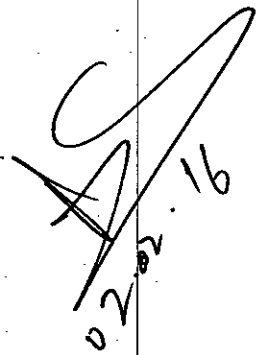


S.No. of proceedings	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	02.02.2016	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR</u> <u>CAMP COURT SWAT.</u></p> <p style="text-align: center;"><u>APPEAL NO.1423/2014</u></p> <p style="text-align: center;"><u>(Aslam Khan-vs-Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others.)</u></p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p>Appellant with counsel and Mr. Khawas Khan, S.I. (Legal) alongwith Mr. Muhammad Zubair, Senior Govt. Pleader for respondents present.</p> <p>2. Aslam Khan, hereinafter referred to as the appellant, has preferred the instant appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order dated 25.11.2014 passed by respondent No.2, DIG of Police, Malakand Range, whereby minor penalty of forfeiture of one year approved service was imposed and period spent out of service was considered as leave without pay.</p> <p>3. Brief facts of the case of the appellant are that the appellant was serving as ASI and posted at Police Station Banr when charged for using foul language against the lady detainees and enticing them for the immoral acts who were escorted from Dar-ul-Amaan, Swat to Saidu Hospital for medical treatment. The appellant was also charged for torturing an accused namely Said Islam s/o Noor Islam detained in a criminal case registered vide FIR No. 497 dated 25.08.2014 under Section 4PHO Police Station.Banr.</p>


 02.02.16

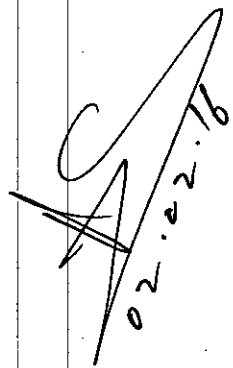
4. The appellant, at the first instance, was dismissed from service vide order dated 27.10.2014 which was impugned in departmental appeal which was partially allowed and minor punishment in the shape of forfeiture of one year approved service was imposed and the period spent out of service was treated as leave without pay by the appellate authority, vide impugned order dated 25.11.2014.

5. Learned counsel for the appellant argued that the appellant was innocent and falsely implicated by the ladies. That neither the charges were proved nor the enquiry was conducted in the prescribed manners. That even the appellate authority in its order dated 25.11.2014 has observed that no substantial evidence was available on record against the appellant. That the impugned order is, therefore, liable to be set aside. Regarding alleged torture he argued that no enquiry whatsoever was conducted and as such the punishment on that score is also not tenable in the eye of law. Reliance was placed on case-law reported as 2002 PLC (C.S)1647 (Supreme Court of Pakistan) and 2015 PLC (C.S)366 (Supreme Court of Pakistan).

6. Learned Sr. GP argued that the appellant has entered into an immoral act in the shape of using foul language and enticing female detainees which was unbecoming of a Police Officer. That the impugned order was passed by the authority after considering all aspect of the case.

7. Arguments of learned counsel for the parties heard and record perused.

8. Perusal of enquiry proceedings would suggest that the said ladies allegedly subjected to immoral activities in the shape of using foul language and enticing were examined during enquiry but the appellant was deprived of his right to cross- examine the said ladies as witnesses. The record further suggest that the appellant was not associated with the enquiry and no opportunity

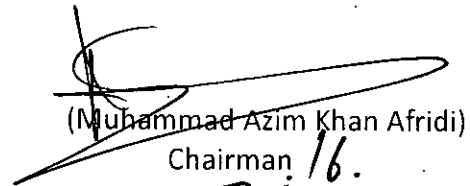

02.22.16

whatsoever was extended to him to defend himself in the prescribed manners on the said charges as well as the charge of torturing the accused in the criminal case.

9. We, without entering into the merits of the case are, therefore, constrained to accept the present appeal, set aside the impugned order dated 25.11.2014 and direct that *de-novo* enquiry be conducted against the appellant if deem appropriate by the competent authority which shall be concluded within a period of two months from the date of receipt of copy of this judgment and wherein the codal formalities be complied with including opportunity of hearing to the appellant in the prescribed manners. The appeal is accepted in the above terms. No order as to costs. File be consigned to the record room.



