

# INDEX

## KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

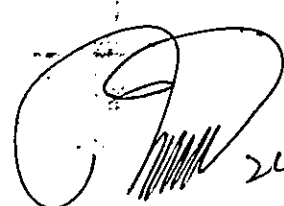
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Yasir Ali vs Police Department

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Muharrir  Compilation

 24/5/24  
Incharge Judicial Branch

Annexure B (5)

C.T

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KARAK.

NOTIFICATION.

Under the provision of the Khyber Pakhtunkhawa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act 2018 (Khyber Pakhtunkhawa Act No.1 of 2018), In pursuance the Govt. of Khyber Pakhtunkhawa Notification No. SO (S/F)E & S ED / 3-2/2018/SITT/Contract, dated 16.2.2018, Services of the following CT appointed on adhoc basis on contract, are hereby regularized in BPS 15 on the same post in Teaching cadre on the terms and condition given below with effect from the date of their appointment on the C.T Post:

No	Year	Name	Father Name	Domicile	Date of Birth	CNIC No	Total Marks out of 200	School where posted	Appointment order and Date
1	2014	Muhammad Ejaz Khan	Noor Janan	Karak	7.8.1989	14202-2354274-3	130.94	GHS Ghunda Shamsaki	No. 1724-26 dt 3.5.2014
2	2015	Muhammad Zahoor	KHAN WALI KHAN	KARAK	01.03.1987	142038277021-3	132.15	GHS CHANDA KHURRAM	NO.916-20 DATED.14.03.2015
3	2015	Muhammad Shoaib Anwar	MUHAMMAD ANWAR	KARAK	16.06.1985	14202-7214363-1	131.44	GHS CHANDA KHURRAM	NO.916-20 DATED.14.03.2015
4	2015	Waheed Ullah	ABDUL GHANI KHAN	KARAK	13.05.1991	14203-7006352-1	120.05	GHS JATTA ISMAIL KHEL	NO.916-20 DATED.14.03.2015
5	2015	Muhammad Tayyeb	ALI JAN	KARAK	10.04.1988	14202-5130003-1	128.13	GHS TARKL KHEL	NO.916-20 DATED.14.03.2015
6	2015	Shah-een Ullah KHAN	HAKIM RAHMAN	KARAK	03.08.1978	14202-9121204-7	127.62	GHS DARESH KHEL	NO.916-20 DATED.14.03.2015
7	2015	Muhammad Farooq	MAMREZ KHAN	KARAK	11.04.1982	14203-7865735-5	124.48	GHS SHAHIDAN CHONTRA	NO.916-20 DATED.14.03.2015
8	2015	Haroon Iqbal	SAR ANJAM KHAN	KARAK	02.06.1987	14203-2251548-1	124.25	GHS TERI	NO.916-20 DATED.14.03.2015
9	2015	Muhammad Jamil	GHULAM NABI	KARAK	03.03.1985	14202-1354339-7	123.6	GHS DABB	NO.916-20 DATED.14.03.2015
10	2015	Naqib Ullah	SHAHISTA KHAN	KARAK	05.01.1991	14202-5677158-7	123.56	GHS MAMI KHEL	NO.916-20 DATED.14.03.2015
11	2015	Kashif Adnan	IQBAL BAD SHAH	KARAK	04.05.1988	14203-1292162-9	122.65	GHS DHAND EDAL KHEL	NO.916-20 DATED.14.03.2015
12	2015	Amjad Rehman	AMAL KHAN	KARAK	12.01.1986	14203-6785468-9	122.28	GHS ESAK KHUMARI	NO.916-20 DATED.14.03.2015

ATTACHED

7F

1

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

**Service Appeal No. 1554/2023**

BEFORE: MRS. RASHIDA BANO ... MEMBER (J)  
MISS FAREEHA PAUL ... MEMBER(E)

Yasir Ali, Ex-Constable No. 236, posted at Barrier Hayat Qalandar Hangu.  
.....(Appellant)

Versus

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Kohat Region, Kohat.
3. The District Police Officer, Hangu. ....(Respondents)

Mr. Taimur Ali Khan,  
Advocate ... For appellant

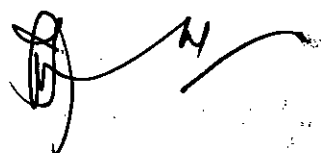
Mr. Asif Masood Ali Shah,  
Deputy District Attorney ... For respondents

Date of Institution..... 12.07.2023  
Date of Hearing..... 19.04.2024  
Date of Decision..... 19.04.2024

**JUDGEMENT**

**FAREEHA PAUL, MEMBER (E):** The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 24.01.2023, whereby the appellant was dismissed from service and against the order dated 29.05.2023, received by the appellant on 16.06.2023, whereby his departmental appeal was rejected. It has been prayed that on acceptance of the appeal, the impugned orders dated 24.01.2023 and 29.05.2023 might be set aside and the appellant be reinstated into service with all back and consequential benefits, alongwith any other remedy which the Tribunal deemed appropriate.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant joined the Police Department as Constable in the year 2009. He

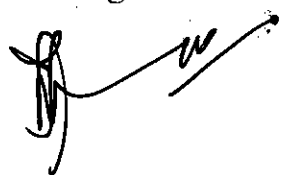


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was posted at Barrier Hayat Qalandar Hangu and as the Department had not provided any place to keep his lodges, he hired a house at Muslim Abad, alongwith another constable, for keeping their lodges alongwith the weapons in the box allotted by the department. A person, namely Bismillah S/O Rizwan Ullah, often came to the house as he was in relation with the persons residing in the house. On 19.10.2022, the appellant, after performing his duty, kept the SMG Riffle in the box meant for it in the house and locked it. In the morning, when he came to the house, he saw that lock of his box was broken and his SMG Riffle was missing. He straightaway went to the Police Station City Hangu and brought the matter into the notice of SHO, who told him that the police, during search and strike operation, recovered SMG No. HA 1328 with 03 spare charges having 90 rounds of 7.62 bore from the possession of the said Bismillah. The appellant was kept in quarter guard and an FIR No. 1115 dated 20.10.2022 u/s 15-AA was lodged against Bismillah, however, the recovered weapon was not mentioned in the FIR. Charge sheet was issued to the appellant, in reply to which he denied the allegations and gave the real facts about the issue. An inquiry was conducted against him in which no proper opportunity was provided to him as neither statements were recorded in his presence nor any opportunity of cross examination was given to him and he was held guilty of the charges leveled against him. Show cause notice was issued to him which was duly replied and again he denied the allegations. He was dismissed from service vide order dated 24.01.2023. Feeling aggrieved, he filed departmental appeal which was rejected on 29.05.2023 which was received by the appellant from the office of respondent No. 3, through an application dated 16.06.2023; hence the instant service appeal.



3. Respondents were put on notice who submitted their joint parawise comments on the appeal. We heard the learned counsel for the appellant as well as Deputy District Attorney for the respondents and perused the case file with connected documents in detail.
4. Learned counsel for the appellant, after presenting the case in detail, argued that the impugned orders were against the law, facts, norms of justice and material on record, therefore not tenable in the eyes of law and liable to be set aside. He argued that no proper and regular inquiry was conducted against the appellant as no proper opportunity of defence was provided to him. Neither statements were recorded in his presence nor any opportunity of cross-examination was provided to him. Even the inquiry report was not provided to him, which was violation of law and rules. Learned counsel argued that on missing of SMG riffle from the box of the appellant, he timely informed the concerned SHO which was recovered from one Bismillah during search and strike operation. As per statement of Bismillah during investigation, the said riffle was handed over to him by the appellant upon which the whole action was taken against the appellant without conducting regular inquiry to dig out the reality and he was punished on the basis of presumptions. He requested that the appeal might be accepted.
5. Learned Deputy District Attorney, while rebutting the arguments of learned counsel for the appellant, argued that the appellant handed over his official riffle to a private person which was recovered from the accused, Bismillah. On account of such misconduct, the appellant was proceeded against departmentally. He was served with charge sheet and during the



enquiry, charges leveled against him stood proved. After fulfillment of all codal formalities, he was dismissed from service through a speaking order. He requested that the appeal might be dismissed.


6. Arguments and record presented before us transpire that the appellant, who was posted at Hangu, found his official weapon, which was a SMG rifle, which was kept in a locked box, missing from there. He immediately went to the SHO of P.S Hangu City for its report where he found that his SMG was recovered from one Bismillah, who used to visit the other constable residing with the appellant in the same house. As far as Bismillah was concerned, the FIR dated 20.10.2022 was lodged against him, whereas departmental proceedings were initiated against the appellant. An inquiry was conducted, the report of which has been annexed by the respondents with their reply. One of the charges against the appellant was that as per statement of the accused Bismillah in the FIR dated 20.10.2022, the appellant handed over the SMG to him. Perusal of the Inquiry Report shows that the inquiry officer did not bother to probe into that allegation properly. No statement of Bismillah was recorded by him, neither any opportunity of cross examination was provided to the appellant. Another allegation that the appellant was using drugs has been proved by the inquiry officer based on some secret information. Here again, that secret information had to be revealed to the appellant during his inquiry proceedings and opportunity of cross examination had to be provided to him. It was noted that the Inquiry Officer did not fulfill the requirements of a fair trial. The competent authority, without taking into account the fact whether a fair opportunity had been provided to the appellant to defend his case during inquiry, passed the order whereby major penalty of dismissal from service had




been imposed upon him. The punishment appears harsh in such a scenario. However, it is felt that the appellant showed carelessness when he remained away from his room and the box in which he placed his official rifle, despite being locked, remained unattended.

7. In view of the above discussion, we set aside the orders impugned before us and the appellant is reinstated into service with all back benefits. However minor penalty of withholding of two annual increments for two years, without cumulative effect, be imposed upon him on his careless attitude towards the official rifle alongwith ammunition provided to him. The period he remained away from service, as a result of order dated 24.01.2023, be treated as leave of the kind due. Cost shall follow the event. Consign.

8. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 19<sup>th</sup> day of April, 2024.*

  
(FAREEHA PAUL)  
Member (E)

  
(RASHIDA BANO)  
Member(J)


\*FazleSubhan P.S\*

SA 1554/2023

19<sup>th</sup> Apr. 2024 01. Mr. Taimur Ali Khan, Advocate for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present. Arguments heard and record perused.

02. Vide our detailed judgment consisting of ~~06~~<sup>05</sup> pages, we set aside the orders impugned before us and the appellant is reinstated into service with all back benefits. However minor penalty of withholding of two annual increments for two years, without cumulative effect, be imposed upon him on his careless attitude towards the official rifle alongwith ammunition provided to him. The period he remained away from service, as a result of order dated 24.01.2023, be treated as leave of the kind due. Cost shall follow the event. Consign.

03. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 19<sup>th</sup> day of April, 2024.*

  
(FARJEHA PAUL)  
Member (E)

  
(RASHIDA BANO)  
Member(J)



06<sup>th</sup> Feb. 2024

01. Counsel for the appellant present. Mr. Habib Anwar, Addl. A.G for the respondents present.

02. Reply/comments on behalf of the respondents has not been submitted. Learned AAG requested for time to contact the respondents. Granted. To come up for reply/comments and preliminary hearing on 18.03.2024 before the S.B. PP given to the parties.

(Farzana Paul)  
Member(E)

\*Fazle subhan P.S\*

18<sup>th</sup> Mar. 2024

1. Learned counsel for the appellant present. Mr. Umair Azam, Additional Advocate General alongwith Mr. Israr Khan, Inspector for the respondents present.

2. Reply on behalf of the respondents submitted. Copy of the same was handed over to the learned counsel for appellant. To come up for arguments on 19.04.2024 before D.B. P.P given to the parties.

(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*

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Peshawar

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K.K.S.T  
Peshawar

(48)

23.11.2023 1. Petitioner in person present. Mr. Asad Ali Khan learned Assistant Advocate General Arif Saleem, Stenographer for the respondents present.

2. Written reply on behalf of respondents not submitted. Representative of respondents seeks time for submission of written reply. Last chance is given. To come up for written reply/comments on 22.12.2023 before S.B. P.P given to the parties.

22<sup>nd</sup> Dec, 2023

1. Learned counsel for the appellant (Rashida Bano) bib Anwar, Member (J) Additional Advocate General for the respondent present.

\*KaleemUllah\*

2. Reply/comments on behalf of respondents not submitted. Learned AAG seeks time to contact the respondents for submission of reply/comments. Granted. To come up for reply/comments on 06.02.2024 before S.B. P.P given to the parties.

(Muhammad Akbar Khan)  
Member (E)

06<sup>th</sup> Feb. 2024

01. Counsel for the appellant present. Mr. Habib Anwar, Addl. A.G for the respondents present.

02. Reply/comments on behalf of the respondents has not been submitted. Learned AAG requested for time to contact the respondents. Granted. To come up for reply/comments and preliminary hearing on 18.03.2024 before the S.B. PP given to the parties.

(Fareeha Paul)  
Member(E)

\*Fazle subhan P.S\*

SCANNED

17/10/2023

1. Learned counsel for the appellant present and heard.
2. Let a pre-admission notice be issued to the respondents through TCS for submission of reply/comments. To come up for reply/comments as well as preliminary hearing on 17.10.2023 before S.B. P.P given to learned counsel for the appellant.

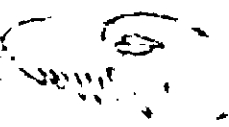
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Peshawar

Appellant is directed to deposit TCS expenses within three days.

2500-80-10



(Muhammad Akbar Khan)  
Member (I)



17/10/2023

1. Clerk to counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present:
2. Reply/comments on behalf of respondents not submitted. Learned Deputy District Attorney seeks time to contact the respondents for submission of reply/comments. Granted. To come up for reply/comments as well as preliminary hearing on 23-11-23 before S.B. P.P given to the parties.

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Peshawar





(Muhammad Akbar Khan)  
Member (I)

FORM OF ORDER SHEET

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

Appeal No. 1554/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/07/2023	<p>The appeal of Mr. Yasir Ali resubmitted today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <b>01-08-2023</b></p> <p style="text-align: right;">By the order of Chairman</p> <div style="text-align: center;">         REGISTRAR     </div> <p>1<sup>st</sup> Aug. 2023</p> <p>01. Nemo for the appellant.</p> <p>02. Notice be issued to the appellant and his counsel. To come up for preliminary hearing on 19.09.2023 before the S.B.</p> <div style="text-align: center;">   <b>(FAREEHA PAUL)</b>        Member (E)     </div> <p style="text-align: center;">*Fazle Subhan, P.S*</p>

On 13/09/2023,  
 counsel was informed  
 telephonically for the  
 date fixed (19/09/2023)  
 Moharris

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 Peshawar

The appeal of <sup>4</sup> Yasir Ali Ex-Constable No. 256 Posted at Barrister Haval Qalabria  
Hangu received by the Tribunal on 12.07.2023 is incomplete on the following score which is returned  
to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Checklists not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Annexures of the appeal are unattested.
- 4- Affidavit be got attested by the Oath Commissioner.
- 5- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which be placed on it.
- ⑥ Copy of departmental appeal is not attached with the appeal be placed on it.
- 7- All the annexures attached with the appeal are illegible which may be replaced by legible/better one.
- 8- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1911 /S.T.

Dt. 13/7 /2023.

*A. M.*

REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Taimur Ali Khan Adv.  
High Court Peshawar.

Respected Sir,

1- Removed

2- Removed

3- Removed

4- Removed

5- Copies of statement of allegation, show cause notice  
enquiry report are present with appellant therefore  
he unable to annex with the appeal.

⑥ copy of departmental appeal is not present with  
the appellant therefore unable to attach annex  
with the appeal.

7- ~~Best~~ copies of illegible page were made.

8- Removed

Resubmitted after compliance

*27/07/2023*

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Yaqub Ali

v/s

Police Deptt.

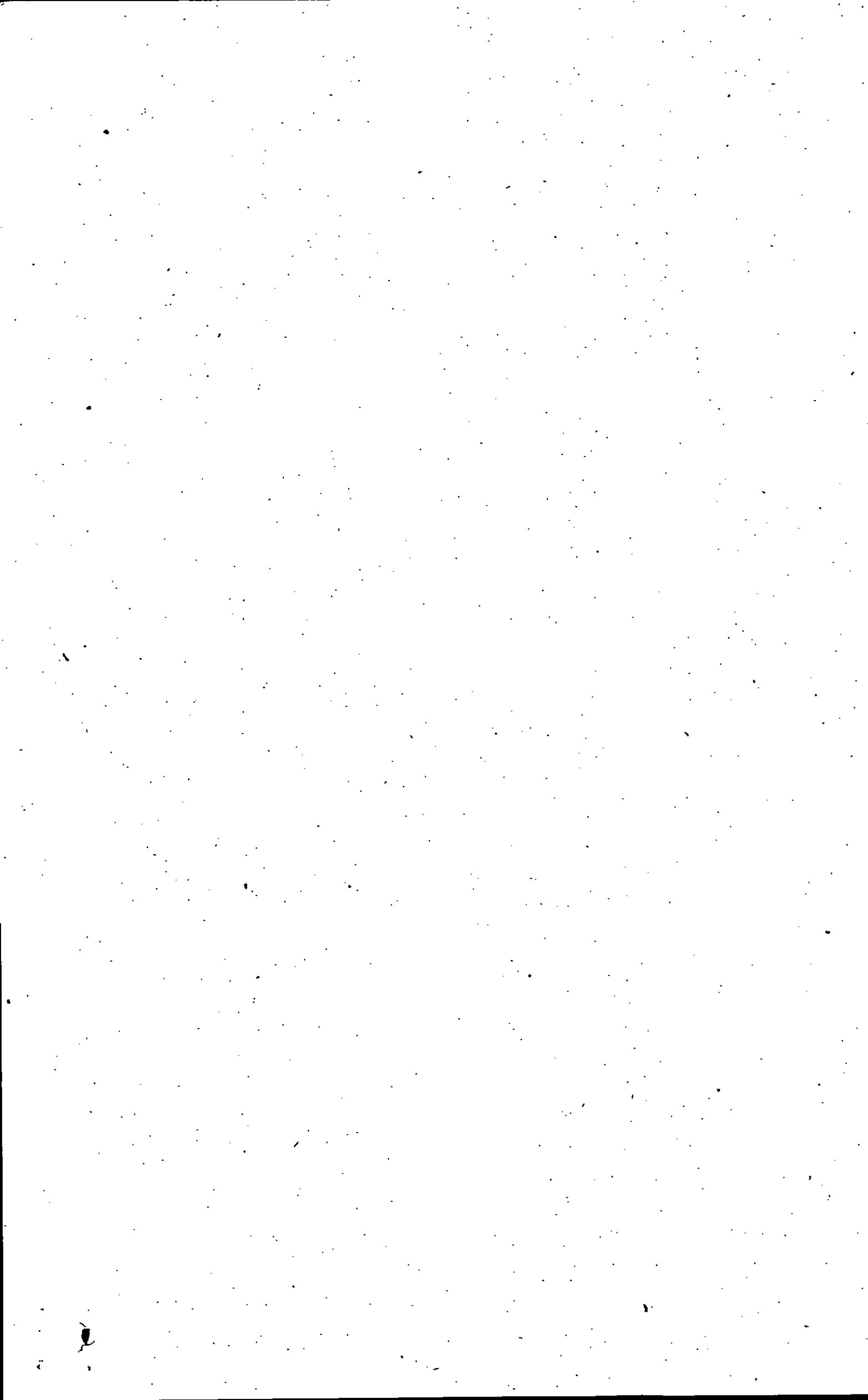
S#	CONTENTS	YES	NO
1	This Appeal has been presented by: _____	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On _____	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	✓	
26	Whether copies of comments/reply/rejoinder submitted? On _____	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Faiz Ahmad Khan

Signature: [Signature]

Dated: \_\_\_\_\_



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

SERVICE APPEAL NO. 1554/2023

Yasir Ali

V/S

Police Department

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9	Vakalat Nama	-----	12

**APPELLANT**

THROUGH:



**(TAIMUR ALI KHAN)**  
**ADVOCATE HIGH COURT**  
Cell# 0333-9390916



14

(1)

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

SERVICE APPEAL NO. 1554/2023

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 6420

Dated 12/07/23

Yasir Ali, Ex-Constable No.236,  
Posted at Barrier Hayat Qalandar Hangu.

(APPELLANT)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Kohat Region, Kohat.
3. The District Police officer, Hangu.

(RESPONDENTS)


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**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 24.01.2023, WHEREBY THE APPELLANT WAS DISMISSED FROM SERVICE AND AGAINST THE ORDER DATED 29.05.2023 RECEIVED BY THE APPELLANT ON 16.06.2023, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED FOR NO GOOD GROUND.**

**PRAYER:**

**THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 24.01.2023 AND 29.05.2023 MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS HONORABLE TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.**

Re-submitted to -day  
and filed.

