

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

Appeal No. 1720/2022

Javed Iqbal V/S Police Department

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**Muharrar Compilation**

**Superintendent/Incharge Judicial Branch**



**KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

No. 1078 /ST Dated 3/5 /2024

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262

To

The District Police Officer,  
District Abbottabad

Subject

**JUDGMENT IN SERVICE APPEAL NO. 1720/2022,**  
**TITLED JAVED IQBAL -VERSUS- THE PROVINCIAL**  
**POLICE OFFICER, GOVERNMENT OF KHYBER**  
**PAKHTUNKHWA PESHAWAR, AND OTHERS**

Dear Sir,

I am directed to forward herewith a certified copy of judgment dated 23.04.2024, passed by this Tribunal in the above mentioned service appeal for compliance.

*Encl. As above.*

(PIR MUHAMMAD KHAN AFRIDI)  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL,  
PESHAWAR.

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**  
**AT CAMP COURT, ABBOTTABAD**

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

*Service Appeal No.1720/2022*

Date of presentation of Appeal.....30.11.2022  
Date of Hearing.....23.04.2024  
Date of Decision.....23.04.2024

**Javed Iqbal, Constable No.465, District Police, Haripur**  
.....(*Appellant*)

Versus

1. **Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.**
2. **Regional Police Officer, Hazara Region, Abbottabad.**
3. **District Police Officer, Abbottabad.....(*Respondents*)**

Present:  
Mr. Muhammad Aslam Tanoli, Advocate.....For the appellant  
Mr. Shoaib Ali, Assistant Advocate General.....For respondents

.....  
**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST ORDER DATED 07.01.2022 OF THE DISTRICT POLICE HARIPUR WHEREBY APPELLANT HAS BEEN AWARDED PENALTY OF DEDUCTION OF TWO YEARS APPROVED SERVICE AND ORDER DATED 14.06.2022 (ISSUED ON 07.11.2022) OF THE REGIONAL POLICE OFFICER HAZARA REGION ABBOTTABAD WHEREBY APPELLANT'S DEPARTMENTAL APPEAL HAS BEEN FILED/REJECTED.**

**JUDGMENT**

**KALIM ARSHAD KHAN CHAIRMAN:** Brief facts of the case, as enumerated in the memo and grounds of appeal are that appellant was serving as Constable in the Police Department. While posted at Police Post Panian, District Haripur, he was issued a charge sheet on the allegations that he had arrested two persons but had not made any entry

SCANNED  
KPSST  
Peshawar

in the Daily Diary of the said Police Post. Resultantly, appellant was awarded penalty of deduction of two years of approved service.

2. Feeling aggrieved, he filed departmental appeal, which was rejected, hence, the instant service appeal.

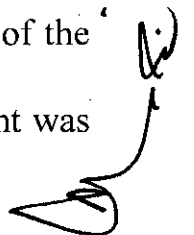
3. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

4. We have heard learned counsel for the appellant and learned Assistant Advocate General for respondents.

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

6. The allegations against the appellant Javed Iqbal are that he, while posted as Muharrir, Police Post Panian, District Haripur, on 10.11.2021, Head Constable Saeed Shah I/C PP Panian, picked up two innocent citizens namely Noman S/O Raja Khan Afzal R/O Narhtopa and Ihtesham S/O Jahangir R/O Narhtopa, and did not make any entry in the Daily Diary. The factum of making no entry in the Daily Diary was duly admitted by the appellant in his reply to the charge sheet and statement of allegations by stating that he had not made entry on the direction of the Incharge of the Police Post. The matter was enquired. The appellant was

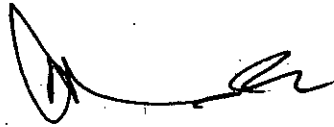
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Peshawar



also associated with the inquiry proceedings. He could not substantiate his contention of not making the entry at the instance of the Incharge of Police Post during the inquiry. Fact remains the same that the appellants were duty bound to make entry in the DD of the Police Post of every event of which he was a part. Admittedly, in this case, he has not performed his duty or has not done his job as was required from, therefore, he was rightly proceeded and was properly penalized.

7. Seeing no merit in this case, it is dismissed. Costs shall follow the event. Consign.

8. Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 23<sup>rd</sup> day of April, 2024.



**KALIM ARSHAD KHAN**  
Chairman  
Camp Court Abbottabad



**MUHAMMAD AKBAR KHAN**  
Member (Executive)  
Camp Court Abbottabad

\*Mutazem Shah\*

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Peshawar

1. Learned counsel for the appellant present. Mr. Shoaib Ali, Assistant Advocate General for the respondents present.

2. Vide our detailed judgment of today placed on file, instant service appeal is dismissed. Costs shall follow the event. Consign.

3. *Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 23<sup>rd</sup> day of April, 2024.*



(Muhammad Akbar Khan)  
Member (E)



(Kalim Arshad Khan)  
Chairman  
Camp Court, Abbottabad


\*Mutazem Shah\*

Peshawar


11.12.2023

6  
Learned counsel for the appellant present. Mr. Israr Shah, ASI alongwith Mr. Habib Anwar, Additional 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 23.01.2024 before the D.B at Camp Court Abbottabad. Parcha Peshi given to the parties.

  
(Fareeha Paul)  
Member (E)

Camp Court Abbottabad

  
(Salah-ud-Din)  
Member (J)

Camp Court Abbottabad


\*Naeem Amin\*


23.01.2024

1. Learned counsel for the appellant present. Mr. Syed Asif Masood Ali Shah learned Deputy District Attorney alongwith Ahsan Khalid, H.C for the respondents present.

2. Former requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments on 23.04.2024 before D.B at camp court, Abbottabad. P.P given to parties.

**SCANNED**  
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**Peshawar**

  
(Muhammad Akbar Khan)  
Member (E)

  
(Rashida Bano)  
Member (J)  
Camp Court, Abbottabad.

\*KaleemUllah\*

26.05.2023

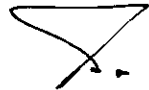
Mr. Ibrar Ahmad, Advocate as proxy on behalf of learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Mr. Ibrar Ahmad, Advocate sought adjournment on the ground that learned counsel for the appellant has telephonically informed him that he is not feeling well and is unable to appear before the Tribunal today. Adjourned. To come up arguments on 28.08.2023 before the D.B at Camp Court Abbottabad. Parcha Peshi given to the parties.

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Peshawar



(Muhammad Akbar Khan)  
Member (E)  
Camp Court Abbottabad



(Salah-ud-Din)  
Member (J)  
Camp Court Abbottabad

\*Naeem Amin\*

28<sup>th</sup> Aug, 2023

1. Mr. Arshad Khan Tanoli, Advocate as proxy on behalf of learned for the appellant (via video link from Abbottabad) present. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Mr. Arshad Khan Tanoli, Advocate seeks adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 11.12.2023 before D.B at camp court Abbottabad. P.P given to the parties.

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(Salah Ud Din)  
Member (Judicial)



(Kalim Arshad Khan)  
Chairman

\*Adnan Shah\*



25:01.2023

Counsel for the appellant present.

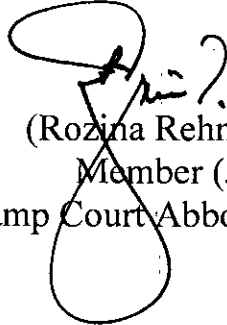
This case was fixed for preliminary hearing on 27.01.2023, but was requisitioned on the request of learned counsel for the appellant for today.

Preliminary arguments heard. Record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security fee within 10 days. Thereafter, notices be issued to respondents for submission of written reply/comments. To come up for written reply/comments on 31.03.2023 before S.B at camp court Abbottabad.

Rs 100  
Appellant Deposited  
Security & Process Fee  
9/2/23

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Peshawar


  
(Rozina Rehman)  
Member (J)  
Camp Court Abbottabad

31.03.2023

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Ahsan Khalid, H.C for the respondents present.

Reply/comments on behalf of respondents submitted which are placed on file. Copy of the same handed over to the appellant. To come up for rejoinder, if any, and arguments on 26.05.2023 before D.B at camp court Abbottabad. Parcha Peshi given to the parties.

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Peshawar


  
(Muhammad Akbar Khan)  
Member (E)

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# FORM OF ORDER SHEET

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

Case No.- 1720/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/11/2022	<p>The appeal of Mr. Javed Iqbal presented today by Mr. Muhammad Aslam Tanoli Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on <u>27/1/23</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman    REGISTRAR</p>

*Counsel was informed telephonically on 17/1/23*

**SCANNED  
KPST  
Peshawar**

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**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

**CHECK LIST**

Case Title: Javed Iqbal - vs - KPK 200/19P

S#	CONTENTS	YES	NO
1	This Appeal has been presented by <u>Mohammad Aslam Tanahi Advocate</u>	✓	
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:- Mohammad Aslam Tanahi  
Advocate

Signature: - M. Aslam

Dated: - 20-11-2022

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**BEFORE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

*A. No. 1720/2022*

Javed Iqbal Constable No.465, District Police Haripur.

