forfeited 02 years approved service with all consequential service back benefits.

  
Appellant

Through:

  
(Mohammad Aslam Tanoli)  
Advocate High Court  
At Haripur

Dated 14<sup>10</sup> -09-2019

VERIFICATION

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

Dated 14<sup>10</sup> -09-2019

  
Appellant

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BEFORE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

Haq Nawaz, Constable No. 722, District Police Haripur.

**Appellant**

**VERSUS**

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

**Respondents**

**SERVICE APPEAL**

**AFFIDAVIT:**


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



**Deponent/Appellant**

Dated: 14<sup>10</sup> - 09 - 2019

Identified By:



Mohammad Aslam Tanoli  
Advocate High Court  
At Haripur



**Appellant**

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BEFORE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

Haq Nawaz, Constable No. 722, District Police Haripur.

**Appellant**

**VERSUS**

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

**Respondents**

**SERVICE APPEAL**

**CERTIFICATE**

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



**APPELLANT**

Dated: 14<sup>th</sup> 09-2019



Annex-'A'

Ph. # 0995-614712 / 0995-611291  
Fax # 0995-614714  
E-Mail: dpoharipur1a@gmail.com

## SHOW CAUSE NOTICE

1. That you FC Haq Nawaz No. 722 while posted at PS Khanpur have rendered yourself liable to be proceeded under Rules 5 (3) of the Khyber Pakhtunkhwa, Police E&D Rules 1975 for following misconduct:

*"That you while posted at PS Khanpur, it has come to notice of the undersigned vide Daily Diary No. 30 dated 23.02.2019, PS Khanpur, that on 23.02.2019 one Wasif Mahmood s/o Munsif Ali r/o Ganj Qadeem Abbottabad was on the way towards Rawalpindi via Khanpur Road, meanwhile you have stopped and beaten him without any reason. You also threatened him and took Rs. 37000/- from him without any legal obligation. The applicant submitted application before SHO Khanpur for recovery of his amount. On his application the said amount was recovered from you and handed over to the above mentioned applicant. Your act not only defaced the image of Police but also created embarrassment for the department. This is gross misconduct on your part in terms Police E&D Rules 1975"*

2. That by reason of above, sufficient material is placed before the undersigned; therefore it is decided to proceed against you in general Police proceedings without aid of enquiry officer.
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. The your retention in the Police force will amount to encourage inefficient and unbecoming of good Police Officers;
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.
6. You, therefore called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa, Police E&D Rules, 1975 for the misconduct referred to above.
7. You should submit reply to this show cause notice within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.
8. You are further directed to inform the undersigned that wish to be heard in person or not.

Received by \_\_\_\_\_  
Dated: / / 2019

Attested

District Police Officer  
Haripur

جناب عالی!

حوالہ شوکار شمسی 178 مورخہ 03/18/03 بجاریہ دستخط صاحب D.P.O صاحب  
پہلی پور میں شروع خدمت کریں۔

① یہ زمین سائل ٹیٹا کپٹان خان پور میں 7/7 ماہ بطور گھر صاحب 340  
صاحب شیر خان انسپکٹر رہا جو کہ درست تبادلہ مورخہ 23/02/18 بوقت  
10:30 بجے قائد خان پور سے قائد سراج صاحب صاحبان نجی دستکاری روانہ ہوا  
② یہ زمین سائل نزد ذمہ دار پور پور میں سخی و امنف محمود ولد منصف علی  
قوم احوال سیکرٹریج قوم ایسٹ (او) میں سائل کا نامی حیرت سے میرا  
تعلقات تھے۔ اور تقریباً 400 روپے اس میں خرچ کیا ہے وہاں کھڑا  
کھائی دیا۔

③ یہ زمین سائل شکاری شمسی کے قریب کپٹان رہا۔ اور اپنے دو بون  
گاؤں لائے گیا جس پر زمین کا آگاہ سادہ دیا۔ اور وہاں پر موجود ڈیپوٹ  
جو سپر ڈسٹرکٹ سٹیٹ ہے۔ اس میں مداخلت پر مذکورہ سائل نے مبلغ 37 ہزار  
روپے ادا کیے۔ اور سائل رنج دیکھا۔ اور سراج میں سے روپے چھوڑا۔

④ یہ زمین کچھ دن بعد قائد خان پور سے نکالی گئی کہ تمہارا خلاف و امنف مذکورہ سائل  
رپورٹ کروانی ہے۔ اور رپورٹ کا نتیجہ آگاہ کیا۔

⑤ یہ زمین سائل روارہ قائد خان پور میں واقعہ و امنف اور سراج کے پیرا  
پیرا اشخاص میں موجود ہے۔ جس کا خطاب 340 صاحب کو میں گھومتا ہوا  
سائل کا ٹیڈ کیا و اقلہ اور سراج خلاف غلطیائی کر کے رپورٹ دوں گا  
میں۔

⑥ یہ زمین سائل اپنے حالات دیکھنے میں آئے تو زمین کے لوگوں میں مداخلت پر کہ  
میں سائل سے و امنف مذکورہ زمین رقم و اجرت کی۔ جس میں مذکورہ سائل جو  
میں زمین سائل میں کچھ رقم مل کر رہے۔ اس پر ہم دونوں

Attested  
(Signature)

فریقین میں سے واپس آگئے۔  
 7) یہ سب دو لوگوں فریقین کے آگے ہیں لیکن دونوں کے معاملات اب تک حل  
 ہو چکے ہیں۔ جس کے مذکورہ واپس آنا اسباب میں تحریر کر دیا۔  
 خود لکھنا ہے۔

8) من سائل پر لگا گئے ان الزامات سے کوئی صداقت نہیں ہے۔  
 جناب 540 صاحب کو مذکورہ الزامات میں گناہ کیا گیا ہے آپ جناب  
 سے استدعا ہے کہ من سائل کا شوکار داخل دفتر نہ کیا جا سکے اور  
 فرمایا جائے۔

5/11/22

حق نواز غفر 722/FC منسینہ قائد سسرانہ صالح پوری پور

Attested  
 Day



13

Annex - C

CHARGE SHEET

(1) I, Dr. Zahid Ullah, (PSP) District Police Officer, Haripur as competent authority, hereby charge you FC Haq Nawaz No. 722 as enclosed statement of allegations.

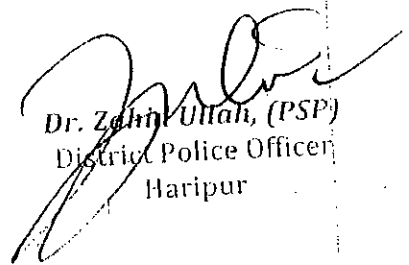
(2) You appear to be guilty of misconduct under Police Efficiency & Discipline Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the said Rules.

(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

Allested



14

DISCIPLINARY ACTION

I, Dr. Zahid Ullah, (PSP), District Police Officer, Haripur as competent authority of the opinion that you FC Haq Nawaz No. 722 have rendered yourself liable to be proceeded against as you committed the following acts/omissions within the meaning of Police Efficiency & Discipline Rules 1975.

