

BEFORE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

*Amended Service Appeal No 94/22*

Saqib Ali Ex-Constable No.1024 (Traffic Warden) District Police  
Abbottabad R/O Tarhana Tehsil & District Abbottabad

**VERSUS**

1. District Police Officer, Abbottabad.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. Provincial Police Officer, KPK, Peshawar. ....(Respondents)

(Respondents)

**AMENDED SERVICE APPEAL**

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*SA*  
**APPELLANT**

THROUGH

*M. Aslam Tanoli*  
(MUHAMMAD ASLAM TANOLI)  
ADVOCATE HIGH COURT  
ABBOTTABAD

Dated: 19-03-2024

*30-05-2024*  
*A. Abuel*  
*D.B*

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

**Khyber Pakhtunkhwa  
Service Tribunal**

Appeal No. 941/22

11826

19-03-2024

Saqib Ali Ex-Constable No.1024 (Traffic Warden) District Police  
Abbottabad R/O Tarhana Tehsil & District Abbottabad

**Appellant**

VERSUS

1. District Police Officer, Abbottabad.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. Provincial Police Officer, KPK, Peshawar. ....(Respondents)

**AMENDED SERVICE APPEAL**

**AMENDED SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST ORDER DATED 23-02-2022 OF THE DISTRICT POLICE OFFICER ABBOTTABAD WHEREBY APPELLANT HAS BEEN "DISMISSED FROM SERVICE" AND REGIONAL POLICE OFFICER HAZARA REGION ABBOTTABAD ORDER DATED 21-09-2022 WHEREBY APPELLANT'S DEPARTMENTAL HAS BEEN REJECTED/FILED.**

**PRAYER: ON ACCEPTANCE OF INSTANT AMENDED SERVICE APPEAL ORDER DATED 23-02-2022 AND 21-09-2022 OF RESPONDENTS NO.1 & 2 MAY GRACIOUSLY BE SET ASIDE AND APPELLANT BE RE-INSTATED IN SERVICE FROM THE DATE OF DISMISSAL WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.**

1. That appellant was inducted in District Police Abbottabad in the year 2011 and since then he has been performing his duties with devotion, dedication and honesty. Appellant has exemplary service record at his credit.
2. That while appellant posted as Gunner with Superintendent of Police Traffic, Abbottabad, one Khalid lodged a false FIR No. 649 dated 12-12-2021 u/s-418/ 420/ 468/471 PPC read with S-118-1(c)/119(b) Police Act 2017 regarding an occurrence allegedly took place on 23-11-2021 at 13:00 hours against unknown persons, wherein

appellant was neither charged nor nominated. **(Copy of FIR dated 12-12-2021 is attached as "A")**.

3. That subsequently after 09 days the complainant falsely charged the appellant for the offence in supplementary statement recorded u/s-164 Cr.PC, however in statements complainant never stated that he paid any amount to appellant rather stated that the alleged amount was paid to "Tahir and Fiaz" and even did not assign any role to the appellant. In his statement the complainant also stated that he could not identify the police officials and even no identification parade was conducted by the I.O. to authenticate identification of appellant.
4. That during the inquiry, the complainant "Khalid" did not appear before inquiry officer to substantiate his claim. Similarly one "Noman" while appearing before inquiry officer categorically submitted that he does not know the appellant. Besides this one "Babar" disclosed that pictures of police officials were shown to him on the next day. Thus the above is sufficient that appellant has been wrongly involved in this case and no case has been made out against him on these statements.
5. That during police investigation the complainant was not made accused despite the fact that complainant had stated that he was purchasing illegal stolen gold. Its mean that complainant was glove in hand with police official investigating the case.
6. That during police custody nothing was recovered from appellant and the alleged recovery of Rs.100000/- is

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fabricated and concocted as appellant never produced any amount to the police.