(Abdul Latif)
Member



(Muhammad Azim Khan Afridi)
Chairman

02.02.16.

ANNOUNCED
02.02.2016


5. 4.5.2015 Appellant with counsel and Mr. Khawas Khan,
S.I (legal) for respondents alongwith Mr. Muhammad Zubair,
Sr. G.P present. Written reply submitted. The appeal is
assigned to D.B for rejoinder and final hearing for
7.7.2015 at camp court Swat.


Chairman
Camp Court Swat

6 07.07.2015 Counsel for the appellant and Mr. Khawas Khan; S.I (legal)
alongwith Mr. Muhammad Zubair, Sr. G.P for respondents present.
Rejoinder not submitted. Due to non-availability of D.B, appeal to
come up for rejoinder and final hearing before D.B on 7.10.2015 at
Camp Court Swat.


Chairman
Camp Court Swat

7.10.2015 Appellant with counsel and Mr. Muhammad Zubair, Sr.G.P for
respondents present. Rejoinder submitted. Arguments could not be heard
due to non-availability of D.B. To come up for final hearing on 02.2.2016
before D.B at Camp Court Swat.


Chairman
Camp Court Swat

1. The first part of the document is a list of names.

2. The second part is a list of dates.

3. The third part is a list of locations.

4. The fourth part is a list of events.

5. The fifth part is a list of people.

6. The sixth part is a list of organizations.

7. The seventh part is a list of activities.

3. 04.02.2015

Appellant deposited process fee & security.
AS

Appellant with counsel present. Argued that the appellant is serving as ASI in the Police Department who was terminated from service on 27.10.2014 on the charges of misbehaviour and indiscipline. That the departmental appeal of the appellant was partially accepted and appellant reinstated in service vide order of appellate authority dated 25.11.2014, however, the appellate authority imposed minor penalty in the shape of forfeiture of one year approved service and the period spent out of service was counted as leave without pay.

That the punishment inflicted is novel to rules governing the subject.

Points urged need further consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 6.4.2015 at camp court Swat.


Chairman
Camp Court Swat

4. 6.4.2015



Counsel for the appellant and Mr. Khawas Khan, S.I (legal) for respondents alongwith Mr. Muhammad Zubair, Sr.G.P present. Requested for adjournment. To come up for written reply on 4.5.2015 at camp court Swat.


Chairman
Camp Court Swat

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1423/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	23/12/2014	<p>The appeal of Mr. Aslam Khan resubmitted today by Mr. Aziz-ur-Rehman Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	16-1-15	<p>This case is entrusted to Touring Bench Swat for preliminary hearing to be put up there on <u>04-2-2015</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: center;">/</p>

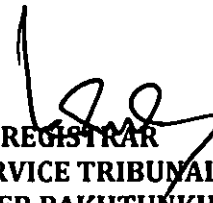
The appeal of Mr. Aslam Khan ASI No.166/M Dir Lower received today i.e. on 18.12.2014 is incomplete on the following score which is returned to the counsel for the appellent for completion and resubmission within 15 days.

- 1- Copies charge sheet, statement of allegations, show cause notice, enquiry report and replies to are not attached with the appeal which may be placed on it.
- 2- Departmental having no date, be dated

No. 1714 /S.T,

Dt. 18/12 /2014.

Mr. Aziz-ur-Rehman Adv. Swat.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR. 18.12.2014

KHYBER PAKHTUNKHWA
PESHAWAR.

Sir,

Resubmitted after doing the needful.
With regards the objection no.1. The appellant
does not have the same.
With regards the objection no.2 it has been
deterd.

The file may very kindly be placed
before the Honourable Bench, please.

Kind Ref
Dmdsd wch
Advocate Swet

20/12/2014

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. 1493 of 2014

Aslam Khan ASI No. 166/M, Dir Lower.

...Appellant

VERSUS

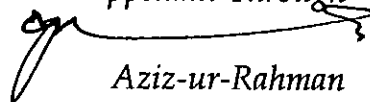
The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar and Others.