STATEMENT OF ALLEGATION

"That you while posted at PS Khanpur, it has come to notice of the undersigned vide Daily Diary No. 30 dated 23.02.2019, PS Khanpur, that on 23.02.2019 one Wasif Mehmood s/o Munsif Ali r/o Ganj Qadeem Abbottabad was on the way towards Rawalpindi via Khanpur Road, meanwhile you have stopped and beaten him without any reason. You also threatened him and took Rs. 37000/- from him without any legal obligation. The applicant submitted application before SHO Khanpur for recovery of his amount. On his application the said amount was recovered from you and handed over to the above mentioned applicant. Your act not only defaced the image of Police but also created embarrassment for the department. This is gross misconduct on your part in terms Police E&D Rules 1975, hence charge sheeted"

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

ASP Saddar Qais Khan

(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: 228-30 /PA, dated Haripur the 26-03 /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) FC Haq Nawaz No. 722 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  
[Signature]

  
District Police Officer,  
Haripur



جانب عالی

شہداء خارج شہر منبری PA/30-228 مورخ 26 3/19 جاری DPo۔ مبلغ  
سرواں خدشاہی۔ کہ مورخ 5 3/19 کو جانب DPo۔ ہر ایک طرف کی جانب سے شہداء کو  
موصول ہوا تھا۔ اس شہداء کو اس میں بھی صحتی و اہلیت محمد وکر منصف علی کو اعوان  
کے کچھ قریبی رشتہ داروں نے حج و اہرام لگائے مبالغہ 37 ہزار روپیہ کی منگوائی  
کیا ہی بنا کر یہ خلاف حکم خانیوار میں درخواست دی تھی۔

جیسا کہ حکم خانیوار سے مکمل موصول ہوا تو میں فوراً طور پر حکم صادر  
ہوا۔ وہاں ہر اور بھی چند لوگ موجود تھے جن کے سامنے جگہ میں ان لوگوں  
کو بلایا کہ وہ اہلیت محمد نے 40 ہزار روپیہ لپس دین میں ادا کرنے تھے۔  
اور اس لپس دین کے سلسلے میں اس وقت اس کے پاس 37 ہزار روپیہ  
جڑھے ادا کیے۔ اس کے علاوہ نہ تو واپس محمد نے کوئی حکم کیا تھا۔ اور نہ ہی  
میں کوئی اتنا بڑا اسم تھا۔ کہ وہ مجھے اپنی رقم دینا۔ محض اس نے اپنی  
بے عزتی سمجھ کر یہ خلاف حکم درخواست دی ہے۔ جو مسائل خانیوار  
میں رقم دفع ہوئی

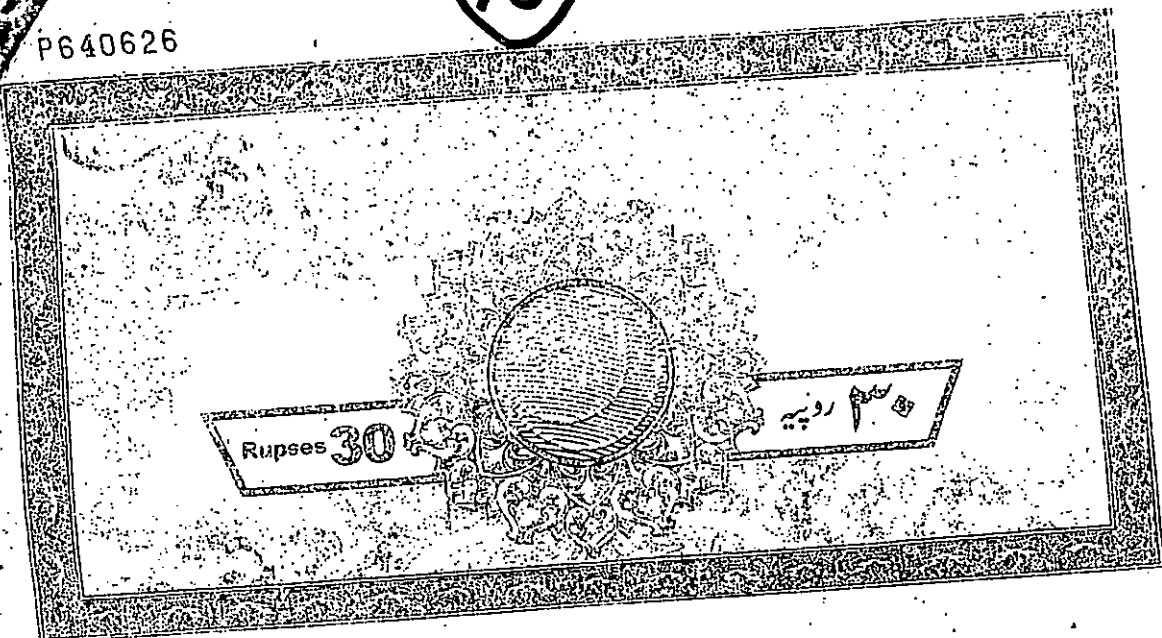
اس سلسلے میں واپس محمد درخواست دہندہ نے ایک اسٹامپ پیپر  
پر بیان حلفی لکھ کر دیا ہے۔ کہ میرے درمیان لپس دین کا اشارہ  
تھا۔ جو حل ہو گیا ہے۔ اگر معاملہ اس کے برعکس ہوتا۔ تو درخواست دہندہ  
کہیں بھی بیان حلفی لکھ کر نہ دیتا۔

جانب عالی۔ اس سے قبل میں اپنا مفصل تحریری بیان شہداء کو اس میں دیا  
ہوئے۔ میرا وہی بیان ہے۔ اگر درخواست دہندہ کی درخواست میں  
کوئی صداقت ہوگی۔ تو مذکورہ کہیں بھی بیان حلفی اسٹامپ پیپر پر لکھ کر نہ دیتا۔  
مجھ پر لگائے گئے۔ الزمان درخواست دہندہ نے اپنی بے عزتی سمجھ کر منگوائی  
اور بے بنیاد لگائی ہے۔ درخواست دہندہ کو طلب کر کے واقعہ کا تحقیق حاصل کیا

استدعا عدیدہ درخواست سے بناو ہے۔ خارج شہر داخل دستہ شمالی طور

Attest  
D

حق کوئی نہیں ہے۔ 722 منصفہ لکھی نہیں ہے۔

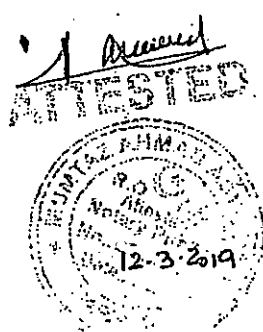


یک قطعہ اسٹامپ ٹالسٹی 30 روپے

یہاں طبعی

مقام مسیحی دامت محمود وکرم منصف علی سنگھ کچھ ندیم، پورنی آبادی  
ایسٹ آباد مارہا لٹنٹی سوں

حلفاً بیانی میں من مظہر کا حق نواز ولد عند فرید رہا لٹنٹی  
کھالونڈ کے جاگھر رقم کا لین دین کا معاملہ حل رہا تھا اور من مظہر  
نے حق نواز کی کوئی بھی من مظہر کی جانب نہیں بھی  
حلفاً بیانی میں من مظہر کو دیکھا اور پکڑ لیا اور اپنی رقم کا واپسی کا مطالبہ  
کیا اور نوٹوں کے سامنے باقی باقی اور سہرے پاس مبلغ 37000/- روپے  
وجود تھے جو کم میں اسے وہ دے کر اور موقع سے روانہ ہو گیا  
من مظہر نے کھانا خریدنے میں اپنی بے گھرتی شمس کی اور قس کی بنا پر  
حق نواز نے تعمیر شدہ کیا اور کچھ سے بطور رشوت مبلغ 37000/- روپے  
جو کم قیمت پر من مظہر نے من مظہر نے اسے من مظہر نے اسے اسے  
حلفاً بیانی میں من مظہر اور حق نواز کو کھانا خریدنے میں اسے 540 روپے  
کے سامنے ہارا عابین قس ہمارے در بیان تصدیق ہو گیا اور اب  
ہمارے سامنے معاہدے ہوئے میں اب کوئی تنازعہ باقی نہیں رہا ہے  
حلفاً بیانی میں کہ علم مراتب بالہ میرے علم واقف کے مطابق  
صحیح و درست ہیں کوئی اور حقیقت نہیں کھائی ہے



12/3/2019

13101-3067115-1  
ولہف محمود سنگھ کچھ ندیم

مصدقہ رضی ایسٹ آباد

...the matter in detail, and the allegations

Attested  
[Signature]

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*Handwritten text, possibly a date or reference number.*

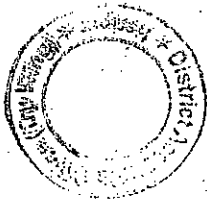
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*Handwritten date: 12-3-19*