  
Registrar  
27/7/23

**RESPECTFULLY SHEWTH:****FACTS:**

1. That the appellant joined the Police Department as Constable in the year 2009 and completed all his due trainings and since his appointment the appellant has performed his duty duties with zeal and devotion, whatsoever, assigned to him and no complaint has been filed regarding his performance.
2. That the appellant was posted at barrier Hayat Qalandar Hangu and as the department has not provided any place to keep his lodges, therefore, the appellant hired at house at Muslim Abad along with other constable for keeping their lodges along with the weapons in the box allotted by the department. The person namely Bismillah S/O Rizwan Ullah was often came to the house as he has relation with the persons residing in the house and the appellant gave money to Bismillah and on demand of repayment, he used delaying tactics in repayment of money to the appellant.
3. That on 19.10.2022, the appellant has performed his duty and kept the SMG Riffle in his box and locked in the box, laying the house and on the morning when he came to the house he saw that lock of his box was broken and his SMG Riffle was missing and from there he directly went to the Police Station City Hangu and told the concerned SHO about the missing SMG Riffle from his box on which the concerned SHO told the appellant that the police during search & strike operation, recovered SMG No.HA-1328 with 03 spare charges having 90 rounds of 7.62 bore the possession of Bismillah and without any inquiry the appellant was directly kept in quarter guard by the concerned SHO and in this respect, FIR dated 1115, dated 20.10.2022 u/s 15-AA, was lodged against Bismillah, however, SMG Riffle which was recovered from Bismillah was not mentioned in the FIR. (Copy of FIR is attached as Annexure-A) Ab
4. That charge sheet was issued to the appellant which was replied by the appellant in which he denied the allegations and gave the real facts about the issue, however the appellant did not keep the copy of reply to charge sheet which may be requisite from the department. (Copy of charge is attached as Annexure-B)
5. That inquiry was conducted against the appellant in which no proper opportunity was provided to the appellant as neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination to dig out the realty about the allegations, but despite that the appellant was hold guilty for the charges leveled against him by the inquiry officer. Even the inquiry report was not provided to the appellant.
6. That show cause notice was issued to the appellant, which was replied by him in which he again denied the allegations and gave the real facts about the allegations, however the appellant did not keep the copy of show cause notice which may be requisite from the

department. (Copy of reply to show cause notice is attached as Annexure-C)

7. That without conducting the proper and regular inquiry about the allegations, the appellant was dismissed from service vide order dated 24.01.2023 in slipshod manner. The appellant filed departmental appeal against the dismissal order dated 24.01.2023, however he did not keep the copy of departmental appeal which may be requisite from the department. The departmental appeal of the appellant was rejected on 29.05.2023 and rejection order dated 29.05.2023 was received by the appellant from the office of respondent No.3 through an application dated 16.06.2023. (Copies of order dated 24.01.2023, rejection order dated 29.05.2023 and application dated 16.06.2023 are attached as Annexure-D,E&F)
8. That the appellant now wants to file the instant appeal in this Honorable Tribunal for redressal of his grievance on the following grounds amongst others.

#### GROUND:

- A) That the impugned orders dated 24.01.2023 and 29.05.2023 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That no proper and regular inquiry was conducted against the appellant as no proper opportunity of defence was provided to the appellant because neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination to dig out the reality about the allegations during the inquiry proceeding, even the inquiry report was not provided to the appellant, which is violation of law and rules and as such the impugned orders are liable to be set aside on this ground alone.
- C) That the appellant has denied the allegations leveled against him in the reply to charge sheet and show cause notice and interest of justice demand that proper and regular inquiry should be conducted on the allegations leveled against the appellant, but appellant was dismissed from service without conducting proper inquiry, which is not permissible under the law and rules.
- D) That on missing of SMG rifle from the box of the appellant, he timely informed the concerned SHO about missing of his rifle, which was recovered from Bismillah during search & strike operation and as per statement of Bismillah during investigation that the said rifle was handed over to the accused Bismillah by the appellant and only on the statement of accused Bismillah the whole action was taken against the appellant without conducting regular inquiry to dig out the reality that

whether the appellant has handed over the SMG riffle to accused Bismillah or not, which means that the appellant was punished on presumption basis which is against the norms of justice and fair play.

- E) That on missing of his riffle from the box of the appellant, he informed the concerned SHO about missing of his riffle, which was recovered from Bismillah during search & strike operation along with 03 spare charges having 90 rounds of 7.62 bore on which FIR was lodged against Bismillah, however, SMG riffle was not mention in the FIR, which shows the malafide of the respondent department.
- F) That in charge sheet as well as in the impugned orders it was mentioned that the accused Bismillah has told during investigation that the appellant has handed over the SMG Riffle but the actual reason of allegation leveled against the appellant is that, that the appellant has debit on Bismillah and when the appellant asked for repayment of debit money he made the whole drama against the appellant.
- G) That one of the charges in the charge sheet that you have hired a house on rent at Muslim Abad Hangu for using drugs etc with your friends i.e accused Bismillah, Qaiser Abbas, Ibrahim & Wakeel etc vide DD No.15 dated 20.10.2022 P.S City, but the allegation of using the rented house for using drugs etc is wrong and denied by the appellant as the appellant and constable Qaiser Abbas rented this house only for keeping his lodges in the box allotted by the department as the department did not provide any place for keeping lodges and no one can be punished only on the basis of allegation unless proved by conducting proper inquiry.
- H) That the appellant has been condemned unheard and has not been treated according to law and rules.
- I) That the appellant seeks permission of this Honorable Tribunal to advance others grounds and proofs at the time of hearing.

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

  
**APPELLANT**  
 Yasir Ali

THROUGH:

  
**(TAIMUR ALI KHAN)**  
**ADVOCATE HIGH COURT**

5

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

SERVICE APPEAL NO. \_\_\_\_\_/2023

Yasir Ali

V/S

Police Department

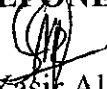
.....

**AFFIDAVIT**

I, Yasir Ali, Ex-Constable No.236, Posted at Barrier Hayat Qalandar Hangu (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this august Court.



DEPONENT

  
Yasir Ali  
(APPELLANT)



(۱) ...

### ابتدائی اطلاعی رپورٹ

ابتدائی اطلاعی رپورٹ میں درج کی گئی ہے کہ اسی کے والد نے ۱۵۳ نمبر شاہین آباد

خانہ: \_\_\_\_\_  
تاریخ: ۱۵/۳/۵۷

پہلا نمبر	۱۵۳
دوسرا نمبر	۱۵۳
تیسرا نمبر	۱۵۳
چوتھا نمبر	۱۵۳
پانچواں نمبر	۱۵۳
چھٹا نمبر	۱۵۳
ساتھواں نمبر	۱۵۳
آٹھواں نمبر	۱۵۳
نواں نمبر	۱۵۳
دسواں نمبر	۱۵۳

ابتدائی اطلاع نیچے درج کردہ جہاں جہاں اس صورت میں کہ ان میں سے کوئی ایک ...

پہلا نمبر: ...

دوسرا نمبر: ...

تیسرا نمبر: ...

چوتھا نمبر: ...

پانچواں نمبر: ...

چھٹا نمبر: ...

ساتھواں نمبر: ...

آٹھواں نمبر: ...

نواں نمبر: ...

دسواں نمبر: ...

...

۱۵/۳/۵۷

ATTSTED

## ابتدائی اطلاعی رپورٹ

(فائیل) ابتدائی اطلاعی رپورٹ نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 154 مجموعہ ضابطہ فوجداری

ضلع پشاور

پولیس اسٹیشن: سٹی

تاریخ و وقت وقوع: 20/10/2022 وقت 30 بجے

علت نمبر: 1115

1	تاریخ و وقت رپورٹ	چاکیدگی پرچہ 20.10.2022 وقت 10:20 بجے
2	نام و سکونت اطلاع دہندہ و مستفیث	SHO 03329166586 14203-3444517-9
3	مختصر کیفیت جرم (معد دفعہ) مال اگر کچھ لیا گیا ہو	15-AA
4	جائے وقوعہ فاصلہ تھانہ سے اور سمت	نزد خانہ ملزم واقع کیمپس تقریباً 3/4 کلومیٹر جانب مشرق شمال
5	نام و سکونت ملزم	بسم اللہ عرف زرتاج ولد رضوان اللہ سکنہ کانسٹیبل کیمپ ہنگو
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو اہو توجہ بیان کرو۔	برسیدگی مراسلہ پرچہ دیا جاتا ہے
7	تھانہ سے رواگی کی تاریخ و وقت	بہ سبیل ڈاک

ابتدائی اطلاع نیچے درج کرو:- بوقت صدر بجے ایک تحریری مراسلہ منجانب ایس ایچ او سے بدست کنسٹیبل عرفان 189 موصول کر درج ذیل ہے۔ بخدمت جناب محرر تھانہ سٹی ہنگو میں گشت دوران اے ایس آئی عرفان 192، قدرت اللہ 70 و دیگر نفری پولیس تھانہ نفری ولیدی کنسٹیبل زیر قیادت جناب بسلسلہ منشیات غیر قانونی اسلحہ بمقام بالاسرچ اینڈ سٹریٹ آپریشن کر کے جائے وقوعہ بالا پر جسکو قابو کرنے پر کمر پر باندھا ہوا کاش کرنے پر پانچ عدد کارٹوس، 30 بوربر آمد کر کے بروئے قبضہ پولیس میں کی گئی اور شخص نے دریافت کرنے پر اپنا نام بسم اللہ عرفان زرتاج ولد رضوان اللہ سکنہ ہاڑہ بتلایا جسکو مرتکب جرم بالا کا پا کر حسب ضابطہ گرفتار کر کے عرفان ASI ارسال تھانہ ہے میں مصروف تھانہ تفتیش ہوں دستخط انگریزی کارروائی تھانہ آمدہ مراسلہ حرف بہ حرف درج بالا پرچہ بجرم ہو کر نقل پرچہ جات تفتیش ASI بدست کنسٹیبل فائیل بھیجوا یا جاتا ہے پرچہ گزارش ہے۔

ATTACHED

**CHARGE SHEET**

**MR. ASIF BAHADER, PSP, DISTRICT POLICE OFFICER,**

**HANGU, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you Constable Yasir Ali No. 236 while posted at Barrier Hayat Qalandar, Hangu rendered yourself liable to be proceeded against, as you have omitted the following act/commissions within the meaning of Rule 3 of the Police Rules, 1975.**

- i. During search & strike operation, the local police of P.S City Hangu have taken into custody a govt. SMG bearing No HA1328 with 3 spare charges having 90 rounds of 7.62 bore from the possession of accused Bismillah @ Zartaj s/o Rizwan Ullah accompanied by other accused arrested on the spot. As such, a proper case vide FIR No. 1115, dated 20.10.2022 u/s 154A has been registered against the accused in P.S City Hangu.
- ii. As per statement of the accused, you Constable Yasir Ali No. 236 while posted at Barrier Hayat Qalandar, Hangu as a friend you have handed over the said govt. SMG to him.
- iii. Whereas, when you were informed immediately rushed to P.S City and requested the SHO to return the same to you.

