FORM OF ORDER SHEET

Court of				
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•	
Appeal No	981/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge							
1.	2	3							
1-	12/07/2024	The appeal of Mr. Noor Muhammad resubmitted today by Mr. Taimur Ali Khan Advocate. It is fixed for							
		preliminary hearing before Single Bench at Peshawar on							
·		19.07.2024. Parcha peshi given to the counsel for the							
-		appellant.							
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The appeal of Mr. Noor Muhammad received today i.e on 10.07.2024 is incomplete on the following score which is returned to the appellant for completion and resubmission within 15 days.

- 1- Address of appellant is incomplete be completed according to rule-6 of the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Annexures of the appeal are unattested.
- 4- Affidavit is not attested by the Oath Commissioner.
- 5- Annexures 8&L are illegible.
- 6- Four more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 314 /Inst./2024/KPST, Dt. 10 / 7 /2024.

OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Taimur Ali Khan Adv. Huigh Court at Peshawar.

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Advi Shakit Linds Toxani-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 98/ /2024

Chyber Pakhtokhwa Service Tributai

1400

Dated 5 7 002

Noor Muhammad

VS

Police Department

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APPELLANT

THROUGH:

(TAIMUR ALI KHAN) ADVOCATE HIGH COURT Cell No.03339390916

&

(SHAKIR ULLAH TORANI) ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

SERVICE APPEAL NO. 98/ /2024

Khyber Pokhtukhwa Service Tribunal

Diary No. 14002

Daged 05/07/24

Noor Muhammad, Ex-LHC No.320, Police Lines, Hangu, DISTRICT HANGO.

(APPELLANT)

VERSUS

- 1. The Regional Police Officer, Kohat Region, Kohat.
- 2. The District Police Officer, Hangu.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 27.02.2024, WHEREBY THE APPELLANT HAS BEEN DISMISSED FROM THE SERVICE AND AGAINST THE ORDER DATED 21.06.2024, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED FOR NO GOOD GROUNDS.

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDERS DATED 27.02.2024 AND DATED 21.06.2024 MAY PLEASE BE SET ASIDE AND THE APPELLANT MAY KINDLY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH: FACTS:

- 1. That the appellant was appointed in the police department as Constable in the year 2006 and with the passage of time promoted to the rank of LHC and since his appointment, the appellant was performing his duty with devotion and honesty, whatsoever, assigned to him and no compliant has been filed by his superiors regarding his performance.
- 2. That the appellant was performing his duty with best of his ability and capability and in this respect commendation along with cash reward was awarded to the appellant for his best performance. (Copy of commendation certificate is attached as Annexure-A)
- 3. That the appellant was performing his duty in Police Lines Hangu and on 02.12.2023, he was present in Shahu Chock Hangu Bazar; where, he saw Muhammad Israfeel and, as the cousins of Muhammad Israfeel who were living together in same home were previously involved in narcotics cases, therefore, the appellant called IHC Umar Farooq of Police station City Hangu to came to the spot to search Muhammad Israfil on which IHC Umar Farooq came to the spot and when IHC Umer Farooq searched Muhammad Israfeil, 45 gm of Charas were recovered from him and FIR was also registered against Muhammad Israfeel. (Copy of FIR is attached as Annexure-B)
- 4. That show cause notice was issued to the appellant which was duly replied by the appellant in which he denied the allegations and gave the real facts about the allegations in detail and mentioned in his reply about the baseless allegations were leveled against him and he was innocent. (Copies of show cause notice and reply to show notice are attached as Annexure-C&D)
- 5. That charge sheet along with statement of allegations were issued to the appellant. The appellant submitted his reply to the charge sheet and mentioned in his reply that reply to show cause notice may be considered his reply to charge sheet. (Copies of charge sheet along with statement of allegations and reply are attached as Annexure-E&F)
- 6. That inquiry was conducted against the appellant, but no opportunity of defense was provided to the appellant during the inquiry proceeding as neither statements was recorded in the presence of the appellant nor gave him opportunity of cross examination and the inquiry officer himself cross examined the appellant and without conducting regular and proper inquiry by the inquiry officer to dig out the realty about the allegations, the inquiry officer hold the appellant guilty on presumption basis. (Copy of inquiry report is attached as Annexure-G)

- 7. That final show cause was issued to the appellant. The appellant submitted his reply to the final show cause notice in which he once again denied the allegations and mentioned in his reply that that he has already given reply to show cause notice and charge sheet and the allegations leveled against him are baseless and there is no truth in that allegations. (Copies of final show cause notice and reply are attached as Annexure-H&I)
- 8. That on the basis of above baseless allegations and without conducting proper and regular inquiry, the appellant was dismissed from service vide order dated 27.02.2024. The appellant filed departmental appeal on 28.02.2024 against the dismissal order dated 27.02.2024, which was rejected on 21.06.2024 for no good grounds. (Copies of order dated 27.02.2024, departmental appeal and rejection order dated 21.06.2024 are attached as Annexure-J,K&L)
- 9. That the appellant has no other remedy except to file the instant appeal in this Honorable Tribunal for redressal of his grievance on the following grounds amongst others.

GROUNDS:

- A) That the impugned orders dated 27.02.02024 and 21.06.2024 are against the law, rules, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
- B) That inquiry was not conducted by the inquiry officer according to the prescribed procedure because no opportunity of defense was provided to the appellant during the inquiry proceeding as neither statements was recorded in the presence of the appellant nor gave him opportunity of cross examination which is violation of law and rules and as such the impugned orders are liable to be set aside on this ground alone.
- C) That the inquiry officer himself cross examined the appellant and without conducting regular and proper inquiry by the inquiry officer to dig out the realty about the allegations, the inquiry officer hold the appellant guilty on presumption basis which is not permissible under the law and as such the impugned orders are liable to be set aside.
- D) That one of the allegation against the appellant was that as per your reliable information routed through of I/C DSB Hangu regarding smuggling of 07 Kg Charas on 02.012.2023 from Shahu Khel to District Karak handed over to Muhammad Israfeel S/O Muhammad Ishaq r/o Shahu Khel Hangu by the narcotic seller namely Khan Wazir s/o Said Wazir r/o District Orakzai, IHC Umar Farooq was arrested the said smuggler/carrier at Shahu Chowk Hangu by affecting

the recovery of 07 Kg charas, but the appellant clearly mentioned in his reply to show cause notice that 45g was recovered from Muhammad Israfeel by IHC Umar Farooq and in this respect proper FIR has been lodged against by him IHC Umar Farooq and he has no knowledge about 07 Kg charas, but despite that the appellant was punished on baseless allegations.