**(Appellant)**

**SCANNED  
KPST  
Peshawar**

**VERSUS**

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur.....**(Respondents)**


**SERVICE APPEAL**

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S/No.	Description of documents.	Annexure	Page No.
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2.	Order Charge Sheet & its reply	"A&B"	08-10
3.	Order dated 07-01-2022	"C"	11
4.	Letter dated 06-01-2022	"D"	12
5.	Departmental Appeal 02-02-22 & Order dated 14-06-2022	"E&F"	13-17
6.	Wakalatnama		

  
**APPELLANT**

THROUGH

  
(MUHAMMAD ASLAM TANOLI)  
ADVOCATE HIGH COURT  
AT PESHAWAR

Dated: 30-11-2022

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Appeal No...1720/2022

Case No. 2084

Dated 30-11-2022

Javed Iqbal Constable No.465, District Police Haripur.

**(Appellant)**

**VERSUS**

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur.....**(Respondents)**

**SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST ORDER DATED 07-01-2022 OF THE DISTRICT POLICE HARIPUR WHEREBY APPELLANT HAS BEEN AWARDED PENALTY OF DEDUCTION OF TWO YEARS APPROVED SERVICE AND ORDER DATED 14-06-2022 (ISSUED ON 07-11-2022) OF THE REGIONAL POLICE OFFICER HAZARA REGION ABBOTTABAD WHEREBY APPELLANT'S DEPARTMENTAL APPEAL HAS BEEN FILED/REJECTED.**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH ORDERS DATED 07-01-2022 AND 14-06-2022 OF THE RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND APPELLANT BE RESTORED HIS TWO YEAR DEDUCTED APPROVED SERVICE WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.**

Respectfully Sheweth:

1. That while appellant posted as Constable at Police Post Panian (District Haipur) was issued with a Charge Sheet by the District Police Officer Haripur which was replied by the appellant explaining all facts in detail and denied allegations straightaway being incorrect and baseless. **(Copies of Charge Sheet and its reply are attached as Annexure-"A & B").**

2. That ultimately the appellant was awarded with the penalty of "Deduction of two years of approved service" by the District Police Officer Haripur vide order dated 07-01-2022.

Filed to-day

Registrar

30/11/2022

**(Copy of impugned order dated 07-01-2022 is attached as Annexure-"C").**

30. That in fact on the night between dated 10 & 11-11-2021 at 01:45 hours during patrolling duty appellant found a man sitting hidden in passengers booth having a black colour motor-cycle who was inquired about his availability at that place at a very late hours of night. but he could not adduced any satisfying reply and being suspected one he was brought to police post panian. His entry was recorded in Daily Dairy No.13 dated 11-11-2021. In the morning he was asked about his presence in passenger's booth by Saeed Shah I/C PP Pania, he told that he was waiting one Raja Ehtisham who had gone to bring something from the Tower. Therefore, Raja Ehtisham's father was telephonically informed about the situation, who brought his son to the Police Post. Both the suspected were interrogated by I/C Saeed Shah in the presence of their relatives and then they were sent to Police Station Kotnajibullah so that they could be released by making necessary entries in the record of police station. Neither they were tortured nor disgraced by anybody in PP Panian. However, Jehangir Khan father of Ehtisham got registered a false FIR against appellant and other police officials.

40. That the DPP, Haripur made recommendation vide letter No.12/DPP/HR/22 dated 06-01-2022 for discharge of appellant in case FIR No.862 dated 13-11-2021 registered by complainant against him. **(Copy of the letter dated 06-01-2022 is attached as Annex-'D').**

52. That no proper departmental inquiry was conducted. No witness was ever called for to appear before the inquiry office in presence of appellant to record his evidence nor was he ever provided with a chance of cross-examination. Copy of inquiry report, if any, was never provided to appellant. Appellant was also not afforded opportunity of personal hearing and appellant was condemned unheard.

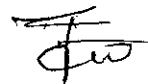
63. That appellant aggrieved of the order of the DPO Haripur preferred a departmental appeal before the RPO, Hazara Region, Abbottabad which was filed/rejected vide order dated 14-06-2022 but copy of the order was issued on 07-11-2022 and that too on the specific written request of the appellant. **(Copies of appeal and order dated 14-06-2022 are attached as Annexure-"E & F")**; hence instant service appeal inter alia on the following grounds:-

**GROUND:-**

- A) That both the impugned orders dated 07-01-2022 and 14-06-2022 of the respondents are illegal, unlawful against the facts, departmental rules and regulations and principle of natural justice hence are liable to be set aside.
- B) That no proper departmental inquiry was conducted. No witness was called for to appear before the inquiry office in presence of the appellant to record evidence nor was appellant provided with a chance to cross-examine such a witness. Copy of inquiry report, if any, was never provided to the appellant. Even opportunity of personal hearing was not afforded to appellant rather he was condemned unheard.

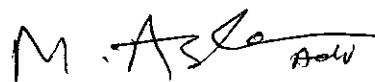
- C) That respondents have not treated the appellant in accordance with law, departmental rules and regulation and policy on the subject and have acted in violation of Article-4 of the constitution of Islamic Republic of Pakistan 1973 and unlawfully issued the impugned orders which are unjust, unfair hence not sustainable in the eyes of law.
- D) That appellate authority has also failed to abide by the law and even did not take into consideration the grounds taken by appellant in the memo of appeal and has filed the appeal. Thus act of respondent is contrary to the law as laid down in the KPK Police Rules 1934 read with section 24-A of General Clauses Act 1897 and Article-10 of the Constitution of Islamic Republic of Pakistan 1973.
- E) That instant service appeal is well within time and this honorable Service Tribunal has got jurisdiction to entertain and adjudicate upon the lis.

It is, therefore, humbly prayed that on acceptance of instant service appeal order dated 07-01-2022 and order dated 14-06-2022 of the respondents may graciously be set aside and the appellant be restored his two years deducted approved service with all consequential service back benefits. Any other relief which this Honorable Service Tribunal deems fit and proper may also be granted.



**Appellant**

Through

  
(Muhammad Aslam Tanoli)  
Advocate High Court  
At Peshawar

Dated: 30-11-2022

**VERIFICATION**

It is verified that contents of instant service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Dated: 30-11-2022



**Appellant**



-5- 16

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

Javed Iqbal Constable No.465, District Police Haripur.  
(Appellant)

VERSUS

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
  2. Regional Police Officer, Hazara Region, Abbottabad.
  3. District Police Officer, Haripur
- (Respondents)

**SERVICE APPEAL**

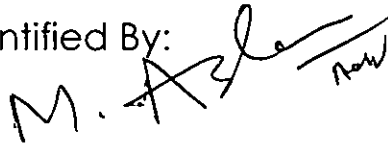
**AFFIDAVIT**

I, Javed Iqbal, appellant do hereby solemnly declare and affirm on oath that contents of instant service appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.

Dated: 30-11-2022

  
Deponent/Appellant

Identified By:

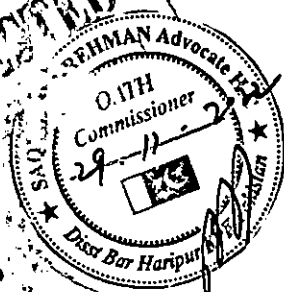


(Muhammad Aslam Tanoli)  
Advocate High Court  
At Peshawar

Dated: 30-11-2022

  
Appellant

**ATTACHED**



6-17

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

Javed Iqbal Constable No.465, District Police Haripur.  
(Appellant)

VERSUS

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur


(Respondents)

**SERVICE APPEAL**

**CERTIFICATE**

It is certified that no such appeal prior to this one on the subject has ever been filed in this Honorable Service Tribunal or any other court.

Dated: 30-11-2022



**Appellant**

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Javed Iqbal Constable No.465, District Police Haripur. ....(Applicant)

**VERSUS**

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur.....(Respondents)

**APPLICATION FOR CONDONATION OF DELAY IN FILING INSTANT SERVICE  
APPEAL BEFORE THIS HONOURABLE SERVICE TRIBUNAL.**

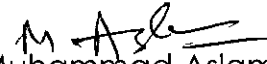
Respectfully Sheweth:

1. That applicant/appellant has filed today a Service Appeal which may be considered as part and parcel of this application, against order dated 07-01-2022 and 14-06-2022 passed by respondents, whereby appellant has been awarded penalty of "Deduction of two years approved service" and his departmental appeal has been rejected without jurisdiction and abiding by procedure.
2. That as the orders of departmental authorities have been passed in violation and derogation of the statutory provision of law, departmental rules and regulation governing the terms and condition of appellant's service and fact of the case, therefore, causing a recurring cause of action to the applicant/appellant can be challenged and questioned irrespective of a time frame.
3. That though appellant on receipt of order of respondent has filed department appeal well in time but was reject vide order dated 14-06-2022 but copy of the same was issued to him on 07-11-2022 and that too on his specific written request. The appellant has rigorously been pursuing his case. Therefore, the delay if any, in filing instant service appeal is due to the forgoing reasons.
4. That instant application is being filed as an abundant caution for the condonation of delay, if any. The impugned orders are liable to be set aside in the interest of justice.

It is, therefore, respectfully prayed that on acceptance of the instant application the delay, if any, in filing of titled appeal may graciously be condoned.

  
**Applicant/Appellant**

Through

  
(Muhammad Aslam Tanoli)  
Advocate High Court  
At Abbottabad

Dated: 30-11-2022

**VERIFICATION**

It is verified that contents of instant service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Dated: 30-11-2022

  
**Applicant/Appellant**

CHARGE SHEET

-8-19

Amo-A

I, Kashif Zulfiqar, PSP, District Police Officer, Haripur as competent authority, hereby charge you FC Javed Iqbal No.465 as enclosed statement of allegations.

