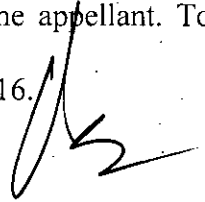


09.05.2016

None for the appellant present. Mr. Muhammad Ghani, S.I  
alongwith Mr. Muhammad Jan, GP for respondents present.  
Notices be issued to the appellant/counsel for the appellant. To  
come up for rejoinder and arguments on 29.09.2016.



Member

29.09.2016

None for the appellant present. Mr. Muhammad Ghani, S.I  
alongwith Mr. Ziaullah, GP for respondents present. Fresh notices  
be issued to the appellant and his counsel. To come up for  
rejoinder and arguments on 09.02.2017.



(ABDUL LATIF)  
MEMBER



(PIR BAKHSH SHAH)  
MEMBER

09.02.2017

None present for appellant. Asst: AG alongwith Mr.  
Khalid Mehmood, H.C for respondents present. The court  
time is about to over but non-appeared on behalf of the  
appellant nor the appellant was present in person despite  
issuance of the notice to appellant and his counsel, therefore,  
the instant appeal is hereby dismissed in default. --File be  
consigned to the record room.

ANNOUNCED:  
09.02.2017



(ASHFAQUE TAJ)  
MEMBER

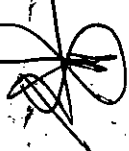


(MUHAMMAD AAMIR NAZIR)  
MEMBER

21.12.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Inspector Investigation when subjected to inquiry and, consequently, compulsorily retired from service vide order dated 10.12.2013 which was assailed by the appellant in departmental appeal followed by service appeal which was finally decided in favour of the appellant on 14.1.2015 reinstating the appellant in service with the directions that de-novo inquiry be conducted and that back benefits would be subject to the outcome of de-novo inquiry.

Appellant Deposited  
Security & Process Fee



That the appellant was subjected to de-novo inquiry and exonerated from the charges vide order dated 9.6.2015 but back benefits were declined and period of absence was treated as leave without pay where against appellant preferred departmental appeal which was rejected on 4.11.2015 and hence the instant service appeal on 30.11.2015.

That since the appellant was reinstated in service and exonerated from the charges as such he was entitled to back benefits which order is violative of law.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 23.2.2016 before S.B.

  
Chairman

23.02.2016




Counsel for the appellant and Mr. Muhammad Ghani, S.I alongwith Addl: A.G for respondents present. Written statement by respondents No. 1, 3 and 4 submitted. The learned Addl: AG relies on the same on behalf of respondent No. 2. The appeal is assigned to D.B for rejoinder and final hearing for 9.5.2016.

  
Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 1338/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	01.12.2015	<p>The appeal of Mr. Muhammad Rauf resubmitted today by Mr. Shah Faisal Utmankhel Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	2-12-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>03-12-2015</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
3	03.12.2015	<p>None present for appellant. The appeal be relisted for preliminary hearing for 21.12.2015 before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Muhammad Rauf Inspector Investigation Police Line Swabi received to-day i.e. on 30.11.2015 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellants.
- 2- Copy of departmental appeal is not attached with the appeal which may be placed on it.

No. 1825 /S.T,

Dt. 1/12 /2015

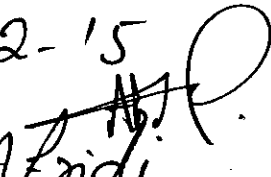
  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Shah Faisal Utmarkhel Adv. Pesh.

① The departmental appeal is not available presently, because the same is with the department and the appellants will submit the same later on.

② Signed

Resubmitted on 01-12-15

  
Abdul Rauf Afridi  
Adv.

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR

Services Appeal No. 1338 /2015


Muhammad Rauf

VERSUS


Provincial Police

INDEX

S.No	Description	Annexure	Pages
1.	Grounds of Services appeal		2-6
2.	Affidavit		7
3.	Copy of order no. 5792-94/ES dated 10/12/2013	A	8
4.	Copy of the appeal before this Honourable court	B	9-14
5.	Copy of order dated 14/01/2015	C	15-16
6.	Copy of order no. 848/ES, dated 09/02/2015	D	17
7.	Copy of the denovo inquiry order 3472-74/ES, dated 09/06/2015	E	18
8.	Copy of order No. 2326/E-II, dated 05/11/2015	F	19
9.	Copies of the relevant order / record of other persons	G1 + G2.	20-23
10.	Wakalat Nama		End.

  
Appellant

Through

  
SHAH FAISAL UTMANKHEL,

&

ABDUL RAUF AFRIDI, 

Advocates, High Court Peshawar

(2)

2

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL,

PESHAWAR

In Re: -

Services Appeal No. 1338 /2015

M.W.F. Province  
Service Tribunal  
Diary No. 1392  
Dated 30-11-2015

Muhammad Rauf, Inspector Investigation, Police Lines CO Headquarters,  
Shah Mansoor, Swabi.

... APPELLANT

VERSUS

1. Provincial Police officer, Peshawar.
2. Government of Khyber Pakhtunkhwa through Chief Secretary Peshawar.
3. Additional Inspector General of Police Establishment.
4. Deputy Inspector General of Police Mardan Region-I, Mardan.

... RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 09/06/2015 OF RESPONDENT NO. 4 AND ORDER 04/11/2015 PASSED BY THE RESPONDENT NO. 1 TO THE EXTENT OF REFUSING BACK BENEFITS TO THE APPELLANT

PRAAYER: -

ON ACCEPTANCE OF THIS APPEAL THE IMPUGNED ORDERS DATED 09/06/2015 OF RESPONDENT NO. 4 AND ORDER 04/11/2015 PASSED BY THE RESPONDENT NO. 1 BE SET ASIDE TO THE EXTENT OF REFUSING BACK BENEFITS AND BACK BENEFITS BE GRANTED TO THE APPELLANT W.E.F COMPULSORY RETIREMENT OF THE PETITIONER TILL HIS RE-INSTAEMENT

*[Handwritten signature]*  
30/11/15

re-submitted to-day and filed.

*[Handwritten signature]*  
Registrar 15/12/15

3

RESPECTFULLY SHEWETH,

1. That the appellant joined the KPK police department as a Constable on 02/01/1982 and after passing various departmental examinations he was promoted to rank of Inspector.
2. That till the date of the compulsory retirement dated 10/12/2013 the appellant served Police department with utmost dedication, honesty and high professionalism, he rendered meritorious services in more than 18 police stations of police department in KPK as an SHO.
3. That 23/10/2013 respondent no.4 initiated disciplinary action under the KP Police Rules 1975 without any private or official complaint, information and served him with statement of allegations vide notice no. 4825-29/ES dated 23/10/2013, he was also charge sheeted with the allegations of bad reputation in terms of inefficiency, corruption and involvement in the criminal activities.
4. That an inquiry was conducted against the appellant to which the appellant filed written reply to the said Charge sheet / allegations and also appeared before the respondent / inquiry officer.
5. That after conducting the so called inquiry, by conducting the so called inquiry DSP Mardan about the so called unfounded, wind-fallen immovable properties of appellant gave his findings whereas the said inquiry officer found the appellant corrupt and in efficient, whereas the allegations / charge of involvement with criminal activities was not proved.
6. That on the basis of said inquiry the inquiry officer recommended major punishment for tented service record plus bad performance of his duties in police department.

7. That on the recommendations of respondent / inquiry officer respondent no.4 awarded the appellant with major punishment of compulsory retirement vide its order no. 5792-94/ES dated 10/12/2013 in the exercise of his powers under the KP police rule 1975. (Copy of order no. 5792-94/ES dated 10/12/2013 is attached as annexure A).
8. That feeling aggrieved of the entire process of inquiry, inquiry report and the impugned order of respondents the appellant preferred a departmental appeal to respondents against the said order.
9. That the appellant waited for response of respondents in respect of his departmental appeal till last day of statutory period, but of no avail and the appellant filed an appeal to this Honourable court. (Copy of the appeal before this Honourable court is attached as annexure B).
10. That this Honourable court vide order dated 14/01/2015 set aside the impugned order dated 10/12/2013 of compulsory retirement of the appellant and appellant was re-instated in the service and the case was remitted back to the competent authority placing the authority at liberty to conduct denovo departmental inquiry against the appellant in accordance with law, service benefits of the appellant were subjected to the denovo inquiry. (Copy of order dated 14/01/2015 is attached as annexure C).
11. That thereafter in compliance of the order dated 14/01/2015 the appellant was re instated in service vide office order no. 848/ES, dated 09/02/2015, in which he was re-instated and nominated inquiry officer to conduct the denovo inquiry against the appellant. (Copy of order no. 848/ES, dated 09/02/2015 is attached as annexure D).
12. That after conducting the denovo inquiry appellant was exonerated from the charges leveled against the appellant as the appellant was not found guilty of any charges, but the period for which he remained out of service was



treated as leave without pay. (Copy of the denovo inquiry order 3472-74/ES, dated 09/06/2015 is attached as annexure E).

