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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CUTION NO _____

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Irfan-Ul-Haq vs *Police Department*

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Muharir Compilation
05/7/24

[Signature]
Incharge Judicial Branch
05/7/24

Service Appeal No.7659/2021 titled "Shahid Ali Khan..vs..Government of KP & others", Service Appeal No.7660/2021 titled "Rizwan versus Government of KP & others", Service Appeal No.7661/2021 titled "Wajahat Hussain versus Government of KP & others", Service Appeal No.7662/2021 titled "Javedullah versus Government & others", and Service Appeal No.7663/20201 titled "Inamullah and Government of KP & others", decided on 15.04.2022 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman and Mrs. Rozina Rehman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

signature of the Additional Secretary, Irrigation Department, at the end of list and the appellants were shown in the working paper to be eligible for promotion. Similarly, the officer at serial No.4 named Bakhtiar was also shown to be eligible for promotion. The DPC held on 23.06.2021 recorded the minutes of the proceeding, which have been detailed in the preceding paragraphs and sought clarification from the Establishment Department vide letter No.SO(E)/Irr/4-3/DPC/2019/Vol-IX dated 04.10.2021, which was responded by the Establishment Department vide letter No.SOR-V(E&AD)/7-1/Irrig: dated 23.11.2021, instead seeking the clarification from the Secretary Government of Khyber Pakhtunkhwa, Irrigation Department on the following observations:

- i. Why the employees were appointed on acting charge basis under APT Rules, 1989?
- ii. Why the matter remained linger on for more than ten years?
- iii. For how many times the departmental B&A exams for these employees in the intervening period were arranged by the Administrative Department and whether they appeared, availed opportunity of appearing the examination or deliberately avoid the opportunity of appearing in the subject examination or failed these examination?

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Attested
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ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Section Officer (Litigation)
Irrigation Department Peshawar

12. Additional documents were placed during the pendency of the appeals, whereby working paper was prepared for considering one

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR
AT CAMP COURT SWAT

BEFORE: RASHIDA BANO ... MEMBER (J)
MUHAMMAD AKBAR KHAN ... MEMBER (E)

Service Appeal No. 21/2022

Date of presentation of Appeal.....07.01.2022
Date of Hearing.....05.06.2024
Date of Decision.....05.06.2024

Mr. Irfan Ul Haq, Ex-Constable No. 48, Police Lines, Daggar, District Buner.....(Appellant)

VERSUS

1. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Malakand Region at Saidu Sharif, Swat.
3. The District Police Officer, District Buner.....(Respondents)

UZMA SYED,
Advocate

For appellant.

UMAIR AZAM,
Additional Advocate General

For respondents

JUDGMENT

MUHAMMAD AKBAR KHAN, MEMBER (E):- The instant service appeal has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as under;

"That on acceptance of this appeal the impugned orders dated 20.10.2021 and 28.12.2021 may very kindly be set aside and be re-instated the appellant into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant".

SCANNED
KPS
Peshawar

02. Brief facts of the case are that the appellant was appointed as Constable and posted in the Police Station Elam; that departmental proceedings were initiated against the appellant on the basis of daily diary No. 12 dated 23.09.2021 lodged by the SHO Police Station Elam and District Police Officer, District Buner issued impugned order 20.10.2021 whereby the appellant was awarded major penalty of dismissal from service. Feeling aggrieved from the impugned order dated 20.10.2021, the appellant filed departmental appeal which was rejected vide order dated 28.10.2021, hence preferred the instant service appeal on 07.01.2022

03. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions raised by the appellant in his appeal. We have heard arguments of learned counsel for the appellant, learned Additional Advocate General and have gone through the record with their valuable assistance.

04. Learned counsel for the appellant contended that the impugned orders 20.10.2021 and 28.12.2021 are against the law, fact, norms of natural justice hence liable to be set aside; that the appellant has not been treated in accordance with law, rules and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan; that no charge sheet and statement of allegation has been issued to the appellant before issuing the impugned order; that neither Show Cause Notice has been issued to the appellant nor opportunity of personal hearing was afforded to the appellant; that the entire proceedings were carried out at the back of the appellant and he has been condemned unheard. She submitted that no regular inquiry has been

conducted in the matter which is mandatory obligation on the part of competent authority.

05. On the other hand, learned Additional Advocate General contended that the impugned orders dated 20.10.2021 & 28.12.2021 have been passed in accordance with law, rules and justice, therefore, appeal of the appellant is liable to be dismissed; He submitted that the proper charge sheet/statement of allegations as well as Show Cause Notice was served on the appellant and after conducting proper departmental inquiry the appellant was dismissed from service; that proper chance of personal hearing was given to the appellant but he failed to justify his position. He further submitted that all the codal formalities were fulfilled before issuing the impugned order; that the appellant has been stopped due to his own conduct and the respondent department has not acted arbitrary and in malafide manner while issuing the impugned order dated 20.10.2021.

06. Scrutiny of record reveals that the appellant while posted as Constable in Police Station Elam District Buner was proceeded against on the charges leveled against him in the charge sheet/statement of allegations as under:-

(1) It has been reported against you vide DD No. 12 dated 23.09.2021 PS Elam, that you have lifted your duty point without permission.

(2) That you are found involved in immoral activities vide DD noted above.

(3) That you are of ill reputation in general public.

07. Record reveals that the departmental proceedings against the appellant were initiated on the basis of daily diary No. 12 dated 23.09.2021 lodged by the SHO of the police station Elam. There is no complainant in the case nor

any statement of the persons mentioned in the daily dairy report have been recorded. The inquiry officer has only recorded statement of Abdul Jaleel Moharriar Police Stataion Elam, Constable Sher Wali, Mr. Hazir Khan ASI, Fawad ullah H.C, Mian Hussian Shah ASI and Aziz ur Rahim, ASI as witnesses in the case. However, no opportunity was given to the appellant to cross examine the witnesses. The inquiry officer had recommended lodging of FIR against the appellant otherwise major punishment. Based on this incomplete/flimsy inquiry report the competent authority straight away dismissed the appellant vide impugned order dated 20.10.2021 without issuing of show cause notice. Arguments of the learned Additional Advocate General on behalf of the respondents that there is no provision of show cause notice under Police Rules, 1975 does not hold good as this Tribunal has delivered numerous judgment holding the issue of final show cause notice mandatory before passing the final order. Besides in the case of Syed Muhammad Shah delivered by a Supreme Court of Pakistan (PLD 1981 S.C-176) the august court held that rules devoid of provision of final show cause notice alongwith inquiry report were not valid rules. We hold that non issuance of show cause notice and non supply of the inquiry report to the appellant has caused miscarriage of justice as the appellant was not in a position to properly defend himself against the allegations.

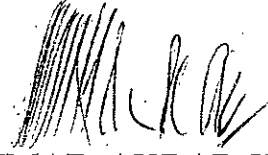
08. In view of the above discussion we are constrained to set aside the impugned orders dated 20.10.2021 and 28.10.2021, reinstate the appellant into service for the purpose of de-novo inquiry by giving proper opportunity of self defense and specially cross-examination to the appellant as enshrined in the

laws and rules with direction to conclude it within a period of 90 days after receipt of copy of this judgment. Costs shall follow the event. Consign.

09. *Pronounced in open court at camp court Swat and given under our hands and seal of the Tribunal on this 05th day of June, 2024.*



(RASHIDA BANO)
Member (E)
Camp Court Swat



(MUHAMMAD AKBAR KHAN)
Member (E)
Camp Court Swat

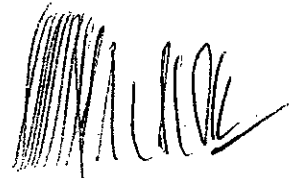
(6)

ORDER

- 05th June, 2024
1. Learned counsel for the appellant present. Mr. Umair Azam, Additional Advocate General for the respondents present. Arguments heard and record perused.
 2. Vide our detailed judgment of today, separately placed on file, we are constrained to set aside the impugned orders dated 20.10.2021 and 28.10.2021, reinstate the appellant into service for the purpose of de-novo inquiry by giving proper opportunity of self defense and specially cross-examination to the appellant as enshrined in the laws and rules with direction to conclude it within a period of 90 days after receipt of copy of this judgment. Costs shall follow the event. Consign.
 3. *Pronounced in open court at camp court Swat and given under our hands and seal of the Tribunal on this 05th day of June, 2024.*



(RASHIDA BANO)
Member (J)
Camp Court Swat



(MUHAMMAD AKBAR KHAN)
Member (E)
Camp Court Swat

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26.04.2024 1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Zahir Shah, S.I for the respondents present.

