

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD

Service Appeal No. 1074/2016

Date of Institution... 20.10.2016

Date of decision... 18.04.2018

Murad Khan son of Safdar Khan resident of Khola Chuna Kari, Nawansher, Tehsil
and District Abbottabad (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Home & Tribal
Affairs, Peshawar.(Respondents)

MR. Zulfiqar Ahmad,
Advocate.

For appellant

MR. Usman Ghani,
District Attorney ...

For respondents.

MR. NIAZ MUHAMMAD KHAN, ...
MR. MUHAMMAD HAMID MUGHAL, ...

CHAIRMAN
MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned
counsel for the parties heard and record perused.

FACTS

2. The appellant was dismissed from service on 22.07.2016 against which
he filed departmental appeal on 09.08.2016 which was rejected on 21.09.2016 and
communicated to the appellant on 28.09.2016, thereafter the appellant filed the

present service appeal on 19.10.2016. The charge against the appellant was his involvement in sale of illicit arms

ARGUMENTS

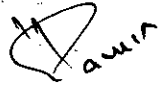
3. The Learned counsel for the appellant argued that the charge sheet/statement of allegations were issued to the appellant and inquiry officer was appointed who did not record any evidence and submitted his report on the basis of secret information of his involvement in illegal and anti-state activities. That nothing was proved against the appellant and the penalty imposed thereon could not be sustained in the eyes of law.

4. On the other hand the learned District Attorney argued that the appellant was duly charge sheeted alongwith statement of allegations. That the inquiry officer conducted the inquiry. That he was given final show cause notice. That on previous occasions he was awarded so many penalties due to his absence etc.

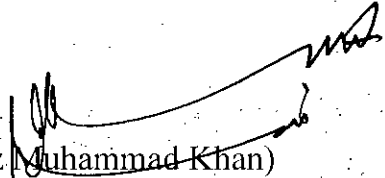
CONCLUSION

5. The very inquiry report against the appellant regarding the charge is based on the secret report. It is now a settled principle of administrative law that no civil servant can be punished on the basis of secret information. The charge shall have to be proved through evidence by affording full chance to the civil servant to defend himself. Consequently the present appeal is accepted and the appellant is reinstated in service. The department is, however, at liberty to hold denovo proceedings in accordance with law within a period of 90 days of the receipt of

this judgment. The issue of back benefits shall be subject to the outcome of the de novo proceedings, if any, and rules on the subject. Parties are left to bear their own costs. File be consigned to the record room.



(Muhammad Hamid Mughal)
Member




(Niaz Muhammad Khan)
Chairman
Camp Court, A/Abad

ANNOUNCED
17.4.2018

22.02.2018

Counsel for the appellant and Addl. AG alongwith Atif H.C for the respondents present. Learned AAG seeks adjournment. To come up for arguments on 17.4.2018 before the D.B at camp court, Abbottabad.


Member


Chairman
Camp court, A/Abad.

17.04.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Inspector Asif for the respondents present. The court time is over. Adjourned. To come up for arguments on 18.04.2018 before the D.B at camp court, Abbottabad.


Member

Chairman
Camp court, A/Abad

18.04.2018

Counsel for the appellant and Mr. Usman Ghani District Attorney alongwith Muhammad Atif, H.C for the respondents present. Arguments heard and record perused.

This appeal is accepted as per our detailed judgment of today. Parties are left to bear their own costs. File be consigned to the record room.


MEMBER


CHAIRMAN

ANNOUNCED
18.04.2018

1074/16

25.05.2017

Since tour programme to camp court, Abbottabad for the month of May, 2017 has been cancelled by the Worthy Chairman, therefore, case to come up for the same on ~~25.05~~ 2017 at camp court, Abbottabad. Notices be issued to the parties for the date fixed accordingly


Registrar,


21.07.2017


Appellant in person and Mr. Muhammad Bilal, DDA alongwith Shamrai Khan, H.C for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 20.12.2017 at camp court, Abbottabad.


Chairman
Camp Court, A/Abad

20.12.2017

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Shamraiz Khan, Reader for the respondents also present. Learned counsel for the appellant submitted rejoinder. Copy of the same also handed over to learned Additional AG. Learned Additional AG requested for adjournment. Adjourned. To come up for arguments on 22.02.2018 before D.B at Camp Court Abbottabad.


(Gul Zeb Khan)
Member (Executive)
Camp Court Abbottabad


(Muhammad Amin Khan Kundi)
Member (Judicial)
Camp Court Abbottabad

22.12.2016

Learned counsel for the appellant argued that the appellant was serving as Constable when dismissed from service on 22.07.2016 on the allegations of involvement in smuggling of illicit arms where-against his departmental appeal was also rejected on 21.09.2016 constraining the appellant to prefer the instant service appeal on 20.10.2016.

That the enquiry proceedings were not conducted in the mode and manners prescribed by rules. That the allegations were not substantiated in the enquiry through evidence. Furthermore, appellant was not associated with the enquiry and that the enquiry officer was appointed the same person who was informer and, above all, the enquiry officer was prejudice and as such proposed the said punishment.

Points raised need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents. To come up for written reply/comments on 16.03.2017 before S.B at camp court, Abbottabad.

Appellant Deposited
Security & Process Fee

97-12-2016

Chairman

Camp court, A/Abad

16.03.2017

Mr. Zulfiqar Ahmad, Advocate for appellant present and Wakalatnama submitted. Mr. Shamraiz Khan, Reader alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Requested for adjournment. To come up for written reply/comments on 18.05.2017 at camp court, Abbottabad.



Chairman

Camp Court, A/Abad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1074/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	20/10/2016	<p>The appeal of Mr. Murad Khan presented today by Mr. Chanan Khan Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	24-10-2016	<p>This case is entrusted to Touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>22-12-2016</u></p> <p> CHAIRMAN</p>

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR.

Murad Khan

Appeal No. 1074/2016

...APPELLANT

V E R S U S

Govt of KPK and others

...RESPONDENTS

SERVICE APPEAL

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S.No.	Description of Document	Annexure	Page No.
1.	Service Appeal <i>WITH SUSPENSION APPLICATION</i>	--	1-9
2.	Copy of appointment order, service card	"A"	10A
3.	Copies of appreciation letters	"B"	11
4.	Copy of Charge Sheet	"C"	14
5.	Copy of Show Cause notice and reply thereof	"D"	16
6.	Copy of inquiry report and dismissal order	"E"	19,20
7.	Copy of Departmental Appeal	"F"	21
8.	Copy rejection letter	"G"	23
9.	Copy of reinstatement in service, order	"H"	26,27
10.	Copy of other documents	--	28-32
11.	Vakalat Nama	--	

M.S. Tanoli
...APPELLANT

Through:

Dated:- 19/10/2016

Attested
M.S. Tanoli

Chan Khan Tanoli
(CHANAN KHAN TANOLI)
Advocate High Court, Abbottabad.

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

Appeal no. 1074/2016

Murad Khan S/o Safdar Khan R/o Khola Chuna Kari, Nawansher, Tehsil and District Abbottabad.

...APPELLANT

V E R S U S

- 1) Government of Khyber Pakhtunkhwa through Sectary Home and Tribal Affairs, Peshawar.
- 2) Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 3) Regional Police Officer, Hazara Region, Abbottabad.
- 4) District Police Officer, Abbottabad.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1106

Dated 20/10/2016

...RESPONDENTS

=====

**SERVICE APPEAL U/S 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
FOR DECLARATION TO THE EFFECT THAT THE
APPELLANT WAS ILLEGALLY DISMISSED FROM
SERVICE VIDE IMPUGNED ORDER OB NO.162
DATED 22.07.2016 WHICH IS MAINTAIN BY
RESPONDENT NO.3 VIDE ORDER NO.4338/PA
DATED 21.09.2016 ON THE SO-CALLED
ALLEGATION OF BUSINESS OF ILLICIT ARMS
AMMUNITION AS WELL AS ON THE
ALLEGATION OF ABSENCE FROM DUTY ON
DIFFERENT DATES AND THE DISMISSAL
ORDER IS AGAINST THE FACTS, IS THE**

Filed to-day

Somesh
20-10-16
Registrar


Attested
M
Jadon

RESULT OF IMPROPER INQUIRY AND NOT PROVIDING PROPER OPPORTUNITY FOR PERSONAL HEARING AND CROSS EXAMINING THE PERSON WHO ALLEGED ALLEGATION OF ILLEGAL TRAFFICKING OF ARMS and AMMUNITION HENCE THE IMPUGNED DISMISSAL ORDER OF THE APPELLANT IS LIABLE TO BE SET SIDE.

PRAYER:-

ON ACCEPTANCE OF INSTANT SERVICE APPEAL, OF THE APPELLANT THE RESPONDENTS DEPARTMENT MAY GRACIOUSLY BE ORDERED TO REINSTATE THE APPELLANT IN HIS SERVICE WITH EFFECT FROM THE DATE OF HIS DISMISSAL FROM SERVICE WITH FULL BACK BENEFITS. ANY OTHER RELIEF WHICH THIS HONORABLE TRIBUNAL DEEM APPROPRIATE IN THE INTEREST OF JUSTICE MAY ALSO BE ALLOWED.

Attested


Jodan

Respectfully Sheweth,

1. That, the appellant got employment as Constable in Police Department on 01.12.2008. **(Copy of appointment order, service card are attached as Annexure "A")**
2. That, the appellant served the Police Department with devotion and complete satisfaction of the high-ups of the Department and left no stone unturned in smooth functioning of the service as a recognition of good self of the appellant, the appellant has been awarded commendation and appreciation Certificate for rendering gallantry service and also obtained cash prize Rs.2000/- from the respondent No.4. **(Copies of appreciation letters are annexed as Annexure "B")**
3. That, the appellant has been charge sheeted for the allegation of involvement in the business of illicit arms and ammunition on the alleged secret reports. **(Copy of Charge Sheet is annexed as Annexure "C")**
4. That, thereafter, the appellant was served with show cause notice dated 29.06.2016, which was properly replied by the appellant. **(Copy of Show Cause**

Attested

[Signature]
Jaldeen

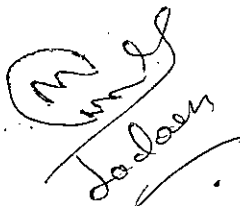
notice and reply thereof is annexed as Annexure "D")

5. That, respondent No.4 on the arbitrary and one sided inquiry report of D.S.P Mirpur Abbottabad, dismissed the appellant from service on 22.07.2016. **(Copy of inquiry report and dismissal order is annexed as Annexure "E")**
6. That, the appellant feeling aggrieved, file the Departmental Appeal to respondent No.3 **(Copy of Departmental Appeal is attached as Annexure "F")**, respondent No.3 dismiss the Departmental Appeal of Appellant vide impugned order dated 21.09.2016 **(Copy rejection letter is attached as Annexure "G")**, hence the instant appeal is filed, inter-alia, on the following grounds:-

GROUNDS:-

- a. That, the impugned dismissal order of the appellant is against the law discriminatory and liable to be set aside.
- b. That, during the inquiry, the appellant was not provided / served any document which incriminate the appellant in so-called illegal business of arms and ammunition therefore the

Attested


J. J. Jodan

inquiry is based on mere surmises and conjectures and the appellant is entitled to be reinstated in service.