7. That at the time of alleged occurrence i.e.01:00 on 23-11-2021, the appellant was present in office of the SP Traffic Abbottabad for his official duties sufficient proof of his innocence.
8. Though the appellant was arrested in the above mentioned FIR but released soon on bail by the Judicial Magistrate-III Abbottabad case being one of further inquiry under section 497(2)Cr.PC. Appellant is totally innocent and has been falsely involved in this criminal case due to personal grudge and malafide of police officials just to cause him harm in his service career.
9. That appellant was issued a charge sheet which was duly replied and the allegations leveled therein were flatly denied. **(Copies of charge sheet and its reply are attached as Annexure-"B&C")**.
10. That thereafter a final show cause notice dated 07-02-2022 was issued to appellant which was replied and the allegations mentioned therein were denied. **(Copies of final show cause notice & its reply are attached at Annexure "D&E")**.
11. That copies of dismissal as well as appeal rejection orders dated 23-02-2022 and 21-09-2022 were not provided despite appellant's repeated written requests. Then appellant had to file departmental appeal without having dismissal order. Then appellant filed service appeal without having these two orders. Now at the time of

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arguments when respondents with their reply filed both the dismissal as well as appellate orders then appellant was allowed by the Tribunal Camp Court Abbottabad on the previous date to file Amended service appeal alongwith copies of these two orders. Hence the said orders are challenged and placed at this amended appeal file. **(Copies of Departmental appeal and Dismissal order as well as appeal rejection order are attached as "Annexure" F, G & H").**

12. Hence this amended service appeal inter alia on the following grounds:-


**GROUND:**

- A). That both the orders dated 23-02-2022 and 21-09-2022 of the respondents are illegal, unlawful, against the facts, departmental rules and regulations, Police E&D Rules 1975, passed in a whimsical, arbitrary & cursory manner; hence liable to be set aside.
- B). That proper departmental inquiry was not conducted. Neither any evidence was recorded in presence of appellant nor was he afforded a chance of cross-examination. Copy of enquiry report, if any, was also not provided to appellant. Copies of original as well as appellate orders were not issued to appellant. Even opportunity of personal hearing was not afforded and appellant was condemned unheard.
- C). That appellate authority has also failed to abide by the law, neither he took into consideration the grounds of appeal taken by appellant in his departmental appeal nor was it replied. Thus act of appellate authority is contrary to the Police E&D Rules 1975 read with section 24-A of General Clauses Act 1897 and Article 10-A of the Constitution of Islamic Republic of Pakistan 1973.

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- D). That appellant was wrongly and falsely involved in criminal case. Neither during police investigation nor in departmental inquiry anything adverse could be brought on record against the appellant. He has been departmentally penalized without any reason, justification and proof despite his acquittal in criminal case from the Court.
- E). That instant amended service appeal is well within time and this honourable Service Tribunal has got every justification to entertain and adjudicate upon the lis.

Through

  
**Appellant**  
M. Aslam  
(Muhammad Aslam Tanoli)  
Advocate High Court  
Abbottabad

Dated: 19 -03-2024

**VERIFICATION**

It is verified that contents of instant amended service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Dated: 19 -03-2024

  
**Appellant**

(6)

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

Saqib Ali Ex-Constable No.1024 (Traffic Warden) District Police  
Abbottabad R/O Tarhana Tehsil & District Abbottabad. **(Appellant)**

**VERSUS**

1. District Police Officer, Abbottabad.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. Provincial Police Officer, KPK, Peshawar. .... **(Respondents)**

**AMENDED SERVICE APPEAL**

**AFFIDAVIT**

I, Saqib Ali, appellant do hereby solemnly declare and affirm on oath that contents of instant service appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.