2. Learned counsel for the appellant requested for adjournment on the ground that she has not prepared the brief. Absolute last chance is given. To come up for arguments on 03.06.2024 before D.B before at camp court swat. P.P given to parties.

SCANNED
M. S. I.
Peshawar

(Fareeha Paul)
Member (E)

(Rashida Bano)
Member (J)

Kaleemullah

03rd June, 2024 1. Nemo for the appellant. Mr. Umair Azam, Additional Advocate General alongwith Mr. Zahir Shah, Inspector for the respondents present.

2. Application has been submitted through office by learned counsel for the appellant for fixation of the instant appeal on 05.06.2024. Application is allowed and the case is fixed for arguments on 05.06.2024 before the S.B at camp court Swat. Reader of the court is directed to telephonically inform the appellant as well as his counsel for the said date.

(Muhammad Akbar Khan)
Member (E)

(Rashida Bano)
Member (J)
Camp Court Swat

8

16.10.2023

1. Clerk of counsel for the appellant present. Mr. Muhammad Jan learned District Attorney alongwith Zahir Shah, S.I for the respondents present.

2. Lawyers are on general strike, therefore case is adjourned. To come up for arguments on 30.01.2024 before D.B. P.P given to the parties.

(FAREEHA PAUL)
Member(E)

(RASHIDA BANO)
Member (J)

Kaleem Ullah

30.01.2024

Counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Mr. Zahir Shah, Inspector (Legal) for the respondents present.

Learned Member (Executive) Miss Fareeha Paul is on leave, therefore, bench is incomplete. To come up for arguments on 26.04.2024 before the D.B. PP given to the parties.

(SALAH-UD-DIN)
Member (J)

Fazle Subhan, P.S

SCANNED
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Peshawar

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KPST
Peshawar

SCANNED
KPST
Peshawar

May, 2023

1. Counsel for the appellant present. Mr. Muhammad Jan,
District Attorney for the respondents present.

2. Learned counsel for the appellant requested for adjournment
on the ground that she has not prepared the brief. Adjourned. To
come up for arguments on 12.07.2023 before D.B. P.P given to the
parties.

SCANNED
KPST
Peshawar

(Fareeha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

Kaleem Ullah

12.07.2023

Learned counsel for the appellant present. Mr. Zahir Shah,
S.I (Legal) alongwith Mr. Asad Ali Khan, Assistant Advocate
General for the respondents.

Learned counsel for the appellant seeks adjournment on
the ground that she has not made preparation for arguments.
Adjourned. To come up for arguments before the D.B on
16.10.2023. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar

Naeem Amin

(Rashida Bano)
Member (J)

(Salah-ud-Din)
Member (J)

25.07.2022

Appellant present through counsel.

Naseer Ud Din Shah, learned Assistant Advocate General alongwith Nowsherawan S.I (Legal) for respondents present.

Representative of respondents has already submitted reply/comments which are placed on file. To come up for rejoinder, if any, and arguments on 18.08.2022 before D.B.

(Rozina Rehman)
Member (J)

18.8.22

Due to harmonious vacation, the case is adjourned to 19-10-22 for the same.

19.10.2022

Learned counsel for the appellant present. Mr. Inamullah, S.I (Legal) alongwith Mr. Muhammad Jan, District Attorney for the respondents present.

Learned counsel for the appellant sought adjournment on the ground that she has not made preparation for arguments. Adjourned.

To come up for arguments on 25.11.2022 before the D.B.

(Mian Muhammad)
Member (E)

(Salah-Ud-Din)
Member (J)

25/11/22

Due to deletion of the case to come up for the same on 25/1/23

SCANNED
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Peshawar
25-1-23

Proper DB is not available. The case is adjourned to 9-5-2023

Reader

15.02.2022

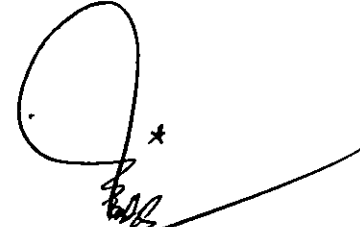
Due to retirement of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 30.03.2022 for the same as before.


Reader

30.03.2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

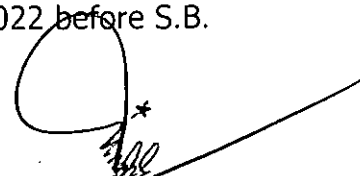
Written reply/comments not submitted. On previous date the case was adjourned on the strength of Reader note, therefore, notices be issued to the respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments on 20.05.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER(E)

20.05.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Nowsherwan Inspector for respondents present.

Written reply/comments on behalf of respondents submitted which is placed on file. Copy of the same is handed over to the learned counsel for the appellant. To come up for rejoinder if any, and arguments on 25.07.2022 before S.B.


(Mian Muhammad)
Member (E)

18.01.2022

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant while opening her arguments contended that the appellant is aggrieved of the impugned order dated 20.10.2021 whereby he was dismissed from service. The appellant preferred departmental appeal against the impugned order on 28.10.2021 which was rejected through appellate order dated 28.12.2021 where-after the instant service appeal was instituted in the Service Tribunal on 07.01.2022. It was further argued that the impugned order is a void order because no law has been mentioned therein. No charge sheet/statement of allegations was issued to the appellant. Neither a proper enquiry was conducted nor an opportunity of personal hearing provided to the appellant and as such the ends of justice have not been fulfilled and the appellant stands condemned unheard. She relied on 2009 SCMR 412 citation-C while contending that before awarding major penalty, it was incumbent upon the respondents to have conducted proper enquiry before imposing a major penalty of dismissal from service.

Appellant Deposited
Security & Process Fee
18/1/22

The appeal is admitted to regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 15.02.2022 before S.B.

(Mian Muhammad)
Member(E)

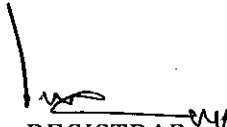

~~Chairman the Tribunal is defunct, therefore case is adjourned to 23.03.2022 for the same as before.~~

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 21 / 2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/01/2022	<p>The appeal of Mr. Irfan Ul Haq presented today by Uzma Syed 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-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>18/01/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST

Case Title: uzma syed vs Police Dept

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

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

Name: UZMA syed

Signature: [Signature]

Dated: 6-1-2022

15

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 21 /2022

SCANNED
KPST
Peshawar

IRFAN UL HAQ

VS

POLICE DEPTT:

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APPELLANT

THROUGH:


UZMA SYED
ADVOCATE

(16)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO 21 /2022

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 21
Dated 07/01/2022

Mr. Irfan Ul Haq, Ex-Constable No. 48,
Police Lines, Daggar. Dist. Buner.....APPELLANT

VERSUS

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Regional Police Officer, Malakand Region at Saidu Sharif, Swat.
- 3- The District Police Officer, District Buner.

.....RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT-1974 AGAINST THE IMPUGNED ORDER DATED 20.10.2021 WHEREBY MAJOR PENALTY OF DISMISSAL FROM SERVICE HAS BEEN IMPOSED ON THE APPELLANT AND AGAINST THE IMPUGNED APPELLATE ORDER DATED 28.12.2021 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS

PRAYER:

That on acceptance of this appeal the impugned orders dated 20.10.2021 and 28.12.2021 may very kindly be set aside and be reinstated the appellant into service with all back benefits. Any other remedy which this August Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

- 1- That appellant was the employee of respondent Department and was performing his duty as Constable No. 48 quiet efficiently and up to the entire satisfaction of his superiors.
- 2- That appellant while performing his duty at the concerned station with devotion and honesty, the allegations of involvement in immoral activities have been leveled against the appellant.
- 3- That the respondent No.3 without conducting fact finding inquiry straight away issued the impugned order dated 20.10.2021 whereby major penalty of

RECORDED
 7/1/22
 22

dismissal from service has been imposed upon the appellant. Copy of the impugned order is attached as annexure.....A.

4- That the appellant feeling aggrieved from the impugned order dated 20.10.2021 preferred departmental appeal before the appellate authority but the same has been rejected by the appellate authority vide order dated 28.12.2021 on no good grounds. Copies of the departmental appeal & rejection order are attached as annexure.....B & C.