- c. That, the respondents Department did not disclosed the source through which they gather wrong information of alleged illegal business, beside, no one was produce before the appellant to cross examine him. Therefore, the inquiry report as well as the dismissal order is based on malafide intention and the same are not maintainable in the eye of law.
- d. That, it is submitted that the appellant was previously dismissed from service on account of absence on different dates which are mentioned in the dismissal order dated 22.07.2016 the appellant file appeal against his earlier dismissal order dated 11.10.2013 which was accepted and the appellant was reinsulated in service while order dated 26.02.2014. **(Copy of reinstatement in service, order is attached as Annexure "H")**.
- e. That, from 26.02.2014 to till today the appellant is performing his duty with devotion and complete satisfaction of the high-ups of the department and due to his outstanding performance and devotion

Attested


A. J. Jadoon

he is awarded with commendation certificate as well as a cash prize of Rs.2000/- for the good performance of appellant.

f. That, Appellant pass B-I(Etea) for selection lower, an examination was conducted by department in which 348 candidates appear and only 7 was declare as successful candidates and appellant is one out of that which is a proof of devotion and talent of appellant.

g. That, it is worth to mentioned here that the pervious allegation of absence from different dates which is a past and closed transaction has again been re-agitated in impugned dismissal order which is nullity in the eye of law hence removal from service order is liable to be set aside.

h. That, the impugned action against appellant has been taken in an utter disregard of prescribed procedure and it is in violation of established principles of equity and justice calling for interference by this Honourable Tribunal.

Attested

(Signature)
Jadon


- i. That, the appellant seeks leave of this Honourable Tribunal to agitate additional grounds at the time of arguments.
- j. That, the appeal within time.

It is, therefore, humbly prayed that on acceptance of instant Service Appeal of the appellant the respondents department may graciously be ordered to reinstate the appellant in his service w.e.f the date of his dismissal from service with full back benefits. Any other relief which this Honorable Tribunal deem appropriate in the interest of justice may also be allowed.


...APPELLANT

Through:


Dated:- 19/10 2016


(CHANAN KHAN TANOLI)
Advocate High Court,
Abbottabad.

VERIFICATION:-

Verified that the contents of the instant Service Appeal are true and correct to the best of my knowledge and belief and that nothing material has been suppressed from this Honorable Tribunal.

Dated:- 19/10 2016

Attested

Jadour


...APPELLANT

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

Murad Khan

...APPELLANT

V E R S U S

Govt of KPK through Sectary Home and Tribal Affairs, Peshawar and others.

...RESPONDENTS

SERVICE APPEAL

**APPLICATION FOR SUSPENSION OF THE
OPERATION OF IMPUGNED ORDER.**

Respectfully Sheweth,

This, Honourable Tribunal may graciously be pleased to suspend the operation of impugned order, bearing Ednst.No.4338/PA dated 21.09.2016 , passed by respondent No.3 and appellant be permitted to continue his service and respondents be directed not to withhold his /salary till disposal of this appeal on the following ground:-

1. That, the impugned order was issued without affording an opportunity of personal hearing and thus is in violation of established principal of natural justice. Thereof, appellant has made out a strong prima facie case.
2. That, if the suspension of impugned order is refused appellant would suffer an irreparable loss as his career is at stake and in case of grant of such relief there will be no loss to respondents.

Attested

*M
Dedoo*


- (9)
3. That, the balance of convenience lies in favour of appellant as he is already holding the same post.

It is, therefore, humbly prayed that the operation of impugned order be suspended, respondents be directed to allow the appellant to continue his service and appellant be allowed to draw his salary till disposal of this appeal.


...PETITIONER

Through:

Dated:- 19/10/2016


(CHANAN KHAN TANOLI)
Advocate High Court,
Abbottabad.


AFFIDAVIT:

I, Murad Khan S/o Safdar Khan R/o Khola Chuna Kari, Nawansher, Tehsil and District Abbottabad ***petitioner/appellant***, do hereby solemnly affirm and declare on Oath that the contents of instant ***application*** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.


Dated:- 19/10/2016


...PETITIONER

IDENTIFIED BY:-


(CHANAN KHAN TANOLI)
Advocate High Court,
Abbottabad.

Attested


Jodson

ORDER

As per recommendation of Recruitment Committee following candidates have been enlisted as Constable in Abbottabad District Police and allotted Constabulary number as noted against each their names with effect from 01/02/08 on temporary basis and their service will be liable to be terminated any time under PR-12/01 during the probation period i.e. three years.

RECRUITMENT BY DISTRICT ABBOTTABAD

S.No	Merit No.	Name	Father's Name	Resident	Home PS	Cons. No.
1	1	Sohail Khan	Raza Khan	Dalderi	Mirpur	346
2	2	M. Tariq	Taj Muhammad	Pisala	Havelian	1452
3	3	Ismahil	Abdul Rasheed	Moh. Loharan	Havelian	396
4	4	Waqas Khan	Mursad Khan	Bagnotar	Bagnotar	7
5	5	Mehrab Ahmad	Muhammad Ishaq	Safwa	Sherwan	762
6	6	Jawad	Abdul Rehman	Kasali Kalan	Havelian	1439
7	7	Shaheen Khan	Jehanzeb	Kanger Pain	Sherwan	1440
8	8	Majid Raza	Muhammad Raza	Chamancee	Sherwan	1441
9	9	Kamran Ali	Muhammad Younas	Jilaj Baza Chow	City	1442
10	10	Waqas Satar	Abdul Satar	Upper Malik Pur	City	1443
11	11	Majid Musaab	Sardar Musaab Khan	Banda Sinjliyan	City	1444
12	12	Niaz Ahmad	Sardar Haroon	Pandi Mera	Bagnotar	1445
13	13	Abdul Qadder	Muhammad Daud	Kiyala	Havelian	1446
14	14	Shamso Ullah	Gulam Mursaleem	Banda Hafiz Gee	Havelian	1447
15	15	Zahid Khan	Muhammad Ullah	Sarila	Havelian	1448
16	16	Waqas Khan	Nawaz Khan	Bannor	Nawansher	1449
17	17	Nazakat Khan	Fida Hussain	Chatri Kothiyala	Sherwan	1450
18	18	M. Shafiq	M. Kharsheed	Mherwan	Sherwan	1451
19	19	Shauqiz	Daryaman	Bela Kalan	Sherwan	44
20	20	Azhar Khan	Faiz Khan	Moh. Fazl Shah	Havelian	1453
21	21	Syed Ejaz Ali	Syed Baber Shah	Dannor	Nawansher	1454
22	22	Faqeer Ahmad	Walidad	Mor Kalan	Mirpur	1455
23	23	Amjid Abbasi	Muhammad Khaliq	Gambier	Lara	1456
24	24	M. Ishaq	Khalil Ur Rehman	Nokai Berseen	Havelian	1134
25	25	M. Saeed	Shah Zaman	Curry Rajiki	Dongagali	695
26	26	Abas Khan	Asmat Khan	Lamega	Havelian	984
27	27	M. Khalid	Shabir Ahmad	Giloi	Nawansher	65
28	28	Majid	Muhammad Saieem	Pathail	Sherwan	1001
29	29	Mehboob	Zahoor Khan	Chando Mera	Nara	880
30	30	M. Adnan	Muhammad Bashir	Sangi Mera	Bagnotar	278
31	31	M. Asif	Sabir Khan	Makool Pain	Dongagali	188
32	32	Niaz Ali	Tariq Khan	Sheika U Bandi	Cantt	601
33	33	Shahnawaz Akhter	Yaqub Khan	Pind Kargo Khan	Sherwan	467
34	34	M. Haroon	Muhammad Perviaz	Soywat	Sherwan	844
35	35	Bilal Ahmad	Muhammad Naseem	Moh. Moh. Zai	Nawansher	296
36	36	M. Kalcem	Abdul Latif	Taury	Sherwan	376
37	37	Ishmael Ahmad	Mirdad Khan	Qalandarabad	Mirpur	338
38	38	Fahad Bin Arif	Arif Hussain	Sulhad Uper	Cantt	915
39	39	Saeed Ahmad	Fazal Almaso	Raokot	Gilari	95
40	40	Tosseeq Ali	Taj Muhammad	Gohra	Nara	446
41	41	M. Ezaz	M. Daed	Khan	Bagnotar	217
42	42	Nazakat	Zulfiqar	Banochi	Sherwan	1464
43	43	Ehsan Khan	Zamirad Khan	Banda Ali Khan	Mirpur	619
44	44	Zahid Asgher	Ali Asgher	Mera Bala	Nara	385
45	45	Amjid Khan	Sawar Khan	Sarbanu Dehri	Bagnotar	331
46	46	M. Wajid	M. Sadig	Jaffar	Bagnotar	759
47	47	Aqeel Ahmad	Kawaj Muhammad	Kiyala	Havelian	1052
48	48	M. Wassem	Muhammad Saleem	Bartha	Nawansher	986

Attested
(Signature)
Jadose

(10A)

