

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

Service Appeal No. 1308/2014

Date of Institution ... 07.11.2014

Date of Decision ... 18.02.2019

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

VERSUS

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

MR. NOOR MUHAMMAD KHATTAK,
Advocate

For appellant.

MR. MUHAMMAD BILAL,
Deputy District Attorney

For respondents

MR. AHMAD HASSAN,
MR. MUHAMMAD AMIN KHAN KUNDI

MEMBER(Executive)
MEMBER(Judicial)

JUDGMENT

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

ARGUMENTS

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

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

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

CONCLUSION.

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

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

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



(AHMAD HASSAN)
Member
Camp Court Abbottabad.



(MUHAMMAD AMIN KHAN KUNDI)
Member

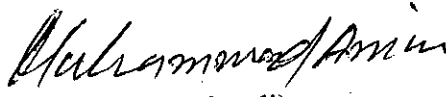
ANNOUNCED
18.02.2019

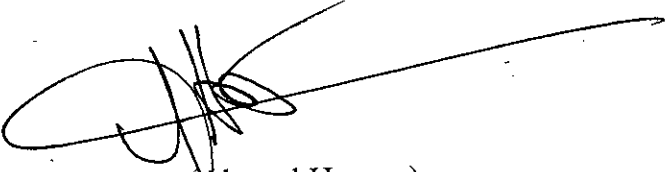
ORDER

18.02.2019

Counsel for the appellant present. Mr. Muhammad Bilal, Deputy District Attorney alongwith Mr. Muhammad Zahoor, Inspector Legal for the respondents present. Arguments heard and record perused.

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


(M. Amin Khan Kundi)
Member


(Ahmad Hassan)
Member
Camp Court Abbottabad

ANNOUNCED
18.02.2019

30.08.2018

Due to summer vacations, the case is adjourned .To come up for the same on 15.10.2018 at camp court Abbottabad.


Reader

15.10.2018

Appellant Amir Nazar in person present. Mr. Muhammad Zahoor, Inspector (Legal) alongwith Mr. Usman Ghani, District Attorney for the respondents present. Due to general strike of the Khyber Pakhtunkhwa Bar Council, counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 18.12.2018 before the D.B at camp court, Abbottabad.


Member



Chairman
Camp Court, A/Abad

18.12.2018

Mr. Muhammad Maaz Madni, Advocate for appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Zahoor, Inspector for the respondents present.


It is stated that learned senior counsel for appellant could not make it from Peshawar today. Request for adjournment. Adjourned. To come up for arguments on 18.02.2019 before D.B at camp court A/Abad.

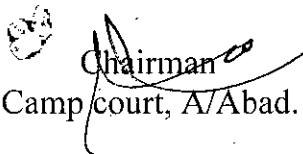

Member


Chairman
Camp Court A/Abad

22.02.2018

Appellant present in person and Addl. AG alongwith Muhammad Zahoor, S.I (Legal) for the respondents present. Counsel for the appellant has not turned up from Peshawar. To come up for arguments on 23.05.2018 before the D.B at camp court, Abbottabad.


Member


Chairman
Camp court, A/Abad.

23.05.2018

Appellant in person and Mr. Usman Ghani learned District Attorney alongwith Danish Zeb ASI for the respondents present. Appellant seeks adjournment as his counsel is not available. Adjourned. To come up for arguments on 26.06.2018 before the D.B at camp court A/Abad.



Member


Chairman
Camp court, A/Abad

26.06.2018

Appellant Ameer Nazar in person alongwith counsel Mr. Noor Muhammad Khattak, Advocate present. Mr. Muhammad Zahoor Inspector (Legal) alongwith Mr. Ziullah, District Attorney for the respondents present. Learned Deputy District Attorney requested for adjournment that brief of the case has been handed over to him today. Granted. To come up for arguments on 30.08.2018 before the D.B at camp court, Abbottabad.

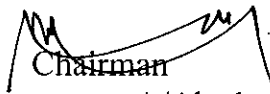

Member


Chairman
Camp court, A/Abad

21.08.2017

Appellant in person and Mr. Muhammad Bilal, Deputy District Attorney alongwith Muhammad Zahoor, Inspector (Legal) for the respondents present. Appellant seeks adjournment as his counsel has not turned up from Peshawar. Adjourned. To come up for final hearing before the D.B on 19.10.2017 at camp court, Abbottabad.



Member


Chairman
Camp court, A/Abad

19.10.2017

Appellant in person and Mr. Muhammad Bilal, Deputy District Attorney alongwith Mr. Zahoor Ahmed, Inspector (legal) for the respondents present. Appellant seeks adjournment. To come up for arguments on 18.01.2018 before the D.B at camp court, Abbottabad.


Member


Chairman
Camp court, A/Abad.

18.01.2018

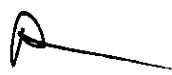
Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Zahoor Alam, Inspector (Legal) for the respondents present Counsel for the appellant seeks adjournment. Granted. To come up for arguments on 22.02.2018 before the D.B at camp court, Abbottabad.



Member


Chairman
Camp Court, A/Abad

21.6.2016


Appellant in person and Mr. Muhammad Siddique, Sr.GP for the respondents present. Appellant seeks adjournment as his counsel not turned up from Peshawar. To come up for final hearing before D.B on 23.11.2016 at camp court, Abbottabad.


Member


Chairman
Camp Court, Abbottabad.