13. That thereafter the appellant feeling aggrieved made a departmental representation to respondent no.1 against the non grant of back benefits in denovo inquiry order 3472-74/ES, dated 09/06/2015 and the said departmental representation of the appellant was rejected vide order No. 2326/E-II, dated 05/11/2015. (Copy of order No. 2326/E-II, dated 05/11/2015 is attached as annexure F).
14. That now the appellant feeling extremely aggrieved from both the orders of respondent no. 1 and 4 now approaches this Honourable Court on the following grounds inter alia: -

GROUND: -

- A. That both the impugned orders passed by respondents to the extent of withholding of back benefits is against the law, facts and record of the case, hence untenable.
- B. That respondents being public functionaries are under obligation to give full effect to order passed by tribunal and implement the same under the spirit.
- C. That withholding back benefits of the appellant for no reason amounts to defeat of the lawful order passed by the services tribunal which is not been challenged by respondents which is still intact so action of respondents of withholding back benefits is illegal and not sustainable in the eyes of law.
- D. That it was not mandate for the respondent to impose punishment on appellant beyond the mandate given by services tribunal to conduct denovo proceedings.

6

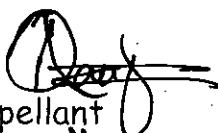
6

- E. That alleged enquiry for the sake of arguments is deemed to be correct than the punishment recorded by the respondents is not consonance with findings of enquiry report so on this score alone impugned order is liable to be set aside to the extent of withholding of back benefits.
- F. That in similarly nature of cases other persons were granted back benefits, but the appellant was treated with discrimination. (Copies of the relevant order / record of other persons is annexed as annexure G).
- G. That other grounds not raised here would be raised at the time of arguments with the prior permission of this Honourable Court.

It is, therefore, requested on acceptance of this appeal the impugned orders dated 09/06/2015 of respondent no. 4 and order 04/11/2015 passed by the respondent no. 1 be set aside to the extent of refusing back benefits and back benefits be granted to the appellant w.e.f compulsory retirement of the petitioner till his re-instatement

Dated: 28/11/2015

Through

  
Appellant

SHAH FAISAL UTMANKHEL,

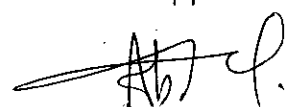
&

ABDUL RAUF AFRIDI,

Advocates, High Court Peshawar

**CERTIFICATE:**

Certified that as per instructions of my client no such like services appeal has earlier been filed.

  
Advocate

7

7

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,  
PESHAWAR

Services Appeal No. \_\_\_\_\_/2015

Muhammad Rauf

VERSUS

Provincial Police

AFFIDAVIT

I, Muhammad Rauf, Inspector Investigation, Police Lines CO Headquarters, Shah Mansoor, Swabi, do hereby solemnly affirm and declare on oath that the contents of the instant services appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Forum.

*[Signature]*  
TESTED

*[Signature]*  
DEPONENT

Identified by:

*[Signature]*  
SHAH FAISAL UTMANKHEL,  
Advocate, High Court Peshawar



Compulsory Retired. (Annexure 'A')

8

ORDER.

This order will dispose-off a departmental enquiry, under NWFP Rules 1975, initiated against Inspector Abdur Rauof of Investigation Wing, now under suspension at Police Lines, Mardan for corruption, inefficiency and involvement in criminal's activities.

In this connection, Inspector Abdur Rauof is suspended and closed Police Lines and charge sheet was issued vide this office endorsement No. 4829-3 dated 23.10.2013 and also proceeded him against departmentally through Mr. Naseeb Jan Deputy Superintendent of Police Headquarter, Mardan who after going through necessary process the allegation established against him, submitted his findings to the undersigned who recommended him for major punishment.

The undersigned is agreed with the findings of enquiry Officer and alleged Inspector Abdur Rauof is compulsory retired from service in exercise of the power vested me under the above quoted rules.

ORDER ANNOUNCED.

(MUHAMMAD SAEED)PSP  
Deputy Inspector General of Police,  
Mardan Region-I, Mardan.

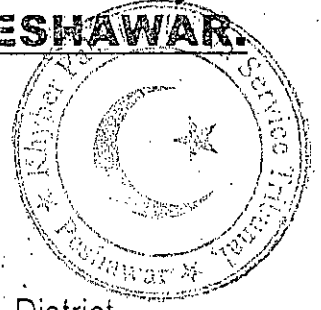
No. 5792-94/ES, Dated Mardan the 10/12/2013.

- Copy forwarded to the:-
1. Provincial Police Officer, Khyber Pukhtunkhwa, Peshawar for favour of information please.
  2. District Police Officer, Mardan for information and necessary action.
  3. Superintendent of Police Investigation, Mardan for information.
- He may be informed accordingly.

(\*\*\*\*\*)

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be true  
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~~Abd~~

**IN THE K.P.K SERVICE TRIBUNAL, PESHAWAR.**



In RE:-  
Service Appeal No:- 398 /2014

Muhammad Rauf Inspector, investigation wing District  
Police Mardan now compulsory retired.  
R/O Sheikh Maloom Mardan..... Appellant

**Versus**

W.P. No. 411  
2013/14

1. Deputy Inspector General of Police, Mardan Region-I, Mardan.
  2. The Provincial Police Officer, K.P.K, Peshawar.
  3. Deputy Superintendent of Police, Headquarter, Mardan.
  4. District Police Officer, Mardan.
  5. The Government of K.P.K, through Chief Secretary, Peshawar.
- ..... Respondents

*Attested to be true copy*  
*Abdullah*

APPEAL U/S 4 OF THE K.P.K SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER DATED 10/12/2013; PASSED BY RESPONDENT NO 1 WHEREBY THE APPELLANT WAS AWARDED PUNISHMENT OF COMPULSORY RETIREMENT.

May it please your honour:-

The brief facts of the instant case are as under:-

20/3/14

1. That the appellant joined the K.P.K Police Department as a Constable on 02/01/1982 and after passing various departmental examinations, he was promoted to the rank of Inspector.

That till the date of the impugned order, the appellant served the Police Department with utmost dedication, honesty and high professionalism. He rendered

*Handwritten signature and date*  
*20/3/14*  
*Seal of the K.P.K Service Tribunal, Peshawar*

10

meritorious services in more than 18 police stations of Police Department in K.P.K as SHO.

3. That on 23/10/2013 respondent No 1 initiated disciplinary action under N.W.F.P. Police Rule, 1975 without any private or official complaint, information and served him with statement of allegations vide notice No 4825-29/ES dated 23/10/2013. He was also charge sheeted with the allegations of bad reputation in terms of "inefficiency", "corruption" and "involvement in criminal activities". (Copies of statement of allegation and charge sheet are attached as annexure "A/1" & "A/2" respectively).
4. That consequent to the service of statement of allegations, respondent No 3 was appointed as inquiry officer w/s 6(i) (a) of the N.W.F.P. Rules, 1975 for conducting the so-called enquiry.
5. That the appellant filed written reply to the said charge sheet/allegations of respondent No 3 and also appeared before the respondent No 5 inquiry officer. (Copy of written reply dated 01/11/2013 is attached as annexure "B").
6. The inquiry officer/respondent No 3 received the written reply and after conducting the so-called inquiry by obtaining the so-called inquiry DSB Mardan about the so-called unfounded, wind-fallen immovable properties/assets of appellant, gave his findings whereas the said inquiry officer found the appellant corrupt and inefficient whereas the allegations/charge of involvement with criminal activities was not proved.
7. That on the basis of said inquiry, the inquiry officer/respondent No 3 recommended major punishment for tainted service record plus bad performance of his duties in police department. (Copy of inquiry report dated 09/12/2013 & report of DSB

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Copy  
A/B

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Mardan are attached as annexure "C/1" "C/2" respectively).

11

8. That on the recommendations of respondent No 3/inquiry officer, the respondent No 1 awarded the appellant with major punishment of compulsory retirement vide its order No 5792-94/ES dated 10/12/2013 in exercise of his power under the N.W.F.P Police Rules of 1975. (Copy of orders is attached as annexure "D").
9. Feeling aggrieved of the entire process of inquiry, inquiry report and the impugned order of respondent No 1 the appellants preferred an departmental appeal to respondent No 2 against the said order, whereby the order dated 10/12/2013 was challenged on various factual and legal grounds. (Copy of the departmental appeal is attached as annexure "E").
10. That the appellant waited for the response of respondent No 2 in the respect of his departmental appeal till last day of statutory period, but of no avail. Hence the instant appeal.
11. That appellant, feeling aggrieved of the order No 5792-94/ES/dated 10/12/2013 of respondent No 1 and having no response of respondent No 2 to the departmental appeal of the appellant till the last day of statutory period, impugns, challenges, questions the same and seeks the indulgence of this Honourable Tribunal through the instant appeal on the following amongst others grounds:-

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be true  
Copy  
[Signature]

**Grounds:-**

- A. That the impugned order whereby the appellant was awarded with the major punishment of compulsory retirement from the police department of K.P.K, is highly arbitrary, whimsical against the well

established principles of law and justice. Hence it is liable to be set aside.