**You being a member of disciplined force had acted on indiscipline manner and criminal gross misconduct on your part which cannot be ignored.**

By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.

3. You are, therefore, required to submit your written statement within 07 days of the receipt of this Charge Sheet to the enquiry.

Your written defense if any should reach the enquiry office within the specified period, failing which it shall be presumed that you have no

**ATTACHED**

**HANGU**

**B 7**



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DISTRICT POLICE OFFICER

Tel No 0325-523878 Fax No.0325-520135

Email: [dpohangu@gmail.com](mailto:dpohangu@gmail.com)

I, MR. ASIF BAHADAR, PSP, DISTRICT POLICE OFFICER, HANGU, as competent authority under Khyber Pakhtunkhwa Police Rules (amendment 2014) 1975, am of the opinion that you constable Yasir Ali No. 236 while posted at Barrier Hayat Qalander, Hangu rendered your self liable to be proceeded against, as you have omitted the following/act omission with the meaning of Rule 3 of the Police Rules 1975.

- i. **During search and Strike operation, the local Police of P.S City Hangu have taken into custody a govt, SMG bearing No. HA 1328 with 3 spare charges having 90 rounds of 7.6 bore from the possession of accused Bismillah @ Zartaj S/o Rizwan Ullah accompanied by other accused arrested on the spot. As such, a proper case vide FIR No. 1115, dated 20.10.2022 u/s 15AA has been registered against the accused in P.S City Hangu.**
  - ii. **As per statement of the accused, you Constable Yasir Ali No. 236 while posted at Barrier Hayat Qalander, Hangu as a friend you have handed over the said govt, SMG to him.**
  - iii. **whereas, where you were informed immediately rushed to P.S City and requested to SHO to return the same to you.**
  - iv. **Reportedly, you have hired a house on rent at Muslim Abad Hangu using Drugs etc with your friends i.e accused Bismillah, Qaiser Abbas, Ibrahim and Wakeel etc vide DD No. 15, dated 20.10.2022 P.S City, Hangu.**
  - v. **You being a member of disciplined force had acted indiscipline manner and criminal misconduct on your part which cannot be ignored.**
2. By reasons of the above, your appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.
3. You are, therefore, required to submit your written statement within 07 days of the receipt of this Charge Sheet to the Enquiry Office.

You have written defense if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and ex-parte action shall be taken against you.

A statement of allegation is enclosed

ATTACHED

DISTRICT POLICE OFFICER  
HANGU

فائل (8)

329 مجاہد صاحب دہلی کے پاس آفسر لکھتے ہوئے درخواست ہے۔

30-11-22

کہ اس سال سے کالج شروع ہے۔ کبھی ہی افران بالہ کوٹ روایت کا فتح نہیں دیا ہے۔ سال کا پابلیکیشن

کراچی میں ہے۔ چونکہ اس وقت سائل کی دہلی کی حیثیت ملندہ میرل پر تھا۔ جہاں پر پبلشنگ کا جگہ میسر ہے۔

تھا۔ جب یہ دہلی کو فتح کر کے آرام لے لیا۔ اس کے کوارٹر بالاجانے تھے۔ جہاں تک میرا پتہ لگا ہے۔ البتہ میم اللہ ذیل عرف

بعض تین عدد صاحب 90 عدد کرائس جو باقاعدہ طور پر لیا گیا تھا۔ اس وقت کوئی کرائس میں حیضہ دار اور روتی سے ناپے جبار کوارٹر

زرناج ولد رضوان سے کئی کئی کیمپ منگوا کر لیا گیا تھا۔ اور کئی کیمپس کا تالا لٹوایا تھا۔ اور ملائکہ کو فیم خیر تھا۔

آج کل کا۔ وضع 1000 کو جیب میں رکھا گیا۔ اور کئی کیمپس کا تالا لٹوایا تھا۔ اور ملائکہ کو فیم خیر تھا۔

میں نے فری طور پر بندہ کو لے لیا۔ اور کئی کیمپس کا تالا لٹوایا تھا۔ اور ملائکہ کو فیم خیر تھا۔

عرف زرناج آج کل۔ جو بعض قانونی کارروائیوں کا وقت نہیں تھا۔ اور میرا کلاس کوف سے متعلق جہاں تک میں نے

صاحب کے نوٹس میں لیا۔ سکر 1000 صاحب نے میری شکایت نہ تھی۔ اور میرا کلاس کوف سے متعلق جہاں تک میں نے

مذہب میں اللہ سے کئی ہے۔ نام عیدہ الونی کا والی کے ملائکہ کوف میں کئی کیمپس کا تالا لٹوایا تھا۔ اور میرا کلاس کوف سے متعلق

اسے براہ عمدہ بتول کے علاوہ ان کو خلاف کئی قسم کی قانونی کارروائی نہیں لگائی ہے۔ میری فریاد سننے سے بیٹے

سارا سلیم میرا اور میرا لایا۔ نام میں خدا کو حاضر و ناظر رکھ کر گواہ بنا لیا۔ کہ ملائکہ کوف سے میرا نام نہ سنانے مسلم

بیم اللہ کو واک ہے۔ بلکہ اسی نے دہلی کا نام لیا ہے۔ اٹھا اور بیکس قور کر کے ملائکہ کوف لے لیا تھا۔

جہاں تک مذکورہ بیم اللہ نے جو قوت لے ہے۔ اس وہ میرا میں نے اعتبار سے ناپے ان کو قسم جو لکھ کر تھی۔

جب رقم والی کا مطالبہ کیا۔ کو مذکورہ نے ہمسائے کیلے میرا بیکس قور کر ڈراما رکھا۔ جو زبان طور پر ہر وقت

1000 صاحب کے نوٹس میں لایا گیا تھا۔ جہاں تک کوارٹر میں دوستوں کیساتھ ملائکہ کوف سے متعلق اس سوال کے بارے میں

میرا ہے بنیاد ہے۔ نام اپنی صفائی میں میرا نیکل دہلی کے کیمپس لے لیا۔ میرا نے آج تک نہ لیا۔ میری

ہے۔ جب ہی افران بالہ کوٹ کی قسم کی شکایت کا موقع نہیں دیا ہے۔ جو کہ حقیقت ہے۔ اس لئے اس کو قبول ہوا ہے

نام سائل کے چوتھے پوچھے تھے ہیں۔ سائل اور بچوں کے حال پر رحم فرمائیں جبار کوارٹر لکھتے ہوئے درخواست ہے۔

ساروال کے داخلی دفتر فرمایا جانے کا استدعا ہے۔ سائل دعا تو رہے گا۔

ATTSTED

جناب عالی

بحوالہ فائل نمبر شوکاژ نوٹس نمبری 329، 30.11.22، 30.11.22 مجاریہ جناب ڈسٹرکٹ نئے پولیس آفیسر، ہنگو معروض خدمت ہوں کہ سائل سال 2009 میں بھرتی شدہ ہے۔ کبھی بھی آفسران بالا کو شکایت کا موقع نہیں دیا ہے۔ سائل کا پرائیوٹ کوارٹر مسلم آباد میں ہے۔ چونکہ اس وقت سائل کی ڈیوٹی حیات قلندری بیرل پر تھا۔ جہاں پر رہائش کا جگہ میسر نہیں تھا جب میں ڈیوٹی کو ختم کر کے آرام اور لیٹ کے لیے کوارٹر بلا جاتے تھے۔ جہاں تک میرا گاڑی رانفل نمبر HA1328 بمعہ تین عدد چارجر 90 عدد کارتوس جو باقاعدہ طور پر پولیس لائن کوٹ سے تقسیم ہو چکا ہے البتہ بسم اللہ خان عرف ذرتاج ولد رضوان سکنہ کانڑی کیمپ ہنگو جو اگر کوارٹر کرایہ میں حصہ دار اور دوستی کے ناطے ہمارے کوارٹر میں آتا جاتا تھا۔ مورخہ 20.10.2022 کو جب میں کوارٹر آیا تو دیکھا کہ بکس کا تالا ٹوٹا ہوا ہے اور کلاشنکوف عدم موجود تھا میں نے فوری طور پر بذریعہ موبائل بکس سے ویڈیو بنائی اور تسلی و تصدیق جاری رکھتے ہوئے معلوم ہوا کہ کمرے کو بسم اللہ عرف ذرتاج آیا تھا۔ جو بغرض قانونی کارروائی کر کے فوراً تھانہ سٹی جا کر تو وہاں پر بسم اللہ مذکورہ تھانہ میں موجود تھا ایس ایچ او صاحب کے نوٹس میں لایا۔ مگر ایس ایچ او صاحب نے میری شکایت نہ سنی اور میرے خلاف کلاشنکوف کے متعلق بتلایا کہ میں نے ملزم بسم اللہ سے پکڑا ہے۔ تاہم بعد قانونی کارروائی کے کلاشنکوف من کنسٹیبل کو حوالہ ہوئی لیکن مذکورہ کے خلاف اس سے برآمد شدہ پستول کے علاوہ انکے خلاف قانونی کارروائی نہیں کی گئی ہے۔ میری فریاد سننے کے بجائے سارا ملہ میرے اوپر ڈالا گیا۔ تاہم میں خدا کو حاضر و ناظر رکھ کر گواہ بناتا ہوں۔ کہ کلاشنکوف نہ میں نے ملزم بسم اللہ کو حوالہ کی ہے بلکہ اسی نے دوستی کا ناجائزہ فائدہ اٹھائی اور بکس توڑ کر کلاشنکوف لے گیا تھا۔ جہاں تک مذکورہ بسم اللہ نے جو حرکت کی ہے اس وجہ سے پر کہ میں نے اعتبار کیے ناطے انکو رقم حوالہ کی تھی۔ جب رقم واپسی کا مطالبہ کیا۔ تو مذکورہ نے پھنسانے کے لیے بکس توڑ کر ڈرامہ رچایا۔ جو زبانی طور پر بروقت ایس ایچ او صاحب کے نوٹس لایا گیا تھا۔ جہاں تک کوارٹر میں دوستوں کے ساتھ منشیات استعمال کرنے کے الزام ہے۔ سراسر بے بنیاد ہے۔ تاہم اپنی صفائی میں میڈیکل معائنہ کے لیے بھی تیار ہوں۔ میں نے آج تک نوکری کی ہے جس میں آفسران بالا کو کسی قسم کی شکایت کا موقع نہیں دیا ہے۔ جو کہ حقیقت ہے۔ سائل کے ساتھ کھیل ہوا ہے۔ تاہم سائل کے چھوٹے چھوٹے بچے ہیں۔ سائل اور بچوں کے حال پر رحم فرمائی جا کر شوکاژ نوٹس جو بغیر کسی کارروائی کے داخل دفتر فرمائی جانے کی استدعا ہے۔ سائل دعا گو رہے گا۔