*Handwritten number: 3796*



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# Annex-F

محفوظ ذاب DPO کے ذریعے

جناب عالی

گزارش جمع کی تاریخ 5/19 کو اردن میں 361 OR

در حال رسد میں ہے۔ اس کی ج. پی. اے. میں منسلک تصویف  
ذاب کا نام ہے۔ اس کے ذریعے اس کی توثیق کی جا رہی ہے۔

بذریعہ درخواست اس کے ساتھ 361 OR منسلک ہے۔

دعا ہے کہ تازہ سے اپنی اس کو

السلام

رنگین تصویف نمبر 722 پر لیس میں لکھی ہے۔

(جید)

Attested

(Signature)

ORDER

Constable Haq Nawaz No.722, while posted at PS Khanpur, it came in the notice of undersigned, vide daily diary No.30 dated 23.02.2019, PS Khanpur, that on 23.02.2019 one Wasif Mahmood s/o Munsif Khan r/o Ganj Qadeem, District Abbottabad, was on the way towards Rawalpindi, Via Khanpur Road. Meanwhile, he stopped him and beaten him without any reason. He also threatened him and took Rs.37000/- without any legal obligation. In this regard, the applicant submitted application before the SHO PS Khanpur, for recovery of his amount. On his application the said amount was recovered by Constable Haq Nawaz and handed over to applicant Munsif Khan. The acts and omissions of defaulter police official were misconduct under Khyber Pakhtunkhwa, police efficiency and discipline rules 1975. Therefore, He was served with charge sheet and statements of allegations, vide this office Fudst No.228-30/PA dated 26.03.2019.

To probe the allegations, Mr. Muhammad Qais Khan, ASI/Saddar, District Haripur, was appointed as enquiry officer, who conducted proper departmental enquiry and submitted his finding, vide his office Memo No.207 dated 14.05.2019. In which, he mentioned that and held the charges of misconduct proved against defaulter police officer. Therefore, enquiry officer recommended him for appropriate punishment.

Having gone through enquiry papers recommendation of enquiry officer and personal hearing of accused Constable Haq Nawaz No.722. He could not produce any plausible ground in his defense. Based on the above facts & finding, the charges of misconduct against the defaulter police officer stands proved. I am fully satisfied that Constable Haq Nawaz committed gross misconduct. Therefore, I, Dr. Zahid Ullah District Police Officer, Haripur being competent authority under Khyber Pakhtunkhwa police efficiency and discipline rules 1975, awarded minor punishment of "forfeiture of approved service for 02 year" with immediate effect.

Order announced  
OB No. 36/ dated 27.05.2019

District Police Officer  
Haripur

*Entered in his  
Service record  
28/5/2019*

*Alleged  
(Signature)*

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Annex-H

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

(Departmental Appeal by Constable Haqnawaz No.722 District Police Haripur).

**(THROUGH PROPER CHANNEL)**

**DEPARTMENTAL APPEAL AGAINST ORDER OB NO. 361 DATED  
27-05-2019 (DELIVERED ON 21-06-2019) OF THE DISTRICT POLICE  
OFFICER HARIPUR WHEREBY APPELLANT HAS BEEN AWARDED  
WITH THE PENALTY OF "FORFEITURE OF APPROVED SERVICE FOR  
02 YEARS".**

**PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL  
IMPUGNED ORDER DATED 25-05-2019 MAY KINDLY BE SET ASID  
AND APPELLANT'S FORFEITED SERVICE OF 02 YEARS BE RESTORED  
TO HIM WITH GRANT OF ALL CONSEQUENTIAL SERVICE BACK  
BENEFITS.**

Respected Sir,

1. That appellant while posted at PS Khanpur (Haripur) was issued with a Show Cause Notice dated 05-03-2019 by the District Police Officer Haripur alleging therein:

*"that while posted at PS Khanpur Haripur, it has come to the notice of the undersigned vide Daily Diary No.30 dated 23-02-2019 PS Khanpur, that on 23-02-2019 one Wasif Mehmood S/O Munisif Ali R/O Ganj Qadeem Abbotabad was on the way towards Rawalpindi via Khanpur Road, meanwhile you have stopped and beaten him without any reason. You also threatened him and took Rs.37000/- from him without any legal obligation. The applicant submitted application before SHO Khanpur for recovery of his amount. On his application the same amount was recovered from you and handed over to the above mentioned applicant. Your act not only defaced the image of Police but also created embarrassment for the department. This is gross misconduct on you part in terms Police E&D Rules 1975. (Copy of Show Cause Notice dated 05-03-2019 is attached "A").*

2. That aforementioned Show Cause Notice was replied explaining all facts and circumstances of the matter in detail, and the allegations

*Alister  
A/Q*

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levelled against appellant were flatly denied being incorrect and baseless. (Copy of Show Cause Notice is attached as "B").

3. That thereafter the appellant was served upon with a Charge Sheet dated 26-03-2019 alongwith statement of allegations which was replied with the same reply as earlier. (Copies Charge Sheet and its reply are attached as "C&D").
4. That ultimately the worthy District Police Officer Haripur without giving any heed to the averments advanced in defense by appellant in the shape of reply to the Show Cause Notice as well as Charge Sheet awarded him penalty of "Forfeiture of approved service for 02 years" through impugned order OB No. 361 dated 27-05-2019 without any reason, proof and justification. But copy of the said order was not issued to him. However on his specific request the same was provided to him on 21-06-2019, hence instant departmental appeal. (Copies of application and order dated 27-05-2019 are attached as "E & F").
5. That in fact after his appointment, the appellant was posted at Abbottabad where one Wasif Mehmood S/O Munsif Ali R/O Ganj Qadeem Abbottabad became his friend and developed friendly relations with the appellant. Once his said friend demanded Rs.40,000/- as a loan from Appellant. Being friend the appellant gave him the said amount as a QARAZ-E-HASANA which he promised would return soon. However considerable time passed away. The appellant requested his friend for return of the said Qaraza. But every time he put-off his request on one or other pretext. One appellant was informed that his friend Wasif was traveling from Abbottabad to Rawalpindi via Khanpur. The appellant waited him and when he reached, he was stopped. On query, other people also gathered there. Wasif told appellant that he could give him only 37,000/- and the remaining would be paid later on. The appellant agreed. The people patched up the matter.

Attested  
J I Jay

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The appellant received Rs.37,000/- from him. Later on he submitted a false application to the SHO Khanpur and when he was called by the SHO, appellant admitted that he had received his Qarza from him. Subsequently on 12-03-2019 when he was called in a JIRGA of the Elders at Abbottabad, he admitted his wrong and scribed down an affidavit on stamp paper and also paid amount of Qarza Rs.40,000/- which affidavit in original was produced before Inquiry Officer. (Copy of Affidavit dated 12-03-2019 is attached as "G").

6. That it was a matter of concern, that without committing any fault/wrong or crime as to why the applicant was to give me 37,000/- even in the presence of persons on occasion. I was only a very low rank constable of police and how could I demand such a huge amount from a person without any reason or justification from one who was not involved in any case and was just traveling on his way. Inquiry Officer failed to take into consideration this point. He has decided the inquiry without applying judicial mind and in an arbitrary and fanciful manner otherwise I am totally innocent and have committed no wrong for which I have been awarded penalty.
7. That no proper departmental inquiry was conducted, no witness, if any, was produced before the inquiry officer in presence of appellant, nor was he provided with a chance of cross examination. Appellant was not confronted with any documentary evidence nor was afforded to rebut such document. Appellant was condemned unheard.
8. That through out his long service in the police department, the appellant always performed his assigned duties with devotion, dedication and honesty to the entire satisfaction of his superiors and never provided a chance of reprimand and even on occasions for tremendous service he has been awarded with the commendation certificates and cash rewards by his High-Ups.

Attested  
JL




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9. That in view of the facts narrated here above by no stretch of imagination the appellant can be held responsible for the allegation as has been incorporated in the Charge Sheet as well as Final Show Cause Notice due to which the appellant has been awarded with the punishment without any reason.

10. That if the appellant is afforded with the opportunity of personal hearing he will really prove him as innocent by adducing credible facts of the matter.