(1) You appear to be guilty of misconduct under Police Efficiency & Discipline Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the said Rules.

(2) You are, therefore, required to submit your written defense within 07 days of the receipt of this charge sheet and statement of allegation to the Committee/Enquiry Officer as the case may be.

(3) Your written defense, if any, should reach the Enquiry Officer/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.

(4) Intimate whether you desire to be heard in person or otherwise.

(5) A statement of allegations is enclosed.

Kashif Zulfiqar, PSP  
District Police Officer  
Haripur

Alleged  
FC

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DISCIPLINARY ACTION

I, Kashif Zulfiqar, PSP, District Police Officer, Haripur as competent authority of the opinion that you F.C Javed Iqbal No.465 have rendered yourself liable to be proceeded against as you committed the following acts/omissions within the meaning of Police Efficiency & Discipline Rules 1975.

STATEMENT OF ALLEGATION

"You while posted as MHC PP Panian, on 10.11.2021 HC Saeed Shah I/C PP Panian picked up two innocent citizens namely (1) Noman s/o Raja Khan Afzal r/o Narhtopa (2) Ihtesham s/o Jahangir r/o Narhtopa, locked up at Police Post and interrogate him without any offence. You did not make any entry in daily diary register of PP Panian. An FIR No.862 dated 13.11.2021 u/s 337/L-II/118-D/342/34 PPC PS Kotnajibullah was also registered against you. Your these acts/omissions earned bad name of Police department. Your these act/omission are gross misconduct in terms of KPK Police E&D Rules 1975" hence, charge sheeted".

(2) For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, an Enquiry Committee consisting of the following is constituted.

Mr. Ibrar Khan SDPO Circle Saddar, Haripur

(3) The Enquiry Officer/Committee shall in accordance with the provision of this Ordinance, provide reasonable opportunity of hearing to the accused, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or the appropriate action against the accused.

(4) The accused and a well conversant representative of departmental shall in the proceedings on the date, time and place fixed by the Enquiry Officer/Committee.

Kashif Zulfiqar, PSP  
District Police Officer  
Haripur

No. 262-63 /PA dated Haripur the 16/11/2021.

Copy of above is submitted to the: -

- 1) Enquiry Officer for initiating proceedings against the said accused under Police Efficiency & Discipline Rules 1975.
- 2) F.C Javed Iqbal No.465 with the direction to submit his defense within 7 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purpose of departmental proceedings.

Kashif Zulfiqar, PSP  
District Police Officer  
Haripur

Accepted  
[Signature]

فہرست

مجموعہ حوالہ شدہ گیسٹ ہاؤس کے بارے میں 29/11/2021 کو ایک درخواست دی گئی تھی جس میں...

14۔ گیسٹ ہاؤس کے بارے میں گیسٹوں کی فہرست کے تحت درج ہے۔ جس میں قریب 100 کے قریب گیسٹوں کے نام...

15۔ گیسٹ ہاؤس کے بارے میں گیسٹوں کی فہرست کے تحت درج ہے۔ جس میں قریب 100 کے قریب گیسٹوں کے نام...

16۔ گیسٹ ہاؤس کے بارے میں گیسٹوں کی فہرست کے تحت درج ہے۔ جس میں قریب 100 کے قریب گیسٹوں کے نام...

17۔ گیسٹ ہاؤس کے بارے میں گیسٹوں کی فہرست کے تحت درج ہے۔ جس میں قریب 100 کے قریب گیسٹوں کے نام...

18۔ گیسٹ ہاؤس کے بارے میں گیسٹوں کی فہرست کے تحت درج ہے۔ جس میں قریب 100 کے قریب گیسٹوں کے نام...

19۔ گیسٹ ہاؤس کے بارے میں گیسٹوں کی فہرست کے تحت درج ہے۔ جس میں قریب 100 کے قریب گیسٹوں کے نام...

20۔ گیسٹ ہاؤس کے بارے میں گیسٹوں کی فہرست کے تحت درج ہے۔ جس میں قریب 100 کے قریب گیسٹوں کے نام...

21۔ گیسٹ ہاؤس کے بارے میں گیسٹوں کی فہرست کے تحت درج ہے۔ جس میں قریب 100 کے قریب گیسٹوں کے نام...

22۔ گیسٹ ہاؤس کے بارے میں گیسٹوں کی فہرست کے تحت درج ہے۔ جس میں قریب 100 کے قریب گیسٹوں کے نام...

23۔ گیسٹ ہاؤس کے بارے میں گیسٹوں کی فہرست کے تحت درج ہے۔ جس میں قریب 100 کے قریب گیسٹوں کے نام...

24۔ گیسٹ ہاؤس کے بارے میں گیسٹوں کی فہرست کے تحت درج ہے۔ جس میں قریب 100 کے قریب گیسٹوں کے نام...

11-11-2021

Allested  
Faruq



DISTRICT POLICE OFFICER  
HARIPUR

Ph: 0995-920100/01, Fax-0995614714, Email: - dpoharipur1@gmail.com

**ORDER.**

FC Javed No.465, while he posted as MHC PP Panian, on 10.11.2021 HC Saeed Shah I/C PP Panian picked up two innocent citizens namely (1) Noman s/o Raja Khan Afzal r/o Narhtopa (2) Ihtesham s/o Jahangir r/o Narhtopa, locked up at Police Post Panian and interrogate them without any offence. He did not make any entry in daily dairy register of Police Post Panian. An FIR No.862 dated 13.11.2021 u/s 337/L-II/118-D/342/34 PPC PS Kotnajibullah was also registered against him. His act is a severe violation of discipline, a professional dishonesty and a gross misconduct in terms Police E&D Rules 1975. Therefore, he was served with charge sheet and statement of allegations vides this office Endst No. 262-63/PA, dated 16-11-2021.

To probe the allegations Deputy Superintendent of Police, Saddar Mr. Ibrar Khan was appointed as Enquiry Officer, who conducted proper enquiry and submitted his findings, vide his office Memo No. 350 dated 22-12-2021. The enquiry officer held the charges of misconduct against the defaulter official proved and recommended him for major punishment under section-4 of KPK Police E&D Rules 1975. Hence, he was served with Final Show Cause Notice, vide this office Endst: No.285/PA dated 24.12.2021. The defaulter police official was called in Orderly Room and was heard in person.

Having perused the finding of the enquiry officer, relevant record, and personal hearing of the above mentioned officer, I, am fully satisfied that the charges of misconduct are proved against the defaulter police official. Therefore, I, **Kashif Zulfiqar (PSP)**, District Police Officer, Haripur being competent authority under the Khyber Pakhtunkhwa, Police Efficiency and Discipline Rule 1975, agreed to the extent of punishment. This major punishment is converted into minor punishment, awarded minor punishment of **“DEDUCTION OF TWO YEARS OF APPROVED SERVICE”**, with immediate effect.

Order announced in his presence.

Order Book No. 32  
Dated. 07-01-2022

Attested

Kashif Zulfiqar, PSP  
District Police Officer,  
Haripur

-12- 23/11/22

D

OFFICE OF THE DISTRICT PUBLIC PROSECUTOR, HARIPUR.

No. 12 /DPP/11R/22

Dated Haripur the 6-1-2022

In the Court of Judicial Magistrate: \_\_\_\_\_

Case FIR No. 862 Dated 13/11/2021 U/S 337-I(ii)/342/34. PPC r/w 118 D-Police Act, PS KOT, Haripur.

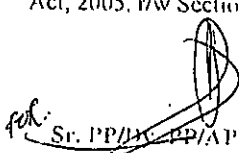
Subject: APPLICATION FOR DISCHARGE OF ACCUSED/CASE U/S 4-c(ii)/5-(b) OF THE KHYBER PAKHTUNKHWA PROSECUTION SERVICES ACT 2005 R/W SECTION 494 CR.PC.


Respectfully Sheweth,

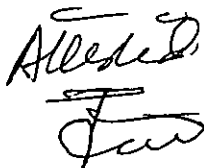
In exercise of powers conferred under section 4-c(ii)/5-b Prosecution Service (Constitution, Functions and Powers) Act, 2005, r/w Section 494 Cr.PC. I being District Public Prosecutor forward the above mentioned case for discharge, as the institution of the case is found to be weak from evidentiary point of view. Brief facts with reasons for the discharge of the case are mentioned below:-

1. As per facts of the case there is delay of 3 days in registration of FIR.
2. FSL report also received in negative.
3. The complainant had patched up the matter with the accused at bail stage and is no more interested in further prosecution and accused have got no objection on the acquittal of the accused and complainant gave statement before learned ASJ-I, Haripur, on 27-11-2021 and again on 09-12-2021 before learned ASJ-I, Haripur.
4. That there <sup>is</sup> possibility of conviction after the conclusion of trial.
5. Complainant was contacted on mobile number provided in the FIR and he affirmed the factum of compromise.
6. The matter had been discussed by the Scrutiny committee which decided to send the case for discharge.

