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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

EXECUTION NO

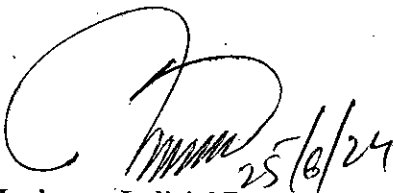
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Tariq Aziz vs Police

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Muharrir Compilation


25/6/24
Incharge Judicial Branch

(Handwritten initials)

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either pay the said allowance to all the eligible employees or none. The matter be decided within a period of three months; positively.

Chief Justice

Judge

~~DECLARED TO BE TRUE COPY~~

Examiner
Peshawar High Court, Peshawar
Authorized under Article 87 of
the Constitution of Pakistan Order 1984

23 JUN 2020

No. 39544
 Date of Presentation of Application 23/6/2020
 No of Pages 24 - 134
 Copying fee 286
 Total 286
 Date of Preparation of Copy 23/6/2020
 Date of Delivery of copy 23/6/2020
 Received by [Signature]

(Handwritten signature)

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**
MUHAMMAD AKBAR KHAN ... MEMBER (Executive)

Service Appeal No.1670/2023

Date of presentation of Appeal.....17.08.2023
Date of Hearing.....14.05.2024
Date of Decision.....14.05.2024

Tariq Aziz S/O Zubair Khan Ex-Constable No.4886 R/o Subhan Shah Baba, Lund Khowar Tehsili Takht Bahai District Mardan
.....(**Appellant**)

Versus

1. **Commandant Elite Force Khyber Pakhtunkhwa, Peshawar.**
2. **Deputy Commandant Elite Force, Khyber Pakhtunkhwa, Peshawar.....(Respondents)**

Present:

Mr. Kabir Ullah Khattak, AdvocateFor the appellant
Mr. Muhammad Jan, District Attorney.....For respondents

.....

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 THE IMPUGNED ORDER DATED 03.05.2023 WHEREBY MAJOR PENALTY OF DISMISSAL FROM SERVICE WAS IMPOSED TO THE APPELLANT AGAINST WHICH THE APPELLANT FILED DEPARTMENTAL APPEAL ON 16.05.2023 WHICH HAS NOT BEEN DECIDED WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

JUDGMENT

KALIM ARSHAD KHAN, CHAIRMAN: Brief facts of the case, as enumerated in the memo and grounds of appeal are that appellant was appointed as Constable in the Police Department; that on the basis of allegations, he was dismissed from service on 03.05.2023; that feeling aggrieved, he filed departmental appeal on 16.05.2023,

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which was not responded within statutory period of ninety days, hence, the instant service appeal.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

4. We have heard learned counsel for the appellant and learned District Attorney for respondents.

5. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned District Attorney controverted the same by supporting the impugned order(s).

6. The appellant was dismissed from service vide order dated 03.05.2023 on the allegations leveled by the competent authority.

The allegations are as follows:

"i. He alleged that nature of explosion in CTD Police Lines, Kabat District Swat was fabricated by officers/officials.

ii. He also stated that facts were tarnished and twisted as there is no electricity in Armoury/Kot.

iii. He stated about the treatment meted out to constabulary and alleged this disbursement of national consensus amount was not appropriate as given the government/department.

iv. He stated that rights of constabulary are forfeited by senior command without any material facts and putting same before your chain of command."



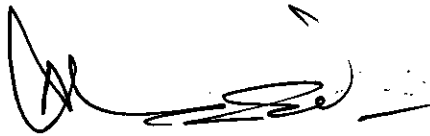
7. Before issuance of the impugned dismissal order, charge sheet/statement of allegations were issued to the appellant. The

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appellant was proceeded against departmentally on the basis of the said allegations. However, codal formalities have not been fulfilled before issuance of the impugned order. Show cause notice was mandatory, but the same was not issued to the appellant and he was dismissed from service without giving him opportunity of defense.

8. We, therefore, consider it necessary to remit the matter to the respondents to issue show cause notice and provide him opportunity of hearing and then pass appropriate order. Costs shall follow the event. Consign.

9. Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 14th day of May, 2024.



KALIM ARSHAD KHAN
Chairman



MUHAMMAD AKBAR KHAN
Member (Executive)

Mutazem Shah

SCANNED
KPST
Peshawar

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22.04.2024 1. Learned counsel for the appellant present. Mr. Arshad Azam learned Assistant Advocate General alongwith Niaz Muhammad, DSP for the respondents present.

2. Representative of respondent is directed to produce entire record of inquiry proceeding in respect of appellant on the next date positively. Adjourned. To come up for record and arguments on 14.05.2024 before D.B. P.P given to parties.

SCANNED
KPST
Peshawar

(Fareeha Paul)
Member (E)

(Rashida Bano)
Member (J)

Kaleemullah

S.A #.1670/2023
ORDER

14th May. 2024 1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Vide our consolidated judgment of today placed on file, we consider it necessary to remit the matter to the respondents to issue show cause notice and provide him opportunity of hearing and then pass appropriate order. Costs shall follow the event. Consign.

3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 14th day of May, 2024.*

(Muhammad Akbar Khan)
Member (E)

(Kalim Arshad Khan)
Chairman

Mutazem Shah

SCANNED
KPST
Peshawar


22nd Feb, 2024


1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. These cases involve question of grant of retrospective effect to the impugned orders. Most of these cases are pending since 2018, therefore, the learned counsel were requested to give a date of their own choice, so that a last chance be given to all of the parties and their counsel to argue these appeals on the said date of their choice. The learned counsel, after consultation with each other, agreed that matters may be fixed for 22.04.2024. Adjourned accordingly to the above date, the date is given on their own choice with the observation that no further adjournment will be granted on any ground and in case any of the learned counsel could not argue, the other counsel would argue and the cases would be decided forthwith. And in case again further adjournment is sought, all the matters shall be deemed to have been adjourned sine-die. In that eventuality, the counsel or parties whenever desirous to argue may make an application for restoration of the appeals to get those argued and decided. P.P given to the parties.

SCANNED
M. ST
Peshawar

Adnan Shah


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

SA 1670/23


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19th Dec. 2023

01. Counsel for the appellant present. Mr. Asif Masood Ali Shah, DDA alongwith Niaz Muhammad, DSP (Legal) for the respondents present.

02. Reply/comments on behalf of the respondents received through office which is available on file and a copy whereof is handed over to counsel for the appellant. To come up for rejoinder, if any, and arguments on 22.02.2024 before the D.B. Parcha Peshi given to the parties. .

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Peshawar


(FAREEHA PAUL)
Member (E)

Fazle Subhan, P.S

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05th Oct. 2023

01. Counsel for the appellant present. Mr. Asad Ali Khan, Astd. AG alongwith Mukhtiar Ali, H.C for the respondents present.

02. Reply/comments on behalf of the respondents not submitted. Representative of the respondents requested for time. Granted. To come up for reply/comments on 14.11.2023 before the S.B. PP given to the parties.

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Peshawar

Fazle Subhan, PS


(FAREEHA PAUL)
Member (E)


14th Nov. 2023

1. Junior to counsel for the appellant and Mr. Habib Anwar, Additional Advocate General alongwith Mr. Niaz Ahmad DSP (Legal) for respondents present.

2. Reply on behalf of respondents is still awaited. Representative of respondents requested for time to submit reply/comments. Granted by way of last chance. To come up for reply/comments on 19.12.2023 before S.B. P.P given to the parties.

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Mutazem Shah


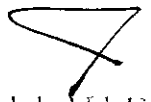

(Kalim Arshad Khan)
Chairman

FORM OF ORDER SHEET

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Court of _____

Appeal No. 1670/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/08/2023	<p>The appeal of Mr. Tariq Aziz is presented today by Mr. Kabir Ullah Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p style="text-align: right;">By the order of Chairman</p>  REGISTRAR
	21.08.2023	<p>Learned counsel for the appellant present. Preliminary arguments heard.</p> <p>Points raised need consideration, therefore, the appeal in hand is admitted to regular hearing subject to all legal and valid objections. The appellant is directed to deposit security fee within 10 days. Respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days. To come up for submission of written reply/comments on 05.10.2023 before the S.B. Parcha Peshi given to learned counsel for the appellant.</p> <p style="text-align: right;">  (Salah-Ud-Din) Member (J) </p>

SCANNED
KPST
Peshawar

SCANNED
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Peshawar


BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECKLIST

Case Title: TARIQ AZIZ vs 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?		
	Whether affidavit is duly attested by competent oath commissioner?		
	Whether appeal/annexures are properly paged?		✓
7.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
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 A.G/D.A.G?		
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 cuttings/overwriting?	✓	
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: Rozde Khan

Signature: 

Dated: 17-8-23

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

Appeal No. 1670 of 2023

**SCANNED
KPST
Peshawar**

Tariq Aziz S/o Zubair Khan Ex Constable No. 4886 R/o
Subhan Shah Baba, Lund Khovar Tehsil Takht Bhai
District Mardan.

..... Appellant

VERSUS

1. Commandant Elite Force Khyber Pakhtunkhwa Peshawar.
2. Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar.

..... Respondents

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5.	Copy of Departmental Appeal	B	(9)
6.	Copy of order dated 10.03.2023	C	10
8.	Wakalat Nama		


Appellant

Through


Kabir Ullah Khattak


&
Noeda Khan

Advocates, High Court, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Khyber Pakhtunkhwa Service Tribunal

Appeal No. 1670 of 2023

Diary No. 7077

Dated 17/8/2023

Tariq Aziz S/o Zubair Khan Ex Constable No. 4886 R/o Subhan Shah Baba, Lund Khovar Tehsil Takht Bhai District Mardan.

..... Appellant

VERSUS

- 1. Commandant Elite Force Khyber Pakhtunkhwa Peshawar.
- 2. Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar.

..... Respondents

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER DATED 03/05/2023 WHEREBY MAJOR PENALTY OF DISMISSAL FROM SERVICE WAS IMPOSED TO THE APPELLANT AGAINST WHICH THE APPELLANT FILED DEPARTMENTAL APPEAL ON 16-05-2023 WHICH HAS NOT BEEN DECIDED WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

Prayer:

By acceptance of this appeal the impugned order dated 03.05.2023 may kindly be set aside and the appellant may kindly be reinstated on his service along with all back benefits.

Filed to-day
Registrar
17/8/23

(2)

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Any other remedy which this august tribunal deems fit that may also be onward granted in favor of appellant.

Respectfully Sheweth:

FACTS

The appellant respectfully submits as under:

- 1) That the appellant has been appointed as Constable with respondent department since long time.
- 2) That after appointment the appellant performed his duty regularly with full devotion and hard work and no complaint whatsoever has been made against the appellant.
- 3) That while performing his official duty with respondent Department the impugned order has been issued against the appellant whereby the appellant has been dismissed from service on 03.05.2023 on the ground of alleged allegations. (Copy of impugned order is attached as Annexure-A).
- 4) That the appellant submitted Departmental Appeal on 16.05.2023 against the impugned order dated 03.05.2023 which has not been decided within the statutory period of ninety days. (Copy of Departmental Appeal is attached as Annexure B).

(3)

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- 5) That feeling aggrieved the appellant submitted the instant Service Appeal before this Hon' able Tribunal inter alia on the following grounds.

GROUND

- A). That the impugned orders dated 03/05/2023 is void ab initio orders because it has been passed without fulfilling the codal formalities.
- B). That no regular inquiry has been conducted by the respondent Department and no chance of personal hearing has been provided to the appellant in this respect the appellant relied upon the Judgment dated 2008 Page SCMR 1369.
- C) That discrimination has been committed by the respondent department as such one of the other colleague of the appellant has been dismissed on the basis of similar nature alleged allegations who has been reinstated departmentally by the respondent department on 10.03.2023. (Copy of order dated 10.03.2023 is attached as Annexure-C).
- D) That no show cause notice has been issued to the appellant by the respondent Department.
- E) That it well settled principal of law no one can be condemn unheard because it is against the natural justice of law and this respect the

(4)

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appellant relied upon the Judgment reported on 2008 SCMR Page 678.

F). That no statement of witness has been recorded and no opportunity of cross examination has been provided to the appellant.

G) That there is no prove and evidence regarding the alleged allegations mention in the impugned order dated 03.05.2023.

H) Any other grounds will be raised at the time of arguments with prior permission of this Hon' able Tribunal.

It is therefore most humbly prayed on acceptance of this appeal the impugned order dated 03.05.2023 may kindly be set aside and the appellant may kindly be reinstated on his service along with all back benefits.

Any other remedy which this august tribunal deems fit that may also onward granted in favor of appellant.

طرقا
Appellant

Through

Kabir Ullah Khattak

&
Roeda Khan

Advocates, High Court, Peshawar

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

Appeal No. _____ of 2023

Tariq Aziz S/o Zubair Khan Ex Constable No. 4886 R/o
Subhan Shah Baba, Lund Khowar Tehsil Takht Bhai
District Mardan.

..... Appellant

VERSUS

1. Commandant Elite Force Khyber Pakhtunkhwa
Peshawar.
2. Deputy Commandant Elite Force Khyber
Pakhtunkhwa Peshawar.

..... Respondents

ADDRESSES OF THE PARTIES

Appellant

Tariq Aziz S/o Zubair Khan Ex Constable No. 4886 R/o
Subhan Shah Baba, Lund Khowar Tehsil Takht Bhai District
Mardan.

Respondents

1. Commandant Elite Force Khyber Pakhtunkhwa
Peshawar.
2. Deputy Commandant Elite Force Khyber
Pakhtunkhwa Peshawar.


Appellant

Through


Kabir Ullah Khattak

&

Roeda Khan

Advocates, High Court, Peshawar

(61)

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

Appeal No. _____ of 2023

Tariq Aziz S/o-Zubair Khan Ex Constable No. 4886 R/o
Subhan Shah Baba, Lund Khovar Tehsil Takht Bhai
District Mardan.

..... Appellant

VERSUS

1. Commandant Elite Force Khyber Pakhtunkhwa
Peshawar.
2. Deputy Commandant Elite Force Khyber
Pakhtunkhwa Peshawar.

..... Respondents

AFFIDAVIT

I, Tariq Aziz S/o Zubair Khan Ex Constable No. 4886 R/o
Subhan Shah Baba, Lund Khovar Tehsil Takht Bhai District
Mardan do hereby solemnly affirm and declare on oath that
the content of the above application are true and correct to
the best of my knowledge and belief and nothing has been
kept secret and concealed from this Hon'ble Tribunal.


DEPONENT



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(17)

Office of the Deputy Commander /
Elite Force Khyber Pakhtunkhwa Peshawar

No. 5822-29/EF

Dated 03.05.2023

ORDER

This order will dispose of Departmental proceedings against constable Tariq Aziz No. 4886, Platoon No. 57 of Elite Force who was issued charge sheet together with summary of allegations therein the following charges were frame.

- i. He alleged that nature of explosion in CTD Police Lines, Kabal District Swat was fabricated by officers/officials.
- ii. He also stated that facts were tarnished and twisted as there is no electricity in Armoury/Kot.
- iii. He stated about the treatment meted out to constabulary and alleged this disbursement of national census amount was not appropriate as given the government/department.
- iv. He stated that rights of constabulary and forfeited by the senior commenced without about any material facts and putting same before your chain of command.

Mr. Abdul Samad Khan Deputy Commandant FRP Peshawar was appointed as Enquiry officer to conduct proper departmental inquiry into the charges. He after conducting inquiry recommended the accused constable for awarding major punishment under Police Rules 1975.

All the relevant record was thoroughly examined and the accused constable was also heard in person. The accused constable failed to advance any plausible grounds supports of this defense. As such the undersigned being competent authority have decide the major punishment in view of aforesaid serious nature of allegation. Therefore, Constable Tariq Aziz No. 4886 is found guilty of the charges hence awarded him major punishment of "DISMISSAL" from service under the Police Disciplinary Rules 1975.

(IRFAN TARIQ) PS
Deputy Commandant
Peshawar

Copy of the above is forwarded to the:-

1. District Police Officer, Mardan for information.
2. Deputy Commandant RRF Khyber Pakhtunkhwa, Peshawar.
3. Superintendent of Police, Elite Force Malakand Region.
4. Account, Elite Force Khyber Pakhtunkhwa Peshawar.
5. Incharge Kot/OASI/SRC, Elite Force Khyber Pakhtunkhwa Peshawar.
6. FMC, Elite Force along with complete enquiry files Enls: (28) pages.

(A) (8)

(18)

Office of the Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar

No. 582-24 /EF

Date: 03/10/2023

ORDER

This order will dispose of the departmental proceedings against Constable Tariq Aziz No. 4886, Platoon No. 57 of Elite Force who was issued charge sheet together with Summary of Allegations wherein the following charges were framed:-

- i. He alleged that nature of explosion in CTD Police Lines, Kabal District Swat was fabricated by officers/officials.
- ii. He also stated that facts were tarnished and twisted as there is no electricity in Armoury/Kot.
- iii. He stated about the treatment meted out to constabulary and alleged that the disbursement of national census amount was not appropriate as given to the government/department.
- iv. He stated that rights of constabulary are forfeited by the senior command without any material facts and putting same before your chain of command.

Mr. Abdul Samad Khan Deputy-Commandant RRF Peshawar was appointed as Enquiry officer to conduct proper departmental enquiry into the charges. He after conducting enquiry recommended the accused constable for awarding major punishment under Police Rule 1975.

All the relevant record was thoroughly examined and the accused constable was also heard in person. The accused constable failed to advance any plausible grounds in support of his defense. As such the undersigned being competent authority have decided to impose major penalty in view of aforesaid serious nature of allegation. Therefore, Constable Tariq Aziz No. 4886 is found guilty of the charges hence awarded him the major punishment of "DISMISSAL" from service under the Police Disciplinary Rules 1975.

(IRFAN TARIQ)PSI
Deputy Commandant
Elite Force Khyber Pakhtunkhwa
Peshawar.

Copy of the above is forwarded to the:-

1. District Police Officer, Mardan for information.
2. Deputy Commandant RRF Khyber Pakhtunkhwa Peshawar.
3. Superintendent of Police, Elite Force Malakand Region.
4. Accountant, Elite Force Khyber Pakhtunkhwa Peshawar.
5. Incharge Kot / OASI / SRC, Elite Force Khyber Pakhtunkhwa Peshawar.

EMC Elite Force along with complete enquiry file Enls: (28) pages.

ATTESTED

رحمہ پبلی بنار کمانڈنٹ ایلیٹ فورس KPK پولیس

ہائیٹی!

صبر و صبر سے ہونے والی سائل ایلیٹ فورس بلاٹون 57 لوٹر ڈیڑھ میں بطور
 کٹیل ڈیوٹی انجام دے رہا تھا۔ صبح 24/3/23 صبح سوات کپل CTD کمانڈ میں دھماکہ ہوا۔
 جس میں حکم پولیس کے متعدد جوان شہید و زخمی ہو گئے۔ بعد ازاں
 سوشل میڈیا پر عوام میں شدید غم پھیل گیا اور اس واقعے کی مذمت
 کی گئی۔ اور مختلف آراء پیش کیے گئے۔ شہید اور زخمی پولیس کمانڈروں کی
 حالت کو مد نظر رکھتے ہوئے جذبات میں آ کر عین بھی سوشل میڈیا والوں
 ایسا گروہ میں دھماکہ کے متعلق شفا و انکوائری کرنے اور اس واقعے
 میں ملوث افراد کو قتل و واقعی سزا دینے کے بارے میں بات کی۔ اسی
 صبح کے بیاہر افسران ہالے یہ دن چھ سہینڈ کیا۔ اور دوسرے
 دن انکوائری کرنے میں سائل کو بحال چھی انٹرنیٹی آرڈر نمبری 29/22-
 نوٹری سے درخواست کیا گیا۔ سائل نہایت نگن خلوص اور ایمانداری سے
 حکم دیا میں ڈیوٹی انجام دے رہا تھا۔ اس طرح دکھ بھرے لمحے میں اپنے شہید
 اور زخمی پولیس کمانڈروں کی حالت دیکھ کر سائل جذبات میں آ کر سوشل میڈیا
 پر اپنے گئے والوں پر پھر پراوردہ ہے اور آئیندہ کیلئے محتاط رہے گا۔
 اس سے پہلے بھی کئی اور پولیس لائن دھماکہ کے بعد سوشل میڈیا پر جذبات میں
 دئے گئے بیان کی بناء پر FRP بنوں ریج کیشیل شہید 7232 نوٹری پولیس سے
 درخواست کیا گیا تھا۔ جبکہ بعد ازاں مذکورہ کو صاب۔ کمانڈنٹ صاحب FRP نے بحال
 آرڈر نمبری 2498-99 جو ہر اول ہے کو نوٹری پر بحال کیا ہے۔
 10-3-2023
 اس لئے عاصیہ سائل کی کہہ سکتا ہوں کہ سائل نے نوٹری پر دوبارہ
 بحال کر کے عوام کی خدمت کرنے کا موقع دیں۔ سائل دعاؤں میں ہے۔

سائل طارق عزیز سابق پولیس کپل فون نمبر - 0347-9368352

APTES D.No 2962 Date 16-5-23



OFFICE OF THE COMMANDANT
FRONTIER RESERVE POLICE
KHYBER PAKHTUNKHWA, PESHAWAR
Email: comdfrpofficial@qmail.com
Ph: No. 091-9211773 Fax No. 091-9211114

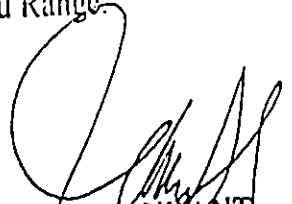
No. 2498-99 /EC, dated Peshawar the, 10 / 03 /2023.

ORDER.

Constable Jamshed No. 7232 of FRP Bannu Range was dismissed from service vide Deputy Commandant FRP Khyber Pakhtunkhwa office order No. 1996-98/PA D.C dated 28.02.2023 on the allegations that he had uploaded Tik Tok videos continuously on his ID i.e @jamshidkhan.o. and also shared videos on different whatsapp groups.

Feeling aggrieved against the impugned order of Deputy Commandant FRP Khyber Pakhtunkhwa, Peshawar the applicant preferred an instant appeal in the office of Regional Police Officer Bannu.

The appeal of Constable Jamshed No. 7232 was received vide RPO Bannu office letter No.137/Misc: dated 10.03.023. As the Ex Provincial Police Officer Mr. Moazam Jah Ansari had declared not to take any action on the omissions and commissions of such constables and had given them reprieve, therefore, the order of dismissal issued by the then Deputy Commandant FRP Khyber Pakhtunkhwa hereby stands annulled ab-initio. The said Constable is hereby re-instated into service and is posted to FRP Bannu Range.


COMMANDANT
Frontier Reserve Police,
Khyber Pakhtunkhwa,
Peshawar.

Copy to:

1. Superintendent of Police, FRP Bannu Range.
2. Official concerned.

ATTESTED

19-12

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IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHWAR

SCANNED
KPST
Peshawar

Service Appeal No. 1670/2023

Tariq Aziz Ex-FC Elite ForceAppellant 1/12/23

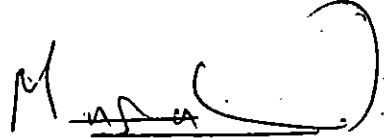
Versus

Commandant Elite Force etcRespondent

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DEPONENT



(MIAN NIAZ MUHAMMAD)

DSP Legal
Elite Force, Peshawar

19-12-23

Peshawar.

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BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 1670/2023

Diary No. 9641

Tariq Aziz.....(Appellant)

Dated 1-12-23

Versus

Commandant, Elite Force, Khyber Pakhtunkhwa etc..... (Respondents)

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

SCANNED
KPST
Peshawar

That the respondent s submits as under:-

Respectfully She-weth:-

1/12/23

PRELIMINARY OBJECTIONS:-

- i. That, the appellant has got no cause of action or locus standi to file the present Service Appeal.
- ii. That, the appeal is bad for mis-joinder and non-joinder of necessary parties.
- iii. That, the appeal is barred by law & limitations.
- iv. That, the appellant is concealing real facts from this Hon'ble Tribunal.
- v. That, the appellant is estopped by his own conduct to file the petition.
- vi. That, the appellant has not come to this Honorable Tribunal with clean hands.

FACTS:-

1. Pertains to service record of the appellant.
2. Incorrect, misleading and misconceived, the appellant is concealing real facts from this Hon'ble Tribunal.
3. Incorrect, the appellant while posted in Platoon NO. 57 of Elite Force, was issued charge sheet together with summary of allegations (Copy attached as Annexure 'A') therein the following charges were framed;-
 - i. *He alleged the nature of explosion in CTD Police lines, Tehsil Kabal, District Swat was fabricated by officers/ officials.*
 - ii. *He also stated that facts were tarnished and twisted as there is no electricity in Armoury/ Kot.*
 - iii. *He stated about the treatment meted out to constabulary and alleged this disbursement of national census amount was not appropriate as give the government/ department.*
 - iv. *He stated the rights of constabulary and forfeited by the senior commenced without about any material facts and putting same before your chain of command.*

In this respect, Mr. Abdus Samad Deputy Commandant, RRF, Khyber Pakhtunkhwa appointed as Enquiry Officer with direction to conduct proper departmental enquiry in accordance with law/ rules. The enquiry officer conducted fair and impartial enquiry into the matter and submitted findings of enquiry wherein the appellant was found guilty of gross misconduct. The Competent Authority on receipt of enquiry findings, heard the appellant in person wherein the appellant badly failed to advance any plausible defense in

punishment of dismissal from service vide order dated 03.05.2023. (Copy attached as Annexure 'B').


- 4. Incorrect and misleading, the appellant without wait for decision on his departmental appeal filed the instant Service Appeal.
- 5. The instant Service Appeal is not maintainable and is liable to be dismissed on following Grounds.

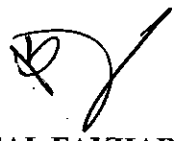
GROUND

- A. Incorrect, as already explained above in Para No. 3 of Facts. All codal formalities in accordance with law/ rules adopted by the respondent department.
- B. Incorrect, as already explained above in Para No. 3. The Competent Authority heard the appellant in person after receipt of enquiry findings wherein the appellant badly failed to advance any plausible defense in rebuttal of charges. Therefore, he was awarded with major punishment of dismissal from service.
- C. Incorrect, misleading and misconceived, the appellant is concealing real facts from this Hon'ble Tribunal. The acts of the appellant were found gross misconduct therefore, he is not entitled to be reinstatement in service.
- D. As already explained above in detail.
- E. Incorrect, as already explained above in detail in Para No. 3 of Facts.
- F. Incorrect, misleading and misconceived, the appellant is concealing real facts from this Hon'ble Tribunal.
- G. Incorrect, the order dated 03.05.2023 is based on prove and evidence. The appellant punished on gross misconduct.
- H. The respondents department also seeks permission to raise additional grounds at the time of arguments.

PRAYERS

Keeping in view above narrated facts, circumstances, the instant Service Appeal may kindly be dismissed, being devoid of merits, not maintainable and barred by law, with costs, please.


(ABDUS SAMAD) PSP
 Deputy Commandant,
 Elite Force, Khyber Pakhtunkhwa,
 Peshawar
 (Respondent No. 01)


(MUHAMMAD WISAL FAKHAR SULTAN) PSP
 Addl: IGP/Commandant,
 Elite Force, Khyber Pakhtunkhwa,
 Peshawar
 (Respondent No. 02)

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHWAR

In Re:

Service Appeal No. 1670/2023

Tariq Aziz Ex-FC Elite Force.....Appellant

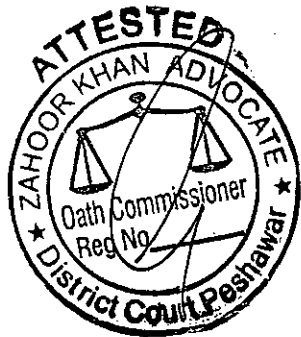
Versus

- 1. Deputy Commandant Elite Force
- 2. Addl: IGP / Commandant Elite Force.....Respondent

AFFIDAVIT

We Respondents 1, Mr. Abdus Samad PSP Deputy Commandant Elite Force and Respondent No. 2, Muhammad Wisal Fakhhar Sultan PSP,QPM Addl: IGP / Commandant Elite Force Khyber Pakhtunkhwa do hereby solemnly affirm on oath and declare that the contents of these joint parawise comments on behalf of Respondents No. 1 to 2 are true and correct to the best of our 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.



9/12/23

(Signature)
 (ABDUS SAMAD) PSP
 Deputy Commandant,
 Elite Force, Khyber Pakhtunkhwa
 Peshawar
 (Respondent No. 1)

(Signature)
 (MUHAMMAD WISAL FAKHAR SULTAN) PSP, QPM
 Addl: Inspector General of Police / Commandant
 Elite Force Khyber Pakhtunkhwa, Peshawar
 (Respondent No. 2)

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IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHWAR

In Re:

Service Appeal No. 1670/2023

Tariq Aziz Ex-FC Elite Force.....Appellant

Versus


1. Deputy Commandant Elite Force.....
2. Addl: IGP / Commandant Elite Force.....Respondent

AUTHORITY LETTER

Mian Niaz Muhammad DSP/Legal Elite Force Khyber Pakhtunkhwa is hereby authorized / nominated to submit para-wise comments and to attend Honorable Tribunal in above mentioned Service Appeal on behalf of Respondents No. 1 & 2.



(ABDUS SAMAD) PSP
Deputy Commandant,
Elite Force, Khyber Pakhtunkhwa
Peshawar
(Respondent No. 1)



(MUHAMMAD WISAL FAKHAR SULTAN) PSP, QPM
Addl: Inspector General of Police / Commandant
Elite Force Khyber Pakhtunkhwa, Peshawar
(Respondent No. 2)

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SUMMARY OF ALLEGATIONS

1. Irfan Tariq, Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar as competent authority, am of the opinion that Constable Tariq Aziz No. 4886 of Platoon No. 57 has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Khyber Pakhtunkhwa Police Rules, 1975 (Amended 2014).

SUMMARY OF ALLEGATIONS

- a. That it was circulated vide this office letter No. 9509-20/EF dated 13.09.2022 & 91-108/EF dated 04.01.2023 that no member of Khyber Pakhtunkhwa Police will upload and viral any sort of unauthentic and unauthorized information on social/Electronic media and shall not be a member of any Whatsapp groups. Still in violation of social media policy of KP Police under prohibition section 4,7 & 10 read with relevant section of Police Rules 1975, you proceeded with the use of social media with false and frivolous allegation against the department.
- b. You alleged that nature of explosion in CTD PS Swat was fabricated by officers/officials.
- c. You also stated that facts were tarnished and twisted as there is no electricity in armoury/kote.
- d. You also stated about the treatment meted out to constabulary and alleged that the disbursement of national census amount was not appropriate as given by the government/department.
- e. You also stated that rights of constabulary are forfeited by the senior command without any material facts and putting same before your chain of command.
- f. That you in share violation of above directives/instructions committed a gross misconduct and without showing any justification and source unlawfully spreading an audio message on social media which created disturbances and doubts amongst the members of the Police Force of Khyber Pakhtunkhwa.
- g. Your act is highly objectionable, against the norms of the Police disciplinary Rules 1975 as well as Khyber Pakhtunkhwa Police Social Media Policy as already circulated vide No. 2737/IAB dated 26.11.2021.
- h. That your act amounts to gross misconduct and liable to be proceeded against departmentally.


M. Irfan Tariq
Dsp. Irfan Tariq

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1. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, Mr. Samad Khan Deputy Commandant RRF Khyber Pakhtunkhwa Peshawar is appointed as Enquiry Officer.

2. The Enquiry Officer shall provide reasonable opportunity of hearing to the accused official; record statements; etc and submit findings within (07 days) of the receipt of this order.

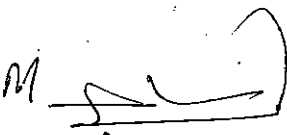
3. The accused shall join the proceedings on the date, time, and place fixed by the Enquiry Officer.


(IRFAN TARIQ) PSP
Deputy Commandant,
Elite Force Khyber Pakhtunkhwa
Peshawar.

No. 5164-71 /EF, dated Peshawar the: 26 / 06 / 2023.

Copy of the above is forwarded to the:-

1. Superintendent of Police Elite Force Malakand Region, Swat.
2. District Commander Elite Force Dir Lower.
3. Accountant Elite Force Khyber Pakhtunkhwa Peshawar.
4. OASI/EC/SRC, Elite Force Khyber Pakhtunkhwa Peshawar.
5. This charge sheet and summary of allegation to be served upon the accused Constable Tariq Aziz No. 4886 EF of Platoon No. 57 through reader to S P Elite Force, Malakand.

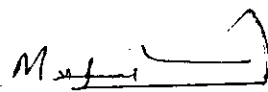

DSP Legal EF

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CHARGE SHEET

I, Irfan Tariq, Deputy Commandant, Elite Force Khyber Pakhtunkhwa, Peshawar as competent authority hereby charge you Constable Tariq Aziz No. 4886 of Platoon No. 57.

- a. That it was circulated vide this office letter No. 9509-20/EF dated 13.09.2022 & 91-108/EF dated 04.01.2023 that no member of Khyber Pakhtunkhwa Police will upload and viral any sort of unauthentic and unauthorized information on social /Electronic media and shall not be a member of any Whatsapp groups. Still in violation of social media policy of KP Police under prohibition section 4, 7 & 11 read with relevant section of Police Rules 1975, you proceeded with the use of social media with false and frivolous allegation against the department.
- b. You alleged that nature of explosion in CTD PS Swat was fabricated by officers/officials.
- c. You also stated that facts were tarnished and twisted as there is no electricity in armoury/kote.
- d. You also stated about the treatment meted out to constabulary and alleged that the disbursement of national census amount was not appropriate as given by the government/department.
- e. You also stated that rights of constabulary are forfeited by the senior command without any material facts and putting same before your chain of command.
- f. That you in share violation of above directives/instructions committed a gross misconduct and without showing any justification and source unlawfully spreading an audio message on social media which created disturbances and doubts amongst the members of the Police Force of Khyber Pakhtunkhwa.
- g. Your act is highly objectionable, against the norms of the Police disciplinary Rules 1975 as well as Khyber Pakhtunkhwa Police Social Media Policy as already circulated vide No. 2737/IAB dated 06.11.2021.
- h. That your act amounts to gross misconduct and liable to be proceeded against departmentally.


D.S. Tariq

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1. By reason of the above, you appear to be guilty of misconduct under the Khyber Pakhtunkhwa Police Rules, 1975 (Amended 2014) and have rendered yourself liable to all or any of the penalties specified in the rules.

2. You are therefore, directed to submit your defence within 07 days of the receipt of this charge sheet to the enquiry officer.

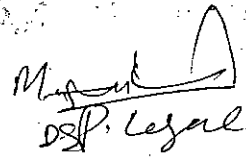
3. Your written defense, if any, should reach the enquiry officer within the specified period failing which, it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

4. You are directed to intimate whether you desire to be heard in person.

5. A statement of allegations is enclosed.



(IRFAN TARIQ) PSP
Deputy Commandant,
Elite Force Khyber Pakhtunkhwa
Peshawar.



DSP, Legal

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Office of the Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar



No. 5822-29 /EF

Date: 03/05/2023


ORDER

This order will dispose of the departmental proceedings against Constable Tariq Aziz No. 4886, Platoon No. 57 of Elite Force who was issued charge sheet together with Summary of Allegations wherein the following charges were framed:-

- i. He alleged that nature of explosion in CTD Police Lines, Kabal District Swat was fabricated by officers/officials.
- ii. He also stated that facts were tampered and twisted as there is no electricity in Armoury/Kot.
- iii. He stated about the treatment meted out to constabulary and alleged that the disbursement of national census amount was not appropriate as given by the government/department.
- iv. He stated that rights of constabulary were forfeited by the senior command without any material facts and putting same before your chain of command.

Mr. Abdul Samad Khan Deputy Commandant RRF Peshawar was appointed as Enquiry officer to conduct proper departmental enquiry into the charges. He after conducting enquiry recommended the accused constable for awarding major punishment under Police Rule 1975.

All the relevant record was thoroughly examined and the accused constable was also heard in person. The accused constable failed to advance any plausible grounds in his support of his defense. As such the undersigned being competent authority have decided to impose major penalty in view of aforesaid serious nature of allegation. Therefore, Constable Tariq Aziz No. 4886 is found guilty of the charges, hence awarded him the major punishment of "DISMISSAL" from service under the Police Disciplinary Rules 1975.

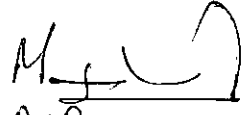

03/05/23.

(IRFAN TARIQ)PSP
Deputy Commandant
Elite Force Khyber Pakhtunkhwa
Peshawar.

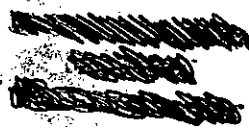
Copy of the above is forwarded to:-

1. District Police Officer, Mardan for information.
2. Deputy Commandant RRF Khyber Pakhtunkhwa Peshawar.
3. Superintendent of Police, Elite Force Malakand Region.
4. Accountant, Elite Force Khyber Pakhtunkhwa Peshawar.
5. Incharge Kot / OASI / SRC, Elite Force Khyber Pakhtunkhwa Peshawar.

✓ FMC, Elite Force along with complete enquiry file Encls: (28) pages. - USB


DSP.egal

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IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SCANNED
KPST
Peshawar

Service Appeal No.1670/2023


Tariq Aziz, Ex-FC Elite ForceAppellant

Versus

Commandant Elite Force Khyber Pakhtunkhwa and othersRespondent

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(MIAN NIAZ MUHAMMAD)
DSP Legal
Elite Force, Peshawar

14-05-24
Peshawar

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IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.1670/2023


Tariq Aziz, Ex-FC Elite Force V/S Commandant Elite Force Khyber Pakhtunkhwa and others.

**APPLICATION FOR AND ON BEHALF OF THE RESPONDENT NO 1 & 2 PLACING
ON FILE ADDITIONAL DOCUMENTS.**

Respectfully Sheweth:-

- 1- That the appellant filed the above title service appeal before the Honorable Tribunal which was fixed for 22-04-2024.
- 2- The Honorable Service Tribunal directed replying respondent to submit the under reference documents.
- 3- Departmental Enquiry of the appellant, Summary of allegation, Charge Sheet, Statement of DSP Hanif Shah, Statement of SI Kifayat Ullah, reply of charge sheet are annexed.

It is therefore humbly prayer that on acceptance of the instant application the additional documents may kindly be placed on file to meet the ends of justice.


(**ABBAS SAMAD**) PSP
Deputy Commandant
Elite Force Khyber Pakhtunkhwa
Peshawar.
(Respondent No.1)

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**DEPARTMENTAL ENQUIRY AGAINST CONSTABLE TARIQ AZIZ NO. 4886,
PLATOON NO. 57 OF ELITE FORCE**

BRIEF FACTS:

Constable Tariq Aziz No. 4886, Platoon No. 57 of Elite Force in violation of directions issued from time to time that no member of Khyber Pakhtunkhwa Police will upload and viral any sort of unauthentic and unauthorized information on social media/electronic media and shall not be a member of any What's App group. The said constable uploaded/viral unauthentic message and leveled false and frivolous allegations against the department regarding the explosion in CTD Police Lines, Kabal District Swat as per detail given below:-

- i. He alleged that nature of explosion in CTD Police Lines, Kabal District Swat was fabricated by officers/officials.
 - ii. He also stated that facts were tarnished and twisted as there is no electricity in Armoury/Kot.
 - iii. He stated about the amount meted out to constabulary and alleged that the disbursement of national census amount was not appropriate as given by the government/department.
 - iv. He stated that rights of constabulary are forfeited by the senior command without any material facts and putting same before your chain of command.
2. The Deputy Commandant, Elite Force, Khyber Pakhtunkhwa Peshawar issued Charge Sheet & Summary of Allegations to the delinquent official vide letter No. 5164-71/DF, dated 26.04.2023 and the undersigned appointed as Inquiry Officer to conduct fact finding enquiry into the matter and submit report within 07 days.
3. In this connection the undersigned recorded statements of the following officers/officials which are enclosed herewith:-
- i. Muhammad Hanif Shah DSP/District Commander Elite Force Dir Lower
 - ii. SI Muhammad Kifayat Ullah Incharge Platoon No. 57, Dir Lower
 - iii. Constable Tariq Aziz No. 4886, Platoon No. 57 of Elite Force

i. Statement of Muhammad Hanif Shah DSP/District Commander Elite Force Dir Lower

He in his statement stated that his reader conveyed him What's App message viral by Constable Tariq Aziz No. 4886. He contacted the delinquent official on telephone as he was on Eid leave and present at home. He confessed his viral statement. On 26.04.2023 he reported his arrival for duty. He also directed the delinquent official to appear before SP/Elite Force Malakand and DSP/Elite Force Dir Lower, but he said that I will appear after 06.05.2023. A meeting was arranged with the delinquent official in Police Station Khal in the presence of SI Kifayat Ullah Incharge Platoon No. 57, SHOs Khal and Investigation and advised him to refrain from conveying such unauthentic messages against the police officers and department, but he was stand on his stance and paid no heed to my advice.

On 27.04.2023, a darbar was arranged at Police Lines, Timergara and DPO/Dir Lower, SP/Elite Force Malakand, SP/Investigation Dir Lower etc were present. In the darbar the delinquent again leveled unauthentic allegations against the police officers.

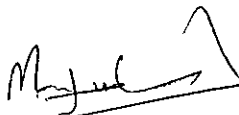
ii. Statement of SI Kifayat Ullah Incharge Platoon No. 57 Dir Lower

He corroborated the statement of Mr. Muhammad Hanif Shah DSP/District Commander, Elite Force, Dir Lower.

iii. Statement of FC Tariq Aziz No. 4886, Platoon No. 57 of Elite Force

He confessed during enquiry & personal hearing that he viral the following demands/allegations on social media:-

- i. The blast in CTD compound was preplanned.


DSP.C

- ii. There is no electricity connections in the Kot building which cause short circuit.
- iii. The officers termed the blast as electric short circuit as a result none of the official will deserve for the grant of shahid package.
- iv. He demanded enquiry to dig out the real facts.
- v. In the census duty, the teachers receive Rs. 60000/- while the police officials receive Rs. 8000 which is injustice with the force members.
- vi. The highups devour the rights of their subordinates staff, thus they are deprived of their rights.
On 27.04.2023, a darbar was arranged at Police Lines, Timergara and DPO/Dir Lower, SP/Elite Force Malakand, SP/Investigation Dir Lower etc were present.
In the darbar the delinquent official again leveled the following unauthentic allegations:-
 - i. To provide protection to Khyber Pakhtunkhwa Police and general masses.
 - ii. The police officials performing Polio & Census duty are not paid the deserving amount.
 - iii. He suggested that the legal heirs of martyred police officials visit frequently to the offices in connection with their dues i.e. shahid package, financial assistance etc but their grievances are redressed after months.
 - iv. The allowances of Khyber Pakhtunkhwa Police may be made equal to Punjab Police.
 - v. The ration allowance of Khyber Pakhtunkhwa Police is Rs. 681/- which comes about Rs. 22/- per day which is a joke.
 - vi. On 20.11.2022, he along with other police officials transferred from Platoon No. 26 Mardan to Platoon No. 57 Dir Lower, but except him, all have been transferred back to their home districts by paying Rs. 10000/- to Rs. 20000/- to OASI Branch Elite Force, this is the reason that he is still serving in Dir Lower since 06 months. He further requested that enquiry may be conducted.
 - vii. On 28.04.2023, the delinquent official was called on to appear before the undersigned for personal hearing. During personal hearing he was asked random questions regarding the incident, but he failed to produce any proof in support of his claim and thus did not satisfy the undersigned.

Conclusion:

From the perusal of the above statements and material placed on record, I noticed the following discrepancies on the part of delinquent official:-

- i. He violated paras No. 1, 2, 3, 8, 9 of social media policy of Khyber Pakhtunkhwa Police and paras No. 5, 7 & 14 of prohibition section issued by DIG Internal Accountability Khyber Pakhtunkhwa Peshawar vide No. 2737/IAB dated 26.11.2021 read with relevant section 3(b) of Police Rules 1975.
- ii. He also ignored the directions issued from Elite HQs: Peshawar time to time to immediately exit/leave all social media groups including What's App, Facebook, Twitter etc but he is still member of What's App group i.e. KPK Police K Aik Awaz, KPK Police Zindabad, Platoon No. 57 official group, KPK Police defenders & personal group leading by Constable Jamshed of FRP.
- iii. He without showing any justification and source unlawfully spread an audio message on social media which created disturbance and doubts amongst the members of the Police Force of Khyber Pakhtunkhwa.
- iv. He without any documentary proof stated that facts were furnished and twisted as there is no electricity in Armoury/Kot.
- v. He also alleged without any proof that the explosion in CTD Police Lines Kabal Swat was fabricated by officers/officials.

M. J. L.
030. L

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- vi. DSP/District Commander, Elite Force Dir Lower advised him to refrain from conveying such unauthentic messages against the police officers and department, but he was stand on his stance and paid no heed to advice.

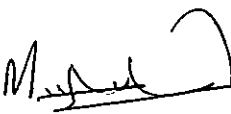
Recommendation:

Keeping in view of the above circumstances, the delinquent official being a member of disciplined force blamed the police officers/officials and Police Department without any proof. His this act created disturbance and doubts amongst the members of the Police Force of Khyber Pakhtunkhwa and Shuhada families which amounts to gross misconduct on his part, therefore, it is recommended that he may be awarded major punishment, if approved, please.

Note:

USB consist of Audio Message of the delinquent official and pictures of social media groups of which he is still member are also enclosed herewith.


(ABDUS SAMAD) PSP
Deputy Commandant,
RRF, Khyber Pakhtunkhwa, Peshawar.


DSD-C

SUMMARY OF ALLEGATIONS

I, Irfan Tariq, Deputy Commandant, Elite Force, Khyber Pakhtunkhwa Peshawar as competent authority, am of the opinion that Constable Tariq Aziz No. 4886 of Platoon No. 57 has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Khyber Pakhtunkhwa Police Rules, 1975 (Amended 2014).


SUMMARY OF ALLEGATIONS

- a. That it was circulated vide this office letter No. 9509-20/EF dated 13.09.2022 & 91-108/EF dated 04.01.2023 that no member of Khyber Pakhtunkhwa Police will upload and viral any sort of unauthentic and unauthorized information on social /Electronic media and shall not be a member of any Whatsapp groups. Still in violation of social media policy of KP Police under prohibition section 4,7 & 10 read with relevant section of Police Rules 1975, you proceeded with the use of social media with false and frivolous allegation against the department.
- b. You alleged that nature of explosion in CTD PS Swat was fabricated by officers/officials.
- c. You also stated that facts were tarnished and twisted as there is no electricity in armoury/kote.
- d. You also stated about the treatment meted out to constabulary and alleged that the disbursement of national census amount was not appropriate as given by the government/department.
- e. You also stated that rights of constabulary are forfeited by the senior command without any material facts and putting same before your chain of command.
- f. That you in share violation of above directives/instructions committed a gross misconduct and without showing any justification and source unlawfully spreading an audio message on social media which created disturbances and doubts amongst the members of the Police Force of Khyber Pakhtunkhwa.
- g. Your act is highly objectionable, against the norms of the Police disciplinary Rules 1975 as well as Khyber Pakhtunkhwa Police Social Media Policy as already circulated vide No. 2737/IAB dated 26.11.2021.
- h. That your act amounts to gross misconduct and liable to be proceeded against departmentally.

M. Tariq

(411)

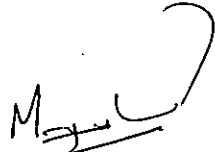
1. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, Mr. Samad Khan Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar is appointed as Enquiry Officer.
2. The Enquiry Officer shall provide reasonable opportunity of hearing to the accused official; record statements etc and submit findings within (07 days) of the receipt of this order.
3. The accused shall join the proceedings on the date, time, and place fixed by the Enquiry Officer.


(IRFAN TARIQ) PSP
Deputy Commandant,
Elite Force Khyber Pakhtunkhwa
Peshawar.

No. 5164-71 /EF, dated Peshawar the: 26/04/2023.

Copy of the above is forwarded to the:-

1. Superintendent of Police Elite Force Malakand Region, Swat.
2. District Commander Elite Force Dir Lower.
3. Accountant Elite Force Khyber Pakhtunkhwa Peshawar.
4. OASI/EC/SRC, Elite Force Khyber Pakhtunkhwa Peshawar.
5. This charge sheet and summary of allegation to be served upon the accused Constable Tariq Aziz No. 4886 EF of Platoon No. 57 through reader to the Elite Force, Malakand.

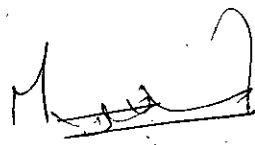


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CHARGE SHEET

I, Irfan Tariq, Deputy Commandant, Elite Force Khyber Pakhtunkhwa, Peshawar as competent authority hereby charge you Constable Tariq Aziz No. 4886 of Platoon No. 57.

- a. That it was circulated vide this office letter No. 9509-20/EF dated 13.09.2022 & 91-108/EF dated 04.01.2023 that no member of Khyber Pakhtunkhwa Police will upload and viral any sort of unauthentic and unauthorized information on social /Electronic media and shall not be a member of any Whatsapp groups. Still in violation of social media policy of KP Police under prohibition section 4, & 11 read with relevant section of Police Rules 1975, you proceeded with the use of social media with false and frivolous allegation against the department.
- b. You alleged that nature of explosion in CTD PS Swat was fabricated by officers/officials.
- c. You also stated that facts were tarnished and twisted as there is no electricity in armoury/kote.
- d. You also stated about the treatment meted out to constabulary and alleged that the disbursement of national census amount was not appropriate as given by the government/department.
- e. You also stated that rights of constabulary are forfeited by the senior command without any material facts and putting same before your chain of command.
- f. That you in share violation of above directives/instructions committed a gross misconduct and without showing any justification and source unlawfully spreading an audio message on social media which created disturbances and doubts amongst the members of the Police Force of Khyber Pakhtunkhwa.
- g. Your act is highly objectionable, against the norms of the Police discipline Rules 1975 as well as Khyber Pakhtunkhwa Police Social Media Policy as already circulated vide No. 2737/IAB dated 16.11.2021.
- h. That your act amounts to gross misconduct and liable to be proceeded against departmentally.



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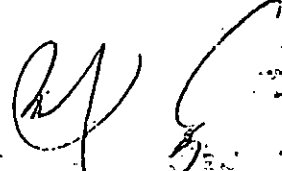
1. By reason of the above, you appear to be guilty of misconduct under the Khyber Pakhtunkhwa Police Rules, 1975 (Amended 2014) and have rendered yourself liable to all or any of the penalties specified in the rules.

2. You are therefore, directed to submit your defence within 07 days of the receipt of this charge sheet to the enquiry officer.

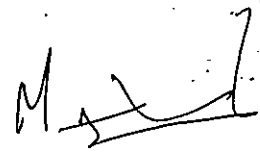
3. Your written defense, if any, should reach the enquiry officer within the specified period failing which, it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

4. You are directed to intimate whether you desire to be heard in person.

5. A statement of allegations is enclosed.



(IRFAN TARIQ) PSP
Deputy Commandant,
Elite Force Khyber Pakhtunkhwa
Peshawar.



جناب عالی!

معروضی خدمت ہوں کہ مورخہ 24.04.2023 میرے ریڈر صاحب نے مجھے واٹس ایپ پر ایک واٹس پیج ارسال کی جس میں حکمہ ہذا کی افسران کے خلاف بے مقصد الزامات لگائے گئے تھے جس میں پیج کنندہ نے اپنا نام طازق عزیز کنسٹیبل نمبر 4886 متعینہ پلاٹون نمبر 57 کے نام پر اپنا شناخت کرایا۔ میں نے مذکورہ کنسٹیبل کے ساتھ فون پر رابطہ کیا اس وقت مذکورہ کنسٹیبل عید لیوڈیشن نمبر 2 کے مطابق گھر خود پر موجود تھا۔ اس کے ساتھ میں نے کافی بات چیت کی مذکورہ کنسٹیبل نے کہا کہ یہ واٹس بلکل میرا ہے اور اسکے مطابق میں افسران بالا سے پوچھوں گا۔ اس کے بعد مذکورہ کنسٹیبل مورخہ 26.04.2023 کو حسب اطلاع اپنے جائے تعیناتی پر حاضر آیا۔ میں نے بذریعہ ریڈر مذکورہ کنسٹیبل کو پیج دے دی کہ DSP ایلیٹ لوئر دیر اور SP ایلیٹ آپ کو دفتر بغرض پیشی بلا رہا ہے۔ مذکورہ کنسٹیبل نے بجواب کہا کہ میں مورخہ 06.05.2023 تک کسی کے سامنے پیش نہیں ہو سکتا کیونکہ ہم نے اپنے مطالبات CPO میں افسران بالا کے خدمت میں پیش کرنے کے بعد پیشی پر حاضر آؤں گا۔ اس کے بعد DSP مذکورہ بالا اپنا ریڈر اور گن مین کے ہمراہ بسوازی گاڑی سرکاری مذکورہ کنسٹیبل کے تعیناتی تھانہ خال پہنچا اور مذکورہ پلاٹون انچارج کفایت اللہ SHO، SI خال اور نوٹس گیٹیشن SHO آفس میں مذکورہ کنسٹیبل کے ساتھ 2/3 کھٹے مسلسل مذاکرات کر کے ہر قسم کی نقصانات اٹکوتا یا اور مذکورہ افسران نے بھی مذکورہ کنسٹیبل کو بطور نصیحت کافی بریفنگ دی گئی لیکن مذکورہ کنسٹیبل اپنے کی ہوئی باتوں پر ڈٹا رہا۔ اس کے بعد مورخہ 27.04.2023 کو ہم نے ایلیٹ فورس اور آرا ریٹ جو انوں کی تیرگرہ پولیس لائن میں ایک دربار منعقد کی گئی جس میں ایلیٹ فورس کے SP صاحب ملا کڈرینج، DPO صاحب لوئر دیر اور SP انوسٹی گیٹیشن لوئر دیر کو مدعو کر کے باقاعدہ دربار کا آغاز تلاوت قرآن پاک سے ہوا اور افسران بالانے اپنے تقاریر میں فورس کو کافی سمجھانے کی کوشش کی اور جوانوں کو اپنے بیٹوں کی طرح نصیحت کر کے جائز عرض معروضی کا موقع دیا گیا جس میں مذکورہ کنسٹیبل نے اسی طرح بے بنیاد الزامات اپنے افسران بالا پر لگائے اس کے بعد دربار اختتام پذیر ہو کر SP صاحب ایلیٹ ساجد محمود خان نے بھی کافی سمجھانے کی کوشش کی لیکن مذکورہ کنسٹیبل اپنے کی ہوئی بیانات پر بھنڈ رہا۔

جیسا کہ ہمیں ایک تحریری پروانہ منجانب OASI ایلیٹ فورس موصول ہو کر جو ہمراہ لف ہے۔ اس میں مذکورہ کنسٹیبل کو بحوالہ آرڈر نمبری 5123-31/EF مورخہ 26.04.2023 کو نوکری سے معطل ہو کر ایلیٹ ہیڈ کوارٹرز گلوز کرنے کا حکم دیا گیا ہے اور مذکورہ کو چارج شیٹ جاری کیا گیا ہے۔ مذکورہ پروانے پر عمل درآمد ہو کر مذکورہ کنسٹیبل کو لائن ہیڈ کوارٹرز پشاور بحوالہ 47 مورخہ 28.04.2023 حسب الحکم افسران بالا پشاور لائن ہیڈ کوارٹرز کو روانہ کیا گیا ہے۔

یہی میرا بیان ہے جو کہ درست ہے۔

محمد حنیف شاہ
ڈسٹرکٹ کمانڈر Elite Force/RRF لوئر دیر
28/4/2023

M. S. H.

جناب عالی!

معروض خدمت ہوں کہ میرا تبادلہ مورخہ 07.04.2023 کو بحیثیت انچارج پلاٹون نمبر 57 ہو کر مورخہ 10.04.2023 کو تھانہ خال لوئردیر میں حاضری کی۔ مورخہ 12.04.2023 کو میں گنتی کر کے نفری کے ساتھ اپنا تعارف کرایا اور جوانوں کو ہدایات دی اور دوران عید الفطر تک ہم افسران ہالا پلاٹون کے جوانوں کو 02 شفٹ میں عید لیو پر روانہ کیا گیا۔ کنسٹیبل طارق عزیز نمبر 4886 پلاٹون نمبر 57 جو کہ مورخہ 23.04.2023 کو تین یوم عید لیو پر تھا اور مورخہ 26.04.2023 کو واپسی تھی مورخہ 25.04.2023 معلوم ہوا کہ مذکورہ ہالا کنسٹیبل سوشل میڈیا غیر قانونی اور غیر اخلاقی افسران ہالا کے خلاف میسجز اور بیانات دیا ہے اس کے خلاف رپورٹ درج روزنامہ کی گئی ہے اور مورخہ 26.04.2023 عید لیو سے واپس آیا۔ DPO صاحب لوئردیر، SP صاحب ایلیٹ فورسز، ملائیکڈر ریجن اور DSP صاحب ایلیٹ فورس لوئردیر نے اسکو دفتر طلب کیا تو وہ انکاری ہوا بعدہ DSP صاحب ایلیٹ فورس لوئردیر تھانہ خال آیا دفتر SHO صاحب میں میری اور SHO اور انوسٹی گیشن سٹاف کی موجودگی میں کنسٹیبل طارق عزیز کو طلب کر کے 2/3 گھنٹے تک اسکو سمجھایا گیا تاہم وہ اپنے بیانات پر ڈٹا رہا وہ کہہ رہا تھا کہ برخاست بھی کیا جائے تو میں اپنے باتوں سے منکر نہیں ہوں۔ مورخہ 27.04.2023 کو دربار بھی منعقد کیا گیا جہاں پر بھی اس نے اپنے مطالبات پیش کئے جو کہ بے بنیاد الزامات ہیں جن کا کوئی ثبوت نہیں ہے۔ چونکہ کنسٹیبل طارق عزیز نمبر 4886 پلاٹون نمبر 57 ایلیٹ فورس کو بحوالہ آرڈر نمبر 5123-31/EF مورخہ 26.04.2023 کو سسپنڈ ہو کر ہیڈ کوارٹرز ایلیٹ فورس کلوز کیا گیا ہے کو بحوالہ مد نمبر 47 مورخہ 28.04.2023 کو ہیڈ کوارٹرز روانہ کیا گیا ہے۔ اس سے قبل بھی کئی دفعہ افسران ہالا کے احکامات بابت سوشل میڈیا گروپ کے غلط استعمال کی بابت ہدایات دی گئی ہیں۔ تاہم مذکورہ کنسٹیبل ان احکامات کی پرواہ کئے بغیر سوشل میڈیا پر پوسٹس اور میسجز شیئر کر رہا ہے اور بار بار سمجھانے کے باوجود بھی اپنے باتوں پر ڈٹا ہوا ہے۔ اس کے خلاف رپورٹ درج روزنامہ کی گئی ہے۔ تقدمات روزنامہ پر ہمراہ لف ہے۔

یہی میرا بیان ہے جو کہ درست ہے۔



محمد کفایت اللہ SI

انچارج پلاٹون نمبر 57 لوئردیر

0344-9703080



جناب عالی!