ATTESTED

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OFFICE OF THE  
DISTRICT POLICE OFFICER,  
HANGU

Tel: 0925-623378 Fax 0925-620135

**ORDER**

This order is passed on the departmental enquiry against Constable Yasir Ali No. 236 while posted at Barrak Hayat Qalandar, Hangu under the Khyber Pakhtunkhwa Police Rules 1975 (Amendment 2012)

- i) Brief facts of the case are as under:-
- ii) During search & strike operation, the local police of P.S. City Hangu have taken into custody a Govt. SMG bearing No HANG/28 with 3 spare chargers having no number of 7.62 bore from the possession of accused Muhammad @ Yartaj s/o Khawan Ullah accompanied by other accused arrested on the spot. As such, a proper case vide FIR No. 1115, dated 20.10.2022 u/s 154A has been registered against the accused in P.S. City Hangu.
- iii) As per statement of the accused, Constable Yasir Ali No. 236 while posted at Barrak Hayat Qalandar, Hangu as a friend he has handed over the said Govt. SMG to him.
- iv) Whereas, when he was informed immediately rushed to P.S. City and requested the SHO to return the same to him.
- v) Reportedly, he has hired a horse cart at Muslim Abad Hangu for using drugs & other articles. The said horse cart was used to transport the said SMG & Wafeeq s/o Khawan Ullah, dated 20.10.2022 P.S. City, Hangu.
- vi) It is noted that the said police had acted in an irregular manner and in violation of the provisions of the rules with care & diligence.

It is noted that with Charge Sheet dated 20.10.2022, in view of this office the said Constable Yasir Ali No. 236, to which he has submitted his reply to the DSP, City Hangu, who was appointed as Enquiry Officer to conduct departmental enquiry against him. After completion of enquiry the Enquiry Officer submitted finding report vide No. 1582/2022, dated 08.11.2022, in which the delinquent Constable Yasir Ali No. 236 was summoned and heard in person by providing full opportunity of hearing, but he failed to submit any reasonable response in his self defence thus, he is liable for the charges leveled against him and recommended him to be awarded a major punishment of Dismissal from Service. Accordingly, he was called in orderly room on 25.11.2022 and heard in person, but no reasonable response could be offered in his self defence.

Subsequently, Final Show Cause Notice was issued to him vide No. 209/EC, dated 10.11.2022, to which he submitted his reply on 22.11.2022 and found unsatisfactory as well.

Keeping in view of above and having gone through available record, the undersigned has arrived at the conclusion that delinquent Constable Yasir Ali No. 236 is committed gross misconduct, irregularities, irresponsibility and non-professionalism, which indicates that he was not fit to continue further. Moreover, in these circumstances his retention in Police Department is not in public interest. In view of above, I, Asst. Commissioner (SP), District Police Officer, Hangu in exercise of powers conferred upon me under the Rules, ibid, dispense with general proceedings and awarded him a major punishment of Dismissal from Service with immediate effect.

Order Announced  
 Order No. 47  
 Dated 24/11/2022

DISTRICT POLICE OFFICER,  
 HANGU

OFFICE OF THE DISTRICT POLICE OFFICER, HANGU.

For date of Hangu, the 24/11/2022  
 Copy of above is submitted to the Regional Police Officer, Kohat Region, for the purpose of information, please  
 For Officer, EC, Reader & DASI for necessary action

DISTRICT POLICE OFFICER,  
 HANGU

ATTSTED

Better Copy

(9)

OFFICE OF THE  
DISTRICT POLICE OFFICER

Tel No. 0925-623878-Fax No. 0925-620135

## ORDER

This order is passed on the departmental inquiry against Constable Yasir Ali No. passed as Hayat Qalander Hangu under the Khyber Pakhtunkhwa Police Rules 1975 amendment 2014.

Brief facts of the case are under:

- i. during search and strike operation the local police of PS City Hangu have taken into custody a government SMG bearing No HA with 3 spare charges having of 7.6 bore from the possession of accused Bismillah @ Zartaj S/o Rizwan Ullah accompanied by other accused arrested on the spot. As such a proper case vide FIR No. 1115 dated 20.10.2022 U/S 15-AA has been registered against the accused in P.S City Hangu.
- ii. As per statement of accused, Constable Yasir Ali No 236 while posted at Hayat Qalander Hangu as a friend he has handed over the said Govt SMG to him.
- iii. Whereas, when he was informed immediately rushed to P.S City and requested by SHO to return the same to him.

Vide this office to which be submitted his reply to the DSP City Hangu, who was official to conduct departmental inquiry against him completion of the Enquiry Officer submitted finding report vide No. SDPO dated 08.10.2022 I which the Constable Yasir Ali No 230 was heard in person by providing full of hearing but he failed to submit response in his self defense thus held for the charges level against him and recommended him to be awarded a major punishment he was called in orderly on 25.11.2022 and heard in person, but no offered in her self defense.

Subsequently, final show cause notice was issued to him vide No., 329/FC which was submitted his reply on and found unsatisfactory as well.

Keeping in view of above and having gone through available record, the under signed has arrived of the conclusion that defaulter Constable Yasir Ali No. 236 is committed gross irresponsibility and non professional which indicates that he was not in Police Department in District Police Officer. Hangu in exercise as made the rules ibid dispense with general proceedings and awarded a major punishment of Dismissal from service with immediate effect.

Order Announced  
OB No. 43  
Dated 24.01.2023

DISTRICT POLICE OFFICER  
HANGU

OFFICE OF THE DISTRICT POLICE OFFICER

No. \_\_\_\_\_ dated Hangu the 24/01/2023

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

Pay Officer EC Reader & OASI for necessary action.

ATTACHED

DISTRICT POLICE OFFICER  
HANGU

27

(10)

ORDER.

This order will dispose of the departmental appeal preferred by Ex Constable Yasir Ali No. 236 of district Hangu against the order of District Police Officer, Hangu whereby he was awarded major penalty of dismissal from service vide OB No. 43, dated 24.01.2023. Brief facts of the case are that during search and strike operation, the local Police of PS City Hangu seized an SMG No. HA-1328 alongwith 03 spare charges having 90 rounds of 7.62 bore from the possession of accused Bismillah @ Zurtaj s/o Rizwan Ullah accompanied by other accused. A case vide FIR No. 1115, dated 20.10.2022 u/s 15-AA was registered against the accused in PS City Hangu. During the course of investigation, the accused disclosed that the appellant, while posted at Barrier Hayat Qalandar, Hangu handed over the said SMG to him, being his friend. When the appellant was informed, he immediately rushed to the PS and requested SHO to return the same. Reportedly, he had also hired a house on rent at Muslim Abad Hangu for using drugs etc with his friends i.e. accused Bismillah, Qaiser Abbas, Ibrahim & Wakeel etc vide DD No. 15, dated 20.10.2022 PS City Hangu.

Proper departmental enquiry proceedings were initiated against him and SDPO City Hangu was nominated as Enquiry Officer. The Enquiry Officer after fulfillment of codal formalities submitted enquiry findings wherein he stated that the appellant being a member of disciplined force, handed over his official weapon to accused that could be easily used in any criminal activity. He further pointed out that the defaulter is also addicted to narcotics i.e. Chars & Ice. He was, therefore, recommended for major penalty under the relevant rules.

The appellant was called in Orderly Room held on 25.11.2012 by the District Police Officer, Hangu where he did not advance any plausible explanation in his defense. Consequently, a Final Show Cause Notice was issued to him vide DPO, Hangu office No. 329/EC, dated 30.11.2022. His reply was received and found unsatisfactory.

Keeping in view recommendations of the Enquiry Officer and the above cited circumstances, the defaulter official was awarded major punishment of dismissal from service under the relevant rules by the District Police Officer, Hangu vide OB No. 43 dated 24.01.2023.

Feeling aggrieved from the order of District Police Officer, Hangu, the appellant preferred the instant appeal. On 23.05.2023 he was summoned and heard in person in Orderly Room held in the office of the undersigned. During personal hearing the appellant did not advance any plausible explanation in his defense.

Keeping in view the above, I, Sher Akbar, PSP, S.St, Regional Police Officer, Kohat, being the appellate authority, do not see any illegality in the impugned order passed by DPO Hangu and there is no need for interference. Hence, appeal of Ex-Constable Yasir Ali No. 236 is hereby **rejected**, being without substance and merit.

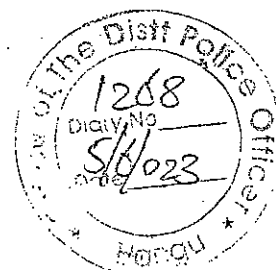
Order Announced

No. 5891 /EC, Dated Kohat the 29 / 05 /2023

  
Regional Police Officer,  
Kohat Region

Copy forwarded to District Police Officer, Hangu for information and necessary w/r to his office Memo: No. 2502/LB, dated 09.05.2023. His Service Record is returned herewith.

CHC/EC/Legal  
For inf and m/a



District Police Officer  
Hangu. 05/5

ATTSTED

11

جانب عالی

گذشتہ وقت میں سائل کی حالت سے متعلقہ لوگوں  
سے درخواست ہو چکی ہے اور سائل کو آرڈر کاپی  
کی اجازت ضروری ہے

لیٹریچر اسٹریٹ جارج ٹاؤن خانیوال  
کاپی فراہم کرنے کے لئے شکریہ ادا کرتے ہیں  
سائل کے دستاویز اور صورتوں کے ساتھ

میرزا محمد رفیق



سائل کی بائیسٹی کے لئے ایکٹیل نمبر 236 (15-06-2023)  
درخواست

SRC  
For action.