In these circumstances, there is no chance of conviction of the accused. The case is being weak from evidentiary point of view. So without wasting the precious time of the court and to curb unnecessary burden of cases on the already over-burdened criminal courts, the request for the discharge of the accused/case is being made as per the mandate of Section 4-c(ii)/5-(b) of the Khyber Pakhtunkhwa Prosecution Service (Constitution, Functions and Powers) Act, 2005, r/w Section 494 Cr.PC.

for:   
Sr. PP/DC-PP/APP,  
Haripur  
06-01-22

  
District Public Prosecutor,  
Haripur.  
DISTRICT PUBLIC PROSECUTOR  
HARIPUR

  
Alleged  
Faw



-13- 24 Annex 'E'

**BEFORE HONOURABLE REGIONAL POLICE OFFICER,**  
**HAZARA REGION, ABBOTTABAD.**

(Departmental Appeal by FC Javed Iqbal No. 465 District Police Haripur).

**(THROUGH PROPER CHANNEL)**

**DEPARTMENTAL APPEAL AGAINST ORDER OB NO. 32 DATED 07-01-2022 OF THE DISTRICT POLICE OFFICER HARIPUR WHEREBY PENALTY OF DEDUCTION OF TWO YEARS OF APPROVED SERVICE HAS BEEN IMPOSED UPON THE APPELLANT.**

**PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL THE IMPUGNED ORDER DATED 07-01-2022 MAY KINDLY BE SET ASIDE AND TWO YEARS DEDUCTED APPROVED SERVICE BE RESTORED WITH GRANT OF ALL CONSEQUENTIAL SERVICE BACK BENEFITS TO APPELLANT.**

Respected Sir,

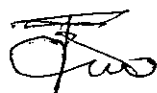
1. That appellant with regard to his duties as Constable Police Post Panian (Haripur) was issued with a Charge Sheet by the District Police Officer Haripur which was duly replied explaining all facts and circumstances of the case in detail denying the allegations leveled against the appellant being incorrect and baseless. **(Copies of charge and its reply are attached as "A&B")**.
2. That thereafter the appellant was served with a Final Show Cause Notice with the same allegations which was also replied. **(Copies of Final Show Cause Notice & its reply are attached as "C&D")**.
3. That ultimately the appellant was awarded with the

*Accepted*  
*Jw*

penalty of "Deduction of two years of approved service" through impugned order OB No. 32 dated 07-01-2022 by the District Police Officer, Haripur without any reason and proof. **(Copy of impugned order dated 07-01-2022 is attached as "E").**

4. That during his posting at PP Panian the appellant always performed his duties efficiently and honestly to the entire satisfaction of his officers. There has been no complaint, what-so-ever may be, against the appellant from public as well as his officers during the said period.
  
5. That in fact on the night between dated 10 & 11-11-2021 at 02:00 hours during the patrolling duty appellant found a suspected man sitting hidden in passengers booth having a black colour motor-cycle who was asked about his availability in such a place at a very late hours of the night who could not satisfied him and being suspected one he was brought to Police Post Panian. His entry was recorded in Daily Dairy No.13 dated 11-11-2021. On the morning he was asked about his presence in passenger's booth by Saeed Shah I/C PP, he told that he was waiting one Raja Ehtisham who had gone to bring something from the Tower. Therefore, Raja Ehtisham's father was telephonically informed about the situation, who brought his son to the Police Post. Both the suspected were interrogated by I/C Saeed Shah in the presence of their relatives and then they were sent to Police Satiation Kotnajibullah so that they could be released by making necessary entries in the record of Police Station. They were neither tortured nor disgraced by anybody in PP Panian. However, Jehangir Khan father

*Attested*



of Ehtisham registered a false FIR against the appellant and other police officials.

6. That appellant never involved himself in any such commission/omission as has been incorporated in the Charge Sheet and Final Show Cause Notice issued to the appellant rather he performed his assigned duties with full care, caution, devotion, dedication and honesty. These allegations were never proved against the appellant through any means. He was awarded "Deduction of two years of approved service" without any reason, justification and proof.
7. That subsequently the complainant submitted Affidavit and got recorded his statement under Section-164 Cr.P.C before the Judicial Magistrate and exonerated the appellant of the allegations being result of misunderstandings whereupon he was acquitted by the court. **(Copies of Affidavit and Court Order are attached as "F&G")**.
8. That even the District Public Prosecutor, Haripur has made recommendation vide letter No.12 /DPP/HR/22 dated 06-01-2022 for discharge of appellant in case FIR No. 862 dated 13-11-2021 registered by complainant against him. **(Copy of the letter dated 06-01-2022 is attached as "H")**.
9. That appellant has rendered more than 22 years service in the police department. He always performed his assigned duties with devotion, dedication and honesty and never provided a chance of reprimand and even

Attested  
Jaw

on occasions for his tremendous service he has been awarded with the commendation certificates and cash rewards by his High-Ups:

10. That no proper departmental inquiry was conducted to prove the allegations against the appellant. Not a single witness was ever called for to appear before the inquiry officer in presence of appellant to record his evidence nor was he ever provided with the chance to cross-examine such witness. Copy of inquiry report, if any, was never provided to him. Even opportunity of personal hearing was not afforded to the appellant rather he was condemned unheard.
11. That if the appellant is afforded with the opportunity of personal hearing he will really prove him as innocent by adducing credible facts of the matter.

Sir, in view of the facts and circumstances narrated here above, it is earnestly requested that impugned order dated 07-01-2022 of the District Police Officer Haripur may kindly be sat aside and the appellant be released his stopped one annual with grant of all consequential service back benefits. Thanking you sir in anticipation.

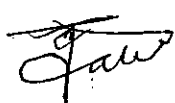
You're obedient Servant

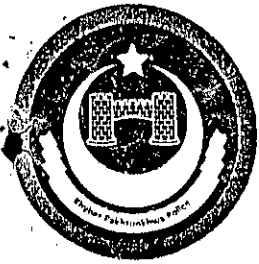


(Javed Iqbal)

Constable No. 465  
District Police Haripur

Dated: 02-02-2022

Attested  




OFFICE OF THE REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

28

AmraF

-17-

0992-9310021-22

0992-9310023

r.rpohazara@gmail.com

0345-9560687

NO: 13430 /PA DATED 14 /06 /2022

**ORDER**

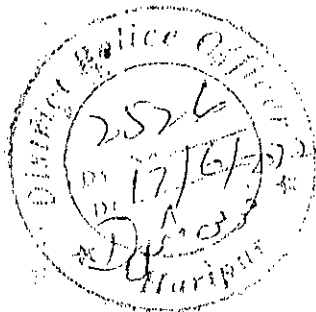
This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by FC Javed No. 465 of Haripur against the order of punishment i.e. *deduction of 02 years approved service* awarded by District Police Officer, Haripur vide OB No.32 dated 07.01.2022.

Brief facts leading to the punishment are that the appellant while posted as MHC PP Panjan, on 10.11.2021 HC Saeed Shah I/C PP Panian picked up two innocent citizen namely (1) Noman s/o Raja Khan Afzal r/o Narhtopa (2) Ithesham s/o Jahangir r/o Narhtopa, locked up at Police Post and interrogated them without any offence. He did not make any entry in daily dairy register of Police Post Panian. An FIR No.862 dated 13.11.2021 u/s 337/L-II/118-D/342/34 PPC PS Kotnajibullah was also registered against him.

The appellant was issued charge sheet along with summary of allegations and SDPO Saddar was deputed to conduct departmental enquiry. The EO held the appellant responsible of misconduct and recommended him for major punishment. Consequently, DPO Haripur awarded him minor punishment of deduction of 02 years approved service. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of DPO Haripur were sought and examined/perused. The undersigned called the appellant in OR and heard him in person. The appellant has been given reasonable opportunity to defend himself against the charges, however he failed to advance any justification in his defense. Thus, the disciplinary action taken by the competent authority seems genuine and the appeal is liable to be dismissed. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 the instant appeal is hereby *filed/rejected* with immediate effect.

RC/OTC  
for information EOM/CO



Mirvais Niaz (PSP)  
REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

No. 13430 /PA, dated Abbottabad the 14-06 /2022.  
Cc.

DPO Haripur for information and necessary action with reference to his office Memo No 2202/PA dated 25-04-2022. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

10/06/2022

Accepted  
Javed

issued  
07-11-2022

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**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA, SERVICE  
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD**

SERVICE APPEAL NO.1720/2022

Javed Iqbal Constable No.465, District Haripur.

**SCANNED  
KPST  
Peshawar  
..... (Appellant)**

**VERSUS**

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar, and others.

..... (Respondents)

**Subject: Parawise/comments on behalf of respondents No.1, 2 & 3.**

Respectfully Sheweth.

The respondents submit as under:-

**PRELIMINARY OBJECTIONS:-**

1. That the instant Service Appeal is not maintainable in the present form.
2. That the appellant is estopped by his own conduct.
3. That the appellant has not come to the Honorable Tribunal with clean hands.
4. That the appellant has suppressed material facts from the Honorable Tribunal.
5. That the instant Service Appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
6. That the instant Service Appeal is badly barred by law and limitation.
7. That the appellant has filed the instant service appeal just to pressurize the respondents.
8. That the orders passed by the authorities are based on facts & rules, after fulfilling all the codal formalities, hence, the appeal is liable to be dismissed without any further proceeding.