...Respondents

INDEX

S. #	Description of documents	Annexure	Pages
1.	Memo of Appeal	1-5
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4.	Copies of the Order dated 27-10-2014	A.	8
5.	Copy of the Departmental Appeal	B	9-13
6.	Copy of the Order dated 25-11-2014	C	14
7.	Vakalat Nama	15

Appellant Through


Aziz-ur-Rahman

Advocate Swat

Office: Khan Plaza, Gulshone Chowk,

Mingora Swat, Cell 0300 907 0671

①

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

Service Appeal No. 1493 of 2014

Aslam Khan ASI No. 166/M, Dir Lower.

...Appellant

1646
18/12/2014

VERSUS

1. The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General of Police, Malakand Range, at Saidu Sharif, District Swat.
3. The District Police Officer Swat at Gulkada, District Swat.

...Respondents

PARTIAL APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER OF THE RESPONDENT NO. 2 BEARING NO. 9704-5/E DATED 25-11-2014 (COMMUNICATED ON 26-11-2014), TO THE EXTENT AND AGAINST THE MINOR PENALTIES OF FORFEITURE OF ONE OF APPROVED SERVICE AND THE PERIOD SPENT OUT OF SERVICE COUNTED AS LEAVE WITHOUT PAY. THE APPELLANT IS SATISFIED WITH THE ORDER OF THE RESPONDENT NO. 2 TO THE EXTENT OF HIS REINSTATEMENT, BUT IS AGGRIEVED FROM THE IMPOSITION OF MINOR PENALTY. THE FORFEITURE OF THE SERVICE AND CONSIDERING THE PERIOD, THE

as submitted to ~~the~~
and filed;

18/12/14
23/12/14

APPELLANT REMAINED OUT OF SERVICE AS LEAVE WITHOUT PAY IS NOT JUSTIFIED AND IS AGAINST THE LAW, RULES AND SHARIAH, WHICH REQUIRES TO BE SET ASIDE.

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL THE MINOR PENALTIES IMPOSED BY THE RESPONDENT NO. 2 MAY VERY KINDLY BE SET ASIDE AND THE REINSTATEMENT OF THE APPELLANT MAY VERY KINDLY BE ORDERED TO BE WITH ALL BACK BENEFITS INCLUDING CONTINUOUS SERVICE WITHOUT ANY FORFEITURE AND THE PERIOD SPENT OUT OF SERVICE ORDERED AS SERVICE WITH FULL PAY AND ALLOWANCES.

Respectfully Sheweth:

Facts:

- i. *That the appellant is an honest and upright person and is serving the department with zeal, vigor and honesty to the satisfaction of the authorities, without any complaints till date.*
- ii. *That appellant was allegedly reported of torturing an accused, along with certain other frivolous allegations as well, which allegation is completely baseless and frivolous.*

- iii. That the appellant is performing his duties within the four squares of his official obligation and never has exceeded neither has misused his official position in any manner whatsoever.
- iv. That the appellant was dismissed from service by the respondent No. 3 vide order OB No. 186 dated 27-10-2014 in a very arbitrary manner and bulldozed all the codal formalities. Copy of the order is enclosed as Annexure "A".
- v. That the appellant was never afforded an opportunity of defence neither was his defence version considered at all, rather it seemed a pre-decided matter.
- vi. That feeling aggrieved the appellant preferred a departmental appeal to the respondent No. 2 who, strange enough, reinstated the appellant, but imposed the penalty of forfeiture of one year of approved service and considering the period spent out of service, due to dismissal, as leave without pay. Strange enough this order is unique and classical as the same is against the law, and rules contemplating the subject matter. Copy of the appeal is enclosed as Annexure "B" and the order as Annexure "C".
- vii. That feeling aggrieved of the order of the respondent No. 2 to the extent of forfeiture of one year approved service and considering the period spent out of service as leave without pay is against the law, rules and void ab initio and liable to be modified, hence this appeal on the following grounds.

Grounds:

- a. That the appellant has not been dealt with in accordance with the law and mandatory provisions of the law and rules contemplating the subject matter have been completely left untouched.
- b. That vested rights of the appellant have been denied to him, which the law and rules never approves of.
- c. That the respondents have misused their official authority in a very colorful manner, which is always reprimanded by the August Supreme Court in plethora of judgments.
- d. That the appellant has been discriminated with, to his detriment.
- e. That the appellant has not committed any act of commission or omission which may constitute any offence under any law.
- f. That the appellant has been condemned as unheard.