- B. That the impugned order has been passed in utter violation of the principles of natural justice which says: "No person should be condemned unheard". During the entire proceeding from the start to the moment of passing of impugned order, the appellant has not been provided with adequate opportunity of hearing and to defend himself in appropriate manner. Thus he has been condemned unheard. Hence the impugned order violates the principles of natural justice and is liable to be set aside.
- C. That the charges leveled against the appellant are baseless, unfounded & uncalled.
- D. That the appellant has served the Police Department with utmost dedication, honesty & transparent manner. He joined the Police Department as Constable and was promoted to the rank of Inspector by passing various departmental examination. He served the Police Department & was made incharge of various Police Stations in Police Department as SHO. He has a good service record to his credit. He earned meritorious certificate for his excellent service etc.
- E. That the inquiry report speaks volumes of malafide, vendetta & victimization of the appellant. The charges leveled against the appellant are unsustainable for a number of reasons.
- F. The allegations leveled against the appellant are false, baseless and based on personal/political grudges with malafide intention.
- G. That inquiry officer, neither collected any kind of proof regarding the allegations against the appellant, nor recorded a statement of a single person in support of the allegations.

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 [Signature]



H. That there is no iota of evidence to connect the appellant with the allegations. Hence the allegations are of superficial nature.

I. That appellant has not been given any opportunity of "personal hearing" by the competent authority at the time of passing of impugned punishment order, which is contrary to the N.W.F.P Police Rules, 1975, and relevant services rules regulations. Hence great injustice was committed by respondents to the appellant in this respect.

J. That appellant was not given final show cause notice by competent authority, which was the necessary requirement as per relevant rules and thus the illegal order was passed.

K. That inquiry officer badly failed to bring any official documentary proof to connect the appellant with the allegations of so called and windfall assets.

L. That in addition to the above facts, the respondent No 3 has also made certain irregularities and has dashed the rules and regulations to ground. The present inquiry, so far conducted is just a hog wash. Hence the said inquiry is unsustainable in the eye of law and against the well established principles of law and justice.

M. That appellant has served the department for more than 31 years and was at the verge of promotion. The impugned order has unjustly and illegally deprived the appellant from his hard earned reputation and means of livelihood and has virtually thrown his entire service career to wind and dust.

N. That the appellant is having shining official record and prior to this the appellant was not proceeded departmentally during his whole service.

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~~ABTC~~

O. That the appellant performed his duties efficiently, honestly, with great zeal and never showed any inefficiency and negligence during his lengthy period of service.


It is, therefore, humbly prayed that on acceptance of this appeal, this Honourable Tribunal be pleased to:-

- A. Set aside the impugned order passed by respondent No 1 for being unfounded, unsustainable.
- B. Restore the appellant against his post/rank with all pulps and privileges with all back benefits.
- C. Any other relief which is not specifically asked for but the court deems appropriate, may also be granted.

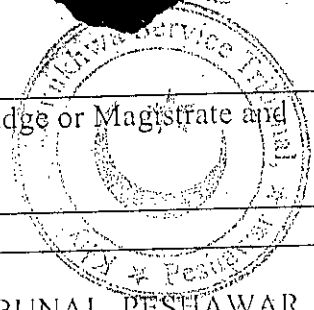
Attested to be true copy  
A. B. Khan

Dated:-

Through:-

  
Appellant

M. Tariq  
Mohammad Tariq Khan Hoti  
Advocate Supreme Court  
Peshawar.



S.No. of order or proceedings	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3

07

14.01.2015

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 398/2014  
(Muhammad Rauf Inspector-VS-DIG of Police, Mardan Region-1, Mardan and four others).

*Attested to be true copy*  
*AG*

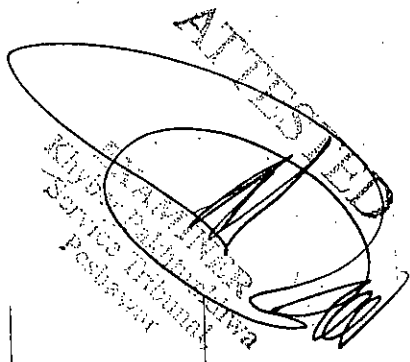
Appellant with counsel and Mr. Muhammad Shafique, Inspector (Legal) on behalf of respondents alongwith Addl: A.G present.

Muhammad Rauf, Ex-Inspector, District Police Mardan, has preferred the instant appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order dated 10.12.2013 vide which he was awarded major punishment of compulsory retirement from service. Departmental appeal preferred against the said order was not answered by the authority within the specified period of 90 days.

We have heard learned counsel for the appellant and learned Addl: A.G for respondents and perused the record with their assistance.

Learned counsel for the appellant also placed reliance on reported case PLD 1989 Supreme Court 335 wherein it was observed by the august Supreme Court of Pakistan that conjecture or suspicion cannot take place of proof of fact.

Perusal of inquiry report dated 9.12.2013 would suggest no evidence whatsoever has been secured by the inquiry officer in respect of the assets allegedly owned by the appellant and, furthermore, the inquiry officer has himself observed that further inquiry in respect of the assets mentioned in the inquiry report was required. It has also been



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true copy

was not established due to lack of calling data required from Incharge Computer Lab.

Findings of the learned inquiry officer by itself suggest that no evidence whatsoever was collected by the said inquiry officer and that the appellant was recommended for major punishment only on the basis of suppositions, suspicions, surmises and conjectures and as such we are of the view that the major punishment in the shape of compulsory retirement of appellant from service was not based on evidence and as such contrary to the law and hence not tenable.

In view of the above, we would allow the appeal and set aside the impugned order dated 10.12.2013 of compulsory retirement and would reinstate the services of the appellant and remit the case back to the competent authority placing the authority at liberty to conduct *de novo* departmental inquiry against the appellant in accordance with law. Service benefits of the appellant shall be subject to the outcome of *de novo* departmental inquiry/proceedings. Parties are, however, left to their own costs. File be consigned to the record.

Certified true copy  
Signature  
Seal  
Date

Sd/- Muhammad Azim *Chairman*  
Sd/- Abdul Latif *Member*

ANNOUNCED  
14.01.2015

Date of Presentation of Application 16.1.2015  
Number 1206  
Order No. 8  
Date of Issuance 10  
Date of Receipt 16.1.2015  
Date of Disposal 11.1.2015

Re-instatement in service. (17)

(Annexure "D")

Government of Khyber Pukhtunkhwa  
Office of the Deputy Inspector General of Police  
Mardan Region-I, Mardan

Phone No. 0937-9230113, Fax No. 0937-9230115

From: The Deputy Inspector General of Police,  
Mardan Region-I, Mardan

To: The District Police Officer,  
Mardan.

Attended to be done copy.

No. 848 /ES.

09, February, 2015

Subject: OFFICE ORDER.

Memo:

In compliance of the Honourable Service Tribunal Khyber Pukhtunkhwa, Peshawar appeal No. 398&418/2014 and Provincial Police Officer, Khyber Pukhtunkhwa, Peshawar Memo: No. 647/Legal dated 03.02.2015 (copy enclosed) the following Officers are hereby re-instated in service with immediate effect and Mr. Imtiaz Gul Deputy Superintendent of Police, Legal, Mardan is hereby nominated as Enquiry Officer to conduct de-novo inquiry against the Officers.

1. Inspector Muhammad Rauf
2. Inspector Alam Zeb

2. The inquiry Officer is directed to submit his findings at the earliest.

(MUHAMMAD SAEED)PSP  
Deputy Inspector General of Police,  
Mardan Region-I, Mardan.

No. 1 /ES.

Copy forwarded to the:-

1. Provincial Police Officer, Khyber Pukhtunkhwa, Peshawar for favour of information w/r to his office Memo: No. 647/Legal dated 03.02.2015.
2. Deputy Superintendent of Police, Legal, Mardan for information and necessary action as per para 2 above.

Dsp/Legal/OB/EC

For information  
& M action

Ch

OB253  
10-2-15

DDO Mardan

(MUHAMMAD SAEED)PSP  
Deputy Inspector General of Police,  
Mardan Region-I, Mardan.

appellant remained commendable. he traced after arrest...  
who were required to the Police in some high profile cases besides

Exonerated

(Annexure "E")

19

ORDER.

This order will dispose-off denovo departmental enquiry conducted by Deputy Superintendent of Police, Legal, Mardan against Inspector Muhammad Rauf Khan in accordance with provision to Police Disciplinary Rules 1975 on below mentioned charges.

"That you Inspector Muhammad Rauf Khan of Investigation Wing, Mardan are carrying bad reputation in terms of inefficiency, corruption and involvement in criminal activities."

He was compulsory retired from service vide this office order endorsement No. 5792-94/ES dated 10.12.2013 and he preferred a service appeal before the Service Tribunal Khyber Pukhtunkhwa, Peshawar. The Service Tribunal Khyber Pukhtunkhwa, Peshawar in appeal No. 398/2014 dated 14.01.2015 ordered for denovo enquiry which was conducted by Deputy Superintendent of Police, Legal, Mardan who recommend the enquiry papers to be filed in his report by stating that the allegations could not be established visibly and technically. He exonerated him from the charges leveled against him.