Dated: 19-03-2024

*Saqib*  
**Deponent/Appellant**

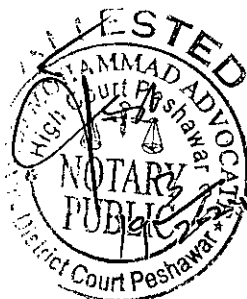
Identified By:

*M. Aslam Tanoli*

(Muhammad Aslam Tanoli)  
Advocate High Court  
ABBOTTABAD

Dated: 19-03-2024

*Saqib*  
**Appellant**



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

Saqib Ali Ex-Constable No.1024 (Traffic Warden) Districe Police  
Abbottabad R/O Tarhana Tehsil & District Abbottabad.. **Appellant**

VERSUS

1. District Police Officer, Abbottabad.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. Provincial Police Officer, KPK, Peshawar. .... **(Respondents)**

**AMENDED SERVICE APPEAL**

**CERTIFICATE**

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

Dated: ~~18~~ 19-03-2024

  
**Appellant**



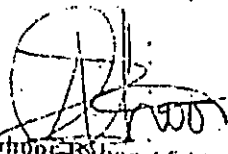



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Annex B

CHARGE SHEET

- 1) I, Zahoor Babar Afridi (PSP) District Police Officer Abbotabad as competent authority hereby charge you TFC No. 1024 Traffic Warden Abbotabad as explained in the attached statement of allegation.
- 2) You appear to be guilty of misconduct under Police Disciplinary Rules, 1975 (amended 2014) 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 to the Enquiry Officer.
- 4) Your written defense, if any shall reach the Enquiry Officer with in the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
- 5) Intimate whether you desire to be heard in person or otherwise.
- 6) A statement of allegations is enclosed.

  
 (Zahoor Babar Afridi) PSP  
 District Police Officer  
 Abbotabad

Attested  


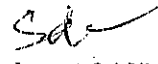
(Better Copy)

**DISCIPLINARY ACTION**

I, Zahoor Babar Afridi (PSP) District Police Officer Abbottabad as Competent Authority of the opinion that your TFC Saqib No. 1024 Traffic Warden Abbottabad rendered yourself liable to be proceeded against as you committed the following act/omission within the meaning of Police Disciplinary Rules 1975 (amended 2014).

**STATEMENT OF THE ALLEGATIONS**

1. Your FC Saqib No.345 while posted as TFC Warden Abbottabad, on 23-11-2021 you alongwith 05 accused made a plan of selling of gold ornament weighing 70/75 Tola to Mr. Khalid S/O Muhammad Rafique R/O Balakot in lieu of amount Rs.42,00,000/- out of which Rupees amounting 32,50,000/- was paid by Mr. Khalid but you alongwith other co-accused created a pre-plan drama and pretended that gold ornaments were stolen property. You by using tactics fraudulently took the cash amount Rs.32,00,000/- from the applicant without any agreement deed neither took any legal action nor brought the matter into the notice of senior officers. Upon the application of Mr. Khalid S/O Muhammad Rafique a case vide FIR No. 649 dated 12-12-2021 U/S 419/420/468/471 PPC PS Mangal was registered against you and other 05 co-accused. Your this illegal act earned bad name for entire police department as well as in the eyes of general public, which is tantamount to grass misconduct on your part being a member of discipline force.
2. For the purpose of scrutinizing your conduct with reference to the above allegations, Addl: SP Abbottabad is hereby appointed as Enquiry Officer.
3. The inquiry Officer shall in accordance with the provision of this ordinance, provide reasonable opportunity of hearing to you, record finding and make within 25 days of the receipt of this order recommendation as to punishment or the appropriate action against you.
4. You are hereby directed to attend the proceedings on the due date, time and place fixed by the Enquiry Officer.

  
(Zahoor Babar Afridi) PSP  
District Police Officer  
Abbottabad

No. 473 /PA, Dated Abbott bad the 14/12/2021

Copy to:-

Enquiry Officer for initiating proceedings against the defaulter officer under provision of the Police Disciplinary Rules 1975 (amended 2014) and submit findings within stipulated period.

TFC Saqib No. 1074 Traffic Warden Abbott bad (delinquent officer/official).

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Amal. C.

BEFORE THE ADDITIONAL SUPERINTENDENT OF POLICE  
ABBOTTABAD

In the matter of;

TFC Saqib No.1024 Traffic Warden Abbottabad, presently Police Lines Abbottabad.