49	49	Wajid Shah	Akhtar Shah	Humli Svedan	Sherwan	721
50	50	Nadeem Khan	Jehangir Khan	Mera Mandrosh	Nwansher	78
51	51	Wajid Khan	Ashfaq Ahmad	Saltad	Canit	248
52	52	Adil Akhtar	Muhammad Akhtar	Dagan	Lora	1057
53	53	Asif	Sultan	King Kadem	Canit	22
54	54	Abid	Sultan	King Kadem	Canit	43
55	56	Danish Shah	Mohazam Shah	Dehri Bagla	Lora	483
56	57	Wasif Khan	Farid Khan	Dudiyal	Nwansher	501
57	58	M. Qasim	Muhammad Gufran	Shaheed abad	Sherwan	1435
58	59	Amin Yousaf	Muhammad Yousaf	Br/ Sheikh Bandi	Canit	1267
59	60	Afzal Ahmad	Gulfaraz Khan	Kalora Kurd	Sherwan	1125
60	61	Khalid Abbasi	Feroz Abbasi	Pahyan	Lora	1412
61	62	Haqueemwaz	Saifur Zaman SI	Bagh Bandi	Bagnotar	800
62	63	Naseer Zahid	Zahid Hussain	Nwansher	Nwansher	1234
63	64	Adeel Zaffar	Muhammad Zaffar	Tandi Choha	Nwansher	1307
64	65	Waris Khan	Aslam Khan	Bagh	Bagnotar	928
65	66	M. Shakool	Mir Afzal	Biran Gali	Bagnotar	420
66	67	Atique ur Rehman	Muhammad Zaman	Koknaug	Nwansher	332
67	69	Waseem Irshad	Muhammad Irshad	Banda Diluzak	Canit	218
68	70	Saad Ali	Mujahid Khan	Marri Road	Canit	1092
69	72	Raja Pirkhan	Raja Abdul Qayyum	Dantor	Nwansher	671
70	73	M. Basarat	Ayranzech	Banda Spen	Canit	990
71	74	Shoaib	Jehangir Khan	Nathigali	Dongali	258
72	75	Amir Shahzad	M. Jamshaid	Kaho Sharki	Bakot	306
73	76	M. Arshad	Muhammad Riaz	Bodfa Gali	Mirpur	97
74	77	M. Sajid	Muhammad Akram	Jehan	Bagnotar	1024
75	78	Ayals Murad	Murad Khan	Chanmaka	Nara	1129
76	79	Adil Azad	Muhammad Javaid	Dehri Kiyala	Lora	143
77	80	M. Abdullah	Malik Saeed Rehman	Havelian	Havelian	605
78	81	Waqar Masood	Khalid Masood Khan	Banda Ganzan K	Mirpur	1181
79	82	Shoukat	M. Ishtaq Rehman	Moh. Bilal	Havelian	1311
80	83	Timur Khan	Muhammad Rawan	Chando Mera	Nara	54
81	120	Qasir Javaid	Javaid Iqbal	Azeem Abad	Sherwan	64
82	123	Qasir Nazir	Muhammad Nazir	Boi	Ghari	739
83	128	Ezziz Khan	Shahvaz Khan	Kharper	Sherwan	1129
84	132	Syed Razak	Akhtar Shah	Dhakan Bagnotar	Bagnotar	1326
85	134	Murad Khan	Saidar Khan	Ilyasi	Nwansher	116
86	168	Zakar	Sakandar Khan	Bamochi Kalan	Sherwan	646
87	188	Naveed Ahmad	Khurshed Ahmad	Sherwan Khurd	Sherwan	887
88	268	Aamir Shahzad	M. Riasat	Sorhana	Bagnotar	871
89	299	Dilawar Khan	M. Sulaman	Moh. Abdal	Mirpur	1191
90	302	Dilawar Khan	Rustam Khan	Kafi Dhar	Mirpur	229

Note:- Serial No.1 to 80 on Merit, Serial No.81 to 90 Police Sons Kota.

[Signature]
District Police Officer,
Abbottabad.

No. 13967 Dated 01/12/08

Copy of above is submitted to the Deputy Inspector General of Police, Hazara Region Abbottabad for favour of information please.

OB No 435
1/12/08

[Signature]
Attested
[Signature]

District Police Officer,
Abbottabad.

33034

Copy

COMMENDATION CERTIFICATE



**N.-W.F.P. POLICE
CLASS III**

Granted to PC MURAD ALI KHAN NO 116

Son of Safdar Khan resident of Ilyasi Masjid

Village Nawan Shehr - Police Station Nawan Shehr

in recognition of For his good performance

OB. No. 279 Rs = 2000/-

Dated 23-11-15

**DISTRICT POLICE OFFICER
ABBOTTABAD**

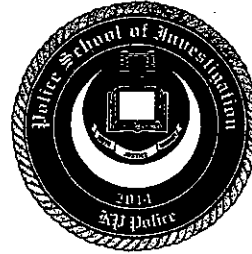
Attested

M. A. Jodan

POLICE SCHOOL OF INVESTIGATION
HAYATABAD, PESHAWAR.

S.No. 290

(12)



This is to certify that

FC Murad Khan District Abbottabad

has Participated and Successfully Completed One Week Training on

Cellular Forensics

field at Police School of Investigation Hayatabad, Peshawar.

Dated. 06 May, 2016

[Signature]
Deputy Inspector General of Police
Training
Khyber Pakhtunkhwa, Peshawar.

[Signature]
Director
Police School of Investigation
Hayatabad Peshawar

Attested
[Signature]
[Signature]

10 June

01 05 16 26 26 26 26

Swamy

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Handwritten signature or name at the top left of the main text block.

Handwritten signature and notes at the bottom left of the page.

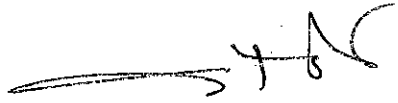
Attested


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CHARGE SHEET

14

- 1). I, Muhammad Khuram Rashid (PSP), District Police Officer, Abbottabad as competent authority, hereby charge you Constable Murad Ali No. 116 as explained in the attached statement of allegations.
- 2). You appear to be guilty of misconduct under Police disciplinary rules 1975, and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.
- 3). You are therefore, directed to submit your written defense within seven days on the receipt of this Charge Sheet in the Enquiry Officer.
- 4). Your written defense, if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
- 5). Intimate whether you desire to be heard in person or otherwise.
- 6). A statement of allegation is enclosed.


(MUHAMMAD KHURAM RASHID) PSP
District Police Officer,
Abbottabad.


delivered
6-6-2016

Attested

Tadler

صواب عالی :- Attested.

موصولہ چارج شیٹ از دفتر DPO صاحب کی بابت موصولہ
سائل کے خلاف جو الزامات لگائے گئے ہیں کہ سائل ریٹے کی گاڑیوں
دریغے اسلام آباد غیر قانونی سٹاپنگ لگایا کرتا ہے صواب عالی سائل ایک زمین

SDPO Talpur
Abulabad

شناس پولیس آفیسر ہے جو کہ مالے آفس میں دس کے شعبے سے وابستہ
پولیس آفیسر ہے جو کہ حالیہ ایساٹیسٹ میں 101 نمبرات لیکر پاس ہو
چھے اور سائل کی لوٹر کورس کیلئے سٹیکشن بھی پڑنی چھوٹی ہے اور سائل
آئینہ ٹم میں لوٹر کورس کیلئے جانا ہے سائل کی خاندانی خاندانی رکھتے
بھی ہیں جس کے باعث سائل کو لوٹر کورس کیلئے جانے کی راہ میں روٹ
اٹکانا مقصود ہے جس نے سائل نے اپنی نوکری کے دوران حال ہی میں انولسٹی
کورس پشاور میں کیا ہے جس میں سائل کے ہمراہ سب انسپیکٹر صاحبان
جو کہ سائل انڈیا کنسٹیبل وہاں کورس میں شامل تھا اور اپنے دوستوں کے ساتھ
ساتھی کے ہمراہ رہنے شروع کی فائڈنگ کر رہا تھا جو کہ سائل کی فرض شناسی کا
لوٹا ثبوت ہے علاوہ ازیں سائل کی والدہ بیمار ہیں جو کہ سائل نے انکو علاج و
کیلئے مختلف جگہوں پر جیک اے کیلئے لے جانا پڑتا ہے جس کے باعث

Attested
Talpur

ریٹے کی گاڑیوں کا استعمال کرتا ہے کیونکہ وہ لوکل گاڑیوں میں سفر
کر سکتے ہیں سائل نے حالیہ دنوں میں جو ریٹے کی گاڑیوں میں سے ایک گاڑی
کا استعمال کیا ہے وہ گاڑی عمر گزشتہ 26 دنوں سے ایسی ڈنٹ ہو
کے باعث درک شاپ سے کام کروانے دیکر مالکان کو واپس دے دی ہے
بالا حوالہ کی روشنی میں سائل صاحب سے التماس کرتا ہے کہ سائل کی رے

116)

OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD

No: 977/PA, Dated Abbottabad, the 29/6 /2016.

FINAL SHOW CAUSE NOTICE

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

1. That you **Constable Murad No. 116**, rendered yourself liable to be proceeded under Rule 5 (B) of the Khyber Pakhtunkhwa Police Rules 1975 for following misconduct;
 - I. According to the secret/ clandestine information you while posted at PAL office indulged yourself in the business of illicit arms of ammunition which you used to bring from Peshawar in a Rent a Car Motors regularly and continuously since long time.
 - II. During proper departmental enquiry the allegation have been proved against you.
2. That by reason of above, as sufficient material is placed before the undersigned therefore it is decided to proceed against you in general Police proceeding without aid of enquiry officer;
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the police force will amount to encourage in efficient and unbecoming of good Police officers;
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.
6. You are, therefore, called upon to Final Show Cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred to above.
7. You should submit reply to this Final Show Cause Notice within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

Received by

Dated 30/6/2016.

District Police Officer,
Abbottabad.

Dated ___/___/2016.

Attested

[Signature]
Tadamm

117

OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD

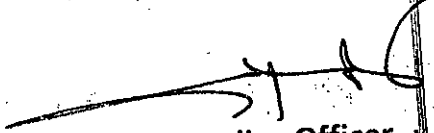
No: 977/PA, Dated Abbottabad, the 29/6/2015

GROUND OF ACTION


That you Constable Murad No. 116, committed following misconduct:-

- i. According to the secret/clandestine information you while posted at PAL office indulged yourself in the business of illicit arms of ammunition which you used to bring from Peshawar in a Rent a Car Motors regularly and continuously since long time.
- ii. During proper departmental enquiry the allegation have been proved against you.

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


District Police Officer,
Abbottabad.
Dated ___/___/2016.