Therefore under the provision of **54(b)** F.R his enquiry is filed and the period he remained out of service is treated as leave without pay.

ORDER ANNOUNCED

(MUHAMMAD SAEED) PSP  
Deputy Inspector General of Police,  
Mardan Region-I, Mardan.

No. 3492-74/ES, Dated Mardan the 9-6/2015.

Copy forwarded for information and necessary action to the:

1. District Police Officer, Mardan.
  2. District Police Officer, Swabi.
  3. Deputy Superintendent of Police, Legal, Mardan w/r to his office
- Memo: No. 546/LB dated 05.05.2015.

(\*\*\*\*\*)

Requested to be  
true copy.  
A.B.

47



(Annexure "F")

7

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA

CENTRAL POLICE OFFICE, PESHAWAR  
NO. 2326 /E-II.dt: 05 <sup>Nov</sup> Oct/2015

3086

To : The Regional Police Officer,  
Mardan.

13-11-15

Subject: APPLICATION FOR GRANTING ALL BACK BENEFITS  
DURING THE PERIOD OF COMPULSORY RETIREMENT  
WITH EFFECT FROM 10.12.2013 TO 10.02.2015.

Memo:

Please refer to your memo No.3643/ES, dated 18.06.2015

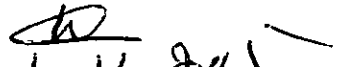
The competent authority filed application of Inspector  
Muhammad Rauf. No.MR/67. He may be informed accordingly.

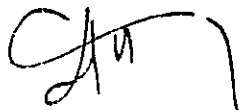
  
(ASIF IQBAL MOMAND)<sup>PSP</sup>  
AIG Establishment

For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

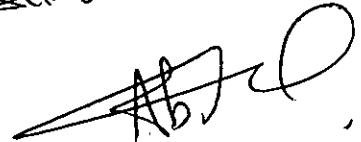
E.C

For m/action.

  
4-11-2015

  
DIE Mardan  
|||

Attended to be done copy



A. M. M. G. (1)

(5)

Back benefit allowed

20

ORDER

In continuation of order vide OB No. 1615 dated 29-12-2014, passed by the undersigned wherein the delinquent Police Officers/officials were awarded minor punishment of censure, however, issue regarding back benefits was not mentioned. Therefore, keeping in view enquiry report as well as orders of the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar back benefits are hereby granted to the following defaulter Police Officers/Officials.

1. SI Badan Khan
2. ASI Jamshed Khan
3. ASI Inayatullah Rehman
4. ASI Mohammad Alam
5. IHC Sartaj Khan
6. Constable Ijaz No. 948

Attested to be done  
copy  
[Signature]

OB No. 61  
Dated 12.1.2015

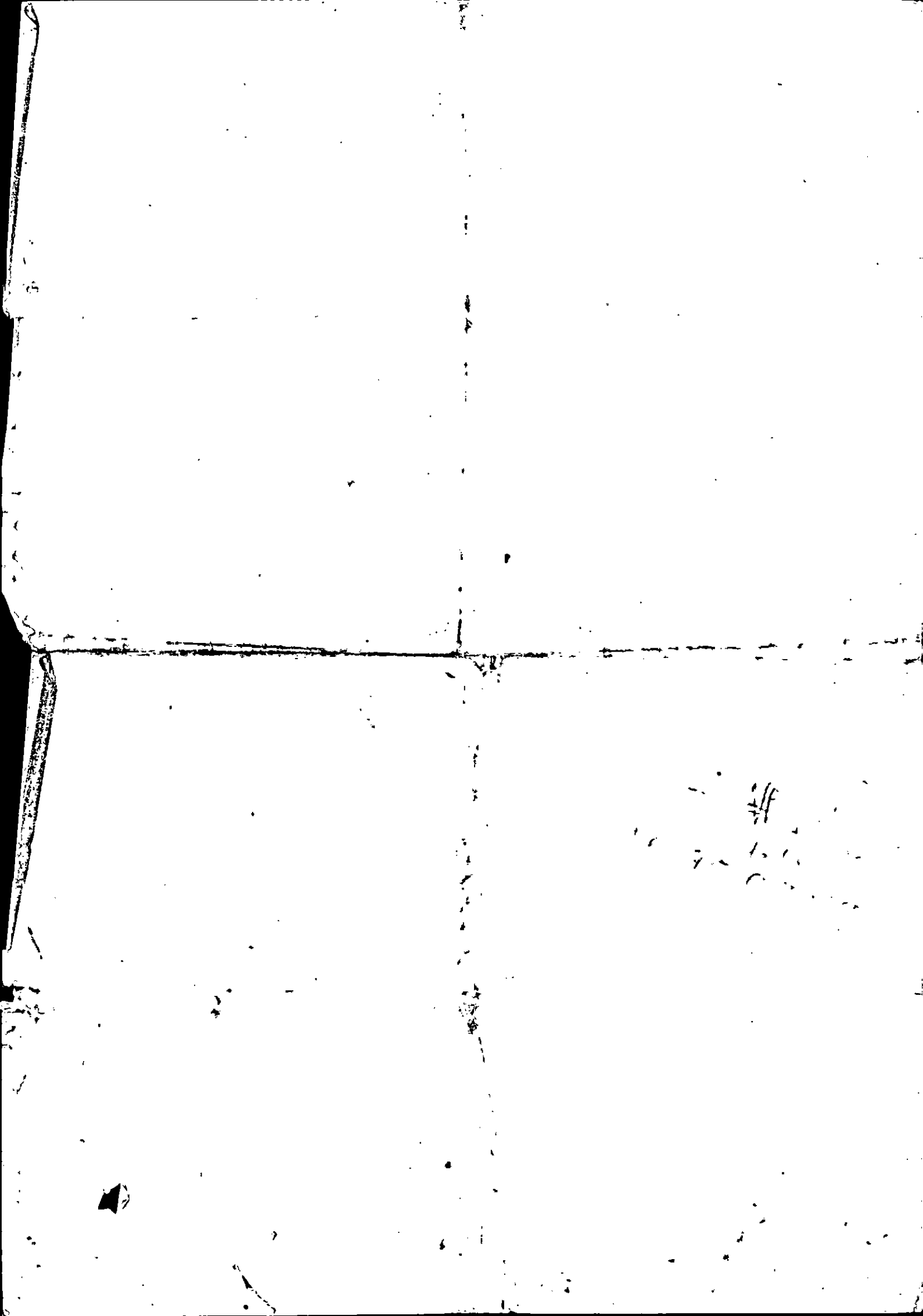
[Signature]  
District Police Officer,  
Nowshera

No. 87-91/PA, dated Nowshera the 12.1.2015

Copy for information and necessary action to the:-

1. Deputy Inspector General of Police, Mardan Region-I, Mardan with reference to his office memo: No. 8378/EC, dated 22-12-2014.
2. SP, Investigation, Nowshera.
3. PO/EC/OBC/RMC





(Annexure G) Back benefits allowed

21

ORDER

My this order will dispose of the fresh Departmental enquiry against Inspector Hashim Ali Khan (1step Promote) of District Swat in the light of Service Tribunal order dated 19-03-2015 received from Registrar Khyber Pakhtunkhwa service Tribunal Vide-Memo No. 400/ST, dated 26-03-2015. The case was remanded back to District Police Officer, Swat for fresh Departmental Enquiry in connection with punishment awarded to the above named Inspector Hashim Ali Khan. Who while posted as SHO Police Station Kanju reported to be allegedly involved in corruption.

He was issued Charge Sheet alongwith statement of Allegations and DSP/Legal, Swat was deputed as Enquiry Officer. The Enquiry Officer conducted fresh departmental enquiry against the delinquent officer and recorded the statements of all concerned officers. He has provided an ample opportunity to the delinquent officer to defend the Charges leveled against him. After conducting proper departmental enquiry, the Enquiry Officer has submitted his findings wherein he has recommended the delinquent Officer for filing the enquiry.

The finding report and enquiry papers have been perused, the defaulter Inspector Hashim Ali Khan has been heard in Orderly Room on 23-06-2015.

Therefore, I Mr. Muhammad Saleem Marwat P.S.P District Police Officer, Swat in exercise of powers vide Rules 2 (iii) of Police Disciplinary Rules - 1975, exonerated him from the charges leveled against Inspector Hashim Ali Khan and enquiry against him is hereby filed. The period he spent out from service i.e. 02-01-2014 to 01-04-2015 be treated as leave as kind due strictly in compliance to the order of Honorable Khyber Pakhtunkhwa Service Tribunal dated 19-03-2015.

Order announced.

District Police Officer, Swat

Attached to be done  
CPM  
[Signature]

O.B. No. 114

Dated 7/7/2015.

\*\*\*\*\*

OFFICE OF THE DISTRICT POLICE OFFICER, SWAT

No. 5202 /E, dated Gulikada the. 13-7/2015.

Copy of above is submitted to the Regional Police Officer, Malakand Region at Saidu Sharif, Swat F/O information please.