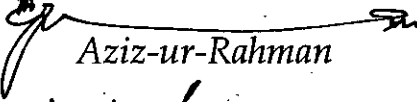
It is, therefore, very respectfully prayed that on acceptance of this appeal the minor penalties imposed by the respondent No. 2 may very kindly be set aside and the reinstatement of the appellant may very kindly be ordered to be with all back benefits including continuous service without any forfeiture and the period spent out of service ordered as service with full pay and allowances.

5

Any other relief deemed appropriate may
also very kindly be granted in the circumstances.


Appellant
Aslam Khan

Through Counsels,


Aziz-ur-Rahman


Imdad Ullah

Advocates Swat

6

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2014

Aslam Khan ASI No. 166/M, Dir Lower.

...Appellant

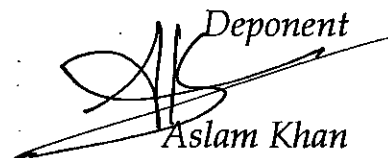
VERSUS

The Provincial Police Officer Khyber Pakhtunkhwa,
Peshawar and Others.

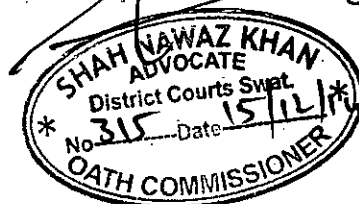
...Respondents

AFFIDAVIT

It is stated on Oath that all the contents of this
appeal are true and correct to the best of my knowledge
and belief and nothing has either been misstated or
concealed thereto.

Deponent

Aslam Khan

ATTESTED



7

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2014

Aslam Khan ASI No. 166/M, Dir Lower.

...Appellant

VERSUS

The Provincial Police Officer Khyber Pakhtunkhwa,
Peshawar and Others.

...Respondents

ADDRESSES OF THE PARTIES

Appellant

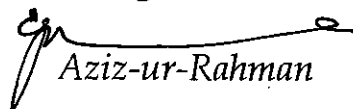
Aslam Khan ASI No. 166/M, Dir Lower.

Respondents:

1. The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General of Police, Malakand Range, at Saidu Sharif, District Swat.
3. The District Police Officer Swat at Gulkada, District Swat.

Appellant

Through Counsel,


Aziz-ur-Rahman

Advocate Swat

ORDER

Annexure - P

8

This order will dispose off the departmental enquiry against Assistant Sub-Inspector Aslam Khan while posted to Police Station Banr has used foul language against the lady detainees who were escorted from Dar-ul-Amaan, Swat to Saidu Hospital for medical treatment. Moreover, he has also allegedly enticed these ladies into immoral activities. Besides this he was also charged in Case vide FIR No.503 dated 25-08-2014 u/s 156-D Police Order 2002 Police Station Banr for allegedly torturing an accused namely Said Islam s/o Noor Islam, T/o Bagn Muhallah, Mingora who was under detention in Case vide FIR No.497 dated 25-08-2014 u/s 4PHO Police Station Banr.

He was issued Charge Sheets alongwith statements of Allegations and SDPO/City Circle was deputed as Enquiry Officer. The Enquiry Officer conducted proper departmental enquiries against the delinquent officer Assistant Sub Inspector Aslam Khan and recorded the statements of all concerned officers. He has provided ample opportunity to the delinquent officer to defend the charges leveled against him. After conducting proper departmental enquiries, the Enquiry Officer submitted his findings wherein he recommended the delinquent Officer for appropriate punishments. He was heard in Orderly Room. However, he could not present any plausible defense for the charges leveled against him.

Since the charges leveled against the delinquent officer Assistant Sub Inspector Aslam Khan stand fully established. These charges were of heinous nature which, if left unaddressed, could have remained a black spot on the face of the entire police force. The Police is the custodian of the life, property and honor of the citizens. Few individuals can not be let loose to plunder the honor of the helpless women housed in Dar-UI-Aman.

Therefore, in exercise of the powers vested in the undersigned under Rules 2 (iii) of Police Disciplinary Rules-1975, I, Sher Akbar, S.St, P.S.P, District Police Officer, Swat as a competent authority, am constrained to award him the punishment of Dismissal from Service.

Order announced.