23.11.2016

Appellant in person and Mr. Abdur Rashid, ASI alongwith Mst. Bushra Bibi, Government Pleader for respondents present. The Bench is incomplete therefore arguments could not be heard. To come up for final hearing on 14.03.2017 at camp court, Abbottabad.


Chairman
Camp Court, A/Abad

14.03.2017

Clerk of counsel for the appellant and Mr. Israr Shah, Reader alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Counsel for the appellant has not turned up from Peshawar and due to non-availability of D.B arguments could not be heard. To come up for final hearing before the D.B on 21.08.2017 at camp court, Abbottabad.


Chairman
Camp Court, A/Abad

7


28.05.2015

Appellant in person and Mr. Abdur Rashid, ASI (legal) alongwith Addl: A.G for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 19.8.2015 at camp court Abbottabad as the matter pertains to the territorial limits of Hazara Division.


Chairman


19.08.2015

Counsel for appellant and Siraj, Reader alongwith Mr. Muhammad Aurangzeb, GP for respondents present. Rejoinder submitted. To come up for final hearing before D.B on 16.12.2015 at camp court A/Abad.


Chairman
Camp Court Abbottabad

16.12.2015

Appellant in person and Mr. Abdur Rashid, ASI (legal) alongwith Mr. Muhammad Siddique, Sr.GP for respondents present. Due to non-availability of D.B, appeal adjourned for final hearing before D.B to 21.6.2016 at Camp Court A/Abad.


Chairman
Camp Court A/Abad

4 27.01.2015

Agent of counsel for the appellant present. Counsel for the appellant is stated busy before the august Peshawar High Court, Peshawar. Adjourned for preliminary hearing to 10.02.2015.


CHAIRMAN

5 10.02.2015

Agent of counsel for the appellant present. Counsel for the appellant is not in attendance due to strike of the Bar. Adjourned for preliminary hearing before S.B to 25.02.2015.


Chairman.

6 25.02.2015

*Appellant deposited
process fee & security*



Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Head Constable in Police Department and vide impugned order dated 25.06.2014 he was dismissed from service on the charge of extending patronage to a lady of bad character. That the appellant was neither given any show cause notice nor charge sheeted nor any inquiry was conducted and, moreover, he was penalized under Police Rules, 1975 which is not applicable to the case of the appellant.




Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 28.05.2015 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1308/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	07.11.2014	<p>The appeal of Mr. Ameer Nazar presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p> REGISTRAR</p>
2		<p>This case is entrusted to Bench <u>I</u> for preliminary hearing to be put up there on <u>16-01-2015</u>.</p> <p> CHAIRMAN</p>
3	16.01.2015	<p>Counsel for the appellant present. Requested for adjournment due to strike of the Bar. Adjourned to 27/1/2015 preliminary hearing.</p> <p> Chairman</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1308 /2014

AMEER NAZAR

VS

POLICE DEPARTMENT

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4.	Reply	C	6.
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APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1368 /2014

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

No. 1349
7-11-2014
Appellant

VERSUS

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

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

Amir
7/11/14

PRAYER:

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

R/SHEWETH:

ON FACTS:

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

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

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

GROUND:

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

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

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

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

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

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

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

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

Dated:6.11.2014

APPELLANT



AMEER NAZAR

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

CHARGE SHEET

A-4

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

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

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

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

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

(6) A statement of allegations is enclosed.

(*Muhammad Ijaz Khan*) PSP
District Police Officer
Haripur

ATTESTED

g.

OKS
20/12/2012
Muhammad Ijaz Khan

DISCIPLINARY ACTION

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

STATEMENT OF ALLEGATION

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

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

The above mentioned acts are gross misconduct on your part.

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

ASIF GOHAR DSP Haripur

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

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

(Muhammad Ijaz Khan) PSP
District Police Officer
Haripur

No: 861-63 /PA, dated Haripur the 14/04/2014.

Copy of above is submitted to the:-

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

ATTESTED

District Police Officer
Haripur

جناب عالی!

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

عالیجاہ!

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

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

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

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

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

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

الحارض

امیر نذر (نمبر 417/HC)