District Police Officer, Swat

[Signature]

**ORDER**

This order is hereby passed to dispose of Fresh Departmental Enquiry initiated against the following Police Officers/Official of this District Police:-

- 1. Ex-SI Balizar Khan
- 2. Ex-ASI Muhammad Watab
- 3. Ex-ASI Anwar Saeed
- 4. Ex-ASI Zahid
- 5. Ex-ASI Zeb Ahmad
- 6. Ex-HC Khan Sher No.29
- 7. Ex-HC Sher Muhd No.174
- 8. Ex-HC Sher Afzal No.396
- 9. Ex-HC Bharawar Said No.372
- 10. Ex-HC Sher Wali No.173
- 11. Ex-HC Aman Khan No.265

Brief facts are that as per source report, the aforementioned Police Officers/Officials were found involved in corruption during their posting in various Police Stations/Police Post etc, therefore they were proceeded against departmentally and hence served with Charge Sheet and Statement of Allegations. Mr. Ghulam Muhammad Khan DSP/Headquarters, Buner was appointed as Inquiry Officer to conduct departmental proceedings against the defaulter Officers/Officials. The Enquiry Officer in his findings recommended that all of them are not suitable for Police Field Service, therefore, the then District Police Officer, Buner awarded them, Major Punishment i.e Compulsory Retirement from Service vide this Office OB No.159 Dated 06.12.2013. Later on they preferred Departmental Appeal to the Regional Police Chief which was rejected on 06.02.2014.

Thereafter, they preferred Service Appeals before the Khyber Pakhtunkhwa, Service Tribunal. The Service Tribunal accepted their appeals and set aside the Order of this Office and remanded the case to the Regional Police Officer Malakand Region at Saidu Sharif, Swat for Fresh Departmental Proceedings. Pursuant to the directions of Region Officer, Swat Endst: No.2693/E, Dated 24.03.2015 a Fresh Departmental Proceedings were initiated against them and for the purpose of scrutinizing their conduct an Enquiry Committee constituted comprising the following officers:-

- 1. Mr. Muhammad Arif Khan, SP Investigation, Buner.
- 2. Mr. Sher Hussain Khan, SOPO Totali, Buner
- 3. Mr. Muhammad Perviz Khan, Inspector (Legal Branch)

After conducting Proper Departmental Inquiry, the defaulter officers/officials were summoned by the Enquiry Committee to clarify their stance and actual possession to the allegations leveled against them. They appeared before the Enquiry Committee. They were heard in person and their statements were recorded by the Committee accordingly. Similarly, the statements of all the SDPOs/SHOs and I/C Investigation under which they served were also recorded collected by the Enquiry Committee. But the statements of all those were found in their favour.

Beside the above, the statement of I/C DSB was also recorded by the Enquiry Committee and found silent.

The Enquiry Committee stated in their finding that an open/secret enquiry was conducted against the Officers/Officials but during the entire departmental proceeding any sort of compliant/evidence were not found/obtained by

*Admitted to be true copy*  
*ABJ*

the Enquiry Committee against the officers/officials to give a legal footing to the allegations leveled against them.

The Enquiry Committee in its finding recommended that the Enquiry against the Officers/Officials may be filed.

Therefore, all the officers/officials are exonerated from the allegations leveled against them; the inquiry is hereby filled without any further action against them: they are re-instated into Service from the date of their Compulsory Retirement i.e 06.12.2013 and the period they remained out of service after their Compulsory Retirement are hereby treated as kind leave.

Order announced

*Khalid*

(SYED KHALID HAMDANI)

PSP

District Police Officer,  
Buner

*Attested to be true copy*

*Abd*

OB NO 50

Dated 4/6/2015

OFFICE OF THE DISTRICT POLICE OFFICER, BUNER

No 6543-45 Enquiry Dated Daggarr the, 01/10/2015

Copies for information to:-

1. The Regional Police Officer, Malakand Region at Saidu Sharif, Swat for kind information w/r to Region Office, Swat Endst: No.2926/E, Dated 01.04.2015 and No.4506/B, Dated 26.05.2015, please.
2. The Superintendent of Police Investigation, Buner.
3. All dealing hand of this Office and SP Investigation Office, Buner.

*Khalid*

(SYED KHALID HAMDANI)

PSP

District Police Officer,  
Buner



C

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR.

Service Appeal No. 1338/2015.

Mohammad Rauf Inspector .....Appellant.

VERSUS.

Provincial Police Officer, Khyber Pakhtunkhwa Peshawar:

& others.....Respondents.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:-

1. That the appellant has got no cause of action & locus standi to file the present appeal.
2. That the appeal is bad due to mis-joinder & non-joinder of necessary parties.
3. That the appeal is time barred.
4. That the appellant has not come to this Honourable Tribunal with clean hands.
5. That this Honourable Tribunal has got no jurisdiction to entertain the present appeal.
6. That the instant appeal is not maintainable and its present form.
7. That the appellant concealed the material facts from this Honourable Tribunal.
8. That the appellant has been estopped by his own conduct to file the appeal.

REPLY ON FACTS.

1. Para No. 01 of appeal pertains to appellant's service record, hence need no comments.
2. Para No. 02 of appeal pertains to record, hence need no comments.
3. Para No. 03 of appeal is correct to the extent of disciplinary action, however, the same over initiated on sound reasons. **(Copy of charge sheet and statement of allegations is enclosed as Annexure-A & B).**
4. Para No. 04 of appeal is based on facts, hence need no comments.
5. Para No. 05 of appeal is correct to the extent of departmental inquiry and involvement of appellant in corruption. However, the inquiry was conducted according to law and rules.
6. Para No. 06 of appeal is correct to the extent of recommendation of inquiry officer. **(Copy of inquiry report is enclosed as Annexure- C).**
7. Para No. 07 of appeal is correct to the extent of major penalty of compulsory retirement from service.
8. Para No. 08 of appeal is correct, hence need no comments.
9. Para No. 09 of appeal is correct to the extent of filing of service appeal.
10. Para No. 10 of appeal is correct to the extent of decision of the Service Tribunal, in compliance of which appellant was reinstated in service and fresh departmental proceedings were initiated against him.
11. Para No. 11 of appeal needs no comments as reply already given vide Para above.
12. Para No. 12 of appeal is correct to the extent of exoneration from the charges, however, the period spent out of service was treated as leave without pay on the principle of "no work no pay". **(Copy of de-novo inquiry is enclosed as Annexure- D).**
13. Para No. 13 of appeal is correct to the extent of filing of representation, however, the competent authority rejected the same being meritless.
14. The orders of respondents No. 01 & 04 are quite legal and in accordance with the law/rules.

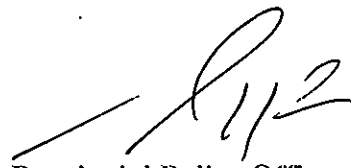
REPLY ON GROUNDS:-


- A. Incorrect. Both the orders of respondents are quite legal and in accordance with the law/rules.
- B. Incorrect. The respondents have fully complied the order passed by this Honourable Tribunal in its letter and spirit.

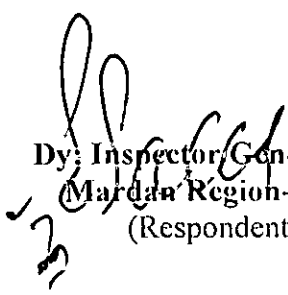
- C. Incorrect. The order of Honourable Tribunal has been complied with in its true spirit.
- D. Incorrect. Reply already given vide para above.
- E. Incorrect. The appellant is not entitled for the back benefits on the principle of "no work no pay".
- F. Incorrect. The case of appellant is on different footings and no discrimination has been committed.
- G. The respondents also raised other grounds at the time of arguments with prior permission of this Honourable Tribunal.

**PRAYER:-**

It is, therefore, requested that the appeal of appellant, may kindly be dismissed being devoid of merits with costs.

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

  
Assistant Inspector General of Police,  
Establishment Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No. 3)

  
Dy. Inspector General of Police,  
Mardan Region-I, Mardan.  
(Respondent No. 4)

Copy

The District Police Officer,  
Mardan.

To: The Deputy Inspector General of Police,  
Mardan Region-I, Mardan.

No. 1117 /LB dated Mardan the 5-5- /2015.

Subject: OFFICE ORDER.

Memo:

Kindly refer to your office Memo: No. 848/ES dated 09.02.2015 on the case noted above in the subject.

1. As directed, DSP Legal conducted De-novo Departmental Enquiry against Muhammad Rauf Inspector.
2. His finding report is forwarded herewith for favour of perusal and further necessary action please.

  
District Police Officer,  
Mardan

DSP/LEGAL

Spec.

nl 1

8/05

Specimen with W/O/S  
on 11-5-2015  
D/S/O



(7)

ANNEXURE - (A/1)

DISCIPLINARY ACTION UNDER NWFP POLICE RULES 1975.

I, MUHAMMAD SAEED, Deputy Inspector General of Police, Mardan Region-I, Mardan as competent authority, am of the opinion that you, Inspector Abdur Rauof of Investigation Wing, Mardan has rendered yourself liable to be proceeded against as you have committed the following acts/omissions within the meaning of section 02 (iii) of the NWFP Police Rules 1975.