5- That appellant feeling aggrieved and having no other remedy but to file the instant service appeal on the following grounds amongst others.

GROUND:

A- That impugned orders dated 20.10.2021 and 28.12.2021 issued by the respondents are against the law, facts, norms of natural justice and material on record, hence not tenable and liable to be set aside.

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

C- That no charge sheet and statement of allegation has been issued to the appellant before issuing the impugned order dated 20.10.2021.

D- That no fact finding/ regular inquiry have been conducted by the authority concerned before issuing the impugned order dated 20.10.2021 which is necessary as per judgment of Apex Court before taking punitive action against the civil servants.

E- That no chance of personal hearing/defense has been provided to the appellant before issuing the impugned order dated 20.10.2021. That no final show cause notice has been served upon the appellant before issuing the impugned order dated 29.12.2020.

F- That no final show cause notice has been served upon the appellant before issuing the impugned order dated 22.10.2021.

G- That the respondent Department acted in arbitrary and malafide manner while issuing the impugned order dated 20.10.2021.

H- That the appellant seeks permission to advance any other ground and proof at the time of hearing.

18

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

Dated: 06.01.2022

Irfan
APPELLANT

IRFAN UL HAQ

THROUGH:

Uzma
UZMA SYED
&

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2022

IRFAN UL HAQ

VS

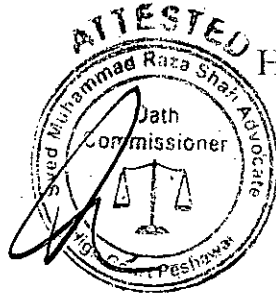
POLICE DEPTT:

AFFIDAVIT

I Uzma Syed, Advocate High Court, Peshawar on the instructions and on behalf of my client do hereby solemnly affirm and declare that the contents of this **service appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



UZMA SYED,
Advocate
High Court, Peshawar



20 / OFFICE OF THE
DISTRICT POLICE OFFICER
BUNER

ORDER


This order will dispose-off the departmental enquiry initiated against **Constable Irfan-ul-Haq No. 48** While posted to PS Elam (Now PTC Hangu) issued vide this office Enquiry No. 18, dated 01.10.2021.

Briefs facts are that:-


Constable Irfan-ul-Haq No. 48, while posted Police Station Elam, found involved in frequent immoral activities, lastly occurred in the jurisdiction of PS Elam, where the accused Constable was on duty and he left his point of duty and went to the nearby Water Springs / Fountains to have harassed & outrage the modesty of women pitching waters to their homes vide DD No. 12/23.09.2021 PS Elam. Consequently, he was proceeded against departmentally. **Mr. Abdur Rashid Khan SP Investigation, Buner** was appointed as Enquiry Officer. The Enquiry Officer conducted thorough enquiry and recorded his findings that the accused constable is habitual delinquent having 38 bad entries in his entire 11 years of service with zero good entries. The accused official is morally corrupt and recently been transferred from DHQ Hospital Daggar to PS Elam in the same context, where the above narrated allegations were leveled against and the same were thoroughly inquired, which proved against him. The E.O recommended him for awarding major punishment and also for adopting criminal proceedings as his acts are intolerable and embarrassment for the department.

Now, therefore, I **Abdur Rashid Khan (PSP)** District Police Officer Buner as Competent Authority and in exercise of the power vested under Police Rules-1975, is believed that the official accused is habitual, chronic and morally corrupt, agreed with the recommendation of Enquiry Officer of awarding major punishment. **Constable Irfan-ul-Haq No. 48 is hereby dismissal from service** with immediate effect.

Order announced,


DISTRICT POLICE OFFICER,
BUNER

OB No. 168
Dated: 20 /10/2021.


ATTACHED

بکھنور جناب ریجنل پولیس آفیسر صاحب ملاکنڈ سید و شریف سوات

6-B

درخواست بمراد دوبارہ بحالی

جناب عالی!

گزارش کی جاتی ہے کہ سائل مورخہ 01.01.2010 کو محکمہ پولیس میں بحیثیت کنسٹیبل بھرتی ہو کر نہایت خوش اسلوبی سے ڈیوٹی سرانجام دی ہے۔ یہ کہ سائل ایک غریب گھرانے سے تعلق رکھتا ہے۔ گھر میں کوئی اور ذریعہ معاش والا نہیں ہے۔ یہ کہ سائل بوجہ محکمانہ انکوری بحوالہ آرڈر بک نمبر 168 محررہ 20.10.2021 محکمہ پولیس سے برخاست ہو چکا ہے۔ آرڈر کاپی ہمراہ درخواست لف ہے۔

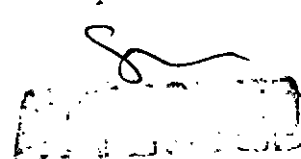
بذریعہ درخواست استدعا ہے کہ سائل بہت زیادہ غریب ہے سائل کو دوبارہ بحال کرنے کا حکم صادر فرما میں سائل تاحیات دُعا گو رہے گا۔

العارض

عرفان الحق ولد آمین الحق ساکن مینو خپہ چرزی ضلع بونیر

سابقہ کنسٹیبل ری نمبر: 48

28-10-2021



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

ORDER

This order will dispose of appeal of Ex-Constable Irfan-Ul-Haq No.48 of Buner District for re-instatement in service, who was dismissed from service by the District Police Officer, Buner vide OB No. 168, dated 20.10.2021.

Brief facts of the case are that Ex-Constable Irfan Ul Haq No.48 was appointed on 01.01.2010 and performed his duties on various places. He was awarded 38 times minor punishments with adverse remarks from the DPO Buner. During his second last posting in DHQ Hospital for indulging in immoral activity there in the DHQ Hospital with ladies patients and subsequently he was transferred in Police Station Elam on 24.08.2021.

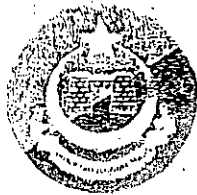
On 23/09/2021 vide DD No.12 PS Elam within a short span of period, he was again found in iniquitous activity there in the jurisdiction of PS Elam to the effect he left his point of duty and went to the nearby Water Spring/Fountain to have harassed & outrage the modesty of women pitching waters to their homes. He was suspended and closed to lines Daggar and consequently, he was proceeded against departmentally and Mr. Abdul Rashid Khan SP Investigation Buner was appointed as Inquiry Officer.

The Inquiry Officer conducted departmental enquiry and recorded his statement. The Enquiry Officer in his finding stated that the accused Constable is habitual delinquent having 38 bad entries in his entire 11 years' service with zero good entries. The accused official is ill reputation, morally corrupt all the allegations leveled against were proved against him and he was recommended for major punishment with criminal proceedings against him as his acts are intolerable and embarrassment for the department. On the recommendation of Enquiry Officer the District Police Officer, Buner awarded him major punishment of dismissal from service vide OB No. 168, dated 20.10.2021.

He was called in Orderly Room on 22.12.2021 and heard him in person but he did not produced any cogent reason to defend the charges leveled against him, therefore, his appeal is hereby rejected.

Regional Police Officer,
Malakand Region, Swat

23



OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND
AT SAIDU SHARIF SWAT
Ph: 0946-9240388 & Fax No. 0946-9240390
Email: rbmalakandregiontic@gmail.com

C-2

ORDER

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He was called in Orderly Room on 22-12-2021 and heard him in person, but he did not produced any cogent reason to defend the charges leveled against him. Therefore his appeal is hereby rejected.

F. Asghar
Regional Police Officer,
Malakand Region Swat

No. 15189
Dated 28-12-2021.

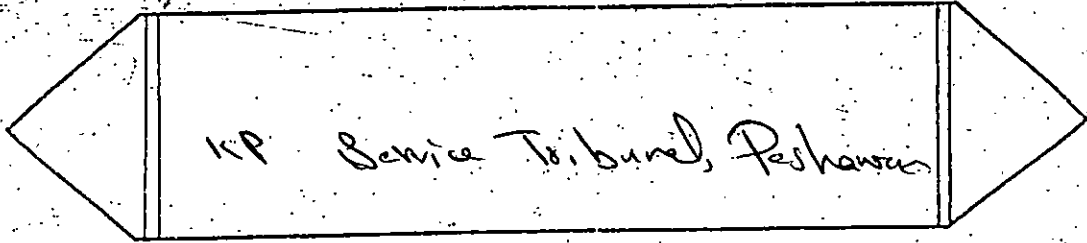
Copy for information and necessary action to the District Police Officer Buner with reference to his office Memo No.66377/C, dated 15-11-2021. His Service Roll & Full Missal containing enquiry file received with the Memo under reference are returned herewith for record in your office.