ڈرائیور پولیس لائن ہری پور

ATTESTED

af

D - ②

ORDER


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

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

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

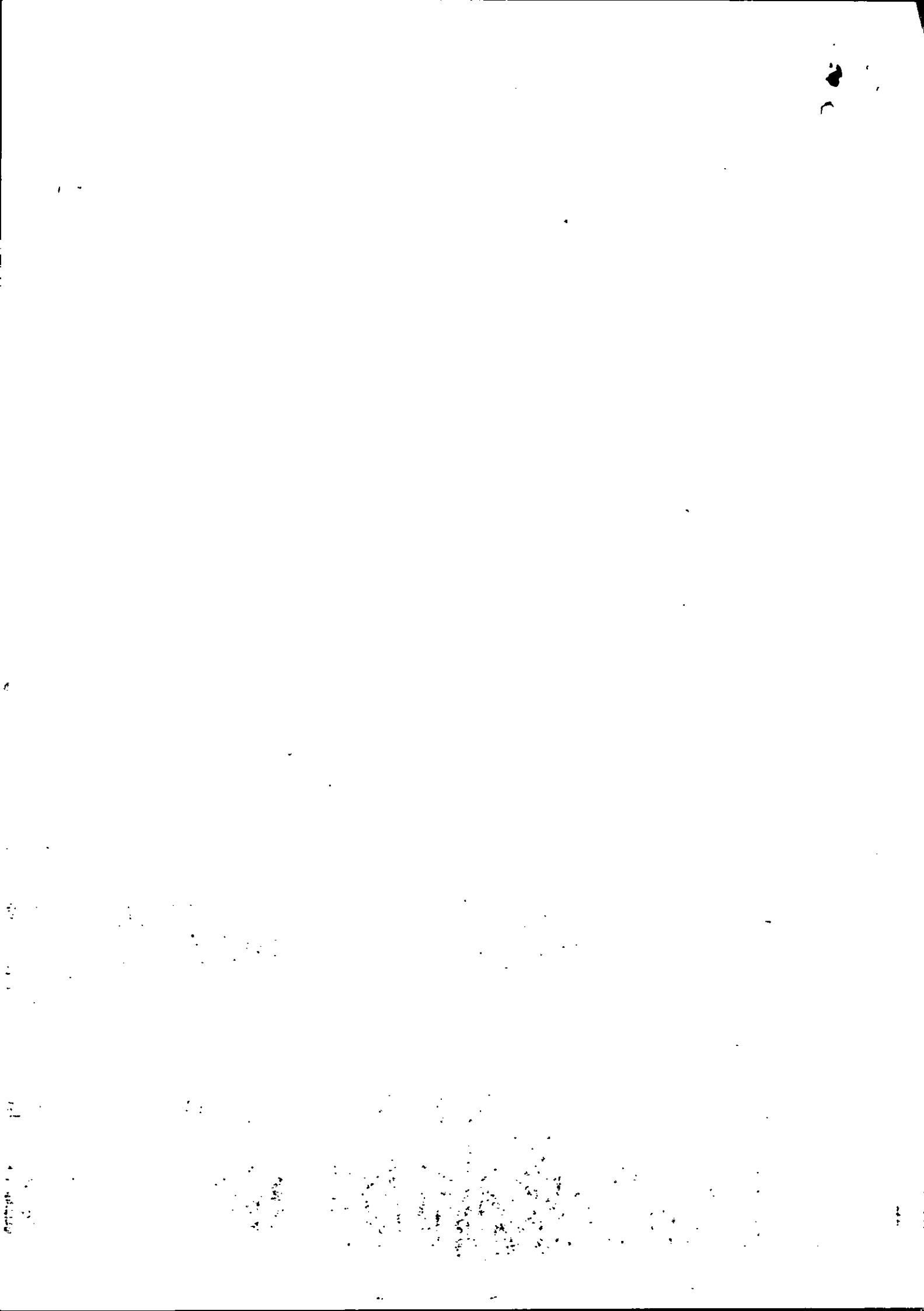
Order announced
OB NO 375 Dated 25.06.2014

District Police Officer
Haripur



ATTESTED





E - 8

Before the worthy Regional Police Officer, Hazara
Region Abbottabad

(Through Proper Channel)

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

Respected Sir,

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

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

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

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

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

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

ATTESTED



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

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

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

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

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

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

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

ATTESTED
[Signature]

(13) That the petitioner was only served with Charge Sheet & Summary of Allegations by the District Police Officer Haripur, no show cause or final show cause notice was served upon the petitioner which is also the violation of relevant enquiry proceedings/rules. No legal and codal formalities were observed during enquiry. (10)

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

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

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

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

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

ATTESTED

g

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

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

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

Yours Obediently,

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

ATTESTED

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

OF 2014

Ameer Nazir

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Police Department

(RESPONDENT)
(DEFENDANT)

I/We Ameer Nazir

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

Dated. ____/____/2014



CLIENT


ACCEPTED

NOOR MOHAMMAD KHATTAK
(ADVOCATE)

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

Service appeal No. 1308/14

Ex-Driver Head Constable Ameer Nazar, driver, No. 417, Police Lines, District Haripur
(Appellant)

Vs.

Regional Police Officer, Hazara Region, Abbottabad and an Other
(Respondents)

Respectfully Sheweth

The requisite Para-wise comments on the behalf of respondents are as under:-

Preliminary Objections

1. The instant appeal is badly time barred and not maintainable under the law.
2. The appellant has not come to the Honorable Tribunal with clean hands.
3. The appellant has no locus stand to file the appeal.
4. The appellant has suppressed material facts from the Honorable Tribunal.
5. The appellant is estopped by his own conduct.
6. That the appeal is not maintainable for misjoinder/nonjoinder of necessary parties.

Objections on facts.