Attested


Jodan

جناب عالی :-

۱۱۶

موسٹر شو کاز غیری 977/PA کی بابت معروضی پورنلہ سے
29-06-016

کیخلاف پھرنے والی انکوٹری میں سٹل پر جو الزامات لگائے گئے ہیں
سٹل ان الزامات کو مسترد کرتا ہے سٹل پر لگانے جانے والے
الزامات بے بنیاد ہیں سٹل ایک ضمن شناس اور ایما نڈار لولہ
آفسیر ہے اور سٹل کی دورے ٹرم 2016ء میں لوٹری سٹلیٹ
پہنچی پھرتی ہے اور سٹل کیخلاف لگانے جانے والے الزامات
سٹل کو لوٹری کورس پر جانے سے رکھتا ہے سٹل ایک نوجوان

آدمی ہے اور مختلف اوقات میں اپنے دوستوں کے ہمراہ مختلف
مکانوں پر گھومتا ہے جو کہ خلاف ہے جس کے لئے ہم دوست حقوق تو
سٹل سے ڈال کر لے کر چلتے ہیں جس کو چند لوگ

کے خلاف نہیں کرتے اور سٹل کیخلاف یہ جھوٹے الزامات لگائے
سٹل بزرگہ باب شو کاز مذکورہ بالا جناب سے اس سے عار
ہے سٹل کو ان جھوٹے الزامات سے بری کر کے سٹل کی انکوٹری

داخل دفتر کیجئے :- OR.

Attested
[Signature]

[Signature]

03070-16
22-7-16

OFFICE OF THE DY: SUPERINTENDENT OF POLICE MIRPUR ATD.

19,

DEPARTMENTAL ENQUIRY AGAINST FC MURAD NO.116 OF PAL
OFFICE ABBOTTABAD.

BACKGROUND:-

FC Murad No.116 posted in PAL office Abbottabad was charge sheeted by the Worthy District Police Officer Abbottabad vide Office End: No. 946/PA dated 01-06-2016 and undersigned had been deputed to conduct formal enquiry for purpose of scrutinizing the conduct of the said official as per following statement of allegations:-

BRIEF OF ALLEGATIONS:-

"According to the secret /clandestine information, you while posted at PAL office, indulged yourself in the business of illicit Arms and Ammunition for which you used to bring from Peshawar in a Rent a Car Motors regularly and continuously since long time.

ENQUIRY PROCEEDINGS:-

Subsequently on the receipt of charge sheet and statement of allegations, the Undersigned conducted proper enquiry proceeding and called upon the delinquent official heard him in person and also recorded his statement which is attached herewith for ready reference.

BRIEF OF OFFICIAL'S STATEMENT:-

In his statement official urged that he is a responsible person and never involved in such like activities. He has to be selected for Lower School Course and someone (his secret enemy) tried to drop him from said promotion course through this menace.

CONCLUSION:-

It is not out of place to mentioned here that not only this secret information have some weight but the undersigned has also received similar secret information regarding his involvement in such illegal and anti state activities. Moreover, he also met a road accident in which a Rent a Car was damaged as he admitted in his own statement.

FINDINGS.

Keeping in view the above mentioned circumstances and secret information, undersigned is of the views that the charges leveled against the delinquent constable Murad No.116 seems to be proved hence he is recommended for strict punishment

Submitted please.

Deputy Superintendent of Police,
Mirpur Abbottabad.

Attested

[Handwritten signature]
Jodas

ORDER

Constable Murad No.116 rendered himself liable to be proceeded under Rule 5(3) of Khyber Pakhtunkhwa Police Rules 1975 for following misconduct:

According to the secret/clandestine information he while posted at PAL office indulged himself in the business of illicit arms of ammunition which he used to bring from Peshawar in a Rented Motors Car regularly and continuously since long time.

During proper departmental enquiry conducted by Mr. Amjid Hussain DSP Mirpur allegations leveled against him are proved.

Perusal of his service record, it revealed that he is habitual absentee having no interest and devotion towards his service.

According to his Service Record following bad entries are in his credit.

S.No	Punishment	Reason
1.	Warning	Due to 07 hours absence
2.	05 days Leave Without pay/02 days Q/Gard & E/Drill	Due to 05 days absence
3.	03 days Leave without pay/01 day Q/Gard & E/Drill	Due to 03 days absence
4.	04 days Leave without pay & Fine Rs.100	Due to 04 days absence
5.	16 days Leave without pay & Fine Rs.200	Due to 16 days absence
6.	15 days Leave without pay & Fine Rs.1000	Due to 15 days absence
7.	02 days Leave without pay & Fine Rs.50	Due to 04 days absence
8.	10 days Leave without pay & Fine Rs.500	Due to 10 days absence
9.	03 days Leave without pay & Fine Rs.150	Due to 03 days absence
10.	63 days Leave without pay & 01 Year increment Stop	Due to 63 days absence
11.	13 days Leave without pay & Fine Rs.500	Due to 13 days absence
12.	Fine Rs.400	Due to 01 days absence
13.	04 days Leave without pay & Fine Rs.200	Due to 05 days absence
14.	01 day Leave without pay	Due to 01 day absence
15.	05 days Leave without pay	Due to 05 days absence
16.	Fine Rs.100	Due to 23 hours absence
17.	Dismiss from Service	Due to 44 days absence
18.	Censure	Due to Involved in case FIR No.264 dated 27-06-2014
19.	Warning	Due to 01 day absence

03. No - 162
22-7-16

Consequently he was issued Final Show Cause Notice. He was summoned to appear in Orderly Room. He was given a patient hearing but he had nothing plausible to state in his defence.

He has become liability on state exchequer. His retention in a disciplinary force is detrimental for the image of department as this will pave way for other Force.

Therefore, in exercise of powers vested in me under Police disciplinary Rules 1975, he is awarded major punishment of dismissal from service with immediate effect.

Attested

Order announced.

(Signature)

(Signature)
District Police Officer, Abbottabad.

بخدمت جناب DIG صاحب ہزارہ ریج ضلع ایبٹ آباد

عنوان: اپیل بمراد بحالی نوکری من سائل امی مراد خان نمبری 116 متعینہ تھانہ بکوتر و نفسی طور پر سنے جانے اپیل من سائل کیونکہ من سائل کو من گھڑت اور بے بنیاد الزامات کی بناء پر مؤرخہ 22/07/2016 برخواست کیا گیا ہے۔

جناب عالی!

بذریعہ اپیل ہذا جناب کی خدمت میں ملتمس ہوں کہ من سائل 01/12/2008 سے بحیثیت سپاہی اپنے فرائض منصبی باحسن سرانجام دے رہا ہوں۔

جناب والا! گزارشات اختصاراً بالترتیب گوش گزار کرنے کی جسارت کر رہا ہوں۔ اُمید ہے کہ آنحضرت میری اپیل پر دردمندانہ غور فرماتے ہوئے بحالی کے حکم صادر فرمائے گے کیونکہ من سائل کو من گھڑت اور جھوٹ پر مبنی الزامات کے تحت برخواست کیا گیا ہے۔

۱۔ یہ کہ من سائل ملک و ملت کے مفاد کے پیش نظر محکمہ پولیس میں اپنے فرائض انجام پر فخر محسوس کرتا ہوں۔ نیز یہ کہ والد سائل بھی 25 سال محکمہ پولیس میں بطور ہیڈ کانسٹیبل اپنی خدمات سرانجام دیتے رہے۔

۲۔ یہ کہ من سائل چونکہ خانہ داری معاملات و بیماری کی بناء پر بسا اوقات غیر حاضر ہوا جس کی بناء پر قبل ازیں مجھے برخواست کیا گیا۔ بعد ازاں میڈیکل سٹوفیکٹ پیش کیا جا کر من سائل بحکم DIG صاحب بحال ہوا۔

۳۔ جناب والا! چونکہ خانہ داری امور کی بناء پر مخاصمت چلی آ رہی ہے۔ بناء بر این چند اشخاص مجھے اور میرے پٹھے کو بدنام کرنے کے در پے ہیں۔

۴۔ بوجہ بالا من سائل کا ایک مقدمہ فیملی کورٹ میں زیر سماعت ہے جو اس بات پر دال ہے کہ من سائل کو بنا بر مخاصمت ملوث و اوباش قرار دینے کی سازش کی گئی ہے۔ ستم بالائے ستم! قانونی محافظ ہی قانون کی دھجیاں اڑانے میں سرفہرست ہیں۔ مخاصم و فریق اشخاص جو ڈیشلی ملازم پیشہ ہیں جن میں سے ایک شخص مسمی یا سر قوم بطور سٹینو بعدالت جناب (ایبٹ آباد) سیشن جج صاحب تعینات ہے۔

۵۔ علاوہ ازیں من سائل کا ایک جھگڑا ہوا جو بعد ازاں رضی نامہ پر حل ہو گیا۔ (کاپی لف ہے)

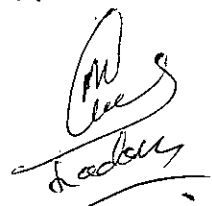
۶۔ جناب والا! محکمہ پولیس کی جانب سے بعد سلیکشن من سائل انوسٹی گیشن کورس و CRVS سموں کے حصول کیلئے بحکم IC PAL پشاور بالترتیب گیا۔

۷۔ اب جب کہ من سائل پر جھوٹ پر مبنی الزامات کے پیش نظر برخواستگی کو بروئے کار لایا گیا ہے اور اس بات کو ذکر کیا گیا ہے کہ

”من سائل اسلحہ کا کاروبار کرتا ہے اور اس سلسلہ میں کرایہ پر گاڑیاں پشاور لے جا کر اسلحہ کی خرید کرتا ہے اور واپس فروخت کرتا ہے“ اور مذکورہ ذیل باتوں کو کیش کرتے ہوئے من سائل کے خلاف ہو گئے۔

حالانکہ من سائل نے نہ کبھی ایسا کاروبار کیا اور نہ کبھی ایسا سوچا اور نہ ہی وطن عزیز کے مفادات کو پس پشت ڈالا اور نہ ہی من سائل کے خلاف کسی بھی تھانہ میں کوئی مقدمہ درج ہے۔

Attached



جناب والا! من سائل کی والدہ چونکہ بیمار ہیں بوجہ اس من سائل کے والد بسلسلہ روحانی علاج والدہ ام کو مختلف جگہوں و مراکز روحانی علاج لے کر جاتے رہے اور اس بابت من سائل گاڑی وغیرہ کرایہ پر لے کر والدہ ام کو لے جانے کیلئے والد کے سپرد کرتا رہا۔ کبھی کبھار خود بھی والدہ کو لے کر جاتا رہا۔