REPLY OF STATEMENT OF ALLEGATIONS

It is respectfully submitted as under:-

I take honor to refer to letter No.473/PA dated 14/12/2021 vide which statement of allegations and charge sheet have been served upon me. The detailed reply of statement of allegations and charge sheet is as under,-

1. That I was inducted in District Police Abbottabad in the year 2012 and since then I have been performing my duties with devotion, dedication and honesty. My performance, at different stations, have been appreciated by my superiors in the shape of certificates and rewards. During the whole tenure of my service even a single complaint has not been filed by any quarter against me.
2. That presently I am performing my duties as Gunner with SP Traffic.
3. That one Mr. Khalid lodged a report on 12/12/2021 of an occurrence which has allegedly taken place on 23/11/2021 at 01:00 pm and report thereof has been lodged at 19:30 pm i.e almost after 07 hours, whereas the distance between alleged place of occurrence and police station is about 02.

Amal  
Sae

- 11
4. That accordingly, the FIR No.649 was registered on 12/12/2021 under Section 419/420/468/471 PPC read with Section 118-1(c)/ 119(b) of Police Act, 2017 against unknown persons.
  5. That later on the complainant charged the undersigned for the offence in his supplementary statement and statement recorded under section 164 Cr.PC, however in both the statements the complainant has not stated that he paid the amount to me rather he stated that the alleged amount was paid to Tahir and Fiaz.
  6. That even otherwise on 23/11/2021 at the time of alleged occurrence i.e 01:00 pm I was present in connection with at my duty in SP Traffic Office Abbottabad.
  7. That I am completely innocent and the whole episode has been staged with malafide intention just to drag me in the present fabricated and concocted case with ulterior motives and some personal grudges.
  8. That during my custody with police, nothing was recovered from my person and the alleged recovery attributed to me is fabricated and concocted, I have never produced any amount to the police because I am totally innocent and being low paid government employee I could not save Rs.100000/- during the whole service. Similarly, my mobile phone was in custody of police therefore, the assertion of I.O that I contacted my relative for the amount is nothing but a pack of lie.
  9. That another important aspect of the case is that the complainant stated in his statement under section 164 Cr.PC that he could not identify the police official, if this

*Asad*  
*S/O*

9. That another important aspect of the case is that the complainant stated in his statement under section 164 Cr.PC that he could not identify the police official, if this part of the statement of complainant is considered it would be crystal clear that the whole story has been fabricated by the complainant in connivance with local police because if the complainant charged me / police official by name, why he could not identify the police officials.

10. That I am completely innocent and never committed the offence as alleged in the FIR mentioned in the statement of allegation and charge sheet.

11. That in the wake of above I would also humbly submit that a chance of personal hearing be also given to me in the highest interest of justice.

It is therefore, humbly prayed that in the light of foregoing submissions / reply, the statement of allegations and charge sheet may graciously be ordered to withdrawn and I may kindly be exonerated from the charges leveled against me.

Your Obediently,

*SAQ*

TFC SAQIB  
No.1024

District Traffic Police,  
Abbottabad

*Alloed*  
*SAQ*

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Ammed. D

**OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD**

No: 26 /PA, Dated Abbottabad, the 7/12/2022.

**FINAL SHOW CAUSE NOTICE**

(Unit Rule (3) KPK Police Rules, 1975 amended 2014)