1. Incorrect, the appellant Ex-Driver Head Constable Ameer Nazar No. 417 was given relaxation in age and qualification and was appointed as Driver Constable in police department Haripur on 03.06.1997, on charges of misconduct for having relations with bad character women namely Mst: Rizwana Shaheen r/o Haripur, who was reported to run prostitution den in Haripur, with the active protection and shelter of the appellant who being an influential person in uniform and having served with the senior officer as driver and thereby used the position with the ulterior motive for the mal practices against the morality, law as well as norms of discipline force, the acts of the appellant were highly objectionable and misconduct under police rules 1975 so, he was proceeded against departmentally and being found guilty of charges lawful punishment of dismissal from Service was awarded to the appellant vide OB No. 375, dated 25.06.2014
2. Incorrect, the appellant while posted at police lines, Haripur as Driver was reported to have extended shelter in the colour of uniform to a prostitution den, the acts & omissions were bad name and for police force and misconduct as the primary duty of police is to prevent the crimes and not to support and spread crimes in the society, therefore, he was charge sheeted and served with statement of allegations under police Rules 1975, by the then District Police Officer, Haripur (copies of Special Report of DSB/Haripur are attached as annexure "A"). The DSP/Haripur Mr. Asif Gohar was appointed as Enquiry Officer, who conducted proper departmental enquiry and held the charges of misconduct proved and recommended the appellant for punishment, hence, the appellant was called in Orderly Room and was heard in person by the then District Police Officer, Haripur and being found guilty of charges he was awarded lawful punishment of dismissal from service vide OB No. 375, dated 25.06.2014 (copy of charge sheet and enquiry is attached as annexure "B").
3. Incorrect, consequent upon departmental enquiry the appellant was awarded legal punishment, moreover, all the principles of natural justice were observed, the

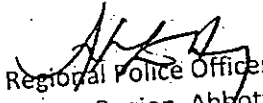
appellant filed a representation before the appellate authority i.e. the then Regional Police Officer, Hazara Region, Abbottabad which was also dismissed and filed for cogent reasons vide Regional Police Officer, Hazara Region, Abbottabad office order No. 2747/PA, dated 06.03.2015 (copy of order is attached as annexure "C").

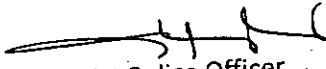
4. The instant appeal is not maintainable on the following grounds amongst the others.

Grounds:

- a. Incorrect, the order of dismissal dated 25.06.2014 is cogent, quite legal, result of proper departmental enquiry, hence, maintainable under the law.
- b. Incorrect, the appellant was treated in accordance with law and rules, no right of the appellant was violated rather he was dismissed from service strictly in accordance with law, hence, the punishment is lawful.
- c. Incorrect, the appellant was issued charge sheeted and statement of allegations vide District Police Officer, Haripur Endst: No. 861-63/PA, dated 11.04.2014 and during enquiry proceedings he appeared and associated the enquiry, similarly, the appellant was heard in person, he was given every right to defend himself, however, the appellant badly failed to prove his innocence, therefore, order of dismissal was passed quite legally.
- d. Incorrect, as narrated above.
- e. Incorrect, the appellant was treated in accordance with law, in the course of enquiry the relevant witnesses were examined and the substantial evidence proved the charges, the appellant extended full protection to Mst: Rizwana Shaheen, who was reported to run prostitution den, the statement of witness Tahir Sultan s/o Sultan Mubarak r/o KTS Sector No. 04 is of worth importance on the issue which corroborates the immoral character of the appellant (copy is attached as annexure "d").
- f. Incorrect, the appellant was dismissed under the proper law.
- g. The respondents shall produce any other grounds with the permission of Hon'ble Tribunal during the hearing of the case.

In view of above, it is therefore, requested that the instant service appeal does not hold any legal force, which may kindly be dismissed with costs.


Regional Police Officer,
Hazara Region, Abbottabad
(Respondent No. 1)



District Police Officer,
Haripur
(Respondent No. 2)

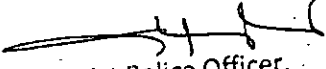
- appellant filed a representation before the appellate authority i.e. the then Regional Police Officer, Hazara Region, Abbottabad which was also dismissed and filed for cogent reasons vide Regional Police Officer, Hazara Region, Abbottabad office order No. 2747/PA, dated 06.03.2015 (copy of order is attached as annexure "C").
4. The instant appeal is not maintainable on the following grounds amongst the others.

Grounds:

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- b. Incorrect, the appellant was treated in accordance with law and rules, no right of the appellant was violated rather he was dismissed from service strictly in accordance with law, hence, the punishment is lawful.
- c. Incorrect, the appellant was issued charge sheeted and statement of allegations vide District Police Officer, Haripur Endst: No. 861-63/PA, dated 11.04.2014 and during enquiry proceedings he appeared and associated the enquiry, similarly, the appellant was heard in person, he was given every right to defend himself, however, the appellant badly failed to prove his innocence, therefore, order of dismissal was passed quite legally.
- d. Incorrect, as narrated above.
- e. Incorrect, the appellant was treated in accordance with law, in the course of enquiry the relevant witnesses were examined and the substantial evidence proved the charges, the appellant extended full protection to Mst: Rizwana Shaheen, who was reported to run prostitution den, the statement of witness Tahir Sultan s/o Sultan Mubarak r/o KTS Sector No. 04 is of worth importance on the issue which corroborates the immoral character of the appellant (copy is attached as annexure "D").
- f. Incorrect, the appellant was dismissed under the proper law.
- g. The respondents shall produce any other grounds with the permission of Hon'ble Tribunal during the hearing of the case.

In view of above, it is therefore, requested that the instant service appeal does not hold any legal force, which may kindly be dismissed with costs.