District Police Officer  
Hangu. 15/6

بخاری خانیوال

[Signature]

ATTSTED

19/6/23

**VAKALAT NAMA**

NO. \_\_\_\_\_/2023

IN THE COURT OF KP Service Tribunal, PeshawarYasir Ali(Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Police Department(Respondent)  
(Defendant)I/We, Yasir Ali

Do hereby appoint and constitute **TAIMUR ALI KHAN, ADVOCATE HIGH COURT**, 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 costs.

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. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated \_\_\_\_\_/2023



(CLIENT)

**ACCEPTED****TAIMUR ALI KHAN**  
*Advocate High Court***BC-10-4240**  
**CNIC: 17101-7395544-5**  
**Cell No. 03339390916**



**BEFORE THE HONORABLE, SERVICE TRIBUNAL KHYBER****PAKHTUNKHWA, PESHAWAR****SCANNED  
KPST  
Peshawar****Service Appeal No.1554/2023**

Ex-Constable Yasir Ali No.236

Posted at Barrier Hayat Qalandar District Hangu

.....Appellant

**Versus**The Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar & Others

.....Respondents

**I N D E X**

S, #	Description of documents	Annexed	Pages
1.	Parawise Comments		1-2
2.	Affidavit		3
3.	Copy of Bad Entries	A	4
4.	Copy of FIR and Charge Sheet	B,C	5-7
5.	Copy of Enquiry Report	D,E	8-9
6.	Copy of Order Departmental Appeal	F	10
7.	Copy of authority letter		11



**Deponent**  
**Inspector Legal, Hangu**

18-03-2024  
Per

31 ①

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

**Service Appeal No.1554/2023**

Ex-Constable Yasir Ali No.236

Posted at Barrier Hayat Qalandar District Hangu

.....Appellant

Khyber Pakhtunkhwa  
Service Tribunal

**Versus**

Diary No. 11794

The Provincial Police Officer,

Khyber Pakhtunkhwa, Peshawar & Others

Dated 14-03-24 Respondents

**Parawise Comments on behalf of respondent No.1,2,& 3**

**Respectfully sheweth:-**

Parawise comments are submitted as under.

**Preliminary Objection:-**

1. That the appellant has got no cause of action and no locus standi.
2. That the instant Service Appeal is badly time barred.
3. That the appellant has concealed material facts from this Hon'ble Tribunal.
4. That the appellant has not come to this Hon'ble Tribunal with clean hands.
5. That the instant appeal is bad due mis joinder & non joinder of necessary parties.
6. That the appellant is estopped by his own conduct to file the instant appeal.

**Facts:-**

1. Correct, to the extent of service of appellant. However, the appellant's service record is found unsatisfactory. He remained absent from law full duty without any prior permission. During service appellant proved himself an inefficient Police Official, his service record is full of bad entries (Copy of bad entries enclosed as Annexure-A)
2. Correct, to the extent of posting of the appellant, However during posting he handed over his official SMG to a private person which was recovered from accused Bismillah arrested vide FIR No.1115/22 on account of such misconduct he was proceeded against departmentally. (Copy of FIR Charge Sheet attached as Annexure B,C)
3. Incorrect, and misleading appellant has committed gross misconduct by handing over official SMG rifle to a private person which was recovered from the possession of accused Bismillah arrested vide FIR No.1115 dated 20.10.2022.
4. Incorrect, on account misconduct as explained in the proceeding paras, appellant was proceed against departmentally and served with Charge Sheet. During Enquiry the Charges against him stand proved hence after fulfillment of all codal formalities, he was dismissed from service through speaking order. (Copy of Enquiry report attached as Annexure D,E)
5. The enquiry officer conducted a detailed enquiry against the appellant in accordance with law/rules, however appellant did not defend his position during the enquiry proceeding and personal hearing. During enquiry the appellant was found guilty hence after fulfillment all codal formalities Dismissed from service.
6. Incorrect, proper departmental enquiry was conducted against him, and the allegation stand proves in the departmental inquiry.
7. Incorrect, after proper departmental enquiry in accordance with law/rules, appellant was dismissed from service through speaking order. His departmental appeal was properly examined and rejected by the appellate authority being devoid of merit. (Copy of order as Annexure F)


8. The appellant has got no cause of action to file the instant appeal which is liable to be dismissed being time barred as well as the following grounds.


**GROUND:-**

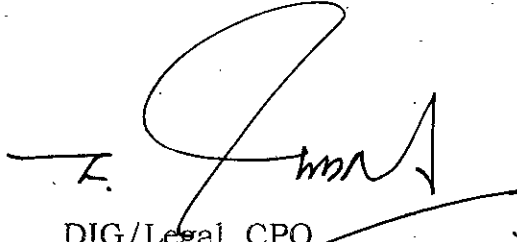
- A. Incorrect, the orders of respondents are quite legal and based on facts. The appellant was treated as per law/rules.
- B. Incorrect, proper departmental enquiry in accordance with law/rules was conducted during which allegation against him stands proved.
- C. Incorrect, As already explained in paras above.
- D. Incorrect. As already explained in paras above. The allegation of handing over official SMG to a private person stands proved during departmental inquiry.
- E. Incorrect, Reply already given vide paras above.
- F. Incorrect and misleading reply already given pervading paras.
- G. Incorrect, the charges against appellant stands proved during departmental inquiry.
- H. Incorrect, the appellant was treated as per law/rules and no discrimination was committed during proceeding inquiry.
- I. The answering respondents also seek permission to advance additional grounds at the time of hearing of instant service appeal.

**Prayer:-**

In view of above, it is prayed that the instant appeal being time barred and without any merit substance, may kindly be dismissed with cost, please.

  
District Police Officer,  
Hangu  
Respondent No.3  
**(NISAR AHMAD) PSP QPM**  
Incumbent

  
Regional Police Officer,  
Kohat, Region Kohat  
Respondent No.2  
**(SHER AKBAR) PSP, S.St**  
Incumbent

  
DIG/Legal, CPO  
For Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.  
(Respondent No.1)  
**(DR. MUHAMMAD AKHTAR ABBAS) PSP**  
Incumbent

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

**Service Appeal No.1554/2023**

Ex-Constable Yasir Ali No.236

Posted at Barrier Hayat Qalandar District Hangu

.....Appellant

**Versus**

The Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar & Others

.....Respondents

**AFFIDAVIT**

I respondent No.3, Mr. Nisar Ahmad PSP QPM District Police Officer Hangu and Respondent, do hereby solemnly affirm on oath and declare that contents of these joint parawise comments on behalf of Respondents No.1 to 3 are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off.

District Police Officer,  
Hangu

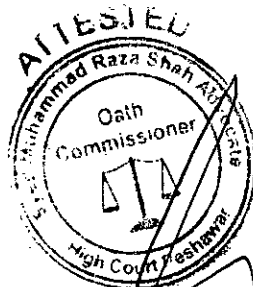
(Respondent No. 3)

**(NISAR AHMAD) PSP QPM**

Incumbent

CNIC # 17301-1980374-1

Cell # 0336-2228282



18 MAR 2024

34 "A"

**DETAIL OF BAD ENTRIES OF EX-CONSTABLE YASIR ALI NO.236**

S. #	CHARGES/WILLFUL ABSENTEE	ABSENTEE PERIOD	PUNISHMENT ORDER
1.	Absented from official duty	One day	Vide OB NO. 768, dt: 07.12.2014 absented period without pay
2.	Absented from official duty	Three days	Vide OB NO. 253, dt: 28:05.2018 absented period without
3.	Absented from official duty	One day	Vide OB NO. 547, dt: 03.11.2011 Fine 100 rupees.

*Alleged  
of his  
Insp./C. Hanger*

فارم نمبر ۱۲-۵ (۱)

ابتدائی اطلاعی رپورٹ

محمد علی  
Handwritten signature

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردستی ۱۵۳ مجموعہ ضابطہ نو جداری

مفتی	ضلع	تاریخ
11/5	20/10	وقت 09:30

تاریخ وقت رپورٹ	20/10 وقت 09:50
پولیس سٹیشن اطلاع دہندہ	مستغنیث اور اس کا کی موبائل فون نمبر
نمبر کیفیت جرم (معدومہ) حال اگر کچھ یا گیا ہو۔	15AA
پتہ ذمہ دار یا صلہ قائمہ سے اور دست	فرد نواز خان ولد محمد عظیم کٹرہ واٹا
پولیس سٹیشن	0337 96921 377
مذکورہ جرم تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو یا وہ توجہ بیان کرو	14/013 044372-9
قاتل سے روانگی کی تاریخ و وقت	در اس وقت میں در اس وقت میں در اس وقت میں

ابتدائی اطلاع نیچے درج کرو۔

سیدت کنشل سرفان ۱۸۶ موصول ہو کر جرم مخفونہ نزلت محرمہ خانہ مہی میگو میں ۲ شوابیل خان ۸۵۳۳

سرفان ۱۸۶ موصول 25/10/22۔ ضرورت آئے 70 در دست نوی لوہن تسانہ اعلیٰ نوی دھڑی کنشل سکیم 877

ز سرفان ۱۸۶ موصول 25/10/22۔ ضرورت آئے 70 در دست نوی لوہن تسانہ اعلیٰ نوی دھڑی کنشل سکیم 877

لوہن تسانہ اعلیٰ نوی دھڑی کنشل سکیم 877

تساہی خان جامعہ تفسیر کے لئے سرفان ۱۸۶ موصول 25/10/22۔ ضرورت آئے 70 در دست نوی لوہن تسانہ اعلیٰ نوی دھڑی کنشل سکیم 877

سرفان ۱۸۶ موصول 25/10/22۔ ضرورت آئے 70 در دست نوی لوہن تسانہ اعلیٰ نوی دھڑی کنشل سکیم 877

سرفان ۱۸۶ موصول 25/10/22۔ ضرورت آئے 70 در دست نوی لوہن تسانہ اعلیٰ نوی دھڑی کنشل سکیم 877

سرفان ۱۸۶ موصول 25/10/22۔ ضرورت آئے 70 در دست نوی لوہن تسانہ اعلیٰ نوی دھڑی کنشل سکیم 877

سرفان ۱۸۶ موصول 25/10/22۔ ضرورت آئے 70 در دست نوی لوہن تسانہ اعلیٰ نوی دھڑی کنشل سکیم 877

Handwritten signature  
20/10/22



36 (A) (6)