Sir, in view of the facts and circumstances narrated here above, it is earnestly prayed that impugned order dated 27-05-2019 passed by the District Police Officer Haripur may kindly be set aside and the appellant be restored his forfeited approved service of 02 years with grant of all consequential service back benefits. Thanking you sir in anticipation.

Your Obedient Servant



(Haq Nawaz)

Constable No. 722  
District Police Haripur

Dated: 01-07-2019

Attested



23

Annex-4

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 submitted by Constable Haq Nawaz No.722 of Haripur against the order of punishment i.e. *Forfeiture of two years approved service* awarded to him by the District Police Officer, Haripur vide his OB No: 361, dated 27.05.2019.

Facts leading to punishment awarded to him are that he while posted at PS Khanpur, it came into the notice of DPO Haripur vide daily diary No.30 dated 23.02.2019 PS Khanpur that on 23.02.2019 one Wasif Mehmood s/o Munsif Khan r/o Ganj Qadeem District Abbottabad was on the way towards Rawalpindi Via Khanpur Road, meanwhile he stopped and beaten him without any legal reason. He also threatened him and took Rs. 37000/- from him without any legal obligation. In this regard the applicant submitted application before SHO Khanpur for recovery of his amount. The said amount was recovered from Constable Haq Nawaz and handed over to applicant Munsif Khan.

After receiving his appeal, comments of DPO Haripur were obtained and examined/ perused. The undersigned called him in O.R on 16.09.2019, heard him in person and discussed with DPO. His Corrupt practices can not be tolerated therefore his appeal is filed.

*[Signature]*  
REGIONAL POLICE OFFICER  
Hazara Region Abbottabad

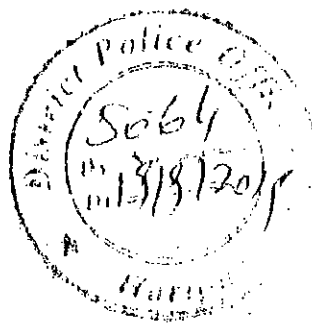
No. 3316 /PA, dated Abbottabad the 18/9 /2019;

Copy of above is forwarded to the District Police Officer, Haripur w/r to his office letter No: 5335, dated 19-08-2018 for information and necessary action. Service Roll & Fauji Missal containing enquiry file are returned for your office record.

*[Signature]*  
REGIONAL POLICE OFFICER  
Hazara Region Abbottabad

DHC/SRC  
For information  
m/a

DPO-HR  
19-09-19



*[Signature]*  
*[Signature]*

50

28695



ایڈوکیٹ: محمد کلمتی  
بار کونسل ایسوسی ایشن نمبر: 28695  
رابطہ نمبر: 3461

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: ایڈووکیٹ صاحبہ گلبرگ کون کویہ اور کلمتی محمد کلمتی پشاور

|                 |  |
|-----------------|--|
| مخاطب: ایڈووکیٹ | دعویٰ: گلبرگ کون کویہ اور کلمتی محمد کلمتی |
|                 | علت نمبر:                                  |
|                 | مورخہ:                                     |
|                 | جرم:                                       |
|                 | تھانہ:                                     |

گھوڑوز بنام 19/10/16

**بامث تحریر آنکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام کے ایڈووکیٹ صاحبہ گلبرگ کون کویہ اور کلمتی محمد کلمتی کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ لیا تاکہ سزا رہے

المرقوم: 14-10-2016

Accept  
M. A. 16

گواہ شد

مقام: گھوڑوز کے لیے منظور ہے۔

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA. SERVICE  
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD**

SERVICE APPEAL NO.1338/2019

Haq Nawaz, Constable No. 722, District Police Haripur.

..... (Appellant)

**VERSUS**

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

..... (Respondents)

**RESPECTFULLY SHEWETH!**

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

**PRELIMINARY OBJECTIONS:-**

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

**OBJECTIONS ON FACTS:-**

1. In reply to this para, it is submitted that the appellant constable Haq Nawaz sNo.712 while posted at Police Station Khanpur, District Haripur, was complained against by a citizen namely Wasif Mehmood s/o Munsif Ali, caste Awan r/o Kanj Qadeem District Abbottabad. The complainant moved application against the appellant to SHO Police Station Khanpur. He narrated that he was proceeding towards Rawalpindi, via Khanpur road. The appellant along with others stopped his vehicle, beat him and snatched Rs.37,000/- from him. The complainant further narrated that the appellant took his picture and threatened him to upload these pictures face book and implicate him in any fake narcotics/currency case, if the appellant told the matter to any person. (Copy of application is attached as annexure "A"). The matter was reported in daily diary No.30 dated: 23.02.2019, Police Station Khanpur. (Copy of daily dairy is attached as annexure "B"). The acts and omissions of the appellant were misconduct under Khyber Pakhtunkhwa, Police Efficiency and Discipline Rules 1975. The appellant was issued show cause

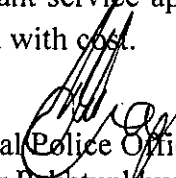
notice, vide his office Memo No.178 dated: 05.03.2019, to which the appellant could not give satisfactory reply. (Copy of show cause notice is attached as annexure "C"). Therefore, he was issued charge sheet and statement of allegations vide this office Endst: No.228-30 dated: 26.03.2019. (Copy of charge sheet and statement of allegations is attached as annexure "D"). ASP circle Saddar Mr. Qais Khan was appointed as enquiry officer, who conducted proper departmental enquiry and submitted his findings vide his office Memo No.207 dated: 14.05.2019, in which he held the charges proved. (Copy of enquiry is attached as annexure "E"). The appellant was called in orderly room and was heard in person, being found guilty of gross misconduct, the appellant was awarded minor punishment of forfeiture of 02 years approved service vide OB.No.361 dated: 27.05.2019, by the District Police Officer, Haripur. (Copy of order is attached as annexure "F").

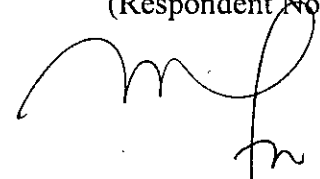
2. Incorrect, the appellant could not give satisfactory reply of show cause notice. So, he was issued charge sheet and statement of allegations as per law.
3. Incorrect, the appellant could not give plausible reply of charge sheet and statement of allegations. Rather, the charges were proved in departmental enquiry.
4. Incorrect, the appellant took the law in his hands. He stopped, the vehicle of complainant, beaten him, snatched money and made his pictures. The appellant also threatened him to implicate him in fake cases of narcotics and currency. The appellant committed gross misconduct. The matter was probed in departmental enquiry and his guilt was established through evidence.
5. Incorrect, the appellant was held guilty for commission of illegal activities. The appellant could not prove his innocence in departmental enquiry. He exceeded his authority and committed gross misconduct. He joined the enquiry proceedings and was given right of personal hearing and self defense. However, the appellant failed to defend himself against the charges. The appellant committed misconduct, for which he awarded lawful punishment.
6. In reply to this para, it is submitted that the appellant was complained against by a citizen with specific allegations. Which were probed in departmental enquiry, being held guilty of misconduct. The appellant was awarded lawful punishment.
7. Incorrect, the appellant was awarded minor punishment of forfeiture of 02 years approved service vide OB.No.361 dated: 27.05.2019, by the competent authority, on lawful grounds and justification. Hence, the punishment is sound and maintainable under the law.
8. Incorrect, the appellant was issued order of punishment well in time. He also filed departmental appeal against the order of punishment.
9. In reply to this para, it is submitted that the appellant filed departmental appeal against the order of punishment to the appellate authority i.e. Regional Police Officer, Hazara Region, Abbottabad. Who considered the same and after personal hearing of the appellant, rejected departmental appeal, vide his office order Endst: No.3316/PA dated: 18.09.2019. (Copy of order is attached as annexure "G").
10. Incorrect, the departmental appellant authority proceeded as per law and filed the appeal on lawful justification and cogent grounds. Hence, the punishment is lawful and maintainable.