- E) That other allegation leveled against the appellant is that Israfeel (narcotics carrier) told to the narcotics owner that the police recovered 07 kg charas from him, but later on amount (bribe) was given to the police and consequently released him but the appellant clearly mentioned during the cross exam by the inquiry officer that he has not signed the bail band on which Muhammad Israfeel was released, but despite that the inquiry officer mentioned in inquiry report that the less amount of narcotics was shown in FIR against the Muhammad Israfeel due to the information of appellant and later he was also released on the bail bond of the appellant without not conducting proper inquiry to dig out the realty about the allegation and the appellant was held guilty on presumption basis which is against the law and rules and as such the impugned orders are liable to be set aside.
- F) That IHC Umar Farooq has recovered 45 gm charas from Muhammad Israfeel and in this respect FIR was also lodged against him by the IHC Umar Farooq and gave also that statement to the inquiry about the recovery of 45 gm charas from Muhammad Israfeil, but despite that the appellant was punished on baseless statement of Muhammad Israfeel of 07 Kg charas without providing opportunity of cross examination to the appellant on Muhammad Israfeel by the inquiry officer which is against the norms of justice and fair play.
- G) That in show cause notice it was mentioned as per your reliable information routed through of I/C DSB Hangu regarding smuggling of 07 Kg Charas on 02.012.2023 from Shahu Khel to District Karak handed over to Muhammad Israeel s/o Muhammad Ishaq r/o Shahu Khel Hangu by the narcotic seller namely Khan Wazir s/o Said Wazir r/o District Orakzai, IHC Umar Farooq was arrested the said smuggler/carrier at Shahu Chowk Hangu by affecting the recovery of 45 gm charas from his possession instead of 07 Kg charas and the inquiry officer also relay on this reliable information routed through of I/C DSB Hangu without conducting regular and proper inquiry to dig out the realty about allegations and punishment on reliable information/source without conducting proper and regular inquiry was discourage by the Superior Courts in plethora of judgments

- I) That it is the constitutional right of the appellant to provide fair opportunity under Article-10-A of the Constitution of Islamic republic of Pakistan but in the case of the appellant no fair opportunity of defense was provided to the appellant during the inquiry proceeding which is clear violation of Article-10-A of the Constitution of Islamic republic of Pakistan.
- J) That the appellant has been condemned unheard and has not been treated according to law and rules and has been punished for no fault on his part and as such the impugn orders dated 27.02.2024 and 26.06.2024 are liable to be set aside.
- K) That the appellant seeks permission of this Honorable Tribunal to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the acceptance of this appeal, impugned orders dated 27.02.2024 and dated 21.06.2024 may please be set aside and the appellant may kindly be reinstated into service with all back and consequential benefits. Any other remedy which this Honorable Tribunal deems fit and appropriate that may also be awarded in favour of appellant.

THROUGH:

(SHAKIR ULLAH TORANI) ADVOCATE

(TAIMUR ALI KHAN) ADVOCATE HIGH COURT

Noor Muhammad

THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

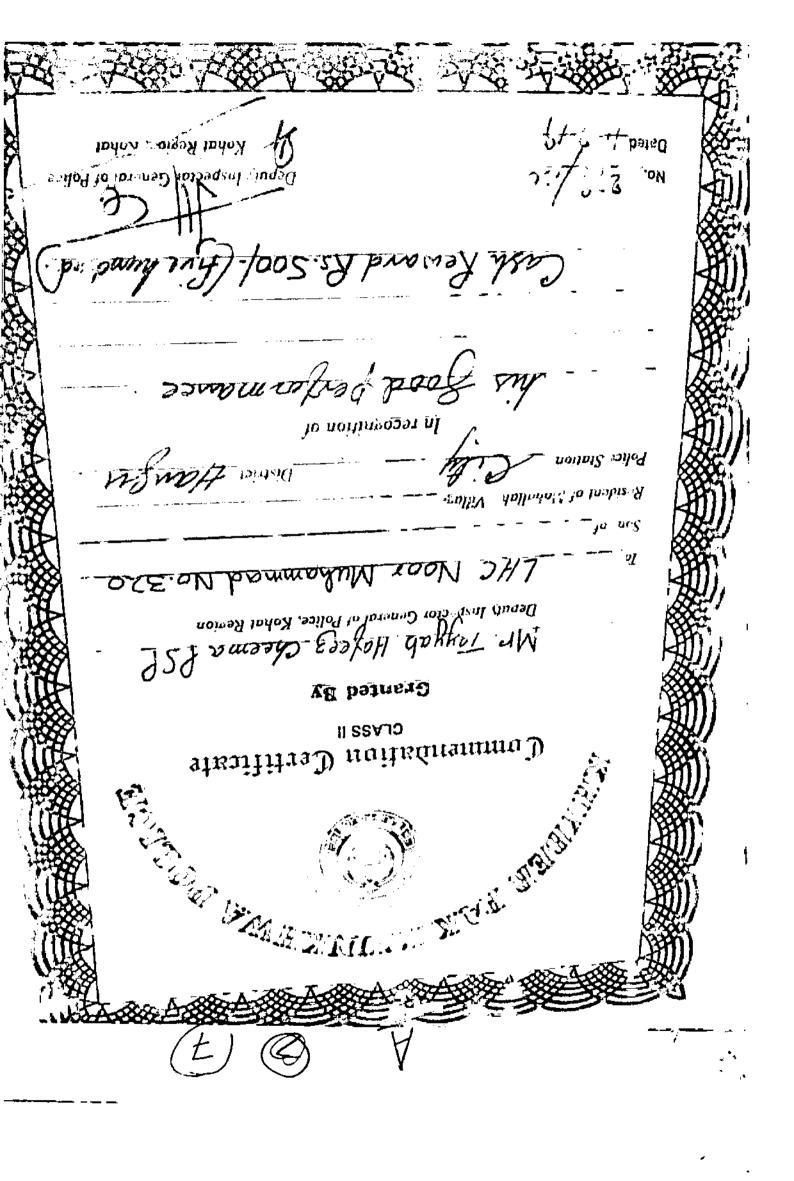
SERVICE APPEAL NO. /2024

Noor Muhammad VS Police Department

- AFFIDAVIT

I, Noor Muhammad, Ex-LHC No.320, Police Lines Hangu, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honorable Tribunal.