1. That you PC Sajid No. 1024 rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) for following misconduct:
  1. You PC Sajid No. 1024 while posted as TFC at Traffic Warden Abbottabad, on 23-11-2021 you alongwith 05 co-accused made a plan of selling of gold ornament weighing 707.75. Tola to Mr. Khalid S/O Muhammad Rafique, R/O Batakot in lieu of amount Rs. 42,00,000/- out of which Rupees amounting 32,50,000/- was paid by Mr. Khalid but you alongwith other co-accused created a pre-plan drama and pretended that the gold ornaments were stolen property. You by using tactics fraudulently took the cash amount Rs. 32,50,000/- from the applicant without any agreement deed neither took any legal action nor brought the matter into the notice of senior officers. Upon the application of Mr. Khalid S/O Muhammad Rafique a case vide FIR No. 649 dated 12-12-2021 U/S 419/420/468/471 PPC PS Mangal was registered against you and others 05 co-accused. Your this illegal act earned bad name for entire police department as well as in the eyes of general public, which is tantamount to gross misconduct on your part being a member of discipline force:-
  11. During proper departmental enquiry the allegations 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 proceedings without aid of enquiry officer.
  3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
  4. That your retention in the police force will amount to encouragement of inefficient 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(amended 2014) for the misconduct referred to above.
  7. You should submit reply to this Final Show Cause Notice within 07 days of the receipt of this 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 7/12/2022

Asad  
Saeed

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Ammed. E

BEFORE THE DISTRICT POLICE OFFICER ABBOTTABAD

In the matter of:

TFC Saqib No.1024 Traffic Warden Abbottabad, presently Police Lines Abbottabad.

REPLY OF FINAL SHOW CAUSE NOTICE

It is respectfully submitted as under:-

I take honor to refer to letter No.26/PA dated 07/02/2022 vide which final show cause notice has been served upon me. The detailed reply of final show cause notice is as under:-

1. That I was inducted in District Police Abbottabad in the year 2012 and since then I have been performing my duties with devotion, dedication and honesty. My performance, at different stations, have been appreciated by my superiors in the shape of certificates and rewards. During the whole tenure of my service even a single complaint has not been filed by any quarter against me.
2. That presently I am performing my duties as Gunner with SP Traffic.
3. That one Mr. Khalid lodged a report on 12/12/2021 of an occurrence which has allegedly taken place on 23/11/2021 at 01:00 pm and report thereof has been lodged at 19:30 pm i.e almost after 07 hours, whereas the distance between alleged place of occurrence and police station is about 02 KM which is sufficient to believe that the matter was reported after due deliberation and consultation.

*Alisad*  
*SAE*



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4. That accordingly, the FIR No.649 was registered on 12/12/2021 under Section 419/420/468/471 PPC read with Section 118-1(e)/ 119(b) of Police Act, 2017 against unknown persons.
  5. That later on the complainant charged the undersigned for the offence in his supplementary statement and statement recorded under section 164 Cr.PC, however in both the statements the complainant has not stated that he paid the amount to me rather he stated that the alleged amount was paid to Tahir and Fiaz.
  6. That even otherwise on 23/11/2021 at the time of alleged occurrence i.e 01:00 pm I was present in connection with at my duty in SP Traffic Office Abbottabad.
  7. That I am completely innocent and the whole episode has been staged with mala fide intention just to drag me in the present fabricated and concocted case with ulterior motives and some personal grudges.
  8. That during my custody with police, nothing was recovered from my person and the alleged recovery attributed to me is fabricated and concocted, I have never produced any amount to the police because I am totally innocent and being low paid government employee I could not save Rs.100000/- during the whole service. Similarly, my mobile phone was in custody of police therefore, the assertion of I.O that I contacted my relative for the amount is nothing but a pack of lie.
  9. That another important aspect of the case is that the complainant stated in his statement under section 164 Cr.PC that he could not identify the police official, if this

*Handwritten signature*  
30/12

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part of the statement of complainant is considered it would be crystal clear that the whole story has been fabricated by the complainant in connivance with local police because if the complainant charged me / police official by name, why he could not identify the police officials.

10. That during the inquiry, the complainant did not appear to substantiate his claim. Similarly Mr. Noman while appearing before inquiry officer categorically submitted that he does not know the undersigned. Besides above, Mr. Babar disclosed that the pictures of police official were shown to him on the next day. The above would suffice that I am innocent and on the basis of statements no case is made out against me.

11. That in the wake of above I would also humbly submit that a chance of personal hearing be also given to me in the highest interest of justice.