**GROUND:-**

- a. Incorrect, the order of punishment and appellate order are quite legal, originated from proper departmental enquiry, in accordance with law and maintainable.
- b. Incorrect, proper departmental enquiry was conducted. The appellant was given right of personal hearing and self defense. All principles of natural justice were observed. The appellant was found guilty of misconduct, and he was awarded punishment as warranted by the law.
- c. Incorrect, proper enquiry was conducted, in which allegations were thoroughly probed. The enquiry officer recorded the evidence in presence of appellant. Moreover, he was given right of personal hearing and self defense. All legal requirements were fulfilled during the departmental enquiry. Hence, the punishment is lawful and maintainable.
- d. Incorrect, the appellant was dealt with in accordance with law and relevant rules. So, the punishment awarded to the appellant holds legal force. The appellant was fairly and as per law.
- e. Incorrect, The appellate authority i.e. Regional Police Officer, Hazara Region, Abbottabad, proceeded as per law. He took into consideration all facts, circumstances, enquiry papers and relevant evidence. Being found guilty of misconduct, the punishment awarded by the District Police Officer, Haripur was upheld.
- f. Incorrect, the appellant was given right of defense and personal hearing during departmental enquiry. He was also afforded opportunity of personal hearing by the departmental authorities. Hence, the punishment is quite legal and maintainable.
- g. Legal.

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

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

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

  
District Police Officer,  
Haripur  
(Respondents No.3)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA, SERVICE  
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD**

SERVICE APPEAL NO.1338 /2019

Haq Nawaz, Constable No. 722, District Police Haripur.

..... (Appellant)

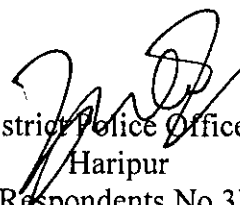
**VERSUS**

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

..... (Respondents)

**COUNTER AFFIDAVIT**

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

  
District Police Officer,  
Haripur  
(Respondents No.3)

خدمت جناب S.H.O صاحب خانپور

جناب عالی

گزارش خدمت یہیکہ سائل آج اپنے کبری ڈیم ممبری <sup>A.C.T</sup> 677 کی ڈرائیوٹ کے  
 سوار اور لپٹی ہی برائے خانپور جار یا تھا جب میں وجہاں سوچ میں پھنسا کہ ایک نو ہزار  
 لاکھ اسم و سکن نامعلوم نے جو سے کف مانگی جو میں نے مذکورہ کڈ گاڑی میں سوار کر  
 اور اس نے مجھے کہا کہ خانپور ڈیم کے اس کر کے اتر جائے گا جب ہم نے خانپور ڈیم کے اس کر کے  
 تھوڑا سا آگے آئے تو مالٹا شاہ سے پاس اٹھنے کے کہا کہ مالٹا شاہ پر گاڑی روکو والے منزلیہ  
 ہیں میں نے گاڑی روکی تو میرے ساتھ سوار شخص نے والے منزلیہ اور رقم دوکانہ روکی تو  
 پر سوار پانچ افراد نے آکر مجھے صبری گاڑی میں اتار کر گاڑی کی چابی زبردستی لے لی اور  
 مجھے دوکانے کے اندر لے گئے اور صبری جاوے ملاشی کی اور پھر صبری گاڑی کی جھن تلاشی کی اور ان  
 پانچ افراد میں ایک نے اپنے آپکو پولیس کا ملازم ظاہر کیا اور اپنا سروس کارڈ بھی دکھایا  
 اور پھر پولیس ملازم ظاہر کرنے والے شخص نے صبری گاڑی کی ڈرائیوٹ کی اور مجھے صبری  
 گاڑی میں سوار کر کے گاڑی ایک محلہ میں لے گئے اور محلہ کے ایک مکان میں پولیس ملازم نے اپنا کچھ  
 سامان لیا اور محلہ میں گاڑی واپس کر کے مجھے کہا کہ تمہیں چھانڈ لے جائے ہیں اور گاڑی والیہ  
 میں روڈ پر نکال کر بطور لہری لہری چلے گئے اور صبری گاڑی میں پڑی پڑی صبری رقم مبلغ 17 ہزار رو  
 نکال لئے اور مجھے کہا کہ منزلیہ 50 ہزار روپیہ مانگو اور وہ ہم تمہارے خلاف جعلی کرنسی اور  
 کا مقدمہ درج کرینگے پھر میں نے اپنے دوست کا قبولہ صاحب لہری سے کہنے کہ قدیم فنوار پتھر  
 ایسٹ آباد کے ساتھ بات کرٹی جس نے کافی دیر پولیس ملازم ظاہر کرنے والے شخص سے رقم  
 بات کی جسکی کافی دیر دوست سماعت کی تو مذکورہ پولیس ملازم ظاہر کرنے والے شخص سے رقم  
 مبلغ 17 ہزار روپیہ لے لیتے اور میرے دوست نے ایسٹ آباد سے ہڈیہ الہی پسیہ رقم  
 بھیجی جسے ہم نے ہری پور میں ٹوک کے قریب سے الہی پسیہ کی دوکان سے رقم مبلغ 17 ہزار  
 روپیہ وصول کر کے پولیس ملازم ظاہر کرنے والے شخص کے سوالہ کیے اور پھر مجھے اپنے  
 ساتھ لے جا کر سرائی ضلع میں لپٹی صبری اور صبری قومی شناختی کارڈ کی تصویب  
 نکال کر مجھے دھمکی دی یہیکہ اگر کوئی بات کی تو یہ تصویب میں نہیں ہو سکے  
 شناختی کرینگے جاتے ہوئے پولیس ملازم کے دیگر ایک ساتھی نے پولیس ملازم کو حقتو  
 کے نام سے کھارا تو مجھے پتہ چلا کہ پولیس ملازم کا نام حقتو زید ہے جسے  
 نے سرائی ضلع میں تھوڑا سا گاڑی دے چارے کے مجھے چھوڑا اور مذکورہ



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Handwritten text in the upper middle section.

Handwritten text at the top right.

Main body of handwritten text, appearing to be a detailed report or account.

Handwritten notes and signatures at the bottom left, including a date '24/2/2019'.

Official stamps and signatures at the bottom center, including 'District Police' and 'Haripur'.

Official stamps and signatures at the bottom right, including 'Forwarded' and 'District Police'.

1701

DISTRICT POLICE OFFICER,  
HARIPUR

No: 178 Dated 13/02/2019

Ph. # 0995-614712 / 0995-611291

Fax # 0995-614714

E-Mail: dpoharipur1@gmail.com

SHOW CAUSE NOTICE

1. That you FC Haq Nawaz No. 722 while posted at PS Khanpur have rendered yourself liable to be proceeded under Rules 5 (3) of the Khyber Pakhtunkhwa, Police E&D Rules 1975 for following misconduct:

*"That you while posted at PS Khanpur, it has come to notice of the undersigned vide Daily Diary No. 30 dated 23.02.2019, PS Khanpur, that on 23.02.2019 one Wasif Mehmood s/o Munsif Ali r/o Gani Qadeem Abbottabad was on the way towards Rawalpindi via Khanpur Road, meanwhile you have stopped and beaten him without any reason. You also threatened him and took Rs. 37000/- from him without any legal obligation. The applicant submitted application before SHO Khanpur for recovery of his amount. On his application the said amount was recovered from you and handed over to the above mentioned applicant. Your act not only defaced the image of Police but also created embarrassment for the department. This is gross misconduct on your part in terms Police E&D Rules 1975"*

2. That by reason of above, sufficient material is placed before the undersigned; therefore it is decided to proceed against you in general Police proceedings without aid of enquiry officer
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force
4. That your retention in the Police force will amount to encourage inefficient and unbecoming of good Police Officers;
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority, under the said rules, proposes stern action against you by awarding one or more of the penal punishments as provided in the rules;
6. You are therefore called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa, Police E&D Rules, 1975 for the misconduct referred to above
7. You should submit reply to this show cause notice within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.
8. You are further directed to inform for the undersigned that wish to be heard in person or not.