DEPONENT



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OFFICE OF THE DISTRICT POLICE OFFICER, HANGU

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

SHOW CAUSE NOTICE (Under Rule 5(2) KPK Police Rules, 1975)

- That you, LHC Noor Muhammad No. 320 posted at Police Lines, Hangu have rendered yourself liable to be proceeded under Rule 5 (2) of the Khyber Pakhtunkhwa, Police Rules 1975 (Amendment 2014) for following misconduct;
 - i. As per your reliable information routed through of I/C DSB Hangu regarding smuggling of 07 Kg charas on 02.12.2023 from Shahu Khel to District Karak handed over to Muhammad Israfil s/o Muhammad Ishaq r/o Shahu Khel, Hangu by the narcotic seller namely Khan Wazir s/o Said Wazir r/o District Orakzai, IHC Umar Farooq was arrested the said smuggler/carrier at Shahu Chowk Hangu by affecting the recovery of 45 gm charas from his possession instead of 7 kg charas.
 - ii. It has reportedly been noticed that Israfil (narcotics carrier) told to the narcotics owner that the police recovered 7 kg charas from him, but later on amount (bribe) was given to the police and consequently released him.
 - iii. Actually in this matter your malicious is ascertained. You being a member of disciplined force showing your indulged in corruption such as there is zero tolerance for corruption which is untenable.
- That by reason of above, as sufficient material is placed before the undersigned, therefore it is decided to proceed against you in general Police proceeding without aid of enquiry officer.
- 3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
- 4. That your retention in the Police force will amount to encourage in efficient and unbecoming of good Police officers.
- 5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.
- You are, therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 (Amendment 2014) for the misconduct referred to above.
- 7. You should submit reply to this show cause notice within 07 days of the receipt of the notice failing which an ex-parte action shall be taken against you.
- 8. You are further directed to inform the undersigned that you wish to be heard in person or not.
- Grounds of action are also enclosed with this notice.

No. 2 /EC,
Dated: 1 /12 /2023

DISTRICT POLICE OFFICER,

جناب عالى!

عالی جان میں مندرجہ بالا حالت و وقعات کے علاوہ کی تئم کے دیگر کہانی کے متعلق علم ہیں رکھتا ہوں۔ ہوسکتا ہے کہ محمد اسرافیل نے خود جیس خرد برد کر کے منشیات کے اصل مالک خان وزیرہ جرس اپنی تصرف میں لانے اور مزیدان سے درج شدہ FIR کو جواز بنا کر مبلع دولا کھردو بے ہڑپ کرنیکی منصوبہ بندی کی ہو۔ جھے تحسشیت پولیس اضرعلم ہوتا تو ضرورا پی سنٹیر افسران کے نوٹس میں لے آتا۔ میں حلقا قرآن پاک پر ہاتھ دکھ کر کہ سکتا ہوں کہ ندیں نے 7 کلوچ س پکڑے ہوا در ندہی رقم ہوار نے میں اسرافیل کا ساتھ دیا ہے۔ میں نے کسی متم کی رقم بطور رشوت یا چرس کی خرد برد میں مجمد اسرافیل کا بالواسط ساتھ دیا ہے۔

اں ۱۰ روز رہ ہے پیرون میں میں ہے گئاہ ہوں استدعا ہے کہ مذکورہ شوکا زنوٹس مزید کاروئی داخل دفتر فرمائی جائے۔ میر نے خلاف جوالزامات عائد کئے گئے ہے آمیں بے گناہ ہوں استدعا ہے کہ مذکورہ شوکا زنوٹس مزید کاروئی داخل دفتر فرمائی جائے۔

18.12-25



DSP/HQ Hangu

Dairy No. 33 = 5

Date: 05-0/-24

OFFICE OF THE
DISTRICT POLICE OFFICER,
HANGU

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

CHARGE SHEET

MR. NISAR AHMAD, PSP, QPM, DISTRICT POLICE OFFICER,

HANGU, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you, LHC Noor Muhammad No. 320 posted at Police Lines, Hangu rendered yourself liable to be proceeded against, as you have omitted the following act/omissions within the meaning of Rule 3 of the Police Rules 1975:-

i. As per information report received from the worthy Regional Police Officer, Kohat Region, Kohat vide Endst: No.2309/C.Cell, dated 14.12.2023 regarding smuggling of 07 Kg charas on 02.12.2023 from Shahu Khel to District Karak handed over to Muhammad Israfil s/o Muhammad Ishaq r/o Shahu Khel, Hangu by the narcotic seller namely Khan Wazir s/o Said Wazir r/o District Orakzai, IHC Umar Farooq was arrested the said smuggler/carrier at Shahu Chowk Hangu by affecting the recovery of 45 gm charas from his possession instead of 7 kg charas.

ii. It has reportedly been noticed that Israfil (narcotics carrier) told to the narcotics owner that the police recovered 7 kg charas from him, but later on amount (bribe) was given to the police and consequently released him.

iii. Actually in this matter your malicious is ascertained.

iv. You being a member of disciplined force showing your indulged in corruption such as there is zero tolerance for corruption which is untenable.

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

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

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

A statement of allegation is enclosed.