SDPO HANGU  
Diary No. 241  
Date 28.10.2022

OFFICE OF THE  
DISTRICT POLICE OFFICER,  
HANGU

Tel No. 0925-623878 & Fax No. 0925-620135  
Email: dpohangu8@gmail.com

### CHARGE SHEET

I, **MR. ASIF BAHADER, PSP, DISTRICT POLICE OFFICER, HANGU**, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you **Constable Yasir Ali No. 236 while posted at Barrier Hayat Qalandar, Hangu** rendered yourself liable to be proceeded against, as you have omitted the following act/omissions within the meaning of Rule 3 of the Police Rules 1975:-

- Alleged  
officer  
MSP Hangu*
- i. **During search & strike operation, the local police of P.S City Hangu have taken into custody a govt. SMG bearing No HA1328 with 3 spare charges having 90 rounds of 7.62 bore from the possession of accused Bismillah @ Zartaj s/o Rizwan Ullah accompanied by other accused arrested on the spot. As such, a proper case vide FIR No. 1115, dated 20.10.2022 u/s 15AA has been registered against the accused in P.S City Hangu.**
  - ii. **As per statement of the accused, you Constable Yasir Ali No. 236 while posted at Barrier Hayat Qalandar, Hangu as a friend you have handed over the said govt. SMG to him.**
  - iii. **Whereas, when you were informed immediately rushed to P.S City and requested the SHO to return the same to you.**
  - iv. **Reportedly, you have hired a house on rent at Muslim Abad Hangu for using drugs etc with your friends i.e. accused Bismillah, Qaiser Abbas, Ibrahim & Wakeel etc vide DD No. 15, dated 20.10.2022 P.S City, Hangu.**
  - v. **You being a member of disciplined force had acted indisciplinarily manner and criminal gross misconduct on your part which cannot be ignored.**

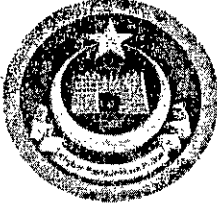
2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.

3. You are, therefore, required to submit your written statement within 07 days of the receipt of this Charge Sheet to the enquiry officer.

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

4. A statement of allegation is enclosed.

*[Signature]*  
DISTRICT POLICE OFFICER,  
HANGU



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OFFICE OF THE  
DISTRICT POLICE OFFICER,  
HANGU

Tel No. 0925-623878 & Fax No. 0925-620135  
Email: dpohangu8@gmail.com

**DISCIPLINARY ACTION**

I, **MR. ASIF BAHADER, PSP, DISTRICT POLICE OFFICER, HANGU**, as competent authority, am of the opinion that you, **Constable Yasir Ali No. 236** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

- i. During search & strike operation, the local police of P.S City Hangu have taken into custody a govt. SMG bearing No HA1328 with 3 spare charges having 90 rounds of 7.62 bore from the possession of accused Bismillah @ Zartaj s/o Rizwan Ullah accompanied by other accused arrested on the spot. As such a proper case vide FIR No. 1115, dated 20.10.2022 u/s 15AA has been registered against the accused in P.S City Hangu.
- ii. As per statement of the accused, you Constable Yasir Ali No. 236 while posted at Barrier Hayat Qalandar, Hangu as a friend you have handed over the said govt. SMG to him.
- iii. Whereas, when you were informed immediately rushed to P.S City and requested the SHO to return the same to you.
- iv. Reportedly, you have hired a house on rent at Muslim Abad Hangu for using drugs etc with your friends i.e. accused Bismillah, Qaiser Abbas, Ibrahim & Wakeel etc vide DD No. 15, dated 20.10.2022 P.S City, Hangu.
- v. You being a member of disciplined force had acted in discipline manner and criminal gross misconduct on your part which cannot be ignored.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations DSP city is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

  
DISTRICT POLICE OFFICER,  
HANGU

No. 111 /EC, dated 24 / 10 /2022.

Copy of above to:-

1. \_\_\_\_\_ :- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
2. The **Accused official**:- with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the purpose of enquiry proceedings.



انکوائری برخلاف کنشیل یاسر علی نمبر متعینہ بیر حیات قلندر گنجانو کلے ہنگو۔

جناب عالی!

بحوالہ چارج شیٹ نمبری 141/EC مورخہ 24.10.2022 دفتر جناب DPO صاحب ہنگو، انکوائری برخلاف کنشیل یاسر علی متعینہ بیر حیات قلندر معروض خدمت ہوں کہ چارج شیٹ ہذا میں مذکورہ کنشیل پر ذیل الزامات لگائے گئے ہیں۔

**الزامات:-**

i. تھانہ ٹی، ہنگو کے سرچ اینڈ سٹرائیک آپریشن کے دوران لوکل پولیس نے بسم اللہ نامی شخص کو مع ایک اور ساتھی گرفتار کیا۔ جس کے قبضہ سے ایک عدد کلاشنکوف نمبری HA 1328 بمعہ 03 عدد سپر میگنیزین اور 90 عدد کارتوس 7.62 بور برآمد کر کے قبضہ پولیس کئے گئے۔ جس کے بعد ملزم کے خلاف مقدمہ عدالت 1115 مورخہ 20.10.2022 جرم 15AA تھانہ ٹی، ہنگو میں درج رجسٹر کی گئی ہے۔

ii. ملزم کے بیان کے مطابق آپ کنشیل یاسر علی نمبر 236 نے اپنے دوست ملزم کو اپنا سرکاری کلاشنکوف حوالہ کیا تھا۔

iii. جیسے ہی آپ کو پتہ چلا آپ فوراً تھانہ ٹی پہنچے اور SHO کو مذکورہ SMG حوالہ کرنے کی درخواست کی۔

iv. بحوالہ رپورٹ مد 15 روز نامچہ 20.10.2022 تھانہ ٹی، ہنگو آپ نے حملہ مسلم آباد میں میں ایک کرایہ کا مکان لیا ہوا ہے۔ جہاں پر آپ اپنے دیگر دوستوں جن میں ملزم بسم اللہ، ابراہیم، وکیل اور قیصر عباس وغیرہ کے ساتھ منشیات نوشی وغیرہ کرتے رہتے ہیں۔

v. آپ نے کشتیت ممبر پولیس فورس ہوتے ہوئے ایک غیر ڈسپلن حرکت کی ہے۔ جیسے نظر انداز نہیں کیا جاسکتا ہے۔

**انکوائری پراسس:-**

اس سلسلے میں کنشیل یاسر علی نمبر 236 نے حسب طلبی دفتر ہذا آ کر اپنا تحریری بیان پیش کیا جو لف برائے ملاحظہ ہے۔

انچارج کورٹ منزل شاہ HC کو دفتر ہذا طلب کر کے جس نے اپنا تحریری بیان پیش کیا جو لف ہذا ہے۔

آرمر رلائن نجی بادشاہ کو دفتر ہذا طلب کر کے جس نے اپنا تحریری بیان پیش کیا جو لف برائے ملاحظہ ہے۔

**کنشیل یاسر علی نمبر 236:-**

نے بیان کیا کہ 09.10.2022 کو وہ اپنی ڈیوٹی ختم کر کے اپنے رہائشی کوارٹر واقع مسلم آباد میں موجود تھا کہ گھر سے میرے اکلوتے بیٹے کی بیماری کے متعلق اطلاع موصول ہوئی۔ جس کے بعد با امر مجبوری سرکاری اسلحہ اپنے بکس میں بند کر کے گھر چلا گیا۔ اور بیٹے کا علاج معالج ڈاکٹر مصطفیٰ علی سے کروا کر رنج آنے پر پتہ چلا کہ اس کا سرکاری رائل فل اجازت کے بغیر اسکے دوست بسم اللہ جس کا اسکے کرایہ کے کوارٹر میں آنا جانا ہے اپنے ساتھ گھر لے گیا۔ SHO صاحب نے بدوران چھاپہ گرفتار کر کے جسکے خلاف اسکے ذاتی پستول پر مقدمہ درج کیا گیا ہے۔ بعد میں SHO صاحب نے سرکاری رائل فل حوالہ کیا جس کے ساتھ پولیو ڈیوٹی بھی کی ہے۔

پرائیویٹ شخص بوجہ مجبوری رکھی تھی۔ کیونکہ پولیس لائن اور تھانہ سٹی کافی دور ہے۔ چونکہ اس کی ڈیوٹی گنجانو کلے بیر بیر پر ہوتی ہے۔ اور ڈیوٹی ختم ہونے کے بعد وہاں کوئی بھی رہائش نہیں ہے۔ وہ نہ خود کسی قسم کا نشہ کرتا ہے اور نہ ہی کرایہ کے کوارٹر میں کوئی منشیات کے عادی شخص کو چھوڑتا ہوں۔ بوجہ بیٹے کی بیماری اپنا سرکاری رائل فل کوارٹر میں چھوڑ کر گیا تھا۔ دیگر ابراہیم اور وکیل نامی شخص کو نہ تو وہ جانتا ہے اور نہ ہی اسکے ساتھ کوئی تعلق ہے۔

**منزل شاہ HC انچارج کورٹ:-**

نے بیان کیا کہ کنشیل یاسر علی نمبر 236 پر کورٹ پولیس لائن سے مورخہ 11.07.2018 کو ایک ضرب رائل فل SMG فولڈنگ نمبر HA 1328 بمعہ 03 عدد میگنیزین 90 عدد روٹا اور ایک عدد بلٹ پروف جیکٹ درست طور پر برطابق شاک رجسٹر تقسیم شدہ ہے۔ دستخط اور انگوٹھا بطور ثبوت ثبت ہے۔ علاوہ ازیں متذکرہ رائل فل SMG وایونیشن کا ملاحظہ معائنہ مورخہ 12.04.2019 اور 25.08.2021 کو آرمر نے کر کے ریکارڈ رجسٹر کورٹ موجود ہے۔ مذکورہ کنشیل قلندر بیر کل گارد میں اپنی ڈیوٹی سرانجام دے رہا ہے۔

**نجی بادشاہ آرمر رلائن:-**

نے بیان کیا کہ مورخہ 20.10.2022 کو حسب طلبی SHO صاحب تھانہ ٹی جا کر ایک ضرب رائل فل SMG فولڈنگ نمبر HA 1328 مع 02 عدد

میگزین 29 روند 7.62 بور کا ملاحظہ کر کے جو کے بمطابق ریکارڈ پولیس لائن کوٹ سے کنسٹیبل یاسر علی 236 پر مورخہ 11.07.2018 کو تقسیم شدہ ہے۔ معائنہ پر تصدیق ہوا کہ یہ سرکاری رائل ہے۔ جو کہ مذکورہ کنسٹیبل پر بمطابق ریکارڈ تقسیم شدہ ہے۔ 29 عدد روند کا ملاحظہ کرنے پر 22 عدد روند دیسی ساخت کے پائے گئے۔ جبکہ بقایا 60 عدد روند فارن میڈ پائے گئے۔ جبکہ گیس سلینڈر ٹیوب بھی دیسی ساخت کا پایا گیا۔