S
District Police Officer, Swat

O.B. No. 186

Dated 27 / 10 / 2014.

ATTESTED

Inded
Advocate

کے ساتھ دارالامان جا کر پانچ نفر مستورات کو ہسپتال لے گئے۔

۵۔ یہ کہ مستورات مذکورہ کا زیر نگرانی لیڈی کانشیبل مسماة بخت عزت معائنہ اور علاج معالجہ کرایا جا کر واپس دارالامان جا کر مستورات دارالامان انچارج کے حوالہ کئے۔

۶۔ یہ کہ جب لیڈی کانشیبل دارالامان کے دروازے سے واپس آئی تو اُس سے استہسار پر کہ اُس نے انچارج دارالامان سے مذکورہ مستورات کی وصولی کا سرٹیفکیٹ تو نہیں لائی۔ جس پر مذکورہ لیڈی کانشیبل واپس آ کر بغیر وصولی چھٹ کے روتے ہوئے بیانی ہوئی کہ اُسے مذکورہ مستورات میں سے مسماة نیلو فر جو کہ خود کو نواب زادی اور خوانین زادی ظاہر کرتی تھی۔ دیگر بند بہ دارالامان لیڈیز کے ہمراہ غلیظ اور گندی زبان استعمال کرنے کے علاوہ ہم جملہ اہلکاران، افسران کو ملازمت سے برخاستگی کی دھمکی بھی دی ہے۔ جو کہ نہ صرف چارج شیڈ مذکورہ مستورات دارالامان کے ساتھ گندی زبان استعمال کرنے اور انہیں اغواء کرنے بغرض غیر اخلاقی کارروائی کے علاوہ مقدمہ علت نمبر 503 مورخہ 25-08-2014 جرم 156-D پولیس آرڈر 2002ء تھانہ بنزیر پورٹج ہوا۔

۷۔ یہ کہ اپیلانٹ کو مقدمہ مذکورہ میں گرفتار بھی کیا جا کر مستغیث سید اسلام ولد نور اسلام سکنہ محلہ باغ، مینگورہ تحصیل بابوزئی، ضلع سوات کے بیان حلفی جو کہ لف اپیل ہذا ہے۔ کے بیان کے بنیاد پر نہ صرف حاضر ضمانت پر رہا ہوا بلکہ مقدمہ میں عدالت مجاز سے مکمل طور پر بریت کا حکم بھی صادر کیا گیا۔ نقل FIR علت نمبر 503 مورخہ 26-08-2014 جرم 156-D پولیس آرڈر 2002ء تھانہ بنزیر مینگورہ و حکم عدالت بہ سلسلہ بریت مقدمہ بالا کے علاوہ مقدمہ علت 497 مورخہ 25-08-2014 جرم 4PHO تھانہ بنزیر لاف اور قابل ملاحظہ ہے۔

۸۔ یہ کہ مذکورہ سید اسلام کو اپیلانٹ نے جرم 4PHO مقدمہ علت نمبر 497 میں گرفتار کیا تھا۔ جس نے جرم خود کو تسلیم کر کے عدالت مجاز سے سزایاب بھی ہوا لیکن اُلٹا مذکورہ ملزم جو کہ تھانہ مینگورہ و تھانہ سید و شریف کو مختلف مقدمات میں مطلوب تھا آزاد کرایا جا کر اپیلانٹ کے خلاف مستغیث بن کر اپیلانٹ کے خلاف مقدمہ بالا علت نمبر 503 جرم 156-D بھی قائم ہوا۔ جو کہ مسماة نیلو فر کے مضبوط اور لمبے ہاتھوں کا واضح اور منہ بولتا ثبوت ہے۔

۹- یہ کہ اپیلانٹ کے خلاف حکم معترضہ میں درج الزامات میں کوئی صداقت نہ تھا بدیں وجہ اپیلانٹ باعزت طور پر بری ہو گیا۔ لیکن مسماۃ نیلوفر کے لمبے اور مضبوط ہاتھوں کے نتیجے میں حکم معترضہ سے واسطہ پڑا جو کہ بوجوہات ذیل قابل منسوخی ہے۔