It is therefore, humbly prayed that in the light of foregoing submissions / reply, the final show cause notice may graciously be ordered to withdrawn and I may kindly be exonerated from the charges leveled against me.

Your Obediently,

*Saqib*

TFC SAQIB

No.1024

District Traffic Police,  
Abbottabad

*Attested*  
*Saqib*

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Annexure F

ORDER


This office order will dispose of the departmental enquiry against **FC Saqib No. 1024**. He while posted as TFC at Traffic Warden Abbottabad, on 23-11-2021 he alongwith 05 co-accused made a plan of selling of gold ornament weighing 70/ 75 Tola to Mr. Khalid S/O Muhammad Rafique R/O Balakot in lieu of amount Rs. 42,00,000/- out of which Rupees amounting 32,50,000/- was paid by Mr. Khalid but he alongwith other co-accused created a pre-plan drama and pretended that the gold ornaments were stolen property. He by using tactics fraudulently took the cash amount Rs. 32,50,000/- from the applicant without any agreement deed neither took any legal action nor brought the matter into the notice of senior officers. Upon the application of Mr. Khalid S/O Muhammad Rafique a case vide FIR No. 649 dated 12-12-2021 U/S 419/ 420/ 468/ 471 PPC PS Mangal was registered against him and others 05 co-accused. His this illegal act earned bad name for entire police department as well as in the eyes of general public, which is tantamount to gross misconduct on his part being a member of discipline force.

He was issued with Charge Sheet along with statement of allegations. **Addl: SP, Abbottabad** was appointed as Enquiry Officer. He conducted proper departmental enquiry against the delinquent official and recorded statements of all concerned. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings wherein allegations have been proved against delinquent official. He was issued Final Show Cause Notice. He was summoned to appear in Orderly Room on 22-02-2022. He was given a patient hearing but he had nothing plausible to state in his defence.

Therefore, in exercise of the powers vested in the undersigned Police Disciplinary Rules-1975 (Amended 2014), I, Zahoor Babar Afridi, PSP, District Police Officer, Abbottabad as a competent authority, am constrained to award him the major punishment of Dismissal from service with immediate effect.

Order announced.

OB No. 52  
Dated 23-02-22

  
District Police Officer  
Abbottabad

CC.

1. Establishment Clerk, DPO Office Abbottabad.
2. OHC DPO Office Abbottabad alongwith Enquiry containing \_\_\_ pages for completion of record

\*\*\*\*\*

*Accepted*  
*gk*

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Annex - 9

**BEFORE THE INSPECTOR GENERAL OF POLICE,**  
**KHYBER PAKHTUNKHWA, PESHAWAR**

Saqib Ali Ex-TFC No.1024 Traffic Warden Abbottabad, resident of Tarhana Tehsil & District Abbottabad.

...*APPELLANT*

**VERSUS**

1. Deputy Inspector General of Police, Hazara Region, Abbottabad.
2. District Police Officer, Abbottabad.

...*RESPONDENTS*

Subject: **DEPARTMENTAL APPEAL AGAINST ORDER BEARING NO.866/PA DATED 21/09/2022 PASSED BY RESPONDENT NO.1, WHEREBY THE APPEAL FILED BY APPELLANT AGAINST OB NO.52 DATED 23/02/2022 PASSED BY RESPONDENT NO.2, HAS BEEN DISMISSED.**

It is respectfully submitted as under;-

I take honor to refer to the subject noted above and to submit as under;-

1. I was issued with charge sheet and statement of allegation vide letter No. 473/PA dated 14/12/2021. I submitted reply thereof accordingly. Copies of the statement of allegation, charge and reply thereof are attached herewith as Annexure "A".

Alleged  
S.A.