Regional Police Officer,
Hazara Region, Abbottabad
(Respondent No. 1)


District Police Officer,
Haripur
(Respondent No. 2)

Before the Khyber Pakhtunkhwa, Peshawar Service Tribunal Peshawar

Service appeal No. 1308/2014


Ex-Driver Head Constable Ameer Nazar, District Haripur
.....(appellant)

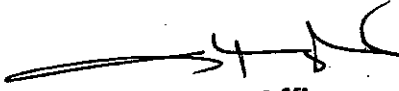
VERSUS

The Regional Police Officer, Hazara Region, Abbottabad & another
.....(respondent)

COUNTER AFFIDAVIT

We the following respondents do hereby solemnly affirm and declare that all the contents of reply/comments are true and correct to the best of our knowledge and belief and nothing has been concealed from the Hon'ble Tribunal.


Regional Police Officer,
Hazara Region, Abbottabad
Respondent No. 01


District Police Officer,
Haripur
Respondent No. 02

SPC
P. 1/1/1982
کشمیر
کشمیر

علی خان شوکا سیرکے صالح

علی خان شوکا سیرکے صالح میں رضوانہ راجی عورت
خاموشی کا اڈہ چلا رہی ہے۔ جسے پاس 3/2 اڈہ لگانا
پر وقت بائیں سے بلا کر عورت فرودگاہی کر رہی ہے۔

علی خان نیپر پر خطیر شاہ کے کواٹروں میں کر رہی دار
شہور دنیا میں عورت - خاموشی کا اڈہ جاری رکھے ہوئے ہے۔

شہیم صالح خطیر شاہ علی خان نیپر کواٹر میں رہ رہی ہیں
نئی - ان سبکی پر لہر نزد اڈہ لارمان ہر دو پاس ہر دو
ہے۔ سبکی کے ساتھ کینان کے گھر کراہی دار ہے۔
خاموشی کا اڈہ چلا رہی ہے۔ جسے اڈہ پر ہر دو جمع اور انوار
زبانہ رسن ہوئی ہے۔

گول کابی روڈ مغل الرحمان روڈ نزد AT&T کواٹر سیرکے صالح
قوم ریلوے پر شوکا سیرکے صالح میں رہاں نیپر ہے۔ پہلے اپنے
گھر میں جھلا پھیر تھا ان مقامی پولیس کے خوف ڈر کر گئے
انہوں نے دوسرا طریقہ وارڈان ہڈر لے مو بائل فون اس طرح
نیا لیا جھیکہ ذاتی کیری ڈیہ 0680-6 بی بیگ سفید رنگا ہے۔
ہر دو ہر دو دروازے سے لگے لگے ہڈر روڈ سے اٹھا کر مختلف کواٹروں
کو پہنچاتی ہے۔ - مو بائل نمبر - 9644704 - 0334

Amexune B²⁰⁰³

CHARGE SHEET

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

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

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

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

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

(6) A statement of allegations is enclosed.

(Muhammad Ijaz Khan) PSP
District Police Officer
Haripur

17/12/2003
Ameer Nazar

آرڈر فیٹ

Annexure B

انکوائری ازان ڈرائیور احمد نذر HC 417 منقبتہ پولیس لائن پر پور

POS
AT LARGE
ADDED
TESTED
VOIDED
DUPLICATE
CHECK OFF
BALANCE

آج حوزہ 11⁰⁴/₁₄ کو انکوائری یزا دستہ جناب DPO پر پور کے مہرل
پر کر آئندہ حوزہ 14⁰⁴/₁₄ کو الزام علیہ احمد نذر HC 417 کو طلب کیا گیا۔

R/DSP/HR

(2) آج حوزہ 14⁰⁴/₁₄ کو الزام علیہ احمد نذر حاضر آیا، جارح شیٹ لیا گیا۔ آئندہ
حوزہ 15⁰⁴/₁₄ کو الطاف خان الکنیکٹر SHo سر کے مہرل حال پولیس لائن - عباس خان ASHO
- فہر ارشد خرم خان سر کے مہرل - صفدر خان انچارج DSB براجم پر پور کو برائے
قلینہ تابانات طلب کیا گیا۔

R/DSP/HR

(3) آج حوزہ 15⁰⁴/₁₄ کو الزام علیہ احمد نذر - الکنیکٹر الطاف خان، عباس خان ASHO سر کے
سر کے مہرل - فہر ارشد خرم خان سر کے مہرل، صفدر خان انچارج DSB براجم حاضر آئے
اپنے بیانات دئے جو شامل انکوائری ہوئے۔

R/DSP/HR

(4) آج حوزہ 15⁰⁴/₁₄ کو نوازیم حویلی فون 0312 5803790 طاہر سلطان ولد سلطان حبار
سکنہ K-T-S سکریٹری 4 مکان نمبر 175 کو برائے حوزہ 16⁰⁴/₁₄ برائے
حکمبندی بیان طلب کیا ہے۔

R/DSP/HR

(5) آج حوزہ 16⁰⁴/₁₄ کو طاہر سلطان ولد سلطان حبار سکنتہ KTS
جسٹس ایدال حبیبی طاہر ایا اور بیباں قلینہ کروا

R/DSP/HR

(6) آج حوزہ 17⁰⁴/₁₄ کو انکوائری یزا مکمل ہو کر جو تاہر نذرنگ رکوہ طاہر سلطان حبار
نذر شہو جناب DPO پر پور فرسٹ شد۔

R/DSP/HR

O.R.