جناب والا! انصاف و قانون اس بات کا متقاضی ہے کہ دلائل اور ثبوتوں کے پیش نظر فیصلہ فرمایا جائے۔ چونکہ من سائل کی سلیکشن بعد کامیابی BI بسلسلہ لوئر ہوئی۔ جناب والا! مذکورہ امتحان میں 348 امیدوارن شریک ہوئے اور صرف 7 کامیاب امیدوار قرار پائے جن میں من سائل کا نام بھی مذکور ہے جو من سائل کے ٹیلنٹ کا منہ بولتا ثبوت ہے۔ جو کہ مخالفین کو ناگوار گزری اور اسی بناء پر اپنے اثر و رسوخ من سائل کے خلاف استعمال کرتے ہوئے اپنے حربوں کو عملی جامہ پہنانے پر ڈٹ گئے ہیں جس کی وجہ سے سائل کے مستقبل پر سوالیہ نشان پڑ گیا ہے اور برخاستگی کی وجہ سے سائل اپنی ملکی خدمت میں انہدام کا شکار ہو رہا ہے اور اسی سلسلہ میں من سائل نے آمدہ ماہ PTC ہنگو پر موٹن کورس لوئر کیلئے تربیت حاصل کرنی تھی۔

جناب والا! انتہائی اہم معروض کہ من سائل کی قبل ازیں برخاستگی اولیٰ کی غیر حاضریوں کو بھی اس برخاستگی میں بنیاد بنایا گیا ہے حالانکہ بعد بحالی من سائل کی صرف ایک غیر حاضری عرصہ تقریباً اڑھائی سال میں ہوئی جو من سائل کی فرض شناسی باوجود امور خانہ پر بہترین کاوش ہے۔

جناب والا! چچا ام تقریباً 3 ماہ قبل قتل کیا گیا۔ (FIR کی کاپی لف ہے) یعنی من سائل کی مخلصیت ذاتی کو بنیاد اور عارضہ بنا کر فریق مخالف فائدہ اٹھا رہا ہے اور من سائل کے پیشہ کو بدنام کرنے کی سازش میں بڑھ چڑھ کر معاونت کر رہے ہیں۔

لہذا جناب کے حضور التماس ہے کہ من سائل کے معاملہ کو نفسی طور پر سماع فرمایا جائے اور مجھے اپنی بات اور بے گناہی کو جناب کے حضور گوش گزار کرنے کا موقع دیا جائے اور من سائل کے خلاف بے گناہ اور منی بر جھوٹ و بدینتی تمام الزامات کو رفع کیا جا کر باحسن اپنے فرائض کی ادائیگی پر بحال فرمایا جائے۔

العارض

مراد خان ولد صفدر خان

نمبری 116 تھانہ بکنوتر

ضلع ایبٹ آباد

Attested
M
Jockers

ORDER

(23)

This is an order on the representation of *Ex-Constable Murad Khan No: 116* of Abbottabad District against the order of major punishment i.e. *dismissal from service* awarded by the District Police Officer, Abbottabad vide his OB No.162 dated 22.07.2016.

Facts leading to punishment awarded to him are that he while posted at PAL Office indulged himself in the business of illicit arms of ammunition which he used to bring from Peshawar in a rented motors car regularly and continuously since long time.

Proper departmental enquiry was conducted by *Mr. Amjad Hussain DSP Mirpur Abbottabad*. After conducting a detailed enquiry, the E.O proved him guilty. On the recommendation of E.O, the District Police Officer Abbottabad awarded him major punishment of *dismissal from service*.

He preferred an appeal to the undersigned upon which the comments of the DPO Abbottabad were obtained. He was heard in OR where he offered no cogent reason in his defence to prove his innocence. After thorough probe into the enquiry report and the comments of the DPO Abbottabad, it came to light that the punishment awarded to him by the DPO Abbottabad i.e. *dismissal from service* is genuine, hence his appeal is *filed*.

REGIONAL POLICE OFFICER
Hazara Region Abbottabad

4338

No. /PA Dated Abbottabad the 21-9-2016.

Copy of above is forwarded to the District Police Officer, Abbottabad for information and necessary action with reference to his Memo: No.5843 dated 25.08.2016. The Service Record containing enquiry file of the appellant are returned herewith.

REGIONAL POLICE OFFICER
Hazara Region Abbottabad

PA, PO, DHC SRC:
E.O on: action

DPO/MD

2180 PA
22-9-16

Attended
M. S.
22/9/16

گزارش صدر مشرف سرادشانی 116 متعلقہ سال آئین میں دوران
 نصابی امتحان میں شرکت سے ناگزیر، ایم اے کے نام پر اور اس کے
 تمام کام صحت پر دست اور ہر وقت سرانجام دینا ہے دوران نصابی
 امتحان میں بالائے اچھی کارکردگی کے ساتھ ساتھ کامیابی کے ساتھ

گزارش صدر مشرف سرادشانی 730 متعلقہ سال آئین میں دوران
 نصابی امتحان میں شرکت سے ناگزیر، ایم اے کے نام پر اور اس کے
 تمام کام صحت پر دست اور ہر وقت سرانجام دینا ہے دوران نصابی
 امتحان میں بالائے اچھی کارکردگی کے ساتھ ساتھ کامیابی کے ساتھ

بسم اللہ

مادر زبان

راجہ ایاز علی صاحب

10-12-2015

Attested
 [Signature]
 [Signature]

(116)

(Y)

(26)

ORDER

Constable Murad Khan No116 while posted at Police Post Sikandarabad absented himself from official duty from 27-06-2013 to 22-07-2013 (25 days), 13-08-2013 to 27-08-2013 (14 days), 29-08-2013 to 01-09-2013 (02 days) and 05-09-2013 to 08-09-2013 (03 days from Police Lines) making a total of 44 days without any leave / permission.

He was charge sheeted vide this office No 13/ER dated 31-07-2013 and an enquiry was conducted by Mr Khurshid Ahmad DSP Cantt. Final Show Cause Notice was issued / served vide this office No 3463/PA dated 05-09-2013. He was heard in person during the OR held on 10-10-2013.

From the perusal of his service record, he found a habitual absentee, who has remained absent on several occasions for a total period of 145 days in short span of four years. Instant absence period is 44 days and he failed to appear before enquiry officer. In the light of enquiry report, his long absence, 15 bad entries, it is evident that Constable Murad Khan No 116 is not interested in his job. Hence he is dismissed from service with immediate effect and the period of absence treated as leave without pay.

Order announced.

OD No 292 dated 11-10-2013.

District Police Officer,
Abbottabad.

No: 3915 /PA, dated Abbottabad, the 28-10-2013.

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

District Police Officer,
Abbottabad.

ATTESTED

OB NO 292

11-10-13

Sub-Inspector
Office of the District Police Officer
Abbottabad

Attested

OB No. 58
4-3-14

2

(27)

ORDER

This is an order on the representation of Ex-Constable **Murad Khan No.116** of Abbottabad District against the order of major punishment i.e. dismissal from service by the District Police Officer, Abbottabad vide his OB No. 292 dated 11-10-2013.

Facts leading to his punishment are that he while posted at Police Post Sikandarabad absented himself from official duty from 27-06-2013 to 22-07-2013 (25 days), 13-08-2013 to 27-08-2013 (14 days), 29-08-2013 to 01-09-2013 (02 days) and 05-09-2013 to 08-09-2013 (03 days from Police Lines) making a total of 44 days without any leave/permission.

Proper departmental enquiry was conducted by Mr. Khurshid Ahmad DSP Cantt. After conducting a detail enquiry, the EO proved him guilty. On the recommendation of EO, the District Police Officer Abbottabad awarded him major punishment of dismissal from service under the relevant law.

After receiving the appeal, the comments of DPO Abbottabad were obtained. The enquiry file, appeal & the comments of the DPO were perused. The appellant was also heard in person in the orderly room who explained his version.

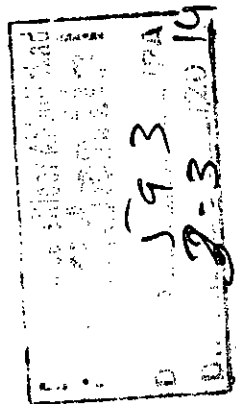
The official is a young led of 24 years. He has been guilty of indiscipline, but the punishment of dismissal from service is too harsh, hence set-a-side and I convert the major punishment i.e. "**Dismissal from Service**" into minor punishment of "**Stoppage of 2 year increments with cumulative effect are forfeited**". He is reinstated in service with immediate effect. The period he remained out of service be treated as leave without pay.

REGIONAL POLICE OFFICER
Hazara Region Abbottabad

No. **1620** /PA Dated Abbottabad the **26/2** /2014.

Copy of above is forwarded to the District Police Officer, Abbottabad for information and necessary action with reference to his Memo: No. 313 dated 31-01-2014.

The Service Roll and Fauji Missal of the appellant are returned herewith.



OB/DHC/SRC/PO
For n/ action.