2. That thereafter final show cause notice was issued to me vide letter No.26/PA dated 07/02/2022. I also submitted the reply of final show cause notice. Copy of show cause notice and reply thereof is attached as Annexure "B".
3. That despite the fact that during the inquiry nothing could be proved against appellant and the complainant has also not come forward to depose against appellant, the respondent No.2 in a slipshod and cursory manner, notwithstanding the law on the subject proceeded to terminate my services vide OB No.52 dated 23.02.2022. However, no order in writing has been provided to appellant.
4. That the appellant submitted departmental appeal before respondent No.1 who vide office order No.866/PA dated 21/09/2022 dismissed the appeal by maintaining the order of respondent No.2. Copy order No.866/PA dated 21/09/2022 are attached herewith as Annexure "C".
5. That both the impugned orders passed by respondents are being assailed through the instant appeal on the following grounds:-

**GROUND:-**

- a. That having no order in hand appellant is left with no option but to file the present departmental appeal without impugned order.

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- b. That appellant was inducted in District Police Abbottabad in the year 2012 and since then I have been performing my duties with devotion, dedication and honesty. Appellant performed, at different stations, have been appreciated by my superiors in the shape of certificates and rewards. During the whole tenure of my service even a single complaint has not been filed by any quarter against me.
- c. That during the days of occurrence the appellant was performing his duties as Gunner with SP Traffic.
- d. That upon the report of one Khalid, a bogus and frivolous FIR was lodged against the unknown culprits, wherein neither the appellant charged nor the appellant was nominated.
- e. That accordingly, a bogus FIR No.649 was registered on 12/12/2021 under Section 419/420/468/471 PPC read with Section 118-1(c)/ 119(b) of Police Act, 2017 against unknown persons.
- f. That later on the complainant charged the appellant for the offence in his supplementary statement and statement recorded under section 164 Cr.PC, after a lapse of 09 days and therein has not assigned any role to the appellant. Further, in the light of dictums laid

Accepted  
Sgt

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down by the Apex Courts, supplementary statement has no credit in the eye of law.

- g. That on 23/11/2021, the time of alleged occurrence i.e 01:00 pm I was present in connection with my duty in SP Traffic Office Abbottabad and my attendance and copy of Roznamcha to this effect is annexed herewith.
- h. That appellant is completely innocent and the whole episode has been staged with malafide intention just to drag me in the present fabricated and concocted case with ulterior motives and some personal grudges as an escape goat.
- i. That the appellant was arrested in the subject bogus FIR and having my case one of the further inquiry under section 497(2) Cr.PC, the appellant was released on bail by the learned Judicial Magistrate-III, Abbottabad.
- j. That the allegations in the subject FIR are yet to be proved against appellant and it is celebrated principle of law that unless proven guilty, one is presumed to be innocent.
- k. That trial of the case is yet to commence and if the appellant is dismissed at this stage and later acquitted in the FIR, the appellant would have inconvenience and

Alleged  
S.A.

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irreparable loss not only to himself but to his family, repute and Honor.

- l. That another important aspect of the case is that the complainant stated in his statement under section 164 Cr.PC that he could not identify the police official, and no identification parade under Article 22 of QSO 1984 was conducted by the I.O to authenticate my identity.
- m. That during the investigation, I.O is not collected the record of my attendance in SP Traffic Office, Abbottabad.
- n. That during investigation the complainant has not been made an accused, despite the fact that he disclosed himself in sale of illegal gold.
- o. That order Article 67 of QSO 1984, previous character of accused is always relevant and in my case my entire service record is clean and appellant has never been involved in such like activities.
- p. That before the adjudication of court of law upon the matter, passing of dismissal order from service is not only harsh but against the law, fact and norms of natural justice.

Accepted  
J  
S




23

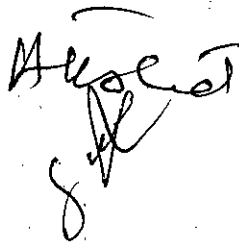
q. That in the wake of above the appellant would also humbly submit that a chance of personal hearing be also given to me in the highest interest of justice.

It is therefore, humbly prayed that in the light of foregoing submissions, the instant appeal in hand may kindly be accepted and the appellant be restored on his service.