DISTRICT POLICE OFFICER, HANGU

O: 'co ?lot). 2023/3haka-GC/Enquirios/Mr. Hisar Atmad, PSP/Q/PM/Charne Sheets



OFFICE OF THE DISTRICT POLICE OFFICER; HANGU (*)

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

DISCIPLINARY ACTION

MR.NISAR AHMAD, PSP, OPM, DISTRICT POLICE

HANGU, as competent authority, am of the opinion that you, LHC Noor Muhammad No. 320 have rendered yourself liable to be proceeded egainst departmentally under Khyber Pakhtunkhwa Police Rule 1975 Amendment 2014) as you have committed the following acts/omissions

is As per information report received from the worthy Regional Police Officer, Kohat Region, Kohat vide Endst: No.2309/C.Cell, dated 14.12.2023 regarding smuggling of 07 Kg charas; on 02.12.2023 from Shahu Khel to District Karak handed over to Muhammad Israfil s/o Muhammad Ishaq r/o Shahu Khel, Hangu by the narcotic seller namely Khan Wazir s/o Said Wazir r/o District Orakzai, IHC Umar Farooq was arrested the said smuggler/carrier at Shahu Chowk Hangu by affecting the recovery of 45 gm charas from his possession instead of 7 kg

charas.
It has reportedly been noticed that Israfil (narcotics carrier) told to the narcotics owner that the police recovered 7 kg charas from him, but later on amount (bribe) was given to the police and consequently released him. and consequently released him.

iii & Actually in this matter your malicious is ascertained.

iv. You being a member of disciplined force showing your indulged in corruption such as there is zero tolerance for corruption which is untenable.

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations DSP HQ/CAP-11 is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to he accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or appropriate action against the accused official.

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

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ضلع بسكو مودند<u> 171 | 17024</u> G (B)

دفترایس_ڈی_لی_او_ٹی منگو نمبر______SDPOI_______

ا كوائرى ربورث ازال LHC لورجم نمبر 320 متعينه يوليس لائن منكو

جناب عالى!

بحوالد مشموله شوکاز نوٹش نمبری 200 مورخه 12.11.2023، چارج شیٹ نمبری 253 مورخه 29.12.2023، ڈائیری نمبر 23 09/C C e I ، محال مورخه 1 09/C C e I ، کمپلینٹ سیل ریجنل پولیس آفیسر کوہاٹ ریجن اور ڈائیری نمبر 1 1 1 1 1 مورخه 1 1 2 04.12.2023 کوایک انفارمیشن مورخه 1 1 2.2023 کوایک انفارمیشن رپورٹ جناب DPO صاحب میگوکوارسال کی تھی نقل انفارمیشن رپورٹ لف بذاہے۔

1_ انفارمیش ربورث کامتن :_

باوا ق زرائع سے معلوم ہوا ہے کہ میمی خان دزیر ولدسید وزیر سکند اور کرنی نے 07 کلوچرس محد اسرافیل ولد محد اسحاق سکند شاہوخیل کو ضلع کرک سمگل کرنے کے لئے حوالہ کی بعدہ مور خد 02.12.2023 کونور محمد کونور محد کا متعینہ پولیس لائن کی انفار میشن پرعمر فاروق اللہ کا کہ میں مقدمہ درج کیا معلوم ہوا اللہ نے نہ کورہ کو شاہو چوک میں گرفتار کرتے جس کے قبضہ ہے کہ اسرافیل نے مالک چرس سمی خان وزیر کو بتالایا کہ 07 کلوچرس اس سے پولیس نے برآ مدکر کے بعد میں ایک رشتہ دار پولیس والے کے در سیعے رقم حوالہ کرکے جان چیز آئی ہے معاملہ بندا میں LHC نور محد نمبر 320 کی بدئیتی معلوم ہوئی ہے ۔ لہذا اس بارے میں DSP فیرے در لیج خفیدا کو اگری کرنے کی سفارش کی جاتی ہے۔

2- اس انقارمیشن رپورٹ پرالزام علیہ پولیس آفیسرنور گھر LHC کو جناب DPO صاحب منگو کی طرف ہے شوکا زنونس جاری ہوکر جو بندا ہے۔

2- شوکازنوش میں الزام علیہ بولیس آفیسر نے اپناتحرین بیان پیش کرکے جوشامل انکوائری ہے۔ بیان کرتا ہے کہ عرصہ 677 ماہ سے پولیس لائن ہنگو میں جزل ڈیوٹی سرانجام دے رہا ہے۔ مورخہ 02.12.2023 کواپنے ذاتی کام کے سلسلے میں ہنگو بازار گیا تھا۔ بہقام شاہو چوک تمداسرافیل ولد محداسرافیل ولد محداسرافیل ولد محداسرافیل ولد محداسرافیل ولائق طور پرجانتا ہے کہ بینشیات سمگلنگ میں بطوت مراہے۔ جن کے حرکات وسکنات مشکوک بانے پراس نے بروقت گشت انچارج عمر فاروق HC کواطلاع دی۔ عمر فاروق HH بمد نفری شاہو چوک آبار فدکورہ مشتبہ محداسرافیل کی نشاندہ کی کرکے عمر فاروق HH اے محداسرافیل کی جامہ تلاثی لے کرجس کے قبضہ ہے 45 گرام شاہو چوک آبار فذکورہ مشتبہ محداسرافیل کی نشاندہ کی کرفاروق HC تھانہ می کرجس کے قبضہ ہے 45 گرام جورک آبار فذکورہ مشتبہ محداسرافیل کی نشاندہ کی کرفاروق کا اسامی کہ اسرافیل کی جامہ تلاثی لے کرجس کے قبضہ ہے کہا کہ اُسے انفار میٹن نے کہ محداسرافیل کی دیا تھا۔ جس کو پولیس نے گرفار کرکے اب آس انفار میٹن نے کہ محداسرافیل کے متعانہ مورک کی مقان میں کے متعانہ کی سے کہ کہ اس محداس کو پولیس نے گرفار کرکے اب آس نے مالی خال وزیر سے مبلغ 20 کورک ہو کری می کرک میں کوان کو تھا۔ اس کے متعانہ نایا کے اس کے متعان اُسے ملک خال وزیر سے مبلغ 20 کورک ہو کری ہو کری مورک ہو کری ہو کہ کری میں کو کری ہو لیے بھایا اُسے ملم نہیں۔ کے علی کان سے 45 گران ہو ہو کہ گران ہو جو کہ گران ہو کری ہو