District Police Officer

REGIONAL POLICE OFFICER
Hazara Region Abbottabad

Received
today on
3/3/2014

3/3/14

ردف نام نمبر ۷۲

گورنمنٹ پولیس کوارٹر نمبر 13/2286/62 شمہ شور قراویک ہزارہ ہر مور 20.06.2011 لانی (قارم شمہ) عمنی ہرم (پولیس)


قارم نمبر ۲۲-۱۵

ابتدائی اطلاعاتی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شمہ زیر نمبر ۱۵۲ مجموعہ ضابطہ نو جداری
شور قراویک آباد

تاریخ و وقت 23/7/16 = 09:30 صبح			گھنٹہ 201		38
تاریخ و وقت					
13101-0845516-3	0314.9361500	جائیدگی نمبر 23/7/16	وقت 10:30	مختار ولد محمد انجماد توم	تاریخ و وقت رپورٹ
نام و سکونت اطلاع دہندہ مستفیث			302.34		
نفسر کیفیت جرم (مردفہ) حال اگر کچھ لیا گیا ہے۔			مردفہ		
جائے وقوعہ حاصلہ تھانہ سے اور دست			مردفہ		
نام و سکونت لڑم			مردفہ		
کاروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو تو وجہ بیان کر			مردفہ		
تھانہ سے روانگی کی تاریخ و وقت			مردفہ		

تھانہ لڑا شہر عدالت اور لکڑیہ 12 ابتدائی اطلاعاتی رپورٹ کے تحت گورنمنٹ پولیس کوارٹر نمبر 13/2286/62 شور قراویک ہزارہ ہر مور 20.06.2011 لانی (قارم شمہ) عمنی ہرم (پولیس) میں صوفیہ لکڑیہ پولیس کے
مردفہ تفتیش پر موجود تھا۔ وقوعہ بعد آت ایضاً ایک ATDI ضمیال اجبت آباد پور پور ضمیال اولہ عبد الجبار
توم حد درجہ لکڑیہ 5 سال سے کھوئے جو ہمارے لڑا شہر میراہ نفیس برادر حقیقی بیسارت خان لکڑیہ
28 سال کے رپورٹ کرنا صمیم برادر حقیقی سوزدنی ڈرا پور ہے۔ 2011 میں اپنی مائری سوزدنی سوزی 1134
گھر سے لے کر ہی چوٹ کے لیے روانہ ہوا۔ اس کے ہمراہ چھوٹا بچہ محمد خان ولد محمد خان بھی موجود تھا مقرب
سارے سبب نے گا وقت چھوٹا۔ جب نزدیک دروازے آنے لگا تو نفیس سے خیمہ لکڑیہ آگے علی میں ماہر
نفسیر لکڑیہ سید احمد سائمان دینہ لکڑیہ تھے جنہوں نے مائری لکڑیہ کے برادر توم کو گائی سے بچے آباد
اور برادر توم نے اسے آئین سے با آواز مقل اور کھانہ خازننگ کر کے لکڑیہ کو ساتھ لھائی ہر ریحی کیا جو ریحوں
کی تاب نہ لاکر حرم پر ہی حال تھی سو گیا و اعتم بعد امداد حقیقی یغم گل۔ محمد ولد محمد خان نے
دلیہا سے وچ عداوت سابقہ فقہ فوجداری ہے میں برادر حقیقی بیسارت خان کو برادر صمیم لکڑیہ آئین لکڑیہ
کر کے مقل کرنے کا ہر طرف باہر نفسیر لکڑیہ سید احمد سائمان دینہ جومو لکڑیہ۔ رپورٹ سنا لکڑیہ جو ریح
۱۵۲ کے مطابق لکڑیہ کاروائی پولیس سب لکڑیہ رپورٹ تھی ہمارے پڑھ لکھ سائی و سماقی کی جو رہت نیست مسلم کر
زیر رپورٹ خود دستخط وقت کیا نفیس کا ضرورت حال۔ نقشہ طرز عکسہ ضرب جو کہ لکڑیہ لکڑیہ
نفسر حفاظت پینٹل و خاص 1063 حوام ڈاکٹر صاحب کیا گیا سر اسم بطور پینٹل رپورٹ برائے اندراج جس وقت
پینٹل اور لکڑیہ 12 ہا اور سالی تھانہ ہے حقدہ رزم لکڑیہ گھر میں تفتیش حوالہ لکڑیہ گیشن سٹاف نمایاں
اور اضران بالا حوادے دی جاوے سر اسم بطور پینٹل رپورٹ لکڑیہ چہ لکڑیہ شہ ۱۵۲ تھانہ لکڑیہ پینٹل 23
کاروائی تھانہ آمدہ سر اسم پر حقدہ سوزان بالاک نام جو کہ پینٹل پر چھ لکڑیہ سر اسم لکڑیہ حوام سبب نفیس
کیا گیا ہے اضران بالا کو پور باشت لکڑیہ لکڑیہ لکڑیہ لکڑیہ لکڑیہ لکڑیہ لکڑیہ لکڑیہ لکڑیہ لکڑیہ لکڑیہ

Attested

No. 1063

ذات مجبور صاحب DIG صاحب ایس ڈی کے پولیس صدر اہل روڈ ٹرن اہل ہمار

ذات عالی

گورنر اہل 3 کی طرف سے ہر اہل جو کہ من گھڑت
 اور دشمنی کی بنیاد پر انعام لگایا جا رہا ہے اس میں کیا گیا
 ہے ہر اہل بھی لقمی بنیاد پر ہفتہ 23⁵ کو وصل ہوا ہے۔
 اس سے قبل کسی قسم کی کوئی دوڑات نہ کی گئی تھی
 قتل کے بعد ہر اہل 11^{۱۱} پر اس کا کاروبار لگایا گیا
 ہے جو چھوٹے رشتہ سے ہم اہل علاقہ اور گارڈا میں بات
 کی لقمی بنیاد سے کہ اس کے خلاف دشمنی کی وجہ سے
 دوڑات دی گئی ہے اور نہ ہی یہ اس کا کاروبار بنانے کے لئے
 ہر اہل کے خلاف قلمی کوڑے میں قلمی بنیاد سے قلمی بنیاد سے
 15 کے پاس سٹیٹو ہے اور دعویٰ قلمی بنیاد سے قلمی بنیاد سے
 قلمی بنیاد سے قلمی بنیاد سے قلمی بنیاد سے قلمی بنیاد سے
 جب پولیس نے کارروائی نہیں کی ہے آفرکار دشمنی کا صاحب
 ہو گئے ہیں القاف کیا جاوے اور قلمی بنیاد سے قلمی بنیاد سے
 کا حکم صادر کیا جاوے

الذات

اہل 3

محمد حادیم ولد علی محمد خان 0331-5610803 لکھنؤ ہونہا کی - 2 - و سیم خان دہلی محمد اسرف خان

0321-9673486 4 " " 0345-9587627 شہر علی خان ولد سلطان
 Attested [Signature] [Signature]
 [Signature]

(30) 3- جسٹس خان ولد فرید خان فون 03469530666 ساکن بونہ کادی (ط) Jamshoro

4- زاہد خان ولد محمد شرف خان فون 03219802583 ساکن بونہ کادی (ط) Zaid Khan

5- اعجاز احمد ولد دوست محمد خان فون 0312-5937501 ساکن بونہ کادی (ط) Ijaz Ahmad

6- کاشف خان ولد مظفر خان فون 0315-5075958 ساکن بونہ کادی (ط) Kashif Khan

7- احمد علی ولد غلام حسین خان فون 0342-9403871 ساکن بونہ کادی (ط) Ahmad Ali

8- عدنان خان ولد انور خان فون 0345-0594516 ساکن بونہ کادی (ط) Adnan Khan

9- نوید تنویری ولد محمد سلیم تنویری فون 0334-9649654 ساکن بونہ کادی (ط) Noor Tanwiri

10- طارق خان ولد حاجی و افضل بن مجیر ساکن بونہ کادی (ط) Tariq Khan

11- محمد سعید ولد گلشن فون 03439440441 ساکن بونہ کادی (ط) Muhammad Saad

12- محمد منیر ولد بنیر فون 131011727136-03145835328 ساکن بونہ کادی (ط) Muhammad Munir

13- علاء مرزا ولد اورنگزیب فون 0331411054 ساکن بونہ کادی (ط) Alauddin

14- الطاف خان ولد فضل دارخان بونہ فون 03228566032 ساکن بونہ کادی (ط) Altaf Khan

Attested

Ms
Fahim

۲

پنجور میں - 14/10/15ء کو واقعہ کے حوالے سے

ذاتی جان

میرزا حسن علی صاحب نے سرحد خان دہلوی کے ساتھ مل کر اپنی جان

میں زبردستی ہے۔ وہ صرف 13/10/15ء کو اپنی سازش کے تحت قتل ہوئے

میں عدلیہ قتل خانہ میں اپنی جان کو بچانے کے لیے سازش میں حصہ لیا

میں کئی دفعہ قتل خانہ میں حصہ لیا اور صرف 14/10/15ء کو

میں قتل خانہ میں حصہ لیا اور صرف 14/10/15ء کو

میں قتل خانہ میں حصہ لیا اور صرف 14/10/15ء کو

میں قتل خانہ میں حصہ لیا اور صرف 14/10/15ء کو

میں قتل خانہ میں حصہ لیا اور صرف 14/10/15ء کو

میں قتل خانہ میں حصہ لیا اور صرف 14/10/15ء کو

میں قتل خانہ میں حصہ لیا اور صرف 14/10/15ء کو

میں قتل خانہ میں حصہ لیا اور صرف 14/10/15ء کو

میں قتل خانہ میں حصہ لیا اور صرف 14/10/15ء کو

میں قتل خانہ میں حصہ لیا اور صرف 14/10/15ء کو

میں قتل خانہ میں حصہ لیا اور صرف 14/10/15ء کو

میں قتل خانہ میں حصہ لیا اور صرف 14/10/15ء کو

میں قتل خانہ میں حصہ لیا اور صرف 14/10/15ء کو

میں قتل خانہ میں حصہ لیا اور صرف 14/10/15ء کو

میں قتل خانہ میں حصہ لیا اور صرف 14/10/15ء کو

میں قتل خانہ میں حصہ لیا اور صرف 14/10/15ء کو

میں قتل خانہ میں حصہ لیا اور صرف 14/10/15ء کو

Attested
[Signature]
Khalid

مراد کے ذمہ دار ہونے میں بناب 540 سے 11 فرسٹ ٹریڈوں
 کہ کسی خاصہ وہ کو طلب کر کے کل تقیقات کر دے
 کیونکہ اس سے ٹیل نمبر 55/160 میں 11 فرسٹ میں یہ بھی ہے یا سہرا
 اور دیگر ماہوں کے گورنر آئے ہیں اور ایسا دیکھ سہرا ہی اور روزہ نظر
 آیا ہے دیکھو وہاں یہ جو راز کیا اور دیکھو سہرا سے یہ قطعہ شام
 گیا ہے وہ کے گورنر نے اس میں وہ ٹرانساکشن کا بار ہے