STATEMENT OF ALLEGATIONS.

You are carrying bad reputation in terms of inefficiency, corruption and involvement in criminal activities.

This amounts to grave misconduct on your part which warrants departmental action against you.

For the purpose of scrutinizing the conduct of the said Officer with to the above allegations, Mr. Mian Naseeb Jan Deputy Superintendent of Police Headquarter, Mardan is hereby nominated as Enquiry Officer in section 6 (1) (a) of the aforementioned Rules.

The enquiry Officer after completing all proceedings shall submit its verdict to this office within stipulated time of (10) days; as contained in section 06 (5) of NWFP Police Rules 1975:

You are also directed to appear before the Enquiry Officer on the date, time and place fixed by the enquiry Officer.

(MUHAMMAD SAEED) PSP  
Deputy Inspector General of Police,  
Mardan Region-I, Mardan.

No. 4525-25/ES.

Dated Mardan, the 2<sup>nd</sup>/10/2013.

Copies for information and necessary to the:-

1. Superintendent of Police Investigation, Mardan for information for information and necessary action.
2. Deputy Superintendent of Police Headquarter, Mardan for information and necessary action.

M. J. Khan  
Attested to be

True Copy

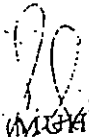
19/3/014

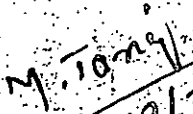
CHARGE SHEET UNDER NWFP POLICE RULES 1975

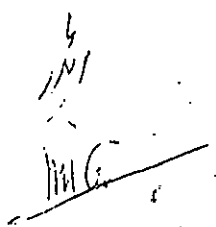
I, MUHAMMAD SAEED, Deputy Inspector General of Police, Mardan Region-1, Mardan as competent authority, am of the opinion that you Inspector Abdur Raouf of Investigation Wing, Mardan has rendered yourself liable to be proceeded against as you have committed the following acts/omissions within the meaning of section 02 (iii) of the NWFP Police Rules 1975.

You are carrying bad reputation in terms of inefficiency, corruption and involvement in criminal activities.

- 1) By reason of the above, you appear to be guilty of misconduct under section 2 (iii) NWFP Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section 04 (i) a & b of the said Rules.
- 2) You are therefore, directed to submit your written defense within seven days of the receipt of this charge sheet to the enquiry Officer.
- 3) Your written defense if any should reach to the enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case an ex-part action shall follow against you.
- 4) Intimate whether you desired to be heard in person.

  
MUHAMMAD SAEED (PSP)  
Deputy Inspector General of Police,  
Mardan Region-1, Mardan.

  
Attested to be 19/3/04  
True Copy



## فائل انکوائری آڈان انسپکٹر عبدالرؤف ضلع مردان

جناب عالی!

بحوالہ چھٹی انگریزی نمبری ES/29-4828 مورخہ 23.10.13 منجانب دفتر جناب DIG صاحب مردان برخلاف انسپکٹر عبدالرؤف خان انکوائری کاغذات برائے انکوائری کرنے موصول ہو کر جسمیں مذکورہ کے خلاف الزام لگایا گیا ہے۔ کہ دوران سروس مذکورہ نے خراب کارکردگی، رشوت ستانی میں ملوث ہونے اور جرائم پیشہ افراد کے ساتھ تعلقات استوار کئے ہیں۔

دوران انکوائری مذکورہ پر چارج شیٹ تقسیم ہو کر جس نے اپنے بیان میں لگائے گئے سارے الزامات کی تردید کی۔ اپنے آپ کو کسی بھی بدعنوانی میں ملوث ہونے سے صاف انکار کیا۔ اپنے ACR کو صاف ظاہر کیا۔ مزید وضاحت کی کہ میں نے دوران ملازمت اپنی ڈیوٹی انتہائی ایمانداری سے سرانجام دی ہے۔ اور اپنی قابلیت اور ایمانداری سے ڈیوٹی سرانجام دینے کی وجہ سے انسپکٹر کے عہدے تک پہنچا ہوں۔ اور دوران سروس 13 تھانوں میں بحیثیت SHO تعینات رہنے کا مختلف ادوار میں بیان کر کے اپنے کارکردگی کو سراہا ہے۔ اپنے بیان میں مذکورہ نے دوران تعیناتی کل 9 مقدمات کا حوالہ دیتے ہوئے اپنی کارکردگی کو بہتر دکھانے کی وضاحت کی ہے۔ اور لکھا ہے کہ اسکے خلاف درج الزامات جھوٹ بے بنیاد اور ذاتی ایسا سی عناد پر مبنی ہیں۔ اس چارج شیٹ میں درج الزامات کے خلاف عدالتی چارہ جوئی کا حق محفوظ رکھنے کی دھمکی دی ہے۔ اور چارج شیٹ کو بلا کسی کارروائی کے داخل دفتر کرنے کی استدعا کی ہے۔

دوران انکوائری مذکورہ جن تھانہ جات میں بحیثیت SHO رہ چکا ہے۔ خفیہ طور پر معلومات کر کے عوام الناس تحریری طور پر بیان دینے سے کتراتے ہیں۔ لیکن زبانی طور پر کرپشن اور جرائم پیشہ افراد کے ساتھ مذکورہ کے تعلقات قائم رکھنا بیان کرتے ہیں۔ اسکے اثاثوں کے بارے میں انچارج DSB نے معلومات کر کے جس کی تفصیل درج ذیل ہیں۔

1. ایک بنگلہ سیکٹر B نمبر 3 شیخ ملتون تین سال پہلے سمسو اصغر عرف صدر سنہ شیخ ملتون سیکٹر B بنگلہ نمبر 13 سے مبلغ 48 لاکھ روپے پر خرید کر جس کی مالیت موجودہ وقت میں مبلغ ایک کروڑ روپے ہے۔
2. ایک عدد پلاٹ 23 مرلہ ملز روڈ بانی پاس نزد شوگر ملز مردان خالد آفریدی سے ایک سال پہلے مبلغ 52 لاکھ روپے پر خریدا ہے۔
3. ایک پلاٹ 12 مرلے واقع بالمقابل عبدالولی خان یونیورسٹی نزد مکان اختر علی اسٹامپ فروش دربوکلے میں سمسو نگار سنہ شیخ ملتون سے مبلغ 42 لاکھ پر خریدا ہے۔ یہ جائیداد قیوم خان اور عبید خان (MPA) آف معیار کی تھی۔
4. ایک عدد پلاٹ 23 مرلے براستہ روڈ یا قدیم بالمقابل ڈبل روڈ شیخ ملتون واقع ہے۔
5. ایک مکان 10 مرلہ بمقام بانی پاس روڈ نزد کورنگ عتیق حیات بارگین تقریباً 80 لاکھ روپے مالیت کا ہے۔

6. ایک بنگلہ بالمقابل تھانہ شیخ ملتون تقریباً 2 کروڑ مالیت کا ہے۔ جس میں خود رہائش پذیر ہے۔

نوٹ:- یہ سارے پراپرٹی مذکورہ نے اپنے نام کی بجائے اپنے رشتہ داروں کے نام خریدی ہیں۔ مذکورہ کا سروس