OHS

CP

District Police Officer,

Haripur

Received by

Date

*[Signature]*

2019

1701

Annex D

CHARGE SHEET

(1) I, Dr. Zabid Ullah, (PSP) District Police Officer, Haripur as competent authority hereby charge you EC. Haq Nawaz No. 722 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.

(Handwritten mark)

Dr. Zabid Ullah, (PSP)  
District Police Officer  
Haripur

DISCIPLINARY ACTION

1. Dr. Zahid Ullah, (PSP), District Police Officer, Haripur as competent authority of the opinion that you FC Haq Nawaz No. 722 have rendered yourself liable to be proceeded against as you committed the following acts/omissions within the meaning of Police Efficiency & Discipline Rules 1975.

STATEMENT OF ALLEGATION

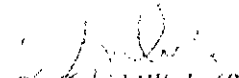
"That you, while posted at PS Khanpur, it has come to notice of the undersigned vide Daily Diary No. 30 dated 23.02.2019, PS Khanpur, that on 23.02.2019 one Masif Mehmood s/o Munsif Ali r/o Ganj Qadeem Abbottabad was on the way towards Rawalpindi via Khanpur Road, meanwhile you have stopped and beaten him without any reason. You also threatened him and took Rs. 37000/- from him without any legal obligation. The applicant submitted application before SHO Khanpur for recovery of his amount. On his application the said amount was recovered from you and handed over to the above mentioned applicant. Your act not only defaced the name of Police but also created embarrassment for the department. This is gross misconduct on your part in terms of Police E&D Rules 1975, hence charge sheeted"

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.

ASP Naddar Qadir Khan


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

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

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

2228 /PA, dated Haripur the 26 03 /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) FC Haq Nawaz No. 722 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

10/2

انترنل

فهرست انگیزشی برخلاف کتب - ۵۰ هزار ۷۲۲ مقیم در این کشور

شماره

تفصیل کاغذات

- ۱- چارج شیت هم سرکارف الیوشن هم دیگر کاغذات - " ۱۱
- ۲- جوان چارج شیت هم بیان حلقه اذون کتب حقوق از ۷۲۲ " ۴
- ۳- بیان اذون الزام هم کتب حقوق از ۷۲۲ " ۱
- ۴- بیان اذون ۱ مجاز علی ۵۱۱۵۰ شماره فاینوز هم درخواست اذون کسب - فرم درخواست نقل و انتزاع " ۴
- ۵- نوشتن برای تفصیل بنام کسب درخواست " ۲
- ۶- فاینوزنگ اید " ۲

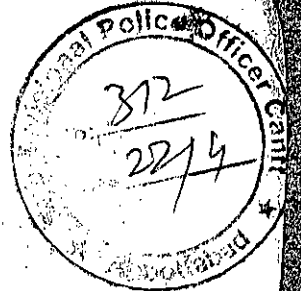
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میزان =

تفصیل کاغذات  
مطلبی  
مطلبی  
مطلبی

804 - SA  
CMM

ASD/111



D.S.P cantt:

For r/s N.

*[Signature]*  
VDP/111  
22/4/19

*[Signature]*

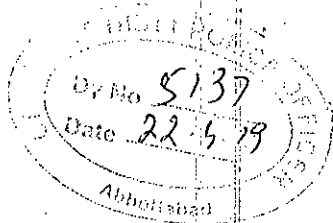
(No. P. Cantt)  
22-4-19

S.H.O Cantt

*[Signature]*

6

D.S.P Cantt 22-4-2019



مکاتیب

SDPC

NO: 172

22-4-19

کمیٹی کے رکن کے طور پر

پر ایک نوٹس

جناب عالی - کارکنان کے لئے ایک نوٹس جاری کیا گیا ہے جس میں ان کے حقوق اور ذمہ داریوں کے بارے میں بتایا گیا ہے۔

اس نوٹس کو 24 اپریل 2019ء کو پبلک آڈیٹنگ دفتر  
RASP میں پیش کیا گیا ہے۔ اس پر ایک نوٹس جاری کیا گیا ہے جس میں  
14.00 روپے کی رقم (14) کے

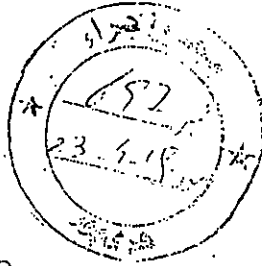
(172)

R. ASP - Saddar. MR

22-04-2019

0995

(6322218)



منجانب: اسٹنٹ سپرنٹنڈنٹ آف پولیس سرکل صدر ہری پور

بجانب: ضلعی پولیس آفیسر صاحب ہری پور

نمبر: ۲۰۶ مورخہ 14/05/2019

عنوان: محکمہ انکوائری بر خلاف کنشیل حق نواز نمبر 722

بحوالہ چارج شیٹ نمبر 30-228 مورخہ 26.03.2019 بر خلاف کنشیل حق نواز برائے انکوائری  
موصول ہوئی۔

الزام:

آپکی تھانہ خانپور میں بدوران تعیناتی بحوالہ مد 30 روز ناچہ 23.02.2019 تھانہ خانپور نوٹس میں آیا ہے کہ  
مورخہ 23.02.2019 آصف محمود ولد منصف خان سکند کچ قدیم ایبٹ آباد براستہ خانپور روڈ راولپنڈی جا رہا تھا کہ اسی دوران  
آپ نے اسے بلا وجہ روک کر مارا پیٹا۔ آپ نے اسے دھمکیاں دے کر اس سے 37000 روپے بغیر کسی قانونی جواز کے لئے  
۔ جس نے SHO خانپور کو اپنی رقم برآمدہ کرنے کے لئے درخواست دی۔ جسکی درخواست پر متذکرہ رقم آپ سے برآمد ہو کر  
درخواست دہندہ متذکرہ بالا کے حوالہ ہوئی۔ آپکے اس فعل نہ صرف سے محکمہ پولیس کا وقار خراب ہوا ہے بلکہ محکمہ پولیس کے لیے  
شرمندگی کا باعث بنا جو پولیس رولز 1975 کے تحت سنگین بدعنوانی ہے۔

کاروائی۔

انکوائری کا آغاز کرتے ہوئے الزام علیہ کنشیل حق نواز نمبر 722 کو دفتر طلب کر کے سنا گیا اور تحریری بیان لیا گیا  
جس نے بتلایا کہ مسمی واصف محمود ولد منصف علی سکند کچ قدیم ایبٹ آباد درخواست دہندہ سے میرالین دین تھا جو واصف محمود نے  
میرے چالیس ہزار روپے لین دین میں ادا کرنے تھے مورخہ 23.02.2019 کو میں بصورت تبادلہ تھانہ خانپور سے تھانہ سرائے  
صالح جا رہا تھا کہ نزد خانپور ڈیم واصف محمود مذکورہ مجھے دکھائی دیا میں نے واصف محمود سے اپنے پیسوں کا مطالبہ کیا جس پر وہ آمادہ  
فساد ہو گیا وہاں پر موجود لوگوں کی مداخلت سے واصف محمود نے مجھے 37000 ہزار روپے دیئے اور معاملہ رفع دفع ہو گیا۔ جو بعد  
میں میرے خلاف واصف محمود نے تھانہ خانپور میں 37000 ہزار روپے زبردستی لینے کی درخواست دی۔ جس پر مجھے تھانہ خانپور  
میں طلب کیا گیا۔ میں فوری طور پر تھانہ خانپور چلا گیا جہاں پر واصف محمود اور اسکے ساتھ چند اشخاص اور بھی موجود تھے جو ہمارے  
درمیان اس لین دین پر جگہ ہو کر معاملہ حل ہو گیا جو اسی لین دین کے سلسلہ میں واصف محمود نے مجھے ایک شامپ پیپر بھی لکھ کر دیا  
کہ ہمارا آپس میں لین دین تھا شامپ پیپر ہمراہ لف ہے جو درخواست دہندہ نے اپنی بے عزتی سمجھ کر میرے خلاف جھوٹی  
درخواست دی ہے میں بے گناہ ہوں۔