EC

ATTESTED

IN

بعدالت

2ء منجانب
بنام

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مشدرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
آن مقام Peshawar کیلئے علیٰ علیہ اور دینا دلہان
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء درصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا سا Acceptance
پر داختم منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔ اع
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی کی
مذکور کریں۔ لہذا ادکالت نامہ لکھ دیا کہ مندر ہے۔

المرقوم 6 1 2029

العبد گواہ العبد

بمقام Peshawar کے لئے منظور ہے۔

31

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No.21/2022

Irfan Ul Haq Ex-constable No.48

**SCANNED
KPST
Peshawar**

.....Appellant


Versus

1. The Inspector General of Police Khyber Pakhtunkhwa
2. The Regional Police Officer Malakand at Saidu Sharif Swat
3. The District Police Officer Buner

.....Respondents

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03	Affidavit	-	4
04	Copies of bad entries	"A"	5-6
05	Copy of DD report No.11 dated 23.09.2021	"B"	7
06	Copies of charge sheet, reply of the appellant, finding report & other enquiry papers	"C,D,E,F"	8-24
07	Copy of rejection order	"G"	25


**District Police Officer
Buner**
(Respondent No.3)

① 32

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No.21/2022

Irfan Ul Haq Ex-constable No.48

.....Appellant

Versus

1. The Inspector General of Police Khyber Pakhtunkhwa
2. The Regional Police Officer Malakand at Saidu Sharif Swat
3. The District Police Officer Buner

.....Respondents

PARA-WISE COMMENTS / REPLY ON BEHALF OF RESPONDENTS

Respectfully sheweth:-

Preliminarily objections:-

1. That the service appeal is barred by law and limitation.
2. That the service appeal is not maintainable under the law and rules.
3. That the appellant has not come to this honorable Tribunal with clean hands
4. That the instant appeal is bad due to miss-joinder and non-joinder of the necessary & proper parties.
5. That the appellant has concealed the material facts from this honorable tribunal.
6. That the appellant has got no cause of action and locus standi to file the instant appeal.
7. That the appellant has been estopped due to his own conduct.

ON FACTS:-

1. Correct to the extent that the appellant was employee of respondent department, however his service history tainted with many bad entries. **(Copies of bad entries are attached as annexures "A")**.
2. Incorrect; The appellant while posted in PS Elum left his duty point without permission and found harassing/outraging the minor girls who were pitching water to their home from the nearby fountain. Concerned Police Station SHO lodged a report vide DD No. 12 dated 23.09.2021 against the appellant. **(Copy of DD report is annexure B)**
3. Incorrect ; After receiving the above mentioned complaint report to SHO Police Station Elum, a proper departmental enquiry was initiated against the appellant, who was charge sheeted coupled with statement of allegations. SP investigation Buner was appointed as Enquiry Officer. The appellant submitted his reply to the charge sheet which was found unsatisfactory. During the course of enquiry, the enquiry Officer recorded the statement of all relevant witnesses as well as statement of the appellant and EO submitted his finding report wherein he concluded that the allegations against the appellant have been proved and recommended that case FIR be registered against him according to the relevant sections otherwise appellant be awarded major punishment. Therefore, after conducting proper departmental enquiry, major punishment in shape of dismissal from service was imposed upon the appellant. **(Copy of charge sheet and reply of the appellant, finding report and Enquiry papers are attached as annexure C, D, E & F respectively)**
4. correct to the extent that the appellant submitted his departmental appeal to the office of respondent No.02 who called the appellant in OR on dated 22.12.2021 wherein he heard him in person but the appellant could not produce any cogent reason in his defense, therefore his appeal was rightly rejected vide office order

(2) (33)

Endst: No. 15189/E dated 28.12.2021. (Copy of rejection order is attached as annexure G)

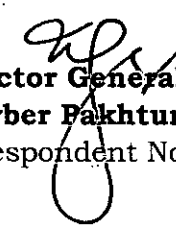
5. That the service appeal of the appellant is liable to be dismissed on the following grounds:-

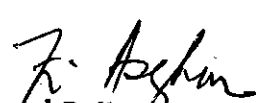
GROUND:-

- A. Incorrect: The office orders dated 20.10.2021 and 28.12.2021 being passed in accordance with fact, law, rules and justice, therefore appeal of the appellant is liable to be dismissed.
- B. Incorrect; That the appellant has been treated in accordance with law /rules. No violation of constitution has been done by the respondent department.
- C. Incorrect: As explained above in the Para 3 to the facts, the appellant was properly issued charge sheet couple with statement of allegations and after conducting proper departmental enquiry the appellant was dismissed from service vide office order No. 20-10-2021.
- D. Incorrect; as explained in the above Para "C".
- E. Incorrect; all the legal/ Codal formalities have been fulfilled before issuing the impugned office Order dated 20.10.2021. Already explained in para 04 ibid.
- F. Incorrect; as explained in above Para "E".
- G. Incorrect; the appellant has been estopped due to his own conduct and the respondent department has not acted arbitrary and in mala-fide manner while issuing office Order dated 20.10.2021.
- H. That the respondents also seek permission of this honorable Tribunal to adduce more points/grounds at the time of arguments.

PRAYERS:-

In view of the above detailed para-wise comments/points, it is most humbly prayed that the service appeal of the appellant may graciously be dismissed with costs, please.


Inspector General of Police
Khyber Pakhtunkhwa
(Respondent No.01)


Regional Police Officer
Regional Police Officer
Malakand Region
Saidu Sharif, Swat
(Respondent No.2)


District Police Officer
Buner
(Respondent No.3)

3

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No.21/2022

Irfan Ul-Haq Ex-constable No.48

.....Appellant

Versus

1. The Inspector General of Police Khyber Pakhtunkhwa
2. The Regional Police Officer Malakand at Saidu Sharif Swat
3. The District Police Officer Buner

.....Respondents

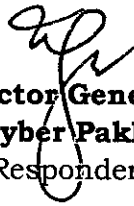
AFFIDAVIT

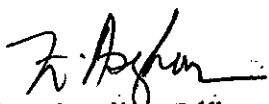
We the above respondents do hereby solemnly affirm and sate on oath that the whole accompany para-wise comments are true and correct to the best of our knowledge and belief and nothing has been concealed from this honorable tribunal.


ATTESTED



20/5/22


Inspector General of Police
Khyber Pakhtunkhwa
(Respondent No.01)


Regional Police Officer
Regional Police Officer
Malakand Region,
Saidu Sharif Swat
(Respondent No.2)


District Police Officer Buner
(Respondent No.3)
District Police Officer
Buner

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No.21/2022

Irfan Ul Haq Ex-constable No.48

.....Appellant

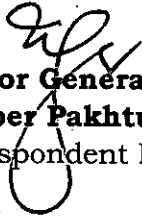
Versus


1. The Inspector General of Police Khyber Pakhtunkhwa
2. The Regional Police Officer Malakand at Saidu Sharif Swat
3. The District Police Officer Buner


.....Respondents

AUTHORITY LETTER

We the above respondents do hereby authorize and allow Mr. Nawsherawan Khan Inspector legal Buner to file the accompany para-wise comments on our behalf in the honorable tribunal and do whatever is needed in the court.