ریکارڈ چیک کر کے جس میں سے 10 Bad Entry پائی گئی۔

سروس ریکارڈ چیک کر کے جس میں ایک تحریری آرڈر موجود ہے جس میں مذکورہ مقدمہ علت 272 مورخہ 12.06.1985 جرم PPC 338 تھانہ کابلی پشاور میں ملوث ہو کر جس کے خلاف باقاعدہ انکوائری ہو کر مذکورہ مستغیث پارٹی کے ساتھ راضی نامہ کر کے اپنے آپ کو باقاعدہ ملزم ٹھہرایا۔ اور اُس وقت کے SP صاحب نے بحوالہ آرڈر بگ نمبر 5892 مورخہ 16-09-1985 عرصہ غیر حاضری کو بلا تخواہ اور 2 سالانہ انگریمنٹ رکھوانے کا حکم صادر فرمایا۔ سروس ریکارڈ میں ایک تحریری آرڈر نمبری 239-40/ES مورخہ 21.01.2012 موجود ہے۔ جس میں مذکورہ کے خلاف الزام تھا کہ جب وہ بحیثیت SHO تھانہ شہباز گڑھ تعینات تھا تو ایڈیشنل SP صاحب میر قاسم خان نے دوران چیکنگ تھانہ شہباز گڑھ SHO مذکورہ کو عدم موجود پا کر مدح رسعدت نمبر 1474 نے SHO کے حکم پر روزنامچہ میں بوگس اندراج کرتے وقت جسکو سابقہ ایڈیشنل SP صاحب مردان نے رنگے ہاتھوں پکڑ کر دونوں کے خلاف اُس وقت کے DPO صاحب نے چارج شیٹ و حکمانہ انکوائری کا حکم دے کر جس پر انکوائری ہو کر انکوائری آفیسر نے قصور وار ٹھہرایا۔ لیکن بجائے پولیس رولز کے باب 22 فقرہ 50 پر عمل درآمد کرنے کے بجائے مذکورہ کو Minor Punishment دی گئی۔ اسی طرح بحوالہ آرڈر بگ نمبر 943 مورخہ 30.05.2009 کو DPO صاحب نوشہرہ نے انسپکٹر رؤف خان جو کہ اُس وقت تھانہ ہی میں بحیثیت SHO تعینات تھا کو بوجہ خراب کارکردگی Censure کی سزا کا حکم صادر فرمایا تھا۔ انکوائری کرنے سے انسپکٹر رؤف خان کے خلاف لگائے گئے الزامات میں سے جرائم پیشہ افراد سے تعلقات قائم رکھنا اس لئے ثابت نہ ہو سکا کہ مذکورہ کی کالنگ ڈیٹا فراہم کرنے کے لئے بحوالہ درخواست نمبری 442/HQ مورخہ 29.10.13 کو انچارج کمپیوٹر لیب سے استدعا کی گئی ہے لیکن تاحال اس بابت کمپیوٹر لیب کی طرف سے کوئی پیش رفت نہیں ہوئی۔ علاوہ ازیں اُسکے اثاثہ جات جو کہ مذکورہ نے اپنے نام کے بجائے رشتہ داروں کے نام خریدی ہیں۔ کے متعلق Detail انکوائری کی ضرورت ہوگی۔ جبکہ خراب کارکردگی کا اندازہ اُس کے سروس ریکارڈ سے بخوبی لگایا جاسکتا ہے جس میں مذکورہ نے 10 بار کوتاہیاں کئے ہیں۔ اور ہر ایک کوتاہی پر اسے سزا دی گئی ہے۔ اس بابت پولیس رولز باب 16 فقرہ 9 واضح ہے کہ بار بار چھوٹی سزائیں دینے سے محکمہ کے شہرت پر بُرا اثر پڑتا ہے۔ اس لئے انسپکٹر رؤف خان کو بوجہ داغدار سروس، خراب کارکردگی کے Major Punishment دینے کی سفارش کی جاتی ہے۔ چونکہ میں بحیثیت DSP ہیڈ کوارٹر مردان، DSP ٹریفک انچارج سکول اور ریجن انکوائری آفیسر کے طور پر بھی ذمہ داریاں سنبھال رہا ہوں۔ اسلئے متذکرہ اثاثہ جات کے متعلق ریجن پینل ٹیم سے سے تحقیقات کر کے رپورٹ ریجن چیف کو پیش کرنے کا حکم صادر فرمائیں۔

(میاں نصیب جان)

ڈپٹی سپرنٹنڈنٹ آف پولیس ہیڈ کوارٹر مردان

9/12/13

Awarded the major  
punishment of  
retirement.  
12/12/2013

جناب عالی!

جزا اول:

معروض ہوں کہ سال کو ماہ اکتوبر ۲۰۱۳ کے دوران ایک چارج شیٹ بمعدہ سری آف الیکشن نمبر ES / 29 / 4028 مورخہ 23-10-2013 جناب ڈی آئی جی صاحب مردان کی دفتر سے جاری ہوا۔ چارج شیٹ میں مسائل کے خلاف بدعنوانی، اٹوٹ اور سرگرمیوں میں ملوث ہونے کے الزامات لگائے گئے۔ اس وقت کے DSP/HQ مردان میاں نصیب جان اٹوٹ کی افسر مقرر کیے گئے۔ نے چارج شیٹ کی روشنی میں ایک مفصل تحریری جواب مورخہ 01-11-2013 کو تیار کر کے اٹوٹ کی افسر کے حوالہ کیا۔ اس کے بعد الزامات مندرجہ چارج شیٹ کی تردید کے علاوہ مسائل کی دوران ملازمت نمایاں کارکردگی سرانجام دینے کی وضاحت، مورخہ ۰۱-۱۱-۲۰۱۳ کو تیار کیا۔ جواب چارج شیٹ مارک - "A" لف ہذا ہے)

جز دوم:

اٹوٹ کی افسر نے دوران اٹوٹ کی مسائل کے خلاف لگائے گئے الزامات کو ثابت کرنے کی شب و روز کوشش کی۔ مسائل کے خلاف اٹوٹ کی تقریری، تحریری اور واقعاتی شہادت کو صفحہ شل پر لانے کی خاطر اٹوٹ کی افسر نے کوئی موقع ہاتھ سے چلنے نہ دیا۔ دوران ملازمت میں جہاں تعینات رہا۔ اٹوٹ کی افسر نے وہاں بھی جا کر مسائل کے خلاف شہادت ڈونڈنے کی خاطر ہر گوشہ چھاندارا نظر کی گئی۔ اس کا جوابی جواب سے مسائل کو ہر حالت میں بھنسانا اٹوٹ کی افسر کیلئے ایک ٹارگٹ تھا اور مجبور ہو کر قیاس آرائی، شکوک و شبہات، بدگمانی، شبہات سے کام لے کر الزامات مندرجہ چارج شیٹ میں سے بدعنوانی اور نا اہلی کو "خفیہ زرائع" سے تصدیق ہونا اور مسائل کے ساتھ تعلق میں سزایابی کا سہارا لے کر مسائل کو سزا دینے کی سفارش کی۔ یاد رہے کہ اٹوٹ کی افسر نے اپنی رپورٹ میں یہ واضح کیا ہے کہ سال ۲۰۱۳ میں گرمیوں میں ملوث ہونا تصدیق نہیں ہو چکا ہے۔ یہ مسائل کی بد قسمتی تھی کہ اٹوٹ کی افسر کی سزا کرنا ہالا اٹوٹ کی رپورٹ پر چلے گئے۔ اس کا جواب صاحب مردان نے مسائل کو ملازمت سے جبری ریٹائر ڈ کیا۔

جز سوم:

مسائل نے حکم جبری ریٹائرمنٹ کے خلاف ایک اپیل جناب PPO صاحب صاحبہ خیر بختوخواہ کے حضور پیش کی۔ جس پر حضور نے اندر کاروائی نہ ہوئی اور تب مسائل نے انصاف مانگنے کی خاطر عدالت خیر بختوخواہ سرسبز شہر مول کا دروازہ کھٹکایا۔ عدالت میں دائر کیا گیا جو ایک سال سے زائد عرصہ تک عدالت میں زیر سماعت رہا۔ انسپکٹریکل اور ایڈیشنل ایڈووکیٹ جنرل نے ایک رپورٹ سے پیش ہوتے رہے۔ مورخہ 14-01-2015 کو فاضل عدالت نے مسائل کی اپیل کو منظور کرتے ہوئے مسائل کی ملازمت میں سے ہٹا دیا اور حکم جبری ریٹائرمنٹ مورخہ 10-12-2013 کے منسوفی کا حکم صادر فرمایا ہے۔ عدالتی فیصلہ کی فرٹوٹسٹ کا پی بارک "C" خلاصہ فیصلہ درج ذیل ہے۔

- ۱۔ اٹوٹ کی افسر نے "خفیہ اطلاعات" کو بنیاد بنایا ہے۔
- ۲۔ اٹوٹ کی افسر نے کسی قسم کی شہادت پیش کی اور اٹوٹ کی افسر نے لایا ہے۔
- ۳۔ اٹوٹ کی افسر نے صرف قیاس آرائی، شکوک و شبہات، بدگمانی، خیالی اور انداز سے کام لے کر مسائل کو سزا دینے کی سفارش کی۔
- ۴۔ بمطابق PLD 1989 SC 335 سپریم کورٹ آف پاکستان نے قرار دیا ہے کہ شک اور بدگمانی کی بنیاد پر سزا دینا ٹھیک نہیں۔
- ۵۔ فاضل عدالت نے مسائل کے معاملہ میں de novo اٹوٹ کی کرنے کی ہدایت کی ہے۔

جز چہارم:

عدالتی فیصلہ مندرجہ فقرہ جز سوم ہالا جناب PPO صاحب صاحبہ خیر بختوخواہ پشاور، جناب ڈی آئی جی صاحب مردان اور جناب ڈی آئی جی صاحبہ دفاتر میں موصول ہوا اور ضروری خط و کتابت کے بعد جناب ڈی آئی جی صاحب مردان نے بحوالہ چھٹی نمبر ES / 849 مورخہ 09-02-2015 سال کو ملازمت پر بحال کرنے کا حکم صادر فرمایا۔ حکم کی روشنی میں مسائل نے بحوالہ نمبر 42 روز مورخہ 22-02-2015 پولیس لائن مردان میں اپنی حاضری کی رپورٹ کی ہے۔ (حکم بحالی چھٹی نمبر ES / 848 + نقل نمبر 42 مارک "C" لف ہذا ہے)

جز مجسم:

"de novo انگوائری" کی نسبت نہایت عاجزانہ معروض ہوں کہ جملہ تفصیلات مذکورہ مصدر مفصل اور قابل ملاحظہ ہیں۔ سائل ملازمت کے دوران اپنی ڈیوٹی انتہائی لگن اور ایمانداری سے سرانجام دی ہے۔ الزامات مندرجہ چارج شیٹ بلا ثبوت، بلا شہادت اور ٹوکوں