درخواست دہندہ واصف محمود کو بار بار بذریعہ فون اطلاع دی کہ وہ معذگواہان دفتر زیر دستخطی حاضر ہو مگر حاضر نہ ہوا اسی طرح  
بذریعہ SHO تھانہ کینٹ ایبٹ آباد تحریری نوٹس کے ذریعے بھی طلب کیا گیا مگر باوجود تمیل کے حاضر نہ ہوا اور نہ ہی کوئی گواہ پیش  
کیا۔

اسی طرح SHO تھانہ خانپور کو طلب کر کے سنا گیا اور تحریری بیان لیا گیا جس نے بتلایا کہ مورخہ 23.02.2019 کو مسمی واصف  
محمود ولد منصف علی سکند کچ قدیم ایبٹ آباد نے ایک درخواست بر خلاف الزام علیہ کنشیل حق نواز نمبر 722 تھانہ خانپور میں دی کہ



کنشیل حق نواز نے اس سے رقم مبلغ 37000 ہزار روپے زبردستی لی ہے۔ اور اسے دھمکیاں وغیرہ دیں جس پر کنشیل حق نواز کو تھانہ طلب کیا گیا جو حاضر تھانہ ہوا۔ درخواست دہندہ کے ساتھ چند اشخاص اور بھی تھے جنہوں نے آپس میں بات چیت کر کے بروئے جرمہ معاملہ حل ہونا بتلایا اور الزام علیہ کنشیل نے واصف محمود سے رقم 37000 ہزار روپے لینا تسلیم کر کے رقم واپس کی۔ جو حوالہ درخواست دہندہ ہوئی۔ درخواست دہندہ نے روبرو جرمہ معاملہ حل ہونا اور اپنی درخواست پر کسی قسم کی قانونی کارروائی نہ کرانا بتلایا اور تحریری طور پر لکھ کر بھی دیا جسکی رپورٹ بحوالہ مد نمبر 30 روزنامہ 23.02.2019 درج کی گئی۔ اور فریقین کو رخصت کیا گیا بعد میں درخواست دہندہ واصف محمود نے بذریعہ فون مجھے بتلایا کہ کنشیل حق نواز کا اسکے ساتھ لین دین تھا۔ جس سلسلہ اس نے حق نواز کو بیان حلفی بھی لکھ کر دی ہے درخواست ازان واصف محمود، نقل رپٹ اور نقل بیان حلفی ہمراہ لف ہیں۔ بیان حلفی کا بھی مطالعہ کیا گیا جس میں درخواست دہندہ نے تحریری طور پر لکھ کر دیا ہے کہ اسکا اور حق نواز کنشیل کا آپس میں لین دین تھا اس نے حق نواز کی رقم دینی تھی۔ حق نواز نے اسے خانپور ڈیم کے قریب دیکھ کر اسے پکڑ کر رقم کی واپسی کا مطالبہ کیا اور لوگوں کے سامنے اس سے ہاتھ پائی کی۔ اور اس نے حق نواز کو 37000 دیئے۔ جو اس نے اپنی بے عزتی سمجھ کر غصہ میں آکر حق نواز کے خلاف درخواست گزاری جو حقیقت پر مبنی نہ ہے۔

فائنڈنگ:

دوران انکوائری حالات واقعات سے اس نتیجہ پر پہنچا ہوں کہ الزام علیہ کنشیل حق نواز نمبر 722 مورخہ 23.02.2019 کو بصورت تبادلہ تھانہ خانپور سے تھانہ سرائے صالح روانہ ہوا۔ جس نے خانپور ڈیم کے پاس درخواست دہندہ واصف محمود کو روک کر اس سے رقم مبلغ 37000 ہزار روپے لئے۔ جس سلسلہ میں واصف محمود نے تھانہ خانپور میں الزام علیہ کنشیل کے خلاف درخواست دی۔ SHO تھانہ خانپور نے الزام علیہ کنشیل کو طلب کیا جو تھانہ خانپور حاضر ہوا جس نے رقم لینا تسلیم کیا جڑکا آپس میں جرمہ میں معاملہ حل ہوا۔ اور رقم مبلغ 37000 روپے درخواست دہندہ کو واپس کی۔ درخواست دہندہ نے روبرو جرمہ تحریری طور پر لکھ کر دیا کہ وہ اپنی درخواست پر کسی قسم کی قانونی کارروائی کا خواہاں نہ ہے۔ اور بعد میں ایک بیان حلفی بھی تحریر کر کے دی کہ حق نواز کے ساتھ اسکا لین دین تھا جس وجہ سے حق نواز نے اس سے 37000 ہزار روپے لئے تھے۔ اس نے جو درخواست برخلاف کنشیل حق نواز تھانہ خانپور میں دی تھی وہ حقیقت پر مبنی نہ ہے۔ درخواست دہندہ بار بار طلبی کے باوجود حاضر نہ ہوا اگر وہ خود حاضر ہوتا تو جملہ حقیقت سامنے آ جاتی۔ تاہم حق نواز کنشیل کا اگر درخواست دہندہ واصف محمود کے ساتھ کوئی لین دین تھا تو وہ قانونی چارہ جوئی کرتا۔ نہ کہ قانون کو خود اپنے ہاتھ میں لیتا۔ تاہم بیان حلفی کی حقیقت کو مد نظر رکھتے ہوئے الزام علیہ کنشیل کو آئندہ محتاط

رہے گا۔ اس کے ساتھ ساتھ اس کی گزارش کی جاتی ہے انکوائری رپورٹ مرتب ہو کر گزارش خدمت ہے۔

اسٹنٹ سپرنٹنڈنٹ آف پولیس،  
سرکل صدر ہری پور

OB No 361

27-02-2019

District Police Officer  
Haripur

Forfeited of 9 years approved service Reinstated in service

حساب عالی

شماره چارج شیڈ، نمبر PA/30-228-30/19 مورخ 26 جولائی 2019ء م D P O سے شریکار لائسنس  
مردوں خرمیت ہونے کے صورت میں  $5 \frac{3}{19}$  چارج D P O سے شریکار لائسنس کی جانب سے شریکار لائسنس  
میں ملے گا۔ اس شریکار لائسنس میں بھی وہی دہانہ نصف علیٰ حق ہے اور ان  
کے ساتھ کچھ دیگر اہمیت آباد نے مجھ سے الزام لگایا کہ مبلغ 37 ہزار روپے کی سٹیٹیشن  
کھانا بنیاد کے لیے چارج ٹھکانہ خانیوڑ میں درخواست دی تھی۔

جیسا مجھے ٹھکانہ خانیوڑ نے مال فزول میں بتایا تو میں فوراً طور پر ٹھکانہ خانیوڑ  
میں گیا۔ وہاں پر اور بھی چیز لگائی ہوئی تھی جن کے سامنے جگہ میں ان لوگوں  
کو بتلایا کہ وہاں چھوڑنے سے پہلے یہاں پر روپے لپٹیں دین میں ادائیگی ہے۔  
اور اس لپٹ دین کے سلسلے میں اس وقت اس کے پاس 37 ہزار روپے  
چھوڑے آگئے۔ اس کے علاوہ نہ تو وہاں چھوڑنے کوئی چیز آگئی تھی۔ وہ نہ ہی  
میں کوئی اتنا بڑا اتنا تھا۔ کہ وہ مجھے اتنی رقم دینا۔ قصص اس نے اپنی  
بے عزتی سمجھ کر میرے خلاف سٹیٹیشن درخواست دی ہے جو یہاں پر  
میں اپنے دماغ میں

اس سلسلے میں وہاں چھوڑنے درخواست دہندہ نے ایک اسٹامپ لگا کر  
پر بیان حل کرنے پر کچھ کر کے دیا ہے۔ اس پر اس نے بیان حل کرنے کا اشارہ  
تھا۔ جو حل نہیں ہے۔ اگر معاملہ اس کے پاس نہیں ہے۔ تو درخواست دہندہ  
کے بیان حل کرنے لگے کر دینا۔