مندرجہ بالا حالات وواقعات کے ملاوہ کمی قتم کے دیگر کہانی کے متعلق اُسے علم نہیں ہے۔ ہوسکتا ہے کہ محمد اسرافیل نے خود جرس خرد برد
کرک منشات کے اصل مالک خان وزیرہ چرس اپنے تصرف میں لانے اور مزیدان سے درج شدہ FIR کوجوازینا کر مبلغ 02 لا کھروپ تمریخ کی منصوبہ بندی کی ہو۔ اُسے بحسشیت پولیس آفیسر علم ہوتا تو ضرورا پنے سینئر افسران کے نوٹس میں لاتا۔وہ حلفا قر آن پاک پر ہاتھ دکھ کر کہ سکتا ہے کہ ندائس نے 7 کلوو چرس بکڑی ہے اور ندہی رقم ہوڑرنے میں اسرافیل کا ساتھ دیا ہے۔ اس نے کمی قتم کی رقم بطور رشوت یا چرس ک

ر المرافيل كابالواسطه يابلا واسطه ساتھ نيس ديا ہے۔ خرد برديس محمد اسرافيل كابالواسطه يابلا واسطه ساتھ نيس ديا ہے۔

4۔ الزام علیہ LHC کے بیان سے جناب DPO صاحب ہتگو نے مطمئن نہ ہوکر چارج شیٹ جاری کیا۔ جارج شیٹ لف انکوائزی ہذا ہے۔ جس میں من DSP کوائلوائزی ہوئسس ممثل میں انکوائزی کرنے کا تھم صادر فر مایا۔ جو ذیل انکوائزی پراسس ممثل میں اللہ تھے ہیں۔ لائے گئے ہیں۔

انگوائری پراسس:۔

1- الزام علية ورحمد LHC --

نے دوران انکوائری پیش ہوکرا پناتھ رہی بیان پیش کر کے جوشائل انکوائری ہے بیان کرتا ہے کہ اُس کا وہی بیان ہے جواس نے شوکاز نوٹس کے جواب میں دیا تھا۔ جس پر کراس سوالات بھی کیے۔ دوران کراس سوالات بیان کیا کہ بیددرست ہے کہ اس نے ملزم امرافیل کی گرفتاری کا انفار پیشن فاردق IHC کو دیا تھا۔ البتہ اس کے گرفتاری کے بعداس کے عقب تھا نہیں گیا تھا۔ اور نہ ہی اس نے ملزم امرافیل کو مجلکہ پرچھڑ وایا تھا۔ مجلکہ پرجھڑ وایا تھا۔ مجلکہ پرموجودا ہے و متحق ہا نکاری ہے البتہ مجلکہ پرموجود شاختی کارڈ نمبر کے متعلق بیان کیا کہ بیشاختی نمبر اسکا ہے۔ امرفیل مرحم جو متعلق بیان کیا کہ بیشاختی نمبر اسکا ہے۔ امرفیل ملزم کے متعلق بیان کیا کہ اس کے متعلق نہیں ہے۔ جبکہ 07 کلوچرس کے متعلق بیان کیا کہ اس کو دوالہ نہیں کی ہے۔ اس ڈرامہ نگایا گیا ہے۔ اس ڈرامہ کیا کہ اس کو کوئی علم نہیں ہے۔ اس ڈرامہ نگایا گیا ہے۔

2- محماسرافيل ولدمحماسحان سكندشا بووام بسكو:

نے دوران انکوائری پیش ہوکرا پناتح رہی بیان پیش کر کے جوشامل انکوائری ہے بیان کرتا ہے کہ مورخہ 02.12.2020 کو بمقام شاہوتوئے سے خان وزیر تو مشق نے 07 کلو چرس جو کہ جو کہ بہانزیب نامی شخص سکند سرکی بیالہ کو حوالہ کرنے کا کہا گیا۔ جب وہ شاہو چوک نز در یسکیو 15 گاڑی ہے انز کرد کشہ بیں سوار ہور ہا تھا تو اس دوران فاردق تھا نیدار نے گرفتار کرکے اولاً ریسکیو 15 اور بعد ہ تھا نہ ٹی لے گئے۔ اُس نے فاردق تھا نیدار کو کہا کہ نور محمد کو نون کرے جو فاروق تھا نیدار نے نور محمد کو فون کرے نور محمد آیا اسکیو 15 اور بعد ہ تھا نہ ٹی لے گئے۔ اُس نے فاردق تھا نیدار و پید دے ہیں۔ اگلی میج اقبال جرم کرنے کے بعد وہ رہا ہوا۔ اُسے جس آدمی نے جس دیا تھا ابھی اُس کو بھی پھر پولیس نے گرفتار کیا۔ لیکن ابھی تک اُس شخص نے اس کے ساتھ رابط نہیں کیا ہے۔ موقع پر تم نور محمد نے دیا تھا ابھی اُسے کہ نِمْ کا بندو بست کرد۔

3- HC عرفاروق16متعینه تعانه ی منگو:

(17)

كيا_جوك مچلك ريكارة پرموجود ہے۔

4- LHC معيب فان 797 محردر يسكو 15-

نے دوران انکوائری پیش ہوکرا پناتح ریی بیان پیش کر کے جوشامل انکوائری ہے بیان کرتا ہے کہ مورخہ 02.12.2023 کو وہ مجتح سے لے کرشام تک اور رات کو بھی ریسکیو 15 جو کی شی میں موجود تھا۔ فاروق IHC نے کسی ملزم کوریسکیو 15 چو کی شی نہیں لایا تھا۔ جبکہ دوران کراس بیان کیا کہ ملزم کوریسکیو 15 ہنگونہیں لایا گیا تھا۔

ت بایات بات استان برم ایستان با استان با استان

ریکارڈے دہ مچلکہ حاصل کر کے شامل انگوائری ہے۔

۔ جس شخص نے ملزم اسرافیل کو 70 کلو چرس حوالہ کی تھی اُس کو بھی مقامی پولیس نے گرفآر کر کے اُس کے خلاف مقدمہ علت 1038 مورنے 03.12.2023 جرم 9D CNSA تھا نہ ٹی ہنگو درج کیا گیا ہے۔ جس میں اُس سے مزید 3250 گرام چرس برآ مد ہوئی تھی نقل FIR شامل اکوائری ہے۔

7۔ دوران انکوائری مالک چرس خان وزیر کابیان لینا ضروری سمجھا جس کے عقب میں جیل جا کر مگر جیل حکام نے تحریری طور پر لکھ کر دیا کہ وہ مورخہ 09.12.2023 کور ہا ہو چکا ہے۔ سپر نٹنڈنٹ ڈسٹو کٹ جیل کارپورٹ شامل انکوائری ہے۔

فاستراكب:_

جتا _ عالى!