- i. یہ کہ حکم معترضہ خلاف قانون و انصاف و ضابطہ ہے بدیں وجہ قابل منسوخی ہے۔
- ii. یہ کہ اپیلانٹ یا دیگر پولیس اہلکار کا مذکورہ مستورات کے ساتھ کسی قسم کی بدتمیزی یا غلیظ الفاظ استعمال کرنے کا موقع یا وجہ نہیں تھا۔
- iii. یہ کہ اپیلانٹ نے اپنے جملہ عرصہ ملازمت میں عوام یا افسران بالا کو بچوں قسم جرم تو گنا کسی بھی قسم کے شکایت کا موقع تک نہیں دیا ہے۔ اور یوں اپیلانٹ سے کسی قسم کا غلط، غلیظ زبان استعمال کرنے کا سوال ہی پیدا نہیں ہوتا۔
- iv. یہ کہ اپیلانٹ کی موجودگی میں دیگر کسی پولیس اہلکار نے بھی زبانی تکرار تو گنا عام بحث تک بھی نہیں ہوئی ہے۔
- v. یہ کہ چارج شیٹ کا جواب بھی حصہ تصور کیا جائے۔
- vi. یہ کہ اپیلانٹ کے جملہ عرصہ ملازمت میں بچوں قسم کا الزام تو گنا دائر الامان میں بند مستورات و عدالت و ہسپتال لانے میں ان کی خدمت اور عزت دی ہے۔ جبکہ ان کے ساتھ نازیبا غلیظ الفاظ استعمال کرنے کا سوال تک ہی پیدا نہیں ہوتا۔ اور نہ مذکورہ مستورات دائر الامان نے اپیلانٹ کے خلاف کوئی شکایت کی ہے۔
- vii. یہ کہ اپیلانٹ کی سابقہ سروس ریکارڈ یا عام زندگی ہر قسم کے داغ و دھبہ سے پاک و صاف ہے۔

.viii یہ کہ مقدمات قائم شدہ میں ایک مقدمہ میں ملزم اور جبکہ دوسرے میں مستغیث بننا اور وہ بھی اُس تاریخ کو جس پر مستورات دارالامان سے سید و ہسپتال لے جانے کی تاریخ اور ایک وقت جملہ حکمانہ کارروائی کی غلط اور بے بنیاد ہونے کا منہ بولتا ثبوت ہے۔

.ix یہ کہ حکم معترضہ جملہ مہذب قوانین کے خلاف ہے۔ بدیں وجہ قابل منسوخی ہے۔ کیونکہ ایک ناکردہ جرم کسی بھی لحاظ سے اُس پر سزا دلانا ایک جنگل قانون کے تحت بھی جائز نہیں۔

.x یہ کہ اپیلانٹ محکمہ پولیس کے لئے ایک سرمایہ ہے نہ کہ ایک بوجھ۔

.xi یہ کہ اس بے روزگاری اور مہنگائی کے دور میں بلا کسی وجہ ثبوت یا شہادت کے رزق حلال کی کمائی سے محروم کرنا رکھنا کسی بھی زاویہ سے جائز اور روا نہیں۔

.xii یہ کہ مسماۃ نیلو فر جملہ الزام کا مسموح اور ذریعہ ہے۔ جبکہ اُس کے اپنے اخلاق کے نسبت کسی قسم کی معلومات نہ دکھائے گئے ہیں اور نہ اپیلانٹ کو اُس پر جرح کرنے کا موقع دیا گیا ہے۔

.xiii یہ کہ تاریخ حکم معترضہ اپیلانٹ کے خلاف ہجوں قسم کے الزام کا کوئی مثال ریکارڈ پر موجود نہ ہے۔

.xiv یہ کہ اپیلانٹ اپنے فرائض منصبی کو عبادت سمجھ کر سرانجام دیا ہے اور آئندہ بھی بحالی کی صورت میں ایسا ہی بے داغ، دھبہ فرائض منصبی سرانجام دیتا رہے گا۔

ATTESTED

Handed
Advocate

.xv یہ کہ معترضہ وائلواری رپورٹ صرف ایک مضبوط اور لمبے ہاتھوں والی مسماۃ نیلو فر جو کہ خود کو نواب زادی اور خوانین کے خاندان سے تعلق رکھنے والی کے بنیاد پر ہے جس کا دیگر لیڈیز وائرالامان سے تائید و تصدیق تک بھی نہیں ہوئی ہے۔ کے بنیاد پر حکم معترضہ صادر کرنا قانون اور انصاف کے خون کرنے کے مترادف ہے۔