Inspector General of Police
Khyber Pakhtunkhwa
(Respondent No.01)


Regional Police Officer
Regional Police Officer
Malakand Region,
Malakand Swat
(Respondent No.2)


District Police Officer Buner
(Respondent No.3)
District Police Officer
Buner

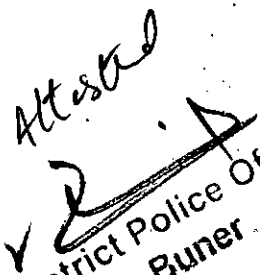
(5)

Annex - A

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ریکارڈ اذان کنشیل عرفان الحق نمبر 48

نمبر شمار	تفصیل سزا	آرڈر بک نمبر و تاریخ	سزا متعلق	آیام
1	بلا تنخواہ	آرڈر بک نمبر 33، مورخہ 16.03.2010	غیر حاضری	07 دن
2	بلا حواہ	آرڈر بک نمبر 40، مورخہ 29.03.2010	غیر حاضری	01 دن
3	بلا تنخواہ	آرڈر بک نمبر 10، مورخہ 21.01.2011	غیر حاضری	02 دن
4	بلا تنخواہ	آرڈر بک نمبر 16، مورخہ 01.02.2011	غیر حاضری	01 دن
5	بلا تنخواہ	آرڈر بک نمبر 09، مورخہ 22.01.2015	غیر حاضری	03 دن
6	بلا تنخواہ	آرڈر بک نمبر 11، مورخہ 19.01.2011	غیر حاضری	04 دن
7	بلا تنخواہ	آرڈر بک نمبر 13، مورخہ 21.01.2012	غیر حاضری	01 دن
8	کوآرڈر گارڈ / ایکسٹرا ڈریل	آرڈر بک نمبر 18، مورخہ 28.01.2012	غیر حاضری	تنخواہ بند
9	بلا تنخواہ	آرڈر بک نمبر 42، مورخہ 12.03.2012	غیر حاضری	04 دن
10	بلا تنخواہ	آرڈر بک نمبر 115، مورخہ 19.07.2012	غیر حاضری	02 دن
11	کوآرڈر گارڈ	آرڈر بک نمبر 133، مورخہ 16.08.2012	غیر حاضری	02 دن
12	بلا تنخواہ	آرڈر بک نمبر 148، مورخہ 19.09.2012	غیر حاضری	02 دن
13	بلا تنخواہ	آرڈر بک نمبر 169، مورخہ 25.10.2012	غیر حاضری	04 دن
14	بلا تنخواہ	آرڈر بک نمبر 171، مورخہ 01.11.2012	غیر حاضری	01 دن
15	کوآرڈر گارڈ	آرڈر بک نمبر 186، مورخہ 12.12.2013	غیر حاضری	02 دن
16	بلا تنخواہ	آرڈر بک نمبر 104، مورخہ 18.07.2013	غیر حاضری	02 دن
17	بلا تنخواہ / جرمانہ (150)	آرڈر بک نمبر 107، مورخہ 24.07.2013	غیر حاضری	03 دن
18	بلا تنخواہ	آرڈر بک نمبر 112، مورخہ 06.08.2013	غیر حاضری	02 دن
19	جرمانہ (150)	آرڈر بک نمبر 111، مورخہ 06.08.2013	غیر حاضری	
20	بلا تنخواہ	آرڈر بک نمبر 107، مورخہ 21.10.2014	غیر حاضری	01 دن
21	بلا تنخواہ	آرڈر بک نمبر 126، مورخہ 10.12.2014	غیر حاضری	01 دن

Attested

 District Police Officer
 Buner

01 دن	غیر حاضری	آرڈر بک نمبر 40، مورخہ 24.04.2015	بلا متخواہ	22
01 دن	غیر حاضری	آرڈر بک نمبر 70، مورخہ 31.08.2015	ایکسٹرا ڈرل	23
	غیر حاضری	آرڈر بک نمبر 96، مورخہ 20.11.2015	دارنگ آرڈر	24
01 دن	غیر حاضری	آرڈر بک نمبر 97، مورخہ 25.11.2015	ایکسٹرا ڈرل	25
01 دن	غیر حاضری	آرڈر بک نمبر 20، مورخہ 25.04.2016	بلا متخواہ	26
	غیر حاضری	آرڈر بک نمبر 32، مورخہ 28.03.2016	دارنگ آرڈر	27
04 دن	غیر حاضری	آرڈر بک نمبر 49، مورخہ 03.04.2018	بلا متخواہ	28
01 دن	غیر حاضری	آرڈر بک نمبر 08، مورخہ 18.01.2016	ایکسٹرا ڈرل	29
01 دن	غیر حاضری	آرڈر بک نمبر 24، مورخہ 03.03.2016	بلا متخواہ	30
03 دن	غیر حاضری	آرڈر بک نمبر 61، مورخہ 24.06.2016	بلا متخواہ / ایکسٹرا ڈرل	31
04 دن	غیر حاضری	آرڈر بک نمبر 111، مورخہ 04.11.2016	بلا متخواہ / ایکسٹرا ڈرل	32
01 دن	غیر حاضری	آرڈر بک نمبر 115، مورخہ 15.08.2018	بلا متخواہ	33
02 دن	غیر حاضری	آرڈر بک نمبر 178، مورخہ 03.12.2018	بلا متخواہ	34
02 دن	غیر حاضری	آرڈر بک نمبر 144، مورخہ 24.09.2019	بلا متخواہ	35
01 دن	غیر حاضری	آرڈر بک نمبر 163، مورخہ 24.10.2019	بلا متخواہ	36
01 دن	غیر حاضری	آرڈر بک نمبر 183، مورخہ 26.11.2019	بلا متخواہ	37
ڈی پی او آرڈر / ریماڈرکس کنسنشیل اخلاقی طور پر کرپٹ ہے۔ اور مستقبل میں کسی مناسب / ذمہ دار پوسٹنگ کیلئے موزوں نہیں ہے۔			شوکار نوٹس	38

Attested

 District Police Officer
 Buner

(7)

Amed-B

38

5-10-2021

مقامہ ایلم

تقلید روزانہ مورخہ 23/09/21

صالح بونیر

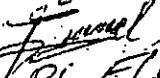
درتیم 19 رپورٹ محمد رفیق جان SHO وقت 15:00 مورخہ 23/09/21
 درج ذیل کنیشنل عرفان الحق 48 تقریباً ایک سینہ پیلہ کو ال
 آرڈر نمبر 137 مورخہ 24/09/21 کو سیکولٹی ڈیپارٹمنٹ ڈگریس ان گولڈنڈ
 غلط حرکات غیر اخلاقی سرگرمیوں میں ملوث ہونے کی الترام میں
 تھا نہ پنا تبدیل ہوا تھا۔ مذکورہ کنیشنل اپنی عادات سے باز نہیں آتا ہے
 آسروں مذکورہ کا بمطابق ڈیوٹی پرچہ 10:55 تا 14:00 تک
 مورخہ نمبر 3 پر ڈیوٹی لگائی گئی تھی۔ مذکورہ نے تقریباً 10:00 بجے
 پیلہ اپنا ڈیوٹی یونٹ چھوڑ کر قریبی نالہ واقع جیشیم حوض بھسیاں
 گان کی بھسیاں کپڑے دھونے کے لیے آئی ہیں۔ وہاں جا کر بھسیوں
 کیساتھ ناز بیجا حرکات کرنے ہوئے گھومتے معشر خاتون لنگر آتے
 مذکورہ گانے غزنی کر کے اسکے شور سے اہر پروردگور کنیشنل ہاڈار
 میں چیک ہوئے تھا نہ کی طرف آئے ہوئے دیکھا جی دیا مذکورہ سے پرہیز
 پر کوئی تسلی بخش جواب نہ دے سکا اسلئے وہاں سے پرہیز ہوا
 کہ مذکورہ نے یونٹ چھوڑ کر قریبی نالہ میں واقع جیشیم
 پر بھسیاں گان کے لڑکیوں کے پاس غلط آراہ سے گیا تھا
 مذکورہ کا یہ فعل ناقابل معافی ہے۔ سرپرست معاملہ دفعہ
 دفعہ کر کے مذکورہ کے اس فعل سے افسران بالا کو مطلع کیا گیا
 رپورٹ درج روزنامہ ہو کر تقلید بھریں مناسب حکم افسران
 بالا کے خدمت میں مدسل ہوگی

Attest



 District Police Officer
 Buner

جن عالی

مقل بمطابق اصل سے


 PS-ELLION
 23-09-21

Sir Forwarded


 SHO-PS-ELLION
 05-10-21

کو کلا نظر آ

u u
⑧ Annex C-39

/NO. 18 /Enquiry

Dated 01/10/2021

CHARGE SHEET

I, Abdur Rashid Khan (PSP), District Police Officer, Buner as competent authority, under Khyber Pakhtunkhwa Police Disciplinary Rules-1975; hereby charge you Constable Irfan-ul-Haq No. 48 while posted to Police Station Elam of District Buner as follow:-