وروی المداد ایست صورت میں نور محد LHC کرپ پر پیش خیات مجر ماند کا مرتکب پایا جاتا ہے۔ اور انکوائزی بداسے تصور وار پایا جاتا ہے۔ انکوائزی رپودٹ بمرادمنا سب تھم صادر فرما ہے۔

سب دُورِيْ تل پوليس آفيسر شي بنگو





OFFICE OF THE CONTROL OFFICER, HANGU

Tel: 0925-623878 Fax 0925-620135

No_O6_/EC, dated Hangu the 22_/01/2024

FINAL SHOW CAUSE NOTICE

- 1. I, <u>NISAR AHMAD, PSP, QPM, District Police Officer, Hanqu</u> as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975, (amended 2014) is hereby serve you, <u>LHC Noor Muhammad No. 320 while posted at Police Lines.</u> Hangu as fallow:
 - That consequent upon the completion of inquiry conducted against you by the inquiry officer, in which you have given full opportunity of hearing, but no reasonable response could be given in your self defence and found you in corrupt practices and betrayal/treachery offences thus, held you guilty for the charges leveled against you vide finding No. 72/SDPO, dated 17.01.2024.
 - From going, through the finding and recommendations of the inquiry officer, the material on record and other documentary proof including your defense before the inquiry officer.

I am satisfied that you have committed the following acts/omissions, specified in section 3 of the said ordinance.

- i. As per information report received from the worthy Regional Police Officer, Kohat Region, Kohat vide Endst: No. 2309/C.Cell, dated 14.12.2023 regarding smuggling of 07 kg charas on 02.12.2023 from Shahu Khel to District Karak handed over to Muhammad Israfil s/o Muhammad Ishaq r/o Shahu Khel, Hangu by the narcotic seller namely Khan Wazir s/o Said Wazir r/o District Orakzai, IHC Umar Farooq was arrested the said smuggler/carrier at Shahu Chowk Hangu by affecting the recovery of 45 gm charas from his possession instead of 07 kg charas.
- ii. It has reportedly been noticed that Muhammad Israfil (narcotics carrier) told to the narcotics owner that the police recovered 7 kg charas from him, but later on account (bribe) was given to the police and consequently released him
- iii. Actually in this matter your malicious is ascertained.
- iv. You being a member of disciplined force showing your indulged in corruption such as there is zero tolerance for corruption which is untenable.
- 2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you major penalty provided under the Rules ibid.
- 3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you also intimate whether you desire to be heard in person.
- If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.
- The copy of the finding of inquiry officer is enclosed.

DISTRICT POLICE OFFICER, HANGU

350FHC \$7 06-1-054





OFFICE OF THE DISTRICT POLICE OFFICER; HANGU

Tel: 0925-623878 Fax 0925-620135

ORDER

This order is passed on the departmental enquiry initiated against LHC Noor Muhammad No. 320 while posted at Police Lines, Hangu under the Khyber Pakhtunkhwa Police Rules 1975 (Amendment 2014).

Brief facts of the case are as under:-

i. As per information report received from the worthy Regional Police Officer, Kohat Region, Kohat vide Endst: No. 2309/C.Cell, dated 14.12.2023 regarding smuggling of 07 kg charas on 02.12.2023 from Shahu Khel to District Karak handed over to Muhammad Israfil s/o Muhammad Ishaq r/o Shahu Khel, Hangu by the narcotic seller namely Khan Wazir s/o Said Wazir r/o District Crakzai, IHC Umar Farooq arrested the said smuggler/carrier at Shahu Chowk Itangu by affecting the recovery of 45 gm charas from his possession instead of 07 kg charas.

ii. It has reportedly been noticed that Muhammad Israfil (narcotics carrier) told to the narcotics owner that the police recovered 7 kg charas from him, but later on account (bribe) was given to the police and consequently released him

iii. The defaulter being a member of disciplined force indulged in corruption.

There is zero tolerance for corruption which is untenable.

He was served with charge sheet and statement of allegations under Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (Amendment 2014) vide this office No. 253/EC, dated 29.12.2023, to which he submitted his reply to DSP HQrs, Hangu who was appointed as Enquiry Officer to conduct departmental enquiry against him. After completion of enquiry, the enquiry officer submitted his findings vide No. 72/SDPO, dated 17.01.2024, in which the delinquent LHC Noor Muhammad No. 320 was held guilty for the charges leveled against him. Consequently, he was called in orderly room on 27.12.2023 and heard in person, but he could not provide a reasonable response in his self-defense. Subsequently, Final Show Cause Notice was issued to him vide this office No. 06/EC, dated 22.01.2024 and he submitted his reply on 29.01.2024, which was also found unsatisfactory.

The charas in question, i.e 7 kg was sold to the narcotic seller, namely Khan Wazir s/o Said Wazir r/o Mian Mela, District Orakzai. He was arrested by the local Police and 3000 grams (3 kgs) of the same narcotics (charas) were recovered from his possession and charged in case vide FIR No. 1038, dated 03.12.2023, u/s 9D-CNSA. This recovery of 3 kgs of narcotics (charas) and the submission of security bonds in the Police Station under his own name to release the aforementioned accused further ascertained the charges against the said delinquent, LHC Noor Muhammad.

Keeping in view of the above and having gone through available record, the undersigned has arrived at the conclusion that due to his maliciously discharging the official duty by extending support to the said accused in selling/ carrying the contrabands/narcotics, violated the law which indicates that he is a stigma in the Police department. Moreover, in these circumstances his retention in Police Department is burden on public exchequer, therefore, I, Nisar Ahmed Khan, PSP, QPM, District Police Officer, Hangu in exercise of the powers conferred upon me under the Rules ibid, dispense with general proceedings, he is hereby dismissed from service with immediate effect.