Heard in OR
The
on 23/4
The
Rajwana station in Nov 13-14
is
23/4

فاسڈنگ انٹوائٹری رپورٹ

نمبر 99R
17-04-14

پرجنرل مینڈرڈ 417 ڈرائیور متعینہ پولیس اسٹیشن ہری پور - HC

جناب عالی . فورم 14-4-11 کو مذکورہ ڈرائیور کی انٹوائٹری مارک ہو کر وصول ہوئی . انٹوائٹری کا آغاز کرتے ہوئے اسی روز پروانہ جاری کر کے مینڈرڈ ڈرائیور کی تحصیل کھوائی فورم 14/4 کے طلب کیا گیا .

فورم 14 کو مینڈرڈ 417 کے سلسلہ انٹوائٹری حاضر آیا اور جواب چارج شیٹ پیش کی اور جواب میں اعتراف کیا کہ اُس کے رضوانہ شاہین کے ساتھ فراسم ہیں اور اہل خانہ کے ساتھ آؤد، رفت کی بھی تصدیق کی . جواب چارج شیٹ لف بہانہ قابل ملاحظہ ہے اور اپنے بیان میں تحریر کیا کہ چارج شیٹ کا جواب ہی اُس کا اصل بیان ہے .

سوالات کے دوران جوابات تحریر کیا گئے ہیں جس میں بھی مذکورہ ڈرائیور نے قسم آ رضوانہ کے ساتھ آئے کا اقرار کیا ہے کہ اُس کے تعلقاً اور دوستی اپنی بیوی کے ساتھ ہوتا ہے . - سوالات جواب - لف بہانہ قابل ملاحظہ ہیں . حج لاہور قراہم کیا گیا کوئی حرج نہیں کرنا چاہتا .


دوران انٹوائٹری السطانتان ال سیکرٹریسی لائن ہری پور سٹیو SHO تھانہ سرگئے صالح ارشد خان HC فرم تھانہ سرگئے صالح - عباس خان ASHO تھانہ سرگئے صالح صفدر خان ایچارج ڈسٹرکٹ سیکورٹی براج قلعہ ہری پور اور طاہر سلطان ولد سلطان مبارک سکنہ K.T.S حال بھڈیاں حسن ابدال کے علیحدہ علیحدہ بیانات قلمبند کیے گئے جو لف بہانہ قابل ملاحظہ ہیں .

مقامہ رضوانہ شاہین کے خلاف پرنال ریکارڈ تھانہ سرگئے صالح سے ماسوائے DSB کی ڈائریوں کے کوئی مقدمہ متعلق رازدہ قماش (درج نہیں ہوا ہے - DSB کی ڈائریوں کی فوٹو سٹیٹ کا پتلا لف بہانہ قابل ملاحظہ ہیں - اس میں کوئی شک نہیں کہ مقامہ رضوانہ شاہین کی ٹیڑا اچھی نہیں ہے - بیشتر ورگٹوں کے ساتھ تعلقا ہیں اور اپنے گھر میں لاکر رکھی ہے .

Annexure B⁶⁶

1
 خباثی :- دوران انکوائری میں اس نتیجہ پر پہنچا ہوں کہ الزام
 علیہ حیرتدار 417 کے متحماہ رضوانہ شاہین کے ساتھ گھر اور
 گھریلو واسم میں۔ حتماہ ضروریہ بڈیا قحاشہ اور بلیک فیلر
 عورت ہے۔ - پیشہ ورانہ کسب رکھتی ہے اور لوگوں کو بلیک فیلر
 کر کے رقم بٹورتی ہے اور اس کے حکروہ دستارہ میں ضروریہ حیرتدار
 HC مکمل طور پر ملوث ہے اور اس عورت کی لپشت پتا صحیح کرنا
 ہے۔ حیرتدار HC کی جانب سے حتماہ رضوانہ شاہین کے حق
 میں دی گئی بیان حلقی بھی اس کا ثبوت ہے۔ شادی
 ڈیپرف سیراہ قابل ملاحظہ ہے۔ - سابقہ HH الی الطاف شہوان
 اور عباس خان ASHO حتماہ سرائے صالح نے بھی اپنے بیان
 میں تحریر کیا ہے کہ حیرتدار HC نے حتماہ رضوانہ شاہین
 کی سفارش کی ہے۔

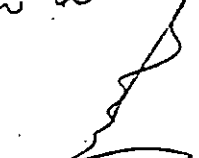
حیرتدار HC ضروریہ اس فعل سے حکم پولیس کی بدنامی ہو رہی
 ہے مناسب سزا کی سفارش کی جاتی ہے


 Sub Divisional Police Officer
 HARIPUR

16-04-2014

OB NO. 375
 DS 25614

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


 25/4

شرح

سوال نمبر 1: تشکم پولیس میں کب بھرتی ہوئے۔ اور آیاٹی منگ کولنا ہے؟

DEPT/HR

جواب: حورضہ 03/97 کو منجم ہری پور میں کیلور ڈرائیور کیپٹل بھرتی ہوا ہوں۔ میرا آیاٹی منجم سوات ہے۔ میرے والدین گنرٹ سرگوت سرگوت کے منجم ہری پور آکر آمار ہوئے۔ اور جہاں جہاں منجم ہری پور میں ہوتی ہے۔

سوال نمبر 2: دوران سروس کون کون سے قانونوں میں تعینات رہے ہو اور پولیس سروس سے قبل کیا کام کرتے رہے ہو۔