سر فرزانہ وہ مگر فرزان خان ساکن حیدرآباد

فرطیہ خان

اشاد خان وہ سر فرزان

قادر خان وہ

زمباب وہ

عزیز اس

بھی فرطیہ کے یہ بہ آشنا میں سہرا گورنر اور سہرا سے کجانی باہمی

کھانا نہ بنی دس 2 اس سے ٹیل بھی یہ سہرا گورنر کے تھے اور اس

دراحد میں نہ سہرا دیکھ کر سے کہ وہ بعد میں دوسرا سہرا بنا رہا

یہ فرطیہ کے گورنر کے بناب 540 گورنر فرزان نے فرسٹ فرسٹ میں

فرسٹ فرسٹ 11 فرسٹ 911 - 1232 - 54 - 55/160
 6.8.14 6.9.14 8.9.14

میں موجود ہیں

الکارت

عقدہ وہ سہرا سہرا ساکن حیدرآباد

فون نمبر 03149361500

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The Daily SHAMAL

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روزنامہ

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جلد نمبر 71

مسل 9 و محسن 1438 11 اکتوبر 2016 26 اسی 2073 ب

8

10

شمارہ نمبر 229

(32)

ASISI SHOP

درآمدی اور مقامی برقی آلات

نوٹ: شہر ہر ماہ اولیٰ مہینہ جنیڈل

جنیڈل نمبر 37، 35، 36، 37، 38، 39، 40، 41، 42، 43، 44، 45، 46، 47، 48، 49، 50، 51، 52، 53، 54، 55، 56، 57، 58، 59، 60، 61، 62، 63، 64، 65، 66، 67، 68، 69، 70، 71، 72، 73، 74، 75، 76، 77، 78، 79، 80، 81، 82، 83، 84، 85، 86، 87، 88، 89، 90، 91، 92، 93، 94، 95، 96، 97، 98، 99، 100

36 جنی

والے شیٹے میں آئے ڈی ایس بی سبب اس آج اور پولیس اہلکاروں پر مقدمہ درج ہو گیا ذرائع کے مطابق چند دن قبل پولیس ستانے میں قحانہ نواں شہر کی حدود میں نواں شہر کے رہائشی جنیڈل عرف جونی کو جعلی پولیس ستانے میں گولی مار کر قتل کر دیا تھا جسلی ایف آئی آر پولیس والوں پر درج نہ کی گئی جس پر حوام نے احتجاج کرنا شروع کر دیا گذشتہ دن بھی اہلکار شہزبان خان کی قیادت میں قحانہ نواں شہر کا گھیراؤ کیا گیا تاہم پولیس کے اہلی افسران نے احتجاج کو بند کر دیا اور مذاکرات جاری کر کے درگاہ کو یقین دہانی بھی کرادی جس پر پولیس کے اہلی افسران کے ڈی ایس بی پلیر پور اہلکار خان ایڈیشنل ایس آج او پر مقدمہ درج کیا۔ عدالت نے 148/149/302 کے تحت درج کر دیے

ایبٹ آباد (گرام رپورٹ) شدید عوامی رباؤ پر دارائے عدالت قتل ہونے والے جنیڈل کے قتل پولیس والوں پر قتل کا مقدمہ درج حوام کا احتجاج رنگ کا مقدمہ ڈی ایس بی (بانی 6 بقیہ نمبر 37) لے آیا دیگر پولیس (بانی 6 بقیہ نمبر 36) کی رپورٹ کی روٹی میں ڈسٹرکٹ پولیس آفیسر ایبٹ آباد (چیف رپورٹ) نواں شہر میں جنیڈل عرف جونی کے جعلی پولیس مقابلہ قتل کیس میں انکوائری مکمل

35 میر پور

ایس بی میر پور اور ایس آج اور قحانہ نواں شہر سبب چار پولیس اہلکاروں پر قحانہ نواں شہر میں مقدمات درج کر لئے گئے ہیں۔ پولیس ذرائع کے مطابق تین ہفتہ قبل نواں شہر پولیس نے سینہ نشینات فردس جنیڈل عرف جونی کی گرفتاری کیلئے اس کے گھر پر چھاپہ مارا جہاں جنیڈل نے فائرنگ کر کے دو پولیس اہلکاروں کو زخمی کیا۔ پولیس نے جنیڈل کو گرفتار کیا۔ دوسرے روز جنیڈل کی نعش قبرستان سے لی۔ اہلیان نواں شہر اور جنیڈل کے لواحقین نے جعلی پولیس مقابلہ میں جنیڈل کے قتل کے خلاف ڈی بی ایبٹ آباد کو درخواست دی جس پر ڈی بی ایبٹ آباد نے ایس بی جنیڈل کی گرفتاری کی درخواست میں تھکیل دی۔ انکوائری کمیٹی کی رپورٹ کی روٹی میں ڈسٹرکٹ پولیس آفیسر ایبٹ آباد حوام رشید کے ہم پر ڈی ایس بی میر پور اہلکار خان ایس آج اور نواں شہر شہزبان خان، ایڈیشنل ایس آج اور نگزیب خان اور کاشمیل ظہیر عباسی کے خلاف قحانہ میر پور کی عدالت نے 4 4 8 نمبر 302.148.149 مقدمات درج کر لئے ہیں۔ ذرائع کے ڈی بی ایبٹ آباد نے اس کیس میں ایس آج اور شہزبان خان، ایڈیشنل ایس آج اور نگزیب خان اور کاشمیل ظہیر عباسی کو معطل کر کے لائن حاصر کیا جا رہا ہے۔

37 جنیڈل

ایس آج اور ایشور ایڈیشنل ایس آج اور ایس آج اور ڈی ایبٹ آباد کے خلاف درج مقدمہ جنیڈل کی والدہ کی مددیت میں درج کیا گیا حوام طرمان کی فوری گرفتاری کا مطالبہ فیصلات کے مطابق دارائے عدالت قتل ہونے والے نواں شہر کے رہائشی جنیڈل کے قتل کا مقدمہ گذشتہ روز نواں شہر پولیس نے عدالت نمبر 4 4 8 زیر دفعہ 302/148-149 کے تحت ڈی ایس بی میر پور ایس آج اور ایشور شہزبان خان ایڈیشنل ایس آج اور ایشور ایس آج اور نگزیب پولیس اہلکار ظہیر عباس اور دیگر شامل ہیں گذشتہ روز نواں شہر میں احتجاجی مظاہرے کے دوران دن گیارہ بجے کی ڈیٹا لائن وہی کی اس دوران گریڈ جیڑک طلب کیا گیا جس حوام کو گھر پورا احتجاج شدید عوامی رد عمل کو دیکھتے ہوئے پولیس نے آخر کار مقدمہ درج کر ہی لیا ہے جبکہ متحمل جنیڈل کے درگاہ کے مطابق واقعہ میں ناصر طرمان کو فوری گرفتار کر کے عدالت میں پیش کیا جائے یا دوسرے کہ جنیڈل کو نواں شہر پولیس نے پیلے گرفتار کیا اور اسکے بعد قتل کیا گیا جس کا مقدمہ درج کیا گیا ہے

Attested

[Signature]

Head

BEFORE THE HONORABLE SERVICE TRIBUNAL K.P.K, PESHAWAR.

Service Appeal No. 1074/2016.

Murad Khan S/O Safdar Khan R/O Khola Chuna Kari, Nawansher, Tehsil & District Abbottabad.

(Appellant)

VERSUS

1. Govt: of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs, Department, Peshawar.
2. Inspector General of Police, KPK, Peshawar.
3. Regional Police Officer, Hazara Region, Abbottabad.
4. District Police Officer, Abbottabad.

(Respondents)

Para wise Comments on behalf of Respondents

Respectfully Sheweth

Preliminary objections.

1. That the appellant has no cause of action.
2. That the appellant has not come to this Tribunal with clean hands.
3. That the appeal is bad for misjoinder and non joinder of necessary parties.
4. That the appellant is estopped by his own conduct.
5. That the appeal is barred by law hence not maintainable and liable to be dismissed.
6. That the appellant has suppressed the material facts from this Honourable Tribunal hence, not entitled for any relief and appeal is liable to be dismissed without further proceeding.
7. That the appellant has been treated in accordance with law and rules, hence, the appeal is liable to be dismissed.
8. That both the orders passed by the authorities after fulfilling all the requisite formalities, hence, the appeal is liable to be dismissed alongwith cost.

ON FACTS

Para No. 1. Pertains to record.

Para No. 2. Incorrect, during service, the appellant involved himself in unlawful activities under the garb of Police service. So far as the commendation and

appreciation certificates are concerned whenever he showed / made good performance during his service he was awarded such like certificate which proved that he has rightly been dealt with for his wrong doing.

Para No. 3 Correct, there were secret/ clandestine informations against the appellant regarding his involvement in a business of illicit arms and ammunition which he used to bring in rented car from Peshawar since long when he was posted in PAL Office, Abbottabad. Therefore, on receiving information of such misconduct he was issued and served with charge sheet and summary of allegation containing above mentioned allegations by the former District Police Officer Abbottabad and enquiry was entrusted to the then DSP Mirpur. He conducted detailed enquiry into the allegations mentioned above. During the course of enquiry allegations against the appellant were stand prove and the Enquiry Officer recommended him for punishment. The appellant was served with final show cause notice in response to which he submitted his written explanation which was unsatisfactory. He was heard in Orderly Room but he could not advance cogent reasons in his defence. Thus, he was awarded the punishment of dismissal from service vide OB No. 162 Dated 22.07.2016 by the then District Police Officer Abbottabad which is fully justified.

Para No. 4 Correct, show cause notice served upon him was replied by the appellant but explanation was found unsatisfactory.

Para No. 5 Incorrect, appellant was proceeded against departmentally for the allegations mentioned above which consequent to departmental enquiry were proved against him. Subsequently after fulfillment all the codal / legal formalities punishment was imposed on him under the Law/ Rules.

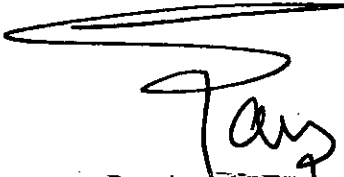
Para No. 6 Departmental appeal submitted by the appellant to the appellate authority was rejected on the grounds mentioned vide order No. 4338/PA dated 21.09.2016 issued by the Regional Police Officer, Hazara Region, Abbottabad.

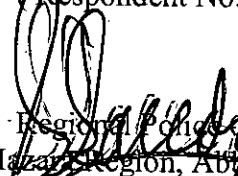
GROUND.

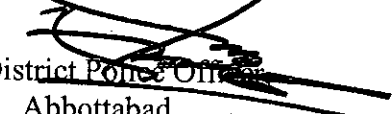
- A. Incorrect, the appellant was dismissed from service in accordance with law after having been found guilty for the allegations leveled in the charge sheet and summary of allegations.
- B. Incorrect, the then competent authority was in the knowledge of secret informations regarding involvement of the appellant in illegal activities/ business of illicit arms and ammunitions in rented cars and as a result of formal departmental enquiry he was found guilty of the said allegations. Therefore, the order of his dismissal is required to be maintained.