Order Ann	ounced.		the contract process		is.	v	
OB No	<u> 273</u>	···	•				. :
Dated 4	6102	/2024		n	DISTRICT PO	LICE OFF	ICER,
No. 71	8-20	/EC, dated Han	gu, the 27	/ 02 / 202	24	IANGU	
•	•	 Copy of above is s 	submitted to the F	Regional Police	Officer, Kohat I	Region, Koha	t for
i favour of in	formation,						
	2.	DSP HQrs Hangu	ı to collect his affi	cial kit immed	iately.		
:1.	3.	Pay Officer, EC, F					;
	;				. (- _{N.}	

DISTRICT POLICE OFFICER, HANGU K 21

بخدمت جناب ريجنل پوليس مفسر، كوباث، ريجن كوباث

درخواست بمراد بحالی نو کری

Distribution Office Off

جناب عالی ا گرزارش کی جاتی ہے کہ سائل 2006 ہے محکمہ پولیس میں بطور کنسٹیبل بھرتی ہوا تھا اور سب ہے کر آن گئی جات ہو ش اسلوبی ہے اپن ڈیوٹی سرانجام دے دہا ہے۔ 2023 میں سائل کو ایک غلط الزام پر تھاری شیف اور سرتی آف الگشن موصول ہوا جنکا سائل نے آتھے ہی جوات ہی گرکے تمام الزامات ہے افکار کیا کہ نہ تو محمد الوئی تعلق ہے اور نہ ہی میں مجھے اپنی صفائی بیان کرنے کا موقع دیا اور نہ تی میں مجھے اپنی صفائی بیان کرنے کا موقع دیا اور نہ تی میں مجھے ان جو توں پر کراس کرنے کا موقع دیا آور نہ تی اور نہ تی اس کے بعد محکمہ نے مجھے شوکاز نوٹس دیا جس کے ساتھ آگوار کی کپورٹ کے میں میں ہو تھا ہوا کی دور نہ تی ان کیا جو چائے گئی سے کو گورٹ کی میں نے وہ سب بچھے بیان کیا جو چائے گئی سے کو گورٹ کی اور نہ بی ان میں کسی میں کی کوئی صدافت تو بیل میں اس کے بیان کیا جو چائے گئی اور نہ بی ان المات کا تعلق ہے ان میں کسی میں کی کوئی صدافت تو بیل میں اس خدمت سرا انجام کی کوئی صدافت تو بیل میں اس کے خدمت سرا انجام کی کوئی صدافت تو بیل کی در ان کی ان قربانیاں دے چکا ہیں۔ یہ تمام الزامات غلط اور نے بیاد کے اور کیا گورٹ کی میں اسے خدمت سرا نیا کی کہ پولیس میں اپنے خدمت سرا انجام کی دوئی در کردیا۔

کا التعامی ہے۔ بیرسے ہی و سردیا۔ بنیا آپ صاحبان سے گزارش کی جاتی ہیں کہ میرے محکمانہ اپیل کو منظور کرتے ہوئے مجھے اپنی نوکزی پر بنا آپ صاحبان سے گزارش کی جاتی ہیں کہ میرے محکمانہ اپیل کو منظور کرتے ہوئے مجھے اپنی نوکزی پر بنا کریں۔ بیجرد کو کردی کے میں کا اس کا میں کا اس کا میں کا اس کا میں کا اس کا کہ کا اس کا کا کا کہ کا کہ کا ک

الرقوم: 2024/02/28

LHC Noor Muhammad

For comments 03039153144

DISTRICT POLICE OFFICER

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Regional Police Officer
Robat Region Kohat 24

ORDER.



This order will dispose of the departmental appeal preferred by Ex-Constable Moor Muhammad No.320 of Operation stuff Hangu against the order of District Police Officer, Hangu whereby he was awarded major punishment of dismissal from service vide OB No.83

Brief facts of the case are that as per information report/complaint received from Region Office Kohat vide Endst: No. 2309/C.Cell dated 14.12.2023, Ex-constable Noor Muhammad No.320 has indulged himself in smuggling of contraband and involved in corruption:

District Police Officer, Hangu initiated proper departmental enquiry proceedings against him and Sub Divisional Police Officer, City Hangu was appointed as Enquiry Officer. The Enquiry Officer after fulfillment of codal formalities, submitted his findings wherein the appollant was found guilty of the charges is veled against him. On recommendation of the enquiry officer the District Police Officer, Hangu issued Final Show Cause Notice to him vide No.06/EC dated 22.01.2024 but his reply to the Final Show Cause Notice was found unsatisfactory.

Keeping in view the recommendations of the Enquiry Officer and the above cited circumstances of the case, the delinquent officer was awarded major punishment of dismissal from service vide District Police Officer, Hangu OB No. 83 dated 26.02.2024.

Feeling aggrieved from the order of District Police Officer, Hangu, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in the office of the undersigned on 29:05:2024. During personal hearing the appellant did not advance any plausible explanation in his defense

Foregoing in view, I, Sher Akbar, PSP, S.St, Regional Police Officer, Kohat, being the appellate authority, am of considered opinion that the charges leveled against the delinquent officer have been fully established. The punishment of dismissal from service awarded to the delinquent officer is justified and, therefore, warrants no interference. Hence appeal of the Ex-Constable Noor Muhammad No.320 is hereby rejected, being devoid of substance and merit.

Order Announced 29,35,2024

Regional Police Officer, Kehat Region

No. 1 2 1 1 /EC, Duted Robat the 2/ 1 6 12024

Copy forwarded to District Police Officer, Hangu for information and necessary wir to his office Memo: No.1859/LB, dated 24.04.2024. His Service Record and Fauji Misal are returned herewith.

Robert (22)

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Order

This order will dispose off the Departmental appeal preferred by Ex-Constable Noor Muhammad No 320 of Operation Staff Hangu against the order of District Police Officer Hangu whereby he was awarded major punishment of dismissal from service vide OB No. 83

Brief facts of the case are that as per information report/complaint received from Region Office Kohat vide Endst No. 2309/C Cell dated 14.12.2023 Ex-Constable Noor Muhammad No 120 has indulged himself in smuggling of contraband and involved in corruoption.