**OBJECTIONS ON FACTS:-**

1. In reply to this para, it is submitted the appellant FC Javed No.465 while posted as Muharar at Police Post Panian Haripur, on 10.11.2021 ASI Saeed Shah incharge PP Panian picked up 2 innocent citizens namely (1) Noman s/o Raja Khan Afzal r/o Narhtopa (2) Ihtesham s/o Jahangir r/o Narhtopa, locked up at police post and interrogated them without any offence. The appellant did not make any entry in daily dairy register of PP Panian. An FIR No.862 dated 13.11.2021 u/s 337L-II/342/34 PPC 118-D KP Police Act 2017, Police Station Kotnajibullah was also registered against appellant and other police officials. (Copy of FIR is attached as annexure "A"). The acts and omissions of the appellant were gross misconduct under Khyber Pakhtunkhwa, police efficiency and discipline Rules 1975. Therefore, the appellant was served with charge sheet and statement of allegations by the then District Police Officer Haripur vide this office Endst: No.262-63/PA dated: 16.11.2021. (Copy of charge sheet with statement of allegation is attached as annexure "B"). Deputy Superintendent of Police, Circle Saddar Mr. Ibrar Khan was appointed as enquiry officer, who conducted proper departmental enquiry and submitted his findings vide his office memo No. 350 dated: 22.12.2021 by the then District Police Officer

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Haripur. (Copy of enquiry findings is attached as annexure C"). The enquiry officer held the charges proved and recommended the appellant for major punishment. Consequently the appellant was issued final show cause notice, vide this office Endst: No. 285/PA dated: 24.12.2021. (Copy of final show cause notice is attached as annexure "D"). The appellant could not give satisfactory reply of the final show cause notice. So, the appellant was called in orderly room and he was heard in person, the appellant could not give defense against the proved allegations. Hence, being found guilty of misconduct, the appellant was awarded minor punishment of deduction of 02 years of approved service, vide OB No. 32 dated: 07.01.2022 by the then District Police Officer, Haripur. (Copy of order is attached as annexure "E"). Therefore, the appellant filed departmental appeal against the punishment to the Regional Police Officer, Hazara Region, Abbottabad, who filed/rejected departmental appeal of appellant on lawful grounds, vide his office order No. 13430/PA dated 14.06.2022. (Copy of order is attached as annexure "F").

2. In reply to this para, it is submitted that the appellant committed gross misconduct therefore, he was awarded punishment of deduction of 02 years of approved service by the competent authority.
3. Incorrect, the appellant is adducing false plea, the allegations were thoroughly probed in the departmental enquiry, it was found that the appellant did not make any entry in the daily dairy of Police Post Panian, it was observed that the said persons were found in illegal detention of police. Therefore, criminal case FIR No.862 dated 13.11.2021 u/s 337L-II/342/34 PPC 118-D KP Police Act 2017, Police Station Kotnajibullah was also registered against the appellant and other police personnel. The enquiry officer held the appellant guilty and responsible for the above mentioned illegal acts/omissions.
4. In reply to this para, it is submitted that the appellant committed misconduct for which departmental proceedings were initiated and he was awarded lawful punishment. There was no bar for initiating departmental action against the appellant on charges of misconduct under the law/rules. The appellant was held guilty in the departmental enquiry.
5. Incorrect, proper departmental enquiry was conducted. The enquiry officer recorded the relevant evidence. The appellant was given right of personal hearing and self-defense. Therefore, all legal requirements were fulfilled while passing punishment to the appellant.
6. Incorrect, the appellant filed departmental appeal against the punishment to the Regional Police Officer, Hazara Region, Abbottabad, who filed/rejected departmental appeal of appellant on lawful grounds, vide his office order No. 13430/PA dated 14.06.2022. The instant service appeal is badly time barred and not maintainable under the law/rules.

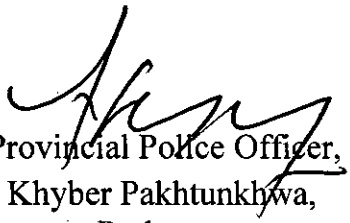
**GROUND:-**

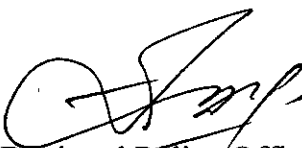
- A) Incorrect, the orders of respondents dated 07.01.2022 and 14.06.2022, are quite legal, based on facts and justice, hence, the orders of departmental authorities are lawful and maintainable.
- B) Incorrect, proper departmental enquiry was conducted. The appellant was given right of personal hearing and self-defense. Having fulfilled all legal requirements were fulfilled the appellant was awarded major punishment of dismissal from service.


- 31
- C) Incorrect, the appellant has been dealt in accordance with law. He committed misconduct, and charges were thoroughly probed in the departmental enquiry, hence, the order of punishment is quite legal and maintainable under the law/rules.
- D) Incorrect, the appellate departmental authority abided by the law and rules and he filed/rejected departmental appeal of appellant on lawful grounds. The instant service appeal is not maintainable under the law/rules. So, the order of punishment is lawful and maintainable.
- E) Incorrect, the service appeal is badly barred by law and limitation and not maintainable under the law/rules.

**PRAYER:-**

In view of above stated facts it is most humbly prayed that the instant service appeal does not hold any legal force, may kindly be dismissed with costs, please.

  
Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar  
(Respondent No.1)

  
Regional Police Officer,  
Hazara Region,  
~~Regional Abbottabad~~  
Hazara, Abbottabad  
(Respondent No.2)

  
District Police Officer,  
Haripur  
(Respondent No.3)



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**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL**  
**PESHAWAR CAMP COURT ABBOTTABAD**

SERVICE APPEAL NO.1720/2022

Javed Iqbal Constable No.465, District Haripur.

..... (Appellant)

**VERSUS**

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar, and others.

..... (Respondents)

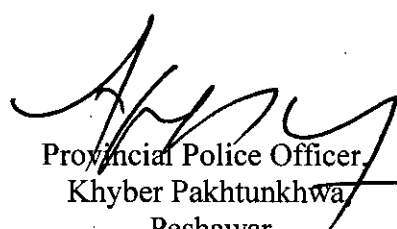
**REPLY TO APPLICATION FOR CONDONATION OF DELAY IN SERVICE APPEAL**  
**BY RESPONDENTS.**

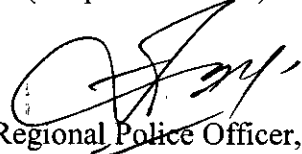
Respectfully Sheweth:-


The reply to application for condonation of delay of service appeal on behalf of respondents No. 1,2 & 3, is submitted as under:-

1. In reply to this para, it is submitted that the instant service appeal is badly time barred and not maintainable under the law; as the appellant lodged this service appeal beyond the period of limitation prescribed under the law.
2. Incorrect, the orders dated 07.01.2022 and 14.06.2022 of the departmental authorities are lawful, in accordance with the principle of natural justice, rules, regulations and policy, hence, these are quite legal and maintainable. The appellant/applicant has no locus standi to file the instant service appeal.
3. Incorrect, the appellant was informed and in knowledge of orders passed by the departmental authority on his representation/departmental appeal. Therefore, the appellant/applicant waived his right of appeal within statutory period of limitation.
4. Incorrect, the instant service appeal is badly time barred and not maintainable, which is liable to be dismissed.

In view of above, it is most humbly prayed that the instant service appeal as well as application for condonation of delay does not hold any legal force, which may kindly be dismissed with cost, please.

  
Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar  
(Respondent No.1)

  
Regional Police Officer,  
Hazara Region,  
Abbottabad  
(Respondent No.2)

  
District Police Officer,  
Haripur  
(Respondent No.3)

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**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR CAMP COURT ABBOTTABAD**

SERVICE APPEAL NO.1720/2022

Javed Iqbal Constable No. 465; District Haripur.

..... (Appellant)

**VERSUS**

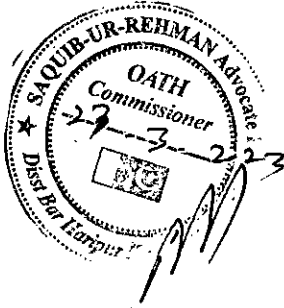
Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others.


..... (Respondents)

**COUNTER AFFIDAVIT**

I, do hereby solemnly affirm and declare that the contents of comments/reply are true to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

**Deponent**



  
District Police Officer,  
Haripur  
(Respondent No. 3)

✓  
Armed "B"**DISCIPLINARY ACTION**

I, Kashif Zulfiqar, PSP, District Police Officer, Haripur as competent authority of the opinion that you FC Javed Iqbal No.465 have rendered yourself liable to be proceeded against as you committed the following acts/omissions within the meaning of Police Efficiency & Discipline Rules 1975.

**STATEMENT OF ALLEGATION**

"You while posted as MHC PP Panian, on 10.11.2021 HC Saeed Shah I/C PP Pantan picked up two innocent citizens namely (1) Noman s/o Raja Khan Afzal r/o Narhtopa (2) Ihtesham s/o Jahangir r/o Narhtopa, locked up at Police Post and interrogate him without any offence. You did not make any entry in daily diary register of PP Panian. An FIR No.862 dated 13.11.2021 u/s 337/L-II/118-D/342/34 PPC PS Kotnajibullah was also registered against you. Your this acts/omissions earned bad name of Police department. Your these act/omission are gross misconduct in terms of KPK Police E&D Rules 1975" hence, charge sheeted".

(2) For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, an Enquiry Committee consisting of the following is constituted.