1. It has been reported against you vide DD No. 12 dated 23.09.2021 PS Elam, that you have lifted your duty point without permission.
2. That you are found involved in immoral activities vide DD noted above.
3. That you are of ill reputation in general public.
4. By reasons of the above, you appear to be guilty of misconduct and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Disciplinary Police Rules, 1975.
5. You are; therefore, require to submit your written reply within 07 days of the receipt of this Charge Sheet to the Enquiry Officer under Rules-6 Sub Rules (i) (b) of Police Disciplinary Rules 1975.
6. Your written reply, if any, should reach the Enquiry Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
7. Intimate as to whether you desire to be heard in person or not?
8. A statement of allegations is enclosed


Abdur Rashid Khan (PSP)
District Police Officer,
Buner


District Police Officer
Buner

9

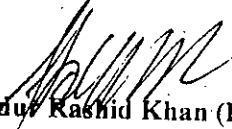
40

DISCIPLINARY ACTION

I **Abdur Rashid Khan** District Police Officer, Buner as competent authority, under Khyber Pakhtunkhwa Police Disciplinary Rules-1975, is of the opinion he **Constable Irfanul Haq No. No. 48** while posted to **Police Station Elam**, have rendered himself liable to be proceeded against departmentally and committed the following acts/omission as defined in Rule-2 (iii) of Police Disciplinary Rules 1975.


STATEMENT OF ALLEGATIONS

1. It has been reported against you vide DD No. 12 dated 23.09.2021 PS Elam, that you have lifted your duty point without permission.
2. That you are found involved in immoral activities vide DD noted above.
3. That you are of ill reputation in general public.
4. For the purpose of scrutinizing the conduct of said officer with reference to the above allegations **Mr. Abdur Rashid Khan Marwan SP Investigation** is appointed as Enquiry Officer under Rules 5 (4) of Police Disciplinary Rules 1975.
5. The Enquiry Officer shall conduct proceedings in accordance with provision of Police Disciplinary Rules 1975 and shall provide reasonable opportunity of defence and hearing to the accused officer, record its findings and make within ten (10) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer under Rules 6 (v) of Police Disciplinary Rules 1975.
6. The accused officer shall join the proceeding on the date, time and place fixed by the Enquiry Officer.


Abdur Rashid Khan (PSP)
District Police Officer,
Buner

OFFICE OF THE DISTRICT POLICE OFFICER, BUNER
No. 6084-85 /Enquiry, Dated Daggar the 01/10 /2021
Copy of above is sent to:

1. The Enquiry Officer for initiating proceeding against the accused officer namely under Police Disciplinary Rules, 1975.
2. Concerned defaulter through Lines Officer Police Lines Daggar.

Attested

District Police Officer
Buner

خدمت صاحب انٹرویو آفیسر DPO قلعہ پشور

جواب نمبر 6084-85

۱۔ میں نے منقرضہ ایئر ڈیویژن کی گزشتہ بارہ سال سے انجام دے رہی ہے۔ اس میں شامل امور کے خلاف کوئی کیپیٹل خریدا نہیں گیا۔ دائرہ کار ہے۔ گورنمنٹ کے پاس

۲۔ یہاں منقرضہ مندرجہ 23/2 کو جسے ضابطہ درجہ 10:00 AM سے 02:00 PM تک ایئر پورٹ پر سرانجام کیا گیا۔ اس کے دوران میں منقرضہ حالت کے کسی کوئی گاڑی کے ڈکان میں جا کر اپنے اپنے حدود میں منتقل آئے۔ ضابطہ 540 کے تحت ایئر پورٹ سے جانے والی وہ بوجھ کی ڈانٹ لیا گیا ہے۔

۳۔ یہاں منقرضہ جس وقت 540 کے احکامات کے بغیر جانے والی 540 کے مطابق جانگی۔ اور اس کے لئے محتاط رہنے کی یقینی دہرا کرنا ہے۔

۴۔ یہاں 540 کے تحت اسے ذاتی ریجنز اور دیگر کیلئے ممنوعہ ٹرانسپورٹ کے ذریعے منقرضہ صرف اور صرف میں موٹر گاڑیوں کے لئے

۵۔ یہاں منقرضہ صرف کسی ایسی ڈرائیونگ سٹیشن کے لئے کوئی کوئی کوئی کوئی نہیں ہے۔ اس لئے میں منقرضہ کوئی غیر قانونی غیر افسانہ نام کیا ہے۔

(P)

Attested
District Police Officer
Buner

6- کہ عرض فرمائے کہ اس شخص نے اپنے
ادارہ کے لئے کئی برسوں سے جاگرتا رہا ہے
کئی بار اس کے لئے یہ سزا ہے۔

7- یہ سب افسرانے کئی قسم کے قانونی دعوے
کئے ہیں۔ جس کے ساتھ ساتھ اس سے اجازت
کا سوال ہے۔ جو اس کے حقوق و فرائض کا
انہوں نے کئی دفعہ اس کے لئے دعوے کر رکھے ہیں۔

8- کہ عرض فرمائے کہ اس سے اس میں
اور اس کے خاندان کا رکنوں کو بھیج دیا ہے۔
اور اس کے خاندان کے خواتین سے

اس کے لئے اس سب افسرانے ان کو
سے ترقی دے کر دیا ہے۔ اس کے لئے

محمد علی

کے اہل عرفان الحق مبارکباد 48

7-10-2021

Atkhat
District Police Officer
Buner

مضمون:- محکمہ انکوائری بر خلاف کنسٹیبل عرفان الحق نمبر 48 متعینہ تھانہ اہلم حال پولیس اسٹیشن ڈگر

جناب عالی!

بحوالہ چارج شیٹ نمبری: Enq/18 مورخہ 01.10.2021 بجاریہ جناب DPO صاحب معروض خدمت ہوں کہ چارج شیٹ میں کنسٹیبل عرفان الحق نمبر 48 کے خلاف ذیل الزامات لگائے گئے ہیں۔

❖ تھانہ اہلم میں دوران تعیناتی بغیر اطلاع ڈیوٹی پوائنٹ چھوڑ کر جانے پر مذکورہ کے خلاف رپورٹ بحوالہ مد 12 مورخہ 23.09.2021 درج روزنامہ کی گئی ہے۔

❖ روزنامہ رپورٹ کے مطابق مذکورہ غیر اخلاقی سرگرمیوں میں ملوث رہا ہے۔

❖ جس کی وجہ سے عام لوگوں میں خراب شہرت رکھتا ہے۔

چارج شیٹ درج الزامات بالا کے نسبت انکوائری کے لئے من SP انوسٹی گیشن کو موصول ہو کر انکوائری شروع کی گئی۔ دوران انکوائری الزام علیہ کنسٹیبل عرفان الحق، عبد الجلیل محرر تھانہ اہلم، کنسٹیبل شیر ولی نمبر 839، حاضر خان ASI، نوادند HC، میاں حسین شاہ ASI اور عزیز الرحیم ASI طلب کر کے انکے بیانات قلمبند کئے گئے۔

1. الزام علیہ نے اپنے بیان میں واضح کیا کہ تھانہ اہلم میں ڈیوٹی پوائنٹ مورچہ نمبر 3 پر ڈیوٹی ختم کر کے سنوار خریدنے کے لئے قریبی گاؤں اہلم جا کر ایک دکاندار سے سنوار خرید کر واپس تھانہ آ رہا تھا۔ نزدیک چشمہ میں پانی پینے کی خاطر راکا کہ تھانہ واپسی پر محرر نے بغیر اجازت چلنے کی وجہ دریافت کی اور میرے خلاف SHO تھانہ اہلم نے رپورٹ درج روزنامہ کی۔

2. محرر تھانہ عبد الجلیل HC نے اپنے بیان میں واضح کیا کہ مذکورہ کنسٹیبل عرفان الحق کی 10 تا 2 تا ڈیوٹی لگائی گئی تھی۔ نزدیک مورچہ میں متعین کنسٹیبل شیر ولی نے اطلاع دی تھی۔ کہ مورچہ نمبر 3 میں مذکورہ کنسٹیبل موجود نہیں اور کپڑے تبدیل کر کے قریبی چشمہ کی طرف گیا ہے۔ اس اطلاع پر کنسٹیبل شیر ولی کو اس کے عقب معلومات کے لئے بھیجا۔ تھوڑی دیر بعد کنسٹیبل شیر ولی نے فون پر بتایا کہ چشمہ میں بچیاں کپڑے دھو رہی ہیں۔ اور اس کے ساتھ ایک معمر خاتون ہے جو کہ کنسٹیبل عرفان الحق کو کہہ رہی تھی کہ جاؤ ورنہ پتھر ماریں گے۔ واپسی پر کنسٹیبل مذکورہ سے وجہ پوچھی تو تسلی بخش جواب نہ دیا۔

3. کنسٹیبل شیر ولی نمبر 839 متعینہ تھانہ اہلم نے اپنے بیان میں محرر تھانہ عبد الجلیل کے بیان کی تائید کرتے ہوئے واضح کیا کہ واقعی اس نے عرفان الحق کی معلومات کی خاطر قریبی چشمہ جا کر وہ نظر نہیں آ رہا تھا البتہ کچھ دیر بعد گئے پود اجابت اور جھاز پوں میں چھپنے چھپکے آتا ہوا اس کے پاس آیا اسی طرح ایک معمر خاتون بھی چشمہ کی جانب آ کر کنسٹیبل عرفان الحق کو نہایت تند و تیز لہجہ میں کہہ رہی تھی کہ یہاں سے جاؤ اگر آئندہ یہ حرکت کی تو آپ کو سنگسار کریں گے۔

4. حاضر خان ASI نے اپنے بیان میں واضح کیا کہ ٹریفک سٹاف میں سال 2007/2008 کو تعینات تھا جبکہ عرفان الحق اس وقت محکمہ پولیس میں بھرتی نہ تھا اور بحیثیت عیسی ڈرائیور مزدوری کر رہا تھا۔ اکثر اوقات مذکورہ کے غلط چال چلن کے نسبت شکایات ملتی رہتی تھی۔ جس پر مذکورہ کو رزے عادات سے بچنے کی تاکید کرتا رہا۔

Attested
District Police Officer
Buner

5. ماس حسین نامی ASI نے اپنے بیان میں مذکورہ کنسٹیبل کا ان کے ساتھ کچھ لٹی ہسپتال میں تعیناتی کے دوران اس قسم کی شکایت موصول ہونے کی تردید کی۔ لیکن مذکورہ کے بد چلنی کے نسبت اظہار کیا۔

اس کے علاوہ دفتری ریکارڈ ملاحظہ کر کے پایا گیا کہ مذکورہ کنسٹیبل سال 2010ء کو محکمہ پولیس میں بھرتی ہوئے۔ اس کے دوران مختلف اوقات میں ذیولنی سے غیر حاضر رہ کر اس کے سرورس بک میں 38 "Bad Entries" ہو چکے ہیں جبکہ "Good Entry" کوئی بھی درج نہیں ہے۔ اور محکمہ میں ترقی کے لئے ابتدائی امتحان AI بھی ٹیل کیا ہے۔

انکو انٹیری ہو کر بیانات، حالات سے پایا گیا کہ الزام علیہ کنسٹیبل عادی بد چلنی اور عورتوں کے ساتھ چھیڑ چھاڑ کرنے جیسے واقعات کے لئے پہلے سے مشہور ہے۔ اور محکمہ پولیس میں بھرتی ہونے کے بعد بھی اپنے برے عادات سے باز نہیں آیا ہے۔ قبل ازیں دوران تعیناتی کچھ لٹی ہسپتال میں بھی اس قسم کی شکایات کی زد میں آکر ان کیسینٹ تھانہ ایلم تہذیبی واقعات میں مذکورہ نے علاقہ تھانہ ایلم میں بھی اپنی بڑی عادت کا سلسلہ جاری رکھ کر دیرہ ایلم میں بسنے والے سادہ لوح عورتوں کو شکار کرنے کی کوشش کی۔ لیکن چشم دید کنسٹیبل شیر ذلی نے محرر تھانہ کو بروقت اطلاع دیکر SHO تھانہ ایلم محمد رفیق خان نے رپورٹ درج روزنامہ دہانے کا چشم دید کنسٹیبل شیر ذلی نے محرر تھانہ کو بروقت اطلاع دیکر SHO تھانہ ایلم محمد رفیق خان نے رپورٹ درج روزنامہ کر کے انفران بالا کو برائے مناسب کارروائی ارسال کی۔

چونکہ علاقہ تھانہ ایلم ایک شورش زدہ اور سیکورٹی کے لحاظ سے ایک حساس مقام ہے۔ وہاں پر تعینات اہلکاران کے لئے ضروری ہے۔ کہ وہ اپنی حفاظت کے ساتھ ساتھ اچھے رویوں سے عوام میں اعتماد بحال رکھے۔ نہ کہ غلط اور برے عادات اور رویوں سے عوام میں محکمہ پولیس کے بہادر جوانوں کے بدولت پایا ہو مقام کھوں۔ الزام علیہ کنسٹیبل کے سابقہ اور موجودہ چال چلن کے نسبت ریکارڈ کا ملاحظہ کر کے اس نتیجہ پر پہنچا ہوں کہ مذکورہ آنے والے وقت میں بھی محکمہ پولیس کے ماتھے پر بد نما داغ ثابت ہو گا۔

لہذا کی مہلی انکو انٹیری سے اخذ کردہ نتیجہ کے تناظر میں کنسٹیبل عرفان الحق نمبر 48 تھانہ ایلم میں تعیناتی کے دوران عورتوں کے ساتھ غیر اخلاقی فعل کرنے کا مرتکب ہو کر قصور وار ہے۔ اس لئے مذکورہ کے خلاف متعلقہ قانونی دفعات کے تحت باقاعدہ مقدمہ درج رجسٹر کرنے بصورت دیگر Major Punishment کی سفارش کرتا ہوں۔ رپورٹ عرض ہے۔

ایس پی انوسٹی
بھونہ

Dismissed
from service
as he is habitual
drunk and his
behaviour is

District Police Officer
Buner


(14)

Annex - F

(45)

ماہیل انٹرویو کے لیے جی جی ایف کیسٹل عرفان القابہ 48 قیادیم حال لریس انور

نمبر	تفصیل کاغذات	نمبر قطعہ
1	قائمہ ریکارڈ، انٹرویو	04
2	طرح سبب غری / 6084-85	02
3	ڈیوٹی چارج، قلم 12، تاریخ 23/11/20	02
4	کونٹریکٹ اسٹریٹیجی رپورٹ	03
5	نقل طرح سبب بہانہ جواب	03
6	کیسٹل عرفان القابہ 48	01
7	بیانات طالعہ عرفان، عزیز الرحمہ	04
8	بیان عرفان، عزیز الرحمہ، حریر ناوگی	04
9	بیان حریر عرفان، کیسٹل حریر ناوگی 939	02

Attested

 District Police Officer
 Buner

نمبر قطعہ
 کیسٹل

میرا اداں عمر الجلیل نمبر 692 فریقہ ایلم 8¹⁰/₂₁

بیان کیا کہ یہاں نے عطا لوق ڈیوٹی پر 3 بج کر 15 منٹ تک لکھ کر
 ڈیوٹی فری ہو گیا اور 3 بج کر 15 منٹ تک عرفان الحق نمبر 48 کی ڈیوٹی
 لگائی تھی۔ درجہ 21 بج کر 15 منٹ تک 14.00 تا 15.00 ڈیوٹی کے لیے عرفان الحق
 جا کر موجود تھا۔ یہاں وقتاً فوقتاً تمام سٹریاں چیک کرنا رہا۔ وقت 13-40
 کیل سیروی نمبر 839 جسکی عرفان الحق کے بعد 14.00 تا 18.00 ڈیوٹی ہوئی
 درجہ 3 پر لگی تھی نے اُترتے تھا کہ یہاں درجہ 3 جا کر کیل دوران الحق
 ڈیوٹی ٹوائٹ پر موجود نہیں اور درجہ 3 تبدیل کر کے فریبی جیمہ سفید
 باجیا میں گیا ہے۔ اس کے بعد کیل سیروی بھیجا۔ لہذا اسے ہارٹ
 کی کہ جا کر نہ رہے کہ عرفان الحق بغیر حصول اجازت یہاں آیا ہے۔
 چھوٹی درجہ 3 کیل سے تھے مرانیل فرن پر کال کر کے بتایا کہ
 بائی والے جیمہ پر جیسا کہ کھڑے دھونے کے لیے موجود تھی۔ لہذا ایک
 دفعہ کالوں پر لگی۔ وہ کالوں پر ہی تھی۔ یہاں سے چلے جاؤ ورنہ
 ایک پتھر مارینگے۔ آخر کار دونوں کیل میں واپس آئے۔ میں نے اس
 پر کیل عرفان الحق سے فریبی جیمہ سے اجازت مانگ کر ڈیوٹی
 اور وہ تالی کھینچا ہوا۔ نمبر 20۔ 40 بج کر 15 منٹ تک عرفان الحق
 تھا یہاں موجود تھی۔ جملہ واقعات اس کے نوٹس میں لائے۔ لہذا اس
 کیل عرفان الحق کے خلاف حکام نمبر 12 اور نمبر 23 رپورٹ نمبر 21
 کی ہے۔ یہی مزید بیان ہے۔

Attested
 District Police Officer
 Buner

ATTESTED

S.P. Buner
 10-10-81

عمر الجلیل نمبر 692 فریقہ ایلم

* خان ایلم میں تقریباً اس ماہ سے قسبات ہے
 * مندرجہ ذیل سے ماہ گھنٹہ قسبات میں ہے

عمر الجلیل نمبر 692 فریقہ ایلم

48
 17
 23/09/2021

کامر پاسی بم نئی لویس

2111	حوسن خان	2562	نیکسا رساہ	836	سلیم الزار	گت
2476	فضل مانت	2681	محمد علی	1093	محمد عاز	پورچہ
839	سرور علی	4824	عرفان الحق	2809	افغانی	پورچہ

Do اسل
 1816
 1816

ان لویس لوی
 1. عبدالقادر
 2. اسحاق
 3. محمد خان
 4. ماکوٹ مانتہ رازم

1816
 2717
 1073
 2476

3. مانتہ
 4. رازم
 5. مانتہ

1. سید امانت
 2. شہناز
 3. بی بی
 4. سر مانتہ خان

517
 807
 1036
 1829
 2786

22/9/2021

22/9/2021
 MHC-PS-Block
 22-09-2021

Hester
 District Police Officer
 Butler

بیان اذان بیاض سنہ ۲۰۲۰ء میں بیٹا ناوگی

بیٹی مولیٰ نے پچاس سال ۲۰۲۰ء میں بحیثیت خارج بھرتی ہسپتال ڈسٹریکٹ تھانہ
 تھا۔ سہ ماہی کے ساتھ موجود کھانے کیلئے نروان الحق فرم ۹۸ بھی تھانہ تھانہ
 وہ سبزی کی گھاٹیوں کے ساتھ کھانے کی ہے۔ اور اسکی بیوی بھی ہسپتال ڈسٹریکٹ میں
 ڈیوٹی سرانجام دے رہی ہے۔ اسلیئے وہ فرامین کینا گھانا ریلا جگہ سے
 اسے بیٹا کا فیقتا تھا۔ اللہ عام فعا سے میں یہ بات منجور ہے۔ کم کینا
 مذکورہ بیٹا ہے۔ اور اسکا جگہ مانا ہے حد سب سے زیادہ۔ ہسپتال فرامین زیادہ
 ہوں۔ جب تک میں بحیثیت خارج بھرتی تھانہ تھا۔ اس پر ہر روز
 حاکم کو اسکا بیٹا سے جانے کجا طرح اسکی نگرانی کرتا تھا۔ بہ فضل خدا
 ایسا کوئی ناخوشگوار واقعہ رونما نہیں ہوا ہے۔ یہ کوئی شکایت نہیں ہے۔
 بس یہی سیر بیان ہے۔

بیٹا ناوگی
 بیٹا ناوگی

Attested
 District Police Officer
 Buner

ATTESTED
 SP. C. Buner
 17-10-21

(24)

OFFICE OF THE
DISTRICT POLICE OFFICER
BUNER

(55)

ORDER

This order will dispose-off the departmental enquiry initiated against **Constable Irfan-ul-Haq No. 48** While posted to PS Elam (Now PTC Hangu) issued vide this office Enquiry No. 18, dated 01.10.2021.

Briefs facts are that:-

Constable Irfan-ul-Haq No. 48, while posted Police Station Elam, found involved in frequent immoral activities, lastly occurred in the jurisdiction of PS Elam, where the accused Constable was on duty and he left his point of duty and went to the nearby Water Springs / Fountains to have harassed & outrage the modesty of women pitching waters to their homes vide DD No. 12/23.09.2021 PS Elam. Consequently, he was proceeded against departmentally. **Mr. Abdur Rashid Khan SP Investigation, Buner** was appointed as Enquiry Officer. The Enquiry Officer conducted thorough enquiry and recorded his findings that the accused constable is habitual delinquent having 38 bad entries in his entire 11 years of service with zero good entries. The accused official is morally corrupt and recently been transferred from DHQ Hospital Daggar to PS Elam in the same context, where the above narrated allegations were leveled against and the same were thoroughly inquired, which proved against him. The E.O recommended him for awarding major punishment and also for adopting criminal proceedings as his acts are intolerable and embarrassment for the department.

Now, therefore, I **Abdur Rashid Khan (PSP)** District Police Officer Buner as Competent Authority and in exercise of the power vested under Police Rules-1975, is believed that the official accused is habitual, chronic and morally corrupt, agreed with the recommendation of Enquiry Officer of awarding major punishment. **Constable Irfan-ul-Haq No. 48** is hereby **dismissal from service** with immediate effect.

Order announced:

OB No. 168
Date 20/11/2021

(Signature)
DISTRICT POLICE OFFICER,
BUNER

(Signature)
District Police Officer
Buner



(25)
**OFFICE OF THE
 REGIONAL POLICE OFFICER, MALAKAND
 AT SAIDU SHARIF SWAT.**
Ph: 0946-9240388 & Fax No. 0946-9240390
Email: ebmalakandregion@gmail.com

Annex - "C9"
 56

ORDER

This order will dispose of appeal of Ex-Constable Irfan-ul-Haq No.48 of Buner District for re-instatement in service, who was dismissed from service by the District Police Officer, Buner vide OB No:168, dated 20/10/2021.

Brief facts of the case are that Ex-Constable Irfan-ul-Haq No.48 was appointed on 01/01/2010 and performed his duties on various places. He was awarded 38 times minor punishments with adverse remarks from the DPO Buner. During his second last posting in DHQ Hospital for indulging in immoral activity there in the DHQ Hospital with ladies patients and subsequently he was transferred to Police Station Elam on 24/08/2021.

On 23/09/2021 vide DD No. 12 PS Elam, within a short span of period, he was again found in iniquitous activity there in the jurisdiction of PS Elam to the effect that he left his point of duty and went to the nearby Water Springs/ Fountains to have harassed & outrage the modesty of women pitching waters to their homes. He was suspended and closed to Police Lines Dagger and consequently, he was proceeded against departmentally and Mr. Abdul Rashid Khan SP Investigation Buner was appointed as Enquiry Officer.

The Enquiry Officer conducted departmental enquiry and recorded his statement. The Enquiry Officer in his finding stated that the accused Constable is habitual delinquent having 38 bad entries in his entire 11 years of service with zero good entries. The accused official is ill reputation, morally corrupt all the allegations leveled were proved against him and he was recommended for major punishment with criminal proceedings against him as his acts are intolerable and embarrassment for the department. On the recommendation of Enquiry Officer, the District Police Officer, Buner awarded him major punishment of dismissal from service vide OB No.168, dated 20-10-2021.

He was called in Orderly Room on 22-12-2021 and heard him in person, but he did not produced any cogent reason to defend the charges leveled against him. Therefore, his appeal is hereby rejected.

Z. Asghar
 Regional Police Officer,
 Malakand Region Swat

No. 15189 /E,

Dated 28-12-2021

Copy for information and necessary action to the District Police Officer, Buner with reference to his office Memo: No.6687/EC, dated 15-11-2021. His Service Roll & Fuji Missal containing enquiry file received with the Memo: under reference are returned herewith for record in your office.

*Enrol S. Roll
 F. Missal*

K. Khatun
 District Police Officer
 Buner

EC
For record
 ✓ *Z. Asghar*
 District Police Officer
 Buner