### اصل حقائق:-

#### جناب والد!

لگائے گئے الزامات میں حسب ضابطہ انکوائری شروع کر کے کنسٹیبل یاسر علی کو دفتر ہذا طلب کر کے ان سے لگائے گئے الزامات کے متعلق تحریری بیان لیا گیا۔ انکوائری ہذا میں مزید حقائق معلوم کرنے کی خاطر مذکورہ کنسٹیبل پر کراس سوالات بھی کئے گئے۔ قصور وار کنسٹیبل نے اپنے بیان میں واضح کیا کہ وقوعہ کے روز اسکی بیٹی کی طبیعت خراب ہونے کی وجہ سے وہ کوارٹر میں موجود اپنے بکس میں کلاشنکوف رکھ کر چلا گیا تھا۔ جو کہ اسکے دوست بسم اللہ نے وہاں سے اٹھا کر اپنے ساتھ گھر لے گیا تھا۔ جہاں پر SHO صاحب نے سرچ اینڈ سٹرائیک آپریشن کے دوران ریکور کیا۔ پرائیویٹ کوارٹر کے متعلق ظاہر کیا کہ چونکہ پولیس لائن اور تھانہ سٹی اسکی جائے تعیناتی سے کافی فاصلے پر ہیں بدیں وجہ اس نے اپنا رہائشی پرائیویٹ کوارٹر کرایہ پر لے رکھا تھا۔

مزید حقائق معلوم کرنے کی خاطر انچارج کوٹ منزل HC اور آرمر لائن سٹی کو بھی دفتر ہذا طلب کر کے جن کے تحریری بیانات بھی لئے گئے۔ دونوں نے اس بات کی تصدیق کی کہ مذکورہ رائل نمبری HA 1328 مع 03 عدد میگزین اور 90 عدد روند بمطابق سٹاک رجسٹر کنسٹیبل یاسر علی پر درست طور پر تقسیم شدہ ہے۔

علاوہ ازیں کنسٹیبل مذکورہ کے بابت خفیہ پتہ براری کرنے پر معلوم ہوا کہ کنسٹیبل مذکورہ آئیس وغیرہ کا نشہ کرنے کا عادی ہے۔ اور اس کے ساتھ پرائیویٹ کوارٹر میں آنے جانے والے افراد بھی آئیس وغیرہ کا نشہ کرنے کے عادی ہیں۔ نشہ کر کے رات کے وقت گروپ کی شکل میں آوارہ گھومتے پھرتے ہیں۔ اور علاقہ میں غیر ضروری ہوائی فائرنگ کرتے ہیں۔ موقع پر ایک پرائیویٹ شخص کے ساتھ سرکاری اسلحہ اور 29 عدد کارتوس اسی بات کی عکاسی کرتا ہے کہ یہ گروپ کی شکل میں حقیقتاً پھرتے ہیں اور ہوائی فائرنگ کرتے ہیں۔

#### علیحدہ:-

بالا لکھی انکوائری اور لئے گئے بیانات سے من انکوائری آفیسر اس نتیجے پر پہنچا ہوں کہ قصور وار کنسٹیبل نے افسران بالا صاحبان کے واضح ہدایات بابت پرائیویٹ کوارٹر نہ رکھنے کے باوجود پرائیویٹ کوارٹر کرایہ پر لے رکھا ہے۔ جہاں پر پرائیویٹ لوگوں کا آنا جانا ہے اور ساتھ ہی ساتھ منشیات بینی بھی کی جاتی رہی ہے۔ جو کہ قصور وار کنسٹیبل نے خود کراس سوالات میں اپنے اور دوست بسم اللہ کے چرس بینی کے متعلق تسلیم کیا ہے۔ جبکہ من انکوائری آفیسر کے علم میں یہ بات بھی آئی ہے کہ قصور وار کنسٹیبل چرس کے ساتھ ساتھ آئیس کا نشہ بھی کرتا ہے۔ اور نشہ میں مخمور ہو کر غیر قانونی حرکات سے بھی گریز نہیں کرتے ہیں۔

جہاں تک کلاشنکوف پرائیویٹ شخص کو دینے کا تعلق ہے قصور وار کنسٹیبل نے ایک جرائم پیشہ پرائیویٹ شخص کو اپنا سرکاری اسلحہ و ایمونیشن حوالہ کیا ہے جو کہ کسی بھی جرم میں آسانی سے استعمال ہو سکتا ہے۔ قصور وار کنسٹیبل نے ایک غیر ڈسپلن حرکت کرنے کے ساتھ ساتھ ایک مجرمانہ حرکت بھی کی ہے۔ جو کہ کسی بھی صورت قابل معافی نہیں ہے۔ مذکورہ کنسٹیبل کا یہ فعل بحیثیت ممبر ڈسپلن فورس گراس مس کنڈکٹ (Gross Misconduct) کے زمرے میں آتا ہے۔ قصور وار کنسٹیبل محکمہ پولیس کے لئے ناسور اور بدنامی داغ ہے۔ لہذا قصور وار کنسٹیبل کو Major Punishment دینے کی سفارش کی جاتی ہے۔

سب ڈویژنل پولیس آفیسر ہنگو  
E/O

Attested  
Am  
Inspector L. Hanga.

F (10) 40

ORDER.

This order will dispose of the departmental appeal preferred by **Ex-Constable Yasir Ali No. 236** of district Hangu against the order of District Police Officer, Hangu whereby he was awarded major penalty of dismissal from service vide OB No. 43, dated 24.01.2023. Brief facts of the case are that during search and strike operation, the local Police of PS City Hangu seized an SMG No. HA-1328 alongwith 03 spare charges having 90 rounds of 7.62 bore from the possession of accused Bismillah @ Zartaj s/o Rizwan Ullah accompanied by other accused. A case vide FIR No. 1115, dated 20.10.2022 u/s 15-AA was registered against the accused in PS City Hangu. During the course of investigation, the accused disclosed that the appellant, while posted at Barrier Hayat Qalandar, Hangu handed over the said SMG to him, being his friend. When the appellant was informed, he immediately rushed to the PS and requested SHO to return the same. Reportedly, he had also hired a house on rent at Muslim Abad Hangu for using drugs etc with his friends i.e. accused Bismillah, Qaiser Abbas, Ibrahim & Wakcel etc vide DD.No. 15, dated 20.10.2022 PS City Hangu.

Proper departmental enquiry proceedings were initiated against him and SDPO City Hangu was nominated as Enquiry Officer. The Enquiry Officer after fulfillment of codal formalities submitted enquiry findings wherein he stated that the appellant being a member of disciplined force, handed over his official weapon to accused that could be easily used in any criminal activity. He further pointed out that the defaulter is also addicted to narcotics i.e. Chars & Ice. He was, therefore, recommended for major penalty under the relevant rules.

The appellant was called in Orderly Room held on 25.11.2012 by the District Police Officer, Hangu where he did not advance any plausible explanation in his defense. Consequently, a Final Show Cause Notice was issued to him vide DPO, Hangu office No. 329/EC, dated 30.11.2022. His reply was received and found unsatisfactory.

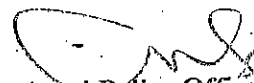
Keeping in view recommendations of the Enquiry Officer and the above cited circumstances, the defaulter official was awarded major punishment of dismissal from service under the relevant rules by the District Police Officer, Hangu vide OB No. 43 dated 24.01.2023.

Feeling aggrieved from the order of District Police Officer, Hangu, the appellant preferred the instant appeal. On 23.05.2023 he was summoned and heard in person in Orderly Room held in the office of the undersigned. During personal hearing the appellant did not advance any plausible explanation in his defense.

Keeping in view the above, I, **Sher Akbar, PSP, S.St, Regional Police Officer, Kohat**, being the appellate authority, do not see any illegality in the impugned order passed by DPO Hangu and there is no need for interference. Hence, appeal of Ex-Constable Yasir Ali No. 236 is hereby **rejected**, being without substance and merit.

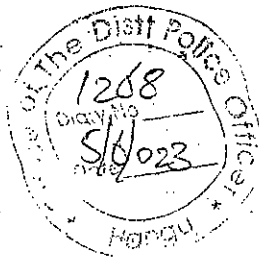
Order Announced

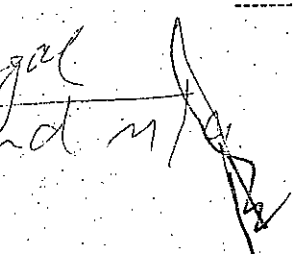
*Alleged  
DPO  
MSP-C Hangu*

  
Regional Police Officer,  
Kohat Region

No. 589 /EC, Dated Kohat the 29 /05 /2023

Copy forwarded to District Police Officer, Hangu for information and necessary w/r to his office Memo: No. 2502/LB, dated 09.05.2023. His Service Record is returned herewith.



*CHC/EC/legal*  
*inf and m/a*  
  
District Police Officer  
Hangu. 05/5

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(11)

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

**Service Appeal No.1554/2023**

Ex-Constable Yasir Ali No.236

Posted at Barrier Hayat Qalandar District Hangu

.....Appellant


**Versus**


The Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar & Others

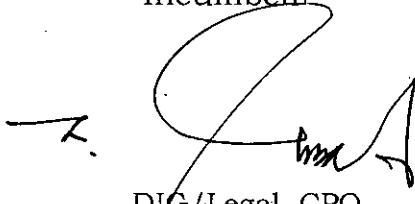
.....Respondents

**AUTHORITY LETTER**

Mr. Shoukat Hayat DSP HQrs, (BPS-17) Hangu is hereby authorized/nominated to submit para-wise comments/reply in the instant service appeal in the Hon'ble Khyber Pakhtunkhwa Service Tribunal Peshawar and also to defend instant service appeal on behalf of Respondent's No.1 to 3.

  
District Police Officer,  
Hangu  
(Respondent No. 3)  
**(NISAR AHMAD) PSP QPM**  
Incumbent

  
Regional Police Officer, Kohat  
Kohat Region Kohat  
(Respondent No. 2)  
**(SHER AKBAR) PSP S.St**  
Incumbent

  
DIG/Legal, CPO  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.  
(Respondent No.1)  
**(DR. MUHAMMAD AKHTAR ABBAS)**  
Incumbent