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Order Announced

29.05.2024

Regional Police Officer

Kohat Region

No	/EC, Dated Kohat the	/2024
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Copy forwarded to District Police Officer Hangu for information and necessary w/r to his office Memo No. 1859/EB, dated 24.4.2024. His service record ad Fauji Misal are returned herewith



ر ا ب DIG صاحب کو باٹ ریجن مضمون۔(Information Report)انفاریشن رپورٹ) مضمون۔(23°9 ا د د کر 23°9 کی میں جناب عالی!

گزارش کیجاتی ہے کہ منظم میں تھا نہ ٹی کے صدود میں شاہووام وچ بازار کار ہنے والا LHC نور محمد جو پولیس ڈیپارٹسنٹ میں ہے۔اور ہنگو پولیس لائن میں صرف جلان کی ڈیوٹی کررہاہے۔

جناب والا پھودن پہلے شاہودام کارہنے والا سی اسرافیل نائی ایک یتم اور نا دارلڑکا ہے۔ LHC نور کھرنے اسرافیل نائی لڑکے خربی اور کھولے بن سے فایدہ اشاکراس برضلے اور گزئی سے ایک کرایددار بروالی نائی شخص پر 10 کلو چرس منگوائی ۔ اور سی اسرافیل کو کہا کہ بیس نے تھاندٹی کے SHO کے ساتھ بات کی وہ آٹھا کراس برضلے اور گزئی کے SHO کے جوالے کر ینگے۔ سی اسرافیل نے کا LHC نور کھرکا کہا بان کرای کرت کام کیا۔ اسرافیل نے چرا تو رکھ کے دور ان LHC کے دور نابعد کا اور ابعد بین تو اسرافیل کو SHO میں پر چدد ہے کر چلان کیا۔ اور ابعد بین نور محد نے اسرافیل کا کیک ان نور کھرنے اسرافیل کو گئی کہ ناز مورد کر کے پولیس حوالات سے آزاد کیا۔ ای دوران SHO تھاندٹی کو پہتے چلا کہ نور ٹھرنے اس طرح کام کیا ہے۔ SHO تھاندٹی نے اسرافیل اور کراید داردونو کو کیکڑ کر SHO تھاندٹی نے ۔ اور ابھی وہ کرایددار سی اسرافیل کے ساتھ چرکے کر رہا ہیں۔ 10 کلوچ س نہ کورہ اسرافیل اور کرایدداردونو کو کیکڑ کر SHO کی کی تک فروخت بھی کر چکا ہو۔ اس پہلے بھی نور ٹھرنے اکس جے تھین سل می نشر فروخت کرتا آرہا ہے۔ اس سوچنے کی بات یہ ہے کہ اس پوری داستان کا پید لیمن کا OP صاحب ضلع ہنگو کو بے لیکن پید نہیں کہ بھی تک خرگوش کی نیند کیوں مویا ہوا ہے۔ یا پولیس موسے کی بات یہ کہ کہ اس معمول کی بات ہے۔ کہ اس کی معمول کی بات ہے۔ کہ اس معمول کی بات ہے۔

جناب والاا آب پورے واقعے کوغورے پڑھ کرصرف میں ویے کے پولیس کا کام کیا ہے اور کر کیار ہاہے معاشرے میں غریب اور کھو لےنو جوانوں کامتنقبل تباہ کرنا ہے۔ اسرافیل جسےنو جوان کوعادی نیزم بنانا ہے۔ جناب اس پورے دافعے کا پیتا اضران بالاکوہوئے کے باوجود نہ LHC نورمحد کا انکوائزی ہوانہ کوئی سزاملی

تانونی طور پر معاشرے کے اصولوں پر نہ کورہ LHC ستگین اور عبرت انگیز سز اکا حقد ارہے۔اس LHC نور محد کا سروس دیکارڈ دیکھے ان جیے مختلف معاملات میں گی دفعہ مختلف DPOS کوشکایات بھی ملے تھے کیکن سب نے ورننگ دے کرمعاف کیا ہے۔آپ صاحبان اس پورے روداد کو باریک بین سے انکوئری کرکے ۔ بے گناہ اور معصوم لوگوں کو جرائم پیشہ مینٹے سے بچا کمیں۔اس طرح جے اس واقعے میں دو بے گناہ بندوں کو چلان کیا گیا ہے۔

اُمید ہیں آپ صاحبان ای طرح معاطات کا ازخو دنولٹس لے کرمعاشرے میں دوخاندانوں کو دشنی سے بچا کمیں گے اور ساج دشن سامید ہیں آپ صاحبان ای طرح معاطات کا ازخو دنولٹس لے کرمعاشرے میں دوخاندانوں کو دشنی سے بچا کمیں گے اور ساج دشن

گے۔اوران معاشر ہے کو تباہی ہے بچا کیں گے۔ور نہ ریمسلہ ایک خطر ناک شکل اختیار کر ریگا۔ ۔

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26.12.2023.

DIG POLICE

TN THE COURT OF	NO		Mlwa	Service	Aribu
IN THE COURT OF	• • • • • • • • • • • • • • • • • • • •	VERSUS	· ·	(Appellant) _(Petitioner) _(Plaintiff)	peshou
Poli	- l	Mounnael)	Respondent) (Defendant)	
Do hereby appoint and appear, plead, act, cor Counsel/Advocate in the with the authority to er	constitute <i>TAIN</i> npromise, withdo ne above noted	AUR ALI KHAN, A raw or refer to ar matter, without a	bitration for m ny liability for	ne/us as my/our his default and	
I/We authorize the said sums and amounts pay The Advocate/Counsel proceedings, if his any	able or deposited is also at liber	d on my/our accou ty to leave my/o	int in the abov ur case at an	e noted matter.	
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TAIMUR ALI KHAN Advocate High Court

BC-10-4240 CNIC: 17101-7395544-5 Cell No. 03339390916 E Adv: Thauir Unal Toran