Dated: 01/02/2022

...APPELLANT

  
SAQIB ALI  
Ex-TFC No.1024  
District Traffic Police,  
Abbottabad



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Annex-H



OFFICE OF THE REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.r.pohazara@gmail.com

NO: 866 /PA DATED 21/9 /2022

**ORDER**

This order will dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex. Constable Saqib Ali No.1024 of district Abbottabad against the order of punishment i.e. *dismissal from service* awarded by DPO Abbottabad vide OB No.52 dated 23.02.2022.

Brief facts leading to the punishment are that the appellant while posted as TFC Traffic Warden, Abbottabad on 23.11.2021 he along with 05 co-accused made a plan of selling gold ornament weighing 70/75 Tola to Mr. Khalid s/o Muhammad Rafique r/o Balakot in lieu of Rs. 42,00,000/- out of which cash amounting 32,50,000/- was paid by Mr. Khalid but the appellant along with other co-accused created a pre-plan drama and pretended that the gold ornaments were stolen property. He by using tactics fraudulently took the cash amount Rs. 32,50,000/- from the applicant without any agreement/deed and neither took any legal action nor brought the matter into the notice of senior officers. Consequently, upon the application of Mr. Khalid s/o Muhammad Rafique a case vide FIR No.649 dated 12.12.2021 U/S 419/420/468/471 PPC PS Mangal was registered against him and others 05 co-accused.

The appellant was issued charge sheet along with summary of allegations and Add. SP Abbottabad was constituted to conduct departmental enquiry. The EO in his findings held the appellant responsible of misconduct and recommended him for suitable punishment. Consequently, DPO Abbottabad awarded him major punishment of dismissal from service. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of DPO Abbottabad were sought and examined/perused. The undersigned called the appellant in OR and heard him in person. The appellant was given reasonable opportunity to defend himself against the charges, however he failed to advance any justification. The allegations leveled against the appellant were proved during course of investigation and departmental enquiry. Hence, disciplinary action taken against the appellant seems reasonable and the appeal is liable to be dismissed. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 the instant appeal is hereby *filed/rejected* with immediate effect.

Mirvais Niaz (PSP)  
REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

No. 867 /PA, dated Abbottabad the 21/9 /2022.

Cc.

DPO Abbottabad for information and necessary action with reference to his office Memo No 665/PA dated 18-03-2022 with the direction to inform the appellant accordingly. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

Accepted  
gilt

# وکالت نامہ

بعد اہلت جناب  
خیر بخشوں کو اوہ سرورس سر مشینوں پٹ ۱۹

منجانب  
اسپلرنٹ

شما صاحب علی کے پیچھے۔ کی پی پی او وغیرہ

دعویٰ یا جرم Amended Service Affidavit باعث تحریر آئندہ

مندرجہ بالا عنوان میں اپنی طرف سے بیروی اور جوابدہی مقام اسپٹ آباد / سٹین ۱۹

مدرک کے سرورس ایڈووکیٹ بدیں شرط وکیل مقرر کیا۔ کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوں اور حاضری کی وجہ سے کسی وجہ پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پچھری کے علاوہ کسی اور جگہ یا پچھری کے مقرر اوقات سے پہلے یا بروز تعطیل بیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام پچھری کے کسی اور جگہ سماعت ہونے یا بروز پچھری کے اوقات کے آگیا یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے رابطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پرواختہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپروٹاشی و راضی نامہ و فیصلہ برخلاف کرنے اقبال دعوے کا اختیار ہوگا۔ اور بصورت اپیل و برآمد کی مقدمہ یا منسوخ ڈگری یا کطرفہ درخواست حکم امتناعی یا ڈگری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا ایگی علیحدہ بیروی مختار نامہ کرینکا مجاز ہوگا۔ اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا بیرٹر کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو۔ پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ سند ہے مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

Accepted  
M. Akbar

مورخہ: 20/24 - 03 - 19

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