**Mr. Ibrar Khan SDPO Circle Saddar, Haripur**

(3) The Enquiry Officer/Committee shall in accordance with the provision of this Ordinance, provide reasonable opportunity of hearing to the accused, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or the appropriate action against the accused.

(4) The accused and a well conversant representative of departmental shall in the proceedings on the date, time and place fixed by the Enquiry Officer/Committee.

Kashif Zulfiqar, PSP  
District Police Officer  
Haripur

No. 362-63 /PA dated Haripur the 16/11/2021.

Copy of above is submitted to the: -

- 1) Enquiry Officer for initiating proceedings against the said accused under Police Efficiency & Discipline Rules 1975.
- 2) FC Javed Iqbal No.465 with the direction to submit his defense within 7 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purpose of departmental proceedings.

Kashif Zulfiqar, PSP  
District Police Officer  
Haripur

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**CHARGE SHEET**

I, Kashif Zulfiqar, PSP, District Police Officer, Haripur as competent authority, hereby charge you FC Javed Iqbal No.465 as enclosed statement of allegations.

- (1) You appear to be guilty of misconduct under Police Efficiency & Discipline Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the said Rules.
- (2) You are, therefore, required to submit your written defense within 07 days of the receipt of this charge sheet and statement of allegation to the Committee/Enquiry Officer as the case may be.
- (3) Your written defense, if any, should reach the Enquiry Officer/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.
- (4) Intimate whether you desire to be heard in person or otherwise.
- (5) A statement of allegations is enclosed.



**Kashif Zulfiqar, PSP**  
District Police Officer  
Haripur

منجانب  
بجانب  
نمبر  
عنوان  
جناب عالی!

سب ذہن پوئیس آفیسر کل صدر عدلیہ پورہ  
جناب ضلعی پوئیس آفیسر صاحب عدلیہ پورہ  
مورہ 350  
17-11-2017  
انکوائری بر خلاف کٹھنیکل جاوید نمبر 465-ماہنامہ رپورٹنگی بنیاد

بحوالہ انٹری نمبر IPA 262-63 مورخہ 16-11-21 انکوائری اڈاں کا نشیمل جاوید نمبر 465 میں شدہ مساتہ مخروہ ہنگہ بنیاد بنائے انکوائری مورہ 21 مارچ 2017 جس پر انکوائری ہو کر معرض ہوں گے۔

سری آف الیمن۔

کانشیمل جاوید معطل شدہ سابقہ محرر چوکی بنیاد پر چارج شیٹ میں بندرجہ الزامات ہیں۔ کہ جب وہ بطور مخروہ ہنگہ بنیاد قیادت تھا تو مورہ 21-11-10 کو سعید شاہ HC نے دو معسوم شہریوں نعمان ولد رابعہ خان افضل اور اختتام ولد جمہاگیر سکھان خوقو کو اغوا اور بغیر کسی ذمہ کے ان کو ہنگہ میں بند کر کے انارو گیت کیا۔ تو شخصیت مخروہ بننے روز نامہ چھپ میں کوئی اندراج نہ کیا۔ جس پر متذکرہ کانشیمل کے خلاف بحوالہ مقدمہ نمٹ 862 مورہ 21-11-13 جیم 337L-ii/116-D2/34 تھا نہ کوٹ نجیب اللہ بھی درج رجسٹر ہوا جسکے اس فعل سے محکمہ پولیس کی بدنامی ہوئی۔ یہ فعل بد کرداری (misconduct) کے زمرے میں آتا ہے۔ انکوائری پروسیڈنگ۔

**بیان اختتام جمہاگیر**

1- مورخہ 24-11-21 کو اختتام جمہاگیر ولد جمہاگیر خان قوم ترک سکھ خاندان راجگان نڈو کو دفتر طلب کر کے سنا گیا۔ جس نے اپنے تحریری دزبانی بیان میں بیان کیا کہ بیانی ہوں کہ میں ٹیلی نار پرائیکٹ میں کام کرتا ہوں۔ مورخہ 21-11-10 کو ہم ساتھیوں پر 4 بجے گئے کام کیا 8 بجے وہاں سے واپس آ گئے۔ میں اپنے آفس میں آیا اور میرے گھر کے کام کے لئے نکلا اپنے اڈے میں آیا تو گاڑی کوئی نہ تھی۔ جب میں نے موبائل دیکھا کہ بیانی کو کال کر کے نکالوں پر میرا موبائل نہیں تھا۔ میرا موبائل آجری سائٹ پر رہ گیا۔ ادھر سے میں گاگ کی گاڑی میں بیٹھا اور نعمان کے پاس دکان پر چلا گیا۔ ادھر میں نے نعمان سے بات کی نعمان نے بولا کہ موٹر سائیکل کا کام کروا لیا جاتا ہے۔ ہم ڈوکان سے نکلے تو سڑک گیارہ ہو چکے تھے۔ آتے ہوئے ہم نے ہول چائے پی اور ساتھیوں پر موبائل کے لئے چلے گئے۔ جب ہم سائٹ پر پہنچے تو 1:30 ہو گئے تھے۔ میں نے نعمان کو ادھر کھڑا کیا اور خود گاڑی کی طرف گیا۔ جب واپس آیا تو نعمان نہیں تھا۔ میں ادھر سے بیٹل چلا اور صبح ہرنی پورہ پہنچ کر نماز پڑھی اور گھر چلا گیا۔ گھر سے موبائل لے کر کام پر چلا گیا۔ میں کام پر تھا میرے ابو نے مجھے کال کی اور ساتھ لے کر بنیاد چوکی میں چلے گئے۔ ادھر ان لوگوں نے مجھے بند کر دیا اور میرے ابو کو باہر نکال دیا پیچھے مجھے مارتے رہے۔ جاوید صاحب خانزادہ اور باقی نامعلوم افراد میں بیٹروں والا مارا مار کر نہ حال کیا۔ خانزادہ نامی بندہ رات کو میرے پاس آیا اور بولا کہ مجھے پیار کرنے دو جب اس نے میرے سلوار کھولی تو میں نے اس کو نمہ اٹھایا۔ پھر وہ باہر گیا۔ اور جا کر دو پولیس والے تھے انہیں بولا کہ انہیں مارو یہ چین یک ہیں۔ پھر ہمیں ساری رات مارتے رہے۔ لات، مکا، لیٹر جوگی آتا تھا مارتا تھا اور کہتے تھے کہ تم لوگ چور ہو جوگی آتا تھا مارتا تھا۔ بہت زیادہ مارتے رہے ہیں۔ نہ پانی دیتے تھے نہ پیسہ دیتے تھے جب پانی کا بوتل تو آگے سے گالیاں دیتے تھے۔ پانی مانگتے تھے تو بھی گالیاں دیتے تھے اور مارتے تھے میرا یہی بیان ہے۔

**بیان نعمان افضل**

2- مورخہ 24-11-21 کو نعمان افضل ولد خان افضل قوم ترک کو دفتر طلب کر کر سنا گیا جس نے اپنے تحریری دزبانی بیان میں بیان کیا کہ میں گاگ بیٹروں پرپ کے ساتھ ہی موٹر سائیکل کا کام کرتا ہوں۔ مورخہ 21-11-10 کو میں دوکان پر موجود تھا کہ 9:30 بجے اختتام جو کہ ٹاور پر کام کرتا ہے میرے پاس آیا اور مجھے کہا کہ میرا موبائل ٹاور پر رہ گیا ہے میرے ساتھ جاوے آئیں۔ میں کام سے تقریباً 11:30 بجے فارغ ہوا تو ہم دونوں کرچی کو اپنے ہونے پر آئے اور چائے پی۔ جب ہم ٹاور کے پاس پہنچے تو اختتام ٹاور کے گاڑی کو بلانے چلا گیا۔ جبکہ میں گھوڑیاں شاہ پر روڈ کی سائڈ پر کھڑا رہا۔ رات تقریباً 1:00 بجے کے بعد پولیس موبائل آئی اور مجھ سے پوچھا کہ ادھر کیا کر رہے ہو تو میں نے بتایا کہ میں اپنے دوست کا انتظار کر رہا ہوں جس پولیس والوں نے میرا موٹر سائیکل موبائل میں رکھا اور مجھے ساتھ چوکی میں لے آئے۔ اور مجھے ہتھکڑی لگا کر باندھ دیا صبح خانزادہ نامی پولیس اہلکار نے میرے والد صاحب کو فون کیا اور چوکی بلا یا میرے والد نے اختتام کے والد کو فون کیا اور اختتام اور اختتام کے والد کو لے کر چوکی آ گئے۔ سعید شاہ ASI نے ہم دونوں سے پوچھ گچھ کی اور ہم دونوں کے والدین کو پولیس چوکی سے باہر نکال دیا اور ہمیں کہا کہ آپ نے بیٹریاں چوری کی ہیں۔ اور پھر ہمیں مارتے لگ گئے اس رات ہم چوکی میں تھے اور ہم دونوں کو ایک دوسرے سے علیحدہ رکھا اور رات کو ہمیں مارتے رہے اور جمعہ کے دن ہمارے والدین دو بار آئے ہمیں مارتے رہے اور ہمارے والدین کی کوئی بات نہ تھی۔ اور پھر خانزادہ نامی پولیس اہلکار کیاری ڈبہ میں ہمیں تھا نہ کوٹ نجیب اللہ نے کہا تھا کہ میں ہم پر کسی نے کوئی تشدد نہیں کیا۔ میرا یہی بیان ہے۔

میں چینی بنیائیں گیا اور شام تک انچارج صاحب کی منت سماجت کرتے رہے مگر انہوں نے ہماری کوئی بات نہ سنی اسی دوران انچارج صاحب نے TIP چوکی سے موہاٹل منگوائی اور TIP روانہ ہو گئے اور بچوں کو تھانہ بھجوانے کی چوکی والوں کو ہدایت کی پھر بچوں نے ایک رات تھانے میں گزار لی ہم پھر واپس گھر آ گئے صبح ہونے پر دوبارہ تھانہ کوٹ نجیب اللہ گئے SHO صاحب کو ہمارے کسی جاننے والے کو بذریعہ فون کیا جس پر SHO صاحب نے بتلایا کہ میں گھر پر ہوں فونگنی پر آیا ہوں آپ بچوں کو 2 بجے کے بعد لے جائیں تاہم کوئی شنوائی نہ ہوئی پھر ہم نے اپنی طرف سے اپروچ کی جس پر انفران پولیس دو مگر معززین علاقہ تھانہ آئے اور پولیس انفران نے لوٹ افراد کیخلاف قانونی کارروائی کی اور بچے ہمارے حوالہ ہو کر بچوں کا علاج معالجہ ہوا کہ ان پر تشدد وغیرہ ہوا ہے۔

#### کانٹینیل خانزادہ خان 46/EX

13۔ معطل شدہ کانٹینیل خانزادہ خان 46/EX چوکی بنیائیں جو کہ حوالہ مقدمہ عدالت 862۔0۔ مورخہ 21-11-2021 جرم 337L-ii/118-D/342/34 تھانہ کوٹ نجیب اللہ بند سنٹرل جیل ہری پور تھا جس نے بذریعہ ڈاک اپنا تحریری بیان بھجوا دیا اور بیان کیا کہ میں بطور E.X سرویس میں ہوں اور پولیس چوکی بنیائیں میں تعینات تھا اس دوران مورخہ 09-11-2021 کو میں حسب اجازت انچارج چوکی دوپہم شباشی پر گھر کو گیا اور مورخہ 11-11-2021 کو بوقت 10:30 بجے صبح گھر سے واپس چوکی آیا تو چوکی میں پہلے سے نعمان اور احتشام موجود تھے اور ان کے درمیان بھی موجود تھے جن کے ساتھ ہلد ڈینگ چوکی انچارج سعید شاہ صاحب کرتے رہے پھر شام کو میں پہلی رات نیز رگشت پر چلا گیا اور رات کو 12:00 بجے گشت سے واپس آ کر چوکی میں سو گیا۔ میں چوکی کے بالائی منزل پر سو گیا تھا گئے دن صبح میں پہلی گشت پر چلا گیا اور جمعہ کی نماز کے وقت واپس آیا اور نماز جمعہ ادا کی نعمان اور احتشام کے درمیان بھی چوکی میں موجود تھے ہمیں انچارج چوکی صاحب ڈیل کرتے رہے پھر تقریباً 04:00 سعید شاہ صاحب نے دونوں خند کرہ بانٹ کر میرے حوالے کئے اور کہا ان کو بحفاظت تھانہ کوٹ نجیب اللہ کے حوالے کر کے آؤ جو میں ان کو پرائیویٹ گاڑی پر تھانہ کوٹ نجیب اللہ لے کر گیا اور حوالہ سعید مقرر کیا۔ مذکورہ نعمان اور احتشام میرے گاؤں کے قریب ہی گاؤں رہائش پذیر ہیں جن کی چوکی میں موجودگی کے دوران مجھے راجہ خانویز نے جو کہ احتشام کا قریبی رشتہ دار ہے۔ مجھے لڑکوں کو چھڑوانے کے لیے چوکی انچارج صاحب سے ڈیل کروانے کے لیے کہتا رہا جس سے میں نے صاف انکار کیا تھا کہ یہ معاملہ چوکی انچارج صاحب کے پاس ہے جو اس معاملے میں آپ کی مدد نہیں کر سکتا تاہم مہمان نوازی کے طور پر ان کو چائے پانی بھی کروائی۔ لیکن راجہ خانویز نے اس رنجش کو دل میں رکھ کر بلا وجہ اس معاملے میں تھسٹ کر FIR میں میرا نام درج کروایا۔ میں چوکی میں زیادہ تر ڈیوٹی پر موجود رہا میں نے ان لڑکوں کے ساتھ نہ کوئی فضول بات کی اور نہ کسی قسم کا تشدد کیا۔ کیونکہ جملہ معاملات چوکی انچارج صاحب کے ہاتھ میں تھے۔ جناب عالی مجھے بلا وجہ کسی راجہ خانویز نے اس معاملے میں لوٹ کیا کیونکہ میں تھسٹ کانٹینیل ان کی کوئی مدد نہ کر سکا میں اس معاملے میں ملکل بے گناہ ہوں لہذا مجھ ماتحت پر نظر کرم کرتے ہوئے چارج شیٹ حذا کو داخل دفتر فرمایا جائے۔

#### فائل فائنلنگ رپورٹ

دوران انکوائری بیانات پولیس ملازمان نعمان و احتشام اور ان کے درمیان اور جرح سے حالات و واقعات یوں پائے گئے کہ کانٹینیل جاوید اقبال سابقہ محرر چوکی بنیائیں مورخہ 10-11/11/21 کی رات قریب پونے دو بجے دوران گشت گھڑیاں بناپ سے ہی نعمان افضل کو مشتبہ پا کر گرفتار کر کے اس کے موٹر سائیکل کے ہمراہ لا کر حوالہ سنتری کانٹینیل ویم کر کے بند چوکی کیا اور روز نامہ صبح میں بغیر کسی سٹیشن آف لاء کے بند کیا اور اگلے دن مورخہ 21-11-11 کو صبح انچارج چوکی کے حوالہ کیا جس نے اس کو بغیر کسی جرم کے ان کو انٹارویٹ کیا اور نعمان کو چوکی میں دو دن جبکہ احتشام کو چوکی میں ایک دن رکھا جو کانٹینیل ڈرائیور اور نگزیب الگ سفارش کانٹینیل خانزادہ۔ عبدالقادر IHC سعید HC سابقہ محرر تھانہ کوٹ نجیب اللہ نعمان، احتشام اور ان کے درمیان کے بیانات ثابت ہوا ہے۔

اور تھسٹ محرر نعمان اور احتشام کو چوکی میں رکھنے کی نسبت روز نامہ صبح میں کوئی اندراجات نہیں کیے۔ جبکہ روزنامہ صبح کی تحویل میں تھا۔ کانٹینیل جاوید اقبال نعمان اور احتشام پر تشدد کرنا بھی میڈیکل رپورٹ سے پایا گیا ہے جو احتشام کے والد جہانگیر کی مددیت میں نعمان افضل اور احتشام جہانگیر پر تشدد کرنے اور جس بیجا میں رکھنے کی FIR برخلاف مذکورہ کانٹینیل جاوید محرر سعید شاہ HC اور کانٹینیل خانزادہ حوالہ مقدمہ عدالت 862۔0۔ مورخہ 21-11-2021 جرم 337L-ii/118-D/342/34 تھانہ کوٹ نجیب اللہ درج رجسٹر ہوئی۔

دوران جرح بھی کانٹینیل جاوید اقبال نمبر 1465 اپنے دفاع میں کوئی ٹھوس ثبوت مہیا نہ کر سکا۔ تھسٹ محرر مذکورہ کانٹینیل کی ذمہ داری منجی تھی کہ وہ نعمان کو لا کر کسی سٹیشن آف لاء کے تحت بند چوکی کرنا اور انچارج چوکی کے ساتھ ساتھ SHO تھانہ کوٹ نجیب اللہ کے نوٹس میں بروقت لانا مگر نعمان و احتشام مورخہ 21-11-12 کی شام تک غیر قانونی طور پر زبردست رہے۔ جو اس غیر قانونی بندش اور تشدد میں کانٹینیل جاوید اقبال برابر شریک پایا گیا ہے۔ جس سے اسکی غفلت بھی واضح ہوتی ہے۔ جس کے اس فعل سے محکمہ پولیس کی بدنامی ہوئی۔ دوران انکوائری کانٹینیل جاوید اقبال نمبر 465 سابقہ محرر چوکی بنیائیں پر چارج شیٹ میں لگائے گئے الزامات درست پائے گئے ہیں۔ لہذا کانٹینیل جاوید اقبال کو بھرپور تھسٹ (Major Punishment) کی سزا دینے کی سفارش کی جاتی ہے۔ فائل فائنلنگ رپورٹ مرتب ہو کر گزارش ہے۔

سب ڈیویژنل پولیس آفیسر  
سرکل صدر

Deduction of two years  
of  
approved service.

*[Handwritten Signature]*



DISTRICT POLICE OFFICER  
HARIPUR

Ph: 0995-920100/01, Fax-0995614714, Email:- [dnoharipur1@gmail.com](mailto:dnoharipur1@gmail.com)

No. 285/PA

dated Haripur the 24/12/2021

## FINAL SHOW CAUSE NOTICE

I, Kashif Zulfiqar, (PSP), District Police Officer, Haripur as Competent Authority under Police Rules 1975, do hereby serve Final Show Cause Notice upon you FC Javed No.465 on the following grounds: -

"You while posted as MHC PP Panian, on 10.11.2021 HC Saeed Shah I/C PP Panian picked up two innocent citizens namely (1) Noman s/o Raja Khan Afzal r/o Narhtopa (2) Ihtesham s/o Jahangir r/o Narhtopa, locked up at Police Post Panian and interrogate him without any offence. You did not make any entry in daily diary register of PP Panian. An FIR No.862 dated 13.11.2021 u/s 337/L-II/118-D/342/34 PPC PS Kotnajibullah was also registered against you. Your this acts/omissions earned bad name of Police department. Your these act/omission are gross misconduct in terms of KPK Police E&D Rules 1975".

(1) For the purpose of scrutinizing the conduct on your part with reference to the above allegation, you was serve with Charge Sheet/Statement of allegation and Deputy Superintendent of Police Circle Saddar, Haripur was appointed as enquiry officer against you for the conduct of proper departmental enquiry vide this office Endst No. 262-63/PA dated 16.11.2021.

(2) The enquiry officer after conducting proper departmental enquiry submitted his finding vide his office letter No.350 dated 22.12.2021, in which he had the charges of misconduct proved and recommended for major punishment under section-4 of the KPK Police E&D Rules 1975.

(3) Keeping in view of above allegation on your part, you are hereby called upon. To Show Cause within (07) days of the removed of this Final Show Cause notice as to why you should not be awarded punishment under the KPK Police Rule 1975, if your written reply is not received with in stipulated period. It shall be presumed, that you have no defense to affirm, you are also allowed to appear before the undersigned, if you so desired.

District Police Officer  
Haripur

Received by \_\_\_\_\_

Dated: 24/12/2021



140 Anna E

DISTRICT POLICE OFFICER  
HARIPUR

Ph: 0995-920100/01, Fax-0995614714, Email: - dpoharipur1@gmail.com

**ORDER.**

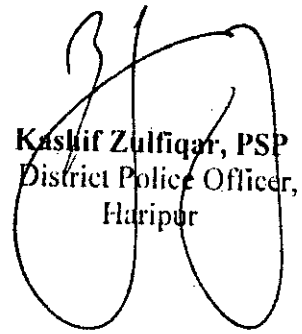
FC Javed No.465, while he posted as MHC PP Panian, on 10.11.2021 HC Saeed Shah I/C PP Panian picked up two innocent citizens namely (1) Noman s/o Raja Khan Afzal r/o Narhtopa (2) Ihtesham s/o Jahangir r/o Narhtopa, locked up at Police Post Panian and interrogate them without any offence. He did not make any entry in daily dairy register of Police Post Panian. An FIR No.862 dated 13.11.2021 u/s 337/L-II/118-19/342/34 PPC PS Kotnajibullah was also registered against him. His act is a severe violation of discipline, a professional dishonesty and a gross misconduct in terms Police E&D Rules 1975. Therefore, he was served with charge sheet and statement of allegations vides this office Endst No. 262-63/PA, dated 16-11-2021.

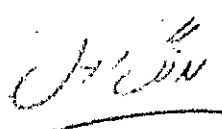
To probe the allegations Deputy Superintendent of Police, Saddar Mr. Ibrar Khan was appointed as Enquiry Officer, who conducted proper enquiry and submitted his findings, vide his office Memo No. 350 dated 22-12-2021. The enquiry officer held the charges of misconduct against the defaulter official proved and recommended him for major punishment under section-4 of KPK Police E&D Rules 1975. Hence, he was served with Final Show Cause Notice, vide this office Endst: No.285/PA dated 24.12.2021. The defaulter police official was called in Orderly Room and was heard in person.

Having perused the finding of the enquiry officer, relevant record, and personal hearing of the above mentioned officer, I, am fully satisfied that the charges of misconduct are proved against the defaulter police official. Therefore, I, **Kashif Zulfiqar (PSP)**, District Police Officer, Haripur being competent authority under the Khyber Pakhtunkhwa, Police Efficiency and Discipline Rule. 1975, agreed to the extent of punishment. This major punishment is converted into minor punishment, awarded minor punishment of **“DEDUCTION OF TWO YEARS OF APPROVED SERVICE”**, with immediate effect.

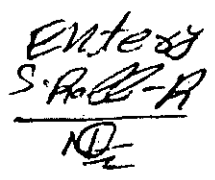
Order announced in his presence.

Order Book No. 32  
Dated. 07-01-2022

  
Kashif Zulfiqar, PSP  
District Police Officer,  
Haripur











47) Annex "F"  
OFFICE OF THE REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.r.pohazara@gmail.com

0345-9560687

NO. 13430 /PA DATED 14/06/2022

**ORDER**

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by FC Javed No 465 of Haripur against the order of punishment i.e. *deduction of 02 years approved service* awarded by District Police Officer, Haripur vide OB No.32 dated 07.01.2022.

Brief facts leading to the punishment are that the appellant while posted as MHC PP Panian, on 10.11.2021 HC Saeed Shah I/C PP Panian picked up two innocent citizen namely (1) Noman s/o Raja Khan Afzal r/o Narhtopa (2) Ithesham s/o Jahangir r/o Narhtopa, locked up at Police Post and interrogated them without any offence. He did not make any entry in daily dairy register of Police Post Panian. An FIR No.862 dated 13.11.2021 u/s 337/L-11/118-D/342/34 PPC PS Kotnajibullah was also registered against him.

The appellant was issued charge sheet along with summary of allegations and SDPO Saddar was deputed to conduct departmental enquiry. The EO held the appellant responsible of misconduct and recommended him for major punishment. Consequently, DPO Haripur awarded him minor punishment of deduction of 02 years approved service. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of DPO Haripur were sought and examined/perused. The undersigned called the appellant in OR and heard him in person. The appellant has been given reasonable opportunity to defend himself against the charges, however he failed to advance any justification in his defense. Thus, the disciplinary action taken by the competent authority seems genuine and the appeal is liable to be dismissed. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 the instant appeal is hereby *filed/rejected* with immediate effect.

IRC/OTC  
for information Com/CO



*Mirza Niaz*  
Mirza Niaz (PSP)  
REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

No. 13430 /PA, dated Abbottabad the 14-06-2022

Cc. DPO Haripur for information and necessary action with reference to his office Memo No 2202/PA dated 25-04-2022. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

DP 67/11/2  
16/06/2022

OTC

# وکالت نامہ

کورٹ فیس  
قیمتی

بعدالت جناب محمد حسین صاحب محکمہ سروسز ٹریڈیوٹ پشاور  
منجانب امیر لکھنؤ

خواجہ احمد رضا نام PP0119 P etc Peshawar

دعویٰ یا جرم سروسز ٹریڈیوٹ باعث تحریر آئندہ

مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جوابدہی مقام پشاور ایسٹ ریٹ

ایڈووکیٹ بدیں شرط وکیل مقرر کیا۔ کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص روبرو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوا۔ اور حاضری کی وجہ سے کسی وجہ پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہونگے۔ نیز وکیل صاحب موصوف صدر مقام پشہری کے علاوہ کسی اور جگہ یا پشہری کے مقرر اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہونگے۔ اگر مقدمہ مقام پشہری کے کسی اور جگہ سماعت ہونے یا بروز پشہری کے اوقات کے آگیا یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے رابطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کل ساختہ پرواختہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپروائشی و راضی نامہ و فیصلہ برخلاف کرنے اقبال دعوے کا اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا ڈگری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا نیگی علیحدہ پیروی مختار نامہ کرینکا مجاز ہوگا۔ اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہونگے جیسے صاحب موصوف کو۔ پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ سندر ہے مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

مورخہ: 30-11-2022ء

Accepted by  
M. Azhar

العبد العبد العبد

42  
"B"

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

No.

Appeal No. 1720 of 2023

Javed iqbal Appellant/Petitioner

Versus

PPO KPK Pesh Respondent

Respondent No. 2

Notice to: Regional police officer Hazara  
Region Abbottabad

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 31-3-23 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~  
office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 10th

Day of Feb 20 23

At Camp Court Abbottabad

*[Signature]*

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

43  
"B"

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

TB

No.

Appeal No. 1720 of 2022

Javed iqbal Appellant/Petitioner  
Versus

PPO KPK Pesh Respondent

Respondent No. 3

Notice to: District police officer  
Hakipur

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 31-3-23 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. .... dated.....

Given under my hand and the seal of this Court, at Peshawar this 10th

Day of Feb 2023  
At Camp Court Abbotabad

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

44  
 "B"

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

No.

Appeal No. 1720 of 2022

Javed iqbal Appellant/Petitioner

Versus

PPO KPK Peshawar Respondent

Respondent No. 1

Notice to: Provincial police officer KPK Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 31-3-23 at 8.00 A.M. If you wish to urge anything against the appellent/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

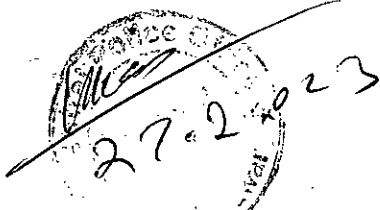
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Copy of appeal  is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 10<sup>th</sup>

Day of Feb. 2023

At Camp Court Abbottabad.



[Signature]  
 Registrar,  
 Khyber Pakhtunkhwa Service Tribunal,  
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
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