- C. As explained above.
- D. The tainted service record of the appellant shows that he time and again absented himself from his official duties for ulterior motives. Therefore, he was dismissed from service vide OB No. 292 dated 11.10.2013 and subsequently he filed departmental appeal to the Regional Police Officer Hazara Region Abbottabad who converted the punishment of dismissal from service to the appellant into minor punishment of stoppage of two years increments with cumulative effect vide letter No. 1620/PA dated 26.02.2014 (copy of the said letter is enclosed as Annexure "A").
- E. Incorrect, during service the appellant involved himself in illegal business of illicit arms and ammunition for which he was found guilty and was awarded the punishment of dismissal from service which is liable to be maintained.
- F. Pertains to record.
- G. Incorrect, as explained in Para "d" above.
- H. Incorrect, action taken against the appellant was in accordance with law/ Police Rules 1975 and no violation of any established principle of equality and justice has been done in the case of the appellant. Therefore, the punishment awarded to the appellant is maintainable in the eyes of law.
- I. The respondents also seek leave of the Honourable Tribunal to agitate additional grounds at the time of argument.
- J. Legal, treated as per law.

It is therefore, humbly prayed that on acceptance of parawise comments on behalf of respondents, the appeal of the appellant may graciously be dismissed with cost.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No.1 & 2)


Regional Police Officer,
Hazara Region, Abbottabad
(Respondent No.3)


District Police Officer,
Abbottabad.
(Respondent No. 4)

BEFORE THE HONORABLE SERVICE TRIBUNAL K.P.K, PESHAWAR.

Service Appeal No. 1074/2016.

Murad Khan S/O Safdar Khan R/O Khola Chuna Kari, Nawansher, Tehsil &
District Abbottabad. (Appellant)

VERSUS

1. Govt: of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs,
Department, Peshawar.
2. Inspector General of Police, KPK, Peshawar.
3. Regional Police Officer, Hazara Region, Abbottabad.
4. District Police Officer, Abbottabad.

(Respondents)

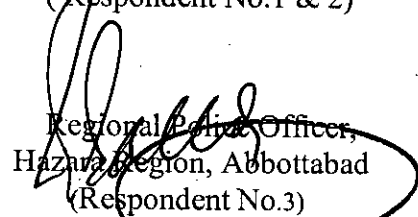
AFFIDAVIT.

We, do hereby affirm on oath that the contents of written reply are true to the best of our knowledge & belief and nothing has been concealed from the honorable Service Tribunal.

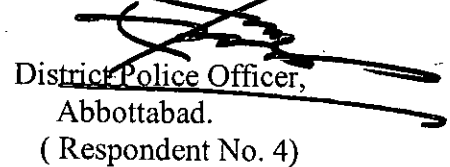
Submitted please.



Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No.1 & 2)



Regional Police Officer,
Hazara Region, Abbottabad
(Respondent No.3)



District Police Officer,
Abbottabad.
(Respondent No. 4)

ضابطہ عالی

حقیقہ ذرا لے کے معلوم ہوا ہے کہ سبھی سہیل مراد علی ولد محمد رفیق صاحب متفقہ یا ان
جو کہ پشاور وغیرہ میں رہتے ہیں ان کو دھم دیا ہے اور ایسٹوں 30 کو لورہ

مروفتہ کی ہے

ایسٹوں کی ہے
پیشہ کنیشنل
DSB ATD
22-06-016

Sir, forward
ATD
11C DSB ATD
22-06-016

Attest.

8
SDF
Attest.

صنایع ملی

مسی قمر اد علی غفر ۱۱۶ ولد صفیر خان کنہ چونا کاری لوزاں شہر

مذہبہ پولیس لائن پال آفس کے متعلق ضمیمہ دستہ براری کیلئے

معلوم ہوا ہے کہ مسی مذکورہ صہبے میں امرتہ ریٹنگی کار

کے کر پٹا درکی طرف جاتا ہے والی ہر اسلم 30 بور

لیٹول وغیرہ لاتا ہے اور فروخت کرتا ہے رپورٹیں ہیں

PA

issue

charge sheet

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA
PESHAWAR ABBOTTABAD CAMP

Murad Khan s/o Safdar Khan r/o Khola Chuna kari Nawan Shehr Tehsil & District Abbottabad.

... APPELLANT

VERSUS

1. *Government of KPK through Secretary home and TAs Department Peshawar.*
2. *Inspector General of Police, KPK Peshawar*
3. *DIG/ Regional Police Officer Abbottabad.*
4. *District Police Officer Abbottabad*

...RESPONDENTS

SERVICE APPEAL

REJOINDER ON BEHALF OF APPELLANT TO THE
COMMENTS FILED BY RESPONDENTS

Respectfully Sheweth;-

That the rejoinder on behalf of petitioner is as under;-

REPLY TO PRELIMINARY OBJECTIONS;-

1. Para # 1 is incorrect. That the appellant has got cause of action.
2. Para # 2 is incorrect. The appellant has come to this Honourable Tribunal according to law and with clean hands.
3. Para # 3 is incorrect. All necessity parties have been made respondents in the service appeal.
4. Para # 4 is incorrect.
5. Para # 5 is incorrect.

6. Para # 6 is also incorrect as nothing material has been suppressed from the Honorable tribunal therefore deserves his reinstatement in service.
7. This Para is also incorrect as the appellant has been punished for no fault hence his dismissal order needs reversion.
8. Incorrect. Both the orders are illegal and needs setting aside with the direction to the respondents that the appellant be restored in service with all back benefits.

FACTUAL OBJECTIONS.

1. Para 1 needs no comments as relates to service record.
2. Para 2 is incorrect and against facts. The charges are leveled on surmises and conjectures as such cannot be taken into account.
3. Para 3 is incorrect and also is based on presumptions. Nothing material has been brought against the appellant neither he was given opportunity to come across any witness nor given access to right of cross examination. In view of the above the Para is not only incorrect but amounts to misleading the Honourable Tribunal.
4. Para 4 is incorrect as explained above in Para # 3. Nor any reason offered to reject the explanation.
5. Para 5 is incorrect as has been submitted in the preceding Paras.
6. Para 6 is incorrect and The departmental appeal was rejected without giving any plausible reasons and seems to be a rubber stamp on the order of dismissal hence not maintainable under the law.

GROUND:-

- A. This Para is incorrect. Sufficient explanation has been given in the above Paras about the innocence of the appellant.
- B. This Para is denied. The appellant has been punished without any reason and on flimsy charges having no nexus with the appellant. Some hidden reasons if any were never communicated to the appellant. As nothing could be produced in evidence against the appellant therefore the order of the appellant's dismissal was illegal.
- C. Nothing incriminating was available against the appellant and therefore mentioning of previous decided absence in the impugned order shows malafide intention of the respondent # 4.
- D. This Para is incorrect. The respondents have acted malafide as a decided matter of absence was mentioned in the impugned order of dismissal which is not warranted under the law.
- E. The contents of this Para are denied totally.
- F. This Para is not replied properly.
- G. This Para is incorrect as explained in the above Paras. The impugned orders are based on presumptions and therefore are without jurisdiction.
- H. This Para is incorrect hence denied.
- I. This Para relates to the discretion of the Honorable Tribunal hence not replied.
- J. This Para is incorrect. The appellant was not treated as per law.

It is, therefore, most respectfully prayed that this Honourable Tribunal may very graciously accept the appeal and the impugned orders set aside and the appellant may be ordered to be reinstated in service from the date of dismissal

with all back benefits permissible to him under the law in order to meet the ends of justice.

...APPELLANT

Through;

Dated: 20/ 12/ 2017



(Zulfiqar Ahmed)
Advocate High Court,
Abbottabad

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

*Murad Khan s/o Safdar Khan r/o Khola Chuna kari Nawan Shehr Tehsil & District
Abbottabad.*

... APPELLANT

VERSUS

1. *Government of KPK through Secretary home and TAs Department
Peshawar.*
2. *Inspector General of Police, KPK Peshawar*
3. *DIG/ Regional Police Officer Abbottabad.*
4. *District Police Officer Abbottabad*

...RESPONDENTS


SERVICE APPEAL

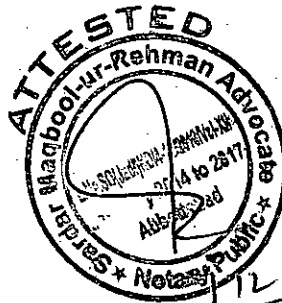
REJOINDER ON BEHALF OF APPELLANT

AFFIDAVIT

I, Murad Khan s/o Safdar Khan r/o Khola Chuna kari Nawan Shehr Tehsil & District
Abbottabad, do hereby affirm and declare on oath that the contents of foregoing
rejoinder are true and correct to the best of my knowledge and belief and
nothing has been concealed from this Honourable Tribunal.

Identified by:-


(Zulfiqar Ahmed)
Advocate High Court,
Abbottabad




DEPONENT

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 867 /ST

Dated 24 /04/2018

To


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

Subject:

ORDER/JUDGEMENT IN APPEAL NO. 1074/2016, MR. MURAD KHAN.

I am directed to forward herewith a certified copy of Judgment/Order dated 18/04/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

Recd from 7 OSD (6)

CHARGE ASSUMPTION REPORT.

In pursuance of Government of Khyber Pakhtunkhwa Establishment Department, Peshawar Notification No. SOE-V(E&AD)/13-6/ST/2015, dated 19.04.2018, I, Fazle Subhan, personal Assistant (BPS-16) assumed the charge of the post of Private Secretary (BPS-17) Khyber Pakhtunkhwa Service Tribunal. Peshawar today i.e. on 24.04.2018 (F.N).


(FAZLE SUBHAN)
Private Secretary,
K.P Service Tribunal, Peshawar.

No. 852-56 /ST,

Dated Peshawar, the 24/04 /2018.

Copies forwarded to:

1. The Chairman, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. PSO to the Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
4. P.S to the Secretary, Establishment Department, Khyber Pakhtunkhwa.
5. P.S to the Special Secretary (Estt), Establishment Department, Peshawar.


(FAZLE SUBHAN)
Private Secretary,
K.P Service Tribunal, Peshawar.