جیسا کہ میں اس سے قبل بتا رہا تھا اس وقت شریکار لائسنس میں یہ چارج  
ہیں۔ میرا میں بیان ہے۔ اگر درخواست دہندہ کی درخواست میں  
کوئی مہارت ہوگی۔ تو مزبورہ کہیں یہ بیان حل کر کے دینا۔  
مجھ پر لگائے گئے۔ الزام درخواست دہندہ نے اپنی بے عزتی سمجھ کر میں نے  
اور بنیاد لگائی ہے۔ درخواست دہندہ کو طلبہ کے بارے میں اس کے پاس

اسٹامپ طلبہ درخواست ہے بنیاد ہے۔ چارج طلبہ داخل دائرہ شریکار لائسنس

حق کو لگائی ہے 722-228-30/19 مورخ 26 جولائی 2019ء م D P O سے شریکار لائسنس

$5 \frac{3}{19}$

بیان اذکار کثیر حقنواں پر 72 متعین چوبیس لاکھ روپے کا

برائے بیان تمام مہینے قبل اذکار کثیر سے بیان

شعبہ کا جو جو اذکار ہے - مہینہ سے بیان لکھوا جائے -

جو کتب سے ہے -

بیان

8.5.9



نقل ریٹ 30 روز ناچ 23<sup>2</sup>/<sub>19</sub>

۳۴ لے ایچ ایچ  
امپتھوڈ دل سسٹم کے لیے

30 رنوٹ SHO 23<sup>2</sup>/<sub>19</sub> وقت 23:30 بجے زون فیصلہ کی درخواست  
کننگ قدیم ایب آباد نے سیرا 10/05 عام ریمانڈ آفیسر کے پاس  
مکملہ کننگ قدیم ایب آباد نے سیرا 10/05 عام ریمانڈ آفیسر کے پاس  
ایچ پراسیڈنٹ خانپور اولڈ میڈیا کارڈ تھا۔ اس کے ساتھ ساتھ  
مسئلہ معلوم کیا گیا کہ اس کی تلافی کے لیے اس کے ساتھ ساتھ  
روڈ لے آؤٹ۔ اس کے ساتھ ساتھ اس کے ساتھ ساتھ اس کے ساتھ ساتھ  
لوڈ لے آؤٹ فیصلہ درخواست کے لیے اس کے ساتھ ساتھ اس کے ساتھ ساتھ

بسامان جی ڈی کے ساتھ ساتھ اس کے ساتھ ساتھ اس کے ساتھ ساتھ  
لینا گیا۔ کو طلب کیا گیا ہے وقوع قذحہ کے ساتھ ساتھ اس کے ساتھ ساتھ  
رقم مبلغ ریپورٹ کے ساتھ ساتھ اس کے ساتھ ساتھ اس کے ساتھ ساتھ  
نے روڈ لے آؤٹ گوانٹن کر کے ساتھ ساتھ اس کے ساتھ ساتھ اس کے ساتھ ساتھ  
بھی کرنا چاہتا ہے۔ رنوٹ درج روز ناچ کی ساتھ ساتھ اس کے ساتھ ساتھ  
پر ملازم پولیس کے ساتھ ساتھ اس کے ساتھ ساتھ اس کے ساتھ ساتھ  
مزید پڑھائی جا یا بت پڑے گی۔ تاہم مذکورہ مع نقل حکم پولیس کے ساتھ ساتھ  
یا بت ہے۔ رنوٹ درج روز ناچ کے ساتھ ساتھ اس کے ساتھ ساتھ اس کے ساتھ ساتھ  
اٹھران بلا کی قوت میں ارسال ہوا

نقل ریٹ

نقل ریٹ  
M.T. P.S.K. P.K.  
23-2-19

ORDER

Constable Haqnawaz No.722, while posted at PS Khanpur, it came in the notice of undersigned, vide daily diary No.30 dated 23.02.2019, PS Khanpur, that on 23.02.2019 one Wasif Mehmood s/o Munsif Khan r/o Ganj Qadeem, District Abbottabad, was on the way towards Rawalpindi, Via Khanpur Road. Meanwhile, he stopped him and beaten him without any reason. He also threatened him and took Rs.37000/- without any legal obligation. In this regard, the applicant submitted application before the SHO PS Khanpur, for recovery of his amount. On his application the said amount was recovered by Constable Haqnawaz and handed over to applicant Munsif Khan. The acts and omissions of defaulter police official were misconduct under Khyber Pakhtunkhwa, police efficiency and discipline rules 1975. Therefore, He was served with charge sheet and statements of allegations, vide this office order No.228-30/PA dated 26.03.2019.

To probe the allegations, Mr. Muhammad Qais Khan, DSP/Saddar, District Haripur, was appointed as enquiry officer, who conducted proper departmental enquiry and submitted his finding, vide his office Memo No.207 dated 14.05.2019. In which, he mentioned that and held the charges of misconduct proved against defaulter police officer. Therefore, enquiry officer recommended him for appropriate punishment.

Having gone through enquiry papers recommendation of enquiry officer and personal hearing of accused Constable Haqnawaz No.722. He could not produce any plausible ground in his defense. Based on the above facts & finding, the charges of misconduct against the defaulter police officer stands proved. I am fully satisfied that Constable Haq Nawaz committed gross misconduct. Therefore, I, Dr. Zabid-Ullah District Police Officer, Haripur being competent authority under Khyber Pakhtunkhwa police efficiency and discipline rules 1975, awarded minor punishment of "forfeiture of approved service for 02 year" with immediate effect.

Order announced.

OB No. 361 dated 27.05.2019

*Entered in his  
Service record  
28/5/2019*

*[Signature]*  
District Police Officer  
Haripur 2

Amira 9

Haripur  
21/09/19

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 submitted by Constable Haq Nawaz No.722 of Haripur against the order of punishment i.e. *Forfeiture of two years approved service* awarded to him by the District Police Officer, Haripur vide his OB No: 361, dated 27.05.2019.

Facts leading to punishment awarded to him are that he while posted at PS Khanpur, it came into the notice of DPO Haripur vide daily diary No.30 dated 23.02.2019 PS Khanpur that on 23.02.2019 one Wasif Mehmood s/o Munsif Khan t/o Ganj Qadeem District Abbottabad was on the way towards Rawalpindi Via Khanpur Road, meanwhile he stopped and beaten him without any legal reason. He also threatened him and took Rs. 37000/- from him without any legal obligation. In this regard the applicant submitted application before SHO Khanpur for recovery of his amount. The said amount was recovered from Constable Haq Nawaz and handed over to applicant Munsif Khan

After receiving his appeal, comments of DPO Haripur were obtained and examined/ perused. The undersigned called him in O.R on 16.09.2019, heard him in person and discussed with DPO. His Corrupt practices can not be tolerated therefore his appeal is filed.

*[Signature]*  
REGIONAL POLICE OFFICER  
Hazara Region Abbottabad

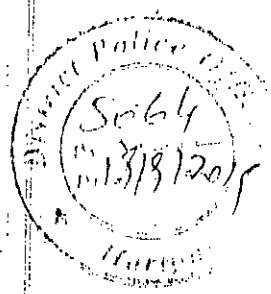
No. 3316 /PA, dated Abbottabad the 18/9 /2019.

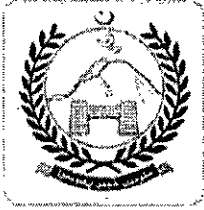
Copy of above is forwarded to the District Police Officer, Haripur w/r to his office letter No: 5335, dated 19-08-2018 for information and necessary action. Service Roll & Fanji Missal containing enquiry file are returned for your office record.

DHC/SRL  
FAR information  
21/9/19

*[Signature]*  
REGIONAL POLICE OFFICER  
Hazara Region Abbottabad

DPO-HR  
19-09-19





**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 2246 /ST

Dated: 15/11 /2021

All communications should be  
addressed to the Registrar KPK Service  
Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262

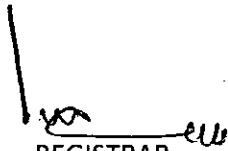
To

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

Subject: JUDGMENT IN APPEAL NO. 1338/2019 MR. HAQ NAWAZ.

I am directed to forward herewith a certified copy of Judgement dated  
12.10.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR