

# INDEX

## KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO	INSTITUTION	ORIGINAL INSTITUTION	DECISION	PAGES
934/22		15/16/2022	16/02/2024	74

Tariq Hayat VS Police Department

Sr.No.	Page No.	No. of Pages	Documents
Part-A			
1	-		Letter
2	01 - 06	06	Judgment
3	07 - 13	07	Order Sheets
4	14 - 54	41	Appeal
5	55 - 55	01	Wakalat-nama
6	56 - 71	16	Reply of R 1, 2
7	72 - 74	03	Notices
8			
9			
10			
11			
12			
Part-B			
1			
2			
3			

Total Pages in Part-A	740
Total Pages in Part-B	0

*Tariq Hayat*  
30/5/24  
Muharrir Compilation

*[Signature]*  
4/6/24  
Incharge Judicial Branch

17  
A

43.	Mr. Hidayat Ullah, Assistant Professor of History (BS-18), Govt. Post Graduate College, Mir Ali.	Associate Professor (BS-19), his services are placed at the disposal of Secretary A & C, FATA for his further posting.	
44.	Mr. Syed Abdul Wajid, Assistant Professor of Chemistry (BS-18), Govt. Post Graduate College, Mansehra.	Associate Professor (BS-19), Govt. Post Graduate College, Mansehra.	Against vacant post
45.	Mr. Sajjad Samad, Assistant Professor of History (BS-18), Govt. Post Graduate College, Nowshera.	Associate Professor (BS-19), Govt. Post Graduate College, Nowshera.	Against vacant post
46.	Mr. S. Zulfiqar Haider, Assistant Professor of Botany (BS-18), Govt. Degree College, Paharpur, D.I. Khan.	Associate Professor (BS-19), Govt. Degree College, Paharpur, D.I. Khan	Against vacant post
47.	Mr. Sajjad Ali Khan, Assistant Professor of English (BS-18), Govt. Post Graduate College, Kohat.	Associate Professor (BS-19), Govt. Post Graduate College, Kohat.	Against vacant post
48.	Mr. Rehmat Ullah, Assistant Professor of Political Science (BS-18), Govt. Post Graduate College, Nowshera.	Associate Professor (BS-19), Govt. Post Graduate College, Nowshera.	Against vacant post
49.	Mr. Naseerud Din, Assistant Professor of Arabic (BS-18), Govt. Post Graduate Jehanzeb College, Saidu Sharif, Swat.	Associate Professor (BS-19), Govt. Post Graduate Jehanzeb College, Saidu Sharif, Swat	Against vacant post
50.	Mr. Abdur Razaq, Assistant Professor of Law (BS-18), Govt. Post Graduate College, Mansehra.	Associate Professor (BS-19), Govt. Post Graduate College, Mansehra.	Against vacant post
51.	Mr. Muhammad Saddiq, Assistant Professor of Physics (BS-18), Govt. Superior Science College, Peshawar.	Associate Professor (BS-19), Govt. Superior Science College, Peshawar.	Against vacant post
52.	Mr. Abaul Jabbar, Assistant Professor of Botany (BS-18), Govt. Superior Science College, Peshawar.	Associate Professor (BS-19), Govt. Degree College, Tangi, Charsadda.	Against vacant post
53.	Mr. Falak Naz, Assistant Professor of Economics (BS-18), Govt. Degree College, No. 1, D.I. Khan.	Associate Professor (BS-19), Govt. Degree College, No. 1, D.I. Khan.	Against vacant post
54.	Mr. S. Altaf Haider, Assistant Professor of English (BS-18), Govt. Post Graduate College, Mardan.	Associate Professor (BS-19), Govt. Post Graduate College, Mardan.	Against vacant post
55.	Mr. Rehmat Ali, Assistant Professor of Zoology (BS-18), Govt. Degree College, Mingora, Swat.	Associate Professor (BS-19), Govt. Degree College, Madyan, Swat.	Against vacant post
56.	Mr. Irshad Ahmad, Assistant Professor of Economics (BS-18), Govt. Post Graduate College, Nowshera.	Associate Professor (BS-19), Govt. Post Graduate College, Nowshera.	Against vacant post
57.	Mr. Muhammad Tariq Saddique, Assistant Professor of Computer Science (BS-18), Govt. College, Peshawar.	Associate Professor (BS-19), Govt. Degree College, Pabbi, Nowshera.	Against vacant post
58.	Mr. Nasrullah Khan, Assistant Professor of Pak Studies (BS-18), Govt. College, Peshawar.	Associate Professor (BS-19), Govt. Degree College, Hayatabad, Peshawar.	Against vacant post
59.	Mr. Ghulam Rasool, Assistant Professor of Physics (BS-18), Govt. Degree College, Havelian, Abbottabad.	Associate Professor (BS-19), Govt. Post Graduate College, No. 1, Abbottabad.	Against vacant post

July

17

(7)

SCANNED  
KPST  
Peshawar

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 934/2022**

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

Tariq Hayat (Ex-PASI No.504) S/o Hayat Khan, R/o Police Department,  
Khyber Pakhtunkhwa.

.... (Appellant)

**VERSUS**

1. Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Mardan.
3. District Police Officer, Nowshera.

.... (Respondents)

Mr. Javid Iqbal Gulbella  
Advocate

.... For appellant.

Mr. Muhammad Jan,  
District Attorney

.... For respondents


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Date of Institution.....15.06.2022  
Date of Hearing.....16.02.2024  
Date of Decision.....16.02.2024

**JUDGMENT**

RASHIDA BANO, MEMBER (J): The instant service appeal has been instituted under section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as below:

**“It is therefore, most humbly prayed that on acceptance of the instant Appeal, the impugned order No.276-81/PA-Nowshera dated: 10-02-2022 of the office of District Police Officer, Nowshera and of the Impugned order No.3829/ES-MARDAN dated: 31-05-2022 of the Regional Police**



**Officer, Mardan, may kindly be set aside & by doing so the appellant may very graciously be re-instated into service with all the back benefits. Similarly order dated 25.11.2022 passed by IGP in revision of the appellant may kindly be set aside.**

**Any other relief not specifically asked for may also graciously be extended in favour of the appellant in the circumstances of the case."**

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was enlisted as PASI in Police Department against the Shuhada Son's Quota in the year 2015 and was performing his duties with zeal and zest. During service a complaint was lodge against the appellant on the basis of which he was suspended from service vide order dated 02.02.2022. Departmental proceedings were initiated by issuing a charge sheet alongwith statement of allegation which was replied by him. Thereafter, appellant was dismissed from service vide order dated 10.02.2022. Feeling aggrieved, he filed departmental appeal on 07.02.2022, which was rejected vide order dated 31.05.2022, hence the instant service appeal.

3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned District Attorney and perused the case file with connected documents in detail.

4. Learned counsel for the appellant argued that appellant has not been treated in accordance with law and rules. He further argued that the impugned order passed by the respondent is unwarranted, unlawful and viod-ab initio, hence liable to be set aside. He further argued that neither enquiry has been conducted nor final show cause notice has been issued, therefore, the



impugned order is illegal and is liable to be set aside. He submitted that opportunity of personal hearing was not afforded to him and he was condemned unheard which is against the principle of natural justice.

5. Conversely, learned District Attorney contended that appellant has been treated in accordance with law and rules. He further contended that appellant while posted as Incharge Police Post, Tariq Abad, a boy namely Afaq visited the Police Post in connection with some matter, where appellant asked Afaq to do sodomy with him in return for favor to Afaq. He further contended that proper departmental proceeding was conducted against appellant through the then ASP Nowshera Cantt: who after fulfillment of all legal and codal formalities held the appellant guilty of misconduct hence, recommended him for major punishment, thereafter, major penalty of dismissal from service was imposed upon him by the competent authority.

6. Perusal of record reveals that appellant was appointed as a PASI in Shuhada sons quota in the year 2015. Appellant was performing his duties with zeal & zest and was posted as Incharge Police Post Tariq Abad, Nowshera when on 2<sup>nd</sup> February 2022 his service was suspended vide order dated 02/02/2022 upon allegation of involvement in immoral activities and nefarious conduct upon complaint of one, Afaq.


7. Appellant was served with charge sheet and statement of allegation which was properly replied by him. One, Mr. Bilal Ahmad ASP Cantt Nowshera, conducted inquiry and submitted his report upon which authority without issuing show cause notice, vide impugned order dated 10.02.2022 awarded major penalty of dismissal from service to the appellant.

8. Disciplinary proceeding was initiated against the appellant upon application submitted by one Afaq Khattak s/o Zahid Khan but said

application is not available on file, however one written statement of said Afaq is available on record, perusal of which reveals that allegation leveled by the said Afaq is of such a nature that in the Pakhtoon society, a responsible police official can't even think of it, what to ask for it from a member of influential of the locality, even having close relation with political figure. If it was so, it would have resulted in blood feud. If the allegation leveled against the appellant by Mr. Afaq was true, then he must have appeared before the inquiry officer for recording his statement and face the test of cross examination, but his non-appearance for cross examination means he filed application just for the purpose of dismissal of the appellant for the reason mentioned in reply of charge sheet by the appellant.

9. Non-appearance of the alleged complainant Mr. Afaq, a member of before inquiry officer show his intention which is harassment of the appellant. Allegation leveled by him can't be accepted true by any prudent mind. According to settled norms and rules, proper opportunity of hearing and defence must be provided to the appellant but in the instant case neither any opportunity of cross examination nor personal hearing was provided to him.

10. Appellant in his reply specifically mentioned that complainant is son of ex-nazim who is cross relative of Khattak family i.e. Pervez Khattak ex-chief minister and ex-defence minister who just to save honor of his family leveled baseless allegation against him. When complainant Afaq was cross relative of ex-chief minister and ex-defence minister, then there must be pressure upon respondents to kick out appellant from service therefore, they in haste without following proper procedure dismissed appellant from service, which shows biasness of the inquiry officer and department.




11. It is also pertinent to mention here that show cause notice was not issued to the appellant which is against the rules, and admittedly the appellant was condemned unheard.

12. For what has been discussed above, we are unison to set aside impugned orders, re-instate the appellant into service with all back benefits.

13. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 16<sup>th</sup> day of February, 2024.*

PESHAWAR  
Tribunal  
Tribunal  
Tribunal


  
(FREEHA PAUL)  
Member (E)

  
(RASHIDA BANO)  
Member (J)

\*M.Khan

**ORDER**  
16.02.2024

1. Learned counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present.
2. Vide our detailed judgment of today placed on file, we are unison to set aside impugned orders, re-instate appellant into service with all back benefits.
3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 16<sup>th</sup> day of February, 2024.*

  
(FAREEHA PAUL)  
Member (E)

  
(RASHIDA BANO)  
Member (J)

\*M Khan

SCANNED  
K.P.S.T  
Peshawar




23.10.2023

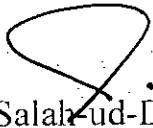
Appellant alongwith his counsel present. Mr. Muhammad Jan, District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on

SCANNED  
KPST  
Peshawar

21.12.2023 before the D.B. Parcha Peshi given to the parties.

  
(Muhammad Akbar Khan)  
Member (E)

  
(Salah-ud-Din)  
Member (J)


\*Naeem Amin\*

21.12.2023

01. Counsel for the appellant present. Mr. Asif Masood, Ali Shah, DDA for the respondents present.

02. Miss Farecha Paul, learned Member (Executive) is on leave, therefore, Bench is incomplete. To come up for arguments on 16.02.2024 before the D.B. Parcha Peshi given to the parties.

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(RASHIDA BANO)  
Member (J)

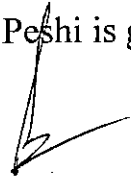
\*Fazle Subhan. P.S\*


17.05.2023

8  
Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 26.06.2023 before the D.B. Parcha Peshi is given to the parties.

SCANNED  
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Peshawar

  
(Muhammad Akbar Khan)  
Member (E)

  
(Salah-ud-Din)  
Member (J)


\*Naeem Amin\*

26.06.2023

Junior of learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.

Learned Member (Executive) Mr. Muhammad Akbar Khan is on leave, therefore, bench is incomplete. To come up for arguments on 23.10.2023 before D.B. Parcha Peshi given to the parties.

SCANNED  
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Peshawar

  
(Salah-Ud-Din)  
Member (J)

\*Kamranullah\*

07<sup>th</sup> March, 2023

Learned counsel for the appellant present.

Mr. Muhammaad Adeel Butt, Additional Advocate General for the respondents present.

Learned counsel for the appellant submitted an application for making addition in the claim as well as in the prayer of the appeal to challenge the order dated 25.11.2022 passed by the Inspector General of Police rejected the revision petition of the appellant. Learned Additional Advocate General accepted the notice of the application and expressed no objection on acceptance of the application. The application is accepted as only the order dated 25.11.2022 is being challenged, therefore, the office is directed to make an entry regarding the same in the memorandum and grounds of appeal as well as the relevant register with red ink. The respondents may, if they wish, file reply in this respect within seven days and if they not file their earlier reply shall be deemed to be the reply. To come up for arguments before the D.B on 17.05.2023.

P.P given to the parties.



(Salah-ud-Din)  
Member (J)

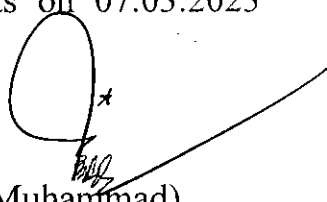


(Kalim Arshad Khan)  
Chairman

SCANNED  
K. J. T  
Peshawar

14.12.2022

Appellant in person present. Mr. Naseer-ud-Din Shah, Assistant Advocate General alongwith Mr. Fayyaz, H.C for the respondents present and submitted reply/comments which are placed on file. Copy of the same handed over to appellant. To come up for rejoinder, if any, and arguments on 07.03.2023 before D.B.



(Mian Muhammad)  
Member (E)


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KPST  
Peshawar

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KPST  
Peshawar

10.10.2022

Counsel for the appellant present. Mr. Kabir Ullah Khattak,  
Additional Advocate General for respondents present.

Reply on behalf of respondents not submitted. Learned  
Additional Advocate General seeks further time for submission of  
written reply. Adjourned. To come up for written reply/comments  
on 16.11.2022 before S.B.

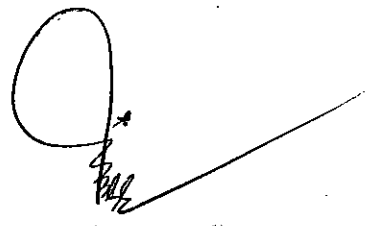
  
(Fareeha Paul)  
Member (E)

16.11.2022

Junior of learned counsel for the appellant present. Mr. Kabirullah  
Khattak, Additional Advocate General alongwith Mr. Fayyaz H.C for  
the respondents present.

Reply/comments on behalf of respondents not submitted.  
Representative of the respondents requested for time to submit  
reply/comments on the next date. Last opportunity is granted. To come  
up for reply/comments on 14.12.2022 before S.B.

**SCANNED**  
**KPST**  
**Peshawar**

  
(Mian Muhammad)  
Member (E)

24<sup>th</sup> June, 2022

Notice issued  
for 17/08/22

Rs-500/-  
Appellant Deposited  
Security & Process Fee

*A. M. J. I. I.*  
28/6/22

Counsel for the appellant present and submits that vide impugned order dated 10.02.2022 regarding his dismissal from service, the appellant filed departmental appeal on 28.02.2022 which was rejected on 31.05.2022. The appellant then filed this service appeal on 15.06.2022 which appears to be within time and is admitted to full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security and process fee and security within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 17.8.2022 before S.B.

*A*

(Kalim Arshad Khan)  
Chairman

*D*

17.08.2022

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Reply/comments on behalf of respondents not submitted. Learned AAG seeks time to contact the respondents for submission of reply/comments. Adjourned. To come up for reply/comments 10.10.2022 before S.B.

*M. M.*

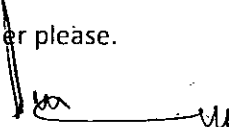
(Mian Muhammad)  
Member (E)

SCANNED  
KPST  
Peshawar

FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 934/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/06/2022  C	<p>The appeal of Mr. Tariq Hayat resubmitted today by Mr. Muhammad Javed Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	23.6.22	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>24-6-22</u> .Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">Q CHAIRMAN</p>

14  
The appeal of Mr. Tariq Hayat Ex-PASI No. 504 received today i.e. on 15.06.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of departmental appeal is not attached with the appeal which may be placed on it.

No. 2030 /S.T,

Dt. 16/6 /2022

REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Javed Iqbal Gulbella Adv. Pesh.

Respected Sir,

objection removed, resubmitted after  
necessary completion.

Javed Iqbal Gulbella  
ASC



*Annexure D*

GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE  
HEALTH DEPARTMENT.

(24)

NOTIFICATION

~~Annexure~~

(2)

Peshawar, dated the 11.10.2008.

No. SDH(RV)4-20/08. In exercise of the powers conferred by section 26 of the North West Frontier Province Civil Servants Act, 1973 (N.-W.F.P. Act XVIII of 1973), the Governor of the North-West Frontier Province is pleased to make the following rules, namely:

THE NORTH-WEST FRONTIER PROVINCE  
HEALTH (MANAGEMENT) SERVICE RULES, 2008.

PART-I  
GENERAL

1. Short title and commencement.---(1) These rules may be called the North-West Frontier Province Health (Management) Service Rules, 2008.

(2) They shall come into force at once.

2. Definitions.---In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- (a) "appointing authority" in relation to a post, means the respective authority specified in para 4 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989;
- (b) "Commission" means the North-West Frontier Province Public Service Commission;
- (c) "Cadre" means Health Management Cadre;
- (d) "Government" means the Government of the North-West Frontier Province;
- (e) "Governor" means the Governor of the North-West Frontier Province;
- (f) "Initial recruitment" means appointment made otherwise than by promotion or transfer;
- (g) "Member of Service" means officer belonging to health management cadre as reflected in schedule I, II & III;
- (h) "PHSA" means Provincial Health Services Academy;

*Attested*  
**ATTESTED**

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR


CHECK LIST

Case Title: Tariq Hayat v/s ILP & Others

S#	CONTENTS	YES	NO
1	This Appeal has been presented by _____		
2	Whether counsel / appellant/ respondent/ deponent have signed the requisite document?	✓	
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?	✓	
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 number of referred cases given are correct?	✓	
16	Whether appeal contains cutting / 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 are 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 /documentations as required in the above table, have been fulfilled.

Name:- Javed Iqbal Gulbela

Signature: - 

Dated: - 14-06-2022

BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL  
PESHAWAR

In S.A No. 934 /2022

**SCANNED**  
**KPST**  
**Peshawar**

Tariq Hayat

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa & Others

INDEX

<i>S#</i>	<i>Description of Documents</i>	<i>Annex</i>	<i>Pages</i>
I.	Grounds of Appeal.		I-4
2.	Affidavit.		5
3.	Addresses of Parties		6
4	Copy of Advertisement & Appointment Order	A-B	7-12
5.	Copies of the Operations Report & ACR	C, D/I, D/2	13-19
6	Copies of the Suspension Order No. 171-76/PA-NOWSHERA Dated: 02-02-2022, Copies of disciplinary action.	E, F	20-21
7	Copies of the Charge-Sheet, Copy of complaint, Inquiry report	G, H & HI	22-24
8	Copies of the Impugned Dismissal Order No. 276-81/PA-NOWSHERA Dated: 10-02-2022	I	25
9	Copies of the Departmental Appeal & Impugned Order	J-K	26-28
10	Other documents		29-34
II	Wakalat Nama		35

Dated: 14-06-2022

*Appellant*

*Through*

*Javed Iqbal Gulbela*  
*Advocate Supreme Court,*  
*Pakistan*

17

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR

Khyber Pakhtunkhwa  
Service Tribunal

In S.A No. 934 /2022

Case No. 288

Dated 15/6/2022

Tariq Hayat (Ex-PASI No. 504) S/o Hayat Khan, R/o Police Department  
Khyber Pakhtunkhwa.

..... APPELLANT

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa.
2. Regional Police Officer, Mardan.
3. District Police Officer, Nowshera. ✓

..... RESPONDENTS

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL  
ACT -1974 AGAINST THE IMPUGNED ORDER NO. 276-81/PA-NOWSHERA  
DATED: 10-02-2022 OF THE OFFICE OF DISTRICT POLICE OFFICER,  
NOWSHERA, WHEREBY THE APPELLANT WAS DISMISSED FROM  
SERVICE AND, AND THE IMPUGNED ORDER NO. 3829/ES- MARDAN  
DATED: 31-05-2022 OF THE REGIONAL POLICE OFFICER MARDAN  
WHEREBY APPEAL AGAINST THE IMPUGNED DISMISSAL ORDER WAS  
TURNED DOWN IN A CLASSICALLY CURSORY AND WHIMSICAL  
MANNER. AND ORDER DATED 25-11-2022 VIDE WHICH REVISION OF  
THE APPELLANT WAS REJECTED BY IGP.

Respectfully Sheweth,

1. That the Appellant is a naturally born bona-fide citizen of Islamic Republic of Pakistan and hails from a respectable family.
2. That the Appellant was appointment as a PASI against the Shuhada Sons' Quota, back in the year 2015, and since the very onset of his appointment, the Appellant began to burn the candles at both ends, working blood & sweat to serve under the mandate of the Prestigious Department. Throughout the course of his service, the Appellant remained most devout & devoted fellow in duty, who never failed to prove his mental wetted skills, vigilance, and potential for rendering meritorious services, by his strict adherence to high moral standards & sense of duty, which ultimately carved out ways for winning the hearts of his high-up's and so was appraised & appreciated on numerous junctures for his work ethic, attitude & behavior even in a very lesser time of service. (Copy of Advertisement & Appointment Order is annexed here as Annexure "A & B")

Added vide  
Order Sheet  
dated 7/3/22

Filed to-day

Registrar  
15/6/2022

Re-submitted to -day  
and filed.

Registrar  
21/6/22

3. That to shed light on track-record of the Appellant, one would certainly be amazed & inspired by the innumerable achievements that the Appellant has tucked up his sleeve, whether it was any training course or the official annual report of the Respondent Department for the Appellant's performance; the Appellant had excelled & outshone every stage & aspect of his duty with grace and glory. **(Copies of the Operations Report & ACR is annexed here as Annexure "C, D, D/I, D/2" respectively)**
  
4. That while the Appellant was rooting for a distinctive career, & his nose was on grindstone for duty, little did he know the tragedy awaited him. As it was in the backdrop of the earlier days of February 2022, while he was posted as I/C PP Tariq Abad, Newshehra and performing his duties with zeal & zest, when the Respondent Department dropped a bombshell on Appellant that his services were suspended from the rolls of the Respondent Department vide **Order No. 171-76/PA-NOWSHERA Dated: 02-02-2022**, on the grounds of his involvement in alleged immoral activities & nefarious conducts upon a miscellaneous complaint made by a local folk named Afaq. **(Copies of the Suspension Order No. 171-76/PA-NOWSHERA Dated: 02-02-2022 & Disciplinary Action are here as Annexure "E, F ")**
  
5. That followed by the supra-mentioned events, a Charge-Sheet was served upon the Appellant, whereby he was alleged to be guilty of misconduct under Police Rules 1975 and so shall the Appellant submit a written reply to the Charge-Sheet within 7 days so to implore his personal defense. Hence, the Appellant followed the directions rendered upon him and within the prescribed time submitted his written defense. **(Copies of the Charge-Sheet & Inquiry Report are here as Annexure "G, H & HI")**
  
6. That what to say of a let-down, the Appellant was taken aback that the Respondent Department all acting up in hissy-hiss, dismissed the Appellant with the **Impugned Dismissal Order vide Order No. 171-76/PA-NOWSHERA Dated: 10-02-2022**, outright within no time without the fulfillment of the due procedure of law that required a regular/mandatory inquiry, and where the Appellant was not given any opportunity to depose, put up defense and to rebut all the

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leveled against him. (Copies of the Impugned Dismissal Order No. 276-81/PA-NOWSHERA Dated: 10-02-2022 is annexed here as Annexure "I")

7. That the Appellant highly aggrieved from the Impugned Dismissal Order Dated: 10-02-2022, filed a Departmental Appeal to the Regional Police Officer, Mardan, but to an utter dismay that too was dismissed in haste. (Copies of the Departmental Appeal & Impugned Order No. 3829/ES MARDAN Dated: 31-05-2022 is annexed here as Annexure "J,K ")
8. That feeling highly aggrieved, the Appellant approaches this Hon'ble Tribunal for setting aside both the Impugned Dismissal as well as Appellate Authority's Orders upon the following grounds, inter-alia:

GROUND:

- A. That the Impugned Dismissal Order of the Respondent Department holds no water or grounds to impose a major penalty upon the Appellant as it is unwarranted, unlawful & *void-ab initio*, hence not sustainable at all.
- B. That it is an established principle of law that "if a Statute requires a thing to be done in a particular way or manner, it must be done by the Authority in the manner as prescribed by the Statute, else departure from the Rules will invalidate the thing done (in the present case; the dismissal of the Appellant) in the manner of other than the prescribed by the Rules".
- C. That the Impugned Order issued by the Respondent Department is based on & supported by clandestine and covert proceedings that taken place without any Show-Cause, Notice or even any Final Show-Cause Notice to Appellant. But as a matter of fact, the nature & conduct of departmental inquiry is never a confidential matter & record must show involvement and association of the Accused person with commissioned misdeeds, and the participation of the Accused in the same enquiry is a *sine qua non*, as it is the first stage of judicial proceedings and for a reason, it shall be conducted strictly in accordance with requirement of law & not whimsical manner.
- D. That by inviting a reference from a reported citation 1999 PLC(CS) 423, as per law, "*in case of any major penalty proposed to be imposed on an accused civil servant for serious allegations, which are denied by the employee, the regular enquiry is mandatory to be conducted, providing such employee an opportunity of cross-examining the witness against him as also allowing him to put up his defense*", but in the present case, it is crystal clear that the Respondent Department had an evident departure from the due procedure of law, whereby no regular inquiry was conducted to probe into the allegations levelled against the Appellant.
- E. That awarding a major penalty to an employee without lending him any opportunity of personal hearing or defense, or digging into the matter without any inquiry, but merely based on so-called discreet & detached accusations

and charge-sheeting the employee with bare allegations/charges, is nothing but a naked assault on the fundamental rights of the Appellant.

- F. That the principle of natural justice i.e., *audi alteram partem* applies to judicial as well as quasi-judicial & non-judicial proceedings too, which pertains to a conclusion that an order without a notice is always void, and any proceedings beyond that would also be void, defected, and militated against the principles. Hence, it is safe to say that in the instant case, the violation of provisions of law was equated with the violation of principle of natural justice & the actions of the Respondent Department taken in the violation of the above-cited pillars of the legal system are without any lawful authority, having no legal effect, and rendering every right to Appellant to assail the Impugned Dismissal Order.
- G. That from every angle the appellant is liable to be re-instated into service with all back benefits.
- H. That any other ground not raised here may graciously be allowed at the time of arguments.

*It is therefore, most humbly prayed that on acceptance of the instant Appeal, the Impugned Order No. 276-81/PA-NOWSHERA dated: 10-02-2022 of the office of District Police Officer, Nowshera, and of the Impugned Order No. 3829/ES-MARDAN Dated: 31-05-2022 of the Regional police Officer, Mardan, may kindly be set aside & by doing so the Appellant may very graciously be re-instated into service with all the back benefits. Similarly orders dated 25.11.2022 passed by IGP in Revision of the appellant*

*Any other relief not specifically asked for may also graciously be extended in favor of the appellant in the circumstances of the case. may kindly be set aside.*

Dated: 14-06-2022

Appellant

Through

Javed Iqbal Gulbela  
Advocate, Supreme Court of Pakistan.

Saghir Iqbal Gulbela

&

Ahsan Sardar  
Advocates, High Court  
Peshawar.

NOTE:

No such like appeal for the same appellant, upon the same subject matter has earlier been filed by me, prior to the instant one, before this Hon'ble Tribunal.

Advoca

Added  
vide order  
dated 07/05/23.

17/8/23



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**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

In Service Appeal No- \_\_\_\_\_/2022

Muhammad Tariq Hayat

Versus

IG KPK & Others

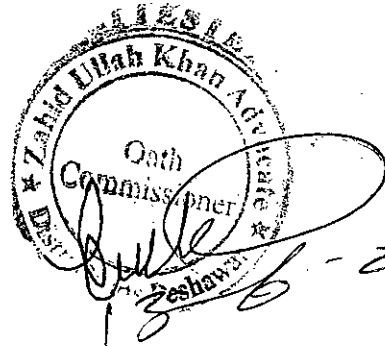
**AFFIDAVIT**

I, Muhammad Tariq Hayat S/o Hayat Khan R/o Mubarak Shah Korona P/O Khaishki Payan, Khaishki Bala Tehsil & District Charsadda, do hereby solemnly affirm & declare on oath that all contents of the instant Service Appeal are true & correct to the best of my knowledge and belief & nothing has been concealed from this Hon'ble Tribunal.

~~DEPONENT~~

Identified By:

Javed Iqbal Gulbela  
Supreme Court  
of Pakistan



6

BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL  
PESHAWAR

In S.A No. \_\_\_\_\_/2022

Tariq Hayat

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa & Others

ADDRESSES OF PARTIES

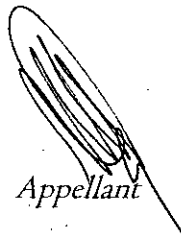
APPELLANT:

Tariq Hayat (Ex-PASI No. 504) S/o Hayat Khan, R/o Police Department Khyber  
Pakhtunkhwa.

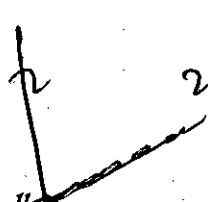
RESPONDENTS:

1. Inspector General of Police, Khyber Pakhtunkhwa.
2. Regional Police Officer, Mardan.
3. District Police Officer, Nowshera.

Dated: 14-06-2022

  
Appellant

Through

  
Javed Iqbal Gulbela  
Advocate Supreme Court,  
Pakistan

6

فیروز مہارانا سر کے مہاں مہارانا کے کلا جو نرسٹو  
انچا ارا ارا ارا مہاں کے عام کے مہاں کام کے  
کلا ارا ارا ارا مہاں کے عام کے مہاں کام کے

# مدل و انصاف

انچا ارا ارا ارا مہاں کے عام کے مہاں کام کے

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کمزور آنکھوں کی  
بارے والوں کیلئے  
سوالیہ نفاذ



انچا ارا ارا ارا مہاں کے عام کے مہاں کام کے  
انچا ارا ارا ارا مہاں کے عام کے مہاں کام کے



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Ann: B

**Government of Khyber Pakhtunkhwa**  
Office of the Deputy Inspector General of Police  
Mardan Region-I, Mardan

Phone No. 0937-9230113, Fax No. 0937-9230115.

From: The Deputy Inspector General of Police,  
Mardan Region-I, Mardan.

To: All DPOs, in Mardan Region-I, Mardan.

No. 407-10/ES.

12, January, 2016.

**Subject: APPOINTMENT/ABSORPTION OF POLICE SHUHADA'S SONS/BROTHERS AS PASIS IN POLICE DEPARTMENT (KHYBER PAKHTUNKHWA) OF MARDAN REGION.**

**Memo:**

Having been approved by the Departmental Selection Committee, appointment/absorption of the following Police Shuhada's Sons/Brother's as Assistant Sub Inspectors (BPS-09) (8015-495-22865) in Police Department (Khyber Pakhtunkhwa) on 03 years probation period, against the Supernumerary Posts in the light of directions vide Central Police Office, Peshawar letter No. 8905-8935/A-3 dated 17.09.2015 subject to the condition that, their appointment/absorption will be on temporary basis, and verification of their educational degree/certificates. Moreover if the degree/certificates of any candidate found forged, shall be immediately discharged: -

On the appointment/absorption of the following Shuhada's Sons/Brothers, they are also allotted Regional Numbers with posting to their parent Districts noted against each their names:-

JAVEDULLAH  
Advocate  
Supreme Court of Pakistan  
(ASC #5317)

S. No.	Name & No.	Appointment /Absorption	Date of Shahadat of Father/Brothers.	Region No.	District
1.	Muhammad Behzad S/o Shaheed FC Shah Fazil	Newly appointed	25.03.1992	435/MR	Swabi
2.	FC Azam Khan S/o Shaheed ASI Jamsher Khan	Absorbed	14.11.1992	436/MR	Mardan
3.	Saddam Hussain S/o Shaheed FC Jan Alam	Newly appointed	22.01.1994	437/MR	Charsadda
4.	Khalid Ahmad S/o Shaheed FC Noor Hayat	Newly appointed	19.02.1994	438/MR	Swabi
5.	FC Kifayat Ullah S/o Shaheed FC Karim Ullah	Absorbed	14.10.1994	439/MR	Mardan
6.	Abdullah Jan s/o Shaheed Constable Wali Muhammad	Newly appointed	14.10.1994	440/MR	Mardan
7.	Imad Khan S/o Shaheed FC Jehan Zeb No. 105	Newly appointed	01.08.1995	441/MR	Charsadda
8.	Kamran Nadir S/o Shaheed Gul Nadir	Newly appointed	05.09.1995	442/MR	Charsadda
9.	Sahar Gul S/o Shaheed FC Nowsherwan	Newly appointed	10.04.1996	443/MR	Charsadda
10.	FC Muhammad Asif s/o EHC Yousaf Khan	Absorbed	30.04.1996	444/MR	Nowshera
11.	FC Adnan Khan S/o Shaheed FC Said Qamar No. 983	Absorbed	12.07.1996	445/MR	Mardan
12.	Muhammad Bilal S/o Shaheed FC Muhammad Iavid	Newly appointed	18.08.1996	446/MR	Swabi

BN No 78  
14/1/2016

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13.	Muhammad Zeeshan S/o Shaheed FC Sardar Muhammad	Newly appointed	14.04.1998	447/MR	Mardan
14.	FC Farhad Ali Shah S/o Shaheed IHC Mukamil Shah	Absorbed	22.08.1999	448/MR	Charsadda
15.	Bilal S/o Shaheed FC Shahzada	Newly appointed	01.05.2001	449/MR	Charsadda
16.	FC Tahir Rasool s/o Shaheed Constable Hazrat Rasool	Absorbed	10.05.2001	450/MR	Mardan
17.	FC Nasir Khan S/o Shaheed HC Laiq Shah	Absorbed	17.03.2002	451/MR	Swabi
18.	FC Shah Faisal No. 1842 B/o Shaheed FC Shad Muhammad No. 959	Absorbed	22.02.2003	452/MR	Mardan
19.	Muhammad Bashir S/o Shaheed SI Husan Zada	Newly appointed	22.02.2003	453/MR	Swabi
20.	FC Aimal Zeb No. 149 S/o Shaheed ASI Jehan Zeb Khan	Absorbed	27.09.2005	454/MR	Nowshera
21.	FC Zulfiqar Ali S/o Shaheed FC Muhammad Sher No. 2929	Absorbed	28.03.2006	455/MR	Mardan
22.	Ali Raza S/o Shaheed ASI Noorulaili	Newly appointed	02.04.2006	456/MR	Charsadda
23.	Muhammad Shahzad S/o Shaheed HC Wisal Muhammad	Newly appointed	21.05.2006	457/MR	Swabi
24.	Abdul Latif B/o Shah Khalid No. 277	Newly appointed	27.01.2007	458/MR	Nowshera
25.	FC Akhtar Munir No. 1107 B/o Shaheed FC Muhammad Zubair No. 1061	Absorbed	14.06.2007	459/MR	Nowshera
26.	Zahid Shah S/o Shaheed FC Hidayat Shah	Newly appointed	05.07.2007	460/MR	Charsadda
27.	Sohail Nasir S/o Shaheed DSP Saleem Dad Khan	Newly appointed	02.02.2008	461/MR	Mardan
28.	Sheraz Afzal S/o Shaheed FC Afzal Shah	Newly appointed	23.02.2008	462/MR	Nowshera
29.	FC Shah Faisal S/o Shaheed FC Qaisar Khan	Absorbed	16.03.2008	463/MR	Mardan
30.	FC Tauseef Ahmad 1204 S/o Shaheed FC Farukh Said	Absorbed	25.04.2008	464/MR	Mardan
31.	Waqas Ahmad S/o Shaheed FC Israr Khan	Newly appointed	17.08.2008	465/MR	Charsadda
32.	FC Adil Khan s/o Shaheed HC Amjid Ali	Absorbed	22.08.2008	466/MR	Mardan
33.	Ashfaq Ali B/o Shaheed Adil Ali No. 1514	Newly appointed	31.10.2008	467/MR	Mardan
34.	FC Attiq-ur Rehman B/o shaheed FC Arif Shah	Absorbed	04.11.2008	468/MR	Mardan
35.	Shahab B/o Shaheed FC Taimoor Khan No. 2129	Newly appointed	06.01.2009	469/MR	Mardan
36.	Imran B/o Shaheed FC Fazal Rahman	Newly appointed	07.01.2009	470/MR	Mardan
37.	Abid Ali S/o Shaheed FC Usman Ali	Newly appointed	08.02.2009	471/MR	Swabi
38.	Izaz Ali S/o Shaheed HC Muhammad Taj No. 54	Newly appointed	24.03.2009	472/MR	Swabi
39.	JC Zaheer Muhammad B/o Shaheed FC Naseer Muhammad	Absorbed	26.03.2009	473/MR	Mardan
40.	Taimoor Ahmad S/o Shaheed DSP Bahadar Khan	Newly appointed	15.04.2009	474/MR	Charsadda
41.	Kamran Zeb S/o Shaheed ASI Aurangzeb	Newly appointed	20.04.2009	475/MR	Charsadda
42.	FC Shakeel B/o Shaheed FC Siyar No. 4763/FRP	Absorbed	11.05.2009	476/MR	Swabi
43.	Muhammad Kasuf S/o Shaheed FC Fazal Subhan No. 593	Newly appointed	20.05.2009	477/MR	Charsadda
44.	FC Zeeshan No. 23 S/o Shaheed FC Musharraf	Absorbed	04.06.2009	478/MR	Mardan
45.	Mazhar Fawad S/o Shaheed Inspector Fazal Khanan	Newly appointed	04.06.2009	479/MR	Mardan

68/78  
21/11

Supreme Court # 3317  
Mardan

46.	FC Bahar Ali B/o Shaheed FC Farman Ali No. 1095	Absorbed	12.08.2009	480/MR	Charsadda
47.	Kashif B/o Shaheed FC Nasir	Newly appointed	01.10.2009	481/MR	Mardan
48.	FC Nihar Ali S/o Shaheed SI Gul Imran	Absorbed	24.10.2009	482/MR	Mardan
49.	FC Asif Ayaz No. 2301 B/o Shaheed FC Muhammad Ayaz	Absorbed	11.03.2010	483/MR	Mardan
50.	FC Atta Ullah No. 989 B/o Shaheed FC Alamgir	Absorbed	14.06.2010	484/MR	Mardan
51.	Taj Islam S/o Shaheed Muhammad Ishaq	Newly appointed	06.07.2010	485/MR	Mardan
52.	FC Naveed ur Rehman s/o Shaheed SI Khushdil Khan	Absorbed	07.09.2010	486/MR	Swabi
53.	Syed Ali Shah B/o FC Shaheed Syed Kamal Shah No. 1298	Newly appointed	13.12.2010	487/MR	Mardan
54.	FC Izhar Ahmad No. 1401 B/o Shaheed FC Wiqar Ahmad & Shaheed ASI Mukhtiar Ahmad	Absorbed	15.03.2011 18.01.2007	488/MR	Mardan
55.	FC Muammar Shah B/o Shaheed Inspector Mazhar Shah	Absorbed	15.03.2011	489/MR	Charsadda
56.	Syed Adil Badshah B/o shaheed FC Syed Usman Badshah	Newly appointed	16.04.2011	490/MR	Mardan
57.	FC Shah Khalid B/o Shaheed Kausar Ali	Absorbed	22.04.2011	491/MR	Charsadda
58.	Mujeeb Alam B/o Shaheed FC Sardar Alam No. 381	Newly appointed	25.05.2011	492/MR	Charsadda
59.	FC Mujeeb ur Rehman B/o Shaheed Niaz ur Rehman No. 130	Absorbed	25.05.2011	493/MR	Charsadda
60.	Saddam Hussain S/o Shaheed LHC Mir Wali	Newly appointed	16.07.2011	494/MR	Swabi
61.	Ikram Khan B/o Shaheed LHC Ayaz Khan	Newly appointed	12.11.2011	495/MR	Mardan
62.	Muhammad Adil S/o Shaheed LHC Ali Zar	Newly appointed	17.03.2012	496/MR	Swabi
63.	FC Shahid Hussain B/o Shaheed FC Shah Hussain	Absorbed	12.05.2012	497/MR	Mardan
64.	Saddam Ali B/o Shaheed FC Kashif Ali	Newly appointed	09.06.2012	498/MR	Swabi
65.	FC Shah Naam B/o Shaheed FC Noorul Islam	Absorbed	19.07.2012	499/MR	Mardan
66.	Murshed Alam S/o Shaheed SP Khurshid Alam	Newly appointed	14.10.2012	500/MR	Charsadda
67.	Wahab Ali Shah S/o Shaheed Tajamul Shah	Newly appointed	03.12.2012	501/MR	Mardan
68.	FC Waseem Iqbal S/o Shaheed HC Arshed Iqbal of Special Branch	Absorbed	18.02.2013	502/MR	Swabi
69.	FC Nasir Khan B/o Shaheed Azmat Jan	Absorbed	19.02.2013	503/MR	Charsadda
70.	Muhammad Tariq Hayat B/o Shaheed Abdul Nasir	Newly appointed	23.02.2013	504/MR	Nowshera
71.	Adnan Ahmad S/o Shaheed HC Islam Gul	Newly appointed	26.03.2013	505/MR	Mardan
72.	Adnan Khan S/o Shaheed SI Gharib Ullah	Newly appointed	16.07.2013	506/MR	Nowshera
73.	FC Muhammad Qasim s/o Shaheed ASI Fazal Wahab	Absorbed	20.10.2013	507/MR	Mardan
74.	Zeeshan S/o Shaheed FC Iftikhar Ahmad	Newly appointed	13.12.2013	508/MR	Swabi
75.	Jehan Ali B/o Shaheed FC Nawaz Ali	Newly appointed	12.01.2014	509/MR	Swabi
76.	FC Naveed Iqbal No. 809 S/o Shaheed Muhammad Iqbal	Absorbed	14.01.2014	510/MR	Nowshera
77.	FC Bilal Ahmad B/o Shaheed LHC Khwaja Muhammad	Absorbed	22.01.2014	511/MR	Charsadda
78.	Amir Khan S/o Shaheed Sabir Khan No. 738	Newly appointed	24.01.2014	512/MR	Swabi

JAVED IQBAL  
Nowshera  
Station

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14/11/16

	Ishtiaq Ahmad B/o Shaheed FC Ashfaq Ahmad	Newly appointed	15.02.2014	513/MR	Charsadda
80.	Fakhar Yar Khan S/o Shaheed FC Shehryar Khan	Newly appointed	25.05.2014	514/MR	Charsadda
81.	Tauqeer Khan S/o Shaheed SI Feroz Khan	Newly appointed	20.06.2014	515/MR	Charsadda
82.	Sool Khan B/o Shaheed FC Alam Khan No. 2000	Newly appointed	23.07.2014	516/MR	Charsadda

Necessary notification regarding their appointment/ absorption may please be issued subject to their medical fitness and verification of character/antecedent.

En: ⑧ Application's  
File.

(MUHAMMAD SAEED)PSP  
Deputy Inspector General of Police,  
Mardan Region-I, Mardan.

No. / /ES.

Copy to Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar for favour of information w/r to his office Memo: Nos. 4016-22/E-III dated 31.12.2015 & 134-66/E-III dated 11.01.2016.

(MUHAMMAD SAEED)PSP  
Deputy Inspector General of Police,  
Mardan Region-I, Mardan.

EC  
14-1-2016

(OB No 78)  
dt 14.1.2016

JAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

Office of the DPO Nowshera

No 797 SI IE dt 15/01/2016

Copy for n/ocam to the:

- 1) SP Investigation
- 2) DAO Nowshera
- 3) Accountant
- 4) OHC
- 5) FME

of C

District Police Officer  
Nowshera

P. 40

28 (15) روزنامہ 15/1/2016

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ظفر اقبال صاحب سے 11:00 بجے 15/1/2016

- 1) جنرل صاحب
  - 2) جنرل صاحب
  - 3) نوید اقبال
  - 4) عبدالطیف صاحب
  - 5) طارق حیات
  - 6) عمر زینب
  - 7) طارق حیات
  - 8) عدنان
- (6) مکمل شدہ / دیہہ ریزی / سی ایف ڈی / 10-407 / جارج ٹاؤن / 12-1-2016

DIG سردار بہ عہدہ پاسی موبی ہوٹل

میں جی جی ہاؤس دریا، روزنامہ کے دفتر

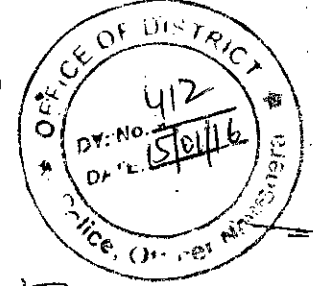
انہیں پراکٹس سے ارسال کیا گیا

فبا

مہر...

de se p...

Sir,  
 FORWARDED PLS  
 RI. PL. NOWSHERA  
 15-01-2016



EC  
 Fairman  
 15-1-2016

JAVED IQBAL GULBELA  
 Advocate  
 Supreme Court of Pakistan,  
 (ASC # 5317)



Police No.99

PS&PD, NWFP, 1559 F.S. 500P. of 100-9-12-1990-(67)

**POLICE DEPARTMENT**

No. 13-17

**DISTRICT NOWSHERA**

**Annual Confidential Report on the working of Assistant Sub-Inspector, Sub-Inspectors and Inspectors for the year ending 31<sup>st</sup> December, 2020.**

Name, Provincial or Range No.	PASI Tariq Hayat No. 504/MR
Father's Name	Hayat Khan
Where and on what duties Employed during the past 12 Months	01.01.2020 to 20.03.2020, Police Lines, 21.03.2020 to 11.08.2020, PS, Pabbi, 12.08.2020 to 15.10.2020, PS, Nizampur, 16.10.2020 to 31.12.2020, I/C PP Sheikh.
Class of Superintendent of Police's Report, i.e. "A" "B" or "C"	"A"
Is he honest?	Yes

- Remarks by:
1. Superintendent of Police,
  2. Regional Deputy Inspector General of Police.

01.01.2020 to 20.03.2020  
Period less than 03 months.

*Duty Free Officer*

*Gul Shed Khan*  
(GUL SHED KHAN)  
Deputy Superintendent of Police,  
HQs, Nowshera  
06.04.2020 to 11.08.2020 & 16.10.2020 to 31.12.2020

*Tayyab Jan*  
(TAYYAB JAN)  
Deputy Superintendent of Police,  
Circle Pabbi  
01.01.2020 to 12.06.2020

*Kashif Zulfikar*  
(KASHIF ZULFIQAR) PSP  
District Police Officer,  
Nowshera  
13.05.2020 to 31.12.2020

*Rajmul Hasnain Liaquat*  
(RAJMUL HASNAIN LIAQUAT) PSP  
District Police Officer,  
Nowshera

**APPEALED**

*[Signature]*

ED GULBELA  
Advocate  
Sri Jemie Court of Pakistan  
(ASC # 5317)

**POLICE DEPARTMENT**

**NOWSHERA DISTRICT**

**No. 12.38 (1)  
(PERSONAL FILE)**



1. Name & Designation PASI Muhammad Tariq Hayat No.
2. Father's name & profession Hayat Khan
3. Religion and caste Islam/Afghan
4. Residence (village Mubarak Shah Korona Kheshti Bala, PO. Misangi Pusan  
Teh: & District Nowshera)  
(Police Station Risalpur)  
(District Nowshera)
5. Date of birth 01.02.1987
6. Height and Chest measurement 5'8" 34" x 35"
7. Where educated with name of School or Schools, statement of education qualification passed BA
8. Any other qualification? Did the officer belong to his School Cricket Eleven or Foot ball or Hockey Team? Cricket
9. Names and degree of relationship of & appointment held by relatives in Govt or other employee Nil
10. Home of family Mubarak Shah Korona Kheshti Bala, Tehsil & District  
Nowshera
11. Full particulars of family including a brief statement of special services rendered to Govt: If any Nil

**District Police Officer,  
Nowshera.**

**Countersigning by Higher Officer**

**JAVED IQBAL GULBELA**  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

**Regional Police officer,  
Mardan**

15

2021	2022	2023
08 = 10/15	08 = 10/15	08 = 10/15
01 = 10/15	08 = 10/15	08 = 10/15
07 = 10/15	08 = 10/15	08 = 10/15
45 = 10/15	08 = 10/15	08 = 10/15
15 = 10/15	08 = 10/15	08 = 10/15
03 = 10/15	08 = 10/15	08 = 10/15

2021	2022	2023
5 = 10/15	01 = 10/15	01 = 10/15
322 = 10/15	01 = 10/15	01 = 10/15
1093 = 10/15	06 = 10/15	06 = 10/15
03 = 10/15	06 = 10/15	06 = 10/15
10 = 10/15	06 = 10/15	06 = 10/15
15 = 10/15	02 = 10/15	02 = 10/15
6 = 10/15		
08 = 10/15		

JAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

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Handwritten signature and notes in Urdu script.

MPLS NLK  
G. E. R.

گرفتار شدہ مجرمان اشتہاری طارق حیات PASI سابقہ انچارج چوکی طارق آباد

تعداد نوہم کلاں

عرصہ 16.11.2021 تا 02.02.2022

Printed by :- daultatark

نمبر شمار	علت	مورخہ	جرم	تھانہ	نام، ولدیت، سکونت، PO	APO نمبر	گرفتار کنندہ آفیسر
1	162	13.05.2013	489-F	اسلام آباد	نور اسلام ولد محمد جاوید سکندہ ماگی شریف	-	طارق حیات PASI 25.11.2021
2	666 684 500	13.07.2009 19.07.2009 31.05.2009	13AO 13AO 13AO	کلاں	داجید خان ولد گل نواز خان سکندہ ماگی شریف	933	طارق حیات PASI 28.01.2022
3	89	27.01.2022	337F(ii)-34	کلاں	محمد جنید ولد اشفاق احمد سکندہ ماگی شریف	-	طارق حیات PASI 30.01.2022
4	89	27.01.2022	337F(ii)-34	کلاں	محمد طیب ولد اشفاق احمد سکندہ ماگی شریف	-	طارق حیات PASI 30.01.2022
5	617 617	29.11.2014 14.05.2021	506-148-149 506-148-149	کلاں	سلمان ولد اورنگزیب سکندہ ماگی شریف	-	طارق حیات PASI 30.01.2022
6	636	11.08.2020	337A(ii)/148/149	کلاں	شاہ زیب ولد عادل زیب سکندہ بدر شی خیل ماگی شریف	930	طارق حیات PASI 30.01.2022
7	93	29.01.2022	PPC 324.34.429	کلاں	حسن شاہ ولد افضل شاہ سکندہ ماگی شریف		مجرمان کو سونچ پری طارق حیات PASI نے گرفتار کیا۔
	93	29.01.2022	PPC 324.34.429	کلاں	سہادت شاہ ولد حسن شاہ سکندہ ماگی شریف		
8	93	29.01.2022	PPC 324.34.429	کلاں	افضل شاہ ولد حسن شاہ سکندہ ماگی شریف		

JAVED IQBAL GULBELA  
Advocate - BELA  
Supreme Court of Pakistan  
Supreme Court of Pakistan  
(ASC # 5317)

MNET

طبع نو شہ

تہانہ نو شہرہ کلاں

02.02.2022 تا 16.11.2021 عرصہ PASI طارق حیات پراسرار

55/109	107/151
15 نفر (سال 2022)	32 نفر

SAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

## درج شدہ مقدمات بہ مدعیت طارق حیات PASI سابقہ انچارج چوکی طارق آباد عرصہ 16.11.2021 تا 02.02.2022

اسٹریٹ= 20 قشایات= 02 لوکل/ادگر= 22

نمبر شمار	مقدمہ علت	مورخہ	جرم	نام مدعی	نام، ولدیت، سکونت ملوث ملزم / ملزمان
1.	1483	23.11.2021	15AA/188	طارق حیات PASI	جان محمد ولد خان محمد سکندہ بھین کاسے
2.	1496	26.11.2021	15AA	طارق حیات PASI	ضیاء الرحمن ولد ملک امان سکندہ شاہ منصور صوابی
3.	1506	27.11.2021	15AA	طارق حیات PASI	صادق خان ولد شوکت خان سکندہ ماگی شریف
4.	1511	28.11.2021	15AA	طارق حیات PASI	اسلام خان ولد بہرام خان سکندہ ماگی شریف
5.	1522	02.12.2021	11 BCNSA/15AA	طارق حیات PASI	رحمت اللہ ولد سید اکبر سکندہ شتواری حال ماگی شریف
6.	1533	05.12.2021	15AA/188	طارق حیات PASI	لیاقت علی خان ولد عجب خان سکندہ جبہ خشک بھین کاسے
7.	1538	05.12.2021	15AA	طارق حیات PASI	اسعیل ولد ہارون الرشید سکندہ نیو ڈاگی خیل نوشہرہ کلاں
8.	1554	10.12.2021	15AA	طارق حیات PASI	بڑا دو خان ولد نثار خان سکندہ ماگی شریف
9.	1558	12.12.2021	15AA/188	طارق حیات PASI	وسیم حیدر ولد مہیر حیدر سکندہ بی حال آرمر کالونی
10.	1562	13.12.2021	15AA	طارق حیات PASI	ذو بیب احمد ولد زاہد احمد سکندہ ماگی شریف
11.	1587	22.12.2021	11B CNSA	طارق حیات PASI	عبد اللہ ولد قیمت خان سکندہ خیسرے
12.	1599	23.12.2021	12 SVEP KPK	طارق حیات PASI	نوید ولد فرید سکندہ مطلق مصری بانڈہ
13.	1602	23.12.2021	15AA	طارق حیات PASI	آفاق ولد نواب علی سکندہ بدیشی
14.	1612	26.12.2021	15AA	طارق حیات PASI	صوبیدار ولد ناصر خان سکندہ افغانستان حال آرمر کالونی
15.	1619	28.12.2021	10RBA	طارق حیات PASI	قاری اللہ ولد موہین خان سکندہ تحصیل ایڈوری شانگدہ حال آرمر کالونی فیرا
16.	1620	28.12.2021	279	طارق حیات PASI	نعل محمد ولد نواب خان سکندہ نواں ککے نوشہرہ کلاں
17.	1621	28.12.2021	279	طارق حیات PASI	عادل خان ولد شہباز گل سکندہ شیخے
18.	1647	31.12.2021	15AA	طارق حیات PASI	PO جان محمد ولد شاہ زمان سکندہ ماگی شریف
19.	12	05.01.2022	10RBA	طارق حیات PASI	صدیق اللہ ولد محمد سعید سکندہ افغانستان حال ماگی شریف
20.	13	05.01.2022	10RBA	طارق حیات PASI	جمیل الرحمن ولد حامی سید شاہ سکندہ افغانستان حال ماگی شریف
21.	20	07.01.2022	10 RBA	طارق حیات PASI	جان ولی شاہ دنگلی شاہ سکندہ کالنگ حال آرمر کالونی
22.	24	09.01.2022	10 RBA	طارق حیات PASI	نظر سید ولد کذیر سکندہ مہمند حال ماگی شریف
23.	25	10.01.2022	10RBA	طارق حیات PASI	ابراہیم ولد اختر جان سکندہ افغانستان حال ماگی شریف
24.	29	11.01.2022	10 RBA	طارق حیات PASI	نادر خان ولد اکبر خان سکندہ ساکوٹ حال ماگی شریف
25.	30	11.01.2022	15AA	طارق حیات PASI	نجیب الرحمن ولد عبدالرزاق سکندہ ماگی شریف
26.	37	12.01.2022	15AA	طارق حیات PASI	حماد حسین ولد سردار حسین کاکڑ سکندہ جفت ککے
27.	38	12.01.2022	10RBA	طارق حیات PASI	نور رحمان ولد شیرین سکندہ باڈہ حال ماگی شریف
28.	46	15.01.2022	10 RBA	طارق حیات PASI	علی جان ولد اہمل سکندہ سرلٹی حال ملک آباد کلاں
29.	49	16.01.2022	15AA	طارق حیات PASI	شہزاد علی ولد منیر حسین سکندہ حکیم آباد
30.	50	16.01.2022	15AA	طارق حیات PASI	کاشف حسین ولد ملتان الدین سکندہ ہنگو حال نوشہرہ
31.	60	18.01.2022	10 RBA	طارق حیات PASI	امتیاز احمد خان ولد خلافت خان سکندہ شاہ کوٹ پاپان
32.	63	19.01.2022	10RBA	طارق حیات PASI	جنت ولی خان ولد حکیم خان سکندہ ماگی شریف
33.	64	19.01.2022	10RBA	طارق حیات PASI	حسن خان ولد خیال زر خان سکندہ ماگی شریف

## قائمہ نو شہرہ کلاں

جنید خان ولد میر محمد سکنہ جیریائی۔	طارق حیات پاسی	15AA	21.01.2022	69	.34
شہاب ولد نذیر سکنہ جیریائی۔	طارق حیات پاسی	15AA	21.01.2022	70	.35
شیخ اقبال دوست ولد شیخ دوست محمد سکنہ آرمر کالونی	طارق حیات پاسی	15AA	24.01.2022	82	.36
رحمان اللہ ولد مسی سکنہ افغانستان حال ماگی شریف	طارق حیات پاسی	10 RBA	26.01.2022	85	.37
سید نبی ولد سید ولی سکنہ لورڈیر حال آرمر کالونی	طارق حیات پاسی	10 RBA	26.01.2022	86	.38
واجد ولد سیف الرحمن سکنہ باڑہ حال آرمر کالونی فیز 01	طارق حیات پاسی	279	26.01.2022	87	.39
زید الامان ولد عبداللہ سکنہ مشکل	طارق حیات پاسی	15AA-¼ AF	26.01.2022	88	.40
دقاص خان ولد اورنگزیب سکنہ نو شہرہ کلاں حال آرمر کالونی	طارق حیات پاسی	10RBA	29.01.2022	96	.41
محمد ولی ولد زرغون خان سکنہ افغانستان حال آرمر کالونی	طارق حیات پاسی	10RBA	29.01.2022	97	.42
عبدالرحمان ولد محمد جان سکنہ اورنگزیب حال آرمر کالونی	طارق حیات پاسی	10RBA	30.01.2022	98	.43
عزیز خان ولد فیاض علی شاہ سکنہ کاکائیل حال آرمر کالونی	طارق حیات پاسی	10RBA	30.01.2022	99	.44

DAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

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Ann "E"

OFFICE OF THE  
DISTRICT POLICE OFFICER,  
NOWSHERA

Tel No. 0923-9220102 & Fax No. 0923-9220103  
Email dpo\_nowshera@pk@yahoo.com

2022

ORDER

PASI Tariq Hayat I/C PP Tariqabad is hereby placed under suspension and closed to Police Lines, Nowshera with immediate effect.

Charge sheet & statement of allegations will be issued against him separately.

OS No. 108

Dated 02/02/2022.

*Qureshi*  
District Police Officer  
Nowshera

No 171-76 /PA, dated Nowshera, the 02/02/2022.

Copy for information and necessary action to the:

1. ASP Cantt, Nowshera.
2. DSP FOrs: Nowshera.
3. Pay Officer.
4. Establishment Clerk.
5. FMC.
6. I/C Computer Lab.

MAVEETQBA GULBELA  
Advocate  
Supreme Court of Pakistan,  
(ASC: 5317)



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**DISCIPLINARY ACTION**

I, Muhammad Omer Khan, PSP, District Police Officer, Nowshera as competent authority am of the opinion that PASI Tariq Hayat has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of Police Rules, 1975.


**STATEMENT OF ALLEGATIONS**

Whereas, PASI Tariq Hayat that he while posted as I/C PP Tariq Abad, now under suspension at Police Lines, Nowshera is reportedly involved in immoral activities, which amounts to grave misconduct on his part and rendered him liable for punishment under Khyber Pakhtunkhwa Police Rules, 1975.

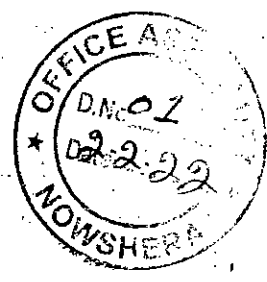
For the purpose of scrutinizing the conduct of the said accused official with reference to above allegations, Mr. Bilal Ahmad, ASP Cantt, Nowshera is hereby nominated as Enquiry Officer.

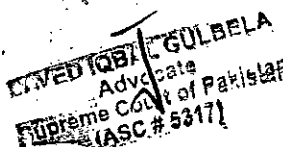
The Enquiry Officer shall in accordance with the provision of Police Rules, 1975, provide reasonable opportunity of hearing to the defaulter official, record his findings and make immediate recommendations as to punish or other appropriate action against the defaulter official.

PASI Tariq Hayat is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.

  
District Police Officer,  
Nowshera

No. 03 /PA,  
Dated 02/02/2022



  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

22

**CHARGE SHEET**

1. I, **Muhammad Omer Khan, PSP**, District Police Officer, Nowshera, as competent authority, hereby charge **PASI Tariq Hayat** as per Statement of Allegations enclosed.
2. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.
3. You are, therefore, required to submit your written defense within **07 days** of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.
4. 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 follow against you.
5. Intimate whether you desire to be heard in person.

District Police Officer,  
Nowshera

**JAVED IQBAL GULBELA**  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

23

بیان ازالہ آفاق ولہ ذمہ داران  
حاکم شریف کھل وضع لٹو ٹیچر

میں اس تحریریں رو سے حلقہ اقرارانے لکھو دیا ہوں کہ  
میں طارق عیادت Pasi سینڈ ایچ آر 6 جون طارق آباد نے مجھے  
یہ کاری کا التجا کیا جبکہ میں خود اپنے بیان اپنے اس کام کے سلسلہ  
تیار کیا۔ جبکہ میرا اس طرز کا کوئی فعل میں مسئلہ ہونا نہیں ہے۔  
میں نے اقرار کیا جب اٹل طرف کا اور کھلنے کا لیا تو پھر اس  
نے مجھے مدت سماعت شروع کی لہذا میں دو دن دو دن دینے  
کا ہی وعدہ کیا۔ میں اس طرح ہی اپنے کہنے کو تیار نہیں ہے  
مذکورہ Pasi طارق عیادت کھلنے کا اور کھلنے کا حوالہ  
ہوں۔ اس میں غرت سے مجھے ذہنی کوئی نہیں ہے، لہذا میرے  
غرت کا سوال ہے۔ کیونکہ میرا اس آدمی کو اس قسم لفظ  
نہیں تھا لہذا میں یہی میرا بیان ہے جو کہ قصبت ہے میری  
دعوت اور میں کھل کا اور کھل کے ہیں۔

JAVEED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
ASC # 53171

العبد  
آفاق ولد ذمہ داران  
17201-7934701-5  
0316-9473571

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District Police Officer, Nowshera  
considered himself liable to be  
Police Rules.



OFFICE OF THE  
SUB-DIVISIONAL POLICE OFFICER,  
Cantt CIRCLE

Tel: 0923-9220108, E-Mail: saponsrcantt@gmail.com

No. 01 /ST, Dated: 9 /02 /2022.

3

To: The District Police Officer  
Nowshera  
Subject: ENQUIRY PASI TARIQ HAYAT I/C PP TARIQ ABAD NOW  
POLICELINES NOWSHERA.  
Memo: Kindly refer to your office Diary No: 02/PA, dated 02.02.2022.  
SUMMARY OF ALLEGATIONS:

PASI Tariq Hayat, while posted as I/C PP Tariq Abad now under suspension at police lines Nowshera, is reportedly involved in immoral activities, which amounts to grave misconduct on his part and warrants departmental action against you and liable you for Minor/Major punishment as defined in KP Police Rules 1975. The competent authority designated the undersigned as enquiry officer.

PROBING:

The delinquent police official and the aggrieved person were heard in person and their statements were recorded. PASI Tariq Hayat submitted his statement but that is just a pack of lies as he is shifting blame on the aggrieved guy, named Afaq, by charging him in illicit relations with his house-maid. Afaq may have immoral relationship with his maid but that has nothing to do with the complaint against PASI Tariq Hayat. This amounts to misguiding the senior officer to change the course of enquiry. The truth of the matter is that PASI Tariq Hayat has asked Afaq to do this act of sodomy/unnatural sex with him in return for a favor to Afaq. The latter deemed this offer extremely disrespectful and planned to gather boys to take PASI Tariq Hayat to task. In the meanwhile ASI Fayaz incharge PP Kaka Sahib reached PP Tariqabad and tried to settle the issue and later notables of the area got the issue resolved after receiving apologies from PASI Tariq Hayat. Fortunately the matter got resolved within a few hours and avoided further escalation. The aggrieved guy Afaq has even told that PASI Tariq Hayat has offered him 02 lakh Rupees via another guy in the area to close the issue by filing his complaint. The undersigned has taken reports from DSB as well which also shows bad character of PASI Tariq Hayat with previous history of such incidents.

RECOMMENDATION:

All the afore-mentioned facts speak volumes character of PASI Tariq Hayat and show his tendency to be involved in such bad practices which eventually earn bad name to the district police and tarnishes image of police in general. In humble opinion of the undersigned, the delinquent police official is found guilty of misconduct and bad character (by offering act of sodomy). He deserves to be recipient of "major punishment".

JAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASE # 030)

Dismissal from Service

Sub-Divisional Police Officer,  
Cantt circle Nowshera.

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Ann I

POLICE DEPARTMENT

NOWSHERA DISTRICT

ORDER


This order will dispose of the departmental enquiry initiated under Khyber Pakhtunkhwa Police Rules, 1975 against PASI Tariq Hayat No.504/MR, that he while posted as I/C PP Tariq Abad is reportedly involved in immoral activities.

On account of which, he was suspended, closed to Police Lines Nowshera and was proceeded against departmentally through Mr. Bilal Ahmad, ASP Cantt, Nowshera, who after fulfillment of legal formalities submitted his report to the undersigned vide his office No. 01/St: dated 09.02.2022, wherein he were proved the allegations leveled against him and recommended him for awarding major punishment.

The undersigned agreed with the recommendations of enquiry officer, therefore, PASI Tariq Hayat No.504/MR is hereby awarded Major punishment of dismissal from service, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules-1975.

OB No: 136

Dated 10/02 /2022.

  
District Police Officer,  
Nowshera

No. 276-81 /PA, dated Nowshera, the 10/02 /2022.

Copy for information and necessary action to the:

1. Regional Police Officer, Mardan.
2. ASP Cantt, Nowshera.
3. Pay Officer
4. Establishment Clerk
5. FMC together with its enclosures (12 sheets).
6. I/C Computer Lab.

**JAVED IQBAL GULBELA**  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

(26)

Am-J

To

The Honourable Regional Police Officer,  
Mardan Region Mardan.

**SUBJECT: DEPARTMENTAL APPEAL AGAINST THE ORDER  
DATED 10.02.2022, WHEREBY THE APPELLANT WAS  
DISMISSED FROM SERVICE.**

Respected sir,

1. That the appellant was appointed as PASI on Shuhada Sons quota in the year 2015 since his appointment the appellant has performed his duty with great devotion and honesty, whatsoever, assigned to him and no complaint has been filed against by his superiors regarding his performance.
2. That the appellant while serving in the said capacity, charge sheet of falsely allegations of involvement of immoral activities along with the statement of allegations were served to the appellant which was replied by the appellant in which he denied the allegations and gave the real facts about the issue and mentioned in his reply that Afaq S/O Zahid R/O Manki Sharif called the appellant on mobile phone. The said Afaq informed the appellant that he facing some problem for which he wants the help of Police. On receipt of this message, the appellant proceeded to village Minki Sharif and on reaching there, the appellant met with Afaq who told him that young girl namely Neelam D/O Anwar is his girl friend, he further added that Neelam has been badly beaten by his brother and her brother Sohail be arrested on which she refused from making report and medical examination. The appellant clearly told Afaq that without any report of criminal case he could not arrest anyone, upon which Afaq became annoyed and when the family of Afaq knew about the relationship between Afaq and Neelam he became further annoyed and made fabricated story of allegation of sodomy/unnatural sex against the appellant. (Copies of charge sheet, statement of allegations and reply to charge sheet are attached as Annexure-A, B & C)
3. That inquiry was conducted against the appellant in which no chance of defence was provided to him as neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination, but despite that the inquiry him responsible on presumption basis. (Copy of inquiry report is attached as Annexure-D)

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MARDAN  
POLICE OFFICE  
10/02/2022

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- 4. That without conducting regular and proper inquiry and without issuing show notice to the appellant, the appellant was dismissed from service vide order dated 10.02.2022 on the basis of baseless allegations. (Copy of dismissal order dated 10.02.2022 is attached as Annexure-E)
- 5. That the appellant being aggrieved from the order dated 10.02.2022 wants to file departmental on the following grounds:

**GROUND:**

- A. That the impugned order dated 10.02.22 is against the law facts norms of justice and material on record, therefore not tenable and liable to be set aside.
- B. That no proper inquiry was conducted against the appellant to dig out the reality about the allegation as no opportunity of defence was provided to the appellant during the inquiry proceeding as neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination, which is violation of law and rules and as such the impugned order dated 10.02.2022 is liable to be set aside.
- C. That the allegation of immoral activities was implicated on the appellant on the complaint of complainant namely Afaq and Afaq also gave his statement to the inquiry officer, but the appellant has not given the opportunity of cross examination of the Complainant Afaq during the inquiry proceeding, which means that one sided inquiry was conducted against the appellant and the appellant was dismissed from service on the presumption basis, which is not permissible under the law and rules.
- D. That the appellant mentioned in his reply to charge sheet about Neelan and his brother and inquiry officer also mentioned the name of ASI Fayaz I/C PS Kaka Sahib in his inquiry report, but the inquiry officer did not recorded the statement of those person/official during the inquiry proceeding to dig out the reality about the allegations leveled against the appellant, which is against the law and rules.
- E. That no witness was brought on record by the inquiry officer in support of allegations leveled against the appellant except the statement of Afaq and even Afaq on whose statement the whole action has taken against the appellant was not crossed by the appellant during the inquiry proceeding, which is against the law

**JAVED IQBAL** Gul Bela  
 Daudzai Law Chamber  
 Advocate High Court Peshawar  
 Mob: 0345-9405501

206

and rules. (Copy of statement of Afaq is attached as Annexure-F)

- F. That the inquiry officer mentioned in his finding that reports has taken from DSB as well which also shows bad character of the appellant with previous history of such incidents, but the report of DSB is false and not based on facts as no such complaint is on the record against the appellant has been filed, which shows that the appellant has been punished on presumption basis, which is not permissible under the law and rules.
- G. That the inquiry officer without observing the reply to charge sheet of the appellant and without conducting regular and proper inquiry in the allegations leveled against the appellant hold the appellant responsible for the allegation, which is against the norms of justice and fair play.
- H. That Afaq mentioned in his statement that he visited to Police Post Tariq Abad in connection of some work, but he did not disclose for what kind of work, he visited the Police Post Tariq Abad as the real story was that which was mentioned by the appellant in his reply to charge sheet, which shows that Afaq made a concocted story and on the basis of that concocted story the appellant was punished, which is against the norms of justice and fair play.
- I. That no show cause notice was issued to the appellant before passing the impugned order of dismissal from service which is violation of law and rules.
- J. That no chance of personal hearing was provided to the appellant before passing the impugned of dismissal from service which is violation of law and rules and as such the impugned order is liable to be set aside.
- K. That the appellant has not been treated in accordance with law and rules and has been condemned unheard through out.
- L. That the appellant belong to the poor and this service is the only source of his income for the look after of his whole family and was appointed as PASI on Shuhada Son quota as the younger brother of the appellant namely constable Abdul Nasir No.1245 was martyred in the terrorist attack in 2013 in the limits of PS Akora Khattak and as the appellant is innocent, therefore, sympathetic consideration is requested.

JAVED IQBAL  
 District Law Chamber  
 District High Court Peshawar  
 No. 9335-933901



26-C

It is, therefore, most humbly requested that on accepting the departmental appeal of the appellant, the order dated 10.02.2022 may kindly be set aside and the appellant may be reinstated into his service with all back and consequential benefits on the basis of above submission and facts and circumstances.

Yours obediently

Muhammad Tariq Hayat, Ex-PASI  
District Nowshera.

Dated:

28.02.2022

**JAVED IQBAL** Gul Bela  
Daudai Law Chamber  
Advocate High Court Peshawar  
Mob: 0345-9405501

26

جناب عالی!

بحوالہ چارج شیٹ نمبری PA-03 مورخہ 02.02.2022 معروض ہوں کہ محکمہ پولیس میں بحیثیت PASI سال 2015 میں اپنے شہید بھائی عبدالناصر کی شہادت کے بعد بھرتی ہوا اور آج تک اپنی ڈیوٹی پوری ایمانداری سے سرانجام دی ہے اور مجھ پر الزام ہے کہ غیر اخلاقی سرگرمیوں میں ملوث ہوں۔ اس سلسلہ میں معروض ہوں۔ کہ دیہہ مانگی میں زاہد سابقہ ناظم علاقہ کے بیٹے آفاق کا اپنے گھر میں نوکرانی مسماۃ ن عرف ش دخترن ساکن خسرے حال عدالت خان کو اثر مانگی کے ساتھ ناجائز تعلقات ہیں۔ تقریباً 22/23 دن قبل آفاق نے بوقت 23:00 بجے مجھے فون کیا کہ مانگی آج آئے۔ مانگی جا کر آفاق نے بتلایا کہ میری گرل فرینڈ کو بھائی نے مارا ہے جسکو ابھی ابھی گرفتار کریں۔ جو میں نے بتلایا کہ پہلے مسماۃ ن عرف ش دخترن کی رپورٹ تحریر کرتے ہیں اور بغرض علاج معالجہ نقشہ ضرر پر ہسپتال بھجواتے ہیں۔ جو آفاق نے صاف انکار کیا اور مسماۃ نیلم کو گاڑی سے اتار کر چلے گئے کہ کسی کو معلوم نہ ہو جائے۔ اس معاملہ کی آفاق کے گھر والوں کو علم ہوا اور آفاق کے بھائی محمد اسماعیل کو جب یہ معلوم ہوا کہ میرے بھائی اور مسماۃ نیلم کی ناجائز تعلقات کا طارق حیات PASI کو بھی علم ہوا ہے تو میرے خلاف جھوٹی اور من گھڑت اور بے بنیاد الزامات لگائے چونکہ زاہد سابقہ ناظم خٹک فیملی کا قریبی رشتہ ہے اور اعلیٰ سوسائٹی کے خاندان کا ایک نوکرانی کے ساتھ ناجائز تعلقات کا علم ہونے کی وجہ سے بدنام ہو رہا ہے اور اسی بدنامی پر پردہ ڈالنے کی لئے مجھے قربانی کا بکرا بنایا گیا۔ مسماۃ ن عرف ش دخترن اور رسمی آفاق کی DNA سے ثابت بھی کیا جاسکتا ہے اور سونے پر سہاگہ یہ کہ اس معاملہ کے بعد فوراً مسماۃ نیلم کی شادی بھی کرائی اور آفاق کی بھی مورخہ 13.02.2022 کو شادی کرائی جا رہی ہے۔ تاکہ اپنی عزت بچائے اور مجھ پر جھوٹا الزام لگا کر بدنام کیا اور عزت نفس کو مجروح کیا مجھے ان کے خاندان کے کرتوتوں سے انکار کرتا میرے بدنامی کا باعث بنا اور مجھے اب یقین ہے کہ مجھے لوگ جانی اور مالی نقصان پہنچانے کے درپے ہے۔ بے گناہ ہوں معافی دی جائے۔

PASI طارق حیات

JAVID IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

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FAKED

**ORDER.**

This order will dispose-off the departmental appeal preferred by Ex-PASI Tariq Hayat No. 504/MR of Nowshera District Police against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of dismissal from service vide OB: No. 136 dated 10.02.2022. The appellant was proceeded against departmentally on the allegations that he while posted as Incharge Police Post Tariq Abad Police Station Nowshera Kalan District Nowshera was reportedly involved in immoral activities.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer, (SDPO) Cantt: Nowshera was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings, stating therein that the allegations leveled against him had been proved. He recommended the delinquent Officer for major punishment. Therefore, the District Police Officer, Nowshera after perusal of the enquiry file agreed with the recommendations and awarded the delinquent Officer major punishment of dismissal from service vide OB: No. 136 dated 10.02.2022.

Feeling aggrieved from the order of District Police Officer, Nowshera, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 21.04.2022.

From the perusal of the enquiry file and service record of the appellant, it has been found that the allegations against the appellant have been proved beyond any shadow of doubt. As during the course of enquiry the complainant Afaq told that the appellant has offered Rs. 02 Lac to him for withdrawing his complaint. Moreover, the Sub Divisional Police Officer, (SDPO) Cantt: Nowshera was called in person who confirmed the involvement of appellant in immoral activities. However, another fresh report was sought from Sub Divisional Police Officer, (SDPO) Cantt: Nowshera who submitted his report vide No. 15/ST dated 28.04.2022, the said report revealed that the appellant arrested Neelam's brother, who used to beat her, on Afaq's request. In return, the appellant asked for some kind of physical favor from Afaq. As per the report, this was a clear demand of sodomy by the appellant which made the said Afaq angry and he gathered all his elders to bring the appellant to task. However, in the meanwhile some negotiations between elders and other Police Officials present there worked out and the matter was temporarily settled down. Being a member of disciplined/uniformed force, the involvement of the delinquent

JAVED IQBAL GULBERG  
Advocate  
Supreme Court of Pakistan  
(ASC # 5312)

28

Officer in such like immoral activities brought a bad name for entire Police force in the eyes of general public, besides affecting other members of Police force. Moreover, the appellant was under obligations to safeguard/protect the honor/dignity of the public irrespective of their gender but in the instant case the appellant himself indulged in immoral activities which is totally against the norms of disciplined force. Hence, the retention of appellant in Police Department will stigmatize the prestige of entire Police Force. Besides, during the course of personal hearing, he could not present any cogent justification to warrant interference in the order passed by the competent authority. Hence, the very conduct of appellant is unbecoming of a disciplined Police Officer. Therefore, the order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, Yaseen Farooq, PSP Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

**Order Announced.**

  
Regional Police Officer,  
Mardan.

No. 3829 /ES, Dated Mardan the 31-05-2022.

Copy forwarded to District Police Officer, Nowshera for information and necessary w/r to his office Memo: No. 506/PA dated 14.03.2022. His Service Record is returned herewith.

(\*\*\*\*\*)

JAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

49 Other Documents.

(29)



Position in Class.

3rd

Reg. No. 2506 /PSIT

# CERTIFICATE

This is to certify that


Mr/Ms ASI Muhammad Tariq Hayat No.504/MR District/ Unit Nowshera


has participated and successfully completed

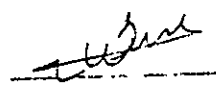
## Basic IT Skills Training

held at Police School of Information Technology, Peshawar

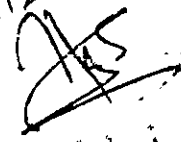
From 04.12.2017 to 15.12.2017

  
Deputy Inspector General of Police,  
Training, Khyber Pakhtunkhwa,  
Peshawar

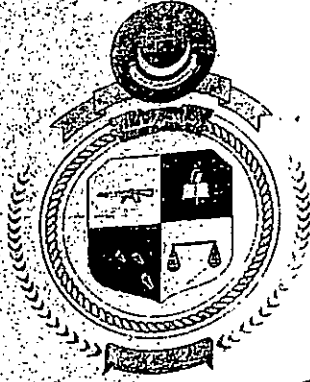
  
Paul Norman  
International Policing Specialist  
UNDP, Peshawar

  
Director  
Police School of  
Information Technology, Peshawar

*Attested*  
Head Clerk D. P. O.  
Nowshera.

*Attested*  
  
Head Clerk

# POLICE TRAINING COLLEGE HANGU



1935

Commendation Certificate III Head Clerk D. P. O  
Nowshera.

is awarded to

**MUHAMMAD TARIQ 504 PASI MUSA.COY**

in recognition of

**GOOD TURNOUT IN GENERAL PRADE**

ATTESTED

Head Clerk D  
Nowshera

Dated: 15.06.2017  
Order Book No. 398

Dy: Commandant  
Police Training College Hangu

JAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

S.No. 325/2019

# POLICE SCHOOL OF INVESTIGATION HAYATABAD PESHAWAR



This is to certify that

ASI Tariq Hayat 504

District

Nowshera

has Participated and Successfully Complete Training on

Hotspot Policing & W Basix Skills Investigation Course

held at Police School of Investigation Hayatabad, Peshawar. Dated 17 to 19 March, 2019

*[Signature]*  
Deputy Inspector General of Police  
Training  
Khyber Pakhtunkhwa, Peshawar.

*[Signature]*  
Director  
Police School of Investigation  
Hayatabad Peshawar

Head of Office  
Nowshera.

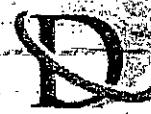
JAVED IQBAL GULBELA  
Advocate  
of Pakistan  
Supreme Court  
(ASC # 5317)

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DAC

# CERTIFICATE

## Capacity Building Workshop Forensic Modes of Crimes Investigation

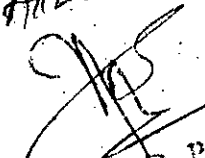
SAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

**Mr. Tariq Hayat PASI**

Has participated in the Capacity Building Workshop Organized for  
Police Investigation Officers District Nowshera -Khyber  
Pakhtunkhwa

13<sup>th</sup> and 14<sup>th</sup> January 2020

  
Saif Usmani  
Executive Director  
Development Agent of Change

  
Head Clerk D. P. O.  
Nowshera

**ATTESTED**

SHO Nizam-pur

32

52



# KHYBER PAKHTUNKHWA



## Commendation Certificate

Class II

Granted by

Mr. Salah-ud-Din Kundi, L.I Nowshera

District Police Officer  
MOHMAND

TO. Pasi Tariq Hayat L.I of Bahai

Son of Draft Training Center Mohmand

District \_\_\_\_\_

In Recognition of

His valuable Cooperation with Draft Training  
Mohmandi

O.B. NO: 333

DATED: 8-4-2021

JAVED IQBAL GULBEA  
Advocate  
Supreme Court of Pakistan  
(ASC# 5317)

ATTESTED



District Police Officer  
MOHMAND

District Police Officer  
Mohmand

(34)

ابتدائی اطلاع

1	نام و کنیت	محمد علی صاحب
2	تاریخ پیدائش	19/01/1945
3	پتہ	324-325-326
4	ذرائع معاش	فرائض و مزارع
5	تعلیم	پہلے درجے تک
6	زوجہ	عزیزہ بیگم
7	بچے	3
8	شعبہ	سرکاری ملازمت
9	مقام	بہاول نیشنل ایئر فورس

**ابتدائی اطلاع کے درجہ کو درست بنانے اور اپنی سرکاری ملازمت میں**  
 جسٹس محمد علی صاحب نے اپنی پوری ملازمت ختم کر کے اپنی سرکاری ملازمت میں  
 واپس لوٹنے کا ارادہ کیا ہے۔ ان کا پتہ 324-325-326 ہے۔ ان کے پاس  
 1945ء میں پیدا ہوئے اور ان کے والدین کا نام محمد علی صاحب اور  
 عزیزہ بیگم ہے۔ ان کے پاس 3 بچے ہیں۔ ان کا تعلق  
 بہاول نیشنل ایئر فورس سے ہے۔ ان کے پاس پہلے درجے تک  
 تعلیم ہے۔ ان کا پیشہ فرائض و مزارع ہے۔ ان کے پاس  
 3 بچے ہیں۔ ان کا تعلق بہاول نیشنل ایئر فورس سے ہے۔  
 ان کے پاس پہلے درجے تک تعلیم ہے۔ ان کا پیشہ  
 فرائض و مزارع ہے۔ ان کے پاس 3 بچے ہیں۔ ان کا  
 تعلق بہاول نیشنل ایئر فورس سے ہے۔ ان کے پاس  
 پہلے درجے تک تعلیم ہے۔ ان کا پیشہ فرائض و  
 مزارع ہے۔ ان کے پاس 3 بچے ہیں۔ ان کا تعلق  
 بہاول نیشنل ایئر فورس سے ہے۔ ان کے پاس پہلے  
 درجے تک تعلیم ہے۔ ان کا پیشہ فرائض و مزارع  
 ہے۔ ان کے پاس 3 بچے ہیں۔ ان کا تعلق بہاول  
 نیشنل ایئر فورس سے ہے۔ ان کے پاس پہلے درجے  
 تک تعلیم ہے۔ ان کا پیشہ فرائض و مزارع ہے۔  
 ان کے پاس 3 بچے ہیں۔ ان کا تعلق بہاول  
 نیشنل ایئر فورس سے ہے۔ ان کے پاس پہلے درجے  
 تک تعلیم ہے۔ ان کا پیشہ فرائض و مزارع ہے۔

JAVED IQBAL GULBELA  
 Advocate  
 Supreme Court of Pakistan  
 (ASC # 3217)

## وکالت نامہ

عدالت: سروسز ٹریبیونل، حیدرآباد، نواح پشاور

طراف حیات: بنام حکومت

مخانب: Appellant دعویٰ Service Appeal

تاریخ: 11-06-2022

باعتنا کہ حیرانکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی و جوابدہی

بمقام پشاور کیلے جاویدا قبال گل بیلیم ایڈووکیٹ سپریم کورٹ آف پاکستان

کو بدیں شرط وکیل مقرر کیا ہے۔ کہ میں ہر پیشی کا کوڈ یا بزرگیہ مختار خاص روبرو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے

جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر دالت کرونگا، اگر پیشی پر من مظهر حاضر نہ ہوا اور مقدمہ میری غیر

حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہونگے۔ نیز وکیل صاحب

موصوف صدر مقام پکھری کی کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ

ہونگے۔ اگر مقدمہ علاوہ صدر مقام پکھری کے کسی اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش

ہونے پر من مظهر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی

صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کوکل پرداختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب کو

عرضی دعویٰ و جواب دعویٰ اور درخواست جرائے ڈگری و نظر ثانی اپیل و گرانہ ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی

اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے

بیان دینے اور سپروٹاشی و راضی نامہ فیصلہ پر خلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی

مقدمہ یا منسوخی ڈگری یا طرفہ درخواست حکم امتناعی یا قرتی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادا کیلی علیحدہ مختار

نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی کے

واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کے

ہر امر وہی اور ویسے ہی اختیارات حاصل ہونگے جیسے کے صاحب موصوف کو حاصل ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ

التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کرونگا تو

صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف

کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ جا کہ سندر ہے۔

مورخہ: 11/06/2022

Accepted by: -

1) Javed Iqbal Gulbela, ASC Be-10-7924  
17301-1496065-7

2) Saghir Iqbal Gulbela, AHC

3) Ahsan Sardar, AHC

4) Hamza Durrani, Advocate

Ex. Pasi Muhammed Tahir - Harat

طراف حیات

(پشاور)

**"A"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

934

SB

APPEAL No..... of 20<sup>22</sup>

Toriz Hayat

Appellant/Petitioner

Versus

IGP of Police KPK

RESPONDENT(S)

Respondent (1)

IGP of Police KPK

Notice to Appellant/Petitioner

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 17/08/2022 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

For Reply  
Copy of appeal  
is attached

*[Signature]*

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

2-8-022

**"A"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No. *Regd*

SB

934

APPEAL No..... of 20 22.

*Tariq Hayat*

Appellant/Petitioner

Versus

*IGP KPK Peshawar.*

RESPONDENT(S)

*Respondent (2)*

*Regional Police Officer*

Notice to Appellant/Petitioner

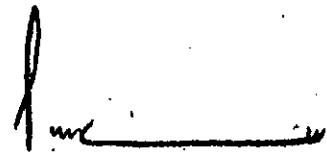
*Mardan*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 10/10/2022 at 9:00am

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

*For Reply*

*Copy of appeal is Attached*



Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

“A”

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**

JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No. *Regd*

934

*SB*

SCANNED  
KPST  
Peshawar

APPEAL No..... of 20

*Tariq Hayat*

Appellant/Petitioner

Versus

*IGP KPK Peshawar.*

RESPONDENT(S)

*Respondent (3)*

*District Police Officer*

Notice to Appellant/Petitioner

*Nowshera*

Take notice that your appeal has been fixed for Preliminary hearing, replication, Affidavit/counter affidavit/record/arguments/order before this Tribunal on *10/10/2022* at *9:00am*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

*For Reply*

*Copy of Appeal is Attached*

*[Signature]*

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

11

56

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

Service Appeal No. 934/2022

Tariq Hayat (Ex-PASI No. 504) s/o Hayat Khan,  
Police Department, District Nowshera.

.....Appellant


**V E R S U S**

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others.

/ .....Respondents

**I N D E X**

S.No.	Description of documents	Annexure	Pages
1.	Reply of Respondents	-	1-2
2.	Affidavit	-	03
4.	Statement of Afaq	A	04
5.	Copy of enquiry	B	05
6.	Copy of rejection order of departmental appeal.	C	06-07
7.	Copy of charge sheet and statement of allegation	D	08-09
8.	Statement of appellant	E	10

  
**Inspector Legal,  
Nowshera**

(1)

57

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

Service Appeal No. 934/2022

Tariq Hayat (Ex-PASI No. 504) s/o Hayat Khan,  
Police Department, District Nowshera.

.....Appellant

**V E R S U S**

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Mardan.
3. District Police Officer, Nowshera.

.....Respondents

**REPLY ON BEHALF OF RESPONDENTS**

**Respectfully Sheweth: -**

**PRELIMINARY OBJECTIONS: -**

1. That the appellant has got no cause of action and locus standi to file the instant appeal.
2. That the appeal is badly barred by law and limitation.
3. That the appellant is estopped by his own conduct to file the instant appeal.
4. That the appeal is not maintainable in its present form.
5. That the appellant has not come to the Honourable Tribunal with clean hands.

**Reply on Facts: -**

1. Para not related hence, needs no comments.
2. Para pertains to enlistment of appellant and performing his duties, hence, needs no comments.
3. Para not related hence, needs no comments.
4. Incorrect. Appellant while posted as Incharge Police Post, Tariq Abad, a boy namely Afaq visited the Police Post in connection with some matter, where appellant asked Afaq to do act of sodomy/unnatural sex with him in return for favor to Afaq, this act of the appellant infuriated Afaq and he planned to gather boys so as to take petitioner to task. However, with timely approach of ASI Fayaz incharge Police Post, Kaka Sahib and with the intervention of the elders, the matter was resolved after receiving apologies from appellant. (Statement of Afaq is annexed as annexure "A").
5. Para correct to the extent that appellant was issued Charge Sheet and statement of allegation to which he submitted his reply.
6. Incorrect. Proper departmental enquiry was conducted against appellant through the then ASP Nowshera Cantt: who after fulfillment of all legal and codal formalities held the appellant guilty of misconduct hence, recommended him for major punishment. (Copy of enquiry is annexure "B").



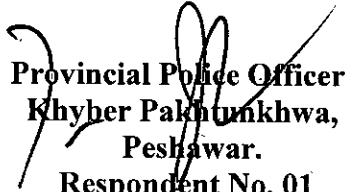
7. Para correct to the extent that against the order of punishment, appellant moved departmental appeal which was rejected on solid grounds. (Copy of rejection order of departmental appeal is annexure "C").
8. Appeal of the appellant is liable to be dismissed inter-alia on the following grounds: -

**Reply on GROUNDS**


- A. Incorrect. Both the orders i.e punishment order dated 10-02-2022 and order dated 31-05-2022, whereby departmental appeal of the appellant was rejected by the appellate authority, were passed in accordance with law and rules hence, are liable to be maintained.
- B. Para not related, hence, needs no comments.
- C. Incorrect. Charge Sheet with statement of allegations had been issued to the appellant, which were also duly received and replied by him. (Copy of charge sheet and statement of allegation is annexure "D"). Moreover, after concluding enquiry, the enquiry officer found the appellant guilty of misconduct.
- D. Para already explained above.
- E. Incorrect. During the course of enquiry he was also heard in person but rather to give any plausible reason/evidence in his defense, he concocted a story which was full of lies. (Statement of appellant is annexure "E").
- F. As replied in above paras.
- G. Incorrect. As act of the appellant stigmatized the entire force therefore, he may not be reinstated in service.
- H. The respondents also seek permission of this Honourable Tribunal to advance additional grounds at the time of arguments.

**Prayers**

It is, therefore, most humbly prayed that on acceptance of above submissions, the appeal of the appellant may very kindly be dismissed with costs, please.

  
Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.  
Respondent No. 01

  
Regional Police Officer,  
Mardan.  
Respondent No. 02

  
District Police Officer,  
Nowshera.  
Respondent No.03

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

Service Appeal No. 934/2022

Tariq Hayat (Ex-PASI No. 504) s/o Hayat Khan,  
Police Department, District Nowshera.

.....Appellant

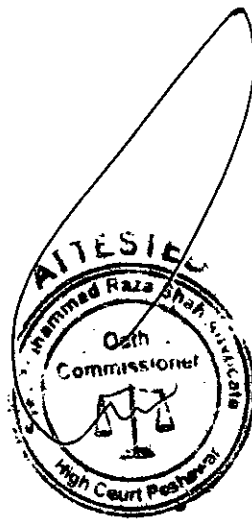
**V E R S U S**

1. Provincial Plice Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Mardan.
3. District Police Officer, Nowshera.

.....Respondents

**AFFIDAVIT**

We the respondents No. 1, 2 &3 do hereby solemnly affirm and declare on Oath that the contents of reply to the appeal are true and correct to the best of our knowledge and belief and nothing has been concealed from the Honourable tribunal.



*[Signature]*  
 Provincial Police Officer,  
 Khyber Pakhtunkhwa,  
 Peshawar.  
 Respondent No. 01

*[Signature]*  
 Regional Police Officer,  
 Mardan.  
 Respondent No. 02

*[Signature]*  
 District Police Officer,  
 Nowshera.  
 Respondent No.03

بیان ارادہ افان اولہ داعیہ سابقہ  
طریقہ شریف کفر وضع لائیکرہ

میں اس تحریریں رو سے حلفاً اقرار کرتے ہوئے بتا رہے ہیں کہ  
 مصر لاریق حیات اسلام مصنفہ انجارجون لاریق ابورہمان نے مجھے  
 یہ کاری کا التجا کیا ہے کہ میں خود اپنے بیان اپنے اس کام کے سلسلہ  
 کیا تھا۔ جبکہ میرا اس طرح کا کوئی نقل میں پیشہ ہونا نہیں ہے۔  
 میں نے انکار اسباب اسے صرف کا اور اس طرح کا لیا تو کفر اس  
 نے مجھے مدت سماجیت شروع کی کہ ساتویں دو لاکھ روپے دینے  
 کا میں وعدہ کیا۔ میں اس طرح ہی اپنے اپنے کو بتا رہے ہیں۔ میں  
 مذکورہ Pasi لاریق حیات کثیرہ محمدیہ کارروائی میں نے کا حوالہ  
 ہوں۔ اس اس صورت سے مجھے ذہنی کوئی نہیں ہے۔ کہ میرے  
 عزت کا سوال ہے۔ کیونکہ میرا اس آدمی کو اس قسم کے  
 نہیں کیا کہ نہ ہے۔ یہی میرا بیان ہے جو کہ تصدیق ہے۔ میری  
 درخواست پر میرے کثیرہ کارروائی میں ہے۔

العقیدہ  
 افان اولہ داعیہ سابقہ  
 17201-7934701-5  
 0316-9473571



OFFICE OF THE  
SUB-DIVISIONAL POLICE OFFICER,  
Cantt CIRCLE

Tel: 0923-9220108, E-Mail: sdponsrcantt@gmail.com

No. 01 /ST, Dated: 9 /02 /2022.

61 - (5)

6

To: The District Police Officer  
Nowshera

Subject: **ENQUIRY PASI TARIQ HAYAT I/C PP TARIQ ABAD NOW  
POLICELINES NOWSHERA.**

Memo: Kindly refer to your office Diary No. 02/PA, dated 02.02.2022.

**SUMMARY OF ALLEGATIONS:**

PASI Tariq Hayat, while posted as I/C PP Tariq Abad now under suspension at police lines Nowshera, is reportedly involved in immoral activities, which amounts to grave misconduct on his part and warrants departmental action against you and liable you for Minor/Major punishment as defined in KP Police Rules 1975. The competent authority designated the undersigned as enquiry officer.

**PROBING:**

The delinquent police official and the aggrieved person were heard in person and their statements were recorded. PASI Tariq Hayat submitted his statement but that is just a pack of lies as he is shifting blame on the aggrieved guy, named Afaq, by charging him in illicit relations with his house-maid. Afaq may have immoral relationship with his maid but that has nothing to do with the complaint against PASI Tariq Hayat. This amounts to misguiding the senior officer to change the course of enquiry. The truth of the matter is that PASI Tariq Hayat has asked Afaq to do this act of sodomy/unnatural sex with him in return for a favor to Afaq. The latter deemed this offer extremely disrespectful and planned to gather boys to take PASI Tariq Hayat to task. In the meanwhile ASI Fayaz incharge PP Kaka Sahib reached PP Tariqabad and tried to settle the issue and later notables of the area got the issue resolved after receiving apologies from PASI Tariq Hayat. Fortunately the matter got resolved within a few hours and avoided further escalation. The aggrieved guy Afaq has even told that PASI Tariq Hayat has offered him 02 lakh Rupees via another guy in the area to close the issue by filing his complaint. The undersigned has taken reports from DSB as well which also shows bad character of PASI Tariq Hayat with previous history of such incidents.

**RECOMMENDATION:**

All the afore-mentioned facts speak volumes of bad character of PASI Tariq Hayat and show his tendency to be involved in such bad practices which eventually earn bad name to the district police and tarnishes image of police in general. In humble opinion of the undersigned, the delinquent police official is found guilty of misconduct and bad character (by offering act of sodomy). He deserves to be recipient of "major punishment".

Dismissal from Service

Sub-Divisional Police Officer,  
Cantt circle Nowshera.

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-PASI Tariq Hayat No. 504/MR of Nowshera District Police against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of dismissal from service vide OB: No. 136 dated 10.02.2022. The appellant was proceeded against departmentally on the allegations that he while posted as Incharge Police Post Tariq Abad Police Station Nowshera Kalan District Nowshera was reportedly involved in immoral activities.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer, (SDPO) Cantt: Nowshera was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings, stating therein that the allegations leveled against him had been proved. He recommended the delinquent Officer for major punishment. Therefore, the District Police Officer, Nowshera after perusal of the enquiry file agreed with the recommendations and awarded the delinquent Officer major punishment of dismissal from service vide OB: No. 136 dated 10.02.2022.

Feeling aggrieved from the order of District Police Officer, Nowshera, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 21.04.2022.

From the perusal of the enquiry file and service record of the appellant, it has been found that the allegations against the appellant have been proved beyond any shadow of doubt. As during the course of enquiry the complainant Afaq told that the appellant has offered Rs. 02 Lac to him for withdrawing his complaint. Moreover, the Sub Divisional Police Officer, (SDPO) Cantt: Nowshera was called in person who confirmed the involvement of appellant in immoral activities. However, another fresh report was sought from Sub Divisional Police Officer, (SDPO) Cantt: Nowshera who submitted his report vide No. 15/ST dated 28.04.2022, the said report revealed that the appellant arrested Neelam's brother, who used to beat her, on Afaq's request. In return, the appellant asked for some kind of physical favor from Afaq. As per the report, this was a clear demand of sodomy by the appellant which made the said Afaq angry and he gathered all his elders to bring the appellant to task. However, in the meanwhile some negotiations between elders and other Police Officials present there worked out and the matter was temporarily settled down. Being a member of disciplined/uniformed force, the involvement of the delinquent

Officer in such like immoral activities brought a bad name for entire Police force in the eyes of general public, besides affecting other members of Police force. Moreover, the appellant was under obligations to safeguard/protect the honor/dignity of the public irrespective of their gender but in the instant case the appellant himself indulged in immoral activities which is totally against the norms of disciplined force. Hence, the retention of appellant in Police Department will stigmatize the prestige of entire Police Force. Besides, during the course of personal hearing, he could not present any cogent justification to warrant interference in the order passed by the competent authority. Hence, the very conduct of appellant is unbecoming of a disciplined Police Officer. Therefore, the order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, Yaseen Farooq, PSP Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

Order Announced.

*[Signature]*  
Regional Police Officer,  
Mardan.

No. 3829 /ES, Dated Mardan the 31-05-2022.

Copy forwarded to District Police Officer, Nowshera for information and necessary w/r to his office Memo: No. 506/PA dated 14.03.2022. His Service Record is returned herewith.

(\*)

*EC/PAE  
For a. action.*

*on  
DPO/NSR  
31/5/2022*

*No. 1115/PA  
dt 31-5-2022*

64 (8)

64

**DISCIPLINARY ACTION**

I, Muhammad Omer Khan, PSP, District Police Officer, Nowshera as competent authority am of the opinion that PASI Tariq Hayat has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of Police Rules, 1975.

**STATEMENT OF ALLEGATIONS**

Whereas, PASI Tariq Hayat that he while posted as I/C PP Tariq Abad, now under suspension at Police Lines, Nowshera is reportedly involved in immoral activities, which amounts to grave misconduct on his part and rendered him liable for punishment under Khyber Pakhtunkhwa Police Rules, 1975.

For the purpose of scrutinizing the conduct of the said accused official with reference to above allegations, Mr. Bilal Ahmad, ASP Cantt, Nowshera is hereby nominated as Enquiry Officer.

The Enquiry Officer shall in accordance with the provision of Police Rules, 1975, provide reasonable opportunity of hearing to the defaulter official, record his findings and make immediate recommendations as to punish or other appropriate action against the defaulter official.

PASI Tariq Hayat is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.

*Muhammad Omer Khan*  
District Police Officer,  
Nowshera

No. 03 /PA,  
Dated 02/02/2022



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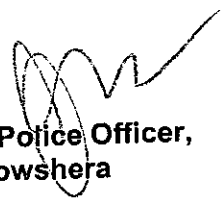
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CS

**CHARGE SHEET**

1. I, **Muhammad Omer Khan, PSP**, District Police Officer, Nowshera, as competent authority, hereby charge **PASI Tariq Hayat** as per Statement of Allegations enclosed.
2. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.
3. You are, therefore, required to submit your written defense within **07 days** of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.
4. 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 follow against you.
5. Intimate whether you desire to be heard in person.

  
**District Police Officer,  
Nowshera**



جناب عالی!

بحوالہ چارج شیٹ نمبری PA-03 مورخہ 02.02.2022 معروض ہوں کہ محکمہ پولیس میں بحیثیت PASI سال 2015 میں اپنے شہید بھائی عبدالناصر کی شہادت کے بعد بھرتی ہوا اور آج تک اپنی ڈیوٹی پوری ایمانداری سے سرانجام دی ہے اور مجھ پر الزام ہے کہ غیر اخلاقی سرگرمیوں میں ملوث ہوں۔ اس سلسلہ میں معروض ہوں۔ کہ دیہہ مانگی میں زاہد سابقہ ناظم علاقہ کے بیٹے آفاق کا اپنے گھر میں نوکرانی مسماۃ ن عرف ش دخترن ساکن خسرے حال عدالت خان کو اثر مانگی کے ساتھ ناجائز تعلقات ہیں۔ تقریباً 22/23 دن قبل آفاق نے بوقت 23:00 بجے مجھے فون کیا کہ مانگی آج آئے۔ مانگی جا کر آفاق نے بتلایا کہ میری گرل فرینڈ کو بھائی نے مارا ہے جسکو ابھی گرفتار کریں۔ جو میں نے بتلایا کہ پہلے مسماۃ ن عرف ش دخترن کی رپورٹ تحریر کرتے ہیں اور بغرض علاج معالجہ نقشہ ضرر پر ہسپتال بھجواتے ہیں۔ جو آفاق نے صاف انکار کیا اور مسماۃ نیلم کو گاڑی سے اتار کر چلے گئے کہ کسی کو معلوم نہ ہو جائے۔ اس معاملہ کی آفاق کے گھر والوں کو علم ہوا اور آفاق کے بھائی محمد اسماعیل کو جب یہ معلوم ہوا کہ میرے بھائی اور مسماۃ نیلم کی ناجائز تعلقات کا طارق حیات PASI کو بھی علم ہوا ہے تو میرے خلاف جھوٹی اور من گھڑت اور بے بنیاد الزامات لگائے چونکہ زاہد سابقہ ناظم خٹک فیملی کا قریبی رشتہ ہے اور اعلیٰ سوسائٹی کے خاندان کا ایک نوکرانی کے ساتھ ناجائز تعلقات کا علم ہونے کی وجہ سے بدنام ہو رہا ہے اور اسی بدنامی پر پردہ ڈالنے کی لئے مجھے قربانی کا بکرا بنایا گیا۔ مسماۃ ن عرف ش دخترن اور مسمی آفاق کی DNA سے ثابت بھی کیا جاسکتا ہے اور سونے پر سہاگہ یہ کہ اس معاملہ کے بعد فوراً مسماۃ نیلم کی شادی بھی کرائی اور آفاق کی بھی مورخہ 13.02.2022 کو شادی کرائی جا رہی ہے۔ تاکہ اپنی عزت بچائے اور مجھ پر جھوٹا الزام لگا کر بدنام کیا اور عزت نفس کو مجروح کیا مجھے ان کے خاندان کے کرتوتوں سے انکار کرنا میرے بدنامی کا باعث بنا اور مجھے اب یقین ہے کہ مجھے لوگ جانی اور مالی نقصان پہنچانے کے درپے ہے۔ بے گناہ ہوں معافی دی جائے۔

PASI طارق حیات

2022



67

**OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.**

**ORDER**

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-PASI Tariq Hayat No. 504/MR.

The petitioner was dismissed from service by District Police Officer, Nowshera vide OB No. 136, dated 10.02.2022 on the allegations that he while posted as Incharge Police Post Tariq Abad Police Station Nowshera Kalan was reportedly involved in immoral activities. He preferred appeal to RPO, Mardan. The RPO, Mardan sought fresh report from SDPO, Cantt: Nowshera who submitted his report vide No. 15/ST, dated 28.04.2022, the said report revealed that the petitioner arrested Neelam's brother, who used to beat her, on Afaq's request. In return, the petitioner asked for some kind of physical favour from Afaq. As per the report, this was a clear demand of sodomy by the petitioner which made the said Afaq angry and he gathered all his elders to bring the petitioner to task. However, in the meanwhile some negotiations between elders and other Police Officials present there worked out and the matter was temporarily settled down. His appeal was rejected by Regional Police Officer, Mardan vide order Enclst: No. 3829/ES, dated 31.05.2022.

Meeting of the Appellate Board was held on 10.11.2022, wherein the petitioner was present.

The appellatant was heard in person. He did not give any evidence or explanation towards his innocence but rather accused people of political linkages or bad characters, which have no relevance to the case. Therefore, the Board decided that his revision petition is hereby rejected.

Sd/-  
**MUHAMMAD ALI BABAKHIEL, PSP**  
(UNPM, NSWC)  
Additional Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. SI/2888-94/22, dated Peshawar, the 25-11-2022.

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan.
2. District Police Officer, Nowshera.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: E-III, CPO Peshawar.
7. Officer concerned.

**(IRFAN ULLAH KHAN) PSP**  
Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

C.M No. \_\_\_\_\_/2023  
In  
Service Appeal No. 934/2022

Khyber Pakhtunkhwa  
Service Tribunal

Case No. 4132

Dated 7/3/2023

*Tariq Hayat*

*Versus*

*Inspector General of Police Khyber Pakhtunkhwa etc.*

**APPLICATION FOR SETTING ASIDE IMPUGNED  
OFFICE ORDER NO. 2888-94/2022 DATED 25-11-  
2022 OF THE OFFICE OF ADDITIONAL INSPECTOR  
GENERAL OF POLICE (HQRS) PESHAWAR.**

*Respectfully Sheweth,*

1. That the captioned case is pending adjudication before this Hon'ble Tribunal and is fixed for today, i.e. 07-03-2023.
2. That during the pendency of the instant Service Appeal, the Respondents have passed an order upon the Revision Petition of the Appellant, bearing Office order No. 2888-94/2022 Dated 25-11-2022 of the office of Additional Inspector General of Police (HQRS) Peshawar. (COPY IS ANNEXED)
3. That the captioned Order upon the Revision Petition may kindly be considered as part and parcel of the instant Service Appeal.
4. That there is no legal hedge in allowing the instant Service Appeal.

*It is therefore, most humbly prayed that on acceptance of the instant Application, the impugned Office order No. 2888-94/2022 Dated 25-11-2022 of the office of Additional Inspector General of Police (HQRS) Peshawar may kindly be considered as part and parcel of the instant service appeal and by doing so, the captioned order upon the*


*Revision Petition may kindly be set-aside and the Appellant may kindly be reinstated into service.*

**Dated: 07-03-2023**



**Appellant**

*Through*

**Javed Iqbal Gulbela**  
Advocate, Supreme Court,  
Pakistan,  
&  
  
**Saghir Iqbal Gulbela,**  
Advocate, High Court,  
Peshawar

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

C.M No. \_\_\_\_\_/2023

In

Service Appeal No. 934/2022

*Tariq Hayat*

*Versus*

*Inspector General of Police Khyber Pakhtunkhwa etc.*

**AFFIDAVIT**

I, the Appellant do hereby solemnly affirm and declare on oath that the contents of the instant application are true and correct and nothing has been concealed from this Hon'ble Court.

Deponent

CNIC 17201-2380409-1

By

*Javed Iqbal Gulbady*



*Shafiq-ur-Rehman Shabab*

*07/03/23*



71

**OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR**

**ORDER**

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The appellant was heard in person. He did not give any evidence or explanation towards his innocence but rather accused people of political linkages or bad characters, which have no relevance to the case. Therefore, the Board decided that his revision petition is hereby rejected.

Sd/-

**MUHAMMAD ALI BABAKHEL, PSP**  
(UNPM, NSWG)

Additional Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 2888-94 /22, dated Peshawar, the 25-11 2022.

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan.
2. District Police Officer, Nowshera.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: E-III, CPO Peshawar.
7. Officer concerned.

**GULBEHAR KHAN**  
Supreme Court of Pakistan  
(ASC # 5317)

**(IREAN ISLAH KHAN) PSP**  
Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.