لہذا استدعا کی جاتی ہے کہ بمنظوری اپیل ہذا حکم معترضہ در
عنوان بالا OB نمبر 186 مورخہ 27-10-2014 کو
منسوخ فرما کر اپیلانٹ کو جملہ استفادہ جات کے ساتھ بحال
کرنے کا حکم صادر فرما کر قانون اور انصاف کے تقاضے پورے
کئے جائیں۔

عرض
A.S.I

اپیلانٹ: سابقہ A.S.I اسلم خان ولد حکیم خان
نمبر M/166 سکنہ درگئی، ملاکنڈ

Dated 07/11/2014

ATTESTED
Inded
Advocate

"C"
Signature -----

20/11/14

(14)

**OFFICE OF THE REGIONAL POLICE OFFICER, MALAKAND
REGION, AT SAIDU SHARIF SWAT**

ORDER:

This order will dispose off appeal of Ex-ASI Aslam Khan No. 166/M of Swat District for reinstatement in service.

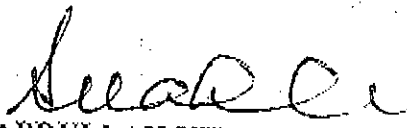
Brief facts are that Ex-ASI Aslam Khan No. 166/M while posted to Police Station Banr was charged for torturing accused namely Said Islam s/o Noor Islam r/o Bagh Muahllah, Mingora, vide case FIR No. 503 dated 25/08/2014 u/s 136-D Police Order 2002 Police Station Banr and using foul language with the ladies, escorting from Darul-Aman to hospital. Consequently, he was proceeded against departmentally and awarded major punishment of dismissal from service, vide District Police Officer Swat, OB No. 186 dated 27/10/2014.

Aggrieved from the order of his dismissal, he preferred an appeal for reinstatement in service. He was called in Orderly Room on 20/11/2014 and heard him in person. He rebutted that he had not enticed the ladies for immoral activities. On perusal of record it transpires that he has neither committed any offence nor attempted for the commission of any offence but seem to be impliedly enticed the ladies into immoral activities. No opportunity of cross examination was provided to the accused ASI Aslam Khan during the course of proceedings nor substantial evidence is available on the record against him. In view of the above, the appellatant is not liable for such a harsh punishment of dismissal from service which is unjust. Therefore, taking a lenient view, being a son of Police Shaheed, the order of District Police Officer, Swat is modified into minor punishment of forfeiture of one year approved service and the period spent out of service is counted as leave without pay.

Besides, his involvement in torturing accused Said Islam, as he has already been acquitted by the honourable court thereby absolved from the charges, however it is established that he has been proved guilty of committed highhandedness with the complainant. Therefore he is awarded minor punishment of censure.

He is hereby reinstated in service from the date of dismissal and the period he spent out of service is counted as leave without pay. On reinstatement he is transferred and posted to Dir Lower District.

Order announced.

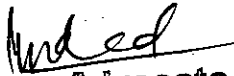

(ABDULLAH KHAN) PSP
Regional Police Officer,
Malakand, Saidu Sharif Swat
Naqi

No. 9704-5/E,

Dated 25/11/2014.

Copy to District Police Officer, Swat for information and necessary action with reference to his office Memo: No. 16783/P, dated 13/11/2014.

2. District Police Officer, Dir Lower for information and necessary action.

ATTESTED

Advocate

OBS. No. 206
26.11.14.

O.B./EC.
For information.
DPD Swat.
26/11/14

بعدالت 15

کورت فیس قیمت ایک روپیہ

مورخہ 15 دسمبر 1932ء منجانب راجہ اسد اللہ
 مقدمہ اسم خان بنام حکومت وکیل
 دعویٰ سر اسد اللہ
 جرم باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام صدر کس برائے مندرجہ کورت اسد اللہ کے مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا اوکالت نامہ لکھ دیا کہ سند رہے

المرقوم 15 ماہ دسمبر 1932ء

واہ شدہ العبد

Attested and Accepted by

سر اسد اللہ کے لئے منظور ہے

Aswajud