DEPT/HR

جواب 1: میں اپنی 17 سالہ لڑکی میں سنال 2007ء میں صرف عمر 03 ماہ عمانہ طاپور میں تعینات رہا ہوں۔ باقی سروس میں نے پولیس لائن ہری پور اور مختلف اوقات میں سنیر افسران کیلور ڈرائیور اپنے خزانہ سرانجام دیتا رہا ہوں۔ اور پولیس میں بھرتی ہونے سے قبل عمر 03 تعینات رہا۔ 15 سال حکم افسان ریفرمیشن آگنیشن میں کیلور ڈرائیور تعینات رہا ہوں۔

سوال نمبر 3: کیا شادی شدہ ہو اور شادی کو کتنا عرصہ ہوا ہے؟

DEPT/HR

جواب: میں نے سال 1987ء میں شادی کی ہے۔ میری شادی کو تقریباً 27 سال بچے ہیں۔ میری 6 بیٹیاں اور 2 بیٹے ہیں۔

سوال نمبر 4: کیا رضوانہ شاہین نامی عورت سکیم علی خان میرا کیس آف کے م اسم میں۔

DEPT/HR

جواب 1: مذکورہ رضوانہ شاہین تقریباً 5/6 سال دیہ نسیم ٹاؤن میں میری پڑوس میں رہا کرتی تھی۔ اس دوران ہماری ایک دوسری سے گھر میں آکر روت شروع ہوئی۔ اور میری بیوی کی دوست بن گئی۔

سوال نمبر 5: کیا رضوانہ شاہین کے بارے میں آپ کو علم نہیں ہے کہ وہ دیہ علی خان میں فاسی کا اڈا چلاتی ہے؟

DEPT/HR

جواب: انکوائری ہذا شروع ہونے سے قبل یہ بات میرے علم میں نہیں تھی۔ آئندہ مذکورہ عورت سے ساتھ کسی قسم کے تعلق نہ رکھوں گا۔

الغرض (6) کیا وجہ ہے کہ مذکورہ عورت کی سرپرستی کا الزام آپ کے اوپر لگایا گیا ہے

DSPI/HR

جواب: چونکہ میں سینئر انسپران کی حیثیت سے بطور ڈرائیور خزانہ کی سرپرستی میں شامل رہا ہوں۔ منظم سرکار کے چند پولیس اہلکاروں کو یہ سونپ دیا گیا ہے کہ میں نے ان کے حوالے سے معلومات فراہم کی ہیں۔ اس بنا پر میرے خلاف تھریڈا کے بنیاد پر ہتھیار نہ لگائے گئے۔

سوال نمبر 7: کیا منظم میں بدعنوان پولیس اہلکاروں کے خلاف آپ نے سینئر انسپران کو اختیار

DSPI/HR

جواب: میں نے کبھی بھی کسی پولیس اہلکار کے خلاف کوئی تھریڈا یا بنیاد شہادت پیش کی ہے۔

سوال نمبر 8: کیا آپ کے خلاف جن پولیس اہلکاروں نے ہتھیار لگائے وہ تھریڈا کے ساتھ کوئی ناراضگی وغیرہ تو نہیں

DSPI/HR

جواب: میری کسی کے ساتھ کوئی ناراضگی یا جھجک نہیں ہے۔ البتہ جن سینئر انسپران کیلئے میں بطور ڈرائیور ڈیوٹی سر انجام دیتا رہا ہوں۔ انہوں نے اگر کسی اہلکار کو اگر کسی بات پر کوئی سزا دی ہے تو اس کا الزام ٹھکانا میرے اوپر لگایا جانا رہا ہے کہ میری وجہ سے سزا دی گئی ہے۔

سوال نمبر 9: کیا رہنمائے شاہین سنگھ میرا علی خان نے آپ سے کسی نام کیسٹے کبھی کوئی سفارش کروائی ہے؟

DSPI/HR

جواب: صرف دو دفعہ جبکہ مذکورہ عورت کی بھی کو بڑوسی سے سٹے نے کہا تھا تو میں نے متعلقہ حکام کو بذریعہ ٹیلی فون بتلایا کہ اسکی جائزہ خالونی دہرائی جائے۔ ایک اور مرتبہ کسی درخواست کے سلسلے میں میں نے اسکی جائزہ خالونی دہرائے۔ یہ متعلقہ حکام کو بذریعہ خون بتلایا تھا۔

وال عمر ۱۰ اسپتال براچ والوں نے آپ کے خلاف خفیہ طور پر رہنما بنائے ہیں کیا یہ تعلقات کی رپورٹ بھجوانی ہے؟

HAH

جواب: مجھے علم نہیں ہے کہ اسپتال براچ والوں نے میرے خلاف کس طرح کی کوئی رپورٹ بھجوائی ہے۔ ممکن ہے کہ ان پولیس اہلکاروں کی ایبالت پر یا کئی اور جے بی ڈی نام کرنے کی خاطر کیوساٹ اسپتال براچ والوں کو رپورٹ بھجوائی گئی ہو جن اہلکاروں کو یہ شک ہے کہ ان کو سٹیٹ افسران کی طرف سے دی جانے والی سزا میں میرا کوئی کردار ہے تقریباً 50 سال میرا عمر ہے اس عمر میں اس طرح کی محرتوں کیسے تعلقات کا سوچ بھی نہیں سکتا۔

DISCIPLINARY ACTION

Ameer Naz

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

STATEMENT OF ALLEGATION

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

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

The above mentioned acts are gross misconduct on your part.