بحوالہ چارج شیٹ اینڈ سرری آف ایلکشن مجاریہ جناب ڈپٹی کمانڈنٹ ایلینٹ فورس پشاور نمبر 5164-71/EF مورخہ 26.04.2023، معروض ہوں کہ من سائل عید کی رخصت پر گھر خود میں موجود تھا۔ مورخہ 24.04.2023 کو بوقت 0900 بجے عشاء کی نماز کے بعد موہاگل چیک کیا تو معلوم ہوا کہ کبل پولیس لائن (CTD) کپاؤنڈ میں دھماکہ ہوا ہے اور ہمارے بھائی شہید اور زخمی ہو چکے ہیں۔ میرا دل بہت افسردہ ہوا پس میں بذریعہ واٹس آپ گروپس (KPK) پولیس کی ایک آوازدار (KPK زندہ ہاں) میں مندرجہ ذیل مطالبات پر مشتمل واٹس میسج دائر کیا۔

1. CTD کپاؤنڈ میں دھماکہ سوچے سمجھے منصوبے کے نتیجے میں ہوا ہے۔
 2. کورٹ بلڈنگ میں بجلی دائرنگ نہیں ہوتی جس کی وجہ سے شارٹ سرکٹ ہو جانے پر دھماکہ ہو سکے۔
 3. اس دھماکے کے بارے میں جو افسران بالائے شارٹ سرکٹ کا ذکر امرہ رچایا ہوا ہے اس وجہ سے ہمارے شہداء بھائیوں کو شہید پہنچانا ممکن ہے۔
 4. میں افسران بالا سے مطالبہ کرتا ہوں کہ اس دھماکے کی شفاف انکوائری کی جائے اور حقیقت کو ہمارے سامنے لایا جائے۔
 5. مردم شماری میں اساتذہ کرام کو جو پیسے ملتے ہیں وہ تقریباً 60000 روپے ہوتے ہیں جبکہ پولیس ملازمین کو 8000 روپے ملتے ہیں۔ جو سراسر نا انصافی ہے کیونکہ اساتذہ کرام حکومت پاکستان کے شہری ہیں اور پولیس ملازمین کسی دوسرے یعنی امریکہ وغیرہ کے شہری ہیں۔
 6. ہمارے جو اپنے افسران بالا ہیں وہ جو نیوز ریکس پولیس فورس کے حقوق کھاتے ہیں اس وجہ سے ہمیں اپنا پورا حق نہیں ملتا۔ مورخہ 27.04.2023 کو اس سلسلے میں پولیس لائن دیر لوز میں زیر نگرانی DPO طارق اقبال صاحب ایک درہار منعقد ہو اجس میں، میں نے درجہ ذیل مطالبات پیش کیے۔
1. KPK عوام اور KPK پولیس کو تحفظ اور پورے اختیارات دینا۔
 2. پولیو ڈیوٹی اور مردم شماری کی ڈیوٹی ملازمین کو جو پیسے ملتے ہیں وہ پورے نہیں ملتے۔
 3. نمازے جو بھائی شہید ہو جائے تو ان کی بیوہ اور دیگر درشاہ وغیرہ شہید پہنچ اور دوسرے بقایا جات کی وصولی کیلئے دفتروں میں ذمیل ہوتے ہیں۔ اگر ایسا نظام بنایا جائے کہ ان کے گھروں میں متعلقہ عملہ جا کر سارے کاغذات درست کیے جائیں تو اچھا ہوگا۔
 4. پنجاب پولیس ملازمین کو جو مراعات ملتے ہیں وہ KPK پولیس ملازمین کو بھی ملنے چاہیے۔
 5. KPK پولیس ملازمین کو جو راشن الاؤنس 681 روپے ملتا ہے اگر مہینے پر تقسیم کیا جائے تو فی یوم کے حساب سے 22 روپے بنتے ہیں جو KPK پولیس ملازمین کے ساتھ ایک مذاق ہے۔
 6. میں مورخہ 20.11.2022 کو ایلینٹ پلاٹون نمبر 26 مردان سے پلاٹون نمبر 57 لوزر دیر تبدیل ہوا تھا لیکن اس آرڈر میں میرے ساتھ جو بھائی بھی شریک تھے خواہ وہ کرک، کوہاٹ، دیر، سوات، بونیر وغیرہ میں تبدیل ہوئے تھے اس میں جس نے بھی

M...

10000 روپے سے لے کر 20000 روپے تک OASI کراچی میں جمع کیے وہ فوراً اپنے اطلاق میں داخل نہیں ہوتے

لیکن میں کسی کو پیسے نہیں دیتا اس وجہ سے میں تقریباً 06 مہینے سے اپنے اپنی شمع سے دور دیر لوٹر میں ڈیوٹی کر رہا ہوں ہل اس کی

خفاں انگریزی کی آجائے تاکہ جس نے بھی پیسے وصول کیے ہوں اس کے خلاف حکمانہ کارروائی کی جائے۔

میں یہی میرا بیان ہے۔

مستطاب المصداق

مستطاب

FC طارق عزیز نمبر 4886 آئی 23 28

ایلیٹ پائلون نمبر 57 دیر لوٹر

سوال نمبر 3: آج کل کے بنا جلا کہ OASI پر پانڈا میں دیکھا کہ سرے سے نہیں آئے ہیں۔ لیکن میں ہر ماہ اپنے پاس سے

میں کئی کئی ٹیوٹس ہوتے ہیں۔ کیا اس کوئی ٹیوٹس نہیں ہے البتہ اگر سوچے سمجھے منہ ہونے کے امتداد میں تو حقیقت

سوال نمبر 4: کیا آپ کے پاس کوئی ٹیوٹس ہے کہ لو لیسوار سرورم شکاری کی ڈیوٹی نہ ماضور ملازمین کو

حوالہ: اس کا ٹیوٹس میں بڑا ہی خود سر میں 2012ء کا بصری شدہ سرورم تیسرے مہینے لو لیسوار

کی ڈیوٹی ہوتی ہے۔ لیکن ابھی تک صرف 2 دفعہ مجھے پیسے ملتے ہیں۔ جو کہ آج دفعہ 1500

سوال نمبر 5: صوبائی حکومت نے (5) افسران پر مشتمل تحقیقاتی کمیٹی تشکیل دی ہے کہ وہ اس سائنس

P.T.O

کنا آپ کو معلوم نہیں تھا کہ اسٹیشن بالا کی طرف سے سوشل میڈیا کی
مختص استعمال پر پابندی ہے؟ اگر معلوم تھا تو پھر آپ نے یہ عنبر قانون قدم
کون اٹھایا؟

مگر مجھے پتا تھا مگر ابھی ساتھ پولیس ڈاٹن کی شہدوں کی یاد تازہ تھی کہ یہ دیکھ کر
تو میں انتہائی دل برداشتہ ہو کر یہ پیغام نشر کیا۔

پھر ان کے جواب میں آپ نے جو بیان دیا ہے کیا آپ اس پر اب بھی قائم ہیں؟

جواب دیا کہ میں اپنے بیان پر اب بھی قائم ہوں۔ اس کے لیے میں قاسم کو جواب دینا چاہتا ہوں۔

FC طارق کٹر نمبر 4886
پلاٹ نمبر 107/1
میں نے اس کے بارے میں پتہ چلا ہے کہ اس کے بارے میں پتہ چلا ہے کہ اس کے بارے میں پتہ چلا ہے

M
OSP-C

میں نے اس کے بارے میں پتہ چلا ہے کہ اس کے بارے میں پتہ چلا ہے کہ اس کے بارے میں پتہ چلا ہے

میں نے اس کے بارے میں پتہ چلا ہے کہ اس کے بارے میں پتہ چلا ہے کہ اس کے بارے میں پتہ چلا ہے

میں نے اس کے بارے میں پتہ چلا ہے کہ اس کے بارے میں پتہ چلا ہے کہ اس کے بارے میں پتہ چلا ہے

07.9