شہادت قیاس آرائیوں و اندازوں پر مبنی ہے جو کسی قاعدہ اور قانون کے تحت قابل قبول نہیں۔ سائل کا بے داغ سروس ریکارڈ بھی اندر میں بار بار قابل ملاحظہ ہے۔ سائل اور سائل کا خاندان پہلے سے پیش آمدہ حالات کی وجہ سے دماغی۔ جسمانی اور مالی پریشانیوں کا شکار چلا آ رہا ہے اور یہ سب پرستور جن کا تعلق ہے سائل بدعنوانی، نااہلی اور مجرمانہ سرگرمیوں میں ملوث ہونے کا تصور ہی نہیں کر سکتا ہے۔ یہ امر بھی انصاف کے تقاضا نہیں کہ جب ایک دفعہ ایک مضمونی نوعیت کی غلطی کی پاداش میں کوئی ملازم سزا یاب ہو جائے اور بعد میں مستقبل بعید میں بھی وہی سزا اس کیلئے ایک دوسرے مجوزہ سزا کا بنیاد بن سکے۔ انصاف کے تقاضوں کے پیش نظر سائل کے خلاف جاری de novo انگوائری داخل دفتر فرمایا جائے۔



الحاضر۔

محمد روف


انسپیکٹر پولیس لائن مردان

This de-novo Departmental Enquiry has been conducted against Inspector Muhammad Rauf in accordance with provisions of Khyber Pakhtunkhwa Police Disciplinary Rules 1975 on below mentioned charges:-

1. "That you Inspector Muhammad Rauf of Mardan District Police are carrying bad reputation in terms of inefficiency, corruption and involvement in criminal activities".
2. On receipt of enquiry papers, the defaulter official was summoned and on his attendance, he was directed to submit reply to charge sheet already delivered to him. Accordingly he submitted reply to it which was placed on file.
3. During course of enquiry, I approached in writing Project Director Sheikh Maltoon Town Mardan to furnish report about land/plots etc in the name of defaulter official, as I had received secret reports that he has constructed 2/3 bungalows at Sheikh Maltoon Town, but in this regard "Nil" report was received from the said office. Similarly I also wrote a letter to all Banks in Mardan to furnish detail of account in respect of defaulter official. That too has been received in negative from all Banks.
4. Thereafter, I recorded statement of defaulter official. The defaulter official has denied all the allegations leveled against him in the charge sheet.
5. **Conclusion/Recommendation:-** Charges of corruption and involvement in criminal activities has been leveled against the defaulter official. During course of inquiry no person came forward to depose against the defaulter official regarding his involvement in corruption and criminal activities. There is no direct evidence against the defaulter official to show that he is /was involved in corruption. No land/immovable property has been reported in the name of defaulter official by concerned office. Similarly all banks have reported Nil report in respect of account of defaulter official except a Khyber Bank Nowshera Cantt Branch which has furnished report that on Courts order they will provide report in respect of account of defaulter official. It is worth mentioning here that defaulter official has account in his name in that Bank. He had remained SHO in Police Stations Sheikh Maltoon, Shahbaz Garhi, Risalpur, Nowshera Kalan, Nowshera Cantt, Pabbi and Akbar Pura but no adverse report was found on record against him during his posting as SHO in those Police Stations. His service book was checked. It revealed that there is no major punishment on record against him except three minor punishments of "Censure" which were awarded to him in the year 2009, 2011 and 2012. As a whole his previous service record is clean. Moreover he has also been

given "A" report in his ACR during the year 2010, 2011 and 2012 while report of 2013 is not available.

It is submitted that during course of inquiry, the allegations could not be substantiated against him. He is not found guilty of the charges leveled against him. It is recommended that the inquiry papers may be filed please.

  
**MIAN IMTIAZ GUL)**  
**DSP Legal Mardan.**  
**Enquiry Officer**



(Annexure "E")

ORDER.

This order will dispose-off denovo departmental enquiry conducted by Deputy Superintendent of Police, Legal, Mardan against Inspector Muhammad Rauf Khan in accordance with provision to Police Disciplinary Rules 1975 on below-mentioned charges.

"That you Inspector Muhammad Rauf Khan of Investigation Wing, Mardan are carrying bad reputation in terms of inefficiency, corruption and involvement in criminal activities."

He was compulsory retired from service vide this office order endorsement No. 5792-94/ES dated 10.12.2013 and he preferred a service appeal before the Service Tribunal Khyber Pukhtunkhwa, Peshawar. The Service Tribunal Khyber Pukhtunkhwa, Peshawar in appeal No. 398/2014 dated 14.01.2015 ordered for denovo enquiry which was conducted by Deputy Superintendent of Police, Legal, Mardan who recommend the enquiry papers to be filed in his report by stating that the allegations could not be established visibly and technically. He exonerated him from the charges leveled against him.

Therefore under the provision of 54(b) F.R his enquiry is filed and the period he remained out of service is treated as leave without pay.

ORDER ANNOUNCED.

(MUHAMMAD SAEED)PSP  
Deputy Inspector General of Police,  
Mardan Region-I, Mardan.

No. 5792-94/ES, Dated Mardan the 9-12-2013/2015.

Copy forwarded for information and necessary action to the:-

1. District Police Officer, Mardan.
2. District Police Officer, Swabi.
3. Deputy Superintendent of Police, Legal, Mardan w/r to his office

Memo: No. 546/LB dated 05.05.2015.

(\*\*\*\*\*)

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

Service Appeal No. 1338/2015.

Mohammad Rauf Inspector .....Appellant.

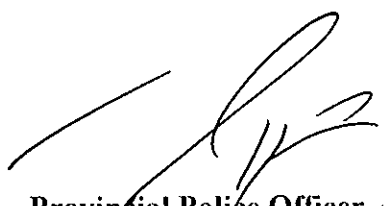
**VERSUS.**

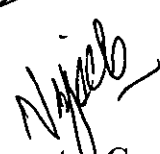
Deputy Inspector General of Police, Mardan Region-I, Mardan


& others .....Respondents.

**COUNTER AFFIDAVIT.**

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal.

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

  
Assistant Inspector General of Police,  
Establishment Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No. 3)

  
Dy. Inspector General of Police,  
Mardan Region-I, Mardan.  
(Respondent No. 4)

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

Service Appeal No. 1338/2015.

Mohammad Rauf Inspector .....Appellant.

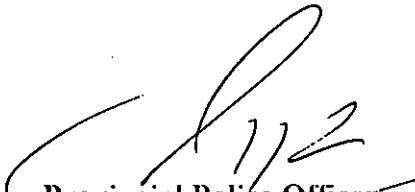
**VERSUS.**


Deputy Inspector General of Police, Mardan Region-I, Mardan

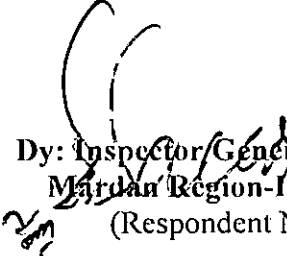
& others.....Respondents.

**AUTHORITY LETTER.**

Mr. Muhammad Shafiq Inspector Legal, (Police) Mardan is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

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

  
**Assistant Inspector General of Police,  
Establishment Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No. 3)**

  
**Dy: Inspector General of Police,  
Mardan Region-I, Mardan.  
(Respondent No. 4)**

BEFORE THE HONORUABLE CHAIRMAN SERVICE TRIBUNAL PESHAWAR

Inspector Rauf

Versus

DIG etc

APPLICATION FOR EARLY HEARING

RESPECTFULLY SHEWETH,

1. That above noted case is pending before this Honourable court and fixed for 09/05/2016. - 09/05/2016
2. That already the petitioner remained out of service for more than two years and already the petitioner is suffering from financial crises and unable to pay the educational expenses of his children.
3. That the petitioner along with his family is in extreme suffering due to the said reason.
4. That petitioner is very sure in the success of the his case.
5. That there is no bar on this Honourable court to accept the application.

It is, therefore, humbly requested that on acceptance of this application the date may kindly be fixed as earlier as possible and convenient to this Honourable court.

Dated: 10/03/2016



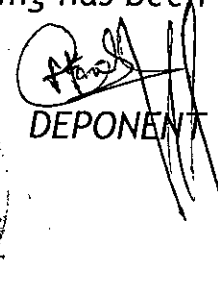
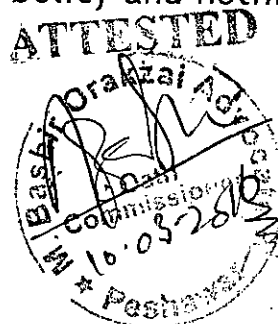
Petitioner

Through

ABDUL RAUF AFRIDI,  
Advocate, High Court Peshawar

AFFIDAVIT:

Declared on oath that the contents of the instant application are true and correct to the best of my knowledge and belief and nothing has been concealed herein.



DEPONENT