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

ASIF GOHAR DSP Khanpur

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

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

(Muhammad Ijaz Khan) PSP
District Police Officer
Haripur

No: 851-65 /PA, dated Haripur the 11/04 /2014.
Copy of above is submitted to the:-

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

District Police Officer
Haripur

11/04/2014

Amir Nazir C 92

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to information
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ORDER

Ex

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

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

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

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

[Signature]
District Police Officer
Haripur
DPO
pleadings
was
of

[Signature]
REGIONAL POLICE OFFICER
Hazara Region Abbottabad

No. 2747 /PA Dated Abbottabad the 06/3/2015.
Copy of above is forwarded to the District Police Officer, Haripur for information and necessary action with reference to his Memo: No.5632/SRC dated 25-07-2014. The Service Roll & Enquiry File of the appellant are returned herewith.

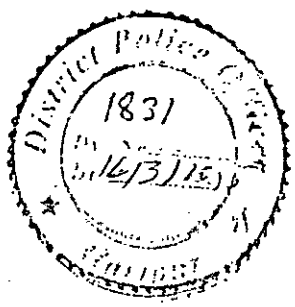
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REGIONAL POLICE OFFICER
Hazara Region Abbottabad

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District Police Officer
Haripur

[Signature]
for
17/3/15



بیان

Annexure D

مبارک سلطان ولد سلطان عبارک قوم پشیمان کبیر قریب 27/28 سال سکڑ سکڑ 4 مکان 75
 سب حال بعد ڈال دریاں فرنگہ 03925803799 شناختا کارڈ نمبر 9-465954-425012 نے دوران
 انکوائری یہ دریافت حلف بیان کیا کہ مسماۃ رضوانہ شاہین کے ساتھ مسماۃ علقا ناطر
 تھے اس وقت سرگرم کھدے ٹماکون شیب چاندنی چوک میں پرائس تیر تھی اور مجھے یہ یقین دلائی
 یہی کہ تم سے سادی کرونگی میں بھی اس کے جھانہ میں آگیا اور کافی رقم اس پر خرچ کرتا رہا
 اس دوران میر نظر ڈرائیور پولیس ایڈکار مبلغ چلا اور بھی رضوانہ شاہین سرگرم
 کے گھر آجاتا تھا بلکہ خارج اوقات میں اس کے گھر ہوتا ہے اس دوران اگر کوئی
 عباسی کیلئے اس کے گھر آتا ہے تو کچھ دیر کے لئے باہر نکل جاتا ہے۔
 میر نظر ڈرائیور پولیس ایڈکار رضوانہ شاہین کی مکمل طور پر نسبت تباہی
 کرتا ہے۔ رضوانہ شاہین خود بھی فحاشہ عورت ہے اور فحاشی کا ارڈہ بھی
 جھدتی ہے اور ساتھ ہی میر نظر کے زریع اس کے گھر آنے والے کئی
 لوگوں کو بلیک جس کو بھی رقم بٹورتی ہے اور میر نظر اسکی مکمل
 سورت اور تعاون کرتا ہے۔ رضوانہ شاہین میر خلاف درخواست
 ماری کرتی ہے اور میر نظر اس کے ساتھ تعاون کرتے ہوئے
 کئی رقم مجھ سے رقم لے کر رضوانہ کو دیتا رہا ہے۔ جس میں یہ بیان
 ہے کہ میں نے جو دستاویز

طاہر سلطان
 16-04-19

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1308/2014

AMEER NAZAR

VS

POLICE DEPARTMENT

REJOINDER ON BEHALF OF APPELLANT
IN RESPONSE TO THE REPLY
SUBMITTED BY THE RESPONDENTS

R/ SHEWETH:
PRELIMINARY OBJECTIONS:

(1 TO 6):

All the preliminary objections raised by the respondents are incorrect and baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS:

- 1- Incorrect and not replied accordingly. That the allegations which have been leveled against the appellant are baseless. That the impugned order dated 25.6.2014 was issued by the respondents against the appellant in total violation of prevailing Rules and laws and as such the same is not tenable in the eye of law.
- 2- Incorrect and not replied accordingly. That in response to the said charge sheet and statement of allegation the appellant submitted his detail reply but in spite of that the respondent5s issued the impugned order dated 25.6.2014 against the appellant.
- 3- Incorrect and not replied accordingly. That no fact finding nor Departmental inquiries has been conducting in the matter and as such the appellant has been condemned unheard while issuing the impugned order dated 25.6.2014.
- 4- Incorrect and not replied accordingly hence denied.

GROUND:
(A TO H):

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondents are incorrect and baseless hence denied. That the impugned order 25.6.2014 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside. That no chance of personal hearing has been given to the appellant while issuing the impugned order dated 25.6.2014. Moreover no fact finding nor Departmental inquiries have been conducted in the matter and as such the impugned order is not tenable in the eye of natural justice and prevailing laws. That the respondents acted in arbitrary and malafide manner while issuing the impugned order dated 25.6.2014.

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

APPELLANT



AMEER NAZAR

THROUGH:



NOOR MOHAMMAD KHATTAK
ADVOCATE

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 335 /ST

Dated 26-2- / 2019

To


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

Subject: -

JUDGMENT IN APPEAL NO. 1308/2014, MR. AMEER NAZAR.

I am directed to forward herewith a certified copy of Judgement dated 18.02.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.